



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
April 14, 2008

House Amendment 8498

PAG LIN

1 1 Amend Senate File 2404, as passed by the Senate, as  
1 2 follows:  
1 3 #1. Page 2, line 28, by inserting after the word  
1 4 <office.> the following: <The board shall adopt rules  
1 5 prohibiting a political subdivision from using public  
1 6 funds to pay a person, organization, or other entity  
1 7 to act as a lobbyist of the executive branch of state  
1 8 government involving any legislation, administrative  
1 9 rule, or executive order relating specifically to  
1 10 eminent domain authority or condemnation procedures.>  
1 11 #2. Page 3, line 5, by inserting after the word  
1 12 <government,> the following: <except from political  
1 13 subdivisions prohibited by board rule adopted under  
1 14 section 68B.32 from paying a lobbyist,>.  
1 15  
1 16  
1 17  
1 18 KAUFMANN of Cedar  
1 19 SF 2404.301 82  
1 20 jp/rj/11907  
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House Amendment 8499

PAG LIN

1 1 Amend House File 2686 as follows:  
1 2 #1. Page 19, by inserting after line 9 the  
1 3 following:  
1 4 <Sec. \_\_\_\_\_. LIVING WAGE IMPACT STUDY.  
1 5 1. If funding is approved or appropriated to the  
1 6 state board of regents for such purposes, Iowa state  
1 7 university shall conduct a study regarding the  
1 8 economic, fiscal, and social impacts of establishing  
1 9 the living wage, also known as the self-sufficiency  
1 10 wage, in Iowa. The living wage in the study shall be  
1 11 based on a forty-hour work week, and the study shall  
1 12 provide all of the following:  
1 13 a. A two-tiered living wage, one tier with  
1 14 benefits and one without benefits, for family sizes  
1 15 ranging from two people to six people for all  
1 16 ninety-nine counties.  
1 17 b. The impact that a living wage would have on  
1 18 full-time workers, the multiplier effect of a living  
1 19 wage on the economy, and whether more jobs would be  
1 20 created by this multiplier effect.  
1 21 c. How a living wage would impact public  
1 22 assistance programs, particularly whether it would  
1 23 reduce costs.  
1 24 d. How a living wage would impact state and local  
1 25 economic development programs.  
1 26 e. How a living wage would assist or hinder the  
1 27 housing market.  
1 28 f. Taking into account paragraphs "b", "c", "d",  
1 29 and "e", examine whether there would be an overall  
1 30 positive impact on the economy considering possible  
1 31 business concerns of inflation and job loss.  
1 32 g. Evaluate other states or metropolitan areas  
1 33 that have a living wage to provide examples of how a  
1 34 living wage could be implemented on a phased-in basis  
1 35 for all workers in this state, including the private  
1 36 and public sectors.  
1 37 h. Any other recommendations that the individuals  
1 38 assigned to the study believe are relevant to  
1 39 establishing a living wage in this state.  
1 40 2. An Iowa state university sociology professor,  
1 41 an Iowa state university human development and family  
1 42 studies professor, and an Iowa state university  
1 43 economics professor, all who specialize in this area,  
1 44 shall conduct and coordinate the study.  
1 45 3. The department of workforce development, the  
1 46 department of economic development, the department of  
1 47 human services, the university of Iowa, the university  
1 48 of northern Iowa, the child and family policy center,  
1 49 the Iowa policy project, and representatives of labor  
1 50 organizations and associations representing business



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House Amendment 8499 continued

2 1 and industry shall cooperate in conducting the study.  
2 2 4. Iowa state university shall submit a report  
2 3 about the findings of the study to the general  
2 4 assembly by December 14, 2008.>  
2 5 #2. Title page, line 5, by inserting before the  
2 6 word <and> the following: <establishing a living wage  
2 7 study,>.  
2 8 #3. By renumbering as necessary.  
2 9  
2 10  
2 11  
2 12 WESSEL-KROESCHELL of Story  
2 13 HF 2686.203 82  
2 14 ak/rj/11539



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House Amendment 8500

PAG LIN

1 1 Amend the Senate amendment, H=8403, to House File  
1 2 2628, as amended, passed, and reprinted by the House,  
1 3 as follows:  
1 4 #1. Page 1, by striking lines 3 and 4.  
1 5  
1 6  
1 7  
1 8 R. OLSON of Polk  
1 9 HF 2628.504 82  
1 10 rh/nh/21204  
1 11  
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# House Amendment 8501

PAG LIN

1 1 Amend the Senate amendment, H=8403, to House File  
1 2 2628, as amended, passed, and reprinted by the House,  
1 3 as follows:  
1 4 #1. Page 1, by inserting after line 2 the  
1 5 following:  
1 6 <#\_\_\_\_. Page 1, line 8, by inserting after the word  
1 7 <designed> the following: < except a bow and arrow  
1 8 when possessed and used for hunting or any other  
1 9 lawful purpose>.  
1 10 #2. By renumbering as necessary.  
1 11  
1 12  
1 13  
1 14 R. OLSON of Polk  
1 15 HF 2628.202 82  
1 16 rh/rj/21207  
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House Amendment 8502

PAG LIN

1 1 Amend House File 2684 as follows:  
1 2 #1. Page 2, line 5, by inserting after the figure  
1 3 <2008> the following: <, that makes a good faith  
1 4 effort to recruit minority persons, as defined in  
1 5 section 15.102, subsection 5, for a portion of the new  
1 6 jobs created under the agreement>.  
1 7  
1 8  
1 9  
1 10 FORD of Polk  
1 11 HF 2684.701 82  
1 12 mg/mg/12291  
1 13  
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# House Amendment 8503

PAG LIN

1 1 Amend the amendment, H=8348, to Senate File 517, as  
1 2 amended, passed, and reprinted by the Senate, as  
1 3 follows:  
1 4 #1. Page 5, line 17, by inserting after the word  
1 5 <chapter.> the following: <The commissioner and the  
1 6 state board of regents shall develop a plan to  
1 7 implement this provision.>

1 8

1 9

1 10

1 11 REICHERT of Muscatine

1 12 SF 517.203 82

1 13 rn/nh/11964

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House Amendment 8504

PAG LIN

1 1 Amend the amendment, H=8348, to Senate File 517, as  
1 2 amended, passed, and reprinted by the Senate, as  
1 3 follows:  
1 4 #1. Page 3, by striking lines 41 through 47 and  
1 5 inserting the following: <The standards and  
1 6 requirements shall be incorporated into the state  
1 7 building code established in section 103A.7, but in  
1 8 lieu of general applicability shall apply to  
1 9 construction projects only if such applicability is  
1 10 expressly authorized by statute, or as established by  
1 11 another state agency by rule.>  
1 12  
1 13  
1 14  
1 15 REICHERT of Muscatine  
1 16 SF 517.710 82  
1 17 rn/nh/11965  
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House Amendment 8505

PAG LIN

1 1 Amend House File 2679 as follows:  
1 2 #1. Page 51, line 22, by inserting after the word  
1 3 <instructors> the following: <hold a master's degree  
1 4 from an accredited college or university,>.  
1 5 #2. Page 51, line 24, by striking the figure <272>  
1 6 and inserting the following: <272,>.  
1 7  
1 8  
1 9  
1 10 KAUFMANN of Cedar  
1 11 HF 2679.203 82  
1 12 kh/mg/12104  
1 13  
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## House Amendment 8506

PAG LIN

1 1 Amend House File 2239 as follows:  
 1 2 #1. Page 9, by inserting after line 33 the  
 1 3 following:  
 1 4 <Sec. \_\_\_\_\_. Section 272.2, subsection 1, paragraph  
 1 5 a, Code Supplement 2007, is amended to read as  
 1 6 follows:  
 1 7 a. License practitioners who do not hold or  
 1 8 receive a license from another professional licensing  
 1 9 board. Licensing authority includes the authority to  
 1 10 establish criteria for the licenses; establish  
 1 11 issuance and renewal requirements; create application  
 1 12 and renewal forms; create licenses that authorize  
 1 13 different instructional functions or specialties;  
 1 14 develop a code of professional rights and  
 1 15 responsibilities, practices, and ethics, which shall,  
 1 16 among other things, address the failure of a  
 1 17 practitioner to fulfill contractual obligations under  
 1 18 section 279.13; and develop any other classifications,  
 1 19 distinctions, and procedures which may be necessary to  
 1 20 exercise licensing duties. In addressing the failure  
 1 21 of a practitioner to fulfill contractual obligations,  
 1 22 the board shall consider factors beyond the  
 1 23 practitioner's control. Rules adopted by the board  
 1 24 that establish renewal requirements shall allow  
 1 25 credits earned by practitioners which are issued by  
 1 26 institutions including but not limited to the  
 1 27 following:  
 1 28 (1) National endowment for the humanities.  
 1 29 (2) National constitution center.  
 1 30 (3) Annenberg foundation.  
 1 31 (4) National science foundation.  
 1 32 (5) Institutions offering recertification credit  
 1 33 whose credits are recognized and accepted by other  
 1 34 state educational practitioner licensing boards.>  
 1 35 #2. By renumbering as necessary.  
 1 36  
 1 37  
 1 38  
 1 39 LUKAN of Dubuque  
 1 40 HF 2239.304 82  
 1 41 kh/nh/12119  
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House Amendment 8507

PAG LIN

1 1 Amend House File 2679 as follows:  
1 2 #1. Page 37, by inserting after line 14 the  
1 3 following:  
1 4 <Sec. \_\_\_\_ . NEW SECTION. 279.60 DISPLAY OF UNITED  
1 5 STATES FLAG IN CLASSROOMS.  
1 6 In addition to the requirements of section 280.5,  
1 7 the board of directors of each school district shall  
1 8 cause a United States flag, manufactured in the United  
1 9 States and in good condition to be displayed during  
1 10 school hours in each public school gymnasium or  
1 11 assembly hall in the district. The size of the flag  
1 12 shall be not less than two feet by three feet.>  
1 13 #2. By renumbering as necessary.  
1 14  
1 15  
1 16  
1 17 BAUDLER of Adair  
1 18 HF 2679.207 82  
1 19 kh/mg/12113  
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**House Amendment 8508**

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1 1 Amend House File 2679 as follows:
1 2 #1. Page 8, by striking line 33 and inserting the
1 3 following:
1 4 <..... $ 23,781,594>
1 5 #2. Page 12, line 14, by striking the figure <20>
1 6 and inserting the following: <30>.
1 7 #3. Page 14, by striking line 23 and inserting the
1 8 following:
1 9 <..... $ 712,763>
1 10 #4. By striking page 25, line 9, through page 26,
1 11 line 13.
1 12 #5. Page 39, line 23, by striking the word <DATES>
1 13 and inserting the following: <DATE>.
1 14 #6. Page 39, line 24, by striking the figure <1.>
1 15 #7. Page 39, by striking lines 28 through 30.
1 16 #8. By renumbering as necessary.
1 17
1 18
1 19
1 20 HEATON of Henry
1 21 HF 2679.205 82
1 22 kh/mg/12239
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## House Amendment 8509

PAG LIN

1 1 Amend House File 2679 as follows:  
1 2 #1. Page 26, by inserting after line 13 the  
1 3 following:  
1 4 <Sec. \_\_\_\_\_. Section 256.11, subsections 2, 3, and  
1 5 4, Code Supplement 2007, are amended to read as  
1 6 follows:  
1 7 2. The kindergarten program shall include  
1 8 experiences designed to develop healthy emotional and  
1 9 social habits and growth in the language arts and  
1 10 communication skills, as well as a capacity for the  
1 11 completion of individual tasks, and protect and  
1 12 increase physical well-being with attention given to  
1 13 experiences relating to the development of life  
1 14 skills, including but not limited to personal finance  
1 15 skills, and human growth and development. A  
1 16 kindergarten teacher shall be licensed to teach in  
1 17 kindergarten. An accredited nonpublic school must  
1 18 meet the requirements of this subsection only if the  
1 19 nonpublic school offers a kindergarten program.  
1 20 3. The following areas shall be taught in grades  
1 21 one through six: English=language arts, social  
1 22 studies, personal finance literacy, mathematics,  
1 23 science, health, age=appropriate and research-based  
1 24 human growth and development, physical education,  
1 25 traffic safety, music, and visual art. The health  
1 26 curriculum shall include the characteristics of  
1 27 communicable diseases including acquired immune  
1 28 deficiency syndrome. The state board as part of  
1 29 accreditation standards shall adopt curriculum  
1 30 definitions for implementing the elementary program.  
1 31 4. The following shall be taught in grades seven  
1 32 and eight: English=language arts; social studies;  
1 33 personal finance literacy; mathematics; science;  
1 34 health; age=appropriate and research-based human  
1 35 growth and development; family, consumer, career, and  
1 36 technology education; physical education; music; and  
1 37 visual art. The health curriculum shall include  
1 38 age=appropriate and research-based information  
1 39 regarding the characteristics of sexually transmitted  
1 40 diseases, including HPV and the availability of a  
1 41 vaccine to prevent HPV, and acquired immune deficiency  
1 42 syndrome. The state board as part of accreditation  
1 43 standards shall adopt curriculum definitions for  
1 44 implementing the program in grades seven and eight.  
1 45 However, this subsection shall not apply to the  
1 46 teaching of family, consumer, career, and technology  
1 47 education in nonpublic schools. For purposes of this  
1 48 section, "age=appropriate", "HPV", and  
1 49 "research-based" mean the same as defined in section  
1 50 279.50.



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House Amendment 8509 continued

2 1 Sec. \_\_\_\_\_. Section 256.11, subsection 5, Code  
2 2 Supplement 2007, is amended by adding the following  
2 3 new paragraph:  
2 4 NEW PARAGRAPH. k. One-half unit of personal  
2 5 finance literacy.>  
2 6  
2 7  
2 8  
2 9 PETTENGILL of Benton  
2 10  
2 11  
2 12  
2 13 SANDS of Louisa  
2 14 HF 2679.209 82  
2 15 kh/mg/12116



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House Amendment 8510

PAG LIN

1 1 Amend House File 2679 as follows:  
1 2 #1. Page 15, by inserting after line 18 the  
1 3 following:  
1 4 <Sec. \_\_\_\_\_. DUTIES RELATED TO CHILDREN AND  
1 5 FAMILIES. The departments of education, human  
1 6 services, and public health shall coordinate their  
1 7 efforts in carrying out their respective duties  
1 8 related to children and families. The departments  
1 9 shall also coordinate their efforts regarding  
1 10 applications for federal grants and other funding  
1 11 resources which are available for the assistance of  
1 12 Iowa's children and families.>  
1 13 #2. By renumbering as necessary.  
1 14  
1 15  
1 16  
1 17 CHAMBERS of O'Brien  
1 18 HF 2679.208 82  
1 19 kh/mg/12115  
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House Amendment 8511

PAG LIN

1 1 Amend House File 2679 as follows:  
1 2 #1. Page 36, by inserting after line 25 the  
1 3 following:  
1 4 <Sec. \_\_\_\_\_. Section 262.9, Code Supplement 2007, is  
1 5 amended by adding the following new subsection:  
1 6 NEW SUBSECTION. 32. Disclose to the general  
1 7 assembly any federal, state, or privately funded  
1 8 activities or studies undertaken by any of the  
1 9 institutions of higher education under its control  
1 10 that would involve actions which meet the standards  
1 11 for a violation of the laws of this state.>  
1 12 #2. By renumbering as necessary.  
1 13  
1 14  
1 15  
1 16 TYMESON of Madison  
1 17  
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1 20 CHAMBERS of O'Brien  
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1 24 BAUDLER of Adair  
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1 28 ALONS of Sioux  
1 29 HF 2679.507 82  
1 30 kh/mg/12121  
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# House Amendment 8512

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1 1 Amend House File 2679 as follows:
1 2 #1. Page 14, by striking line 27 and inserting the
1 3 following:
1 4 <..... $186,866,657>
1 5 #2. By striking page 14, line 31, through page 15,
1 6 line 10, and inserting the following:
1 7 <a. Merged Area I ..... $ 9,267,463
1 8 b. Merged Area II ..... $ 9,938,280
1 9 c. Merged Area III ..... $ 9,124,834
1 10 d. Merged Area IV ..... $ 4,490,986
1 11 e. Merged Area V ..... $ 10,234,103
1 12 f. Merged Area VI ..... $ 8,747,911
1 13 g. Merged Area VII ..... $ 13,010,598
1 14 h. Merged Area IX ..... $ 16,233,769
1 15 i. Merged Area X ..... $ 28,708,344
1 16 j. Merged Area XI ..... $ 28,503,448
1 17 k. Merged Area XII ..... $ 10,684,153
1 18 l. Merged Area XIII ..... $ 10,907,533
1 19 m. Merged Area XIV ..... $ 4,547,736
1 20 n. Merged Area XV ..... $ 14,273,002
1 21 o. Merged Area XVI ..... $ 8,194,497>
1 22 #3. Page 15, by inserting before line 11 the
1 23 following:
1 24 <Notwithstanding unnumbered paragraph 1 of this
1 25 subsection and notwithstanding section 469.9, of the
1 26 moneys appropriated in this subsection, the sum of
1 27 $6,404,243 is allocated from the moneys appropriated
1 28 to the office of energy independence for deposit in
1 29 the Iowa power fund for the fiscal year beginning July
1 30 1, 2008, and ending June 30, 2009.>
1 31
1 32
1 33
1 34 GRASSLEY of Butler
1 35
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1 38 UPMEYER of Hancock
1 39
1 40
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1 42 KAUFMANN of Cedar
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1 46 BOAL of Polk
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1 50 FORRISTALL of Pottawattamie

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**Iowa General Assembly  
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House Amendment 8512 continued

- 2 1
- 2 2
- 2 3
- 2 4 BAUDLER of Adair
- 2 5 HF 2679.703 82
- 2 6 kh/mg/12112



Iowa General Assembly  
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# House Amendment 8513

PAG LIN

1 1 Amend House File 2679 as follows:  
1 2 #1. Page 26, by inserting after line 13 the  
1 3 following:  
1 4 <Sec. \_\_\_\_\_. Section 232.2, subsection 12, Code  
1 5 Supplement 2007, is amended by adding the following  
1 6 new paragraph:  
1 7 NEW PARAGRAPH. d. The violation of section 299.6  
1 8 by a child ten years of age or older.  
1 9 Sec. \_\_\_\_\_. Section 232.22, subsection 8, Code 2007,  
1 10 is amended to read as follows:  
1 11 8. Notwithstanding any other provision of the Code  
1 12 to the contrary, a child shall not be placed in  
1 13 detention for a violation of section 123.47 or 299.6,  
1 14 or for failure to comply with a dispositional order  
1 15 which provides for performance of community service  
1 16 for a violation of section 123.47 or 299.6.>  
1 17 #2. Page 37, by inserting after line 14 the  
1 18 following:  
1 19 <Sec. \_\_\_\_\_. Section 299.5A, unnumbered paragraph 4,  
1 20 Code 2007, is amended to read as follows:  
1 21 The school district shall be responsible for  
1 22 monitoring any agreements arrived at through  
1 23 mediation. If a parent, guardian, or legal or actual  
1 24 custodian, or the child if the child is ten years of  
1 25 age or older, refuses to engage in mediation or  
1 26 violates a term of the agreement, the matter shall be  
1 27 rereferred to the county attorney for prosecution  
1 28 under section 299.6. The county attorney's office or  
1 29 the mediation service shall require the parent,  
1 30 guardian, or legal or actual custodian and the school  
1 31 to pay a fee to help defray the administrative cost of  
1 32 mediation services. The county attorney's office or  
1 33 the mediation service shall establish a sliding scale  
1 34 of fees to be charged parents, guardians, and legal or  
1 35 actual custodians based upon ability to pay. A  
1 36 parent, guardian, or legal or actual custodian shall  
1 37 not be denied the services of a mediator solely  
1 38 because of inability to pay the fee.  
1 39 Sec. \_\_\_\_\_. Section 299.6, unnumbered paragraph 1,  
1 40 Code 2007, is amended to read as follows:  
1 41 Any person who violates a mediation agreement under  
1 42 section 299.5A, who is referred for prosecution under  
1 43 section 299.5A and is convicted of a violation of any  
1 44 of the provisions of sections 299.1 through 299.5, who  
1 45 violates any of the provisions of sections 299.1  
1 46 through 299.5, or who refuses to participate in  
1 47 mediation under section 299.5A, for a first offense,  
1 48 is guilty of a simple misdemeanor. If a child ten  
1 49 years of age or older violates a mediation agreement  
1 50 under section 299.5A, or refuses to participate in



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House Amendment 8513 continued

2 1 mediation under section 299.5A, the child commits a  
2 2 delinquent act.>  
2 3 #3. By renumbering as necessary.  
2 4  
2 5  
2 6  
2 7 HORBACH of Tama  
2 8 HF 2679.506 82  
2 9 kh/mg/12123



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House Amendment 8514

PAG LIN

1 1 Amend House File 2688 as follows:  
1 2 #1. Page 7, by inserting after line 8 the  
1 3 following:  
1 4 <Sec. \_\_\_\_\_. Section 459.102, Code 2007, is amended  
1 5 by adding the following new subsection:  
1 6 NEW SUBSECTION. 46A. "Tourist attraction" means a  
1 7 portion of real estate having unique archaeological,  
1 8 cultural, historical, recreational, scenic, or  
1 9 scientific significance, and that tends to attract the  
1 10 visiting public.  
1 11 Sec. \_\_\_\_\_. Section 459.202, Code 2007, is amended  
1 12 by adding the following new subsection:  
1 13 NEW SUBSECTION. 7. A confinement feeding  
1 14 operation structure shall not be constructed or  
1 15 expanded within three miles from a museum, historic  
1 16 site, or tourist attraction.>  
1 17 #2. By renumbering as necessary.  
1 18  
1 19  
1 20  
1 21 GASKILL of Wapello  
1 22 HF 2688.301 82  
1 23 da/nh/11559  
1 24  
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House Amendment 8515

PAG LIN

1 1 Amend House File 2679 as follows:  
1 2 #1. Page 9, line 13, by inserting after the word  
1 3 <colleges> the following: <, the university of  
1 4 northern Iowa, >.  
1 5 #2. Page 11, line 32, by inserting after the word  
1 6 <economics> the following: <, the university of  
1 7 northern Iowa,>.  
1 8 #3. Page 16, line 28, by inserting after the word  
1 9 <committees> the following: <, the state board of  
1 10 regents,>.  
1 11  
1 12  
1 13  
1 14 WINCKLER of Scott  
1 15 HF 2679.302 82  
1 16 kh/mg/12122  
1 17  
1 18  
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## House Amendment 8516

PAG LIN

1 1 Amend Senate File 2382, as passed by the Senate, as  
 1 2 follows:  
 1 3 #1. Page 1, by striking lines 1 through 6.  
 1 4 #2. Page 2, by striking lines 13 through 19 and  
 1 5 inserting the following: ~~<by section 907.4 shall not~~  
~~1 6 be expunged. The court's record shall not be expunged~~  
~~1 7 in any other circumstances. The expunged record is a~~  
1 8 confidential record exempt from public access under  
1 9 section 22.7 but shall be made available by the clerk  
1 10 of the district court, upon request and without court  
1 11 order, to an agency or person granted access to the  
1 12 deferred judgment docket under section 907.4.>  
 1 13 #3. By renumbering as necessary.  
 1 14  
 1 15  
 1 16  
 1 17 R. OLSON of Polk  
 1 18  
 1 19  
 1 20  
 1 21 SWAIM of Davis  
 1 22 SF 2382.201 82  
 1 23 jm/nh/21191  
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# House Amendment 8517

PAG LIN

1 1 Amend the amendment, H=8429, to Senate File 2216,  
1 2 as amended, passed, and reprinted by the Senate, as  
1 3 follows:  
1 4 #1. Page 1, line 4, by striking the word <arts>  
1 5 and inserting the following: <arts>.  
1 6  
1 7  
1 8  
1 9 TYMESON of Madison  
1 10 SF 2216.317 82  
1 11 kh/nh/12125  
1 12  
1 13  
1 14  
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House Amendment 8518

PAG LIN

1 1 Amend House File 2679 as follows:  
1 2 #1. Page 60, by striking lines 2 through 13 and  
1 3 inserting the following: <succeeding fiscal years, an  
1 4 amount up to one million dollars to the department for  
1 5 distribution to school districts for purposes of  
1 6 paying college entrance examination fees for students  
1 7 enrolled in the district who are taking a college  
1 8 entrance examination provided by the American college  
1 9 testing program, inc.>  
1 10 #2. Page 60, by striking lines 16 through 18 and  
1 11 inserting the following: <dollars to the department  
1 12 for distribution to school districts for purposes of  
1 13 paying advanced placement course examination fees for  
1 14 students enrolled in the district.>  
1 15 #3. By renumbering as necessary.  
1 16  
1 17  
1 18  
1 19 MAY of Dickinson  
1 20 HF 2679.211 82  
1 21 kh/mg/12124  
1 22  
1 23  
1 24  
1 25  
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**House Amendment 8519**

PAG LIN

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1 1 Amend House File 2679 as follows:
1 2 #1. Page 8, by striking line 33 and inserting the
1 3 following:
1 4 <..... $ 22,302,006>
1 5 #2. By striking page 12, line 8, through page 13,
1 6 line 9.
1 7 #3. Page 14, by striking line 23 and inserting the
1 8 following:
1 9 <..... $ 2,192,351>
1 10 #4. By renumbering as necessary.
1 11
1 12
1 13
1 14 WINCKLER of Scott
1 15
1 16
1 17
1 18 FOEGE of Linn
1 19 HF 2679.508 82
1 20 kh/mg/12126
1 21
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# House Amendment 8520

PAG LIN

1 1 Amend House File 2688 as follows:  
 1 2 #1. Page 2, by inserting after line 25 the  
 1 3 following:  
 1 4 <\_\_\_\_. A livestock producer who is classified as a  
 1 5 habitual violator pursuant to section 459.604 or a  
 1 6 chronic violator pursuant to section 657.11 shall not  
 1 7 participate in an applied on-site research project  
 1 8 under this section unless the livestock producer  
 1 9 contributes one hundred percent of the total costs of  
 1 10 conducting the project.>  
 1 11 #2. Page 3, line 15, by inserting after the figure  
 1 12 <266.43.> the following: <A livestock producer who is  
 1 13 classified as a habitual violator pursuant to section  
 1 14 459.604 or a chronic violator pursuant to section  
 1 15 657.11 shall not participate in a basic or applied  
 1 16 research project under this section unless the  
 1 17 livestock producer contributes one hundred percent of  
 1 18 the total costs of conducting the project.>  
 1 19 #3. Page 3, line 27, by inserting after the figure  
 1 20 <266.43.> the following: <A livestock producer who is  
 1 21 classified as a habitual violator pursuant to section  
 1 22 459.604 or a chronic violator pursuant to section  
 1 23 657.11 shall not participate in a basic research  
 1 24 project under this section unless the livestock  
 1 25 producer contributes one hundred percent of the total  
 1 26 costs of conducting the project.>  
 1 27 #4. By renumbering as necessary.  
 1 28  
 1 29  
 1 30  
 1 31 WHITAKER of Van Buren  
 1 32  
 1 33  
 1 34  
 1 35 FREVERT of Palo Alto  
 1 36  
 1 37  
 1 38  
 1 39 WHITEAD of Woodbury  
 1 40 HF 2688.204 82  
 1 41 da/nh/11522  
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# House Amendment 8521

PAG LIN

1 1 Amend House File 2679 as follows:  
1 2 #1. By striking page 25, line 9, through page 26,  
1 3 line 13.  
1 4 #2. Page 39, line 23, by striking the word <DATES>  
1 5 and inserting the following: <DATE>.  
1 6 #3. Page 39, line 24, by striking the figure <1.>  
1 7 #4. Page 39, by striking lines 28 through 30.  
1 8 #5. Title page, line 5, by striking line 5 and  
1 9 inserting the following: <including an effective date  
1 10 provision.>  
1 11 #6. By renumbering as necessary.  
1 12  
1 13  
1 14  
1 15 TYMESON of Madison  
1 16 HF 2679.212 82  
1 17 kh/mg/12127  
1 18  
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**House Amendment 8522**

PAG LIN

1 1 Amend Senate File 2402, as passed by the Senate, as  
 1 2 follows:  
 1 3 #1. Page 1, by inserting after line 24 the  
 1 4 following:  
 1 5 <Sec. \_\_\_\_\_. Section 423.3, subsection 78,  
 1 6 unnumbered paragraph 2, Code Supplement 2007, is  
 1 7 amended to read as follows:  
 1 8 This exemption does not apply to the sales price  
 1 9 from games of skill, games of chance, raffles, and  
 1 10 bingo games as defined in chapter 99B. However, this  
 1 11 exemption applies to the sales price from raffles held  
 1 12 by public elementary schools in the state. This  
 1 13 exemption is disallowed on the amount of the sales  
 1 14 price only to the extent the profits from the sales,  
 1 15 rental, or services are not used by or donated to the  
 1 16 appropriate entity and expended for educational,  
 1 17 religious, or charitable purposes.>  
 1 18 #2. Page 4, by inserting before line 16 the  
 1 19 following:  
 1 20 <Sec. \_\_\_\_\_. EFFECTIVE DATE. The section of this  
 1 21 Act amending section 423.3, subsection 78, being  
 1 22 deemed of immediate importance, takes effect upon  
 1 23 enactment.>  
 1 24 #3. Title page, line 4, by inserting after the  
 1 25 word <taxes> the following: <and including an  
 1 26 effective date provision>.  
 1 27  
 1 28  
 1 29  
 1 30 VAN FOSSEN of Scott  
 1 31 SF 2402.202 82  
 1 32 mg/mg/12301  
 1 33  
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## House Amendment 8523

PAG LIN

1 1 Amend House File 2688 as follows:  
1 2 #1. Page 5, line 22, by striking the word  
1 3 <certificate> and inserting the following: <results  
1 4 statement>.  
1 5 #2. Page 6, line 31, by inserting after the word  
1 6 <technologies.> the following: <Upon request by the  
1 7 department of natural resources, the university shall  
1 8 forward the report to the department.>  
1 9 #3. Page 6, line 35, by striking the word  
1 10 <certificate> and inserting the following: <results  
1 11 statement>.  
1 12 #4. Page 7, line 1, by striking the word  
1 13 <certificate> and inserting the following: <results  
1 14 statement>.  
1 15 #5. Page 7, line 4, by striking the word  
1 16 <certificate> and inserting the following: <results  
1 17 statement>.  
1 18 #6. Page 7, line 6, by striking the word  
1 19 <certificate> and inserting the following: <results  
1 20 statement>.  
1 21 #7. Page 7, by striking lines 11 through 16, and  
1 22 inserting the following:  
1 23 <NEW PARAGRAPH. d. A livestock odor mitigation  
1 24 evaluation results statement issued by Iowa state  
1 25 university as provided in section 266.48. The  
1 26 department shall obtain the results of the livestock  
1 27 odor mitigation evaluation, including its report with  
1 28 findings and recommendations, upon request from Iowa  
1 29 state university. The department shall not approve an  
1 30 application until an applicant who is required to  
1 31 complete a level three evaluation makes modifications  
1 32 to the proposed site or the proposed construction to  
1 33 an extent that the applicant would have been issued an  
1 34 odor mitigation evaluation results statement after  
1 35 completing a level two evaluation as provided in  
1 36 section 266.48. The department shall certify that the  
1 37 application complies with the results of the livestock  
1 38 odor mitigation evaluation conducted by Iowa state  
1 39 university. However, the applicant is not required to  
1 40 submit a results statement and the department shall  
1 41 not request the results of an evaluation conducted by  
1 42 Iowa state university or certify the application, if  
1 43 any of the following applies:>  
1 44 #8. Page 7, line 28, by striking the word  
1 45 <certificate> and inserting the following: <results  
1 46 statement>.  
1 47 #9. Page 7, by inserting after line 31 the  
1 48 following:  
1 49 <\_\_\_\_. The department fails to request results of  
1 50 an evaluation conducted by Iowa state university or



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House Amendment 8523 continued

2 1 Iowa state university fails to submit its results as  
2 2 provided in this section.>  
2 3 #10. Page 8, line 9, by striking the word  
2 4 <certificate> and inserting the following: <results  
2 5 statement>.  
2 6 #11. By renumbering as necessary.  
2 7  
2 8  
2 9  
2 10 MAY of Dickinson  
2 11 HF 2688.504 82  
2 12 da/nh/11520



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House Amendment 8524

PAG LIN

1 1 Amend House File 2688 as follows:  
1 2 #1. Page 2, line 3, by inserting after the word  
1 3 <constructed> the following: <or an existing swine  
1 4 operation as proposed to be expanded>.  
1 5 #2. Page 5, line 18, by inserting after the figure  
1 6 <266.42.> the following: <The effort shall apply to  
1 7 the construction of a structure associated with a new  
1 8 operation or the construction of a structure  
1 9 associated with an existing swine operation.>  
1 10 #3. Page 7, line 13, by inserting after the figure  
1 11 <266.48.> the following: <The applicant shall obtain  
1 12 the certificate as part of the application for the  
1 13 construction of a structure associated with a new  
1 14 confinement feeding operation, or for the construction  
1 15 of a structure associated with an existing confinement  
1 16 feeding operation that keeps swine.>  
1 17 #4. Page 7, line 15, by inserting after the word  
1 18 <certificate> the following: <as part of the  
1 19 application to construct a confinement feeding  
1 20 operation that does not keep swine,>.  
1 21 #5. Page 8, line 8, by striking the word  
1 22 <structure> the following: <not associated with  
1 23 keeping swine,>.  
1 24  
1 25  
1 26  
1 27 KUHN of Floyd  
1 28  
1 29  
1 30  
1 31 MAY of Dickinson  
1 32  
1 33  
1 34  
1 35 WHITEAD of Woodbury  
1 36 HF 2688.506 82  
1 37 da/nh/11577  
1 38  
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House Amendment 8525

PAG LIN

1 1 Amend House File 2688 as follows:  
1 2 #1. Page 2, by inserting after line 25 the  
1 3 following:  
1 4 <\_\_\_. Applied research projects conducted on the  
1 5 site of a livestock operation shall be financed on a  
1 6 cost=share basis with the university contributing not  
1 7 more than fifty percent of the actual cost of  
1 8 conducting the research. The university may accept  
1 9 contributions from persons interested in financing the  
1 10 research projects.>  
1 11 #2. Page 3, by inserting after line 15 the  
1 12 following:  
1 13 <\_\_\_. Applied research projects conducted on the  
1 14 site of a livestock operation shall be financed on a  
1 15 cost=share basis with the university contributing not  
1 16 more than fifty percent of the actual cost of  
1 17 conducting the research. The university may accept  
1 18 contributions from persons interested in financing the  
1 19 research projects.>  
1 20 #3. By renumbering as necessary.  
1 21  
1 22  
1 23  
1 24 FREVERT of Palo Alto  
1 25  
1 26  
1 27  
1 28 JOCHUM of Dubuque  
1 29  
1 30  
1 31  
1 32 KUHN of Floyd  
1 33  
1 34  
1 35  
1 36 WHITAKER of Van Buren  
1 37  
1 38  
1 39  
1 40 KELLEY of Black Hawk  
1 41 HF 2688.206 82  
1 42 da/nh/11575  
1 43  
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# House Amendment 8526

PAG LIN

1 1 Amend House File 2688 as follows:  
1 2 #1. Page 4, line 34, by inserting after the figure  
1 3 <266.42.> the following: <Iowa state university, the  
1 4 university of Iowa, the department of natural  
1 5 resources, and the department of agriculture and land  
1 6 stewardship shall make a joint recommendation that  
1 7 establishes an ambient air quality standard for odor  
1 8 emitted from a livestock operation.>  
1 9 #2. By renumbering as necessary.  
1 10  
1 11  
1 12  
1 13 KUHN of Floyd  
1 14  
1 15  
1 16  
1 17 MASCHER of Johnson  
1 18  
1 19  
1 20  
1 21 FREVERT of Palo Alto  
1 22  
1 23  
1 24  
1 25 JOCHUM of Dubuque  
1 26  
1 27  
1 28  
1 29 FORD of Polk  
1 30  
1 31  
1 32  
1 33 GASKILL of Wapello  
1 34 HF 2688.205 82  
1 35 da/nh/11574  
1 36  
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# House Amendment 8527

PAG LIN

1 1 Amend House File 2675 as follows:  
1 2 #1. By striking everything after the enacting  
1 3 clause and inserting the following:  
1 4 <Section 1. Section 96.3, subsection 5, Code 2007,  
1 5 is amended to read as follows:  
1 6 5. a. DURATION OF BENEFITS. The maximum total  
1 7 amount of benefits payable to an eligible individual  
1 8 during a benefit year shall not exceed the total of  
1 9 the wage credits accrued to the individual's account  
1 10 during the individual's base period, or twenty=six  
1 11 times the individual's weekly benefit amount,  
1 12 whichever is the lesser. The director shall maintain  
1 13 a separate account for each individual who earns wages  
1 14 in insured work. The director shall compute wage  
1 15 credits for each individual by crediting the  
1 16 individual's account with one=third of the wages for  
1 17 insured work paid to the individual during the  
1 18 individual's base period. However, the director shall  
1 19 recompute wage credits for an individual who is laid  
1 20 off due to the individual's employer going out of  
1 21 business at the factory, establishment, or other  
1 22 premises at which the individual was last employed, by  
1 23 crediting the individual's account with one=half,  
1 24 instead of one=third, of the wages for insured work  
1 25 paid to the individual during the individual's base  
1 26 period. Benefits paid to an eligible individual shall  
1 27 be charged against the base period wage credits in the  
1 28 individual's account which have not been previously  
1 29 charged, in the inverse chronological order as the  
1 30 wages on which the wage credits are based were paid.  
1 31 However if the state "off indicator" is in effect and  
1 32 if the individual is laid off due to the individual's  
1 33 employer going out of business at the factory,  
1 34 establishment, or other premises at which the  
1 35 individual was last employed, the maximum benefits  
1 36 payable shall be extended to thirty=nine times the  
1 37 individual's weekly benefit amount, but not to exceed  
1 38 the total of the wage credits accrued to the  
1 39 individual's account.  
1 40 b. TRAINING EXTENSION BENEFITS. An individual who  
1 41 is in training with the approval of the director at  
1 42 the time regular benefits are exhausted may be  
1 43 eligible for training extension benefits. The  
1 44 training extension benefit amount shall be twenty=six  
1 45 times the individual's weekly benefit amount, and the  
1 46 weekly benefit amount shall be equal to the  
1 47 individual's weekly benefit amount for the claim in  
1 48 which benefits were exhausted while in training. An  
1 49 individual who is receiving training extension  
1 50 benefits shall not be denied benefits due to



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House Amendment 8527 continued

2 1 application of section 96.4, subsection 3, or section  
2 2 96.5, subsection 3. However, an employer's account  
2 3 shall not be charged with benefits so paid. Relief of  
2 4 charges under this paragraph applies to both  
2 5 contributory and reimbursable employers,  
2 6 notwithstanding section 96.8, subsection 5. In order  
2 7 for the individual to be eligible for training  
2 8 extension benefits all of the following criteria must  
2 9 be met:

2 10 (1) Training extension benefits end upon  
2 11 completion of the training even though a portion of  
2 12 the training extension benefit amount may remain, but  
2 13 the benefits shall not extend beyond the end of the  
2 14 benefit year.

2 15 (2) The individual must be enrolled, participating  
2 16 in the training, and making satisfactory progress to  
2 17 complete the training.

2 18 (3) The individual is considered to be in training  
2 19 during regularly scheduled vacation or recess periods  
2 20 of three weeks or less but not during a summer  
2 21 vacation period or school break which is longer than  
2 22 three weeks. If the individual immediately returns to  
2 23 training after the summer vacation or break period of  
2 24 longer than three weeks, the individual may reopen the  
2 25 training extension claim. Otherwise, the individual  
2 26 must be continuously in training in order to be  
2 27 eligible for training extension benefits.

2 28 Sec. 2. Section 96.5, subsection 1, Code  
2 29 Supplement 2007, is amended by adding the following  
2 30 new paragraph:

2 31 NEW PARAGRAPH. b. The individual left employment  
2 32 due to domestic abuse, as defined in section 236.2, or  
2 33 stalking, as described in section 708.11, perpetrated  
2 34 against the individual, and the individual reasonably  
2 35 believed such act was necessary to protect the safety  
2 36 of the individual or the individual's family.  
2 37 Benefits related to wage credits earned with the  
2 38 employer that the individual has left shall be charged  
2 39 to the unemployment compensation fund. This paragraph  
2 40 applies to both contributory and reimbursable  
2 41 employers, notwithstanding section 96.8, subsection 5.  
2 42 All evidence of domestic abuse or stalking experienced  
2 43 by an individual, including the individual's statement  
2 44 and any corroborating evidence, shall not be disclosed  
2 45 by the department, except to the parties in a  
2 46 contested benefit case proceeding and to the  
2 47 employment appeal board or courts in an appeal or  
2 48 unless consent for disclosure is granted in writing by  
2 49 the individual. Evidence of domestic abuse or  
2 50 stalking may include but is not limited to any of the



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House Amendment 8527 continued

3 1 following:

3 2 (1) A statement or report from a law enforcement  
3 3 agency or professional, medical professional, mental  
3 4 health professional, or domestic violence shelter or  
3 5 professional.

3 6 (2) Witness statements regarding an incident that  
3 7 causes the individual to believe the individual's life  
3 8 or safety or the life or safety of a member of the  
3 9 individual's family is in danger.

3 10 Sec. 3. Section 96.7, subsection 2, paragraph a,  
3 11 subparagraph (2), Code 2007, is amended by adding the  
3 12 following new unnumbered paragraph after unnumbered  
3 13 paragraph 5:

3 14 NEW UNNUMBERED PARAGRAPH. The account of an  
3 15 employer shall not be charged with benefits paid to an  
3 16 individual who is laid off if the benefits are paid as  
3 17 the result of the return to work of a permanent  
3 18 employee who is one of the following:

3 19 (a) A member of the national guard or organized  
3 20 reserves of the armed forces of the United States  
3 21 ordered to temporary duty, as defined in section  
3 22 29A.1, subsection 3, 11, or 12, for any purpose, who  
3 23 has completed the duty as evidenced in accordance with  
3 24 section 29A.43.

3 25 (b) A member of the civil air patrol performing  
3 26 duty pursuant to section 29A.3A, who has completed the  
3 27 duty as evidenced in accordance with section 29A.43.

3 28 Sec. 4. FUTURE APPROPRIATION OF FEDERAL FUNDS.  
3 29 Any funds received by this state from the federal  
3 30 government pursuant to section 903 of the federal  
3 31 Social Security Act as a result of the enactment of  
3 32 this Act shall be appropriated by the general assembly  
3 33 to the department of workforce development to be used  
3 34 for the payment of unemployment insurance benefits or  
3 35 for the administration of the Iowa employment security  
3 36 law, chapter 96, and public employment offices.

3 37 Sec. 5. EFFECTIVE AND APPLICABILITY DATES. The  
3 38 sections of this Act amending sections 96.3 and 96.7  
3 39 apply to any week of unemployment benefits beginning  
3 40 on or after July 1, 2008. The section of this Act  
3 41 enacting section 96.5, subsection 1, paragraph "b",  
3 42 takes effect June 29, 2008, and applies to any week of  
3 43 unemployment benefits beginning on or after that  
3 44 date.>

3 45

3 46

3 47

3 48 COMMITTEE ON LABOR

3 49 R. OLSON of Polk, CHAIRPERSON

3 50 HF 2675.503 82



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House Amendment 8527 continued

4 1 ak/rj/10679



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House Amendment 8528

PAG LIN

1 1 Amend House File 2672 as follows:  
 1 2 #1. Page 1, by inserting before line 1 the  
 1 3 following:  
 1 4 <DIVISION I  
 1 5 WATER USE PERMIT FEES>  
 1 6 #2. Page 2, line 24, by inserting after the word  
 1 7 <of> the following: <this division of>.  
 1 8 #3. Page 2, by inserting after line 28 the  
 1 9 following:  
 1 10 <DIVISION II  
 1 11 DRAINAGE DISTRICTS  
 1 12 Sec. \_\_\_\_ . NEW SECTION. 468.4A ESTABLISHMENT OF  
 1 13 LEVEE OR DRAINAGE DISTRICT == MINIMUM SIZE.  
 1 14 A levee or drainage district shall not be  
 1 15 established in an area which includes less than  
 1 16 one-third of a watershed, unless all owners of land  
 1 17 which would be included in the watershed sign a  
 1 18 petition for the establishment of the levee or  
 1 19 drainage district as provided in section 468.6.  
 1 20 Sec. \_\_\_\_ . Section 468.6, Code 2007, is amended to  
 1 21 read as follows:  
 1 22 468.6 NUMBER OF PETITIONERS REQUIRED.  
 1 23 1. ~~Two~~ Except as provided in subsection 2, two or  
 1 24 more owners of lands named in the petition described  
 1 25 in section 468.8, may file in the office of the county  
 1 26 auditor a petition for the establishment of a levee or  
 1 27 drainage district, including a district which involves  
 1 28 only the straightening of a creek or river. If the  
 1 29 district described in the petition is a subdistrict,  
 1 30 one or more owners of land affected by the proposed  
 1 31 improvement may petition for such district.  
 1 32 2. If a levee or drainage district is established  
 1 33 in an area which includes less than one-third of a  
 1 34 watershed, all owners of land which would be included  
 1 35 in the levee or drainage district must sign the  
 1 36 petition described in subsection 1.>  
 1 37 #4. Title page, line 1, by inserting after the  
 1 38 word <use> the following: <and drainage by providing  
 1 39 for water use>.  
 1 40 #5. Title page, line 2, by inserting after the  
 1 41 word <fund,> the following: <providing for the  
 1 42 establishment of drainage districts,>.  
 1 43 #6. By renumbering as necessary.  
 1 44  
 1 45  
 1 46  
 1 47 KAUFMANN of Cedar  
 1 48 HF 2672.501 82  
 1 49 tw/nh/11571  
 1 50



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House Amendment 8529

PAG LIN

1 1 Amend House File 2688 as follows:  
1 2 #1. Page 7, by inserting after line 8 the  
1 3 following:  
1 4 <Sec. \_\_\_\_\_. NEW SECTION. 266.49 UNIVERSITY OF  
1 5 IOWA STUDY == HEALTH EFFECTS.  
1 6 1. The university of Iowa college of public health  
1 7 shall conduct research regarding the possible effects  
1 8 on human health from the exposure to odor from  
1 9 livestock operations. The research shall include  
1 10 effects on neighbors who reside near a livestock  
1 11 operation and livestock production workers who  
1 12 regularly work inside a confinement feeding operation  
1 13 building. The research shall include but is not  
1 14 limited to the effect of livestock odor on respiratory  
1 15 diseases, cardiovascular events, and neuropsychiatric  
1 16 conditions. The research shall include effects on  
1 17 subgroups of especially susceptible individuals, such  
1 18 as the elderly, children, and those with preexisting  
1 19 impairments.  
1 20 2. a. The university of Iowa college of public  
1 21 health shall submit an interim report to the general  
1 22 assembly by January 15 of each year through January  
1 23 15, 2012. An interim report shall include data  
1 24 collected from the research and any recommendations  
1 25 deemed necessary by the college to protect the public  
1 26 health of individuals exposed to air emissions from  
1 27 livestock operations.  
1 28 b. The university of Iowa college of public health  
1 29 shall submit a final report to the general assembly by  
1 30 January 30, 2013. The report shall include a summary  
1 31 of efforts, the university's findings and conclusions,  
1 32 and recommendations necessary to protect the health of  
1 33 the public, including but not limited to neighbors who  
1 34 reside near a livestock operation and livestock  
1 35 production workers who regularly work inside a  
1 36 confinement feeding operation building, from the  
1 37 effects of exposure from livestock operations.>  
1 38 #2. By renumbering as necessary.  
1 39  
1 40  
1 41  
1 42 KUHN of Floyd  
1 43  
1 44  
1 45  
1 46 MASCHER of Johnson  
1 47  
1 48  
1 49  
1 50 T. TAYLOR of Linn



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House Amendment 8529 continued

2 1  
2 2  
2 3  
2 4 FREVERT of Palo Alto  
2 5  
2 6  
2 7  
2 8 D. TAYLOR of Linn  
2 9  
2 10  
2 11  
2 12 BUKTA of Clinton  
2 13  
2 14  
2 15  
2 16 JOCHUM of Dubuque  
2 17  
2 18  
2 19  
2 20 FORD of Polk  
2 21  
2 22  
2 23  
2 24 SMITH of Marshall  
2 25  
2 26  
2 27  
2 28 WHITAKER of Van Buren  
2 29  
2 30  
2 31  
2 32 GASKILL of Wapello  
2 33  
2 34  
2 35  
2 36 WENDT of Woodbury  
2 37  
2 38  
2 39  
2 40 KRESSIG of Black Hawk  
2 41  
2 42  
2 43  
2 44 WESSEL-KROESCHELL of Story  
2 45  
2 46  
2 47  
2 48 WHITEAD of Woodbury  
2 49  
2 50



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House Amendment 8529 continued

- 3 1
- 3 2 LENSING of Johnson
- 3 3
- 3 4
- 3 5
- 3 6 HUNTER of Polk
- 3 7
- 3 8
- 3 9
- 3 10 FOEGE of Linn
- 3 11
- 3 12
- 3 13
- 3 14 PETERSEN of Polk
- 3 15
- 3 16
- 3 17
- 3 18 D. OLSON of Boone
- 3 19
- 3 20
- 3 21
- 3 22 JACOBY of Johnson
- 3 23
- 3 24
- 3 25
- 3 26 ZIRKELBACH of Jones
- 3 27
- 3 28
- 3 29
- 3 30 SWAIM of Davis
- 3 31
- 3 32
- 3 33
- 3 34 R. OLSON of Polk
- 3 35
- 3 36
- 3 37
- 3 38 H. MILLER of Webster
- 3 39
- 3 40
- 3 41
- 3 42 BERRY of Black Hawk
- 3 43
- 3 44
- 3 45
- 3 46 HEDDENS of Story
- 3 47
- 3 48
- 3 49
- 3 50 ABDUL-SAMAD of Polk



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House Amendment 8529 continued

- 4 1
- 4 2
- 4 3
- 4 4 WINCKLER of Scott
- 4 5
- 4 6
- 4 7
- 4 8 STAED of Linn
- 4 9 HF 2688.505 82
- 4 10 da/nh/11573



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House File 2692 - Introduced

HOUSE FILE  
BY McCARTHY and RANTS

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

**A BILL FOR**

1 An Act relating to animal feeding operations by regulating  
2 livestock markets, open feedlot operations, and the  
3 stockpiling of manure, providing for applicability and  
4 enforcement, making penalties applicable, and providing  
5 effective dates.  
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
7 TL5B 6665YH 82  
8 da/rj/5



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House File 2692 - Introduced continued

PAG LIN

1 1 Section 1. Section 459.102, subsection 4, Code 2007, is  
1 2 amended to read as follows:  
1 3 4. "Animal feeding operation" means a lot, yard, corral,  
1 4 building, or other area in which animals are confined and fed  
1 5 and maintained for forty-five days or more in any twelve-month  
1 6 period, and all structures used for the storage of manure from  
1 7 animals in the operation. ~~An~~ Except as required for a  
1 8 national pollutant discharge elimination system permit  
1 9 required pursuant to the federal Water Pollution Control Act,  
1 10 33 U.S.C. ch. 26, as amended, an animal feeding operation does  
1 11 not include a livestock market.  
1 12 Sec. 2. Section 459.102, Code 2007, is amended by adding  
1 13 the following new subsections:  
1 14 NEW SUBSECTION. 20A. "Designated area" means a known  
1 15 sinkhole, a cistern, an abandoned well, an unplugged  
1 16 agricultural drainage well, an agricultural drainage well  
1 17 surface inlet, a drinking water well, a designated wetland, or  
1 18 a water source. However, "designated area" does not include a  
1 19 terrace tile inlet or a surface tile inlet other than an  
1 20 agricultural drainage well surface tile inlet.  
1 21 NEW SUBSECTION. 23A. "Dry manure" means manure which  
1 22 meets all of the following conditions:  
1 23 a. The manure does not flow perceptibly under pressure.  
1 24 b. The manure is not capable of being transported through  
1 25 a mechanical pumping device designed to move a liquid.  
1 26 c. The constituent molecules of the manure do not flow  
1 27 freely among themselves but may show a tendency to separate  
1 28 under stress.  
1 29 NEW SUBSECTION. 45A. "Stockpile" means to store dry  
1 30 manure from a confinement feeding operation outside of a  
1 31 confinement feeding operation structure.  
1 32 Sec. 3. Section 459.206, subsection 2, paragraph b, Code  
1 33 2007, is amended to read as follows:  
1 34 b. A qualified confinement feeding operation that stores  
1 35 dry manure ~~on a dry matter basis~~.



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House File 2692 - Introduced continued

2 1 Sec. 4. Section 459.307, subsection 1, paragraph b, Code  
2 2 2007, is amended to read as follows:

2 3 b. Whether the manure storage structure stores only dry  
2 4 ~~manure in an exclusively dry form.~~

2 5 Sec. 5. Section 459.311, subsection 1, Code 2007, is  
2 6 amended to read as follows:

2 7 1. a. A confinement feeding operation shall retain all  
2 8 manure produced by the operation between periods of manure  
2 9 disposal. For purposes of this section, dry manure may be  
2 10 retained by stockpiling as provided in section 459.311A.

2 11 b. A confinement feeding operation shall not discharge  
2 12 manure directly into water of the state or into a tile line  
2 13 that discharges directly into water of the state.

2 14 Sec. 6. NEW SECTION. 459.311A DRY MANURE STOCKPILING.

2 15 A person may stockpile dry manure, subject to the  
2 16 provisions of this chapter, including but not limited to  
2 17 section 459.311, and all of the following restrictions:

2 18 1. a. The person shall not stockpile dry manure within  
2 19 the following distances unless the dry manure is maintained in  
2 20 a manner that will not allow precipitation-induced runoff to  
2 21 drain from the dry manure to the designated area:

2 22 (1) Four hundred feet from a designated area other than a  
2 23 high-quality water resource.

2 24 (2) Eight hundred feet from a high-quality water resource.

2 25 b. The person shall not stockpile dry manure within two  
2 26 hundred feet from a terrace tile inlet or surface tile inlet  
2 27 unless the dry manure is maintained in a manner that will not  
2 28 allow precipitation-induced runoff to drain from the dry  
2 29 manure to the terrace tile inlet or surface tile inlet. A  
2 30 terrace tile inlet or surface tile inlet does not include a  
2 31 tile inlet that is not directly connected to a tile line that  
2 32 discharges directly into a water of the state.

2 33 c. The person shall not stockpile dry manure in a grassed  
2 34 waterway.

2 35 d. The person shall not stockpile dry manure on land



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House File 2692 - Introduced continued

3 1 having a slope of more than three percent unless methods,  
3 2 structures, or practices are implemented to contain the  
3 3 stockpiled dry manure, including but not limited to using silt  
3 4 fences, temporary earthen berms, or other effective measures,  
3 5 and to prevent or diminish precipitation-induced runoff from  
3 6 the stockpiled dry manure.

3 7 2. The person shall remove the stockpiled manure and apply  
3 8 it in accordance with the provisions of this chapter,  
3 9 including but not limited to section 459.311, within six  
3 10 months after the manure is stockpiled.

3 11 Sec. 7. Section 459.314, unnumbered paragraph 1, Code  
3 12 2007, is amended by striking the paragraph.

3 13 Sec. 8. Section 459A.103, subsection 3, Code 2007, is  
3 14 amended to read as follows:

3 15 3. a. In calculating the animal unit capacity of an open  
3 16 feedlot operation, the animal unit capacity shall not include  
3 17 the animal unit capacity of any confinement feeding operation  
3 18 building as defined in section 459.102, which is part of the  
3 19 open feedlot operation.

3 20 b. Notwithstanding paragraph "a", only for purposes of  
3 21 determining whether an open feedlot operation must obtain an  
3 22 operating permit, the animal unit capacity of the animal  
3 23 feeding operation includes the animal unit capacities of both  
3 24 the open feedlot operation and the confinement feeding  
3 25 operation if the animals in the open feedlot operation and the  
3 26 confinement feeding operation are all in the same category or  
3 27 type of animals as used in the definitions of large and medium  
3 28 concentrated animal feeding operations in 40 C.F.R. pt. 122.  
3 29 In all other respects the confinement feeding operation shall  
3 30 be governed by chapter 459 and the open feedlot operation  
3 31 shall be governed by this chapter.

3 32 Sec. 9. Section 459A.401, subsection 2, paragraph a,  
3 33 unnumbered paragraph 1, Code Supplement 2007, is amended to  
3 34 read as follows:

3 35 An open feedlot operation in compliance with the inspection



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House File 2692 - Introduced continued

4 1 and recordkeeping requirements of 40 C.F.R. pt. 122 and 40  
4 2 C.F.R. pt. 412 applicable to the operation may discharge open  
4 3 feedlot effluent into any waters of the United States due to a  
4 4 precipitation event, if any of the following apply:  
4 5     Sec. 10. COMPLIANCE EDUCATION EFFORT. The department of  
4 6 natural resources shall provide for a compliance education  
4 7 effort. In administering the effort, the department, in  
4 8 cooperation with associations that represent livestock  
4 9 producers and organizations that represent farmers generally,  
4 10 shall provide information on a statewide basis to persons  
4 11 involved with maintaining animals in a confinement feeding  
4 12 operation or open feedlot operation regarding methods and  
4 13 practices to ensure compliance with this Act.  
4 14     Sec. 11. APPLICABILITY AND ENFORCEMENT.  
4 15     1. A person required to obtain an operating permit for an  
4 16 open feedlot operation by the department of natural resources  
4 17 pursuant to 567 IAC ch. 65, and section 459.102, subsection 4,  
4 18 as amended by this Act, or section 459A.103, subsection 3, as  
4 19 amended by this Act, shall submit an application for the  
4 20 operating permit to the department of natural resources on or  
4 21 before December 31, 2008.  
4 22     2. a. The state shall not take an enforcement action  
4 23 against a person arising from the person's failure to obtain  
4 24 an operating permit by the department of natural resources as  
4 25 required pursuant to this Act if the person's application for  
4 26 the operating permit application is pending in accordance with  
4 27 subsection 1.  
4 28     b. The state shall not take an enforcement action against  
4 29 a person arising from the person's failure to obtain an  
4 30 operating permit as required pursuant to this Act for the  
4 31 period beginning on the day when the department of natural  
4 32 resources denies the person's application for the operation  
4 33 permit and ending on the thirtieth day after the person  
4 34 receives written notice that such application has been denied.  
4 35     Sec. 12. SPECIAL EFFECTIVE DATES.



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House File 2692 - Introduced continued

- 5 1 1. The section of this Act establishing a compliance  
5 2 education effort takes effect upon enactment.  
5 3 2. The sections of this Act amending the following take  
5 4 effect on December 31, 2008:  
5 5 a. Section 459.102, subsection 4.  
5 6 b. Section 459A.103, subsection 3.

5 7 EXPLANATION

5 8 GENERAL. Two principal Code chapters regulate animal  
5 9 feeding operations. Code chapter 459 generally regulates  
5 10 animal feeding operations, with the majority of its provisions  
5 11 concerning confinement feeding operations where animals are  
5 12 confined in totally roofed areas. Code chapter 459A regulates  
5 13 open feedlot operations where animals are otherwise confined  
5 14 to areas where there is no vegetation or forage materials.

5 15 Both Code chapters are regulated by the department of natural  
5 16 resources which has adopted rules under 567 IAC ch. 65.  
5 17 Division I of the rules governs confinement feeding operations  
5 18 and Division II of the rules governs open feedlot operations.

5 19 STOCKPILING. Stockpiling refers to a practice of keeping  
5 20 manure outside a manure storage structure associated with an  
5 21 animal feeding operation. Currently Code chapter 459 does not  
5 22 address stockpiling. For stockpiling manure solids from an  
5 23 open feedlot, see Code section 459A.403. Code section 459.311  
5 24 currently requires that a confinement feeding operation retain  
5 25 all manure produced by the operation between periods of manure  
5 26 disposal and prohibits a confinement feeding operation from  
5 27 discharging manure directly into the water of the state.

5 28 BILL PROVISIONS. The bill provides for stockpiling dry  
5 29 manure from a confinement feeding operation. The bill defines  
5 30 dry manure as manure which does not flow perceptibly under  
5 31 pressure, is not capable of being transported through a  
5 32 mechanical pumping device designed to move a liquid, and its  
5 33 constituent molecules do not flow freely among themselves but  
5 34 may show a tendency to separate under stress. The bill  
5 35 provides that manure from a confinement feeding operation may



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House File 2692 - Introduced continued

6 1 be retained by stockpiling, subject to certain limitations.  
6 2 A person is prohibited from stockpiling dry manure within  
6 3 certain distances from certain areas involving surface water  
6 4 or groundwater, including the following:  
6 5 1. A designated area. The definition of designated area  
6 6 is taken from current law (Code section 459.314) and includes  
6 7 a known sinkhole, a cistern, an abandoned well, an unplugged  
6 8 agricultural drainage well, an agricultural drainage well  
6 9 surface inlet, a drinking water well, a designated wetland, or  
6 10 a water source. It does not include a terrace tile inlet.  
6 11 The bill provides that a designated area also does not include  
6 12 a surface tile inlet, other than an agricultural drainage well  
6 13 surface tile inlet, which is consistent with Code chapter 459A  
6 14 governing open feedlot operations.  
6 15 2. A high-quality water resource as provided by rules  
6 16 adopted by the department.  
6 17 3. A terrace tile inlet or surface tile inlet unless the  
6 18 dry manure is maintained in a manner that will not allow  
6 19 precipitation-induced runoff to drain from the dry manure to  
6 20 the terrace tile inlet or surface tile inlet.  
6 21 In addition, a person cannot stockpile dry manure in a  
6 22 grassed waterway or on a slope of more than 3 percent unless  
6 23 means are provided to contain the stockpiled dry manure.  
6 24 A person must remove the stockpiled manure and apply it in  
6 25 accordance with the provisions of Code chapter 459, including  
6 26 but not limited to Code section 459.311, within six months  
6 27 after the manure is stockpiled.  
6 28 NPDES PERMIT PROGRAM. Code section 455B.197 authorizes the  
6 29 department of natural resources to administer the national  
6 30 pollutant discharge elimination system (NPDES) permit program  
6 31 pursuant to the federal Water Pollution Control Act, 33 U.S.C.  
6 32 ch. 26. The NPDES permit program controls water pollution by  
6 33 regulating point sources that discharge pollutants into waters  
6 34 of the United States, including "concentrated animal feeding  
6 35 operations" which may include confinement feeding operations



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7 1 and open feedlot operations. See 40 C.F.R. pt. 122. The  
7 2 department of natural resources rules provide for conditions  
7 3 for the issuance of NPDES permits in compliance with federal  
7 4 requirements, including provisions for inspections and  
7 5 recordkeeping. The department of natural resources rules  
7 6 governing open feedlot operations, 567 IAC ch. 65, Division  
7 7 II, were first effective September 14, 2005, (see IAB Vol.  
7 8 XXVIII, No.6. p. 395, ARC 4506B and IAB Vol. XXVIII, No.6. p.  
7 9 453, ARC 4507B). The definition of an "animal feeding  
7 10 operation" includes a statement that a livestock market can  
7 11 satisfy the definition of a concentrated animal feeding  
7 12 operation and be subject to NPDES permit requirements (see 567  
7 13 IAC 65.100).

7 14 Generally, the department of natural resources rules  
7 15 implementing the NPDES permit program regulates medium and  
7 16 large concentrated animal feeding operations based on the  
7 17 number of animals of the same category, e.g., beef cattle, and  
7 18 animal units of animals of different categories, e.g., beef  
7 19 cattle and dairy cattle. The department of natural resources  
7 20 rules provide that a large or medium concentrated animal  
7 21 feeding operation may include an animal feeding operation  
7 22 maintaining either of the following: (1) the same category of  
7 23 animals in one or more types of animal feeding operations,  
7 24 e.g., beef cattle kept as part of a confinement feeding  
7 25 operation and of an open feedlot operation; or (2) different  
7 26 categories of animals kept at one type of animal feeding  
7 27 operation, e.g., beef cattle and dairy cattle kept as part of  
7 28 an open feedlot operation. See 567 IAC 65.100.

7 29 BILL PROVISIONS == LIVESTOCK MARKETS. The bill amends Code  
7 30 section 459.102 which currently defines an animal feeding  
7 31 operation for purposes of both confinement feeding operations  
7 32 and open feedlot operations, to exclude a livestock market  
7 33 where animals are assembled for public auction, private sale,  
7 34 or sale by commission. The bill provides that an animal  
7 35 feeding operation includes a livestock market if required for



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House File 2692 - Introduced continued

8 1 an NPDES permit.

8 2 BILL PROVISIONS == OPEN FEEDLOT OPERATIONS. The bill  
8 3 amends Code section 459A.103 which currently provides that the  
8 4 size of an open feedlot operation as calculated using its  
8 5 animal unit capacity (see Code section 459.102) does not  
8 6 include the animal unit capacity of any confinement feeding  
8 7 operation building. Notwithstanding that provision, the bill  
8 8 provides that for purposes of the NPDES program the animal  
8 9 unit capacity of a confinement feeding operation and open  
8 10 feedlot operation are to be calculated together when  
8 11 determining the animal unit capacity of the animal feeding  
8 12 operation if the same category of animals is maintained in the  
8 13 two types of operations. It also provides that for all other  
8 14 purposes, the confinement feeding operation is to be governed  
8 15 by Code chapter 459 and the open feedlot operation is to be  
8 16 governed by Code chapter 459A.

8 17 The bill also amends Code section 459A.401 which currently  
8 18 provides that an open feedlot operation required to be issued  
8 19 an operating permit may discharge open feedlot effluent into  
8 20 the waters of the United States due to a precipitation event  
8 21 if certain design requirements are met. The bill provides  
8 22 that the open feedlot operation must also be in compliance  
8 23 with NPDES inspection and recordkeeping requirements.

8 24 BILL PROVISIONS == COMPLIANCE EDUCATION EFFORT. The bill  
8 25 requires the department of natural resources to provide for a  
8 26 compliance education effort in cooperation with associations  
8 27 that represent livestock producers and organizations that  
8 28 represent farmers generally in order to ensure compliance with  
8 29 the bill's provisions.

8 30 BILL PROVISIONS == APPLICABILITY AND ENFORCEMENT. The bill  
8 31 provides that a person required to obtain an operating permit  
8 32 for an open feedlot operation because of the bill's provisions  
8 33 is required to submit a permit application on or before  
8 34 December 31, 2008.

8 35 The bill also provides that the state is prevented from



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9 1 taking an enforcement action against a person arising from the  
9 2 person's failure to obtain an operating permit because the  
9 3 application is pending or if the application has been denied  
9 4 for the period beginning on the day of denial until 30 days  
9 5 after the person receives written notice of the denial.  
9 6 PENALTIES APPLICABLE. Code chapters 459 and 459A both  
9 7 include penalty provisions. Code sections 459.603 and  
9 8 459A.502A refer to judicial actions brought by the attorney  
9 9 general under Code section 455B.191. Under that Code section  
9 10 the general civil penalty applicable for a violation cannot  
9 11 exceed \$5,000. Code section 459.603 also refers to Code  
9 12 section 455B.109, which allows the department of natural  
9 13 resources to establish a range of civil penalties based on a  
9 14 number of criteria and which cannot exceed \$10,000. All civil  
9 15 penalties are deposited in the animal agriculture compliance  
9 16 fund created in Code section 459.401.  
9 17 EFFECTIVE DATES. The bill's provisions regarding  
9 18 stockpiling take effect on July 1, 2008. The bill's  
9 19 provisions regarding the NPDES program take effect on December  
9 20 31, 2008, except for the establishment of the compliance  
9 21 program, which takes effect upon enactment, and compliance  
9 22 with recordkeeping and inspection requirements which take  
9 23 effect on July 1, 2008.  
9 24 LSB 6665YH 82  
9 25 da/rj/5



**Iowa General Assembly  
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**House Joint Resolution 2007 - Introduced**

HOUSE JOINT RESOLUTION  
BY McCARTHY

(COMPANION TO LSB 6677SS  
BY GRONSTAL)

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

**HOUSE JOINT RESOLUTION**

1 A Joint Resolution authorizing the temporary use and consumption  
2 of wine and beer in the State Capitol, and the temporary  
3 display of ceremonial banners, in conjunction with the awards  
4 ceremony of the World Food Prize Foundation.

5 WHEREAS, the State of Iowa has the honor of being the home of  
6 the World Food Prize Foundation which annually presents an  
7 international award recognizing outstanding individual  
8 achievement in improving the quality, quantity, or availability  
9 of food in the world; and

10 WHEREAS, Iowa's unique State Capitol is an optimal location  
11 for this awards ceremony of the World Food Prize Foundation and  
12 previously served as the ceremony location; and

13 WHEREAS, the placement of ceremonial banners signifying the  
14 awards ceremony is an appropriate way to announce and commemorate  
15 the event; and

16 WHEREAS, wine and beer are customarily served as an  
17 accompaniment to the food and entertainment provided at this type  
18 of awards ceremony and wine was served when the ceremony was  
19 previously held at the State Capitol; and

20 WHEREAS, under 11 IAC 100.4(8), which prohibits the  
21 consumption of alcoholic beverages on the State Capitol complex,  
1 it is not possible to serve wine and beer at this type of awards  
2 ceremony in the State Capitol; NOW THEREFORE,

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

4 TLSB 6677HH 82

5 rn/rj/5



**Iowa General Assembly  
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House Joint Resolution 2007 - Introduced continued

PAG LIN

1 1 Section 1. Notwithstanding 11 IAC 100.4(8) and any  
1 2 contrary provisions of chapter 123, prohibiting the use and  
1 3 consumption of alcoholic beverages in public places, wine and  
1 4 beer may be used and consumed within the state capitol at an  
1 5 awards ceremony, to be held on or around October 16, 2008,  
1 6 hosted and organized in whole or in part by the world food  
1 7 prize foundation if the person providing the food, wine, and  
1 8 beer at the awards ceremony possesses an appropriate valid  
1 9 liquor control license. For the purpose of this section and  
1 10 section 123.95, the state capitol is a private place.

1 11 Sec. 2. Three ceremonial banners may be temporarily  
1 12 displayed either inside or outside the state capitol  
1 13 commemorating the ceremony.

1 14 EXPLANATION

1 15 This joint resolution authorizes the world food prize  
1 16 foundation to display three ceremonial banners and provide  
1 17 wine and beer for use and consumption at an awards ceremony to  
1 18 be held at the state capitol on or around October 16, 2008.  
1 19 Current law and rules prohibit the use and consumption of  
1 20 alcoholic beverages within the state capitol.

1 21 LSB 6677HH 82

1 22 rn/rj/5



Iowa General Assembly  
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April 14, 2008

House Resolution 151 - Introduced

PAG LIN

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

1 1 HOUSE RESOLUTION NO.  
1 2 BY PETERSEN  
1 3 A Resolution recognizing April 13 through 19, 2008, as  
1 4 the Week of the Young Child.  
1 5 WHEREAS, the Iowa Association for the Education of  
1 6 Young Children and other local organizations, in  
1 7 conjunction with the National Association for the  
1 8 Education of Young Children, is celebrating the Week  
1 9 of the Young Child, April 13=19, 2008; and  
1 10 WHEREAS, the week has been designated as a time to  
1 11 reflect on the needs and rights of young children and  
1 12 their families and to review commitments to improve  
1 13 the quality of programs and services for all children;  
1 14 and  
1 15 WHEREAS, by highlighting the need for high-quality  
1 16 early childhood services for all children and families  
1 17 within Iowa, these groups hope to improve both the  
1 18 availability and quality of these services; and  
1 19 WHEREAS, the future of Iowa in large part depends  
1 20 on the quality of early childhood experiences provided  
1 21 to young children today; and  
1 22 WHEREAS, high-quality early childhood services  
1 23 represent a worthy commitment to our children's  
1 24 future; NOW THEREFORE,  
1 25 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES,  
1 26 That the House of Representatives recognizes April 13  
1 27 through 19, 2008, as the Week of the Young Child and  
1 28 urges Iowans to use this opportunity to focus  
1 29 attention on the nurturing of young children and their  
1 30 families as one of Iowa's highest priorities.



**Iowa General Assembly  
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House Resolution 151 - Introduced continued

2 1 LSB 6659HH 82  
2 2 jr/rj/5



**Iowa General Assembly  
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April 14, 2008**

# House Resolution 152 - Introduced

PAG LIN

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

1 1                                   HOUSE RESOLUTION NO.

1 2                   BY JACOBS, RAECKER, ABDUL-SAMAD, ALONS,

1 3           ANDERSON, ARNOLD, BAILEY, BAUDLER, BELL, BERRY,

1 4           BOAL, BUKTA, CHAMBERS, CLUTE, COHOON, DANDEKAR,

1 5           DAVITT, DE BOEF, DEYOE, DOLECHECK, DRAKE, FOEGE,

1 6           FORD, FORRISTALL, FREVERT, GASKILL, GAYMAN, GIPP,

1 7           GRANZOW, GRASSLEY, GREINER, HEATON, HEDDENS,

1 8           HOFFMAN, HORBACH, HUNTER, HUSEMAN, HUSER, JACOBY,

1 9           JOCHUM, KAUFMANN, KELLEY, KRESSIG, KUHN, LENSING,

1 10           LUKAN, LYKAM, MASCHER, MAY, McCARTHY, MERTZ,

1 11           H. MILLER, L. MILLER, MURPHY, OLDSON, D. OLSON,

1 12           R. OLSON, S. OLSON, T. OLSON, PALMER, PAULSEN,

1 13           PETERSEN, PETTENGILL, QUIRK, RANTS, RASMUSSEN,

1 14           RAYHONS, REASONER, REICHERT, ROBERTS, SANDS,

1 15           SCHICKEL, SCHUELLER, SHOMSHOR, SMITH, SODERBERG,

1 16           STAED, STRUYK, SWAIM, D. TAYLOR, T. TAYLOR,

1 17           THOMAS, TJEPKES, TOMENGA, TYMESON, UPMEYER,

1 18           VAN ENGELENHOVEN, VAN FOSSEN, WATTS,

1 19           WENDT, WENTHE, WESSEL-KROESCHELL, WHITAKER,

1 20           WHITEAD, WIENCEK, WINCKLER, WINDSCHITL, WISE,

1 21                               WORTHAN, and ZIRKELBACH

1 22

1 23 A Resolution to honor the Drake University men's basketball

1 24       coach Keno Davis.

1 25       WHEREAS, Coach Keno Davis began his career by

1 26 serving six years as assistant coach at Southeast

1 27 Missouri State University, and in 2003 joined his

1 28 legendary father, Dr. Tom Davis, as part of the Drake

1 29 men's basketball coaching staff; and

1 30       WHEREAS, building on the work of his father, Keno



**Iowa General Assembly  
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House Resolution 152 - Introduced continued

2 1 Davis assumed the head coaching position in 2007 and  
2 2 immediately led the team to its first appearance in  
2 3 NCAA's national tournament since 1971, defeating  
2 4 Illinois State University 79=49 in the Missouri Valley  
2 5 Conference championship game; and  
2 6       WHEREAS, the Bulldogs, with that victory in the  
2 7 Missouri Valley Conference tournament, and with a  
2 8 record of 28 wins and 4 losses, became one of the top  
2 9 20 basketball teams in the nation; and  
2 10       WHEREAS, Coach Maury John, who took the Drake  
2 11 University men's basketball team to the NCAA Final  
2 12 Four in 1969 and the Midwest Regional final in 1970  
2 13 and 1971, would be proud to see the talent, the  
2 14 dedication, and the fire of today's team and the young  
2 15 coach who has taken them so far and so fast; and  
2 16       WHEREAS, just completing his first year as head  
2 17 coach, Keno Davis has been named the Missouri Valley  
2 18 Conference Coach of the Year and The Sporting News  
2 19 College Basketball Coach of the Year and was given the  
2 20 Henry Iba Coach of the Year Award by the U.S.  
2 21 Basketball Writers Association; and  
2 22       WHEREAS, Keno Davis has been named the Associated  
2 23 Press National Coach of the Year for 2007=2008, only  
2 24 the third first-year coach to win that award; NOW  
2 25 THEREFORE,  
2 26       BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES,  
2 27 That the House of Representatives honors Coach Keno  
2 28 Davis, a worthy successor to his father and to the  
2 29 memory of Maury John, for being named coach of the  
2 30 year by both the Missouri Valley Conference and



**Iowa General Assembly  
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House Resolution 152 - Introduced continued

3 1 Sporting News; and  
3 2 BE IT FURTHER RESOLVED BY THE HOUSE OF  
3 3 REPRESENTATIVES, That the House of Representatives  
3 4 thanks Coach Davis for the honor he has brought to  
3 5 Drake University, to Bulldog fans everywhere, and to  
3 6 his home state of Iowa.  
3 7 LSB 6603HH 82  
3 8 jr/rj/14



Iowa General Assembly  
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**Senate Amendment 5325**

PAG LIN

1 1 Amend House File 2650, as passed by the House, as  
1 2 follows:  
1 3 #1. Page 6, by inserting after line 32, the  
1 4 following:  
1 5 <(\_\_\_\_) Obtain insurers' claims data upon which  
1 6 insurers' base, in whole or in part, their actuarial  
1 7 cost projections of health care benefits, to assist  
1 8 the commission in making an analysis of the financial  
1 9 impact of a proposed mandated health care benefit.>  
1 10 #2. By renumbering as necessary.  
1 11  
1 12  
1 13  
1 14 JACK HATCH  
1 15 HF 2650.209 82  
1 16 av/nh/21182  
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**Senate Amendment 5326**

PAG LIN

1 1 Amend House File 2650, as passed by the House, as  
1 2 follows:  
1 3 #1. Page 6, by striking lines 10 and 11, and  
1 4 inserting the following: <appointed for three=year  
1 5 terms. Notwithstanding section 69.16, the commission  
1 6 is not required to be balanced for political  
1 7 affiliation. However,>.  
1 8  
1 9  
1 10  
1 11 JACK HATCH  
1 12 HF 2650.206 82  
1 13 av/nh/21170  
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## Senate Amendment 5327

PAG LIN

1 1 Amend House File 2650, as passed by the House, as  
1 2 follows:  
1 3 #1. Page 5, line 13, by inserting after the word  
1 4 <period.> the following: <If the commission  
1 5 recommends against the mandate of a specific proposed  
1 6 health care benefit, that health care benefit shall  
1 7 not be mandated in a collective bargaining or any  
1 8 other public sector bargaining agreement concerning a  
1 9 public employee health plan unless the commission  
1 10 amends its report or issues a new report that  
1 11 recommends the mandate of that health care benefit.>  
1 12  
1 13  
1 14  
1 15 JACK HATCH  
1 16 HF 2650.207 82  
1 17 av/nh/21168  
1 18  
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## Senate Amendment 5328

PAG LIN

1 1 Amend House File 2650, as passed by the House, as  
1 2 follows:  
1 3 #1. Page 2, line 6, by inserting after the word  
1 4 <bill> the following: <or amendment>.  
1 5 #2. Page 2, line 7, by inserting after the word  
1 6 <bill> the following: <or amendment>.  
1 7 #3. Page 2, line 10, by inserting after the word  
1 8 <bill> the following: <or amendment>.  
1 9 #4. Page 2, line 11, by inserting after the word  
1 10 <bill> the following: <or in a notice attached to the  
1 11 amendment>.  
1 12 #5. Page 2, line 21, by inserting after the word  
1 13 <senate.> the following: <An amendment containing a  
1 14 notice that the amendment contains a requirement for a  
1 15 mandated health care benefit shall not be filed until  
1 16 the speaker of the house of representatives or the  
1 17 president of the senate has referred the amendment to  
1 18 the commissioner for review and evaluation by the  
1 19 state health insurance mandate commission created in  
1 20 this section and a report has been received from the  
1 21 commission by the speaker of the house of  
1 22 representatives and the president of the senate.>  
1 23 #6. Page 2, line 22, by inserting after the word  
1 24 <bill> the following: <or amendment>.  
1 25 #7. Page 2, line 24, by inserting after the word  
1 26 <bill> the following: <or amendment>.  
1 27 #8. Page 2, line 31, by inserting after the word  
1 28 <bill> the following: <or amendment>.  
1 29 #9. Page 4, line 34, by inserting after the word  
1 30 <senate> the following: <or the amendment may be  
1 31 filed,>.  
1 32 #10. Page 5, line 1, by inserting after the word  
1 33 <house> the following: <or as any other amendment  
1 34 that has been filed>.  
1 35 #11. Page 5, line 10, by inserting after the word  
1 36 <bill> the following: <or amendment>.  
1 37 #12. Page 5, line 18, by inserting after the word  
1 38 <bill> the following: <or amendment>.  
1 39 #13. Page 5, line 19, by inserting after the word  
1 40 <bill> the following: <or amendment>.  
1 41 #14. Page 6, line 27, by inserting after the word  
1 42 <bills> the following: <or amendments>.  
1 43 #15. Page 7, line 23, by inserting after the word  
1 44 <senate> the following: <or an amendment that has  
1 45 been filed to a bill that is on the calendar or  
1 46 assigned to a standing committee of either the house  
1 47 of representatives or the senate>.  
1 48  
1 49  
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Senate Amendment 5328 continued

2 1 JACK HATCH  
2 2 HF 2650.505 82  
2 3 av/nh/21167



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Senate Amendment 5329

PAG LIN

1 1 Amend Senate File 2134, as amended, passed, and  
1 2 reprinted by the Senate, as follows:  
1 3 #1. By striking everything after the enacting  
1 4 clause and inserting the following:  
1 5 <Section 1. Section 35A.5, subsection 9, Code  
1 6 Supplement 2007, is amended to read as follows:  
1 7 9. After consultation with the commission, provide  
1 8 certification training to executive directors and  
1 9 administrators of county commissions of veteran  
1 10 affairs pursuant to section 35B.6. Training provided  
1 11 under this subsection shall include accreditation by  
1 12 the national association of county veteran service  
1 13 officers. Training provided by the department shall  
1 14 be certified by the national association of county  
1 15 veteran service officers and, in addition, shall  
1 16 ensure that each executive director and administrator  
1 17 is proficient in the use of electronic mail, general  
1 18 computer use, and use of the internet to access  
1 19 information regarding facilities, benefits, and  
1 20 services available to veterans and their families.  
1 21 The department may adopt rules in accordance with  
1 22 chapter 17A to provide for training of county veteran  
1 23 affairs executive directors and administrators.  
1 24 Sec. 2. NEW SECTION. 35A.16 COUNTY COMMISSIONS  
1 25 OF VETERAN AFFAIRS FUND == APPROPRIATION.  
1 26 1. a. A county commissions of veteran affairs  
1 27 fund is created within the state treasury under the  
1 28 control of the department. The fund shall consist of  
1 29 appropriations made to the fund and any other moneys  
1 30 available to and obtained or accepted by the  
1 31 department from the federal government or private  
1 32 sources for deposit in the fund.  
1 33 b. There is appropriated from the general fund of  
1 34 the state to the department, for the fiscal year  
1 35 beginning July 1, 2009, and for each subsequent fiscal  
1 36 year, the sum of one million dollars to be credited to  
1 37 the county commissions of veteran affairs fund.  
1 38 2. Notwithstanding section 12C.7, interest or  
1 39 earnings on moneys in the county commissions of  
1 40 veteran affairs fund shall be credited to the county  
1 41 commissions of veteran affairs fund. Notwithstanding  
1 42 section 8.33, moneys remaining in the county  
1 43 commissions of veteran affairs fund at the end of a  
1 44 fiscal year shall not revert to the general fund of  
1 45 the state.  
1 46 3. If sufficient moneys are available, the  
1 47 department shall annually allocate ten thousand  
1 48 dollars to each county commission of veteran affairs,  
1 49 or to each county sharing the services of an executive  
1 50 director or administrator pursuant to chapter 28E, to



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Senate Amendment 5329 continued

2 1 be used for the employment of an executive director or  
2 2 administrator pursuant to section 35B.6.  
2 3 4. A county commission of veteran affairs training  
2 4 program account shall be established within the county  
2 5 commissions of veteran affairs fund. Any moneys  
2 6 remaining in the fund after the allocations under  
2 7 subsection 3 shall be credited to the account and used  
2 8 by the department to fund the county commission of  
2 9 veteran affairs training program under section 35A.17.  
2 10 Sec. 3. NEW SECTION. 35A.17 COUNTY COMMISSION OF  
2 11 VETERAN AFFAIRS TRAINING PROGRAM.  
2 12 1. A county commission of veteran affairs training  
2 13 program is created under the control of the department  
2 14 for the purpose of providing training, certification,  
2 15 and accreditation opportunities for county commissions  
2 16 of veteran affairs executive directors,  
2 17 administrators, and employees.  
2 18 2. The department may receive and accept  
2 19 donations, grants, gifts, and contributions from any  
2 20 public or private source for the purpose of providing  
2 21 training opportunities under this section. All funds  
2 22 received by the department shall be deposited in the  
2 23 county commission of veteran affairs training program  
2 24 account established in section 35A.16, subsection 4.  
2 25 3. a. The department shall use funds deposited in  
2 26 the county commission of veteran affairs training  
2 27 program account to organize statewide or regional  
2 28 training conferences and provide training,  
2 29 certification, and accreditation opportunities for  
2 30 county commissions of veteran affairs executive  
2 31 directors, administrators, and employees, consistent  
2 32 with the requirements of section 35A.5, subsection 9.  
2 33 b. During the fiscal year beginning July 1, 2009,  
2 34 the department shall use account funds to arrange for  
2 35 an accreditation course by the national association of  
2 36 county veteran service officers to take place within  
2 37 the state.  
2 38 c. The department may use account funds to hire an  
2 39 agency, organization, or other entity to provide  
2 40 training or educational programming, reimburse county  
2 41 executive directors, administrators, and employees for  
2 42 transportation costs related to a conference or  
2 43 program, or both.  
2 44 4. The department shall adopt rules, pursuant to  
2 45 chapter 17A, deemed necessary for the administration  
2 46 of the county commission of veteran affairs training  
2 47 program.  
2 48 Sec. 4. Section 35B.6, subsection 1, Code 2007, is  
2 49 amended to read as follows:  
2 50 1. a. The members of the commission shall qualify



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Senate Amendment 5329 continued

3 1 by taking the usual oath of office, and give bond in  
3 2 the sum of five hundred dollars each, conditioned for  
3 3 the faithful discharge of their duties with sureties  
3 4 to be approved by the county auditor. The commission  
3 5 shall organize by the selection of one of their  
3 6 members as chairperson, and one as secretary. The  
3 7 commission, subject to the approval of the board of  
3 8 supervisors, shall ~~have power to~~ employ an executive  
3 9 director or administrator and shall have the power to  
3 10 employ other necessary employees when needed,  
3 11 including administrative or clerical assistants when  
~~3 12 needed, the.~~ The compensation of such employees ~~to~~  
3 13 shall be fixed by the board of supervisors, but no  
3 14 member of the commission shall be so employed. The  
3 15 executive director must possess the same  
3 16 qualifications as provided in section 35B.3 for  
3 17 commission members. However, this qualification  
3 18 requirement shall not apply to a person employed as an  
3 19 executive director prior to July 1, 1989.  
3 20 b. The commission may employ an administrator in  
3 21 lieu of an executive director. Administrators shall  
3 22 not be required to meet all the qualifications  
3 23 provided in section 35B.3 for commissioners. An  
3 24 administrator may hold another position within the  
3 25 county or other government entity while serving as an  
3 26 administrator only if such position does not adversely  
3 27 affect the administrator's duties under this chapter.  
3 28 ~~b.~~ c. Upon the employment of an executive  
3 29 director or administrator, the executive director or  
3 30 administrator shall complete a course of initial  
3 31 certification training provided by the department of  
3 32 veterans affairs pursuant to section 35A.5. If an  
3 33 executive director or administrator fails to obtain  
3 34 certification within one year of being employed, the  
3 35 executive director or administrator shall be removed  
3 36 from office. If an executive director is not  
~~3 37 appointed, a A commissioner or a clerical assistant~~  
~~3 38 shall other commission employee may also complete the~~  
3 39 course of certification training. The department  
3 40 shall issue the executive director, administrator,  
3 41 commissioner, or clerical assistant employee a  
3 42 certificate of training after completion of the  
3 43 initial certification training course. To maintain  
3 44 annual certification, the executive director,  
3 45 administrator, commissioner, or clerical assistant  
3 46 employee shall attend one department training course  
~~3 47 each year satisfy the continuing education~~  
3 48 requirements established by the national association  
3 49 of county veteran service officers. Failure of an  
3 50 executive director or administrator to maintain



Iowa General Assembly  
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Senate Amendment 5329 continued

4 1 certification ~~may~~ shall be cause for removal from  
4 2 office. The expenses of training the executive  
4 3 director or administrator shall be paid from the  
4 4 appropriation authorized in section 35B.14.  
4 5 d. The duties of the executive director,  
4 6 administrator, and employees shall include all of the  
4 7 following:  
4 8 (1) Inform members of the armed forces, veterans,  
4 9 and their dependents of all federal, state, and local  
4 10 laws enacted for their benefit.  
4 11 (2) Assist all residents of the state who served  
4 12 in the armed forces of the United States and their  
4 13 relatives, beneficiaries, and dependents in receiving  
4 14 from the United States and this state any and all  
4 15 compensation, pensions, hospitalization, insurance,  
4 16 education, employment pay and gratuities, loan  
4 17 guarantees, or any other aid or benefit to which they  
4 18 may be entitled under any law.  
4 19 e. The department of veterans affairs or county  
4 20 veteran affairs offices shall not charge for any  
4 21 service provided to any individual.  
4 22 Sec. 5. Section 35B.6, subsection 2, Code 2007, is  
4 23 amended to read as follows:  
4 24 2. Two or more boards of supervisors may agree,  
4 25 pursuant to chapter 28E, to share the services of an  
4 26 executive director or administrator. The agreement  
4 27 shall provide for the establishment of a commission of  
4 28 veteran affairs office in each of the counties  
4 29 participating in the agreement.  
4 30 Sec. 6. Section 35B.6, subsection 4, Code 2007, is  
4 31 amended by striking the subsection and inserting in  
4 32 lieu thereof the following:  
4 33 4. a. Each county commission of veteran affairs  
4 34 shall maintain an office in a building owned,  
4 35 operated, or leased by the county.  
4 36 b. An executive director or administrator employed  
4 37 pursuant to subsection 1 shall provide veterans  
4 38 services for the following minimum number of hours  
4 39 each week:  
4 40 (1) For a county with a population of thirty  
4 41 thousand or less, no fewer than twenty hours per week.  
4 42 (2) For a county with a population of more than  
4 43 thirty thousand and less than sixty thousand, no fewer  
4 44 than thirty hours per week.  
4 45 (3) For a county with a population of sixty  
4 46 thousand or more, no fewer than forty hours per week.  
4 47 c. Counties sharing the services of an executive  
4 48 director or administrator shall consider the aggregate  
4 49 population of such counties when determining the  
4 50 number of hours of service required under paragraph



Iowa General Assembly  
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Senate Amendment 5329 continued

5 1 "b". The number of hours shall be allocated between  
5 2 the counties in the proportion that the population of  
5 3 each county bears to the aggregate population.

5 4 d. The hours that the office established under  
5 5 paragraph "a", is open shall be posted in a prominent  
5 6 position outside the office.

5 7 Sec. 7. Section 35B.14, Code 2007, is amended to  
5 8 read as follows:

5 9 35B.14 COUNTY APPROPRIATION.

5 10 1. The board of supervisors of each county ~~may~~  
5 11 shall appropriate moneys for training an executive  
5 12 director or administrator as provided for in section  
5 13 35B.6, and may appropriate moneys for the food,  
5 14 clothing, shelter, utilities, medical benefits, and  
5 15 funeral expenses of indigent veterans, as defined in  
5 16 section 35.1, and their indigent spouses, surviving  
5 17 spouses, and minor children not over eighteen years of  
5 18 age, having a legal residence in the county.

5 19 2. The appropriation shall be expended by the  
5 20 joint action and control of the board of supervisors  
5 21 and the county commission of veteran affairs.

5 22 Sec. 8. Section 321.34, subsection 24, Code  
5 23 Supplement 2007, is amended to read as follows:

5 24 24. GOLD STAR PLATES. An owner referred to in  
5 25 subsection 12 who is the surviving spouse, parent,  
5 26 child, or sibling of a deceased member of the United  
5 27 States armed forces who died while serving on active  
5 28 duty during a time of military conflict or who died as  
5 29 a result of such service may order special

5 30 registration plates bearing a gold star emblem upon  
5 31 written application to the department accompanied by  
5 32 satisfactory supporting documentation as determined by  
5 33 the department. The gold star emblem shall be  
5 34 designed by the department in cooperation with the  
5 35 commission of veterans affairs. The special plate  
5 36 fees collected by the director under subsection 12,  
5 37 paragraph "a", from the issuance and annual validation  
5 38 of letter=number designated and personalized gold star  
5 39 plates shall be paid monthly to the treasurer of state  
5 40 and credited to the road use tax fund.

5 41 Notwithstanding section 423.43, and prior to the  
5 42 crediting of revenues to the road use tax fund under  
5 43 section 423.43, subsection 1, paragraph "b", the  
5 44 treasurer of state shall transfer monthly from those  
5 45 revenues to the veterans license fee fund created in  
5 46 section 35A.11 the amount of the special fees  
5 47 collected in the previous month for gold star plates.

5 48 Sec. 9. STATE MANDATE FUNDING SPECIFIED. In  
5 49 accordance with section 25B.2, subsection 3, the state  
5 50 cost of requiring compliance with any state mandate



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Senate Amendment 5329 continued

6 1 included in this Act shall be moneys appropriated in  
6 2 this Act and shall be deemed to meet all the state  
6 3 funding-related requirements of section 25B.2,  
6 4 subsection 3, and no specific state funding shall be  
6 5 necessary for the full implementation of this Act by  
6 6 and enforcement of this Act against all affected  
6 7 political subdivisions.  
6 8 Sec. 10. EFFECTIVE DATE. This Act takes effect on  
6 9 July 1, 2009, except for section 8 of this Act,  
6 10 amending section 321.34, which shall take effect on  
6 11 July 1, 2008. >  
6 12 #2. Title page, by striking lines 1 through 3 and  
6 13 inserting the following:  
6 14 <An Act relating to veterans affairs by modifying  
6 15 training requirements, requiring executive directors  
6 16 and administrators to provide minimum hours of service  
6 17 in each county, specifying executive director,  
6 18 administrator, and employee duties, creating a county  
6 19 commission of veteran affairs training program,  
6 20 creating a county commissions of veteran affairs fund,  
6 21 providing an appropriation, concerning eligibility  
6 22 criteria for special gold star motor vehicle  
6 23 registration plates and providing an effective date.>  
6 24 SF 2134.H  
6 25 md/jg/25



**Iowa General Assembly  
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**Senate Amendment 5330**

PAG LIN

1 1 Amend Senate File 2400, as amended, passed, and  
 1 2 reprinted by the Senate, as follows:  
 1 3 #1. Page 6, line 18, by inserting after the word  
 1 4 <development> the following: <, or, if 2008 Iowa  
 1 5 Acts, Senate File 2136, is enacted, from the housing  
 1 6 trust fund of the Iowa finance authority,>.  
 1 7 #2. Page 8, by striking line 8 and inserting the  
 1 8 following:  
 1 9 <..... \$ 1,760,000  
 1 10 It is the intent of the general assembly that the  
 1 11 governor's office of drug control policy maximize  
 1 12 efforts with federal agencies concerning drug  
 1 13 enforcement programs to avoid duplication of  
 1 14 services.>  
 1 15 #3. Page 8, line 9, by inserting after the word  
 1 16 <funding> the following: <in excess of \$880,209>.  
 1 17 #4. Page 8, line 13, by inserting after the word  
 1 18 <received> the following: <in excess of \$880,209>.  
 1 19 #5. Page 14, by inserting after line 17 the  
 1 20 following:  
 1 21 <The department of management budget for the fiscal  
 1 22 year beginning July 1, 2009, as proposed by the  
 1 23 department and the governor, shall include funding for  
 1 24 director and assistant director positions at the Tim  
 1 25 Shields center for governing excellence in Iowa under  
 1 26 section 8.69.>  
 1 27 #6. Page 17, by inserting after line 14 the  
 1 28 following:  
 1 29 <Sec. \_\_\_\_ . Section 68A.402, subsection 1, Code  
 1 30 Supplement 2007, is amended to read as follows:  
 1 31 1. FILING METHODS. Each committee shall file with  
 1 32 the board reports disclosing information required  
 1 33 under this section on forms prescribed by rule.  
 1 34 Reports shall be filed on or before the required due  
 1 35 dates by using any of the following methods: mail  
 1 36 bearing a United States postal service postmark,  
 1 37 hand-delivery, facsimile transmission, electronic mail  
 1 38 attachment, or electronic filing as prescribed by  
 1 39 rule. Any report that is required to be filed five  
 1 40 days or less prior to an election must be physically  
 1 41 received by the board to be considered timely filed.  
 1 42 For purposes of this section, "physically received"  
 1 43 means the report is either electronically filed using  
 1 44 the board's electronic filing system or is received by  
 1 45 the board prior to 4:30 p.m. on the report due date.>  
 1 46 #7. Page 18, by inserting after line 29 the  
 1 47 following:  
 1 48 <3. The section of this Act amending section  
 1 49 68A.402, being deemed of immediate importance, takes  
 1 50 effect upon enactment.>



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Senate Amendment 5330 continued

2 1 #8. By renumbering, relettering, or redesignating  
2 2 and correcting internal references as necessary.  
2 3 SF 2400.H  
2 4 jg/25



Iowa General Assembly  
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Senate Amendment 5331

PAG LIN

1 1 Amend Senate File 2337, as passed by the Senate, as  
1 2 follows:  
1 3 #1. Page 1, by inserting before line 1 the  
1 4 following:  
1 5 <Section 1. Section 87.4, Code 2007, is amended to  
1 6 read as follows:  
1 7 87.4 GROUP AND SELF=INSURED PLANS == TAX EXEMPTION  
1 8 == PLAN APPROVAL.  
1 9 For the purpose of complying with this chapter,  
1 10 groups of employers by themselves or in an association  
1 11 with any or all of their workers, may form insurance  
1 12 associations as hereafter provided, subject to such  
1 13 reasonable conditions and restrictions as may be fixed  
1 14 by the insurance commissioner; and membership in such  
1 15 mutual insurance organization as approved, together  
1 16 with evidence of the payment of premiums due, shall be  
1 17 evidence of compliance with this chapter.  
1 18 A self=insurance association formed under this  
1 19 section and an association comprised of cities or  
1 20 counties, or both, or the association of county fairs  
1 21 or a fair as defined in section 174.1, or community  
1 22 colleges as defined in section 260C.2 or school  
1 23 corporations, or both, or other political  
1 24 subdivisions, which have entered into an agreement  
1 25 under chapter 28E for the purpose of establishing a  
1 26 self=insured program for the payment of workers'  
1 27 compensation benefits are exempt from taxation under  
1 28 section 432.1.  
1 29 A plan shall be submitted to the commissioner of  
1 30 insurance for review and approval prior to its  
1 31 implementation. The commissioner shall adopt rules  
1 32 for the review and approval of a self=insured group  
1 33 plan provided under this section. The rules shall  
1 34 include, but are not limited to, the following:  
1 35 1. Procedures for submitting a plan for approval  
1 36 including the establishment of a fee schedule to cover  
1 37 the costs of conducting the review.  
1 38 2. Establishment of minimum financial standards to  
1 39 ensure the ability of the plan to adequately cover the  
1 40 reasonably anticipated expenses.  
1 41 A self=insured program for the payment of workers'  
1 42 compensation benefits established by an association  
1 43 comprised of cities or counties, or both, or the  
1 44 association of county fairs or a fair as defined in  
1 45 section 174.1, or community colleges, as defined in  
1 46 section 260C.2, or other political subdivisions, which  
1 47 have entered into an agreement under chapter 28E, is  
1 48 not insurance, and is not subject to regulation under  
1 49 chapters 505 through 523C. Membership in such an  
1 50 association together with payment of premiums due



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Senate Amendment 5331 continued

2 1 relieves the member from obtaining insurance as  
2 2 required in section 87.1. Such an association is not  
2 3 required to submit its plan or program to the  
2 4 commissioner of insurance for review and approval  
2 5 prior to its implementation and is not subject to  
2 6 rules or rates adopted by the commissioner relating to  
2 7 workers' compensation group self-insurance programs.  
2 8 Such a program is deemed to be in compliance with this  
2 9 chapter.

2 10 The workers' compensation premium written on a  
2 11 municipality which is a member of an insurance pool  
2 12 which provides workers' compensation insurance  
2 13 coverage to a statewide group of municipalities, as  
2 14 defined in section 670.1, shall not be considered in  
2 15 the determination of any assessments levied pursuant  
2 16 to an agreement established under section 515A.15.>  
2 17 #2. Page 1, by striking lines 2 through 5 and  
2 18 inserting the following:

2 19 <The association of Iowa fairs, or a fair, shall  
2 20 have the power to join a local government risk pool as  
2 21 provided in section 670.7.

2 22 Sec. 2. Section 670.7, Code 2007, is amended to  
2 23 read as follows:

2 24 670.7 INSURANCE.

2 25 1. The governing body of a municipality may  
2 26 purchase a policy of liability insurance insuring  
2 27 against all or any part of liability which might be  
2 28 incurred by the municipality or its officers,  
2 29 employees, and agents under section 670.2 and section  
2 30 670.8 and may similarly purchase insurance covering  
2 31 torts specified in section 670.4. The governing body  
2 32 of a municipality may adopt a self-insurance program,  
2 33 including but not limited to the investigation and  
2 34 defense of claims, the establishment of a reserve fund  
2 35 for claims, the payment of claims, and the  
2 36 administration and management of the self-insurance  
2 37 program, to cover all or any part of the liability.  
2 38 The governing body of a municipality may join and pay  
2 39 funds into a local government risk pool to protect  
2 40 itself against any or all liability. The governing  
2 41 body of a municipality may enter into insurance  
2 42 agreements obligating the municipality to make  
2 43 payments beyond its current budget year to provide or  
2 44 procure the policies of insurance, self-insurance  
2 45 program, or local government risk pool. The premium  
2 46 costs of the insurance, the costs of a self-insurance  
2 47 program, the costs of a local government risk pool,  
2 48 and the amounts payable under the insurance agreements  
2 49 may be paid out of the general fund or any available  
2 50 funds or may be levied in excess of any tax limitation



Iowa General Assembly  
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Senate Amendment 5331 continued

3 1 imposed by statute. However, for school districts,  
3 2 the costs shall be included in the district management  
3 3 levy as provided in section 296.7 if the district has  
3 4 certified a district management levy. If the district  
3 5 has not certified a district management levy, the cost  
3 6 shall be paid from the general fund. Any independent  
3 7 or autonomous board or commission in the municipality  
3 8 having authority to disburse funds for a particular  
3 9 municipal function without approval of the governing  
3 10 body may similarly enter into insurance agreements,  
3 11 procure liability insurance, adopt a self=insurance  
3 12 program, or join a local government risk pool within  
3 13 the field of its operation.

3 14 2. The procurement of this insurance constitutes a  
3 15 waiver of the defense of governmental immunity as to  
3 16 those exceptions listed in section 670.4 to the extent  
3 17 stated in the policy but shall have no further effect  
3 18 on the liability of the municipality beyond the scope  
3 19 of this chapter, but if a municipality adopts a  
3 20 self=insurance program or joins and pays funds into a  
3 21 local government risk pool the action does not  
3 22 constitute a waiver of the defense of governmental  
3 23 immunity as to the exceptions listed in section 670.4.

3 24 3. The existence of any insurance which covers in  
3 25 whole or in part any judgment or award which may be  
3 26 rendered in favor of the plaintiff, or lack of any  
3 27 such insurance, shall not be material in the trial of  
3 28 any action brought against the governing body of a  
3 29 municipality, or its officers, employees, or agents  
3 30 and any reference to such insurance, or lack of  
3 31 insurance, is grounds for a mistrial. A  
3 32 self=insurance program or local government risk pool  
3 33 is not insurance and is not subject to regulation  
3 34 under chapters 505 through 523C.

3 35 4. The association of county fairs as defined in  
3 36 section 174.1, or a fair, shall be deemed to be a  
3 37 municipality as defined in this chapter only for the  
3 38 purpose of joining a local government risk pool as  
3 39 provided in this section.>

3 40 #3. Title page, line 1, by inserting after the  
3 41 word <insurance> the following: <and to  
3 42 self=insurance>.

3 43 #4. By renumbering, relettering, or redesignating  
3 44 and correcting internal references as necessary.

3 45 SF 2337.H

3 46 jg/25



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Senate Amendment 5332

PAG LIN

1 1 Amend Senate File 2411 as follows:  
1 2 #1. Page 2, by inserting after line 23 the  
1 3 following:  
1 4 <Sec. \_\_\_\_\_. Section 20.17, subsection 3, Code 2007,  
1 5 is amended to read as follows:  
1 6 3. Negotiating sessions, strategy meetings of  
1 7 public employers or employee organizations, mediation  
1 8 and the deliberative process of arbitrators shall be  
1 9 ~~exempt from~~ subject to the provisions of chapter 21.  
1 10 ~~However, the~~ The employee organization shall present  
1 11 its initial bargaining position to the public employer  
1 12 at the first bargaining session. The public employer  
1 13 shall present its initial bargaining position to the  
1 14 employee organization at the second bargaining  
1 15 session, which shall be held no later than two weeks  
1 16 following the first bargaining session. Both sessions  
1 17 shall be open to the public and subject to the  
1 18 provisions of chapter 21. Hearings conducted by  
1 19 arbitrators shall be open to the public.>  
1 20 #2. By renumbering as necessary.  
1 21  
1 22  
1 23  
1 24 STEVE KETTERING  
1 25 SF 2411.202 82  
1 26 rh/rj/11498  
1 27  
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Senate Amendment 5333

PAG LIN

1 1 Amend House File 2660, as amended, passed, and  
1 2 reprinted by the House as follows:  
1 3 #1. Page 15, line 21, by striking the words and  
1 4 figure <17 percent of> and inserting the following:  
1 5 <the state's normal contribution rate multiplied by>.  
1 6 #2. Page 16, line 30, by striking the words and  
1 7 figure <17 percent of> and inserting the following:  
1 8 <the state's normal contribution rate multiplied by>.  
1 9 #3. Page 17, line 9, by striking the words and  
1 10 figure <17 percent of> and inserting the following:  
1 11 <the state's normal contribution rate multiplied by>.  
1 12 #4. Page 17, line 18, by striking the words and  
1 13 figure <17 percent of> and inserting the following:  
1 14 <the state's normal contribution rate multiplied by>.  
1 15  
1 16  
1 17  
1 18 MICHAEL W. CONNOLLY  
1 19 HF 2660.206 82  
1 20 jm/ml/12  
1 21  
1 22  
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**Senate Amendment 5334**

PAG LIN

1 1 Amend House File 2612, as amended, passed, and  
 1 2 reprinted by the House, as follows:  
 1 3 #1. Page 1, by inserting after line 18 the  
 1 4 following:  
 1 5 <Sec. \_\_\_\_\_. Section 455A.20, subsection 1,  
 1 6 paragraph e, Code 2007, is amended to read as follows:  
 1 7 e. (1) A representative of each of the following  
 1 8 entities:  
 1 9 (a) A historic preservation commission or similar  
 1 10 entity established by a county or city in the county.  
 1 11 (b) A private organization that provides  
 1 12 recognition and protection for the historic buildings,  
 1 13 structures, sites, and districts in a county or a city  
 1 14 in the county.  
 1 15 (c) A historic museum or organization that  
 1 16 maintains a collection of documents relating to the  
 1 17 history of a county or a city in the county.  
 1 18 (2) A representative shall be appointed by the  
 1 19 county's board of supervisors. If the board appoints  
 1 20 a person representing an entity established by a city  
 1 21 in the county, the board shall consult with the city  
 1 22 authority that established the entity.  
 1 23 ~~e.~~ f. If a question arises as to whether a  
 1 24 recognized county organization exists under paragraph  
 1 25 "c" or "d", the question shall be decided by a  
 1 26 majority vote of the members selected under paragraphs  
 1 27 "a" and "b", excluding the representative of the  
 1 28 county conservation board. Sections 69.16 and 69.16A  
 1 29 do not apply to appointments made pursuant to this  
 1 30 subsection.>  
 1 31 #2. By striking page 10, line 22, through page 11,  
 1 32 line 1.  
 1 33 #3. By renumbering as necessary.  
 1 34  
 1 35  
 1 36  
 1 37 DICK L. DEARDEN  
 1 38  
 1 39  
 1 40  
 1 41 DENNIS H. BLACK  
 1 42 HF 2612.206 82  
 1 43 da/ml/12  
 1 44  
 1 45  
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Senate Amendment 5335

PAG LIN

1 1 Amend Senate File 2416 as follows:  
1 2 #1. Page 1, line 13, by striking the figure <1.>  
1 3 and inserting the following: <(1)>.  
1 4 #2. Page 1, line 16, by striking the figure <2.>  
1 5 and inserting the following: <(2)>.  
1 6 #3. Page 1, line 21, by striking the figure <3.>  
1 7 and inserting the following: <(3)>.  
1 8 #4. Page 1, by inserting after line 22 the  
1 9 following:  
1 10 <\_\_\_\_. For the purposes of this chapter, persons  
1 11 licensed under chapter 543B are not employees.>  
1 12 #5. Page 1, line 26, by striking the figure <1.>  
1 13 and inserting the following: <(1)>.  
1 14 #6. Page 1, line 28, by striking the figure <2.>  
1 15 and inserting the following: <(2)>.  
1 16 #7. Page 1, line 30, by striking the figure <3.>  
1 17 and inserting the following: <(3)>.  
1 18 #8. Page 1, line 32, by striking the figure <4.>  
1 19 and inserting the following: <(4)>.  
1 20 #9. Page 1, line 35, by striking the figure <5.>  
1 21 and inserting the following: <(5)>.  
1 22 #10. Page 8, line 24, by striking the word  
1 23 <working> and inserting the following: <employment>.  
1 24 #11. Page 14, by inserting after line 20 the  
1 25 following:  
1 26 <Sec. \_\_\_\_\_. NEW SECTION. 91G.12 AGRICULTURAL  
1 27 ACTIVITIES.  
1 28 A person shall not be classified as an employee or  
1 29 a contractor under this chapter when the person  
1 30 participates in agricultural activities on  
1 31 agricultural land. Agricultural activities include  
1 32 the raising, harvesting, handling, drying, processing,  
1 33 or storage of crops used for feed, food, fuel, seed,  
1 34 or fiber; the production, care, feeding, or keeping of  
1 35 livestock; fencing; drainage; the handling or  
1 36 transportation of crops or livestock; the storage,  
1 37 treatment, land application, or disposal of livestock  
1 38 manure; the application of fertilizers, soil  
1 39 conditioners, pesticides, and herbicides on crops;  
1 40 environmental protection or preservation activities;  
1 41 and any accessory or related activities.>  
1 42 #12. Title page, line 4, by striking the words  
1 43 <appropriation and an>.  
1 44 #13. By renumbering as necessary.  
1 45  
1 46  
1 47  
1 48 JOE BOLKCOM  
1 49 SF 2416.504 82  
1 50 ak/rj/11542



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Senate Amendment 5336

PAG LIN

1 1 Amend Senate File 2416 as follows:  
1 2 #1. Page 11, by striking lines 24 and 25, and  
1 3 inserting the following: <subject to a civil penalty  
1 4 not to exceed six hundred dollars for a first  
1 5 violation as determined by>.  
1 6 #2. Page 11, line 27, by striking the words <one  
1 7 thousand eight hundred seventy-five> and inserting the  
1 8 following: <nine hundred>.  
1 9 #3. Page 11, line 30, by striking the word <three>  
1 10 and inserting the following: <one>.  
1 11 #4. Page 11, line 31, by striking the words <one  
1 12 hundred twenty-five> and inserting the following:  
1 13 <five hundred>.  
1 14 #5. Page 11, line 32, by striking the word <six>  
1 15 and inserting the following: <two>.  
1 16 #6. Page 12, by striking lines 2 through 5, and  
1 17 inserting the following: <commits a second or  
1 18 subsequent violation within two years of a first  
1 19 violation commits a simple misdemeanor.>  
1 20  
1 21  
1 22  
1 23 BRAD ZAUN  
1 24 SF 2416.203 82  
1 25 ak/ml/12  
1 26  
1 27  
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**Senate Amendment 5337**

PAG LIN

1 1 Amend Senate File 2416 as follows:  
1 2 #1. Page 14, line 3, by striking the word <five>  
1 3 and inserting the following: <three>.  
1 4  
1 5  
1 6  
1 7 PAUL McKINLEY  
1 8 SF 2416.304 82  
1 9 ak/ml/12  
1 10  
1 11  
1 12  
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**Senate Amendment 5338**

PAG LIN

1 1 Amend Senate File 2416 as follows:  
1 2 #1. Page 7, by striking lines 24 and 25 and  
1 3 inserting the following: <contractors and  
1 4 subcontractors.>  
1 5  
1 6  
1 7  
1 8 BRAD ZAUN  
1 9 SF 2416.701 82  
1 10 ak/ml/12  
1 11  
1 12  
1 13  
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**Senate Amendment 5339**

PAG LIN

1 1 Amend Senate File 2416 as follows:  
1 2 #1. Page 7, lines 30 and 31, by striking the words  
1 3 <or a person with an interest in compliance with this  
1 4 chapter>.  
1 5  
1 6  
1 7  
1 8 PAT WARD  
1 9 SF 2416.702 82  
1 10 ak/ml/12  
1 11  
1 12  
1 13  
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**Senate Amendment 5340**

PAG LIN

1 1 Amend Senate File 2416 as follows:  
1 2 #1. Page 4, line 9, by striking the word <a.>  
1 3 #2. Page 4, by striking lines 17 through 26.  
1 4  
1 5  
1 6  
1 7 PAT WARD  
1 8 SF 2416.502 82  
1 9 ak/ml/12  
1 10  
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Senate Amendment 5341

PAG LIN

1 1 Amend Senate File 2416 as follows:  
1 2 #1. Page 9, by inserting after line 29 the  
1 3 following:  
1 4 <\_\_\_\_. A person acting in an official capacity  
1 5 related to services provided by the commissioner for  
1 6 the purposes of workplace safety training and  
1 7 education, pursuant to section 88.16, shall not file  
1 8 or investigate a complaint pursuant to this chapter if  
1 9 the information leading to the complaint was received  
1 10 due to services provided pursuant to section 88.16.>  
1 11 #2. By renumbering as necessary.  
1 12  
1 13  
1 14  
1 15 PAT WARD  
1 16 SF 2416.205 82  
1 17 ak/ml/12  
1 18  
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## Senate Amendment 5342

PAG LIN

1 1 Amend Senate File 2416 as follows:  
1 2 #1. Page 4, by striking lines 14 through 16 and  
1 3 inserting the following: <person has violated the  
1 4 provisions of the chapter. However, such entry by the  
1 5 commissioner shall only be in response to a written  
1 6 complaint.>  
1 7 #2. Page 4, line 34, by inserting after the word  
1 8 <the> the following: <written>.  
1 9 #3. Page 5, line 11, by inserting after the word  
1 10 <any> the following: <written>.  
1 11 #4. Page 5, line 34, by inserting after the word  
1 12 <a> the following: <written>.  
1 13 #5. Page 6, line 2, by inserting after the words  
1 14 <of the> the following: <written>.  
1 15 #6. Page 9, line 20, by inserting after the word  
1 16 <a> the following: <written>.  
1 17 #7. Page 9, line 23, by inserting after the word  
1 18 <a> the following: <written>.  
1 19 #8. Page 12, line 32, by inserting after the word  
1 20 <good=faith> the following: <written>.  
1 21  
1 22  
1 23  
1 24 PAUL McKINLEY  
1 25 SF 2416.204 82  
1 26 ak/ml/12  
1 27  
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# Senate Amendment 5343

PAG LIN

1 1 Amend Senate File 2416 as follows:  
1 2 #1. Page 12, by striking lines 17 through 27.  
1 3 #2. By renumbering as necessary.  
1 4  
1 5  
1 6  
1 7 BRAD ZAUN  
1 8 SF 2416.303 82  
1 9 ak/ml/12  
1 10  
1 11  
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1 14  
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# Senate Amendment 5344

PAG LIN

1 1 Amend Senate File 2416 as follows:  
1 2 #1. Page 5, by striking lines 28 through 34 and  
1 3 inserting the following: <regarding the employee or  
1 4 person. Any employee may file a complaint with the>.  
1 5  
1 6  
1 7  
1 8 PAUL McKINLEY  
1 9 SF 2416.503 82  
1 10 ak/ml/12  
1 11  
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**Senate Amendment 5345**

PAG LIN

1 1 Amend Senate File 2411 as follows:  
1 2 #1. Page 17, by inserting after line 15 the  
1 3 following:  
1 4 <c. This subsection shall not apply to head  
1 5 athletic director applicants or coaching applicants  
1 6 under the control of the state board of regents.>  
1 7  
1 8  
1 9  
1 10 LARRY McKIBBEN  
1 11 SF 2411.504 82  
1 12 rh/nh/21199  
1 13  
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## Senate Amendment 5346

PAG LIN

1 1 Amend Senate File 2413 as follows:  
1 2 #1. Page 1, by inserting before line 1 the  
1 3 following:  
1 4 <Section 1. Section 257.13, subsection 2, Code  
1 5 2007, is amended to read as follows:  
1 6 2. The board of directors of a school district  
1 7 that wishes to receive an on-time funding budget  
1 8 adjustment shall adopt a resolution to receive the  
1 9 adjustment and notify the school budget review  
1 10 committee ~~by November 1,~~ annually as determined by the  
1 11 department of education. The school budget review  
1 12 committee shall establish a modified allowable growth  
1 13 in an amount determined pursuant to subsection 1.>  
1 14 #2. Page 1, line 11, by inserting after the figure  
1 15 <6.5,> the following: <the school district requested  
1 16 on March 10, 2008, modified allowable growth for the  
1 17 conversion to the generally accepted accounting  
1 18 principles basis of budgeting and the school district  
1 19 has been notified by the department of education that  
1 20 it is likely to have a negative unspent authorized  
1 21 budget on June 30, 2008, or June 30, 2009,>.  
1 22 #3. Page 1, by striking lines 16 and 17 and  
1 23 inserting the following: <unspent balance. The  
1 24 request must include a verification from the school  
1 25 district's independent auditor of the amount by which  
1 26 the change to generally accepted accounting principles  
1 27 basis of budgeting contributed to the district's  
1 28 negative unspent authorized budget.>  
1 29 #4. Page 1, by striking lines 19 through 21 and  
1 30 inserting the following: <request described in  
1 31 paragraph "a" on or before August 15, 2008.>  
1 32 #5. Page 2, by striking lines 9 through 11 and  
1 33 inserting the following: <before August 15, 2008.>  
1 34 #6. Page 2, by striking lines 32 through 34 and  
1 35 inserting the following: <before August 15, 2008.>  
1 36 #7. Page 3, by striking lines 6 and 7.  
1 37 #8. Title page, by striking line 1 and inserting  
1 38 the following: <An Act relating to requests and  
1 39 applications submitted by school districts to the>.  
1 40 #9. Title page, by striking line 3 and inserting  
1 41 the following: <finances.>  
1 42 #10. By renumbering as necessary.  
1 43  
1 44  
1 45  
1 46 THOMAS G. COURTNEY  
1 47 SF 2413.501 82  
1 48 da/nh/21206  
1 49  
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Senate Amendment 5347

PAG LIN

1 1 Amend Senate File 2416 as follows:  
1 2 #1. Page 6, by inserting after line 33 the  
1 3 following:  
1 4 <DIVISION  
1 5 PUBLIC CONTRACTS AND EMPLOYMENT  
1 6 Sec. \_\_\_\_\_. Section 8A.413, Code 2007, is amended by  
1 7 adding the following new subsection:  
1 8 NEW SUBSECTION. 23. For determining the work  
1 9 eligibility status of employees by requiring  
1 10 utilization of a status verification system as defined  
1 11 in section 73A.22.  
1 12 Sec. \_\_\_\_\_. NEW SECTION. 73A.22 STATE ASSISTANCE  
1 13 RESTRICTIONS == PERSONS EMPLOYING UNAUTHORIZED ALIENS.  
1 14 1. a. For purposes of this section,  
1 15 "developmental assistance" means any form of public  
1 16 assistance, including tax expenditures, made for the  
1 17 purpose of stimulating the economic development of a  
1 18 corporation, industry, geographic jurisdiction, or any  
1 19 other sector of the state's economy, including but not  
1 20 limited to industrial development bonds, training  
1 21 grants, loans, loan guarantees, enterprise zones,  
1 22 empowerment zones, tax increment financing, fee  
1 23 waivers, land price subsidies, infrastructure  
1 24 constructed or improved for the benefit of a single  
1 25 business or defined group of businesses at the time it  
1 26 is built or improved, matching funds, tax abatements,  
1 27 tax credits and tax discounts of every kind, including  
1 28 corporate, franchise, personal income, sales and use,  
1 29 raw materials, real property, job creation, individual  
1 30 investment, excise, utility, inventory, accelerated  
1 31 depreciation, and research and development tax credits  
1 32 and discounts.  
1 33 b. For purposes of this section, "status  
1 34 verification system" means an electronic system  
1 35 operated by the federal government utilized to verify  
1 36 or ascertain the citizenship or immigration status of  
1 37 any individual and includes any of the following:  
1 38 (1) The electronic verification of work  
1 39 authorization program under the federal Illegal  
1 40 Immigration Reform and Immigration Responsibility Act  
1 41 of 1996, and operated by the United States department  
1 42 of homeland security.  
1 43 (2) Any federal program designated by the United  
1 44 States department of homeland security or any other  
1 45 federal agency authorized to verify the work  
1 46 eligibility status of newly hired employees, pursuant  
1 47 to the federal Immigration Reform and Control Act of  
1 48 1986.  
1 49 (3) Any independent, third-party system with an  
1 50 equal or higher degree of reliability as the programs,



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Senate Amendment 5347 continued

2 1 systems, or processes described in this paragraph "b".  
2 2 (4) The social security number verification  
2 3 service, or such similar online verification process  
2 4 implemented by the United States social security  
2 5 administration.

2 6 2. A state department, institution, or agency, or  
2 7 any board member, commissioner, director, manager, or  
2 8 other person connected with any such department,  
2 9 institution, or agency, shall not award a contract or  
2 10 provide developmental assistance to an employer if the  
2 11 employer or corporate officer of the employer has  
2 12 failed to ascertain the status of its employees  
2 13 through a status verification system.

2 14 3. Any contract or developmental assistance  
2 15 awarded shall provide that if, during the effective  
2 16 period of the contract or developmental assistance,  
2 17 the vendor, contractor, subcontractor, or  
2 18 developmental assistance recipient fails to utilize a  
2 19 status verification system, the contract or  
2 20 developmental assistance shall be terminated.

2 21 4. A state department, institution, or agency may  
2 22 enforce its rights under this section by instituting a  
2 23 civil action in district court in this state. In  
2 24 addition, a state department, institution, or agency  
2 25 shall not award a contract or provide developmental  
2 26 assistance to any person who violates this section for  
2 27 a period of five years after the date of the  
2 28 violation.

DIVISION

STATE PUBLIC ASSISTANCE

2 30  
2 31 Sec. \_\_\_\_ . NEW SECTION. 73A.23 STATE ASSISTANCE  
2 32 RESTRICTIONS == UNAUTHORIZED ADULT ALIENS ==  
2 33 PENALTIES.

2 34 1. For purposes of this section, unless the  
2 35 context otherwise requires:

2 36 a. "State aid" means any form of financial  
2 37 benefit, aid, or assistance provided to a person by a  
2 38 state department, institution, or agency.

2 39 b. "Unauthorized adult alien" means a person who  
2 40 is eighteen years of age or older and who is not a  
2 41 citizen or legal resident of, and who has not been  
2 42 lawfully admitted to the United States for permanent  
2 43 residence or who is not authorized to work in the  
2 44 United States.

2 45 2. A state department, institution, or agency  
2 46 shall not provide any state aid to an unauthorized  
2 47 adult alien.

2 48 To ascertain whether a person is eligible for state  
2 49 aid pursuant to the requirements of this section, the  
2 50 state department, institution, or agency shall verify,



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Senate Amendment 5347 continued

3 1 if possible, a person's eligibility for benefits  
3 2 through the federal systematic alien verification for  
3 3 entitlements program operated by the United States  
3 4 department of homeland security or an equivalent  
3 5 program designated by the United States department of  
3 6 homeland security.

3 7 3. A person who makes a false statement or  
3 8 representation as to whether the person is an  
3 9 unauthorized adult alien knowing it to be false or  
3 10 knowingly fails to disclose this fact, to obtain or  
3 11 increase any state aid in violation of this section,  
3 12 is guilty of a fraudulent practice as defined in  
3 13 sections 714.8 to 714.14. The total amount of state  
3 14 aid involved in the completion of or in the attempt to  
3 15 complete a fraudulent practice shall be used in  
3 16 determining the value involved under section 714.14.

3 17 DIVISION

3 18 POSTSECONDARY INSTITUTIONS

3 19 Sec. \_\_\_\_\_. Section 260C.14, Code 2007, is amended  
3 20 by adding the following new subsection:

3 21 NEW SUBSECTION. 22. Require an individual who  
3 22 submits an application for admission to the community  
3 23 college to provide proof of United States citizenship  
3 24 or proof that the individual is lawfully present in  
3 25 the United States. An individual who cannot provide  
3 26 such proof shall not be admitted by the community  
3 27 college as a student. The department of education  
3 28 shall annually calculate the education funding per  
3 29 student for community colleges. State assistance to a  
3 30 community college for a fiscal year shall be reduced  
3 31 by the education funding per student amount calculated  
3 32 for community colleges multiplied by the number of  
3 33 students enrolled in the community college in the  
3 34 prior fiscal year who failed to provide proof as  
3 35 required under this subsection. This section shall  
3 36 not apply to students who are taking courses offered  
3 37 by the community college under the provisions of  
3 38 section 257.11 or under the provisions of chapter  
3 39 261C.

3 40 Sec. \_\_\_\_\_. Section 262.9, Code Supplement 2007, is  
3 41 amended by adding the following new subsection:

3 42 NEW SUBSECTION. 32. Direct each of the  
3 43 institutions of higher education under the board's  
3 44 control to require an individual who submits an  
3 45 application for admission to the institution to  
3 46 provide proof of United States citizenship or proof  
3 47 that the individual is lawfully present in the United  
3 48 States. An individual who cannot provide such proof  
3 49 shall not be admitted by the institution as a student.  
3 50 The department of education shall annually calculate



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Senate Amendment 5347 continued

4 1 the education funding per student for regents  
4 2 universities. State assistance to an institution for  
4 3 a fiscal year shall be reduced by the education  
4 4 funding per student amount calculated for regents  
4 5 universities multiplied by the number of students  
4 6 enrolled in the institution in the prior fiscal year  
4 7 who failed to provide proof as required under this  
4 8 subsection. This section shall not apply to students  
4 9 who are taking courses offered by the institution  
4 10 under the provisions of chapter 261C.

4 11 Sec. \_\_\_\_\_. APPLICABILITY. Notwithstanding section  
4 12 260C.14, subsection 22, as enacted by this Act, and  
4 13 section 262.9, subsection 32, as enacted by this Act,  
4 14 state assistance to an institution shall not be  
4 15 reduced as provided in those subsections on the basis  
4 16 of students who were enrolled in a community college  
4 17 or regents university on or before January 1, 2009.

4 18 DIVISION

4 19 IDENTIFICATION CARDS

4 20 Sec. \_\_\_\_\_. Section 321.177, Code 2007, is amended  
4 21 by adding the following new subsection:

4 22 NEW SUBSECTION. 10. To any person who is an  
4 23 unauthorized alien as defined in section 710B.1

4 24 Sec. \_\_\_\_\_. Section 321.190, subsection 1, Code  
4 25 2007, is amended by adding the following new  
4 26 paragraph:

4 27 NEW PARAGRAPH. e. The department shall not issue  
4 28 a card to a person who is an unauthorized alien as  
4 29 defined in section 710B.1.

4 30 DIVISION

4 31 LOCAL GOVERNMENT

4 32 Sec. \_\_\_\_\_. Section 331.304A, Code 2007, is amended  
4 33 by adding the following new subsection:

4 34 NEW SUBSECTION. 3. A county shall not adopt or  
4 35 enforce county legislation prohibiting a peace  
4 36 officer, county official, or county employee from  
4 37 communicating or cooperating with federal officials  
4 38 with regard to the immigration status of any person  
4 39 within the state. County officials who vote to  
4 40 approve such county legislation may be personally  
4 41 liable under section 670.12 for damages resulting from  
4 42 enforcement of the county legislation.

4 43 Sec. \_\_\_\_\_. Section 364.3, Code 2007, is amended by  
4 44 adding the following new subsection:

4 45 NEW SUBSECTION. 10. A city shall not adopt or  
4 46 enforce an ordinance prohibiting a peace officer, city  
4 47 official, or city employee from communicating or  
4 48 cooperating with federal officials with regard to the  
4 49 immigration status of any person within the state.  
4 50 City officials who vote to approve such an ordinance



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Senate Amendment 5347 continued

5 1 may be personally liable under section 670.12 for  
5 2 damages resulting from enforcement of the county  
5 3 legislation.

5 4 Sec. \_\_\_\_\_. Section 670.12, Code 2007, is amended to  
5 5 read as follows:

5 6 670.12 OFFICERS AND EMPLOYEES == PERSONAL  
5 7 LIABILITY.

5 8 All officers and employees of municipalities are  
5 9 not personally liable for claims which are exempted  
5 10 under section 670.4, except claims for punitive  
5 11 damages, claims for damages pursuant to section  
5 12 331.304A, subsection 3, or section 364.3, subsection  
5 13 10, and actions permitted under section 85.20. An  
5 14 officer or employee of a municipality is not liable  
5 15 for punitive damages as a result of acts in the  
5 16 performance of a duty, unless actual malice or  
5 17 willful, wanton and reckless misconduct is proven.

5 18 DIVISION

5 19 PRISONERS

5 20 Sec. \_\_\_\_\_. Section 356.2, Code 2007, is amended to  
5 21 read as follows:

5 22 356.2 DUTY.

5 23 1. The sheriff shall have charge and custody of  
5 24 the prisoners in the jail or other prisons of the  
5 25 sheriff's county, and shall receive those lawfully  
5 26 committed, and keep them until discharged by law.

5 27 2. Upon confinement of a prisoner in the jail, the  
5 28 sheriff shall make a reasonable effort to determine  
5 29 whether the person is an unauthorized alien as defined  
5 30 in section 710B.1. If the sheriff has reason to  
5 31 believe that the prisoner is an unauthorized alien or  
5 32 is unable to determine whether the prisoner is an  
5 33 unauthorized alien, the sheriff shall notify United  
5 34 States immigration and customs enforcement of the  
5 35 United States department of homeland security.

5 36 Sec. \_\_\_\_\_. NEW SECTION. 904.501A ASCERTAINMENT OF  
5 37 STATUS.

5 38 The superintendent of each institution shall,  
5 39 within ten days after the commitment or entrance of a  
5 40 person to the institution, make a reasonable effort to  
5 41 determine whether the person is an unauthorized alien  
5 42 as defined in section 710B.1. If the superintendent  
5 43 has reason to believe that the person is an  
5 44 unauthorized alien or is unable to determine whether  
5 45 the person is an unauthorized alien, the  
5 46 superintendent shall notify United States immigration  
5 47 and customs enforcement of the United States  
5 48 department of homeland security.

5 49 DIVISION

5 50 TRANSPORTATION OF UNAUTHORIZED ALIENS



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6 1 Sec. \_\_\_\_\_. NEW SECTION. 710B.1 TRANSPORTATION AND  
6 2 CONCEALMENT OF UNAUTHORIZED ALIENS.

6 3 1. It shall be unlawful for any person to  
6 4 transport, move, conceal, harbor, or shelter, or  
6 5 attempt to transport, an unauthorized alien in this  
6 6 state knowing or in reckless disregard of the fact  
6 7 that the person is an unauthorized alien.

6 8 2. For purposes of this section, an "unauthorized  
6 9 alien" means a person who is not a citizen or legal  
6 10 resident and who has not been lawfully admitted to the  
6 11 United States pursuant to federal law.

6 12 3. A person who violates this section commits a  
6 13 class "D" felony.

6 14 DIVISION  
6 15 MEMORANDUM OF UNDERSTANDING TO ENFORCE IMMIGRATION LAW  
6 16 Sec. \_\_\_\_\_. MEMORANDUM OF UNDERSTANDING ==  
6 17 ENFORCEMENT OF FEDERAL IMMIGRATION LAW.

6 18 1. The attorney general is authorized and directed  
6 19 to negotiate the terms of a memorandum of  
6 20 understanding between the state of Iowa and the United  
6 21 States department of justice or the United States  
6 22 department of homeland security concerning the  
6 23 enforcement of federal immigration and custom laws,  
6 24 detention removals, and investigations in the state of  
6 25 Iowa.

6 26 2. The memorandum of understanding negotiated  
6 27 pursuant to subsection 1 shall be signed on behalf of  
6 28 this state by the attorney general and the governor or  
6 29 as otherwise required by the appropriate federal  
6 30 agency but shall not be implemented until money is  
6 31 appropriated for such purpose.

6 32 3. A local government, whether acting through its  
6 33 governing body or by an initiative, referendum, or any  
6 34 other process, shall not enact any ordinance,  
6 35 resolution, or policy that limits or prohibits a law  
6 36 enforcement officer, local officer, or local  
6 37 government employee from communicating or cooperating  
6 38 with federal officials with regard to the immigration  
6 39 status of any person within this state.

6 40 4. Notwithstanding any other provision of law, a  
6 41 government entity or official within the state of Iowa  
6 42 shall not prohibit, or in any way restrict, any  
6 43 government entity or official from sending to, or  
6 44 receiving from, the United States department of  
6 45 homeland security, information regarding the  
6 46 citizenship or immigration status, lawful or unlawful,  
6 47 of any individual.

6 48 5. Notwithstanding any other provision of law, no  
6 49 person or agency may prohibit, or in any way restrict,  
6 50 a public employee from doing any of the following with



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Senate Amendment 5347 continued

- 7 1 respect to information regarding the immigration  
7 2 status, lawful or unlawful, of any individual:  
7 3 a. Sending such information to, or requesting or  
7 4 receiving such information from, the United States  
7 5 department of homeland security.  
7 6 b. Maintaining such information.  
7 7 c. Exchanging such information with any other  
7 8 federal, state, or local government entity.  
7 9 6. Any natural or legal person lawfully domiciled  
7 10 in this state may file for a writ of mandamus to  
7 11 compel any noncooperating local or state governmental  
7 12 agency to comply with this section.

7 13 DIVISION

7 14 IMPLEMENTATION

- 7 15 Sec. \_\_\_\_ . IMPLEMENTATION OF ACT. Section 25B.2,  
7 16 subsection 3, shall not apply to this Act.>  
7 17 #2. By striking page 6, line 34, through page 16,  
7 18 line 30.  
7 19 #3. Title page, line 1, by inserting after the  
7 20 word <to> the following: <unauthorized aliens and>.  
7 21 #4. Title page, lines 1 and 2, by striking the  
7 22 words <and employment classification>.  
7 23 #5. Title page, line 3, by inserting after the  
7 24 word <employers> the following: <, providing  
7 25 penalties and an applicability date,>.  
7 26 #6. By renumbering as necessary.

7 27

7 28

7 29

7 30 JEFF ANGELO

7 31 SF 2416.501 82

7 32 ak/ml/12



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**Senate Amendment 5348**

PAG LIN

1 1 Amend Senate File 2416 as follows:  
1 2 #1. Page 14, by inserting after line 4 the  
1 3 following:  
1 4 <\_\_\_\_. If a contractor is not found to have  
1 5 violated a provision of this chapter or a rule adopted  
1 6 pursuant to this chapter through a proceeding under  
1 7 subsection 1 and, therefore, the contractor is not  
1 8 found to have damaged the individual who filed suit  
1 9 against the contractor, the court may order the  
1 10 individual to pay the contractor's court costs,  
1 11 interest at the statutory rate from the date of  
1 12 filing, and attorney fees.>  
1 13 #2. By renumbering as necessary.  
1 14  
1 15  
1 16  
1 17 PAUL McKINLEY  
1 18 SF 2416.206 82  
1 19 ak/rj/21212  
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## Senate Amendment 5349

PAG LIN

1 1 Amend Senate File 2411 as follows:  
1 2 #1. Page 13, by striking lines 28 through 30 and  
1 3 inserting the following:  
1 4 <(4) The educational institutions attended by the  
1 5 individual, including any diplomas and degrees earned,  
1 6 and the names of the individual's previous employers,  
1 7 positions previously held, and dates of previous  
1 8 employment.>  
1 9 #2. By renumbering as necessary.  
1 10  
1 11  
1 12  
1 13 HERMAN C. QUIRMBACH  
1 14 SF 2411.701 82  
1 15 rh/rj/11569  
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Iowa General Assembly  
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**Senate Amendment 5350**

PAG LIN

1 1 Amend Senate File 2411 as follows:  
1 2 #1. Page 22, line 28, by inserting after the word  
1 3 <board.> the following: <The budget for the board  
1 4 shall not exceed five hundred thousand dollars  
1 5 annually.>  
1 6  
1 7  
1 8  
1 9 JERRY BEHN  
1 10 SF 2411.203 82  
1 11 rh/rj/11567  
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Iowa General Assembly  
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Senate Amendment 5351

PAG LIN

1 1 Amend House File 2660, as amended, passed, and  
1 2 reprinted by the House, as follows:  
1 3 #1. Page 17, line 21, by striking the figure  
1 4 <49,688,777> and inserting the following:  
1 5 <50,168,777>.  
1 6 #2. Page 17, by inserting after line 22 the  
1 7 following:  
1 8 <As a condition of receiving the appropriation in  
1 9 this subsection, the department of public safety shall  
1 10 increase expenditures for overtime paid to peace  
1 11 officer members of the state patrol by \$350,000 and  
1 12 increase expenditures for fuel used by the motor  
1 13 vehicles of such members by \$130,000.>  
1 14  
1 15  
1 16  
1 17 LARRY NOBLE  
1 18 HF 2660.509 82  
1 19 jm/jp/21209  
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**Iowa General Assembly  
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**Senate Amendment 5352**

PAG LIN

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1 1 Amend House File 2662, as amended, passed, and
1 2 reprinted by the House, as follows:
1 3 #1. Page 9, by inserting after line 18, the
1 4 following:
1 5 <Sec. _____. UNASSIGNED REVENUE FUND == FUNDING
1 6 RESTORATION. There is appropriated from the
1 7 unassigned revenue fund administered by the Iowa
1 8 comprehensive underground storage tank fund board to
1 9 the department of natural resources for the fiscal
1 10 year beginning July 1, 2008, and ending June 30, 2009,
1 11 the following amounts, or so much thereof as is
1 12 necessary, to be used for the purposes designated:
1 13 1. To be credited to and used for snowmobile
1 14 programs as provided for the special snowmobile fund
1 15 created under section 321G.7, in order to restore
1 16 funding transferred pursuant to 2002 Iowa Acts, Second
1 17 Extraordinary Session, chapter 1001, section 10:
1 18 ..... $ 950,000
1 19 2. To be credited to and used for all-terrain
1 20 vehicle programs as provided for the special
1 21 all-terrain vehicle fund created under section 321I.8,
1 22 in order to restore funding transferred pursuant to
1 23 2002 Iowa Acts, Second Extraordinary Session, chapter
1 24 1001, section 11:
1 25 ..... $ 775,000>.
1 26 #2. By renumbering as necessary.
1 27
1 28
1 29
1 30 COMMITTEE ON APPROPRIATIONS
1 31 ROBERT E. DVORSKY, CHAIRPERSON
1 32 HF 2662.204 82
1 33 da/jp/11560
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**Iowa General Assembly  
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**Senate Amendment 5353**

PAG LIN

1 1 Amend Senate File 2420 as follows:  
 1 2 #1. Page 89, by inserting after line 14 the  
 1 3 following:  
 1 4 <PART 5  
 1 5 CONTINGENT CONFORMING AMENDMENTS  
 1 6 Sec. \_\_\_\_\_. Section 423.5, subsection 3, Code 2007,  
 1 7 as amended by this division of this Act, is amended to  
 1 8 read as follows:  
 1 9 3. The An excise tax at the rate of five percent  
 1 10 is imposed on the use of leased vehicles, if the lease  
 1 11 transaction does not require titling or registration  
 1 12 of the vehicle, on the amount subject to tax as  
 1 13 calculated pursuant to section 423.26, subsection 2.  
 1 14 Sec. \_\_\_\_\_. Section 423.43, subsection 1, as enacted  
 1 15 by this division of this Act, is amended to read as  
 1 16 follows:  
 1 17 1. a. Except as provided in subsection 2, all  
 1 18 revenue arising under the operation of the use tax  
 1 19 under subchapter III shall be deposited into the  
 1 20 general fund of the state.  
 1 21 b. Subsequent to the deposit into the general fund  
 1 22 of the state and after the transfer of such revenues  
 1 23 collected under chapter 423B, the department shall  
 1 24 transfer one-sixth of such remaining revenues to the  
 1 25 secure an advanced vision for education fund created  
 1 26 in section 423F.2. This paragraph is repealed  
 1 27 December 31, 2029.  
 1 28 Sec. \_\_\_\_\_. The sections of 2008 Iowa Acts, House  
 1 29 File 2663, amending section 312.1, subsection 4,  
 1 30 section 327I.26, section 423.5, subsection 3, section  
 1 31 455G.3, subsection 1, section 455G.6, subsection 4,  
 1 32 and section 455G.8, subsection 2, Code 2007, are  
 1 33 repealed.  
 1 34 Sec. \_\_\_\_\_. The sections of 2008 Iowa Acts, House  
 1 35 File 2663, amending section 312.2, subsection 14,  
 1 36 section 321.34, subsections 7, 10, 10A, 11, 11A, 11B,  
 1 37 13, 16, 17, 18, 19, 20, 20A, 20B, 21, 22, 23, and 24,  
 1 38 section 423.43, and section 423.57, Code Supplement  
 1 39 2007, are repealed.  
 1 40 Sec. \_\_\_\_\_. The sections of 2008 Iowa Acts, House  
 1 41 File 2663, amending 2007 Iowa Acts, chapter 179,  
 1 42 section 6, and providing for such amendment's  
 1 43 effective date, are repealed.  
 1 44 Sec. \_\_\_\_\_. CONTINGENT EFFECTIVE DATE. This part 5  
 1 45 of this division of this Act takes effect only upon  
 1 46 the enactment of 2008 Iowa Acts, House File 2663.  
 1 47 PART 6  
 1 48 EFFECT ON PRIOR LAW>  
 1 49 #2. By renumbering as necessary.  
 1 50



**Iowa General Assembly  
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Senate Amendment 5353 continued

- 2 1
- 2 2
- 2 3 TOM RIELLY
- 2 4 SF 2420.204 82
- 2 5 dea/ml/12



Iowa General Assembly  
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**Senate File 2421 - Introduced**

SENATE FILE  
BY COMMITTEE ON WAYS AND  
MEANS

(SUCCESSOR TO SSB 3287)

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

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

**A BILL FOR**

- 1 An Act authorizing certain special charter cities to impose a
- 2 special charter city sales and services tax.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 6595SV 82
- 5 tw/sc/5



Iowa General Assembly  
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Senate File 2421 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 423F.1 SPECIAL CHARTER CITY  
1 2 SALES AND SERVICES TAX.  
1 3 1. Subject to the provisions of this chapter, a special  
1 4 charter city with a population greater than seventy-five  
1 5 thousand may impose by ordinance a special charter city sales  
1 6 and services tax at the rate of one percent on the sales price  
1 7 taxed by the state under chapter 423, subchapter II.  
1 8 a. A special charter city sales and services tax shall be  
1 9 imposed on the same basis as the state sales and services tax  
1 10 or, in the case of the use of natural gas, natural gas  
1 11 service, electricity, or electric service, on the same basis  
1 12 as the state use tax.  
1 13 b. A special charter city sales and services tax shall not  
1 14 be imposed on the sale of any property or on any service not  
1 15 taxed by the state, except the tax shall not be imposed on the  
1 16 sales price from the sale of motor fuel or special fuel as  
1 17 defined in chapter 452A which is consumed for highway use or  
1 18 in watercraft or aircraft if the fuel tax is paid on the  
1 19 transaction and a refund has not or will not be allowed, on  
1 20 the sales price from the sale of equipment by the state  
1 21 department of transportation, or on the sales price from the  
1 22 sale or use of natural gas, natural gas service, electricity,  
1 23 or electric service in a city where the sales price from the  
1 24 sale of natural gas or electric energy is subject to a  
1 25 franchise fee or user fee during the period the franchise or  
1 26 user fee is imposed.  
1 27 c. A special charter city sales and services tax is  
1 28 applicable to transactions within the incorporated areas of  
1 29 the special charter city where it is imposed and shall be  
1 30 collected by all persons required to collect state sales  
1 31 taxes.  
1 32 d. The amount of the sale, for purposes of determining the  
1 33 amount of the special charter city sales and services tax,  
1 34 does not include the amount of any state sales tax or other  
1 35 local option sales and services taxes.



Iowa General Assembly  
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Senate File 2421 - Introduced continued

2 1 e. A tax permit other than the state sales tax permit  
2 2 required under section 423.36 shall not be required by local  
2 3 authorities.  
2 4 2. If a special charter city sales and services tax is  
2 5 imposed by a city pursuant to this chapter, a local excise tax  
2 6 at the same rate shall be imposed by the city on the purchase  
2 7 price of natural gas, natural gas service, electricity, or  
2 8 electric service subject to tax under chapter 423, subchapter  
2 9 III, and not exempted from tax by any provision of chapter  
2 10 423, subchapter III. The local excise tax is applicable only  
2 11 to the use of natural gas, natural gas service, electricity,  
2 12 or electric service within the incorporated areas of the city  
2 13 where it is imposed and, except as otherwise provided in this  
2 14 chapter, shall be collected and administered in the same  
2 15 manner as the special charter city sales and services tax.  
2 16 For purposes of this chapter, "special charter city sales and  
2 17 services tax" shall also include the local excise tax.  
2 18 3. A special charter city sales and services tax under  
2 19 this chapter may be imposed in addition to any local sales and  
2 20 services tax imposed under chapter 423B in an area of the  
2 21 city.  
2 22 Sec. 2. NEW SECTION. 423F.2 ELECTION == IMPOSITION ==  
2 23 REPEAL.  
2 24 1. ELECTION REQUIREMENT. A special charter city sales and  
2 25 services tax shall be imposed pursuant to this chapter only  
2 26 after an election at which a majority of those voting on the  
2 27 question favors imposition and shall then be imposed until  
2 28 repealed as provided in this section.  
2 29 2. MANNER OF ELECTION. The question of whether a special  
2 30 charter city sales and services tax shall be imposed in a  
2 31 special charter city shall be submitted to the voters by one  
2 32 of the following methods:  
2 33 a. Upon its own motion, the governing body of the city may  
2 34 within thirty days of adoption of the motion direct the county  
2 35 commissioner of elections to submit the question of the



**Iowa General Assembly  
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Senate File 2421 - Introduced continued

3 1 imposition of a special charter city sales and services tax to  
3 2 the registered voters of the city.

3 3     b. Upon the receipt of a petition signed by the residents  
3 4 of the city, the governing body of the city shall within  
3 5 thirty days direct the county commissioner of elections to  
3 6 submit the question of the imposition of a special charter  
3 7 city sales and services tax to the registered voters of the  
3 8 city. A petition requesting imposition of a special charter  
3 9 city sales and services tax shall be signed by a number of  
3 10 eligible electors of the city equal to five percent of the  
3 11 persons in the city who voted in the most recent general  
3 12 election.

3 13     3. TIMING AND BALLOT REQUIREMENTS.

3 14     a. The county commissioner of elections shall submit the  
3 15 question of imposition of a special charter city sales and  
3 16 services tax at the general election, at the regular city  
3 17 election, or at a special election called for that purpose.  
3 18 The election shall not be held sooner than sixty days after  
3 19 publication of notice of the ballot proposition.

3 20     b. The ballot proposition shall specify the date the tax  
3 21 will be imposed. The date of imposition shall be as provided  
3 22 in section 423F.3, subsection 1.

3 23     c. The ballot proposition shall contain a statement of the  
3 24 purposes for which the revenues shall be expended. Moneys  
3 25 collected from a special charter city sales and services tax  
3 26 shall be expended pursuant to section 423F.4, subsection 3.

3 27     d. When submitting the question of the imposition of a  
3 28 special charter city sales and services tax, the governing  
3 29 body of the city may direct that the ballot question contain a  
3 30 provision for the repeal, without election, of the tax on a  
3 31 specific date, which date shall be as provided in section  
3 32 423F.3, subsection 1.

3 33     e. If a majority of those voting on the question of  
3 34 imposition of the special charter city sales and services tax  
3 35 favors imposition of the tax, the governing body of the city



**Iowa General Assembly**  
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Senate File 2421 - Introduced continued

4 1 shall impose the tax at the rate specified in section 423F.1,  
4 2 subsection 1, for an unlimited period.

4 3 4. REPEAL BY ELECTION.

4 4 a. A special charter city sales and services tax may be  
4 5 repealed after an election at which a majority of those voting  
4 6 on the question of repeal favored the repeal. The date on  
4 7 which the repeal takes effect shall not be earlier than ninety  
4 8 days following the election.

4 9 b. The election at which the question of a repeal of the  
4 10 special charter city sales and services tax is submitted to  
4 11 the registered voters shall be called and held in the same  
4 12 manner and under the same conditions as provided in  
4 13 subsections 2 and 3.

4 14 c. An election to repeal a special charter city sales and  
4 15 services tax shall not be submitted to the registered voters  
4 16 of a city more than once every four years.

4 17 5. NOTICE TO THE DIRECTOR OF REVENUE. Within ten days of  
4 18 the election at which a majority of those voting on the  
4 19 question favors the imposition or repeal of a special charter  
4 20 city sales and services tax, the county auditor shall give  
4 21 written notice of the result of the election by sending a copy  
4 22 of the abstract of the votes from the election to the director  
4 23 of revenue. The director shall have the authority to waive  
4 24 the notice requirement.

4 25 Sec. 3. NEW SECTION. 423F.3 ADMINISTRATION.

4 26 1. a. A special charter city sales and services tax shall  
4 27 be imposed either January 1 or July 1 following the  
4 28 notification of the director of revenue but not sooner than  
4 29 ninety days following the passage of the ordinance and not  
4 30 sooner than sixty days following notice to sellers, as defined  
4 31 in section 423.1.

4 32 b. A special charter city sales and services tax shall be  
4 33 repealed only on June 30 or December 31, but not sooner than  
4 34 ninety days following the repeal of the ordinance. However,  
4 35 the sales and services tax shall not be repealed before the



**Iowa General Assembly**  
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Senate File 2421 - Introduced continued

5 1 tax has been in effect for one year.

5 2     c. At least forty days before the imposition or repeal of  
5 3 the tax, a city shall provide notice of the action by  
5 4 certified mail to the director of revenue.

5 5     d. The imposition of a special charter city sales and  
5 6 services tax shall not be applied to purchases from a printed  
5 7 catalog wherein a purchaser computes the local tax based on  
5 8 rates published in the catalog unless a minimum of one hundred  
5 9 twenty days' notice of the imposition has been given to the  
5 10 seller and the first day of a calendar quarter has occurred on  
5 11 or after the one hundred twentieth day.

5 12     2. a. The director of revenue shall administer a special  
5 13 charter city sales and services tax as nearly as possible in  
5 14 conjunction with the administration of state sales tax laws.  
5 15 The director shall provide appropriate forms or provide space  
5 16 on the regular state tax forms for reporting special charter  
5 17 city sales and services tax liability.

5 18     b. The ordinance of a city imposing a special charter city  
5 19 sales and services tax shall adopt by reference the applicable  
5 20 provisions of the appropriate sections of chapter 423. All  
5 21 powers and requirements of the director to administer the  
5 22 state sales tax law and use tax law are applicable to the  
5 23 administration of a special charter city sales and services  
5 24 tax law and the local excise tax, including but not limited to  
5 25 the provisions of section 422.25, subsection 4, sections  
5 26 422.30, 422.67, and 422.68, section 422.69, subsection 1,  
5 27 sections 422.70 to 422.75, section 423.14, subsection 1 and  
5 28 subsection 2, paragraphs "b" through "e", and sections 423.15,  
5 29 423.23, 423.24, 423.25, 423.31 to 423.35, 423.37 to 423.42,  
5 30 423.46, and 423.47. Local officials shall confer with the  
5 31 director of revenue for assistance in drafting the ordinance  
5 32 imposing a special charter city sales and services tax. A  
5 33 certified copy of the ordinance shall be filed with the  
5 34 director as soon as possible after passage of the ordinance.

5 35     c. Frequency of deposits and quarterly reports of a



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Senate File 2421 - Introduced continued

6 1 special charter city sales and services tax with the  
6 2 department of revenue are governed by the tax provisions in  
6 3 section 423.31. Local tax collections shall not be included  
6 4 in computation of the total tax to determine frequency of  
6 5 filing under section 423.31.

6 6 d. The director shall apply a boundary change of a city  
6 7 imposing or collecting the special charter city sales and  
6 8 services tax to the imposition or collection of that tax only  
6 9 on the first day of a calendar quarter which occurs sixty days  
6 10 or more after the director has given notice of the boundary  
6 11 change to sellers.

6 12 3. a. The director, in consultation with local officials,  
6 13 shall collect and account for a special charter city sales and  
6 14 services tax. The director shall certify each quarter the  
6 15 amount of sales and services tax receipts and any interest and  
6 16 penalties to be credited to a special charter city sales and  
6 17 services tax fund of that city established in the office of  
6 18 the treasurer of state. All taxes collected under this  
6 19 chapter by a retailer or any individual are deemed to be held  
6 20 in trust for the state of Iowa and the local jurisdictions  
6 21 imposing the taxes.

6 22 b. All local tax moneys and interest and penalties  
6 23 received or refunded one hundred eighty days or more after the  
6 24 date on which the city repeals its special charter city sales  
6 25 and services tax shall be deposited in or withdrawn from the  
6 26 general fund of the state.

6 27 Sec. 4. NEW SECTION. 423F.4 PAYMENT TO THE CITY == USE  
6 28 OF RECEIPTS.

6 29 1. The director shall credit the special charter city  
6 30 sales and services tax receipts and interest and penalties  
6 31 from a city-imposed tax to the city's special charter city  
6 32 sales and services tax fund.

6 33 2. a. The director of revenue by August 15 of each fiscal  
6 34 year shall send to the city where the special charter city tax  
6 35 is imposed an estimate of the amount of tax moneys the city



**Iowa General Assembly**  
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Senate File 2421 - Introduced continued

7 1 will receive for the year and for each month of the year. At  
7 2 the end of each month, the director may revise the estimates  
7 3 for the year and remaining months.

7 4 b. The director of revenue shall remit ninety=five percent  
7 5 of the estimated tax receipts for the city to the city on or  
7 6 before August 31 of the fiscal year and on or before the last  
7 7 day of each following month.

7 8 c. The director of revenue shall remit a final payment of  
7 9 the remainder of tax moneys due the city for the fiscal year  
7 10 before November 10 of the next fiscal year. If an overpayment  
7 11 has resulted during the previous fiscal year, the November  
7 12 payment shall be adjusted to reflect any overpayment.

7 13 3. All special charter city sales and services tax  
7 14 revenues received by the city under this chapter shall be  
7 15 deposited in a special fund of the city and shall be used as  
7 16 follows:

7 17 a. Ninety percent of the moneys shall be used to provide  
7 18 financial assistance to the following:

7 19 (1) Resident students of the special charter city  
7 20 graduating from a public or nonpublic school located in the  
7 21 special charter city who have enrolled in an institution of  
7 22 higher education. For purposes of this subparagraph,  
7 23 "financial assistance" includes loans, forgivable loans,  
7 24 grants, and scholarships, and "institution of higher  
7 25 education" includes a four=year college or university, a  
7 26 community college, or a technical or vocational school.

7 27 (2) Eligible members of the armed forces of the United  
7 28 States for the purchase of residences or the establishment or  
7 29 expansion of businesses located in the special charter city.  
7 30 For purposes of this subparagraph, "eligible member of the  
7 31 armed forces of the United States" means a person who is or  
7 32 was a member of the national guard, reserve, or regular  
7 33 component of the armed forces of the United States who has  
7 34 served at least ninety days of active duty service beginning  
7 35 on or after September 11, 2001. "Eligible member of the armed





**Iowa General Assembly  
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Senate File 2421 - Introduced continued

9 1 establishing or expanding a business in the city and 10  
9 2 percent for hiring additional public safety personnel.  
9 3 LSB 6595SV 82  
9 4 tw/sc/5



**Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
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# Senate Joint Resolution 2005 - Introduced

SENATE JOINT RESOLUTION  
BY GRONSTAL

(COMPANION TO LSB 6677HH  
BY McCARTHY)

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

**SENATE JOINT RESOLUTION**

1 A Joint Resolution authorizing the temporary use and consumption  
2 of wine and beer in the State Capitol, and the temporary  
3 display of ceremonial banners, in conjunction with the awards  
4 ceremony of the World Food Prize Foundation.  
5 WHEREAS, the State of Iowa has the honor of being the home of  
6 the World Food Prize Foundation which annually presents an  
7 international award recognizing outstanding individual  
8 achievement in improving the quality, quantity, or availability  
9 of food in the world; and  
10 WHEREAS, Iowa's unique State Capitol is an optimal location  
11 for this awards ceremony of the World Food Prize Foundation and  
12 previously served as the ceremony location; and  
13 WHEREAS, the placement of ceremonial banners signifying the  
14 awards ceremony is an appropriate way to announce and commemorate  
15 the event; and  
16 WHEREAS, wine and beer are customarily served as an  
17 accompaniment to the food and entertainment provided at this type  
18 of awards ceremony and wine was served when the ceremony was  
19 previously held at the State Capitol; and  
20 WHEREAS, under 11 IAC 100.4(8), which prohibits the  
21 consumption of alcoholic beverages on the State Capitol complex,  
1 it is not possible to serve wine and beer at this type of awards  
2 ceremony in the State Capitol; NOW THEREFORE,  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
4 TLSB 6677SS 82  
5 rn/rj/5



**Iowa General Assembly**  
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Senate Joint Resolution 2005 - Introduced continued

PAG LIN

1 1 Section 1. Notwithstanding 11 IAC 100.4(8) and any  
1 2 contrary provisions of chapter 123, prohibiting the use and  
1 3 consumption of alcoholic beverages in public places, wine and  
1 4 beer may be used and consumed within the state capitol at an  
1 5 awards ceremony, to be held on or around October 16, 2008,  
1 6 hosted and organized in whole or in part by the world food  
1 7 prize foundation if the person providing the food, wine, and  
1 8 beer at the awards ceremony possesses an appropriate valid  
1 9 liquor control license. For the purpose of this section and  
1 10 section 123.95, the state capitol is a private place.

1 11 Sec. 2. Three ceremonial banners may be temporarily  
1 12 displayed either inside or outside the state capitol  
1 13 commemorating the ceremony.

1 14 EXPLANATION

1 15 This joint resolution authorizes the world food prize  
1 16 foundation to display three ceremonial banners and provide  
1 17 wine and beer for use and consumption at an awards ceremony to  
1 18 be held at the state capitol on or around October 16, 2008.  
1 19 Current law and rules prohibit the use and consumption of  
1 20 alcoholic beverages within the state capitol.

1 21 LSB 6677SS 82

1 22 rn/rj/5



Iowa General Assembly  
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**Senate Resolution 150 - Introduced**

PAG LIN

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

1 1                               SENATE RESOLUTION NO.  
1 2                               BY BEALL and BLACK  
1 3 A Resolution supporting a proposal to invite the  
1 4     Republic of China (Taiwan) to participate in the  
1 5     upcoming meeting of the World Health Assembly as an  
1 6     observer.  
1 7     WHEREAS, the sixty-first World Health Assembly  
1 8     meeting is scheduled to take place May 19 through 24,  
1 9     2008, in Geneva, Switzerland; and  
1 10     WHEREAS, the Republic of China, commonly known as  
1 11     Taiwan, was a founding member of the World Health  
1 12     Organization and participated for 24 years as a full  
1 13     member contributing to achieving the organization's  
1 14     objectives; and  
1 15     WHEREAS, in 1972, in the wake of the admission of  
1 16     the People's Republic of China to the United Nations,  
1 17     Taiwan's membership in the World Health Organization  
1 18     was discontinued; and  
1 19     WHEREAS, Taiwanese health officials and medical  
1 20     professionals have been unable to participate in World  
1 21     Health Organization forums and workshops regarding  
1 22     technological advances in the diagnosis, monitoring,  
1 23     and control of diseases since 1972, and have been  
1 24     denied the right to maintain contact and coordination  
1 25     with the World Health Organization in emergency  
1 26     situations involving the containment and cure of  
1 27     existing and newly emerging infectious diseases; and  
1 28     WHEREAS, Taiwan's location at the juncture of  
1 29     important maritime routes between northeast and  
1 30     southeast Asia has resulted in extensive world trade



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Senate Resolution 150 - Introduced continued

2 1 with Taiwan, a thriving Taiwanese tourism industry,  
2 2 and a large foreign migrant worker population in  
2 3 Taiwan; and  
2 4       WHEREAS, Taiwan's absence from the World Health  
2 5 Organization system has become a missing link in the  
2 6 global framework of providing health and medical care;  
2 7 and  
2 8       WHEREAS, the granting of observer status to Taiwan  
2 9 would not constitute a challenge to representation by  
2 10 the People's Republic of China in the World Health  
2 11 Organization and would demonstrate that the  
2 12 organization is inclusive with regard to Taiwan's 23  
2 13 million inhabitants; and  
2 14       WHEREAS, as a democratically elected government,  
2 15 the government of Taiwan has a duty and responsibility  
2 16 to ensure that the people of Taiwan are represented in  
2 17 an organization which establishes and oversees an  
2 18 international framework for the control of disease and  
2 19 the promotion of universal health; and  
2 20       WHEREAS, Taiwan has made substantial progress in  
2 21 the health field, has one of the highest life  
2 22 expectancy rates in Asia, has maternal and infant  
2 23 mortality rates comparable to those in western  
2 24 countries, has eradicated infectious diseases such as  
2 25 cholera, smallpox, and the plague, and has been the  
2 26 first country in the region to eradicate polio and  
2 27 provide children with hepatitis B vaccinations; and  
2 28       WHEREAS, Taiwan has expressed a willingness in  
2 29 recent years to provide financial and technological  
2 30 assistance in international aid and health activities



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Senate Resolution 150 - Introduced continued

3 1 supported by the World Health Organization; NOW  
3 2 THEREFORE,  
3 3 BE IT RESOLVED BY THE SENATE, That the Senate  
3 4 supports the granting of observer status to Taiwan  
3 5 during the World Health Assembly to be held in May  
3 6 2008; and  
3 7 BE IT FURTHER RESOLVED, That an official copy of  
3 8 this Resolution be prepared and forwarded by the  
3 9 Secretary of the Senate to the governing authority and  
3 10 member states of the World Health Organization, the  
3 11 World Health Assembly, and the governments of Taiwan  
3 12 and of the People's Republic of China.  
3 13 LSB 6577SS 82  
3 14 rn/rj/8



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**Senate Resolution 151 - Introduced**

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

1 1                               SENATE RESOLUTION NO.  
1 2                               BY BEALL and BLACK  
1 3 A Resolution requesting the Congress of the United  
1 4 States to give due consideration to the readiness  
1 5 of the Republic of China on Taiwan for membership  
1 6 in the United Nations.  
1 7       WHEREAS, the Republic of China on Taiwan has  
1 8 established a democratic, multiparty political system,  
1 9 its diplomacy aimed at national unification  
1 10 demonstrates its progressive spirit as a government  
1 11 and a people, and its inclusion in the United Nations  
1 12 would only further the universality of this essential  
1 13 global forum; and  
1 14       WHEREAS, already having provided many developing  
1 15 nations with financial assistance, as well as overseas  
1 16 aid, training, and disaster relief, Taiwan has amply  
1 17 illustrated its concern for the welfare of the world;  
1 18 and  
1 19       WHEREAS, the government of Taiwan has accepted the  
1 20 obligations contained in the United Nations Charter  
1 21 and agrees to promote international peace and  
1 22 security; and  
1 23       WHEREAS, the fundamental right of the over 22  
1 24 million citizens of Taiwan to be partners in the  
1 25 community of nations should no longer be denied; NOW  
1 26 THEREFORE,  
1 27       BE IT RESOLVED BY THE SENATE, That the Senate  
1 28 supports the membership of the Republic of China on  
1 29 Taiwan in the United Nations and urges due  
1 30 consideration by the Congress of the United States;



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Senate Resolution 151 - Introduced continued

2 1 and  
2 2 BE IT FURTHER RESOLVED, That upon adoption, an  
2 3 official copy of this Resolution be prepared and  
2 4 presented to the President of the United States  
2 5 Senate, the Secretary of the United States Senate, the  
2 6 Speaker of the United States House of Representatives,  
2 7 the Clerk of the United States House of  
2 8 Representatives, the members of Iowa's congressional  
2 9 delegation, and the Secretary General of the United  
2 10 Nations.  
2 11 LSB 6576SS 82  
2 12 jr/rj/5



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Senate Study Bill 3300

SENATE FILE  
BY (PROPOSED COMMITTEE ON  
APPROPRIATIONS BILL BY  
CHAIRPERSON DVORSKY)

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

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

A BILL FOR

1 An Act concerning public retirement systems and other employee  
2 benefit-related matters, including the public safety peace  
3 officers' retirement, accident, and disability system, the  
4 Iowa public employees' retirement system, the statewide fire  
5 and police retirement system, and the judicial retirement  
6 system, including implementation and transition provisions,  
7 and providing effective and retroactive applicability dates.  
8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
9 TLSB 6675XC 82  
10 ec/sc/5



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Senate Study Bill 3300 continued

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1 1 DIVISION I

1 2 PUBLIC SAFETY PEACE OFFICERS' RETIREMENT,

1 3 ACCIDENT, AND DISABILITY SYSTEM

1 4 Section 1. Section 97A.1, subsection 14, Code 2007, is

1 5 amended by striking the subsection.

1 6 Sec. 2. Section 97A.1, subsection 15, Code 2007, is

1 7 amended to read as follows:

1 8 15. "Pensions" shall mean annual payments for life derived

1 9 from the appropriations provided by the state of Iowa and from

1 10 contributions of the members which are deposited in the

1 11 ~~pension accumulation~~ retirement fund. All pensions shall be

1 12 paid in equal monthly installments.

1 13 Sec. 3. Section 97A.4, Code 2007, is amended by adding the

1 14 following new unnumbered paragraph:

1 15 NEW UNNUMBERED PARAGRAPH. Upon application by an active

1 16 member prior to June 30, 2009, the board of trustees shall

1 17 credit as service for a member of the system a previous period

1 18 of service as a member of a city fire retirement system and

1 19 police retirement system operating under chapter 411 prior to

1 20 January 1, 1992, for which service was not eligible to be

1 21 transferred to this system pursuant to section 97A.17.

1 22 Sec. 4. Section 97A.5, subsections 3 and 4, Code 2007, are

1 23 amended to read as follows:

1 24 3. COMPENSATION. The trustees shall serve as such without

1 25 compensation, but they shall be reimbursed from the ~~expense~~

1 26 retirement fund for all necessary expenses which they may

1 27 incur through service on the board.

1 28 4. RULES. The board of trustees shall, from time to time,

1 29 establish such rules not inconsistent with this chapter, for

1 30 the administration of ~~funds~~ the system and the retirement fund

1 31 created by this chapter and as may be necessary or appropriate

1 32 for the transaction of its business.

1 33 Sec. 5. Section 97A.5, subsection 6, paragraph a, Code

1 34 2007, is amended to read as follows:

1 35 a. The department of public safety shall keep in



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Senate Study Bill 3300 continued

2 1 convenient form the data necessary for the actuarial valuation  
2 2 of the ~~various funds of the~~ system and for checking the  
2 3 expense of the system. The commissioner of public safety  
2 4 shall keep a record of all the acts and proceedings of the  
2 5 board, which records shall be open to public inspection. The  
2 6 board of trustees shall biennially make a report to the  
2 7 general assembly showing the fiscal transactions of the system  
2 8 for the preceding biennium, the amount of the accumulated cash  
2 9 and securities of the system, and the last balance sheet  
2 10 showing the financial condition of the system by means of an  
2 11 actuarial valuation of the assets and liabilities of the  
2 12 system.

2 13 Sec. 6. Section 97A.5, subsections 8, 9, 11, and 12, Code  
2 14 2007, are amended to read as follows:

2 15 8. MEDICAL BOARD. The board of trustees shall designate a  
2 16 single medical provider network as the medical board to be  
~~2 17 composed of three physicians who for the system. The medical~~  
2 18 board shall arrange for and pass upon the all medical  
2 19 examinations required under the provisions of this chapter and  
2 20 shall report in writing to the board of trustees, its  
2 21 conclusions and recommendations upon all matters duly referred  
2 22 to it. For examinations required because of disability, a  
2 23 physician from the medical board specializing in occupational  
2 24 medicine, and a second physician specializing in an  
2 25 appropriate field of medicine as determined by the  
2 26 occupational medicine physician, shall pass upon the medical  
2 27 examinations required for disability retirements and shall  
2 28 report to the system in writing their conclusions and  
2 29 recommendations upon all matters referred to the medical  
2 30 board. Each report of a medical examination under section  
2 31 97A.6, subsections 3 and 5, shall include the medical board's  
2 32 findings in accordance with section 97A.6 as to the extent of  
2 33 the member's physical impairment.

2 34 9. DUTIES OF ACTUARY. The actuary hired by the board of  
2 35 trustees shall be the technical advisor of the board of



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Senate Study Bill 3300 continued

3 1 trustees on matters regarding the operation of the ~~funds~~  
3 2 retirement fund created by ~~the provisions of~~ this chapter and  
3 3 shall perform such other duties as are required in connection  
3 4 therewith.

3 5 11. ACTUARIAL INVESTIGATION. At least once in each  
3 6 two-year period, the actuary hired by the board of trustees  
3 7 shall make an actuarial investigation in the mortality,  
3 8 service, and compensation experience of the members and  
3 9 beneficiaries of the system, and the interest and other  
3 10 earnings on the moneys and other assets of the system, and  
3 11 shall make a valuation of the assets and liabilities of the  
3 12 ~~funds~~ retirement fund of the system, and taking into account  
3 13 the results of the investigation and valuation, the board of  
3 14 trustees shall-

3 15 a. ~~Adopt~~ adopt for the system, upon recommendation of the  
3 16 system's actuary, such actuarial methods and assumptions,  
3 17 interest rate, and mortality and other tables as shall be  
3 18 deemed necessary;

3 19 b. ~~Certify the rates of contribution payable by the state~~  
3 20 ~~of Iowa in accordance with section 97A.8 to conduct the~~  
3 21 actuarial valuation of the system.

3 22 12. ANNUAL ACTUARIAL VALUATION.

3 23 a. On the basis of the actuarial methods and assumptions,  
3 24 rate of interest, and tables adopted by the board of trustees,  
3 25 the actuary hired by the board of trustees shall make an  
3 26 annual actuarial valuation of the assets and liabilities of  
3 27 the ~~funds of the system~~ retirement fund created by this  
3 28 chapter. As a result of the annual actuarial valuation, the  
3 29 board of trustees shall certify the rates of contribution  
3 30 payable by the state of Iowa in accordance with section 97A.8.

3 31 b. Effective with the fiscal year beginning July 1, 2008,  
3 32 the annual actuarial valuation required to be conducted shall  
3 33 include information as required by section 97D.5.

3 34 Sec. 7. Section 97A.5, subsection 13, paragraphs b, c, and  
3 35 d, Code 2007, are amended to read as follows:



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4 1 b. The ~~funds~~ retirement fund established in section 97A.8  
4 2 shall be held in trust for the benefit of the members of the  
4 3 system and the members' beneficiaries. No part of the corpus  
4 4 or income of the ~~funds~~ retirement fund shall be used for, or  
4 5 diverted to, purposes other than for the exclusive benefit of  
4 6 the members or the members' beneficiaries or for expenses  
4 7 incurred in the operation of the ~~funds~~ retirement fund. A  
4 8 person shall not have any interest in, or right to, any part  
4 9 of the corpus or income of the ~~funds~~ retirement fund except as  
4 10 otherwise expressly provided.

4 11 c. Notwithstanding any provision of this chapter to the  
4 12 contrary, in the event of a complete discontinuance of  
4 13 contributions, for reasons other than achieving fully funded  
4 14 status upon an actuarially determined basis, or upon  
4 15 termination of the ~~funds~~ retirement fund established in  
4 16 section 97A.8, a member shall be vested, to the extent then  
4 17 funded, in the benefits which the member has accrued at the  
4 18 date of the discontinuance or termination.

4 19 d. Benefits payable from the ~~funds~~ retirement fund  
4 20 established in section 97A.8 to members and members'  
4 21 beneficiaries shall not be increased due to forfeitures from  
4 22 other members. Forfeitures shall be used as soon as possible  
4 23 to reduce future contributions by the state to the ~~pension~~  
4 24 ~~accumulation~~ retirement fund, except that the rate shall not  
4 25 be less than the minimum rate established in section 97A.8.

4 26 Sec. 8. Section 97A.5, subsection 14, Code 2007, is  
4 27 amended to read as follows:

4 28 14. INVESTMENT CONTRACTS. The board of trustees may  
4 29 execute contracts and agreements with investment advisors,  
4 30 consultants, and investment management and benefit consultant  
4 31 firms in the administration of the ~~funds~~ retirement fund  
4 32 established in section 97A.8.

4 33 Sec. 9. Section 97A.6, subsection 7, Code 2007, is amended  
4 34 by adding the following new paragraph:

4 35 NEW PARAGRAPH. d. Should a disability beneficiary under



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5 1 age fifty-five be employed in a public safety occupation, the  
5 2 disability beneficiary's retirement allowance shall cease.  
5 3 Notwithstanding any provision of this chapter to the contrary,  
5 4 if a disability beneficiary is employed in a public safety  
5 5 occupation that would otherwise constitute membership service,  
5 6 the disability beneficiary shall not become a member of the  
5 7 system. For purposes of this paragraph, "public safety  
5 8 occupation" means a peace officer, as defined in section  
5 9 97A.1; a protection occupation, as defined in section 97B.49B;  
5 10 a sheriff or deputy sheriff as defined in section 97B.49C; and  
5 11 a police officer or fire fighter as defined in section 411.1,  
5 12 who was not restored to active service as provided by this  
5 13 subsection.

5 14 Sec. 10. Section 97A.6, subsection 11, Code 2007, is  
5 15 amended to read as follows:

5 16 11. PENSIONS OFFSET BY COMPENSATION BENEFITS. Any amounts  
5 17 which may be paid or payable by the state under the provisions  
5 18 of any workers' compensation or similar law to a member or to  
5 19 the dependents of a member on account of any disability or  
5 20 death, shall be offset against and payable in lieu of any  
5 21 benefits payable out of ~~funds~~ the retirement fund provided by  
5 22 the state under the provisions of this chapter on account of  
5 23 the same disability or death. In case the present value of  
5 24 the total commuted benefits under said workers' compensation  
5 25 or similar law is less than the ~~pension reserve on present~~  
5 26 value of the benefits otherwise payable from ~~funds~~ the  
5 27 retirement fund provided by the state under this chapter, then  
5 28 the present value of the commuted payments shall be deducted  
5 29 from the pension ~~reserve~~ payable and such benefits as may be  
5 30 provided by the ~~pension reserve system~~ so reduced shall be  
5 31 payable under the provisions of this chapter.

5 32 Sec. 11. Section 97A.7, subsections 1, 2, and 3, Code  
5 33 Supplement 2007, are amended to read as follows:

5 34 1. The board of trustees shall be the trustees of the  
5 35 ~~several funds~~ retirement fund created by this chapter as



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6 1 provided in section 97A.8 and shall have full power to invest  
6 2 and reinvest ~~such~~ funds subject to the terms, conditions,  
6 3 limitations, and restrictions imposed by subsection 2 of this  
6 4 section and chapter 12F, and subject to like terms,  
6 5 conditions, limitations, and restrictions said trustees shall  
6 6 have full power to hold, purchase, sell, assign, transfer, or  
6 7 dispose of any of the securities and investments ~~in which any~~  
6 8 ~~of the funds created herein shall~~ retirement fund which have  
6 9 been invested, as well as of the proceeds of said investments  
6 10 and any moneys belonging to ~~said funds~~ the retirement fund.  
6 11 The board of trustees may authorize the treasurer of state to  
6 12 exercise any of the duties of this section. When so  
6 13 authorized the treasurer of state shall report any  
6 14 transactions to the board of trustees at its next monthly  
6 15 meeting.

6 16 2. The ~~several funds~~ retirement fund created by this  
6 17 chapter may be invested in any investments authorized for the  
6 18 Iowa public employees' retirement system in section 97B.7A.

6 19 3. The treasurer of the state shall be the custodian of  
6 20 the ~~several funds~~ retirement fund. All payments from ~~said~~  
6 21 ~~funds~~ the retirement fund shall be made by the treasurer only  
6 22 upon vouchers signed by two persons designated by the board of  
6 23 trustees. A duly attested copy of the resolution of the board  
6 24 of trustees designating such persons and bearing on its face  
6 25 specimen signatures of such persons shall be filed with the  
6 26 treasurer of state as the treasurer's authority for making  
6 27 payments on such vouchers. No voucher shall be drawn unless  
6 28 it shall previously have been allowed by resolution of the  
6 29 board of trustees.

6 30 Sec. 12. Section 97A.8, Code 2007, is amended to read as  
6 31 follows:

6 32 97A.8 METHOD OF FINANCING.

6 33 There is hereby created as a special fund, separate and  
6 34 apart from all other public moneys or funds of this state, the  
6 35 peace officers' retirement, accident, and disability system



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7 1 retirement fund, hereafter called the "retirement fund". All  
7 2 the assets of the system created and established by this  
7 3 chapter shall be credited ~~according to the purpose for which~~  
7 4 ~~they are held to one of three funds, namely, the pension~~  
7 5 ~~accumulation fund, the pension reserve fund, and the expense~~  
7 6 ~~to the retirement fund.~~  
7 7 1. ~~PENSION ACCUMULATION FUND.~~ ~~The pension accumulation~~  
7 8 ~~fund shall be the fund in which shall be accumulated all All~~  
7 9 ~~moneys for the payment of all pensions and other benefits~~  
7 10 ~~payable from contributions made by the state and from which~~  
7 11 ~~shall be paid the lump-sum death benefits for all members~~  
7 12 ~~payable from the said contributions shall be accumulated in~~  
7 13 ~~the retirement fund. The refunds and benefits for all members~~  
7 14 ~~and beneficiaries shall be payable from the retirement fund.~~  
7 15 ~~Contributions to and payments from the pension accumulation~~  
7 16 ~~retirement fund shall be as follows:~~  
7 17 a. On account of each member there shall be paid annually  
7 18 into the ~~pension accumulation~~ retirement fund by the state of  
7 19 Iowa an amount equal to a certain percentage of the earnable  
7 20 compensation of the member to be known as the "normal  
7 21 contribution". The rate percent of such contribution shall be  
7 22 fixed on the basis of the liabilities of the retirement system  
7 23 as shown by annual actuarial valuations.  
7 24 b. (1) On the basis of the actuarial methods and  
7 25 assumptions, rate of interest, and of the mortality, interest,  
7 26 and other tables adopted by the board of trustees, the board  
7 27 of trustees, upon the advice of the actuary hired by the board  
7 28 for that purpose, shall make each valuation required by this  
7 29 chapter pursuant to the requirements of section 97A.5 and  
7 30 shall immediately after making such valuation, determine the  
7 31 "normal contribution rate". The normal contribution rate  
7 32 shall be the rate percent of the earnable compensation of all  
7 33 members ~~obtained by deducting from the total liabilities of~~  
7 34 ~~the fund the sum of the amount of the funds in hand to the~~  
7 35 ~~credit of the fund and dividing the remainder by one percent~~



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~~8 1 of the present value of the prospective future compensation of  
8 2 all members as computed on the basis of the rate of interest  
8 3 and of mortality and service tables adopted by the board of  
8 4 trustees, all equal to the rate required by the system to  
8 5 discharge its liabilities, stated as a percentage of the  
8 6 earnable compensation of all members, and reduced by the  
8 7 employee contribution made pursuant to rate provided in this  
8 8 subsection. However, the normal rate of contribution shall  
8 9 not be less than seventeen percent. The normal rate of  
8 10 contribution shall be determined by the board of trustees  
8 11 after each valuation. To assist in determining the normal  
8 12 rate of contribution, the board of trustees may adopt a  
8 13 smoothing method for valuing the assets of the system. The  
8 14 smoothing method is designed to reduce changes in the normal  
8 15 contribution rate which could result from fluctuations in the  
8 16 market value of the assets of the system.~~

8 17 (2) Notwithstanding the provisions of subparagraph (1) to  
8 18 the contrary, the normal contribution rate shall be as  
8 19 follows:

8 20 (a) For the fiscal year beginning July 1, 2008, nineteen  
8 21 percent.

8 22 (b) For the fiscal year beginning July 1, 2009, twenty-one  
8 23 percent.

8 24 (c) For the fiscal year beginning July 1, 2010,  
8 25 twenty-three percent.

8 26 (d) For the fiscal year beginning July 1, 2011,  
8 27 twenty-five percent.

8 28 (e) For each fiscal year beginning on or after July 1,  
8 29 2012, the lesser of twenty-seven percent or the normal  
8 30 contribution rate as calculated pursuant to subparagraph (1).

8 31 c. The total amount payable in each year to the ~~pension~~  
~~8 32 accumulation~~ retirement fund shall not be less than the rate  
8 33 percent known as the normal contribution rate of the total  
8 34 compensation earnable by all members during the year.  
8 35 However, the aggregate payment by the state shall be



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9 1 sufficient when combined with the amount in the retirement  
9 2 fund to provide the pensions and other benefits payable out of  
9 3 the retirement fund during the then current year.  
9 4 d. All lump-sum death benefits on account of death in  
9 5 active service payable from contributions of the state shall  
9 6 be paid from the ~~pension accumulation~~ retirement fund.  
9 7 e. ~~Upon the retirement or death of a member an amount~~  
~~9 8 equal to the pension reserve on any pension payable to the~~  
~~9 9 member or on account of the member's death shall be~~  
~~9 10 transferred from the pension accumulation fund to the pension~~  
~~9 11 reserve fund.~~  
9 12 ~~f.~~ e. Except as otherwise provided in paragraph "h" "g":  
9 13 (1) An amount equal to three and one-tenth percent of each  
9 14 member's compensation from the earnable compensation of the  
9 15 member shall be paid to the ~~pension accumulation~~ retirement  
9 16 fund for the fiscal year beginning July 1, 1989.  
9 17 (2) An amount equal to four and one-tenth percent of each  
9 18 member's compensation from the earnable compensation of the  
9 19 member shall be paid to the ~~pension accumulation~~ retirement  
9 20 fund for the fiscal year beginning July 1, 1990.  
9 21 (3) An amount equal to five and one-tenth percent of each  
9 22 member's compensation from the earnable compensation of the  
9 23 member shall be paid to the ~~pension accumulation~~ retirement  
9 24 fund for the fiscal year beginning July 1, 1991.  
9 25 (4) An amount equal to six and one-tenth percent of each  
9 26 member's compensation from the earnable compensation of the  
9 27 member shall be paid to the ~~pension accumulation~~ retirement  
9 28 fund for the fiscal year beginning July 1, 1992.  
9 29 (5) An amount equal to seven and one-tenth percent of each  
9 30 member's compensation from the earnable compensation of the  
9 31 member shall be paid to the ~~pension accumulation~~ retirement  
9 32 fund for the fiscal year beginning July 1, 1993.  
9 33 (6) An amount equal to eight and one-tenth percent of each  
9 34 member's compensation from the earnable compensation of the  
9 35 member shall be paid to the ~~pension accumulation~~ retirement



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10 1 fund for the fiscal period beginning July 1, 1994, through  
10 2 December 31, 1994, and an amount equal to eight and  
10 3 thirty=five hundredths percent of each member's compensation  
10 4 from the earnable compensation of the member shall be paid to  
10 5 the ~~pension accumulation~~ retirement fund for the fiscal period  
10 6 beginning January 1, 1995, through June 30, 1995.

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

10 12 (8) Notwithstanding any other provision of this chapter,  
10 13 beginning July 1, 1996, and each fiscal year thereafter, an  
10 14 amount equal to the member's contribution rate times each  
10 15 member's compensation shall be paid to the ~~pension~~  
~~10 16 accumulation~~ retirement fund from the earnable compensation of  
10 17 the member. For the purposes of this subparagraph, the  
10 18 member's contribution rate shall be nine and thirty=five  
10 19 hundredths percent. However, the system shall increase the  
10 20 member's contribution rate as necessary to cover any increase  
10 21 in cost to the system resulting from statutory changes which  
10 22 are enacted by any session of the general assembly meeting  
10 23 after January 1, 1995, if the increase cannot be absorbed  
10 24 within the contribution rates otherwise established pursuant  
10 25 to this paragraph, but subject to a maximum employee  
10 26 contribution rate of eleven and three=tenths percent. After  
10 27 the employee contribution reaches eleven and three=tenths  
10 28 percent, sixty percent of the additional cost of such  
10 29 statutory changes shall be paid by the employer under  
10 30 paragraph "c" and forty percent of the additional cost shall  
10 31 be paid by employees under this ~~paragraph~~ subparagraph (8).

10 32 ~~g.~~ f. The board of trustees shall certify to the director  
10 33 of the department of administrative services and the director  
10 34 of the department of administrative services shall cause to be  
10 35 deducted from the earnable compensation of each member the



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11 1 contribution required under this subsection and shall forward  
11 2 the contributions to the board of trustees for recording and  
11 3 for deposit in the ~~pension accumulation~~ retirement fund.

11 4 The deductions provided for under this subsection shall be  
11 5 made notwithstanding that the minimum compensation provided by  
11 6 law for any member is reduced. Every member is deemed to  
11 7 consent to the deductions made under this section.

11 8 ~~h.~~ g. Notwithstanding the provisions of paragraph "~~f~~"  
11 9 "e", the following transition percentages apply to members'  
11 10 contributions as specified:

11 11 (1) For members who on July 1, 1990, have attained the age  
11 12 of forty=nine years or more, an amount equal to nine and  
11 13 one=tenth percent of each member's compensation from the  
11 14 earnable compensation of the member shall be paid to the  
11 15 ~~pension accumulation~~ retirement fund for the fiscal period  
11 16 beginning July 1, 1990, through October 15, 1992, and  
11 17 commencing October 16, 1992, and for each subsequent fiscal  
11 18 period, the rates specified in paragraph "~~f~~" "e",  
11 19 subparagraphs (4) through (8), shall apply.

11 20 (2) For members who on July 1, 1990, have attained the age  
11 21 of forty=eight years but have not attained the age of  
11 22 forty=nine years, an amount equal to eight and one=tenth  
11 23 percent shall be paid for the fiscal year beginning July 1,  
11 24 1990, and an amount equal to nine and one=tenth percent shall  
11 25 be paid for the fiscal period beginning July 1, 1991, through  
11 26 October 15, 1992, and commencing October 16, 1992, and for  
11 27 each subsequent fiscal period, the rates specified in  
11 28 paragraph "~~f~~" "e", subparagraphs (4) through (8), shall apply.

11 29 (3) For members who on July 1, 1990, have attained the age  
11 30 of forty=seven years but have not attained the age of  
11 31 forty=eight years, an amount equal to seven and one=tenth  
11 32 percent shall be paid for the fiscal year beginning July 1,  
11 33 1990, an amount equal to eight and one=tenth percent shall be  
11 34 paid for the fiscal year beginning July 1, 1991, and an amount  
11 35 equal to nine and one=tenth percent shall be paid for the



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12 1 fiscal period beginning July 1, 1992, through October 15,  
12 2 1992, and commencing October 16, 1992, and for each subsequent  
12 3 fiscal period, the rates specified in paragraph ~~"f"~~ "e",  
12 4 subparagraphs (4) through (8), shall apply.  
12 5 (4) For members who on July 1, 1990, have attained the age  
12 6 of forty=six years but have not attained the age of  
12 7 forty=seven years, an amount equal to six and one=tenth  
12 8 percent shall be paid for the fiscal year beginning July 1,  
12 9 1990, an amount equal to seven and one=tenth percent shall be  
12 10 paid for the fiscal year beginning July 1, 1991, an amount  
12 11 equal to eight and one=tenth percent shall be paid for the  
12 12 fiscal period beginning July 1, 1992, through October 15,  
12 13 1992, and commencing October 16, 1992, and for each subsequent  
12 14 fiscal period, the rates specified in paragraph ~~"f"~~ "e",  
12 15 subparagraphs (4) through (8), shall apply.  
12 16 (5) For members who on July 1, 1990, have attained the age  
12 17 of forty=five years but have not attained the age of forty=six  
12 18 years, an amount equal to five and one=tenth percent shall be  
12 19 paid for the fiscal year beginning July 1, 1990, an amount  
12 20 equal to six and one=tenth percent shall be paid for the  
12 21 fiscal year beginning July 1, 1991, and an amount equal to  
12 22 seven and one=tenth percent shall be paid for the fiscal  
12 23 period beginning July 1, 1992, through October 15, 1992.  
12 24 Commencing October 16, 1992, and for each subsequent fiscal  
12 25 period, the rates specified in paragraph ~~"f"~~ "e",  
12 26 subparagraphs (4) through (8), shall apply.  
12 27 ~~i-~~ h. (1) Notwithstanding paragraph ~~"g"~~ "f" or other  
12 28 provisions of this chapter, beginning January 1, 1995, for  
12 29 federal income tax purposes, and beginning January 1, 1999,  
12 30 for state income tax purposes, member contributions required  
12 31 under paragraph ~~"f"~~ "e" or ~~"h"~~ "g" which are picked up by the  
12 32 department shall be considered employer contributions for  
12 33 federal and state income tax purposes, and the department  
12 34 shall pick up the member contributions to be made under  
12 35 paragraph ~~"f"~~ "e" or ~~"h"~~ "g" by its employees. The department



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13 1 shall pick up these contributions by reducing the salary of  
13 2 each of its employees covered by this chapter by the amount  
13 3 which each employee is required to contribute under paragraph  
13 4 ~~"f" "e" or "h" "g"~~ and shall certify the amount picked up in  
13 5 lieu of the member contributions to the department of  
13 6 administrative services. The department of administrative  
13 7 services shall forward the amount of the contributions picked  
13 8 up to the board of trustees for recording and deposit in the  
13 9 ~~pension accumulation~~ retirement fund.

13 10 (2) Member contributions picked up by the department under  
13 11 subparagraph (1) shall be treated as employer contributions  
13 12 for federal and state income tax purposes only and for all  
13 13 other purposes of this chapter shall be treated as employee  
13 14 contributions and deemed part of the employee's earnable  
13 15 compensation or salary.

13 16 ~~2. PENSION RESERVE FUND. The pension reserve fund shall~~  
13 17 ~~be the fund in which shall be held the reserves on all~~  
13 18 ~~pensions granted to members or to their beneficiaries and from~~  
13 19 ~~which such pensions and benefits in lieu thereof shall be~~  
13 20 ~~paid. Should a beneficiary retired on account of disability~~  
13 21 ~~be restored to active service and again become a member of the~~  
13 22 ~~system, the member's pension reserve shall be transferred from~~  
13 23 ~~the pension reserve fund to the pension accumulation fund.~~  
13 24 ~~Should the pension of a disability beneficiary be reduced as a~~  
13 25 ~~result of an increase in the beneficiary's amount earned, the~~  
13 26 ~~amount of the annual reduction in the beneficiary's pension~~  
13 27 ~~shall be paid annually into the pension accumulation fund~~  
13 28 ~~during the period of such reduction.~~

13 29 ~~3. 2. a. EXPENSE FUND. The expense fund shall be the~~  
13 30 ~~fund to which shall be credited all money provided by the~~  
13 31 ~~state of Iowa to pay the administration expenses of the system~~  
13 32 ~~and from which shall be paid all All the expenses necessary in~~  
13 33 ~~connection with the administration and operation of the system~~  
13 34 ~~shall be paid from the retirement fund. Biennially the board~~  
13 35 ~~of trustees shall estimate the amount of money necessary to be~~



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



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15 1 The right of any person to a pension, annuity, or  
15 2 retirement allowance, to the return of contributions, the  
15 3 pension, annuity, or retirement allowance itself, any optional  
15 4 benefit or death benefit, any other right accrued or accruing  
15 5 to any person under this chapter, and the moneys in the  
15 6 ~~various funds~~ retirement fund created under this chapter, are  
15 7 not subject to execution, garnishment, attachment, or any  
15 8 other process whatsoever, and are unassignable except for the  
15 9 purposes of enforcing child, spousal, or medical support  
15 10 obligations or marital property orders, or as otherwise  
15 11 specifically provided in this chapter. For the purposes of  
15 12 enforcing child, spousal, or medical support obligations, the  
15 13 garnishment or attachment of or the execution against  
15 14 compensation due a person under this chapter shall not exceed  
15 15 the amount specified in 15 U.S.C. } 1673(b).

15 16 Sec. 15. Section 97A.14, Code 2007, is amended to read as  
15 17 follows:

15 18 97A.14 HOSPITALIZATION AND MEDICAL ATTENTION.

15 19 The board of trustees shall provide hospital, nursing, and  
15 20 medical attention for the members in service when injured  
15 21 while in the performance of their duties and shall continue to  
15 22 provide hospital, nursing, and medical attention for injuries  
15 23 or diseases incurred while in the performance of their duties  
15 24 for the members receiving a retirement allowance under section  
15 25 97A.6, subsection 6. The cost of hospital, nursing, and  
15 26 medical attention shall be paid out of the ~~expense~~ retirement  
15 27 fund. However, any amounts received by the injured person  
15 28 under the workers' compensation law of the state, or from any  
15 29 other source for such specific purposes, shall be deducted  
15 30 from the amount paid by the board of trustees provisions of  
15 31 this section.

15 32 Sec. 16. Section 97A.14A, subsection 5, Code 2007, is  
15 33 amended to read as follows:

15 34 5. All funds recovered by the system under this section  
15 35 shall be deposited in the ~~pension accumulation~~ retirement fund



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16 1 created in section 97A.8.

16 2     Sec. 17. Section 97A.15, subsection 2, paragraph a, Code  
16 3 2007, is amended to read as follows:

16 4     a. "Accumulated contributions" means the sum of all  
16 5 amounts deducted from the compensation of a member and  
16 6 credited to the member's individual account in the annuity  
16 7 savings fund together with regular interest thereon as  
16 8 provided in this subsection. Accumulated contributions do not  
16 9 include any amount deducted from the compensation of a member  
16 10 and credited to the ~~pension accumulation~~ retirement fund.

16 11     Sec. 18. Section 97A.15, subsection 8, Code 2007, is  
16 12 amended to read as follows:

16 13     8. The actuary shall annually determine the amount  
16 14 required in the annuity reserve fund. If the amount required  
16 15 is less than the amount in the annuity reserve fund, the board  
16 16 of trustees shall transfer the excess funds from the annuity  
16 17 reserve fund to the ~~pension accumulation~~ retirement fund. If  
16 18 the amount required is more than the amount in the annuity  
16 19 reserve fund, the board of trustees shall transfer the amount  
16 20 prescribed by the actuary to the annuity reserve fund from the  
16 21 ~~pension accumulation~~ retirement fund.

16 22     Sec. 19. PEACE OFFICERS' RETIREMENT, ACCIDENT, AND  
16 23 DISABILITY SYSTEM == REIMBURSEMENT.

16 24     1. Notwithstanding any provision of section 97A.8 to the  
16 25 contrary, the Iowa department of public safety peace officers'  
16 26 retirement, accident, and disability system as defined in  
16 27 section 97A.2 shall not increase the contribution rate of  
16 28 members of the system to cover any increase in cost to the  
16 29 system resulting from the section of this Act amending section  
16 30 97A.4.

16 31     2. Notwithstanding any provision of chapter 97A to the  
16 32 contrary, a member who purchased permissive service credit  
16 33 pursuant to section 97A.10 for service as described in section  
16 34 97A.10, paragraph "a", subparagraph (2), shall, upon  
16 35 application to the retirement system by October 1, 2008,



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17 1 receive credit for such service as provided by section 97A.4,  
17 2 as amended in this Act, and be reimbursed from the retirement  
17 3 fund as provided in section 97A.8 for contributions made by  
17 4 the member to purchase such service.

17 5 DIVISION II

17 6 IOWA PUBLIC EMPLOYEES' RETIREMENT SYSTEM

17 7 Sec. 20. Section 97B.1A, subsection 20, paragraph a, Code  
17 8 2007, is amended to read as follows:

17 9 a. Service in the armed forces of the United States, if  
17 10 the employee was employed by a covered employer immediately  
17 11 prior to entry into the armed forces, and if ~~the~~ any of the  
17 12 following requirements are met:

17 13 (1) The employee was released from service and returns to  
17 14 covered employment with an employer within twelve months of  
17 15 the date on which the employee has the right of release from  
17 16 service or within a longer period as required by the  
17 17 applicable laws of the United States.

17 18 (2) The employee, while serving on active duty in the  
17 19 armed forces of the United States in an area designated by the  
17 20 president of the United States or the United States Congress  
17 21 as a combat zone or as a qualified hazardous duty area, or  
17 22 deployed outside the United States away from the individual's  
17 23 permanent duty station while participating in an operation  
17 24 designated by the United States secretary of defense as a  
17 25 contingency operation as defined in 10 U.S.C. } 101(a)(13), or  
17 26 which became such a contingency operation by the operation of  
17 27 law, dies, or suffers an injury or acquires a disease  
17 28 resulting in death, so long as the death from the injury or  
17 29 disease occurs within a two-year period from the date the  
17 30 employee suffered the active duty injury or disease and the  
17 31 active duty injury or disease prevented the employee from  
17 32 returning to covered employment as provided in subparagraph  
17 33 (1).

17 34 Sec. 21. Section 97B.1A, subsection 26, paragraph a,  
17 35 subparagraph (2), subparagraph subdivision (i), Code 2007, is



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18 1 amended to read as follows:

18 2 (i) Payments for allowances ~~made to an employee that are~~  
~~18 3 not included in an employee's federal taxable income~~ except  
18 4 for those allowances included as wages for a member of the  
18 5 general assembly.

18 6 Sec. 22. Section 97B.1A, subsection 26, paragraph a,  
18 7 subparagraph (2), Code 2007, is amended by adding the  
18 8 following new subparagraph subdivision:

18 9 NEW SUBPARAGRAPH SUBDIVISION. (n) Bonuses of any type,  
18 10 whether paid in a lump sum or in installments.

18 11 Sec. 23. Section 97B.4, subsection 2, Code Supplement  
18 12 2007, is amended by adding the following new paragraph:

18 13 NEW PARAGRAPH. d. In administering this chapter, the  
18 14 system shall not be a participating agency for purposes of  
18 15 chapter 8A, subchapter II.

18 16 Sec. 24. Section 97B.4, subsection 4, paragraph d, Code  
18 17 Supplement 2007, is amended to read as follows:

18 18 d. ANNUAL VALUATION OF ASSETS. The system shall cause an  
18 19 annual actuarial valuation to be made of the assets and  
18 20 liabilities of the retirement system and shall prepare an  
18 21 annual statement of the amounts to be contributed under this  
18 22 chapter, and shall publish annually such valuation of the  
18 23 assets and liabilities and the statement of receipts and  
18 24 disbursements of the retirement system. Based upon the  
18 25 actuarial methods and assumptions adopted by the board for the  
18 26 annual actuarial valuation, the system shall certify to the  
18 27 governor the contribution rates determined thereby as the  
18 28 rates necessary and sufficient for members and employers to  
18 29 fully fund the benefits and retirement allowances being  
18 30 credited. Effective with the fiscal year beginning July 1,  
18 31 2008, the annual actuarial valuation required by this  
18 32 paragraph shall include information as required by section  
18 33 97D.5 for each membership group which separately determines  
18 34 contribution rates under this chapter.

18 35 Sec. 25. Section 97B.7, subsection 3, paragraph d, Code



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19 1 2007, is amended to read as follows:

19 2 d. To be used to pay for investment management expenses  
19 3 incurred in the management of the retirement fund. Expenses  
19 4 incurred pursuant to this paragraph shall be charged to the  
19 5 investment income of the retirement fund. ~~However, the amount~~  
~~19 6 appropriated for a fiscal year under this paragraph shall not~~  
~~19 7 exceed four-tenths of one percent of the market value of the~~  
~~19 8 retirement fund.~~

19 9 Sec. 26. Section 97B.9, subsections 1 and 2, Code 2007,  
19 10 are amended to read as follows:

19 11 1. An employer shall be charged the greater of ~~ten~~ twenty  
19 12 dollars per occurrence or interest at the combined interest  
19 13 and dividend rate required under section 97B.70 for the  
19 14 applicable calendar year for contributions unpaid on the date  
19 15 on which they are due and payable as prescribed by the system.  
19 16 The system may adopt rules prescribing circumstances for which  
19 17 the interest or charge shall not accrue with respect to  
19 18 contributions required. Interest or charges collected  
19 19 pursuant to this section shall be paid into the Iowa public  
19 20 employees' retirement fund.

19 21 2. If within thirty days after due notice the employer  
19 22 defaults in payment of contributions or interest thereon, the  
19 23 amount due ~~shall~~ may be collected by civil action in the name  
19 24 of the system, and the employer adjudged in default shall pay  
19 25 the costs of such action. Civil actions brought under this  
19 26 section to collect contributions or interest thereon shall be  
19 27 heard by the court at the earliest possible date and shall be  
19 28 entitled to preference upon the calendar of the court over all  
19 29 other civil actions.

19 30 Sec. 27. Section 97B.10, subsection 3, Code 2007, is  
19 31 amended to read as follows:

19 32 3. ~~Except as provided in this subsection, interest~~  
19 33 Interest shall not be paid on credits issued pursuant to this  
19 34 section. ~~However, if a credit for contributions paid prior to~~  
~~19 35 an individual's decision to elect out of coverage pursuant to~~



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~~20 1 section 97B.42A is issued, accumulated interest and interest~~  
~~20 2 on dividends as provided in section 97B.70 shall apply. In~~  
~~20 3 addition, the system may, at any time, apply accumulated~~  
20 4 interest and interest dividends as provided in section 97B.70  
20 5 on any credits issued under this section if the system finds  
20 6 that the crediting of interest is just and equitable.

20 7 Sec. 28. Section 97B.11, Code 2007, is amended to read as  
20 8 follows:

20 9 97B.11 CONTRIBUTIONS BY EMPLOYER AND EMPLOYEE.

20 10 1. Each employer shall deduct from the wages of each  
20 11 member of the retirement system a contribution in the amount  
20 12 of the applicable employee percentage of the covered wages  
20 13 paid by the employer and such additional amount if otherwise  
20 14 required by law, until the member's termination from  
20 15 employment. The contributions of the employer shall be in the  
20 16 amount of the applicable employer percentage of the covered  
20 17 wages of the member and such additional amount if otherwise  
20 18 required by law.

20 19 2. ~~For~~ Prior to July 1, 2011, for purposes of this  
20 20 section, unless the context otherwise requires:

20 21 a. "Applicable employee percentage" means the percentage  
20 22 rate equal to three and seven-tenths percent plus forty  
20 23 percent of the total additional percentage.

20 24 b. "Applicable employer percentage" means the percentage  
20 25 rate equal to five and seventy-five hundredths percent plus  
20 26 sixty percent of the total additional percentage.

20 27 c. "Total additional percentage" means ~~as follows:~~

20 28 ~~(1) For, for~~ the fiscal period beginning July 1, 2007,  
20 29 through June 30, 2011, ~~the total additional percentage for a~~  
~~20 30 fiscal year shall be~~ the total additional percentage for the  
20 31 prior fiscal year plus, only if the total comparison  
20 32 percentage is greater than the total of the applicable  
20 33 employee percentage and the applicable employer percentage for  
20 34 the prior fiscal year, one-half percentage point.

20 35 ~~(2) For each fiscal year beginning on or after July 1,~~



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~~21 1 2011, the total additional percentage shall be the total  
21 2 additional percentage for the prior fiscal year.~~

21 3 d. "Total comparison percentage" means the percentage rate  
21 4 that the system determines, based upon the most recent  
21 5 actuarial valuation of the retirement system, would be  
21 6 sufficient to amortize the unfunded actuarial liability of the  
21 7 retirement system in ten years.

21 8 3. On and after July 1, 2011, for purposes of this  
21 9 section, unless the context otherwise requires:

21 10 a. For members in regular service:

21 11 (1) "Applicable employee percentage" means the percentage  
21 12 rate equal to forty percent of the required contribution rate  
21 13 for members in regular service.

21 14 (2) "Applicable employer percentage" means the percentage  
21 15 rate equal to sixty percent of the required contribution rate  
21 16 for members in regular service.

21 17 b. For members in special service in a protection  
21 18 occupation as described in section 97B.49B:

21 19 (1) "Applicable employee percentage" means the percentage  
21 20 rate equal to forty percent of the required contribution rate  
21 21 for members described in section 97B.49B.

21 22 (2) "Applicable employer percentage" means the percentage  
21 23 rate equal to sixty percent of the required contribution rate  
21 24 for members described in section 97B.49B.

21 25 c. For members in special service as a county sheriff or  
21 26 deputy sheriff as described in section 97B.49C:

21 27 (1) "Applicable employee percentage" means the percentage  
21 28 rate equal to fifty percent of the required contribution rate  
21 29 for members described in section 97B.49C.

21 30 (2) "Applicable employer percentage" means the percentage  
21 31 rate equal to fifty percent of the required contribution rate  
21 32 for members described in section 97B.49C.

21 33 d. "Required contribution rate" means that percentage of  
21 34 the covered wages of members in regular service, members  
21 35 described in section 97B.49B, and members described in section



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22 1 97B.49C, that the system shall, for each fiscal year,  
22 2 separately set for members in each membership category as  
22 3 provided in this paragraph. The required contribution rate  
22 4 for a membership category shall be the contribution rate the  
22 5 system actuarially determines, based upon the most recent  
22 6 actuarial valuation of the system and using the actuarial  
22 7 methods, assumptions, and funding policy approved by the  
22 8 investment board, is the rate required by the system to  
22 9 discharge its liabilities as a percentage of the covered wages  
22 10 of members in that membership category. However, the required  
22 11 contribution rate set by the system for a fiscal year shall  
22 12 not vary by more than one-half percentage point from the  
22 13 required contribution rate for the prior fiscal year.

22 14 Sec. 29. Section 97B.14, Code 2007, is amended to read as  
22 15 follows:

22 16 97B.14 CONTRIBUTIONS FORWARDED.

22 17 Contributions deducted from the wages of the member under  
22 18 section 97B.11 prior to January 1, 1995, member contributions  
22 19 picked up by the employer under section 97B.11A beginning  
22 20 January 1, 1995, and the employer's contribution shall be  
22 21 forwarded to the system for recording and deposited with the  
22 22 treasurer of the state to the credit of the Iowa public  
22 23 employees' retirement fund. Contributions shall be remitted  
22 24 monthly, ~~if total contributions by both employee and employer~~  
22 25 ~~amount to one hundred dollars or more each month,~~ and shall be  
22 26 otherwise paid in such manner, at such times, and under such  
22 27 conditions, either by copies of payrolls or other methods  
22 28 necessary or helpful in securing proper identification of the  
22 29 member, as may be prescribed by the system.

22 30 Sec. 30. Section 97B.33, Code 2007, is amended to read as  
22 31 follows:

22 32 97B.33 ~~CERTIFICATION TO DIRECTOR~~ PAYMENT TO INDIVIDUALS.

22 33 Upon final decision of the system, or upon final judgment  
22 34 of any court of competent jurisdiction, that any person is  
22 35 entitled to any payment or payments under this chapter, the



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23 1 system shall ~~certify to the director of the department of~~  
~~23 2 administrative services the name and address of the person so~~  
~~23 3 entitled to receive such payment or payments, the amount of~~  
~~23 4 such payment or payments, and the time at which such payment~~  
~~23 5 or payments should be made, and the system, through the~~  
~~23 6 director of the department of administrative services, shall~~  
23 7 make payment in accordance with the certification of the  
~~23 8 system to the person, provided that where judicial review of~~  
23 9 the ~~system~~ system's decision is or may be sought in accordance  
23 10 with the terms of the Iowa administrative procedure Act,  
23 11 chapter 17A, ~~certification of payment may be withheld pending~~  
23 12 such review. ~~The director of the department of administrative~~  
~~23 13 services shall not be held personally liable for any payment~~  
~~23 14 or payments made in accordance with a certification by the~~  
~~23 15 system.~~

23 16 Sec. 31. Section 97B.34A, subsections 1 and 2, Code 2007,  
23 17 are amended to read as follows:

23 18 1. If the total sum to be paid to the minor is less than  
23 19 ~~ten~~ the greater of twenty-five thousand dollars or the maximum  
23 20 amount permitted under section 565B.7, subsection 3, the funds  
23 21 may be paid to an adult as custodian for the minor. The  
23 22 custodian must complete the proper forms as determined by the  
23 23 system.

23 24 2. If the total sum to be paid to the minor is equal to or  
23 25 more than ~~ten thousand dollars~~ the amount authorized in  
23 26 subsection 1, the funds must be paid to a court-established  
23 27 conservator. The system shall not make payment until the  
23 28 conservatorship has been established and the system has  
23 29 received the appropriate documentation.

23 30 Sec. 32. Section 97B.38, Code 2007, is amended to read as  
23 31 follows:

23 32 97B.38 FEES FOR SERVICES.

23 33 The system may, by rule, prescribe reasonable fees which  
23 34 may be charged for ~~production costs~~ incurred, including staff  
23 35 time and materials, ~~associated with performing~~ to perform its



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~~24 1 duties under this chapter for active, inactive, and retired  
24 2 members, beneficiaries, and the general public, where such  
24 3 production costs are more than de minimis, as determined by  
24 4 the system.~~

24 5 Sec. 33. Section 97B.49B, subsection 1, paragraph e, Code  
24 6 2007, is amended by adding the following new subparagraphs:

24 7 NEW SUBPARAGRAPH. (9) A jailer or detention officer who  
24 8 performs duties as a jailer, including but not limited to the  
24 9 transportation of inmates, who is certified as having  
24 10 completed jailer training pursuant to chapter 80B, and who is  
24 11 employed by a county as a jailer.

24 12 NEW SUBPARAGRAPH. (10) An employee covered by the merit  
24 13 system as provided in chapter 8A, subchapter IV, whose primary  
24 14 duty is providing security at Iowa national guard  
24 15 installations and facilities and who carries or is licensed to  
24 16 carry a firearm while performing those duties.

24 17 NEW SUBPARAGRAPH. (11) An emergency medical care provider  
24 18 who provides emergency medical services, as defined in section  
24 19 147A.1, and who is not a member of the retirement systems  
24 20 established in chapter 410 or 411.

24 21 NEW SUBPARAGRAPH. (12) An investigator employed by a  
24 22 county attorney's office who is a certified law enforcement  
24 23 officer and who is deputized as an investigator for the county  
24 24 attorney's office by the sheriff of the applicable county.

24 25 Sec. 34. Section 97B.49B, subsection 3, paragraph a, Code  
24 26 2007, is amended by striking the paragraph.

24 27 Sec. 35. Section 97B.49C, subsection 3, paragraph a, Code  
24 28 2007, is amended by striking the paragraph.

24 29 Sec. 36. Section 97B.49F, subsection 1, paragraph b,  
24 30 subparagraph (2), subparagraph subdivision (b), Code 2007, is  
24 31 amended to read as follows:

24 32 (b) The percentage representing the percentage amount the  
24 33 actuary has certified, ~~in the annual actuarial valuation of  
24 34 the retirement system as of June 30 of the year in which the  
24 35 dividend is to be paid,~~ that the fund can absorb without



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



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26 1 fund projected benefits over all members' service with the  
26 2 retirement system.

26 3 Sec. 38. Section 97B.50, subsection 2, Code 2007, is  
26 4 amended by adding the following new paragraph:

26 5 NEW PARAGRAPH. d. For a vested member who retires from  
26 6 the retirement system due to disability on or after July 1,  
26 7 2009, and commences receiving disability benefits pursuant to  
26 8 the federal Railroad Retirement Act, 45 U.S.C. } 231 et seq.,  
26 9 or the federal Social Security Act, 42 U.S.C. } 423 et seq.,  
26 10 the system may require the vested member to certify on an  
26 11 annual basis continued eligibility for disability payments  
26 12 under the federal Railroad Retirement Act or the federal  
26 13 Social Security Act. If the vested member is under the age at  
26 14 which disability benefits are converted under the federal  
26 15 Social Security Act or the federal Railroad Retirement Act to  
26 16 retirement benefits and is no longer eligible for disability  
26 17 payments under either the federal Railroad Retirement Act or  
26 18 the federal Social Security Act, the vested member shall no  
26 19 longer be eligible to receive retirement benefits as provided  
26 20 by this subsection. If the system has paid retirement  
26 21 benefits to the member between the month the member was no  
26 22 longer eligible for payment pursuant to the federal Railroad  
26 23 Retirement Act or the federal Social Security Act and the  
26 24 month the system terminated retirement benefits under this  
26 25 paragraph, the member shall return all retirement benefits  
26 26 paid by the system following the termination of such federal  
26 27 disability benefits, plus interest. The system shall adopt  
26 28 rules pursuant to chapter 17A to implement this paragraph.

26 29 Sec. 39. Section 97B.50A, subsection 12, Code 2007, is  
26 30 amended to read as follows:

26 31 12. CONTRIBUTIONS. The expenses incurred in the  
26 32 administration of this section by the system shall be paid  
26 33 through contributions as determined pursuant to section  
26 34 ~~97B.49B, subsection 3, or section 97B.49C, subsection 3, as~~  
~~26 35 applicable 97B.11.~~



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27 1 Sec. 40. Section 97B.52, subsection 1, paragraph a,  
27 2 unnumbered paragraphs 1 and 3, Code 2007, are amended to read  
27 3 as follows:

27 4 A lump sum payment equal to the accumulated contributions  
27 5 of the member at the date of death plus the product of an  
27 6 amount equal to the highest year of covered wages of the  
27 7 deceased member and the number of years of membership service  
27 8 divided by the applicable denominator. ~~However, a lump sum~~  
~~27 9 payment made to a beneficiary under this paragraph due to the~~  
~~27 10 death of a member shall not be less than the amount that would~~  
~~27 11 have been payable on the death of the member on June 30, 1984,~~  
~~27 12 under this paragraph as it appeared in the 1983 Code.~~

27 13 ~~Effective July 1, 1978, a method of payment under this~~  
~~27 14 paragraph filed with the system by a member does not apply.~~

27 15 Sec. 41. Section 97B.53B, Code 2007, is amended to read as  
27 16 follows:

27 17 97B.53B ROLLOVERS OF MEMBERS' ACCOUNTS.

27 18 1. As used in this section, unless the context otherwise  
27 19 requires, and to the extent permitted by the internal revenue  
27 20 service:

27 21 a. "Direct rollover" means a payment by the system to the  
27 22 eligible retirement plan specified by ~~the member or the~~  
~~27 23 member's surviving spouse~~ an eligible person.

27 24 b. "Eligible person" means any of the following:

27 25 (1) The member.

27 26 (2) The member's surviving spouse.

27 27 (3) The member's spouse or former spouse as an alternate  
27 28 payee under a qualified domestic relations order.

27 29 (4) Effective January 1, 2007, the member's nonspouse  
27 30 beneficiaries who are designated beneficiaries as defined by  
27 31 section 401(a)(9)(E) of the federal Internal Revenue Code, as  
27 32 authorized under section 829 of the federal Pension Protection  
27 33 Act of 2006.

27 34 c. "Eligible retirement plan" means either, for an  
27 35 eligible person, any of the following retirement plans that



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28 1 ~~accepts~~ can accept an eligible rollover distribution from a  
~~28 2 member or a member's surviving spouse~~ that eligible person:  
28 3 (1) An individual retirement account in accordance with  
28 4 section 408(a) of the federal Internal Revenue Code.  
28 5 (2) An individual retirement annuity in accordance with  
28 6 section 408(b) of the federal Internal Revenue Code.  
28 7 ~~(3) In addition, an "eligible retirement plan" includes an~~  
28 8 An annuity plan in accordance with section 403(a) of the  
28 9 federal Internal Revenue Code, or a qualified trust in  
28 10 accordance with section 401(a) of the federal Internal Revenue  
28 11 Code, that accepts an eligible rollover distribution from a  
28 12 member.  
28 13 (4) Effective January 1, 2002, ~~the term "eligible~~  
~~28 14 retirement plan" also includes~~ an annuity contract described  
28 15 in section 403(b) of the federal Internal Revenue Code, and an  
28 16 eligible plan under section 457(b) of the federal Internal  
28 17 Revenue Code which is maintained by a state, political  
28 18 subdivision of a state, or any agency or instrumentality of a  
28 19 state or political subdivision of a state that chooses to  
28 20 separately account for amounts transferred into such eligible  
28 21 retirement plan from the system.  
28 22 (5) Effective January 1, 2008, a Roth individual  
28 23 retirement account or a Roth individual retirement annuity  
28 24 established under section 408A of the Internal Revenue Code.  
28 25 e. d. (1) "Eligible rollover distribution" includes any  
28 26 of the following:  
28 27 (a) All or any portion of a member's account and  
28 28 supplemental account.  
28 29 (b) Effective January 1, 2002, after=tax employee  
28 30 contributions, if the plan to which such amounts are to be  
28 31 transferred is an individual retirement account described in  
28 32 federal Internal Revenue Code section 408(a) or 408(b), or is  
28 33 a qualified defined contribution plan described in federal  
28 34 Internal Revenue Code section 401(a) or 403(a), and such plan  
28 35 agrees to separately account for the after=tax amount so



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29 1 transferred.

29 2 (c) ~~A distribution made on behalf of a surviving spouse~~  
~~29 3 and to an alternate payee, who is a spouse or former spouse,~~  
~~29 4 under a qualified domestic relations order. Effective January~~  
~~29 5 1, 2007, after-tax employee contributions to a qualified~~  
~~29 6 defined benefit plan described in federal Internal Revenue~~  
~~29 7 Code section 401(a) or 403(a), or a tax-sheltered annuity plan~~  
~~29 8 described in federal Internal Revenue Code section 403(b), and~~  
~~29 9 such plan agrees to separately account for the after-tax~~  
~~29 10 amount so transferred.~~

29 11 (2) An eligible rollover distribution does not include any  
29 12 of the following:

29 13 (a) A distribution that is one of a series of  
29 14 substantially equal periodic payments, which occur annually or  
29 15 more frequently, made for the life or life expectancy of the  
29 16 distributee or the joint lives or joint life expectancies of  
29 17 the distributee and the distributee's designated beneficiary,  
29 18 or made for a specified period of ten years or more.

29 19 (b) A distribution to the extent that the distribution is  
29 20 required pursuant to section 401(a)(9) of the federal Internal  
29 21 Revenue Code.

29 22 (c) Prior to January 1, 2002, the portion of any  
29 23 distribution that is not includible in the gross income of the  
29 24 distributee, determined without regard to the exclusion for  
29 25 net unrealized appreciation with respect to employer  
29 26 securities.

29 27 2. ~~Effective January 1, 1993, a member or a member's~~  
~~29 28 surviving spouse~~ An eligible person may elect, at the time and  
29 29 in the manner prescribed in rules adopted by the system and in  
29 30 rules of the receiving retirement plan, to have the system pay  
29 31 all or a portion of an eligible rollover distribution directly  
29 32 to an eligible retirement plan, specified by the member or the  
~~29 33 member's surviving spouse, in a direct rollover. However,~~  
29 34 effective January 1, 2007, if the eligible person is a  
29 35 nonspouse beneficiary as described in subsection 1, paragraph



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30 1 "b", subparagraph (4), the nonspouse beneficiary may only have  
30 2 a direct rollover of the distribution to an individual  
30 3 retirement account or annuity as described in subsection 1,  
30 4 paragraph "c", subparagraphs (1), (2), and (5), established  
30 5 for the purpose of receiving the distribution on behalf of the  
30 6 nonspouse beneficiary, and such individual retirement account  
30 7 or annuity will be treated as an inherited individual  
30 8 retirement account or annuity pursuant to section 829 of the  
30 9 federal Pension Protection Act of 2006.

30 10 Sec. 42. Section 97B.65, Code 2007, is amended to read as  
30 11 follows:

30 12 97B.65 REVISION RIGHTS RESERVED == LIMITATION ON INCREASE  
30 13 OF BENEFITS == RATES OF CONTRIBUTION.

30 14 1. The right is reserved to the general assembly to alter,  
30 15 amend, or repeal any provision of this chapter or any  
30 16 application thereof to any person, provided, however, that to  
30 17 the extent of the funds in the retirement system the amount of  
30 18 benefits which at the time of any such alteration, amendment,  
30 19 or repeal shall have accrued to any member of the retirement  
30 20 system shall not be repudiated, provided further, however,  
30 21 that the amount of benefits accrued on account of prior  
30 22 service shall be adjusted to the extent of any unfunded  
30 23 accrued liability then outstanding.

30 24 2. An increase in the benefits or retirement allowances  
30 25 provided under this chapter shall not be enacted until after  
30 26 the system's actuary determines that the system is fully  
30 27 funded and will continue to be fully funded immediately  
30 28 following enactment of the increase and the increase can be  
30 29 absorbed within the contribution rates otherwise established

30 30 for the membership group authorized to receive the increase.  
30 31 However, an increase in the benefits or retirement allowances  
30 32 provided under this chapter may be enacted if the statutory  
30 33 change providing for the increase is accompanied by a change  
~~30 34 in the employer and employee contribution rates an adjustment~~  
30 35 in the required contribution rate of the membership group



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31 1 affected that is necessary to support such increase as  
31 2 determined by the system's actuary.  
31 3 Sec. 43. Section 97B.80C, subsection 1, paragraph a, Code  
31 4 2007, is amended to read as follows:  
31 5 a. "Nonqualified service" means ~~service that is not~~  
~~31 6 qualified service and includes, but is not limited to,~~ any of  
31 7 the following:  
31 8 (1) ~~Full-time volunteer public service in the federal~~  
~~31 9 peace corps program.~~ Service that is not qualified service.  
31 10 (2) ~~Public employment comparable to employment covered~~  
~~31 11 under this chapter in a qualified Canadian governmental entity~~  
~~31 12 that is an elementary school, secondary school, college, or~~  
~~31 13 university that is organized, administered, and primarily~~  
~~31 14 supported by the provincial, territorial, or federal~~  
~~31 15 governments of Canada, or any combination of the same.~~ Any  
31 16 period of time for which there was no performance of services.  
31 17 (3) Service as described in subsection 1, paragraph "c",  
31 18 subparagraph (2).  
31 19 Sec. 44. Section 97B.80C, subsection 2, Code 2007, is  
31 20 amended to read as follows:  
31 21 2. a. A vested or retired member may make contributions  
31 22 to the retirement system to purchase up to the maximum amount  
31 23 of permissive service credit for qualified service as  
31 24 determined by the system, pursuant to Internal Revenue Code  
31 25 section 415(n), ~~and~~ the requirements of this section, and the  
31 26 system's administrative rules.  
31 27 b. A vested or retired member of the retirement system ~~who~~  
~~31 28 has five or more full calendar years of covered wages~~ may make  
31 29 contributions to the retirement system to purchase up to ~~five~~  
~~31 30 years~~ a maximum of twenty quarters of permissive service  
31 31 credit for nonqualified service as determined by the system,  
31 32 pursuant to Internal Revenue Code section 415(n), ~~and~~ the  
31 33 requirements of this section, and the system's administrative  
31 34 rules. A vested or retired member must have at least twenty  
31 35 quarters of covered wages in order to purchase permissive



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32 1 service credit for nonqualified service.

32 2 c. A vested or retired member may convert regular member

32 3 service credit to special service credit by payment of the

32 4 amount actuarially determined as necessary to fund the

32 5 resulting increase in the member's accrued benefit. The

32 6 conversion shall be treated as a purchase of qualified service

32 7 credit subject to the requirements of paragraph "a" if the

32 8 service credit to be converted was or would have been for

32 9 qualified service. The conversion shall be treated as a

32 10 purchase of nonqualified service credit subject to the

32 11 requirements of paragraph "b" if the service credit to be

32 12 converted was purchased as nonqualified service credit.

32 13 Sec. 45. Section 97B.80C, subsection 3, Code 2007, is

32 14 amended by adding the following new paragraph:

32 15 NEW PARAGRAPH. cc. For a member making contributions for

32 16 a purchase of permissive service credit for qualified service

32 17 as described in subsection 1, paragraph "c", subparagraph (1),

32 18 subparagraph subdivision (h), in which the member received, as

32 19 a vested member, a refund of the member's accumulated

32 20 contributions prior to July 1, 1998, the member shall receive

32 21 a credit against the actuarial cost of the service purchase in

32 22 an amount equal to the accumulated employer contributions of

32 23 the member which were not paid to the member as a refund

32 24 multiplied by a fraction of years of service for that member,

32 25 determined as provided in section 97B.49A, 97B.49B, or

32 26 97B.49C, as of the date the member received the refund, plus

32 27 interest as calculated pursuant to section 97B.70.

32 28 Sec. 46. Section 97B.82, subsection 2, paragraph b,

32 29 subparagraph (2), subparagraph subdivision (c), Code 2007, is

32 30 amended to read as follows:

32 31 (c) ~~The~~ For rollover service purchases prior to January 1,

32 32 2007, the portion of any distribution that is not includible

32 33 in the gross income of the distributee, determined without

32 34 regard to the exclusion for net unrealized appreciation with

32 35 respect to employer securities.



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33 1 For rollover service purchases on or after January 1, 2007,  
33 2 the portion of any distribution that is not includible in the  
33 3 gross income of the distributee, determined without regard to  
33 4 the exclusion for net unrealized appreciation with respect to  
33 5 employer securities, shall be treated as an eligible rollover  
33 6 distribution only when such portion is received from a  
33 7 qualified plan under section 401(a) or 403(a) of the federal  
33 8 Internal Revenue Code.

33 9 Sec. 47. Section 97B.82, subsection 3, Code 2007, is  
33 10 amended to read as follows:

33 11 3. A member may purchase any service credit as authorized  
33 12 by this section, to the extent permitted by the internal  
33 13 revenue service, by means of a direct transfer, ~~excluding of~~  
33 14 pretax amounts, and effective January 1, 2007, any after-tax  
33 15 contributions, from an annuity contract qualified under  
33 16 federal Internal Revenue Code section 403(b), or an eligible  
33 17 plan described in federal Internal Revenue Code section  
33 18 457(b), maintained by a state, political subdivision of a  
33 19 state, or any agency or instrumentality of a state or  
33 20 political subdivision of a state. A direct transfer is a  
33 21 trustee-to-trustee transfer to the retirement system of  
33 22 contributions made to annuity contracts qualified under  
33 23 federal Internal Revenue Code section 403(b) and eligible  
33 24 governmental plans qualified under federal Internal Revenue  
33 25 Code section 457(b) for purposes of purchasing service credit  
33 26 in the retirement system.

33 27 Sec. 48. Section 97B.73B, Code 2007, is repealed.

33 28 Sec. 49. TRANSITION PROVISION == REQUIRED CONTRIBUTION  
33 29 RATE FOR FISCAL YEAR 2010=2011. For purposes of establishing  
33 30 the required contribution rate for the fiscal year beginning  
33 31 July 1, 2011, as provided in section 97B.11, as amended in  
33 32 this Act, the required contribution rate for the fiscal year  
33 33 beginning July 1, 2010, shall be, for members in regular  
33 34 service, members described in section 97B.49B, and members  
33 35 described in section 97B.49C, the total contribution



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34 1 percentage rate paid by members and employers of that  
34 2 membership group for the fiscal year beginning July 1, 2010.  
34 3 Sec. 50. IMPLEMENTATION PROVISION. Notwithstanding any  
34 4 provision of section 97B.65 to the contrary, the provisions of  
34 5 this division of this Act shall be enacted and implemented by  
34 6 the Iowa public employees' retirement system upon the  
34 7 effective dates provided for the provisions of this division  
34 8 of this Act.

34 9 Sec. 51. EFFECTIVE DATES == RETROACTIVE APPLICABILITY.

34 10 1. The sections of this Act amending section 97B.49B,  
34 11 subsection 3, section 97B.49C, subsection 3, section 97B.50A,  
34 12 subsection 12, and section 97B.65 take effect July 1, 2011.

34 13 2. The section of this Act amending section 97B.53B, being  
34 14 deemed of immediate importance, takes effect upon enactment,  
34 15 and, except as otherwise stated, is retroactively applicable  
34 16 to January 1, 2007, and is applicable on and after that date.

34 17 3. The sections of this Act amending section 97B.82, being  
34 18 deemed of immediate importance, take effect upon enactment,  
34 19 and are retroactively applicable to January 1, 2007, and are  
34 20 applicable on and after that date.

34 21 DIVISION III

34 22 STATEWIDE FIRE AND POLICE RETIREMENT SYSTEM

34 23 Sec. 52. Section 411.5, subsections 10 and 11, Code 2007,  
34 24 are amended to read as follows:

34 25 10. ACTUARIAL INVESTIGATION == TABLES == RATES. At least  
34 26 once in each five-year period, the actuary shall make an  
34 27 actuarial investigation into the mortality, service, and  
34 28 compensation experience of the members and beneficiaries of  
34 29 the retirement system, and the interest and other earnings on  
34 30 the moneys and other assets of the retirement system, and  
34 31 shall make a valuation of the assets and liabilities of the  
34 32 fire and police retirement fund, and on the basis of the  
34 33 results of the investigation and valuation, the system shall  
34 34 ~~do all of the following:~~

34 35 ~~a. Adopt~~ adopt for the retirement system such actuarial



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35 1 methods and assumptions, interest rate, and mortality and  
35 2 other tables as are deemed necessary to conduct the annual  
35 3 actuarial valuation of the system.  
35 4 ~~b. Certify the rates of contribution payable by the cities~~  
~~35 5 in accordance with section 411.8.~~  
35 6 ~~e. Certify the rates of contributions payable by the~~  
~~35 7 members in accordance with section 411.8.~~  
35 8 11. ANNUAL ACTUARIAL VALUATION.  
35 9 a. On the basis of the actuarial methods and assumptions,  
35 10 rate of interest and tables adopted, the actuary shall make an  
35 11 annual valuation of the assets and liabilities of the fire and  
35 12 police retirement fund created by this chapter. As a result  
35 13 of the annual actuarial valuation, the system shall do all of  
35 14 the following:  
35 15 (1) Certify the rates of contribution payable by the  
35 16 cities in accordance with section 411.8.  
35 17 (2) Certify the rates of contributions payable by the  
35 18 members in accordance with section 411.8.  
35 19 b. Effective with the fiscal year beginning July 1, 2008,  
35 20 the annual actuarial valuation required to be conducted shall  
35 21 include information as required by section 97D.5.  
35 22 Sec. 53. Section 411.8, subsection 1, paragraph b, Code  
35 23 2007, is amended to read as follows:  
35 24 b. On the basis of the actuarial methods and assumptions,  
35 25 rate of interest, and of the mortality, interest and other  
35 26 tables adopted by the system, the actuary engaged by the  
35 27 system to make each valuation required by this chapter  
35 28 pursuant to the requirements of section 411.5, shall  
35 29 immediately after making such valuation, determine the "normal  
35 30 contribution rate". Except as otherwise provided in this  
35 31 lettered paragraph, the normal contribution rate shall be the  
35 32 rate percent of the earnable compensation of all members  
35 33 obtained by deducting from the total liabilities of the fund  
~~35 34 the amount of the funds in hand to the credit of the fund and~~  
~~35 35 dividing the remainder by one percent of the present value of~~



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~~36 1 the prospective future compensation of all members as computed  
36 2 on the basis of the rate of interest and of mortality and  
36 3 service tables adopted, all equal to the rate required by the  
36 4 system to discharge its liabilities, stated as a percentage of  
36 5 the earnable compensation of all members, and reduced by the  
36 6 employee contribution made pursuant to rate provided in  
36 7 paragraph "f" of this subsection and the contribution rate  
36 8 representing the state appropriation made as provided in  
36 9 section 411.20. However, the normal rate of contribution  
36 10 shall not be less than seventeen percent.~~

~~36 11 Beginning July 1, 1996, and each fiscal year thereafter,  
36 12 the normal contribution rate shall be the rate percent of the  
36 13 earnable compensation of all members obtained by deducting  
36 14 from the total liabilities of the fund the amount of the funds  
36 15 in hand to the credit of the fund and dividing the remainder  
36 16 by one percent of the present value of the prospective future  
36 17 compensation of all members as computed on the basis of the  
36 18 rate of interest and of mortality and service tables adopted,  
36 19 multiplied by six-tenths, or seventeen percent, whichever is  
36 20 greater.~~

36 21 The normal rate of contribution shall be determined by the  
36 22 actuary after each valuation.

36 23 Sec. 54. NEW SECTION. 411.10 PURCHASE OF SERVICE CREDIT  
36 24 FOR MILITARY SERVICE.

36 25 1. An active member of the system who has been a member of  
36 26 the retirement system five or more years may elect to purchase  
36 27 up to five years of service credit for military service, other  
36 28 than military service required to be recognized under Internal  
36 29 Revenue Code section 414(u) or under the federal Uniformed  
36 30 Services Employment and Reemployment Rights Act, that will be  
36 31 recognized by the retirement system for purposes of  
36 32 calculating a member's benefit, pursuant to Internal Revenue  
36 33 Code section 415(n) and the requirements of this section.

36 34 2. a. A member seeking to purchase service credit  
36 35 pursuant to this section shall file a written application with



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37 1 the system requesting an actuarial determination of the cost  
37 2 of a purchase of service credit. Upon receipt of the cost  
37 3 estimate for the purchase of service from the system, the  
37 4 member may make contributions to the system in an amount equal  
37 5 to the actuarial cost of the service credit purchase.

37 6 b. For purposes of this subsection, the actuarial cost of  
37 7 the service credit purchase is an amount determined by the  
37 8 system in accordance with actuarial tables, as reported to the  
37 9 system by the system's actuary, which reflects the actuarial  
37 10 cost necessary to fund an increased retirement allowance  
37 11 resulting from the purchase of service credit.

37 12 3. The system shall ensure that the member, in exercising  
37 13 an option provided in this section, does not exceed the amount  
37 14 of annual additions to a member's account permitted pursuant  
37 15 to section 415 of the federal Internal Revenue Code.

37 16 4. The board of trustees shall adopt rules providing for  
37 17 the implementation and administration of this section.

37 18 DIVISION IV  
37 19 JUDICIAL RETIREMENT SYSTEM

37 20 Sec. 55. Section 602.9104, subsection 1, paragraph b, Code  
37 21 2007, is amended to read as follows:

37 22 b. The state shall contribute annually to the judicial  
37 23 retirement fund an amount equal to the state's required  
37 24 contribution for all judges covered under this article. ~~The~~  
~~37 25 state's required contribution shall be appropriated directly~~  
~~37 26 to the judicial retirement fund by the general assembly.~~

37 27 Sec. 56. Section 602.9104, subsection 4, paragraphs b, c,  
37 28 d, and e, Code 2007, are amended to read as follows:

37 29 b. "Fully funded status" means that the most recent  
37 30 actuarial valuation reflects that, ~~using the projected unit~~  
~~37 31 credit method in accordance with generally recognized and~~  
~~37 32 accepted actuarial principles and practices set forth by the~~  
~~37 33 American academy of actuaries,~~ the funded status of the system  
37 34 is at least ninety one hundred percent, based upon the  
37 35 benefits provided for judges through the judicial retirement



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38 1 system as of July 1, 2006.

38 2 c. "Judge's required contribution" means an amount equal  
38 3 to the basic salary of the judge multiplied by the following  
38 4 applicable percentage:

38 5 (1) For the fiscal year beginning July 1, 2008, and ending  
38 6 June 30, 2009, seven and seven-tenths percent.

38 7 (2) For the fiscal year beginning July 1, 2009, and ending  
38 8 June 30, 2010, eight and seven-tenths percent.

38 9 ~~(1)~~ (3) For the fiscal year beginning July 1, ~~2006~~ 2010,  
38 10 and for each subsequent fiscal year until the system attains  
38 11 fully funded status, ~~six percent multiplied by a fraction~~  
38 12 ~~equal to the actual percentage rate contributed by the state~~  
38 13 ~~for that fiscal year divided by twenty-three and seven-tenths~~  
38 14 ~~percent~~ nine and thirty-five hundredths percent.

38 15 ~~(2)~~ (4) Commencing with the first fiscal year in which  
38 16 the system attains fully funded status, and for each  
38 17 subsequent fiscal year, the percentage rate equal to ~~fifty~~  
38 18 forty percent of the required contribution rate.

38 19 d. "Required contribution rate" means that percentage of  
38 20 the basic salary of all judges covered under this article  
38 21 ~~which the actuary of the system determines is necessary, using~~  
38 22 ~~the projected unit credit method in accordance with generally~~  
38 23 ~~recognized and accepted actuarial principles and practices set~~  
38 24 ~~forth by the American academy of actuaries, to amortize the~~  
38 25 ~~unfunded actuarial liability of the judicial retirement system~~  
38 26 ~~within twenty years equal to the actuarially required~~  
38 27 contribution rate determined by the actuary pursuant to  
38 28 section 602.9116.

38 29 e. "State's required contribution" means an amount equal  
38 30 to the basic salary of all judges covered under this article  
38 31 multiplied by the following applicable percentage:

38 32 (1) For the fiscal year beginning July 1, ~~2006~~ 2008, and  
38 33 for each subsequent fiscal year until the system attains fully  
38 34 funded status, ~~twenty-three and seven-tenths~~ thirty and  
38 35 six-tenths percent.



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39 1 (2) Commencing with the first fiscal year in which the  
39 2 system attains fully funded status, and for each subsequent  
39 3 fiscal year, the percentage rate equal to ~~fifty~~ sixty percent  
39 4 of the required contribution rate.

39 5 Sec. 57. Section 602.9116, subsection 1, Code Supplement  
39 6 2007, is amended to read as follows:

39 7 1. The court administrator shall cause an actuarial  
39 8 valuation to be made of the assets and liabilities of the  
39 9 judicial retirement fund at least once every four years  
39 10 commencing with the fiscal year beginning July 1, 1981. For  
39 11 each fiscal year in which an actuarial valuation is not  
39 12 conducted, the court administrator shall cause an annual  
39 13 actuarial update to be prepared for the purpose of determining  
39 14 the adequacy of the contribution rates specified in section  
39 15 602.9104. The court administrator shall adopt actuarial  
39 16 methods and assumptions, mortality tables, and other necessary  
39 17 factors for use in the actuarial calculations required for the  
39 18 valuation upon the recommendation of the actuary. In  
39 19 addition, effective with the fiscal year beginning July 1,  
39 20 2008, the actuarial valuation or actuarial update required to  
39 21 be conducted shall include information as required by section  
39 22 97D.5. Following the actuarial valuation or annual actuarial  
39 23 update, the court administrator shall determine the condition  
39 24 of the system, determine the actuarially required contribution  
39 25 rate for each fiscal year which is the rate required by the  
39 26 system to discharge its liabilities, stated as a percentage of  
39 27 the basic salary of all judges covered under this article, and  
39 28 shall report any findings and recommendations to the general  
39 29 assembly.

39 30 DIVISION V

39 31 MISCELLANEOUS PROVISIONS

39 32 Sec. 58. Section 8A.438, Code 2007, is amended by striking  
39 33 the section and inserting in lieu thereof the following:

39 34 8A.438 TAX=SHELTERED INVESTMENT CONTRACTS.

39 35 1. The director may establish a tax=sheltered investment



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40 1 program for eligible employees. The director may arrange for  
40 2 the provision of investment vehicles authorized under section  
40 3 403(b) of the Internal Revenue Code, as defined in section  
40 4 422.3. The department may offer the tax-sheltered investment  
40 5 program to eligible public employers in the state of Iowa.

40 6 2. a. A special, separate tax-sheltered investment  
40 7 revolving trust fund is created in the state treasury under  
40 8 the control of the department. The fund shall consist of all  
40 9 moneys deposited in the fund pursuant to this section, any  
40 10 funds received from other entities in the state of Iowa, and  
40 11 interest and earnings thereon. The director is the trustee of  
40 12 the fund and shall administer the fund. Any loss to the fund  
40 13 shall be charged against the fund and the director shall not  
40 14 be personally liable for such loss.

40 15 b. Moneys in the fund are not subject to section 8.33.  
40 16 Notwithstanding section 12C.7, subsection 2, interest or  
40 17 earnings on moneys in the fund shall be credited to the fund.

40 18 Sec. 59. Section 55.1, unnumbered paragraph 1, Code 2007,  
40 19 is amended to read as follows:

40 20 A person who is elected to a municipal, county, state, or  
40 21 federal office shall, upon written application to the employer  
40 22 of that person, be granted a leave of absence from regular  
40 23 employment to serve in that office except where prohibited by  
40 24 the federal law. The leave of absence may be granted without  
40 25 pay ~~and~~, except that if a salaried employee takes leave  
40 26 without pay from regular employment for a portion of a pay  
40 27 period, the employee's salaried compensation for that pay  
40 28 period shall be reduced by the ratio of the number of days of  
40 29 leave taken to the total number of days in the pay period.

40 30 The leave of absence shall be granted without loss of net  
40 31 credited service and benefits earned. This section shall not  
40 32 be construed to require an employer to pay pension, health or  
40 33 other benefits during the leave of absence to an employee  
40 34 taking a leave of absence under this section.

40 35 Sec. 60. Section 55.1, unnumbered paragraph 3, Code 2007,



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41 1 is amended to read as follows:

41 2 An employee shall not be prohibited from returning to  
41 3 regular employment before the period expires for which the  
41 4 leave of absence was granted. This section applies only to  
41 5 employers which employ twenty or more full-time persons. ~~The~~  
~~41 6 leave of absence granted by this section need not exceed six~~  
~~41 7 years.~~ The leave of absence granted by this section does not  
41 8 apply to an elective office held by the employee prior to the  
41 9 election.

41 10 Sec. 61. Section 97C.21, Code 2007, is amended to read as  
41 11 follows:

41 12 97C.21 VOLUNTARY COVERAGE OF ELECTED OFFICIALS.

41 13 Notwithstanding any provision of this chapter to the  
41 14 contrary, an employer of elected officials otherwise excluded  
41 15 from the definition of employee as provided in section 97C.2,  
41 16 may, but is not required to, choose to provide benefits to  
41 17 those elected officials as employees as provided by this  
41 18 chapter. Alternatively, the governor may authorize a  
41 19 statewide referendum of the appointed and elected officials of  
41 20 the state and its political subdivisions on the question of  
41 21 whether to include in or exclude from the definition of  
41 22 employee all such positions. This choice shall be reflected  
41 23 in the federal-state agreement described in section 97C.3,  
41 24 and, if necessary, in this chapter. An employer who is  
41 25 providing benefits to elected officials otherwise excluded  
41 26 from the definition of employee prior to July 1, 2002, shall  
41 27 not be deemed to be in an erroneous reporting situation, and  
41 28 corrections for prior federal social security withholdings  
41 29 shall not be required. The implementation of this section  
41 30 shall be subject to the approval of the federal social  
41 31 security administration.

41 32 Sec. 62. Section 97D.2, Code 2007, is amended to read as  
41 33 follows:

41 34 97D.2 ANALYSIS OF COST OF PROPOSED CHANGES.

41 35 When the public retirement systems committee established by



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42 1 section 97D.4 or a standing committee of the senate or house  
42 2 of representatives recommends a proposal for a change in a  
42 3 public retirement system within this state, the committee  
42 4 shall require the development of actuarial information  
42 5 concerning the costs of the proposed change. If the proposal  
42 6 affects police and fire retirement under chapter 411, the  
42 7 committee shall arrange for the services of an actuarial  
42 8 consultant or request actuarial information from the statewide  
42 9 fire and police retirement system created in chapter 411 to  
42 10 assist in developing the information. Actuarial information  
42 11 developed as provided under this section concerning the cost  
42 12 of a proposed change shall include information on the effect  
42 13 of the proposed change on the normal cost rate for that public  
42 14 retirement system using the entry age normal actuarial cost  
42 15 method.

42 16 Sec. 63. NEW SECTION. 97D.5 PUBLIC RETIREMENT SYSTEMS ==  
42 17 ANNUAL ACTUARIAL VALUATIONS == REQUIRED INFORMATION.

42 18 1. For purposes of this section, "public retirement  
42 19 system" means the public safety peace officers' retirement  
42 20 system created in chapter 97A, the Iowa public employees'  
42 21 retirement system created in chapter 97B, the statewide fire  
42 22 and police retirement system created in chapter 411, or the  
42 23 judicial retirement system created in chapter 602.

42 24 2. Effective with the fiscal year beginning July 1, 2008,  
42 25 a public retirement system shall include in each actuarial  
42 26 valuation or actuarial update required to be conducted by that  
42 27 public retirement system the following additional information,  
42 28 all as determined by using the entry age normal actuarial cost  
42 29 method:

42 30 a. The actuarially required contribution rate for the  
42 31 public retirement system which is equal to the normal cost  
42 32 rate plus the contribution rate necessary to amortize the  
42 33 unfunded actuarial accrued liability on a level percent of  
42 34 payroll basis over thirty years.

42 35 b. The normal cost rate for the public retirement system



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43 1 which shall be determined for each individual member on a  
43 2 level percentage of salary basis and then summed for all  
43 3 members to obtain the total normal cost.

43 4     Sec. 64. Section 260C.14, subsection 9, Code 2007, is  
43 5 amended by striking the subsection and inserting in lieu  
43 6 thereof the following:

43 7     9. a. The board may establish a plan, in accordance with  
43 8 section 403(b) of the Internal Revenue Code, as defined in  
43 9 section 422.3, for employees, which plan shall consist of one  
43 10 or more investment contracts, on a group or individual basis,  
43 11 acquired from a company, or a salesperson for that company,  
43 12 that is authorized to do business in this state.

43 13     b. The selection of investment contracts to be included  
43 14 within the plan established by the board shall be made either  
43 15 pursuant to a competitive bidding process conducted by the  
43 16 board, in coordination with employee organizations  
43 17 representing employees eligible to participate in the plan, or  
43 18 pursuant to an agreement with the department of administrative  
43 19 services to make available investment contracts included in a  
43 20 deferred compensation or similar plan established by the  
43 21 department pursuant to section 8A.438, which plan meets the  
43 22 requirements of this subsection. The determination of whether  
43 23 to select investment contracts for the plan pursuant to a  
43 24 competitive bidding process or by agreement with the  
43 25 department of administrative services shall be made by  
43 26 agreement between the board and the employee organizations  
43 27 representing employees eligible to participate in the plan.

43 28     c. The board may make elective deferrals in accordance  
43 29 with the plan as authorized by an eligible employee for the  
43 30 purpose of making contributions to an investment contract in  
43 31 the plan on behalf of the employee. The deferrals shall be  
43 32 made in the manner which will qualify contributions to the  
43 33 investment contract for the benefits under section 403(b) of  
43 34 the Internal Revenue Code, as defined in section 422.3. In  
43 35 addition, the board may make nonelective employer



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44 1 contributions to the plan.

44 2 d. As used in this subsection, unless the context  
44 3 otherwise requires, "investment contract" shall mean a  
44 4 custodial account utilizing mutual funds or an annuity  
44 5 contract which meets the requirements of section 403(b) of the  
44 6 Internal Revenue Code, as defined in section 422.3.

44 7 Sec. 65. Section 273.3, subsection 14, Code 2007, is  
44 8 amended by striking the subsection and inserting in lieu  
44 9 thereof the following:

44 10 14. a. The board may establish a plan, in accordance with  
44 11 section 403(b) of the Internal Revenue Code, as defined in  
44 12 section 422.3, for employees, which plan shall consist of one  
44 13 or more investment contracts, on a group or individual basis,  
44 14 acquired from a company, or a salesperson for that company,  
44 15 that is authorized to do business in this state.

44 16 b. The selection of investment contracts to be included  
44 17 within the plan established by the board shall be made either  
44 18 pursuant to a competitive bidding process conducted by the  
44 19 board, in coordination with employee organizations  
44 20 representing employees eligible to participate in the plan, or  
44 21 pursuant to an agreement with the department of administrative  
44 22 services to make available investment contracts included in a  
44 23 deferred compensation or similar plan established by the  
44 24 department pursuant to section 8A.438, which plan meets the  
44 25 requirements of this subsection. The determination of whether  
44 26 to select investment contracts for the plan pursuant to a  
44 27 competitive bidding process or by agreement with the  
44 28 department of administrative services shall be made by  
44 29 agreement between the board and the employee organizations  
44 30 representing employees eligible to participate in the plan.

44 31 c. The board may make elective deferrals in accordance  
44 32 with the plan as authorized by an eligible employee for the  
44 33 purpose of making contributions to the investment contract on  
44 34 behalf of the employee. The deferrals shall be made in the  
44 35 manner which will qualify contributions to the investment



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45 1 contract for the benefits under section 403(b) of the Internal  
45 2 Revenue Code, as defined in section 422.3. In addition, the  
45 3 board may make nonelective employer contributions to the plan.

45 4 d. As used in this subsection, unless the context  
45 5 otherwise requires, "investment contract" shall mean a  
45 6 custodial account utilizing mutual funds or an annuity  
45 7 contract which meets the requirements of section 403(b) of the  
45 8 Internal Revenue Code, as defined in section 422.3.

45 9 Sec. 66. Section 294.16, Code 2007, is amended by striking  
45 10 the section and inserting in lieu thereof the following:

45 11 294.16 INVESTMENT CONTRACTS.

45 12 1. The school district may establish a plan, in accordance  
45 13 with section 403(b) of the Internal Revenue Code, as defined  
45 14 in section 422.3, for employees, which plan shall consist of  
45 15 one or more investment contracts, on a group or individual  
45 16 basis, acquired from a company, or a salesperson for that  
45 17 company, that is authorized to do business in this state.

45 18 2. The selection of investment contracts to be included  
45 19 within the plan established by the school district shall be  
45 20 made either pursuant to a competitive bidding process  
45 21 conducted by the school district, in coordination with  
45 22 employee organizations representing employees eligible to  
45 23 participate in the plan, or pursuant to an agreement with the  
45 24 department of administrative services to make available  
45 25 investment contracts included in a deferred compensation or  
45 26 similar plan established by the department pursuant to section  
45 27 8A.438, which plan meets the requirements of this section.  
45 28 The determination of whether to select investment contracts  
45 29 for the plan pursuant to a competitive bidding process or by  
45 30 agreement with the department of administrative services shall  
45 31 be made by agreement between the school district and the  
45 32 employee organizations representing employees eligible to  
45 33 participate in the plan.

45 34 3. The school district may make elective deferrals and in  
45 35 accordance with the plan as authorized by an eligible employee



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46 1 for the purpose of making contributions to the investment  
46 2 contract on behalf of the employee. The deferrals shall be  
46 3 made in the manner which will qualify contributions to the  
46 4 investment contract for the benefits under section 403(b) of  
46 5 the Internal Revenue Code, as defined in section 422.3. In  
46 6 addition, the school district may make nonelective employer  
46 7 contributions to the plan.

46 8 4. As used in this section, unless the context otherwise  
46 9 requires, "investment contract" shall mean a custodial account  
46 10 utilizing mutual funds or an annuity contract which meets the  
46 11 requirements of section 403(b) of the Internal Revenue Code,  
46 12 as defined in section 422.3.

46 13 Sec. 67. TRANSITION PROVISIONS == INTERNAL REVENUE CODE  
46 14 SECTION 403(b) PLANS. Notwithstanding any provision of law to  
46 15 the contrary, the investment contracts to be included within a  
46 16 plan established pursuant to section 260C.14, subsection 9,  
46 17 section 273.3, subsection 14, or section 294.16, for the  
46 18 period beginning January 1, 2009, and ending December 31,  
46 19 2009, shall be investment contracts selected by the department  
46 20 of administrative services from among the investment contracts  
46 21 included in a deferred compensation or similar plan  
46 22 established by the department of administrative services,  
46 23 which plan meets the requirements of section 403(b) of the  
46 24 Internal Revenue Code, as defined in section 422.3, or shall  
46 25 be from no more than five companies authorized to issue  
46 26 investment contracts as selected by the applicable employer  
46 27 and from no more than three companies authorized to issue  
46 28 investment contracts as selected by, and in the sole  
46 29 discretion of, the employee organizations representing the  
46 30 applicable employer's employees. Selection of companies and  
46 31 investment contracts for a plan shall be made in the best  
46 32 interests of employees eligible to participate in the plan.  
46 33 The determination of whether to select investment contracts  
46 34 for the plan for the period beginning January 1, 2009, and  
46 35 ending December 31, 2009, that are included in a deferred



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47 1 compensation or similar plan established by the department of  
47 2 administrative services or that are selected by the applicable  
47 3 employer and the employee organizations representing the  
47 4 applicable employer's employees, shall be made by an agreement  
47 5 entered into by August 15, 2008, between the applicable  
47 6 employer and the employee organizations representing the  
47 7 applicable employer's employees eligible to participate in the  
47 8 plan. Applicable employers shall have the authority to take  
47 9 such action as deemed necessary to establish, effective  
47 10 January 1, 2009, an eligible plan pursuant to section 260C.14,  
47 11 subsection 9, section 273.3, subsection 14, or section 294.16.

47 12       Sec. 68. DEPARTMENT OF ADMINISTRATIVE SERVICES ==  
47 13 SELECTION OF INVESTMENT CONTRACT PROVIDERS FOR INTERNAL  
47 14 REVENUE CODE SECTION 403(b) PLANS.

47 15       1. The department of administrative services shall  
47 16 establish, by January 1, 2010, a plan, as authorized pursuant  
47 17 to section 8A.438 and in accordance with section 403(b) of the  
47 18 Internal Revenue Code, as defined in section 422.3, for  
47 19 employees, which plan shall consist of one or more investment  
47 20 contracts, on a group or individual basis, acquired from a  
47 21 company, or a salesperson for that company, that is authorized  
47 22 to do business in this state, that is eligible to be utilized  
47 23 as a vendor of investment contracts for plans established  
47 24 pursuant to section 260C.14, subsection 9, section 273.3,  
47 25 subsection 14, or section 294.16.

47 26       2. The department of administrative services shall  
47 27 determine which vendors will be authorized to participate  
47 28 under the tax-sheltered investment program established by the  
47 29 department pursuant to section 8A.438. Employee organizations  
47 30 representing employees and employers participating in the  
47 31 programs authorized under sections 8A.433 and 8A.438 shall be  
47 32 allowed to assist the department in this decision, specific  
47 33 only to the initial competitive bid process that will  
47 34 determine the vendors that will be in the program as of  
47 35 January 1, 2010.



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48 1 3. As used in this section, unless the context otherwise  
48 2 requires, "investment contract" shall mean a custodial account  
48 3 utilizing mutual funds or an annuity contract which meets the  
48 4 requirements of section 403(b) of the Internal Revenue Code,  
48 5 as defined in section 422.3.

48 6 Sec. 69. EFFECTIVE DATE.

48 7 1. The sections of this division of this Act amending  
48 8 section 260C.14, subsection 9, section 273.3, subsection 14,  
48 9 and section 294.16, take effect January 1, 2009.

48 10 2. The section of this division of this Act, enacting  
48 11 transition provisions relating to plans required to meet  
48 12 requirements for Internal Revenue Code section 403(b) plans,  
48 13 being deemed of immediate importance, takes effect upon  
48 14 enactment.

48 15 EXPLANATION

48 16 This bill makes numerous changes to public retirement  
48 17 systems, including the public safety peace officers'  
48 18 retirement, accident, and disability system, the Iowa public  
48 19 employees' retirement system, the statewide fire and police  
48 20 retirement system, and the judicial retirement system, as well  
48 21 as other employee benefit matters. The bill may include a  
48 22 state mandate as defined in Code section 25B.3. The state  
48 23 mandate funding requirement in Code section 25B.2, however,  
48 24 does not apply to public employee retirement systems. The  
48 25 changes to each public retirement system as well as other  
48 26 employee benefit-related matters are as follows:

48 27 PEACE OFFICERS' RETIREMENT, ACCIDENT, AND DISABILITY SYSTEM  
48 28 (PORS). The bill eliminates references in Code chapter 97A to  
48 29 the pension accumulation fund, pension reserve fund, and the  
48 30 expense fund as separate funds of PORS and provides that the  
48 31 assets of PORS are in one retirement fund.

48 32 Code section 97A.4 is amended to provide that an active  
48 33 member of PORS can have service credited under PORS for  
48 34 service in a city fire and police retirement system operating  
48 35 under Code chapter 411 prior to those systems' consolidation



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49 1 on January 1, 1992, if the person was not eligible to transfer  
49 2 that service from the Code chapter 411 system to PORS and the  
49 3 member applies for service by June 30, 2009. The bill also  
49 4 provides that contribution rates of members shall not be  
49 5 increased to provide for this benefit and a member eligible  
49 6 for service credit as provided in this provision, who  
49 7 purchased such service pursuant to Code section 97A.10, shall,  
49 8 by applying for service credit by October 1, 2008, be  
49 9 reimbursed by the retirement system for the contributions made  
49 10 by the member to purchase the service.

49 11 Code section 97A.5(8), concerning the medical board for the  
49 12 system, is amended to provide that the board of trustees can  
49 13 designate a single medical provider network as the medical  
49 14 board of the system. The bill provides that disability  
49 15 examinations shall be conducted by a physician from the  
49 16 medical board specializing in occupational medicine and a  
49 17 second physician selected by the occupational medicine  
49 18 physician in an appropriate field of medicine. Current law  
49 19 provides for a three-physician medical board.

49 20 Code section 97A.5(11) and (12), concerning the actuarial  
49 21 investigation and valuation of the system, is amended to  
49 22 provide that the board of trustees shall select the actuarial  
49 23 cost method to be used in conducting the annual actuarial  
49 24 valuation of the system. A corresponding change in Code  
49 25 section 97A.8 is made to eliminate the requirement that the  
49 26 aggregate cost method be used.

49 27 Code section 97A.6(7), concerning the reexamination of  
49 28 beneficiaries retired due to disability, is amended to provide  
49 29 that a member's disability retirement shall cease if the  
49 30 disabled member is under age 55 and becomes employed in  
49 31 another public safety occupation.

49 32 Code section 97A.8(1)(b), concerning the determination of  
49 33 the contribution rate paid by the state to the PORS retirement  
49 34 fund, is amended. The bill provides that the determination of  
49 35 the "normal contribution rate" paid by the state shall be



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50 1 based upon the actuarial valuation of the system using the  
50 2 actuarial cost method selected by the board of trustees and  
50 3 eliminates the requirement that the actuarial valuation use  
50 4 the aggregate cost actuarial method in calculating this rate.  
50 5 The bill further provides that notwithstanding this  
50 6 calculation, the state's normal contribution rate shall  
50 7 increase from the current minimum 17 percent rate by 2  
50 8 percentage points per fiscal year, beginning July 1, 2008,  
50 9 until reaching a maximum of 27 percent in the fiscal year  
50 10 beginning July 1, 2012. Beginning July 1, 2012, the state's  
50 11 contribution rate for a fiscal year shall be the lesser of 27  
50 12 percent or the normal contribution rate calculated pursuant to  
50 13 the actuarial valuation of the system.

50 14 IOWA PUBLIC EMPLOYEES' RETIREMENT SYSTEM (IPERS). Code  
50 15 section 97B.1A(20), concerning the definition of service, is  
50 16 amended to provide that service includes a period of military  
50 17 service from which the IPERS member does not return to IPERS  
50 18 covered service due to injury or disease resulting in death.  
50 19 Currently, a member must return to covered employment from  
50 20 military service in order to receive service credit for the  
50 21 period of military service.

50 22 Code section 97B.1A(26), concerning the definition of  
50 23 wages, is amended to exclude bonuses and allowances, except  
50 24 allowances included as wages for members of the general  
50 25 assembly, from the definition of wages.

50 26 Code section 97B.4(2), concerning the authority of the  
50 27 system in administering IPERS, is amended to provide that  
50 28 IPERS is not a participating agency for purposes of  
50 29 information technology services under the department of  
50 30 administrative services.

50 31 Code section 97B.7(3), concerning the payment of investment  
50 32 management expenses from the retirement fund, is amended to  
50 33 eliminate the cap on the amount authorized to be expended to  
50 34 pay investment management expenses during a fiscal year. The  
50 35 current cap is four-tenths of one percent of the market value



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51 1 of the retirement fund.  
51 2 Code section 97B.9 is amended to set the fee for late  
51 3 contributions at the greater of \$20 per occurrence or interest  
51 4 at the combined interest and dividend rate required under Code  
51 5 section 97B.70. Currently, an employer is charged the greater  
51 6 of \$10 per occurrence or interest at the combined interest and  
51 7 dividend rate required under Code section 97B.70. The Code  
51 8 section is also amended to make civil actions to collect  
51 9 unpaid contributions from employers permissive.  
51 10 Code section 97B.10, concerning the crediting of erroneous  
51 11 contributions, is amended to eliminate a provision awarding  
51 12 interest on a credit for contributions paid prior to an  
51 13 individual's decision to elect out of IPERS coverage.  
51 14 Code section 97B.11, concerning contributions to the system  
51 15 by employers and employees, is amended. Beginning July 1,  
51 16 2011, IPERS will determine a required contribution rate for  
51 17 each membership group, including members in regular service,  
51 18 which is the contribution rate the system actuarially  
51 19 determines is the rate required by the system to discharge its  
51 20 liabilities as to that membership group as a percentage of the  
51 21 covered wages of members in that membership category.  
51 22 However, the bill provides that the required contribution rate  
51 23 for each membership group in a fiscal year shall not vary by  
51 24 more than one-half percentage point from the required  
51 25 contribution rate for the previous year. The bill then  
51 26 provides that, for members in regular service under IPERS, the  
51 27 employers shall pay 60 percent of the rate and members shall  
51 28 pay 40 percent of the rate. While current law provides for an  
51 29 actuarial determination of the rates for members in each of  
51 30 the special service categories, the contribution rate for  
51 31 members in regular service is fixed. As a result of this  
51 32 change, Code sections 97B.49B(3) and 97B.49C(3) are amended,  
51 33 effective July 1, 2011, by repealing that portion of each Code  
51 34 section that sets contribution rates for special service  
51 35 members to reflect that the establishment of those rates is



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52 1 done by the bill through amendment to Code section 97B.11 as  
52 2 of July 1, 2011.

52 3 Code section 97B.14 is amended by eliminating an exception  
52 4 that permitted small employers with total monthly  
52 5 contributions of \$100 or less to pay those contributions  
52 6 quarterly rather than monthly. The bill requires all  
52 7 employers to pay contributions monthly, regardless of the  
52 8 amount of the contributions.

52 9 Code section 97B.33, concerning payments made to an  
52 10 individual arising out of a decision by the system or a court,  
52 11 is amended to provide that the system may make the payment  
52 12 without certifying to the director of the department of  
52 13 administrative services that the person is entitled to the  
52 14 payment.

52 15 Code section 97B.34A, concerning payment to minors, is  
52 16 amended to provide that if the sum to be paid is less than the  
52 17 greater of \$25,000 or the amount authorized in section 565B.7,  
52 18 subsection 3 (currently \$25,000), the funds may be paid to an  
52 19 adult as custodian for the minor. Payments in excess of this  
52 20 amount are to be paid to a court-established conservator.

52 21 Current law sets the maximum amount that can be paid to an  
52 22 adult custodian at \$10,000.

52 23 Code section 97B.38, concerning fees for services, is  
52 24 amended to allow the system to charge fees to anyone for the  
52 25 costs incurred by the system in performing its duties.

52 26 Currently, members, beneficiaries, and the general public, but  
52 27 not employers, may be charged fees.

52 28 Code section 97B.49B(1), concerning protection occupations,  
52 29 is amended to add county jailers and detention officers, Iowa  
52 30 national guard installation security officers, emergency  
52 31 medical services providers, and county attorney investigators,  
52 32 as members in a protection occupation for purposes of IPERS  
52 33 benefits.

52 34 Code section 97B.49F, concerning the determination of the  
52 35 cost of living dividend, is amended. Current law provides



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53 1 that the dividend increases by a percentage that is the lesser  
53 2 of 3 percent, the percentage increase in the consumer price  
53 3 index, and the percentage certified by the system's actuary  
53 4 that the system can absorb. The bill amends the determination  
53 5 of the percentage calculated by the system's actuary to  
53 6 provide that the determination be made by comparing the  
53 7 actuarial required contribution rate for the system and the  
53 8 statutory contribution rate. If the actuarial required rate  
53 9 exceeds that statutory rate, the bill provides that the  
53 10 percentage certified by the actuary shall be zero.

53 11 Code section 97B.49H, concerning active member supplemental  
53 12 accounts, is amended to provide that no payments to the  
53 13 accounts be made unless the system remains fully funded  
53 14 following the payment to the supplemental accounts. Current  
53 15 law allows payment only if the payment can be absorbed without  
53 16 significantly impacting the funded status of the system.

53 17 Code section 97B.50, concerning early retirement due to  
53 18 disability, is amended to provide that a member who qualifies  
53 19 for IPERS regular disability benefits by becoming eligible for  
53 20 federal disability benefits must demonstrate their continued  
53 21 qualification for federal disability benefits to receive IPERS  
53 22 benefits. Current law does not require a determination that  
53 23 the member remains eligible for federal disability benefits  
53 24 once initial eligibility is established. The change does not  
53 25 affect the ability of the member to qualify for retirement  
53 26 benefits based on criteria other than disability.

53 27 Code section 97B.52, concerning payment of a lump sum death  
53 28 benefit, is amended to eliminate a provision requiring a  
53 29 determination of what the lump sum payment would have been if  
53 30 the person had died on June 30, 1984, and a provision that the  
53 31 method of payment to a beneficiary selected by a member does  
53 32 not apply.

53 33 Code section 97B.53B, concerning rollovers of members'  
53 34 accounts from IPERS to another eligible retirement plan, is  
53 35 amended to reflect Internal Revenue Code changes. The bill



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54 1 provides that nonspouse beneficiaries of a member that are  
54 2 designated as beneficiaries pursuant to federal law are  
54 3 allowed to elect to have IPERS pay all or a portion of an  
54 4 eligible distribution to certain eligible retirement plans.  
54 5 The bill also provides that, beginning January 1, 2008, Roth  
54 6 individual retirement accounts and annuities are eligible  
54 7 retirement plans for a member, a member's surviving spouse, or  
54 8 a qualified payee under a qualified domestic relations order.  
54 9 The provision of the bill amending Code section 97B.53B takes  
54 10 effect upon enactment and is retroactively applicable to  
54 11 January 1, 2007.

54 12 Code section 97B.65, concerning limitation on increases in  
54 13 benefits, is amended to provide that an increase in benefits  
54 14 shall not be implemented unless the system is fully funded and  
54 15 the increase in benefits can be absorbed into existing  
54 16 contribution rates for the membership group affected. Current  
54 17 law only requires that the system be fully funded prior to  
54 18 implementing the increase in benefits. This change also  
54 19 provides that the increase in benefits can be implemented even  
54 20 if the system is not fully funded or existing contribution  
54 21 rates are insufficient if the statutory change providing for  
54 22 the increased benefit is accompanied by a change in the  
54 23 required contribution rate necessary to support the increased  
54 24 benefit. This provision takes effect July 1, 2011.

54 25 Code section 97B.73B, concerning the purchase of service  
54 26 for patient advocates, is repealed by the bill.

54 27 Code section 97B.80C(1) and (2), concerning purchases of  
54 28 permissive service credit, is amended. The bill provides that  
54 29 any period of time when there was not performance of services  
54 30 is considered nonqualified service eligible for a purchase of  
54 31 service. The bill also provides that a member may convert  
54 32 existing regular service credit to special service credit upon  
54 33 paying the actuarial cost of that enhanced benefit. The bill  
54 34 provides that if the existing service was nonqualified  
54 35 service, then the purchase of special service credit for that



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55 1 service shall be made pursuant to the requirements governing  
55 2 the purchase of nonqualified service. Alternatively, if the  
55 3 existing service was qualified service, then the purchase of  
55 4 special service credit for that service shall be made pursuant  
55 5 to the requirements governing the purchase of qualified  
55 6 service.

55 7 Code section 97B.80C(3) is amended to provide that a member  
55 8 buying back service under IPERS can receive a credit for the  
55 9 cost of purchasing that prior service if the member received a  
55 10 refund for that service, as a vested member, prior to July 1,  
55 11 1998. The credit shall be in an amount equal to the  
55 12 accumulated employer contributions of the member which were  
55 13 not paid to the member as a refund multiplied by a fraction of  
55 14 years of service for that member, determined as provided in  
55 15 Code section 97B.49A, 97B.49B, or 97B.49C, as of the date the  
55 16 member received the refund, plus interest.

55 17 Code section 97B.82, concerning the purchase of service  
55 18 credit from a direct rollover of moneys from another  
55 19 retirement plan to IPERS, is amended to reflect Internal  
55 20 Revenue Code changes. The provisions of the bill amending  
55 21 Code section 97B.82 take effect upon enactment and are  
55 22 retroactively applicable to January 1, 2007.

55 23 The bill also provides that notwithstanding any provision  
55 24 of Code section 97B.65 to the contrary, the provisions in this  
55 25 division of the bill shall be implemented upon the effective  
55 26 dates applicable for those provisions.

55 27 STATEWIDE FIRE AND POLICE RETIREMENT SYSTEM. Code sections  
55 28 411.5 and 411.8, concerning the actuarial valuation and the  
55 29 method of financing the retirement system, are amended to  
55 30 provide that the board of trustees shall select the actuarial  
55 31 cost method to be used in the annual actuarial valuation of  
55 32 the system and in calculating the cities' contribution rate to  
55 33 the system. Current law provides that the system use the  
55 34 aggregate cost actuarial method.

55 35 New Code section 411.10 permits current members of the



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56 1 retirement system with at least five years of service to  
56 2 purchase up to five years of service credit under the system  
56 3 for military service. The bill provides that the member is  
56 4 required to pay the full actuarial cost of the service  
56 5 purchase and must make written application with the retirement  
56 6 system for the purchase of service.  
56 7 JUDICIAL RETIREMENT SYSTEM. Code section 602.9104,  
56 8 concerning contributions to the judicial retirement system, is  
56 9 amended. The bill provides that beginning July 1, 2008, the  
56 10 judge's contribution percentage shall be 7.7 percent of salary  
56 11 for FY 2008=2009, 8.7 percent for FY 2009=2010, and 9.35  
56 12 percent for FY 2010=2011 and each fiscal year thereafter until  
56 13 the system reaches fully funded status. In addition,  
56 14 beginning July 1, 2008, and for each fiscal year thereafter  
56 15 until the system reaches fully funded status, the state's  
56 16 contribution shall be 30.6 percent of salary of all judges.  
56 17 Once the fund reaches fully funded status, the bill provides  
56 18 that the state shall pay 60 percent and judges shall pay 40  
56 19 percent of the required contribution rate. Current law  
56 20 provides that judges pay 6 percent and the state shall pay  
56 21 23.7 percent until the system reaches fully funded status but  
56 22 adjusts the judge's contribution based on the actual  
56 23 percentage paid by the state. Current law then provides that  
56 24 upon reaching fully funded status, the state and the judges  
56 25 shall pay the required contribution rate to the system on a  
56 26 50=50 basis.  
56 27 Code section 602.9116, concerning the actuarial valuation  
56 28 of the system, is amended to provide that the court  
56 29 administrator determine the actuarial assumptions and methods  
56 30 to be used by the actuary. A corresponding change is made in  
56 31 Code section 602.9104 to eliminate the requirement that the  
56 32 projected unit actuarial cost method be used. The bill also  
56 33 provides that the annual valuation include the actuarially  
56 34 required contribution rate for the system.  
56 35 MISCELLANEOUS PROVISIONS. Code section 8A.438, concerning



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57 1 annuity contracts, is stricken and rewritten by the bill. The  
57 2 bill authorizes the director of the department of  
57 3 administrative services to establish a tax-sheltered  
57 4 investment program in accordance with section 403(b) of the  
57 5 Internal Revenue Code and to offer the program to eligible  
57 6 public employers in the state. The bill establishes a trust  
57 7 fund in the state treasury under the control of the department  
57 8 for deposit of moneys received under the program.

57 9 Code section 55.1, concerning leaves of absence for service  
57 10 in elective office, is amended by the bill. Current law  
57 11 provides that a leave of absence granted to a person elected  
57 12 to a municipal, county, state, or federal office need not  
57 13 exceed six years. This provision of the bill removes the  
57 14 six-year limitation. In addition, the bill provides that if a  
57 15 salaried employee takes leave without pay to serve in elected  
57 16 office the salaried compensation for the pay period shall be  
57 17 reduced pro rata to the number of days taken.

57 18 Code section 97C.21, concerning voluntary federal social  
57 19 security coverage for certain part-time elected officials, is  
57 20 amended to permit the governor to authorize a statewide  
57 21 referendum of these officials on whether they should be  
57 22 included as an employee for purposes of social security  
57 23 coverage.

57 24 Code section 97D.2, concerning the analysis of proposed  
57 25 changes to retirement systems, is amended to require that  
57 26 actuarial information on the cost of a proposed change include  
57 27 information on the effect of the proposed change on the normal  
57 28 cost rate for the system using the entry age normal actuarial  
57 29 cost method.

57 30 New Code section 97D.5 requires that PORS, IPERS, the  
57 31 statewide fire and police retirement system created in Code  
57 32 chapter 411, and the judicial retirement system created in  
57 33 Code chapter 602, include additional actuarial information in  
57 34 each system's actuarial valuation or update beginning with the  
57 35 2008=2009 fiscal year. The new Code section requires each



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58 1 public retirement system to determine, using the entry age  
58 2 normal actuarial cost method, the actuarially required  
58 3 contribution rate and normal cost rate for the public  
58 4 retirement system and to include this information in the  
58 5 system's actuarial valuation.  
58 6 Code section 260C.14(9), Code section 273.3(14), and Code  
58 7 section 294.16, concerning annuity contracts for community  
58 8 college, area education agency (AEA), and school district  
58 9 employees, are stricken and rewritten by the bill. These  
58 10 provisions of the bill provide that a community college or AEA  
58 11 board or school district may establish a plan in accordance  
58 12 with section 403(b) of the Internal Revenue Code allowing  
58 13 eligible employees to select one or more investment contracts.  
58 14 "Investment contract" is defined as a custodial account  
58 15 utilizing mutual funds or an annuity contract. The bill  
58 16 provides that investment contracts in the plan shall either be  
58 17 selected pursuant to a competitive bidding process conducted  
58 18 by the employer in coordination with employees or by  
58 19 participation in the tax-sheltered investment program  
58 20 established by the department of administrative services. The  
58 21 determination of whether to select investment contracts by  
58 22 competitive bid or by participation in the department of  
58 23 administrative services plan shall be by agreement between the  
58 24 employer and employee organizations representing employees.  
58 25 Current law provides that selection of an investment contract  
58 26 is at the discretion of the employee. These provisions of the  
58 27 bill take effect January 1, 2009.  
58 28 The bill also establishes a transition provision, effective  
58 29 upon enactment, that provides for the selection of investment  
58 30 contracts in a 403(b) plan offered by a community college or  
58 31 AEA board, or school district, for the period beginning  
58 32 January 1, 2009, through December 31, 2009. This section of  
58 33 the bill provides that investment contracts in the plan for  
58 34 that period shall either be investment contracts included in a  
58 35 deferred compensation or similar plan offered by the



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59 1 department of administrative services or no more than five  
59 2 companies authorized to issue investment contracts as selected  
59 3 by the applicable employer and no more than three companies  
59 4 authorized to issue investment contracts as selected by the  
59 5 employee organizations representing the employer's employees.  
59 6 The determination of whether to select investment contracts by  
59 7 determination of the applicable employer and employee  
59 8 organizations or by utilizing investment contracts selected by  
59 9 the department of administrative services shall be by  
59 10 agreement between the employer and employee organizations  
59 11 representing employees by August 15, 2008. The bill  
59 12 authorizes the applicable employer to take all necessary steps  
59 13 to establish a 403(b) plan meeting the requirements of this  
59 14 bill by January 1, 2009.

59 15 The bill further provides that the department of  
59 16 administrative services establish, by January 1, 2010, a  
59 17 tax-sheltered investment program as authorized by rewritten  
59 18 Code section 8A.438 in the bill. The bill provides that  
59 19 selection of vendors authorized to participate in the program  
59 20 shall be determined by the department and allows impacted  
59 21 employee organizations and employers to assist the department  
59 22 in the initial competitive bid process relative to selecting  
59 23 the vendors.

59 24 LSB 6675XC 82

59 25 ec/sc/5