



Iowa General Assembly
Daily Bills, Amendments & Study Bills
April 25, 2008

REPORT OF THE CONFERENCE COMMITTEE
ON SENATE FILE 2425

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To the President of the Senate and the Speaker of the House
of Representatives:
We, the undersigned members of the conference committee
appointed to resolve the differences between the Senate and the
House of Representatives on Senate File 2425, a bill for an Act
relating to and making appropriations for health and human
services and including other related provisions and
appropriations, providing penalties, making penalties
applicable and providing effective, retroactive, and
applicability date provisions, respectfully make the following
report:
1. That the House recedes from its amendment, S=5401.
2. That Senate File 2425, as amended, passed, and reprinted
by the Senate, is amended to read as follows:
#1. Page 1, line 24, by striking the figure <4,851,698> and
inserting the following: <5,251,698>.
#2. Page 2, by inserting after line 21 the following:
<____. Of the funds appropriated in this section, \$200,000
shall be used to replace federal funding for the aging and
disability resource center.
____. Of the funds appropriated in this section, \$200,000
shall be used to expand the elder abuse initiative program
established pursuant to section 231.56A to additional
counties.>
#3. Page 2, line 34, by striking the figure <1,532,149> and
inserting the following: <3,082,149>.
#4. Page 3, line 1, by striking the word <The> and
inserting the following: <a. The>.
#5. Page 3, by inserting after line 3, the following:
<b. Of the funds appropriated in this subsection,
\$1,550,000 shall be used for tobacco use prevention, cessation,
and treatment.>
#6. Page 4, by striking lines 9 through 13.
#7. Page 5, lines 30 and 31, by striking the words and



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2 1 figures <pursuant to sections 135.102 and 135.103>.
 2 2 #8. Page 6, line 1, by striking the figure <1,701,974> and
 2 3 inserting the following: <1,858,286>.
 2 4 #9. Page 6, line 4, by striking the figure <43,688> and
 2 5 inserting the following: <200,000>.
 2 6 #10. Page 6, line 13, by striking the figure <2,798,513>
 2 7 and inserting the following: <3,161,013>.
 2 8 #11. Page 6, line 24, by striking the figure <100,000> and
 2 9 inserting the following: <262,500>.
 2 10 #12. Page 6, by inserting after line 31, the following:
 2 11 <dd. Of the funds appropriated in this subsection, \$200,000
 2 12 shall be used for start-up costs to implement licensing of
 2 13 plumbers and mechanical professionals in accordance with 2007
 2 14 Iowa Acts, chapter 198.>
 2 15 #13. Page 7, line 25, by striking the figure <4,678,000>
 2 16 and inserting the following: <1,690,000>.
 2 17 #14. Page 7, line 26, by striking the words
 2 18 <a. It> and inserting the following: <It>.
 2 19 #15. Page 7, by striking lines 32 through 34 and inserting
 2 20 the following:
 2 21 <2. In addition to the appropriation made in subsection 1,
 2 22 there is appropriated from funds available in the gambling
 2 23 treatment fund created in section 135.150 to the department of
 2 24 public health for the fiscal year beginning July 1, 2008, and
 2 25 ending June 30, 2009, the following amount, or so much thereof
 2 26 as is necessary, to be used for the purposes designated:
 2 27 To be utilized for the benefit of substance abuse treatment
 2 28 for persons with addictions:
 2 29 \$ 525,000
 2 30 The amount appropriated in this subsection is one-time
 2 31 funding from moneys remaining in the gambling treatment fund
 2 32 from the carryforward of appropriations made for addictive
 2 33 disorders in previous fiscal years.>
 2 34 #16. Page 7, line 35, by striking the figure <2.> and
 2 35 inserting the following: <3.>
 2 36 #17. Page 8, by striking line 1 and inserting the
 2 37 following: <after the appropriations are made in subsections 1



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3 1 and 2, is appropriated>.
3 2 #18. Page 8, by inserting after line 10 the following:
3 3 <4. Notwithstanding any provision to the contrary, to
3 4 standardize the availability, delivery, cost of delivery, and
3 5 accountability of gambling and substance abuse treatment
3 6 services statewide, the department shall implement a process to
3 7 create a system for delivery of the treatment services. To
3 8 ensure the system provides a continuum of treatment services
3 9 that best meets the needs of Iowans, the gambling and substance
3 10 abuse treatment services in an area may be provided either by a
3 11 single agency or by separate agencies submitting a joint
3 12 proposal. The process shall be completed by July 1, 2010.
3 13 a. The process shall include the establishment of joint
3 14 licensure for gambling and substance abuse treatment programs
3 15 that includes one set of standards, one licensure survey,
3 16 comprehensive technical assistance, and appropriately
3 17 credentialed counselors to support the following goals:
3 18 (1) Gambling and substance abuse treatment services are
3 19 available to Iowans statewide.
3 20 (2) To the greatest extent possible, outcome measures are
3 21 uniform statewide for both gambling and substance abuse
3 22 treatment services and include but are not limited to
3 23 prevalence indicators, service delivery areas, financial
3 24 accountability, and longitudinal clinical outcomes.
3 25 (3) The costs to deliver gambling and substance abuse
3 26 treatment services in the system are based upon best practices
3 27 and are uniform statewide.
3 28 b. From the amounts appropriated in this section and from
3 29 other funding sources available for gambling and substance
3 30 abuse treatment, the department may allocate up to \$100,000 for
3 31 administrative costs to develop and implement the process in
3 32 accordance with this subsection.>
3 33 #19. Page 10, by inserting after line 32 the following:
3 34 <Notwithstanding section 8.33, moneys appropriated in this
3 35 subsection that remain unencumbered or unobligated at the close
3 36 of the fiscal year shall not revert but shall remain available
3 37 for expenditure for the purposes designated until the close of



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4 1 the succeeding fiscal year. However, unless such moneys are
4 2 encumbered or obligated on or before September 30, 2009, the
4 3 moneys shall revert.>
4 4 #20. Page 10, line 34, by striking the figure <17,707,495>
4 5 and inserting the following: <18,507,495>.
4 6 #21. Page 10, by inserting after line 34 the following:
4 7 <Of the funds appropriated in this subsection, \$800,000 is
4 8 allocated for additional income maintenance workers and social
4 9 workers.>
4 10 #22. Page 14, by striking lines 30 through 34.
4 11 #23. Page 15, by inserting after line 19 the following:
4 12 <The department shall amend the food stamp employment and
4 13 training state plan in order to maximize to the fullest extent
4 14 permitted by federal law the use of the fifty=fifty match
4 15 provisions for the claiming of allowable federal matching funds
4 16 from the United States department of agriculture pursuant to
4 17 the federal food stamp employment and training program for
4 18 providing education, employment, and training services for
4 19 eligible food assistance program participants, including but
4 20 not limited to related dependent care and transportation
4 21 expenses.>
4 22 #24. Page 19, line 10, by striking the figure <646,401,453>
4 23 and inserting the following: <649,629,269>.
4 24 #25. Page 24, line 35, by inserting after the word <Act,>
4 25 the following: <beginning January 1, 2009,>.
4 26 #26. Page 25, line 3, by inserting after the word <Act,>
4 27 the following: <beginning January 1, 2009,>.
4 28 #27. Page 25, by striking lines 12 and 13 and inserting the
4 29 following:
4 30 <(5) For Medicaid services provided under the children's
4 31 mental health waiver, \$750,000.>
4 32 #28. Page 25, by inserting after line 25 the following:
4 33 <_____. Of the funds appropriated in this section, \$250,000
4 34 shall be used to implement the provisions in 2007 Iowa Acts,
4 35 chapter 218, section 124, as amended by the Eighty=second
4 36 General Assembly, 2008 Session, relating to eligibility for
4 37 certain persons with disabilities under the medical assistance



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5 1 program.
5 2 _____. The department of human services shall conduct a
5 3 review of the impact of broadening the list of drugs prescribed
5 4 for the treatment of diabetes on the preferred drug list under
5 5 the medical assistance program in order to promote drugs that
5 6 are appropriate and therapeutically effective for persons with
5 7 diabetes. The review shall include, at a minimum, a comparison
5 8 of the effectiveness of drugs prescribed for the treatment of
5 9 diabetes and a cost analysis. The department shall report its
5 10 findings and recommendations to the individuals specified in
5 11 this Act to receive reports by December 15, 2008.
5 12 _____. The department of human services shall conduct a
5 13 review of the medical assistance home and community-based
5 14 services waivers, including but not limited to the upper limit
5 15 of reimbursement for each waiver and the services provided
5 16 under each waiver, and shall make recommendations to the
5 17 individuals specified in this Act to receive reports by
5 18 December 15, 2008, regarding revising the upper limits of
5 19 reimbursement and services provided.>
5 20 #29. Page 26, line 26, by striking the figure <18,310,335>
5 21 and inserting the following: <18,611,385>.
5 22 #30. Page 27, line 27, by striking the figure <15,873,103>
5 23 and inserting the following: <13,868,885>.
5 24 #31. Page 28, line 32, by striking the figure <39,298,895>
5 25 and inserting the following: <41,345,381>.
5 26 #32. Page 28, line 33, by striking the figure <36,043,083>
5 27 and inserting the following: <37,589,569>.
5 28 #33. Page 29, line 15, by striking the figure <1,180,288>
5 29 and inserting the following: <1,680,288>.
5 30 #34. Page 31, line 13, by striking the figure <88,557,565>
5 31 and inserting the following: <89,326,628>.
5 32 #35. Page 31, line 34, by striking the figure <36,441,744>
5 33 and inserting the following: <35,841,744>.
5 34 #36. Page 37, by inserting after line 21 the following:
5 35 <25. Of the funds appropriated in this section, \$152,440
5 36 shall be used for continuation of the funding of one or more
5 37 child welfare diversion and mediation pilot projects as



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6 1 provided in 2004 Iowa Acts, chapter 1130, section 1.
6 2 26. The department shall review the processes for drug
6 3 testing of persons responsible for the care of a child in child
6 4 abuse cases to evaluate the effectiveness of the testing,
6 5 whether it is applied in the same manner in all service areas,
6 6 identify how the funding designated for drug testing is
6 7 utilized, and address other issues associated with the testing.
6 8 The department shall report on or before December 1, 2008,
6 9 concerning the review to the persons designated by this Act to
6 10 receive reports.
6 11 27. Of the funds appropriated in this section, \$100,000
6 12 shall be used for a grant to support a satellite project
6 13 associated with a child protection center in a county with a
6 14 population between 189,000 and 196,000 to be operated in a
6 15 hospital in a county in northeast Iowa with a population
6 16 between 120,000 and 135,000. The pilot project shall provide
6 17 immediate, sensitive support and forensic interviews, medical
6 18 exams, needs assessments, and referrals for victims of child
6 19 abuse and the victims' nonoffender family members. Population
6 20 numbers used in this subsection are from the latest preceding
6 21 certified federal census.>
6 22 #37. Page 37, line 29, by striking the figure <32,568,872>
6 23 and inserting the following: <34,168,872>.
6 24 #38. Page 39, line 35, by striking the figure <7,023,073>
6 25 and inserting the following: <7,323,073>.
6 26 #39. Page 40, line 1, by striking the figure <109.95> and
6 27 inserting the following: <114.95>.
6 28 #40. Page 40, by inserting after line 1 the following:
6 29 <Of the funds appropriated in this section, \$300,000 shall
6 30 be used to establish and operate an Alzheimer's patient mobile
6 31 consultation and assessment program.>
6 32 #41. Page 44, by striking lines 2 through 13 and inserting
6 33 the following:
6 34 <6. Of the funds appropriated in this section, \$260,000
6 35 shall be used for a grant to a statewide association of
6 36 counties for development and implementation of the community
6 37 services network to replace the county management information



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7 1 system.>
 7 2 #42. Page 44, line 29, by striking the figure <6,492,008>
 7 3 and inserting the following: <6,720,268>.
 7 4 #43. Page 45, line 13, by striking the figure <66,852,732>
 7 5 and inserting the following: <67,852,732>.
 7 6 #44. Page 46, by inserting after line 20 the following:
 7 7 <Sec. ____ . PREGNANCY COUNSELING AND SUPPORT SERVICES
 7 8 PROGRAM == APPROPRIATION. There is appropriated from the
 7 9 general fund of the state to the department of human services
 7 10 for the fiscal year beginning July 1, 2008, and ending June 30,
 7 11 2009, the following amount or so much thereof as is necessary
 7 12 for the purpose designated:
 7 13 For a pregnancy counseling and support services program as
 7 14 specified in this section:
 7 15 \$ 200,000
 7 16 The department of human services shall establish a pregnancy
 7 17 counseling and support services program to provide core
 7 18 services consisting of information, education, counseling, and
 7 19 support services to women who experience unplanned pregnancies
 7 20 by supporting childbirth, assisting pregnant women in remaining
 7 21 healthy and maintaining a healthy pregnancy while deciding
 7 22 whether to keep the child or place the child for adoption, and
 7 23 assisting women after the birth of a child. The services
 7 24 provided may include but are not limited to: counseling and
 7 25 mentoring; pregnancy, childbirth, and parenting classes;
 7 26 fostering of a statewide pregnancy and parenting support
 7 27 system; assistance with physical and mental well-being of a
 7 28 woman during pregnancy and postdelivery; assistance with the
 7 29 physical well-being of the woman during pregnancy and the
 7 30 newborn; assistance with food, shelter, clothing, health care,
 7 31 child care, and employment; and other supportive programs and
 7 32 services. The department shall award grants to service
 7 33 providers that have been in existence for at least one year
 7 34 prior to the awarding of the grant, are qualified and
 7 35 experienced in providing core pregnancy support services that
 7 36 support childbirth and parenting support services, including
 7 37 qualified Medicaid providers, social service agencies, and



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8 1 adoption agencies. Actual provision and delivery of services
8 2 and counseling shall be dependent on client needs and not
8 3 otherwise prioritized by agency or agencies administering the
8 4 program.
8 5 Sec. _____. CIVIL MONETARY PENALTIES == DIRECT CARE WORKERS.
8 6 Of the funds received by the department of human services
8 7 through federal civil monetary penalties from nursing
8 8 facilities, during the fiscal year beginning July 1, 2008, and
8 9 ending June 30, 2009, \$70,000 shall be used to provide
8 10 conference scholarships to direct care workers, subject to
8 11 approval by the centers for Medicare and Medicaid services of
8 12 the United States department of health and human services.>
8 13 #45. Page 46, line 32, by striking the figure <2007.> and
8 14 inserting the following: <2007, plus 1 percent. Nursing
8 15 facility rates calculated in accordance with this subparagraph
8 16 shall in no instance exceed the rate component limits as
8 17 defined in 441 IAC 81.6(16).>
8 18 #46. Page 47, line 23, by striking the figure <4.52> and
8 19 inserting the following: <4.57>.
8 20 #47. Page 47, by striking lines 25 through 33, and
8 21 inserting the following:
8 22 <c. (1) (a) For the fiscal year beginning July 1, 2008,
8 23 reimbursement rates for inpatient and outpatient hospital
8 24 services shall be increased by 1 percent over the rates in
8 25 effect on June 30, 2008.
8 26 (b) If the centers for Medicare and Medicaid services of
8 27 the United States department of health and human services does
8 28 not approve the increased reimbursement for hospitals provided
8 29 pursuant to subparagraph subdivision (a), of the funds
8 30 appropriated to the department for reimbursement to medical
8 31 assistance providers for the fiscal year beginning July 1,
8 32 2008, \$1,700,000 shall be used as nonmedical assistance
8 33 payments to hospitals paid under the prospective payment system
8 34 methodology under the medical assistance program for the
8 35 purposes of addressing health care workforce shortages by
8 36 increasing salaries for registered nurses who are permanent
8 37 employees, eligible for benefits, and who provide direct care



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9 1 to patients.

9 2 (c) Hospitals paid under the prospective payment system
9 3 methodology under the medical assistance program shall report
9 4 to the department the total amount of nurse salary increases
9 5 compared to the total amount of the medical assistance payment
9 6 increase for the fiscal year beginning July 1, 2008. Nurse
9 7 salary information shall only include information for
9 8 registered nurses who are permanent employees, eligible for
9 9 benefits, and who provide direct care to patients. Reports
9 10 submitted shall be a public record.

9 11 (d) The department shall continue the outpatient hospital
9 12 reimbursement system based upon ambulatory patient groups
9 13 implemented pursuant to 1994 Iowa Acts, chapter 1186, section
9 14 25, subsection 1, paragraph "f", unless the department adopts
9 15 the Medicare ambulatory payment classification methodology
9 16 authorized in subparagraph (2).>

9 17 #48. Page 48, line 16, by striking the words <remain at>
9 18 and inserting the following: <be increased by 1 percent over>.

9 19 #49. Page 48, line 21, by striking the figure <2008> and
9 20 inserting the following: <2009>.

9 21 #50. Page 48, line 27, by striking the words <remain at>
9 22 and inserting the following: <be increased by 1 percent over>.

9 23 #51. Page 48, line 31, by striking the figure <160.71> and
9 24 inserting the following: <167.19>.

9 25 #52. Page 48, line 34, by striking the words <remain at>
9 26 and inserting the following: <be increased by 1 percent over>.

9 27 #53. Page 49, by inserting after line 3 the following:

9 28 <ii. Notwithstanding any provision to the contrary, for the
9 29 fiscal year beginning July 1, 2008, the reimbursement rate for
9 30 anesthesiologists shall be increased by 1 percent over the
9 31 medical assistance rate for anesthesiologists in effect on July
9 32 1, 2007.>

9 33 #54. Page 49, line 8, by striking the words <remain at> and
9 34 inserting the following: <be increased by 1 percent over>.

9 35 #55. Page 50, line 16, by striking the words <remain at>
9 36 and inserting the following: <be increased by 1 percent over>.

9 37 #56. Page 50, line 34, by striking the words <remain at>



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10 1 and inserting the following: <be increased by 1 percent over>.
10 2 #57. Page 51, line 11, by inserting after the word <costs>
10 3 the following: <plus 1 percent>.
10 4 #58. Page 51, line 19, by striking the figure <91.45> and
10 5 inserting the following: <92.36>.
10 6 #59. Page 51, line 27, by striking the words <remain at>
10 7 and inserting the following: <be increased by \$0.91 over>.
10 8 #60. Page 52, line 3, by inserting after the figure <2004.>
10 9 the following: <Effective October 1, 2008, the child care
10 10 provider reimbursement rates shall be increased by 2 percent
10 11 over the rates in effect on September 30, 2008.>
10 12 #61. Page 52, line 5, by inserting after the word
10 13 <registered> the following: <by applying the increase only to
10 14 registered and licensed providers>.
10 15 #62. Page 54, by striking line 27 and inserting the
10 16 following: <provider entities, the state and local offices of
10 17 the long-term care resident's advocate, the older Iowans'
10 18 legislature, area agencies on aging, the>.
10 19 #63. Page 55, by inserting before line 26 the following:
10 20 <Sec. ____ . VISUAL ASSESSMENTS AND REPAIR OF LEAD HAZARDS.
10 21 The department of human services and the department of
10 22 education shall adopt rules to require programs and facilities
10 23 under the purview of the respective department to conduct
10 24 visual assessments for lead hazards and to repair lead hazards
10 25 identified.>
10 26 #64. Page 58, line 19, by striking the figure <67,500,000>
10 27 and inserting the following: <111,753,195>.
10 28 #65. Page 63, line 7, by striking the figure <500,000> and
10 29 inserting the following: <1,000,000>.
10 30 #66. Page 63, by striking lines 32 through 35.
10 31 #67. Page 64, by striking lines 1 through 19.
10 32 #68. Page 67, by striking lines 24 and 25 and inserting the
10 33 following:
10 34 <2. a. The division shall implement an emergency mental
10 35 health crises services system in consultation with counties,
10 36 and community mental health centers and other mental health and
10 37 social service providers, in accordance with this section.>



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11 1 #69. Page 79, line 25, by inserting after the figure <2007>
11 2 the following: <, and a levy rate will be required for the
11 3 fiscal year beginning July 1, 2009, that is at least 90 percent
11 4 of the maximum allowed for the county's mental health, mental
11 5 retardation, and developmental disabilities services fund under
11 6 section 331.424A>.

11 7 #70. Page 81, line 23, by inserting after the word
11 8 <districts.> the following: <The task force shall utilize a
11 9 facilitator to assist the process.>

11 10 #71. By striking page 82, line 10, through page 84, line 2,
11 11 and inserting the following:

11 12 <Sec. ____ . COMMUNITY MENTAL HEALTH CENTER LAW UPDATE.

11 13 1. The division of mental health and disability services of
11 14 the department of human services and the mental health, mental
11 15 retardation, developmental disabilities, and brain injury
11 16 commission, shall develop a proposal for updating and revising
11 17 Code chapter 230A, relating to community mental health centers,
11 18 and for revising the accreditation standards in rule that would
11 19 result from the statutory revisions. An advisory committee
11 20 shall be utilized in developing the proposal. In addition to
11 21 interests represented on the commission, the advisory committee
11 22 membership shall include but is not limited to representatives
11 23 of the following: the child welfare advisory committee
11 24 established pursuant to section 234.3, the coalition for family
11 25 and children's services in Iowa, the Iowa chapter of the
11 26 national association of social workers, the Iowa psychological
11 27 society, and the Iowa psychiatric society.

11 28 2. The proposal content shall include but is not limited to
11 29 addressing Code chapter 230A requirements in the following
11 30 areas: establishment and support of community mental health
11 31 centers, services offered, consumer and family involvement,
11 32 capability to address co-occurring disorders, forms of
11 33 organization, board of directors, organization meetings, duties
11 34 and powers of directors, center organization as a nonprofit
11 35 entity, annual budget, financial support of centers through
11 36 federal and state block grants, comprehensive community mental
11 37 health programs, target populations to be served, emergency



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12 1 mental health crisis services, quality improvement programs,
12 2 use of evidence-based practices, use of functional assessments
12 3 and outcomes measures, establishment of standards, and review
12 4 and evaluation processes.
12 5 3. The proposal, accompanied by findings and
12 6 recommendations, shall be submitted to the governor and general
12 7 assembly on or before December 1, 2008. Until that report has
12 8 been considered and acted upon by the general assembly, the
12 9 division administrator may defer consideration of requests for
12 10 accreditation of a new community mental health center or for
12 11 approval of a provider to fill the role of a community mental
12 12 health center.>
12 13 #72. Page 84, line 18, by striking the figure <2,955,164>
12 14 and inserting the following: <3,195,164>.
12 15 #73. Page 85, line 14, by striking the figure <682,000> and
12 16 inserting the following: <922,000>.
12 17 #74. Page 89, line 20, by striking the figure <113,690,856>
12 18 and inserting the following: <114,943,296>.
12 19 #75. Page 94, by striking lines 20 through 30 and inserting
12 20 the following:
12 21 <TEMPORARY ASSISTANCE FOR NEEDY FAMILIES
12 22 FAMILY DEVELOPMENT AND SELF-SUFFICIENCY GRANT PROGRAM
12 23 Sec. _____. 2007 Iowa Acts, chapter 218, section 7,
12 24 subsection 3, is amended by adding the following new unnumbered
12 25 paragraph:
12 26 NEW UNNUMBERED PARAGRAPH. Notwithstanding section 8.33,
12 27 moneys appropriated in this subsection that remain unencumbered
12 28 or unobligated at the close of the fiscal year shall not revert
12 29 but shall remain available for expenditure for the purposes
12 30 designated until the close of the succeeding fiscal year.
12 31 However, unless such moneys are encumbered or obligated on or
12 32 before September 30, 2008, the moneys shall revert.>
12 33 #76. Page 98, by inserting after line 6 the following:
12 34 <MI/MR/DD STATE CASES
12 35 ADDICTIVE DISORDERS
12 36 Sec. _____. 2007 Iowa Acts, chapter 218, section 25,
12 37 subsection 3, is amended to read as follows:



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13 1 3. Notwithstanding section 8.33, moneys appropriated in
13 2 this section that remain unencumbered or unobligated at the
13 3 close of the fiscal year shall not revert but shall remain
13 4 available for expenditure for the purposes designated until the
13 5 close of the succeeding fiscal year. The first \$300,000 of
13 6 such moneys shall be transferred to the appropriation made from
13 7 the general fund of the state to the department of public
13 8 health for addictive disorders for the fiscal year beginning
13 9 July 1, 2008, to be used for substance abuse treatment
13 10 activities.

13 11 MH/DD COMMUNITY SERVICES FUND

13 12 TRANSFER FOR ADDICTIVE DISORDERS

13 13 Sec. ____ . 2007 Iowa Acts, chapter 218, section 26,
13 14 subsection 6, is amended to read as follows:

13 15 6. Of the funds appropriated in this section, \$260,000 is
13 16 allocated to the department for continuing the development of
13 17 an assessment process for use beginning in a subsequent fiscal
13 18 year as authorized specifically by a statute to be enacted in a
13 19 subsequent fiscal year, determining on a consistent basis the
13 20 needs and capacities of persons seeking or receiving mental
13 21 health, mental retardation, developmental disabilities, or
13 22 brain injury services that are paid for in whole or in part by
13 23 the state or a county. The assessment process shall be
13 24 developed with the involvement of counties and the mental
13 25 health, mental retardation, developmental disabilities, and
13 26 brain injury commission. Notwithstanding section 8.33, moneys
13 27 allocated in this subsection that remain unencumbered or
13 28 unobligated at the close of the fiscal year shall not revert
13 29 but shall be transferred to the appropriation made from the
13 30 general fund of the state to the department of public health
13 31 for addictive disorders for the fiscal year beginning July 1,
13 32 2008, to be used for substance abuse treatment activities.>

13 33 #77. Page 100, line 10, by striking the word <subsection>
13 34 and inserting the following: <subsections>.

13 35 #78. Page 100, by inserting after line 20 the following:

13 36 <NEW SUBSECTION. 9. For the medical assistance program
13 37 only to the extent all other appropriations made for the



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14 1 program are insufficient:
 14 2 \$ 2,500,000>
 14 3 #79. Page 107, line 26, by inserting after the word
 14 4 <policy> the following: <bodies>.
 14 5 #80. By striking page 119, line 35, through page 120, line
 14 6 21.
 14 7 #81. Page 121, by inserting after line 21 the following:
 14 8 <Sec. _____. Section 235B.19, subsection 3, paragraph c, Code
 14 9 2007, is amended to read as follows:
 14 10 c. Order the provision of other available services
 14 11 necessary to remove conditions creating the danger to health or
 14 12 safety, including the services of peace officers or emergency
 14 13 services personnel and the suspension of the powers granted to
 14 14 a guardian or conservator and the subsequent appointment of a
 14 15 new temporary guardian or new temporary conservator pursuant to
 14 16 subsection 4 pending a decision by the court on whether the
 14 17 powers of the initial guardian or conservator should be
 14 18 reinstated or whether the initial guardian or conservator
 14 19 should be removed.
 14 20 Sec. _____. Section 235B.19, subsection 4, Code 2007, is
 14 21 amended to read as follows:
 14 22 4. a. Notwithstanding ~~section~~ sections 633.552 and
 14 23 633.573, upon a finding that there is probable cause to believe
 14 24 that the dependent adult abuse presents an immediate danger to
 14 25 the health or safety of the dependent adult or is producing
 14 26 irreparable harm to the physical or financial resources or
 14 27 property of the dependent adult, and that the dependent adult
 14 28 lacks capacity to consent to the receipt of services, the court
 14 29 may order the appointment of a temporary guardian or temporary
 14 30 conservator without notice to the dependent adult or the
 14 31 dependent adult's attorney if all of the following conditions
 14 32 are met:
 14 33 (1) It clearly appears from specific facts shown by
 14 34 affidavit or by the verified petition that a dependent adult's
 14 35 decision-making capacity is so impaired that the dependent
 14 36 adult is unable to care for the dependent adult's personal
 14 37 safety or to attend to or provide for the dependent adult's



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15 1 basic necessities or that immediate and irreparable injury,
15 2 loss, or damage will result to the physical or financial
15 3 resources or property of the dependent adult before the
15 4 dependent adult or the dependent adult's attorney can be heard
15 5 in opposition.

15 6 (2) The department certifies to the court in writing any
15 7 efforts the department has made to give the notice or the
15 8 reasons supporting the claim that notice should not be
15 9 required.

15 10 (3) The department files with the court a request for a
15 11 hearing on the petition for the appointment of a temporary
15 12 guardian or temporary conservator.

15 13 (4) The department certifies that the notice of the
15 14 petition, order, and all filed reports and affidavits will be
15 15 sent to the dependent adult by personal service within the time
15 16 period the court directs but not more than seventy-two hours
15 17 after entry of the order of appointment.

15 18 b. An order of appointment of a temporary guardian or
15 19 temporary conservator entered by the court under paragraph "a"
15 20 shall expire as prescribed by the court but within a period of
15 21 not more than thirty days unless extended by the court for good
15 22 cause.

15 23 c. A hearing on the petition for the appointment of a
15 24 temporary guardian or temporary conservator shall be held
15 25 within the time specified in paragraph "b". If the department
15 26 does not proceed with a hearing on the petition, the court, on
15 27 the motion of any party or on its own motion, may dismiss the
15 28 petition.>

15 29 #82. Page 123, by inserting after line 8 the following:

15 30 <Sec. ____ . NEW SECTION. 249A.36 HEALTH CARE INFORMATION
15 31 SHARING.

15 32 1. As a condition of doing business in the state, health
15 33 insurers including self-insured plans, group health plans as
15 34 defined in the federal Employee Retirement Income Security Act
15 35 of 1974, Pub. L. No. 93-406, service benefit plans, managed
15 36 care organizations, pharmacy benefits managers, and other
15 37 parties that are, by statute, contract, or agreement, legally



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16 1 responsible for payment of a claim for a health care item or
16 2 service, shall do all of the following:
16 3 a. Provide, with respect to individuals who are eligible
16 4 for or are provided medical assistance under the state's
16 5 medical assistance state plan, upon the request of the state,
16 6 information to determine during what period the individual or
16 7 the individual's spouse or dependents may be or may have been
16 8 covered by a health insurer and the nature of the coverage that
16 9 is or was provided by the health insurer, including the name,
16 10 address, and identifying number of the plan, in accordance with
16 11 section 505.25, in a manner prescribed by the department of
16 12 human services or as agreed upon by the department and the
16 13 entity specified in this section.
16 14 b. Accept the state's right of recovery and the assignment
16 15 to the state of any right of an individual or other entity to
16 16 payment from the party for an item or service for which payment
16 17 has been made under the medical assistance state plan.
16 18 c. Respond to any inquiry by the state regarding a claim
16 19 for payment for any health care item or service that is
16 20 submitted no later than three years after the date of the
16 21 provision of such health care item or service.
16 22 d. Agree not to deny any claim submitted by the state
16 23 solely on the basis of the date of submission of the claim, the
16 24 type or format of the claim form, or a failure to present
16 25 proper documentation at the point-of-sale that is the basis of
16 26 the claim, if all of the following conditions are met:
16 27 (1) The claim is submitted to the entity by the state
16 28 within the three-year period beginning on the date on which the
16 29 item or service was furnished.
16 30 (2) Any action by the state to enforce its rights with
16 31 respect to such claim is commenced within six years of the date
16 32 that the claim was submitted by the state.
16 33 2. The department of human services may adopt rules
16 34 pursuant to chapter 17A as necessary to implement this section.
16 35 Rules governing the exchange of information under this section
16 36 shall be consistent with all laws, regulations, and rules
16 37 relating to the confidentiality or privacy of personal



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17 1 information or medical records, including but not limited to
17 2 the federal Health Insurance Portability and Accountability Act
17 3 of 1996, Pub. L. No. 104=191, and regulations promulgated in
17 4 accordance with that Act and published in 45 C.F.R. pts. 160
17 5 through 164.>
17 6 #83. Page 126, by striking lines 18 through 24.
17 7 #84. By striking page 128, line 32, through page 130, line
17 8 10.
17 9 #85. Page 135, by inserting after line 32 the following:
17 10 <DIVISION
17 11 HEALTHY KIDS ACT
17 12 Sec. _____. SHORT TITLE. This Act shall be known and may be
17 13 cited as the "Healthy Kids Act".
17 14 Sec. _____. Section 256.7, Code Supplement 2007, is amended
17 15 by adding the following new subsection:
17 16 NEW SUBSECTION. 29. Adopt rules establishing nutritional
17 17 content standards for foods and beverages sold or provided on
17 18 the school grounds of any school district or accredited
17 19 nonpublic school during the school day exclusive of the food
17 20 provided by any federal school food program or pursuant to an
17 21 agreement with any agency of the federal government in
17 22 accordance with the provisions of chapter 283A, and exclusive
17 23 of foods sold for fundraising purposes and foods and beverages
17 24 sold at concession stands. The standards shall be consistent
17 25 with the dietary guidelines for Americans issued by the United
17 26 States department of agriculture food and nutrition service.
17 27 Sec. _____. Section 256.9, Code Supplement 2007, is amended
17 28 by adding the following new subsections:
17 29 NEW SUBSECTION. 57. Convene, in collaboration with the
17 30 department of public health, a nutrition advisory panel to
17 31 review research in pediatric nutrition conducted in compliance
17 32 with accepted scientific methods by recognized professional
17 33 organizations and agencies including but not limited to the
17 34 institute of medicine. The advisory panel shall submit its
17 35 findings and recommendations, which shall be consistent with
17 36 the dietary guidelines for Americans published jointly by the
17 37 United States department of health and human services and



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18 1 department of agriculture if in the judgment of the advisory
18 2 panel the guidelines are supported by the research findings, in
18 3 a report to the state board. The advisory panel may submit to
18 4 the state board recommendations on standards related to federal
18 5 school food programs if the recommendations are intended to
18 6 exceed the existing federal guidelines. The state board shall
18 7 consider the advisory panel report when establishing or
18 8 amending the nutritional content standards required pursuant to
18 9 section 256.7, subsection 29. The director shall convene the
18 10 advisory panel by July 1, 2008, and every five years thereafter
18 11 to review the report and make recommendations for changes as
18 12 appropriate. The advisory panel shall include but is not
18 13 limited to at least one Iowa state university extension
18 14 nutrition and health field specialist and at least one
18 15 representative from each of the following:
18 16 a. The Iowa dietetic association.
18 17 b. The school nutrition association of Iowa.
18 18 c. The Iowa association of school boards.
18 19 d. The school administrators of Iowa.
18 20 e. The Iowa chapter of the American academy of pediatrics.
18 21 f. A school association representing parents.
18 22 g. The Iowa grocery industry association.
18 23 h. An accredited nonpublic school.
18 24 i. The Iowa state education association.
18 25 j. The farm-to-school council established pursuant to
18 26 section 190A.2.
18 27 NEW SUBSECTION. 58. Monitor school districts and
18 28 accredited nonpublic schools for compliance with the
18 29 nutritional content standards for foods and beverages adopted
18 30 by the state board in accordance with section 256.7, subsection
18 31 29. School districts and accredited nonpublic schools shall
18 32 annually make the standards available to students, parents, and
18 33 the local community. A school district or accredited nonpublic
18 34 school found to be in noncompliance with the nutritional
18 35 content standards by the director shall submit a corrective
18 36 action plan to the director for approval which sets forth the
18 37 steps to be taken to ensure full compliance.



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19 1 Sec. _____. Section 256.11, subsection 6, Code Supplement
19 2 2007, is amended to read as follows:
19 3 6. a. A pupil is not required to enroll in either physical
19 4 education or health courses, or meet the requirements of
19 5 paragraph "b" or "c", if the pupil's parent or guardian files a
19 6 written statement with the school principal that the course or
19 7 activity conflicts with the pupil's religious belief.
19 8 b. (1) All physically able students in kindergarten
19 9 through grade five shall be required to engage in a physical
19 10 activity for a minimum of thirty minutes per school day.
19 11 (2) All physically able students in grades six through
19 12 twelve shall be required to engage in a physical activity for a
19 13 minimum of one hundred twenty minutes per week. A student
19 14 participating in an organized and supervised athletic program
19 15 or non-school-sponsored extracurricular activity which requires
19 16 the student to participate in physical activity for a minimum
19 17 of one hundred twenty minutes per week is exempt from the
19 18 requirements of this subparagraph.
19 19 (3) The department shall collaborate with stakeholders on
19 20 the development of daily physical activity requirements and the
19 21 development of models that describe ways in which school
19 22 districts and schools may incorporate the physical activity
19 23 requirement of this paragraph into the educational program. A
19 24 school district or accredited nonpublic school shall not reduce
19 25 instructional time for academic courses in order to meet the
19 26 requirements of this paragraph.
19 27 c. Every student by the end of grade twelve shall complete
19 28 a certification course for cardiopulmonary resuscitation. The
19 29 administrator of a school may waive this requirement if the
19 30 student is not physically able to successfully complete the
19 31 training. A student is exempt from the requirement of this
19 32 paragraph if the student presents satisfactory evidence to the
19 33 school district or accredited nonpublic school that the student
19 34 possesses cardiopulmonary resuscitation certification.
19 35 Sec. _____. Section 273.2, Code 2007, is amended by adding
19 36 the following new subsection:
19 37 NEW SUBSECTION. 7. The board of an area education agency



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20 1 or a consortium of two or more area education agencies shall
20 2 contract with one or more licensed dieticians for the support
20 3 of nutritional provisions in individual education plans
20 4 developed in accordance with chapter 256B and to provide
20 5 information to support school nutrition coordinators.

20 6 Sec. _____. DEPARTMENT OF EDUCATION == FITNESS WORKING GROUP.
20 7 The department of education shall convene a working group
20 8 comprised of elementary and secondary education and fitness
20 9 professionals and stakeholders to assist the department in
20 10 developing daily physical activity opportunities and
20 11 requirements and developing models that describe ways in which
20 12 school districts and schools may incorporate physical
20 13 activities for students into the educational program as
20 14 provided in section 256.11, subsection 6, paragraph "b", as
20 15 enacted by this Act. The working group shall also develop
20 16 recommendations for a system of implementation that offers
20 17 every student the opportunity to become physically active. The
20 18 department of education shall submit its findings and
20 19 recommendations, including any recommendations for changes in
20 20 policy or statute, in a report to the general assembly by
20 21 January 15, 2009.

20 22 Sec. _____. EFFECTIVE DATE. The section of this division of
20 23 this Act that amends section 256.11, subsection 6, takes effect
20 24 July 1, 2009.

20 25 DIVISION
20 26 MASS TRANSIT

20 27 Sec. _____. MASS TRANSIT INTERIM COMMITTEE. The legislative
20 28 council is requested to establish a legislative interim study
20 29 committee to conduct a comprehensive study of the ways in which
20 30 mass transit might be employed to provide public transportation
20 31 services among Iowa communities. The study should include but
20 32 not be limited to an examination of the following:

20 33 1. The ways in which the availability of mass transit
20 34 affects various populations within rural and urban communities.
20 35 In particular, the study should examine the benefits of mass
20 36 transit for poor, elderly, and disabled individuals who are
20 37 unable to drive or cannot afford to own a motor vehicle.



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21 1 2. Any impact that mass transit services among Iowa
21 2 communities might have on population levels, quality of life,
21 3 and economic development in urban job centers, smaller
21 4 satellite communities, and rural towns.
21 5 3. The effect of mass transit on statewide greenhouse gas
21 6 emissions and overall air quality, including the role that mass
21 7 transit can play in meeting the goals of the Iowa energy
21 8 independence plan.
21 9 4. The level of public need for mass transit among Iowa
21 10 communities, including any specific areas of the state where
21 11 the need is most immediate.
21 12 5. The feasibility of expanding mass transit services and
21 13 the types and combinations of services that might comprise a
21 14 mass transit system for Iowa.
21 15 6. The potential costs and possible funding mechanisms for
21 16 developing and maintaining specific mass transit services.
21 17 7. The attitudes and habits of Iowans concerning personal
21 18 transportation. The study should include a component for
21 19 educating the public about the economic, social, and
21 20 environmental advantages of mass transit.
21 21 The committee membership should include ten members
21 22 representing both political parties and both houses of the
21 23 general assembly. The committee should consult with the
21 24 department of transportation, the office of energy
21 25 independence, the department of human services, local
21 26 officials, members of the general public who are knowledgeable
21 27 concerning intercity public transit and passenger rail service,
21 28 and other interested parties as necessary to accomplish the
21 29 work of the committee. The committee, if authorized, shall
21 30 submit a written report of its findings and recommendations to
21 31 the governor and the general assembly by December 31, 2008.>
21 32 #86. By renumbering, relettering, or redesignating and
21 33 correcting internal references as necessary.
21 34
21 35
21 36 ON THE PART OF THE SENATE: ON THE PART OF THE HOUSE:
21 37



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22 1		
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22 4	JACK HATCH, CHAIRPERSON	RO FOEGE, CHAIRPERSON
22 5		
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22 8	JOE BOLKCOM	ELESHA GAYMAN
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22 10		
22 11		
22 12	AMANDA RAGAN	MARK SMITH
22 13		
22 14		
22 15	CCS 2425.1	
22 16	pf/rj/24	



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PAG LIN

1 1 REPORT OF THE CONFERENCE COMMITTEE
1 2 ON HOUSE FILE 2539
1 3
1 4 To the Speaker of the House of Representatives and the
1 5 President of the Senate:
1 6 We, the undersigned members of the conference committee
1 7 appointed to resolve the differences between the House of
1 8 Representatives and the Senate on House File 2539, a bill for
1 9 an Act relating to health care reform including health care
1 10 coverage intended for children and adults, health information
1 11 technology, end-of-life care decision making, preexisting
1 12 conditions and dependent children coverage, medical homes,
1 13 prevention and chronic care management, a buy-in provision for
1 14 certain individuals under the medical assistance program,
1 15 disease prevention and wellness initiatives, and including an
1 16 applicability provision, respectfully make the following
1 17 report:
1 18 1. That the House recedes from its amendment, S=5414.
1 19 2. That the Senate recedes from its amendment, H=8439.
1 20 3. That House File 2539, as amended, passed, and reprinted
1 21 by the House, is amended to read as follows:
1 22 #1. By striking everything after the enacting clause and
1 23 inserting the following:
1 24 <DIVISION I
1 25 HEALTH CARE COVERAGE INTENT
1 26 Section 1. DECLARATION OF INTENT.
1 27 1. It is the intent of the general assembly to progress
1 28 toward achievement of the goal that all Iowans have health care
1 29 coverage with the following priorities:
1 30 a. The goal that all children in the state have health care
1 31 coverage which meets certain standards of quality and
1 32 affordability with the following priorities:
1 33 (1) Covering all children who are declared eligible for the
1 34 medical assistance program or the hawk=i program pursuant to
1 35 chapter 514I no later than January 1, 2011.
1 36 (2) Building upon the current hawk=i program by creating a
1 37 hawk=i expansion program to provide coverage to children who



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2 1 meet the hawk=i program's eligibility criteria but whose income
2 2 is at or below three hundred percent of the federal poverty
2 3 level, beginning July 1, 2009.

2 4 (3) If federal reauthorization of the state children's
2 5 health insurance program provides sufficient federal
2 6 allocations to the state and authorization to cover such
2 7 children as an option under the state children's health
2 8 insurance program, requiring the department of human services
2 9 to expand coverage under the state children's health insurance
2 10 program to cover children with family incomes at or below three
2 11 hundred percent of the federal poverty level, with appropriate
2 12 cost sharing established for families with incomes above two
2 13 hundred percent of the federal poverty level.

2 14 b. The goal that the Iowa comprehensive health insurance
2 15 association, in consultation with the Iowa choice health care
2 16 coverage advisory council established in section 514E.6,
2 17 develop a comprehensive plan to first cover all children
2 18 without health care coverage that utilizes and modifies
2 19 existing public programs including the medical assistance
2 20 program, the hawk=i program, and the hawk=i expansion program,
2 21 and then to provide access to private unsubsidized, affordable,
2 22 qualified health care coverage for children, adults, and
2 23 families, who are not otherwise eligible for health care
2 24 coverage through public programs, that is available for
2 25 purchase by January 1, 2010.

2 26 c. The goal of decreasing health care costs and health care
2 27 coverage costs by instituting health insurance reforms that
2 28 assure the availability of private health insurance coverage
2 29 for Iowans by addressing issues involving guaranteed
2 30 availability and issuance to applicants, preexisting condition
2 31 exclusions, portability, and allowable or required pooling and
2 32 rating classifications.

2 33 DIVISION II
2 34 HAWK=I AND MEDICAID EXPANSION

2 35 Sec. 2. Section 249A.3, subsection 1, paragraph 1, Code
2 36 Supplement 2007, is amended to read as follows:

2 37 1. Is an infant whose income is not more than two hundred



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3 1 percent of the federal poverty level, as defined by the most
3 2 recently revised income guidelines published by the United
3 3 States department of health and human services. Additionally,
3 4 effective July 1, 2009, medical assistance shall be provided to
3 5 an infant whose family income is at or below three hundred
3 6 percent of the federal poverty level, as defined by the most
3 7 recently revised poverty income guidelines published by the
3 8 United States department of health and human services, if
3 9 otherwise eligible.

3 10 Sec. 3. Section 249A.3, Code Supplement 2007, is amended by
3 11 adding the following new subsection:

3 12 NEW SUBSECTION. 14. Once initial eligibility for the
3 13 family medical assistance program=related medical assistance is
3 14 determined for a child described under subsection 1, paragraphs
3 15 "b", "f", "g", "j", "k", "l", or "n" or under subsection 2,
3 16 paragraphs "e", "f", or "h", the department shall provide
3 17 continuous eligibility for a period of up to twelve months,
3 18 until the child's next annual review of eligibility under the
3 19 medical assistance program, if the child would otherwise be
3 20 determined ineligible due to excess countable income but
3 21 otherwise remains eligible.

3 22 Sec. 4. NEW SECTION. 422.12K INCOME TAX FORM ==
3 23 INDICATION OF DEPENDENT CHILD HEALTH CARE COVERAGE.

3 24 1. The director shall draft the income tax form to allow
3 25 beginning with the tax returns for tax year 2008, a person who
3 26 files an individual or joint income tax return with the
3 27 department under section 422.13 to indicate the presence or
3 28 absence of health care coverage for each dependent child for
3 29 whom an exemption is claimed.

3 30 2. Beginning with the income tax return for tax year 2008,
3 31 a person who files an individual or joint income tax return
3 32 with the department under section 422.13, may report on the
3 33 income tax return, in the form required, the presence or
3 34 absence of health care coverage for each dependent child for
3 35 whom an exemption is claimed.

3 36 a. If the taxpayer indicates on the income tax return that
3 37 a dependent child does not have health care coverage, and the



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4 1 income of the taxpayer's tax return does not exceed the highest
4 2 level of income eligibility standard for the medical assistance
4 3 program pursuant to chapter 249A or the hawk=i program pursuant
4 4 to chapter 514I, the department shall send a notice to the
4 5 taxpayer indicating that the dependent child may be eligible
4 6 for the medical assistance program or the hawk=i program and
4 7 providing information about how to enroll in the programs.

4 8 b. Notwithstanding any other provision of law to the
4 9 contrary, a taxpayer shall not be subject to a penalty for not
4 10 providing the information required under this section.

4 11 c. The department shall consult with the department of
4 12 human services in developing the tax return form and the
4 13 information to be provided to tax filers under this section.

4 14 3. The department, in cooperation with the department of
4 15 human services, shall adopt rules pursuant to chapter 17A to
4 16 administer this section, including rules defining "health care
4 17 coverage" for the purpose of indicating its presence or absence
4 18 on the tax form.

4 19 4. The department, in cooperation with the department of
4 20 human services, shall report, annually, to the governor and the
4 21 general assembly all of the following:

4 22 a. The number of Iowa families, by income level, claiming
4 23 the state income tax exemption for dependent children.

4 24 b. The number of Iowa families, by income level, claiming
4 25 the state income tax exemption for dependent children who also
4 26 indicate the presence or absence of health care coverage for
4 27 the dependent children.

4 28 c. The effect of the reporting requirements and provision
4 29 of information requirements under this section on the number
4 30 and percentage of children in the state who are uninsured.

4 31 Sec. 5. Section 514I.1, subsection 4, Code 2007, is amended
4 32 to read as follows:

4 33 4. It is the intent of the general assembly that the hawk=i
4 34 program be an integral part of the continuum of health
4 35 insurance coverage and that the program be developed and
4 36 implemented in such a manner as to facilitate movement of
4 37 families between health insurance providers and to facilitate



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5 1 the transition of families to private sector health insurance
5 2 coverage. It is the intent of the general assembly in
5 3 developing such continuum of health insurance coverage and in
5 4 facilitating such transition, that beginning July 1, 2009, the
5 5 department implement the hawk=i expansion program.

5 6 Sec. 6. Section 514I.1, Code 2007, is amended by adding the
5 7 following new subsection:

5 8 NEW SUBSECTION. 5. It is the intent of the general
5 9 assembly that if federal reauthorization of the state
5 10 children's health insurance program provides sufficient federal
5 11 allocations to the state and authorization to cover such
5 12 children as an option under the state children's health
5 13 insurance program, the department shall expand coverage under
5 14 the state children's health insurance program to cover children
5 15 with family incomes at or below three hundred percent of the
5 16 federal poverty level.

5 17 Sec. 7. Section 514I.2, Code 2007, is amended by adding the
5 18 following new subsection:

5 19 NEW SUBSECTION. 7A. "Hawk=i expansion program" or "hawk=i
5 20 expansion" means the healthy and well kids in Iowa expansion
5 21 program created in section 514I.12 to provide health insurance
5 22 to children who meet the hawk=i program eligibility criteria
5 23 pursuant to section 514I.8, with the exception of the family
5 24 income criteria, and whose family income is at or below three
5 25 hundred percent of the federal poverty level, as defined by the
5 26 most recently revised poverty income guidelines published by
5 27 the United States department of health and human services.

5 28 Sec. 8. Section 514I.5, subsection 7, paragraph d, Code
5 29 Supplement 2007, is amended to read as follows:

5 30 d. Develop, with the assistance of the department, an
5 31 outreach plan, and provide for periodic assessment of the
5 32 effectiveness of the outreach plan. The plan shall provide
5 33 outreach to families of children likely to be eligible for
5 34 assistance under the program, to inform them of the
5 35 availability of and to assist the families in enrolling
5 36 children in the program. The outreach efforts may include, but
5 37 are not limited to, solicitation of cooperation from programs,



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6 1 agencies, and other persons who are likely to have contact with
6 2 eligible children, including but not limited to those
6 3 associated with the educational system, and the development of
6 4 community plans for outreach and marketing. Other state
6 5 agencies shall assist the department in data collection related
6 6 to outreach efforts to potentially eligible children and their
6 7 families.

6 8 Sec. 9. Section 514I.5, subsection 7, Code Supplement 2007,
6 9 is amended by adding the following new paragraph:

6 10 NEW PARAGRAPH. 1. Develop options and recommendations to
6 11 allow children eligible for the hawk=i or hawk=i expansion
6 12 program to participate in qualified employer=sponsored health
6 13 plans through a premium assistance program. The options and
6 14 recommendations shall ensure reasonable alignment between the
6 15 benefits and costs of the hawk=i and hawk=i expansion programs
6 16 and the employer=sponsored health plans consistent with federal
6 17 law. The options and recommendations shall be completed by
6 18 January 1, 2009, and submitted to the governor and the general
6 19 assembly for consideration as part of the hawk=i and hawk=i
6 20 expansion programs.

6 21 Sec. 10. Section 514I.7, subsection 2, paragraph a, Code
6 22 2007, is amended to read as follows:

6 23 a. Determine individual eligibility for program enrollment
6 24 based upon review of completed applications and supporting
6 25 documentation. The administrative contractor shall not enroll
6 26 a child who has group health coverage ~~or any child who has~~
~~6 27 dropped coverage in the previous six months, unless the~~
~~6 28 coverage was involuntarily lost or unless the reason for~~
~~6 29 dropping coverage is allowed by rule of the board.~~

6 30 Sec. 11. Section 514I.8, subsection 1, Code 2007, is
6 31 amended to read as follows:

6 32 1. Effective July 1, 1998, and notwithstanding any medical
6 33 assistance program eligibility criteria to the contrary,
6 34 medical assistance shall be provided to, or on behalf of, an
6 35 eligible child under the age of nineteen whose family income
6 36 does not exceed one hundred thirty=three percent of the federal
6 37 poverty level, as defined by the most recently revised poverty



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7 1 income guidelines published by the United States department of
7 2 health and human services. Additionally, effective July 1,
7 3 2000, and notwithstanding any medical assistance program
7 4 eligibility criteria to the contrary, medical assistance shall
7 5 be provided to, or on behalf of, an eligible infant whose
7 6 family income does not exceed two hundred percent of the
7 7 federal poverty level, as defined by the most recently revised
7 8 poverty income guidelines published by the United States
7 9 department of health and human services. Effective July 1,
7 10 2009, and notwithstanding any medical assistance program
7 11 eligibility criteria to the contrary, medical assistance shall
7 12 be provided to, or on behalf of, an eligible infant whose
7 13 family income is at or below three hundred percent of the
7 14 federal poverty level, as defined by the most recently revised
7 15 poverty income guidelines published by the United States
7 16 department of health and human services.
7 17 Sec. 12. Section 514I.10, subsection 2, Code 2007, is
7 18 amended to read as follows:
7 19 2. Cost sharing for eligible children whose family income
7 20 equals ~~or exceeds~~ one hundred fifty percent but does not exceed
7 21 two hundred percent of the federal poverty level may include a
7 22 premium or copayment amount which does not exceed five percent
7 23 of the annual family income. The amount of any premium or the
7 24 copayment amount shall be based on family income and size.
7 25 Sec. 13. Section 514I.11, subsections 1 and 3, Code 2007,
7 26 are amended to read as follows:
7 27 1. A hawk=i trust fund is created in the state treasury
7 28 under the authority of the department of human services, in
7 29 which all appropriations and other revenues of the program and
7 30 the hawk=i expansion program such as grants, contributions, and
7 31 participant payments shall be deposited and used for the
7 32 purposes of the program and the hawk=i expansion program. The
7 33 moneys in the fund shall not be considered revenue of the
7 34 state, but rather shall be funds of the program.
7 35 3. Moneys in the fund are appropriated to the department
7 36 and shall be used to offset any program and hawk=i expansion
7 37 program costs.



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8 1 Sec. 14. NEW SECTION. 514I.12 HAWK=I EXPANSION PROGRAM.
8 2 1. All children less than nineteen years of age who meet
8 3 the hawk=i program eligibility criteria pursuant to section
8 4 514I.8, with the exception of the family income criteria, and
8 5 whose family income is at or below three hundred percent of the
8 6 federal poverty level, shall be eligible for the hawk=i
8 7 expansion program.
8 8 2. To the greatest extent possible, the provisions of
8 9 section 514I.4, relating to the director and department duties
8 10 and powers, section 514I.5 relating to the hawk=i board,
8 11 section 514I.6 relating to participating insurers, and section
8 12 514I.7 relating to the administrative contractor shall apply to
8 13 the hawk=i expansion program. The department shall adopt any
8 14 rules necessary, pursuant to chapter 17A, and shall amend any
8 15 existing contracts to facilitate the application of such
8 16 sections to the hawk=i expansion program.
8 17 3. The hawk=i board shall establish by rule pursuant to
8 18 chapter 17A, the cost-sharing amounts, criteria for
8 19 modification of the cost-sharing amounts, and graduated
8 20 premiums for children under the hawk=i expansion program.
8 21 Sec. 15. MAXIMIZATION OF ENROLLMENT AND RETENTION ==
8 22 MEDICAL ASSISTANCE AND HAWK=I PROGRAMS.
8 23 1. The department of human services, in collaboration with
8 24 the department of education, the department of public health,
8 25 the division of insurance of the department of commerce, the
8 26 hawk=i board, consumers who are not recipients of or advocacy
8 27 groups representing recipients of the medical assistance or
8 28 hawk-i program, the covering kids and families coalition, and
8 29 the covering kids now task force, shall develop a plan to
8 30 maximize enrollment and retention of eligible children in the
8 31 hawk=i and medical assistance programs. In developing the
8 32 plan, the collaborative shall review, at a minimum, all of the
8 33 following strategies:
8 34 a. Streamlined enrollment in the hawk=i and medical
8 35 assistance programs. The collaborative shall identify
8 36 information and documentation that may be shared across
8 37 departments and programs to simplify the determination of



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9 1 eligibility or eligibility factors, and any interagency
 9 2 agreements necessary to share information consistent with state
 9 3 and federal confidentiality and other applicable requirements.
 9 4 b. Conditional eligibility for the hawk=i and medical
 9 5 assistance programs.
 9 6 c. Expedited renewal for the hawk=i and medical assistance
 9 7 programs.
 9 8 2. Following completion of the review the department of
 9 9 human services shall compile the plan which shall address all
 9 10 of the following relative to implementation of the strategies
 9 11 specified in subsection 1:
 9 12 a. Federal limitations and quantifying of the risk of
 9 13 federal disallowance.
 9 14 b. Any necessary amendment of state law or rule.
 9 15 c. Budgetary implications and cost=benefit analyses.
 9 16 d. Any medical assistance state plan amendments, waivers,
 9 17 or other federal approval necessary.
 9 18 e. An implementation time frame.
 9 19 3. The department of human services shall submit the plan
 9 20 to the governor and the general assembly no later than December
 9 21 1, 2008.
 9 22 Sec. 16. MEDICAL ASSISTANCE, HAWK=I, AND HAWK=I EXPANSION
 9 23 PROGRAMS == COVERING CHILDREN == APPROPRIATION. There is
 9 24 appropriated from the general fund of the state to the
 9 25 department of human services for the designated fiscal years,
 9 26 the following amounts, or so much thereof as is necessary, for
 9 27 the purpose designated:
 9 28 To cover children as provided in this Act under the medical
 9 29 assistance, hawk=i, and hawk=i expansion programs and outreach
 9 30 under the current structure of the programs:
 9 31 FY 2008=2009 \$ 4,800,000
 9 32 FY 2009=2010 \$ 14,800,000
 9 33 FY 2010=2011 \$ 24,800,000
 9 34 DIVISION III
 9 35 IOWA CHOICE HEALTH CARE COVERAGE
 9 36 AND ADVISORY COUNCIL
 9 37 Sec. 17. Section 514E.1, Code 2007, is amended by adding



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10 1 the following new subsections:

10 2 NEW SUBSECTION. 14A. "Iowa choice health care coverage
10 3 advisory council" or "advisory council" means the advisory
10 4 council created in section 514E.6.

10 5 NEW SUBSECTION. 21. "Qualified health care coverage" means
10 6 creditable coverage which meets minimum standards of quality
10 7 and affordability as determined by the association by rule.

10 8 Sec. 18. Section 514E.2, subsection 3, unnumbered paragraph
10 9 1, Code 2007, is amended to read as follows:

10 10 The association shall submit to the commissioner a plan of
10 11 operation for the association and any amendments necessary or
10 12 suitable to assure the fair, reasonable, and equitable

10 13 administration of the association. The plan of operation shall
10 14 include provisions for the development of a comprehensive

10 15 health care coverage plan as provided in section 514E.5. In

10 16 developing the comprehensive plan the association shall give

10 17 deference to the recommendations made by the advisory council

10 18 as provided in section 514E.6, subsection 1. The association

10 19 shall approve or disapprove but shall not modify

10 20 recommendations made by the advisory council. Recommendations

10 21 that are approved shall be included in the plan of operation

10 22 submitted to the commissioner. Recommendations that are

10 23 disapproved shall be submitted to the commissioner with reasons

10 24 for the disapproval. The plan of operation becomes effective

10 25 upon approval in writing by the commissioner prior to the date

10 26 on which the coverage under this chapter must be made

10 27 available. After notice and hearing, the commissioner shall

10 28 approve the plan of operation if the plan is determined to be

10 29 suitable to assure the fair, reasonable, and equitable

10 30 administration of the association, and provides for the sharing

10 31 of association losses, if any, on an equitable and

10 32 proportionate basis among the member carriers. If the

10 33 association fails to submit a suitable plan of operation within

10 34 one hundred eighty days after the appointment of the board of

10 35 directors, or if at any later time the association fails to

10 36 submit suitable amendments to the plan, the commissioner shall

10 37 adopt, pursuant to chapter 17A, rules necessary to implement



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11 1 this section. The rules shall continue in force until modified
11 2 by the commissioner or superseded by a plan submitted by the
11 3 association and approved by the commissioner. In addition to
11 4 other requirements, the plan of operation shall provide for all
11 5 of the following:

11 6 Sec. 19. NEW SECTION. 514E.5 IOWA CHOICE HEALTH CARE
11 7 COVERAGE.

11 8 1. The association, in consultation with the Iowa choice
11 9 health care coverage advisory council, shall develop a
11 10 comprehensive health care coverage plan to provide health care
11 11 coverage to all children without such coverage, that utilizes
11 12 and modifies existing public programs including the medical
11 13 assistance program, hawk=i program, and hawk=i expansion
11 14 program, and to provide access to private unsubsidized,
11 15 affordable, qualified health care coverage to children who are
11 16 not otherwise eligible for health care coverage through public
11 17 programs.

11 18 2. The comprehensive plan developed by the association and
11 19 the advisory council, shall also consider and recommend options
11 20 to provide access to private unsubsidized, affordable,
11 21 qualified health care coverage to all Iowa children less than
11 22 nineteen years of age with a family income that is more than
11 23 three hundred percent of the federal poverty level and to
11 24 adults and families who are not otherwise eligible for health
11 25 care coverage through public programs.

11 26 3. As part of the comprehensive plan developed, the
11 27 association, in consultation with the advisory council, shall
11 28 define what constitutes qualified health care coverage for
11 29 children less than nineteen years of age. For the purposes of
11 30 this definition and for designing health care coverage options
11 31 for children, the association, in consultation with the
11 32 advisory council, shall recommend the benefits to be included
11 33 in such coverage and shall explore the value of including
11 34 coverage for the treatment of mental and behavioral disorders.
11 35 The association and the advisory council shall perform a cost
11 36 analysis as part of their consideration of benefit options.
11 37 The association and the advisory council shall also consider



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12 1 whether to include coverage of the following benefits:
12 2 a. Inpatient hospital services including medical, surgical,
12 3 intensive care unit, mental health, and substance abuse
12 4 services.
12 5 b. Nursing care services including skilled nursing facility
12 6 services.
12 7 c. Outpatient hospital services including emergency room,
12 8 surgery, lab, and x-ray services and other services.
12 9 d. Physician services, including surgical and medical,
12 10 office visits, newborn care, well=baby and well=child care,
12 11 immunizations, urgent care, specialist care, allergy testing
12 12 and treatment, mental health visits, and substance abuse
12 13 visits.
12 14 e. Ambulance services.
12 15 f. Physical therapy.
12 16 g. Speech therapy.
12 17 h. Durable medical equipment.
12 18 i. Home health care.
12 19 j. Hospice services.
12 20 k. Prescription drugs.
12 21 l. Dental services including preventive services.
12 22 m. Medically necessary hearing services.
12 23 n. Vision services including corrective lenses.
12 24 o. No underwriting requirements and no preexisting
12 25 condition exclusions.
12 26 p. Chiropractic services.
12 27 4. As part of the comprehensive plan developed, the
12 28 association, in consultation with the advisory council, shall
12 29 consider and recommend affordable health care coverage options
12 30 for purchase for children less than nineteen years of age with
12 31 a family income that is more than three hundred percent of the
12 32 federal poverty level, with the goal of including health care
12 33 coverage options for which the contribution requirement for all
12 34 cost=sharing expenses is no more than two percent of family
12 35 income per each child covered, up to a maximum of six and
12 36 one=half percent of family income per family. The association,
12 37 in consultation with the advisory council, shall also consider



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13 1 and recommend whether such health care coverage options should
13 2 require a copayment for services received in an amount
13 3 determined by the association.

13 4 5. As part of the comprehensive plan, the association, in
13 5 consultation with the advisory council, shall define what
13 6 constitutes qualified health care coverage for adults and
13 7 families who are not eligible for a public program. The
13 8 association, in consultation with the advisory council, shall
13 9 develop and recommend affordable health care coverage options
13 10 for purchase by such adults and families that provide a
13 11 selection of health benefit plans and standardized benefits
13 12 with the goal of including health care coverage options for
13 13 which the contribution requirement for all cost-sharing
13 14 expenses is no more than six and one-half percent of family
13 15 income.

13 16 6. As part of the comprehensive plan the association and
13 17 the advisory council may collaborate with health insurance
13 18 carriers to do the following, including but not limited to:

13 19 a. Design solutions to issues relating to guaranteed
13 20 issuance of insurance, preexisting condition exclusions,
13 21 portability, and allowable pooling and rating classifications.

13 22 b. Formulate principles that ensure fair and appropriate
13 23 practices relating to issues involving individual health care
13 24 policies such as rescission and preexisting condition clauses,
13 25 and that provide for a binding third-party review process to
13 26 resolve disputes related to such issues.

13 27 c. Design affordable, portable health care coverage options
13 28 for low-income children, adults, and families.

13 29 d. Design a proposed premium schedule for health care
13 30 coverage options that are recommended which includes the
13 31 development of rating factors that are consistent with market
13 32 conditions.

13 33 e. Design protocols to limit the transfer from
13 34 employer-sponsored or other private health care coverage to
13 35 state-developed health care coverage plans.

13 36 7. The association shall submit the comprehensive plan
13 37 required by this section to the governor and the general



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14 1 assembly by December 15, 2008. The appropriations to cover
14 2 children under the medical assistance, hawk=i, and hawk=i
14 3 expansion programs as provided in this Act and to provide
14 4 related outreach for fiscal year 2009=2010 and fiscal year
14 5 2010=2011 are contingent upon enactment of a comprehensive plan
14 6 during the 2009 regular session of the Eighty=third General
14 7 Assembly that provides health care coverage for all children in
14 8 the state. Enactment of a comprehensive plan shall include a
14 9 determination of what the prospects are of federal action which
14 10 may impact the comprehensive plan and the fiscal impact of the
14 11 comprehensive plan on the state budget.

14 12 Sec. 20. NEW SECTION. 514E.6 IOWA CHOICE HEALTH CARE
14 13 COVERAGE ADVISORY COUNCIL.

14 14 1. The Iowa choice health care coverage advisory council is
14 15 created for the purpose of assisting the association with
14 16 developing a comprehensive health care coverage plan as
14 17 provided in section 514E.5. The advisory council shall make
14 18 recommendations concerning the design and implementation of the
14 19 comprehensive plan including but not limited to a definition of
14 20 what constitutes qualified health care coverage, suggestions
14 21 for the design of health care coverage options, and
14 22 implementation of a health care coverage reporting requirement.

14 23 2. The advisory council consists of the following persons
14 24 who are voting members unless otherwise provided:

14 25 a. The two most recent former governors, or if one or both
14 26 of them are unable or unwilling to serve, a person or persons
14 27 appointed by the governor.

14 28 b. Seven members appointed by the director of public
14 29 health:

14 30 (1) A representative of the federation of Iowa insurers.

14 31 (2) A health economist who resides in Iowa.

14 32 (3) Two consumers, one of whom shall be a representative of
14 33 a children's advocacy organization and one of whom shall be a
14 34 member of a minority.

14 35 (4) A representative of organized labor.

14 36 (5) A representative of an organization of employers.

14 37 (6) A representative of the Iowa association of health



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15 1 underwriters.

15 2 c. The following members shall be ex officio, nonvoting
15 3 members of the council:

15 4 (1) The commissioner of insurance, or a designee.

15 5 (2) The director of human services, or a designee.

15 6 (3) The director of public health, or a designee.

15 7 (4) Four members of the general assembly, one appointed by
15 8 the speaker of the house of representatives, one appointed by
15 9 the minority leader of the house of representatives, one
15 10 appointed by the majority leader of the senate, and one
15 11 appointed by the minority leader of the senate.

15 12 3. The members of the council appointed by the director of
15 13 public health shall be appointed for terms of six years
15 14 beginning and ending as provided in section 69.19. Such a
15 15 member of the board is eligible for reappointment. The
15 16 director shall fill a vacancy for the remainder of the
15 17 unexpired term.

15 18 4. The members of the council shall annually elect one
15 19 voting member as chairperson and one as vice chairperson.
15 20 Meetings of the council shall be held at the call of the
15 21 chairperson or at the request of a majority of the council's
15 22 members.

15 23 5. The members of the council shall not receive
15 24 compensation for the performance of their duties as members but
15 25 each member shall be paid necessary expenses while engaged in
15 26 the performance of duties of the council. Any legislative
15 27 member shall be paid the per diem and expenses specified in
15 28 section 2.10.

15 29 6. The members of the council are subject to and are
15 30 officials within the meaning of chapter 68B.

15 31 DIVISION IV

15 32 HEALTH INSURANCE OVERSIGHT

15 33 Sec. 21. Section 505.8, Code Supplement 2007, is amended by
15 34 adding the following new subsection:

15 35 NEW SUBSECTION. 5A. The commissioner shall have regulatory
15 36 authority over health benefit plans and adopt rules under
15 37 chapter 17A as necessary, to promote the uniformity, cost



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17 1 and maintains health information that may be derived from
17 2 multiple sources about the health status of an individual and
17 3 may include a core subset of each care delivery organization's
17 4 electronic medical record such as a continuity of care record
17 5 or a continuity of care document, computerized physician order
17 6 entry, electronic prescribing, or clinical decision support.
17 7 b. A personal health record through which an individual and
17 8 any other person authorized by the individual can maintain and
17 9 manage the individual's health information.
17 10 c. An electronic medical record that is used by health care
17 11 professionals to electronically document, monitor, and manage
17 12 health care delivery within a care delivery organization, is
17 13 the legal record of the patient's encounter with the care
17 14 delivery organization, and is owned by the care delivery
17 15 organization.
17 16 d. A computerized provider order entry function that
17 17 permits the electronic ordering of diagnostic and treatment
17 18 services, including prescription drugs.
17 19 e. A decision support function to assist physicians and
17 20 other health care providers in making clinical decisions by
17 21 providing electronic alerts and reminders to improve compliance
17 22 with best practices, promote regular screenings and other
17 23 preventive practices, and facilitate diagnoses and treatments.
17 24 f. Tools to allow for the collection, analysis, and
17 25 reporting of information or data on adverse events, the quality
17 26 and efficiency of care, patient satisfaction, and other health
17 27 care-related performance measures.
17 28 5. "Interoperability" means the ability of two or more
17 29 systems or components to exchange information or data in an
17 30 accurate, effective, secure, and consistent manner and to use
17 31 the information or data that has been exchanged and includes
17 32 but is not limited to:
17 33 a. The capacity to connect to a network for the purpose of
17 34 exchanging information or data with other users.
17 35 b. The ability of a connected, authenticated user to
17 36 demonstrate appropriate permissions to participate in the
17 37 instant transaction over the network.



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18 1 c. The capacity of a connected, authenticated user to
18 2 access, transmit, receive, and exchange usable information with
18 3 other users.

18 4 6. "Recognized interoperability standard" means
18 5 interoperability standards recognized by the office of the
18 6 national coordinator for health information technology of the
18 7 United States department of health and human services.

18 8 Sec. 24. NEW SECTION. 135.155 IOWA ELECTRONIC HEALTH ==
18 9 PRINCIPLES == GOALS.

18 10 1. Health information technology is rapidly evolving so
18 11 that it can contribute to the goals of improving access to and
18 12 quality of health care, enhancing efficiency, and reducing
18 13 costs.

18 14 2. To be effective, the health information technology
18 15 system shall comply with all of the following principles:

18 16 a. Be patient-centered and market-driven.
18 17 b. Be based on approved standards developed with input from
18 18 all stakeholders.
18 19 c. Protect the privacy of consumers and the security and
18 20 confidentiality of all health information.
18 21 d. Promote interoperability.
18 22 e. Ensure the accuracy, completeness, and uniformity of
18 23 data.

18 24 3. Widespread adoption of health information technology is
18 25 critical to a successful health information technology system
18 26 and is best achieved when all of the following occur:

18 27 a. The market provides a variety of certified products from
18 28 which to choose in order to best fit the needs of the user.
18 29 b. The system provides incentives for health care
18 30 professionals to utilize the health information technology and
18 31 provides rewards for any improvement in quality and efficiency
18 32 resulting from such utilization.
18 33 c. The system provides protocols to address critical
18 34 problems.
18 35 d. The system is financed by all who benefit from the
18 36 improved quality, efficiency, savings, and other benefits that
18 37 result from use of health information technology.



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19 1 Sec. 25. NEW SECTION. 135.156 ELECTRONIC HEALTH
19 2 INFORMATION == DEPARTMENT DUTIES == ADVISORY COUNCIL ==
19 3 EXECUTIVE COMMITTEE.
19 4 1. a. The department shall direct a public and private
19 5 collaborative effort to promote the adoption and use of health
19 6 information technology in this state in order to improve health
19 7 care quality, increase patient safety, reduce health care
19 8 costs, enhance public health, and empower individuals and
19 9 health care professionals with comprehensive, real-time medical
19 10 information to provide continuity of care and make the best
19 11 health care decisions. The department shall provide
19 12 coordination for the development and implementation of an
19 13 interoperable electronic health records system, telehealth
19 14 expansion efforts, the health information technology
19 15 infrastructure, and other health information technology
19 16 initiatives in this state. The department shall be guided by
19 17 the principles and goals specified in section 135.155.
19 18 b. All health information technology efforts shall endeavor
19 19 to represent the interests and meet the needs of consumers and
19 20 the health care sector, protect the privacy of individuals and
19 21 the confidentiality of individuals' information, promote
19 22 physician best practices, and make information easily
19 23 accessible to the appropriate parties. The system developed
19 24 shall be consumer-driven, flexible, and expandable.
19 25 2. a. An electronic health information advisory council is
19 26 established which shall consist of the representatives of
19 27 entities involved in the electronic health records system task
19 28 force established pursuant to section 217.41A, Code 2007, a
19 29 pharmacist, a licensed practicing physician, a consumer who is
19 30 a member of the state board of health, a representative of the
19 31 state's Medicare quality improvement organization, the
19 32 executive director of the Iowa communications network, a
19 33 representative of the private telecommunications industry, a
19 34 representative of the Iowa collaborative safety net provider
19 35 network created in section 135.153, a nurse informaticist from
19 36 the university of Iowa, and any other members the department or
19 37 executive committee of the advisory council determines



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20 1 necessary and appoints to assist the department or executive
20 2 committee at various stages of development of the electronic
20 3 health information system. Executive branch agencies shall
20 4 also be included as necessary to assist in the duties of the
20 5 department and the executive committee. Public members of the
20 6 advisory council shall receive reimbursement for actual
20 7 expenses incurred while serving in their official capacity only
20 8 if they are not eligible for reimbursement by the organization
20 9 that they represent. Any legislative members shall be paid the
20 10 per diem and expenses specified in section 2.10.

20 11 b. An executive committee of the electronic health
20 12 information advisory council is established. Members of the
20 13 executive committee of the advisory council shall receive
20 14 reimbursement for actual expenses incurred while serving in
20 15 their official capacity only if they are not eligible for
20 16 reimbursement by the organization that they represent. The
20 17 executive committee shall consist of the following members:

20 18 (1) Three members, each of whom is the chief information
20 19 officer of one of the three largest private health care systems
20 20 in the state.

20 21 (2) One member who is the chief information officer of the
20 22 university of Iowa hospitals and clinics, or the chief
20 23 information officer's designee, selected by the director of the
20 24 university of Iowa hospitals and clinics.

20 25 (3) One member who is a representative of a rural hospital
20 26 who is a member of the Iowa hospital association, selected by
20 27 the Iowa hospital association.

20 28 (4) One member who is a consumer member of the state board
20 29 of health, selected by the state board of health.

20 30 (5) One member who is a licensed practicing physician,
20 31 selected by the Iowa medical society.

20 32 (6) One member who is licensed to practice nursing,
20 33 selected by the Iowa nurses association.

20 34 (7) One representative of an insurance carrier selected by
20 35 the federation of Iowa insurers.

20 36 3. The executive committee, with the technical assistance
20 37 of the advisory council and the support of the department shall



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21 1 do all of the following:

21 2 a. Develop a statewide health information technology plan
21 3 by July 1, 2009. In developing the plan, the executive
21 4 committee shall seek the input of providers, payers, and
21 5 consumers. Standards and policies developed for the plan shall
21 6 promote and be consistent with national standards developed by
21 7 the office of the national coordinator for health information
21 8 technology of the United States department of health and human
21 9 services and shall address or provide for all of the following:

21 10 (1) The effective, efficient, statewide use of electronic
21 11 health information in patient care, health care policymaking,
21 12 clinical research, health care financing, and continuous
21 13 quality improvement. The executive committee shall recommend
21 14 requirements for interoperable electronic health records in
21 15 this state including a recognized interoperability standard.

21 16 (2) Education of the public and health care sector about
21 17 the value of health information technology in improving patient
21 18 care, and methods to promote increased support and
21 19 collaboration of state and local public health agencies, health
21 20 care professionals, and consumers in health information
21 21 technology initiatives.

21 22 (3) Standards for the exchange of health care information.

21 23 (4) Policies relating to the protection of privacy of
21 24 patients and the security and confidentiality of patient
21 25 information.

21 26 (5) Policies relating to information ownership.

21 27 (6) Policies relating to governance of the various facets
21 28 of the health information technology system.

21 29 (7) A single patient identifier or alternative mechanism to
21 30 share secure patient information. If no alternative mechanism
21 31 is acceptable to the executive committee, all health care
21 32 professionals shall utilize the mechanism selected by the
21 33 executive committee by July 1, 2010.

21 34 (8) A standard continuity of care record and other issues
21 35 related to the content of electronic transmissions. All health
21 36 care professionals shall utilize the standard continuity of
21 37 care record by July 1, 2010.



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- 22 1 (9) Requirements for electronic prescribing.
22 2 (10) Economic incentives and support to facilitate
22 3 participation in an interoperable system by health care
22 4 professionals.
22 5 b. Identify existing and potential health information
22 6 technology efforts in this state, regionally, and nationally,
22 7 and integrate existing efforts to avoid incompatibility between
22 8 efforts and avoid duplication.
22 9 c. Coordinate public and private efforts to provide the
22 10 network backbone infrastructure for the health information
22 11 technology system. In coordinating these efforts, the
22 12 executive committee shall do all of the following:
22 13 (1) Develop policies to effectuate the logical
22 14 cost-effective usage of and access to the state-owned network,
22 15 and support of telecommunication carrier products, where
22 16 applicable.
22 17 (2) Consult with the Iowa communications network, private
22 18 fiberoptic networks, and any other communications entity to
22 19 seek collaboration, avoid duplication, and leverage
22 20 opportunities in developing a network backbone.
22 21 (3) Establish protocols to ensure compliance with any
22 22 applicable federal standards.
22 23 (4) Determine costs for accessing the network at a level
22 24 that provides sufficient funding for the network.
22 25 d. Promote the use of telemedicine.
22 26 (1) Examine existing barriers to the use of telemedicine
22 27 and make recommendations for eliminating these barriers.
22 28 (2) Examine the most efficient and effective systems of
22 29 technology for use and make recommendations based on the
22 30 findings.
22 31 e. Address the workforce needs generated by increased use
22 32 of health information technology.
22 33 f. Recommend rules to be adopted in accordance with chapter
22 34 17A to implement all aspects of the statewide health
22 35 information technology plan and the network.
22 36 g. Coordinate, monitor, and evaluate the adoption, use,
22 37 interoperability, and efficiencies of the various facets of



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23 1 health information technology in this state.
 23 2 h. Seek and apply for any federal or private funding to
 23 3 assist in the implementation and support of the health
 23 4 information technology system and make recommendations for
 23 5 funding mechanisms for the ongoing development and maintenance
 23 6 costs of the health information technology system.
 23 7 i. Identify state laws and rules that present barriers to
 23 8 the development of the health information technology system and
 23 9 recommend any changes to the governor and the general assembly.
 23 10 4. Recommendations and other activities resulting from the
 23 11 work of the department or the executive committee shall be
 23 12 presented to the board for action or implementation.
 23 13 Sec. 26. Section 8D.13, Code 2007, is amended by adding the
 23 14 following new subsection:
 23 15 NEW SUBSECTION. 20. Access shall be offered to the Iowa
 23 16 hospital association only for the purposes of collection,
 23 17 maintenance, and dissemination of health and financial data for
 23 18 hospitals and for hospital education services. The Iowa
 23 19 hospital association shall be responsible for all costs
 23 20 associated with becoming part of the network, as determined by
 23 21 the commission.
 23 22 Sec. 27. Section 136.3, Code 2007, is amended by adding the
 23 23 following new subsection:
 23 24 NEW SUBSECTION. 11. Perform those duties authorized
 23 25 pursuant to section 135.156.
 23 26 Sec. 28. Section 217.41A, Code 2007, is repealed.
 23 27 Sec. 29. IOWA HEALTH INFORMATION TECHNOLOGY SYSTEM ==
 23 28 APPROPRIATION. There is appropriated from the general fund of
 23 29 the state to the department of public health for the fiscal
 23 30 year beginning July 1, 2008, and ending June 30, 2009, the
 23 31 following amount, or so much thereof as is necessary, for the
 23 32 purpose designated:
 23 33 For administration of the Iowa health information technology
 23 34 system, and for not more than the following full-time
 23 35 equivalent positions:
 23 36 \$ 190,600
 23 37 FTEs 2.00



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25 1 The campaign may utilize such tools as the "Own Your Future
25 2 Planning Kit" administered by the centers for Medicare and
25 3 Medicaid services, the administration on aging, and the office
25 4 of the assistant secretary for planning and evaluation of the
25 5 United States department of health and human services, and
25 6 other tools developed through the aging and disability resource
25 7 center program of the administration on aging and the centers
25 8 for Medicare and Medicaid services designed to promote health
25 9 and independence as Iowans age, assist older Iowans in making
25 10 informed choices about the availability of long-term care
25 11 options, including alternatives to facility-based care, and to
25 12 streamline access to long-term care.

25 13 Sec. 34. LONG-TERM CARE OPTIONS PUBLIC EDUCATION CAMPAIGN
25 14 == APPROPRIATION. There is appropriated from the general fund
25 15 of the state to the department of elder affairs for the fiscal
25 16 year beginning July 1, 2008, and ending June 30, 2009, the
25 17 following amount, or so much thereof as is necessary, for the
25 18 purpose designated:

25 19 For activities associated with the long-term care options
25 20 public education campaign requirements of this division:
25 21 \$ 75,000

25 22 Sec. 35. HOME AND COMMUNITY-BASED SERVICES PUBLIC EDUCATION
25 23 CAMPAIGN. The department of elder affairs shall work with
25 24 other public and private agencies to identify resources that
25 25 may be used to continue the work of the aging and disability
25 26 resource center established by the department through the aging
25 27 and disability resource center grant program efforts of the
25 28 administration on aging and the centers for Medicare and
25 29 Medicaid services of the United States department of health and
25 30 human services, beyond the federal grant period ending
25 31 September 30, 2008.

25 32 Sec. 36. PATIENT AUTONOMY IN HEALTH CARE DECISIONS PILOT
25 33 PROJECT.

25 34 1. The department of public health shall establish a
25 35 two-year community coalition for patient treatment wishes
25 36 across the health care continuum pilot project, beginning July
25 37 1, 2008, and ending June 30, 2010, in a county with a



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26 1 population of between fifty thousand and one hundred thousand.
26 2 The pilot project shall utilize the process based upon the
26 3 national physicians orders for life sustaining treatment
26 4 program initiative, including use of a standardized physician
26 5 order for scope of treatment form. The process shall require
26 6 validation of the physician order for scope of treatment form
26 7 by the signature of an individual other than the patient or the
26 8 patient's legal representative who is not an employee of the
26 9 patient's physician. The pilot project may include
26 10 applicability to chronically ill, frail, and elderly or
26 11 terminally ill individuals in hospitals licensed pursuant to
26 12 chapter 135B, nursing facilities or residential care facilities
26 13 licensed pursuant to chapter 135C, or hospice programs as
26 14 defined in section 135J.1.

26 15 2. The department of public health shall convene an
26 16 advisory council, consisting of representatives of entities
26 17 with interest in the pilot project, including but not limited
26 18 to the Iowa hospital association, the Iowa medical society,
26 19 organizations representing health care facilities,
26 20 representatives of health care providers, and the Iowa trial
26 21 lawyers association, to develop recommendations for expanding
26 22 the pilot project statewide. The advisory council shall report
26 23 its findings and recommendations, including recommendations for
26 24 legislation, to the governor and the general assembly by
26 25 January 1, 2010.

26 26 3. The pilot project shall not alter the rights of
26 27 individuals who do not execute a physician order for scope of
26 28 treatment.

26 29 a. If an individual is a qualified patient as defined in
26 30 section 144A.2, the individual's declaration executed under
26 31 chapter 144A shall control health care decision making for the
26 32 individual in accordance with chapter 144A. A physician order
26 33 for scope of treatment shall not supersede a declaration
26 34 executed pursuant to chapter 144A. If an individual has not
26 35 executed a declaration pursuant to chapter 144A, health care
26 36 decision making relating to life-sustaining procedures for the
26 37 individual shall be governed by section 144A.7.



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27 1 b. If an individual has executed a durable power of
27 2 attorney for health care pursuant to chapter 144B, the
27 3 individual's durable power of attorney for health care shall
27 4 control health care decision making for the individual in
27 5 accordance with chapter 144B. A physician order for scope of
27 6 treatment shall not supersede a durable power of attorney for
27 7 health care executed pursuant to chapter 144B.

27 8 c. In the absence of actual notice of the revocation of a
27 9 physician order for scope of treatment, a physician, health
27 10 care provider, or any other person who complies with a
27 11 physician order for scope of treatment shall not be subject to
27 12 liability, civil or criminal, for actions taken under this
27 13 section which are in accordance with reasonable medical
27 14 standards. Any physician, health care provider, or other
27 15 person against whom criminal or civil liability is asserted
27 16 because of conduct in compliance with this section may
27 17 interpose the restriction on liability in this paragraph as an
27 18 absolute defense.

27 19 DIVISION VII

27 20 HEALTH CARE COVERAGE

27 21 Sec. 37. NEW SECTION. 505.31 REIMBURSEMENT ACCOUNTS.

27 22 The commissioner of insurance shall assist employers with
27 23 twenty-five or fewer employees with implementing and
27 24 administering plans under section 125 of the Internal Revenue
27 25 Code, including medical expense reimbursement accounts and
27 26 dependent care accounts. The commissioner shall provide
27 27 information about the assistance available to small employers
27 28 on the insurance division's internet site.

27 29 Sec. 38. Section 509.3, Code 2007, is amended by adding the
27 30 following new subsection:

27 31 NEW SUBSECTION. 8. A provision that the insurer will
27 32 permit continuation of existing coverage for an unmarried child
27 33 of an insured or enrollee who so elects, at least through the
27 34 policy anniversary date on or after the date the child marries,
27 35 ceases to be a resident of this state, or attains the age of
27 36 twenty-five years old, whichever occurs first, or so long as
27 37 the unmarried child maintains full-time status as a student in



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28 1 an accredited institution of postsecondary education.
28 2 Sec. 39. NEW SECTION. 509A.13B CONTINUATION OF DEPENDENT
28 3 COVERAGE.
28 4 If a governing body, a county board of supervisors, or a
28 5 city council has procured accident or health care coverage for
28 6 its employees under this chapter such coverage shall permit
28 7 continuation of existing coverage for an unmarried child of an
28 8 insured or enrollee who so elects, at least through the policy
28 9 anniversary date on or after the date the child marries, ceases
28 10 to be a resident of this state, or attains the age of
28 11 twenty-five years old, whichever occurs first, or so long as
28 12 the unmarried child maintains full-time status as a student in
28 13 an accredited institution of postsecondary education.
28 14 Sec. 40. Section 513C.7, subsection 2, paragraph a, Code
28 15 2007, is amended to read as follows:
28 16 ~~a.~~ The individual basic or standard health benefit plan
28 17 shall not deny, exclude, or limit benefits for a covered
28 18 individual for losses incurred more than twelve months
28 19 following the effective date of the individual's coverage due
28 20 to a preexisting condition. A preexisting condition shall not
28 21 be defined more restrictively than any of the following:
28 22 ~~(1)~~ a. A condition that would cause an ordinarily prudent
28 23 person to seek medical advice, diagnosis, care, or treatment
28 24 during the twelve months immediately preceding the effective
28 25 date of coverage.
28 26 ~~(2)~~ b. A condition for which medical advice, diagnosis,
28 27 care, or treatment was recommended or received during the
28 28 twelve months immediately preceding the effective date of
28 29 coverage.
28 30 ~~(3)~~ c. A pregnancy existing on the effective date of
28 31 coverage.
28 32 Sec. 41. Section 513C.7, subsection 2, paragraph b, Code
28 33 2007, is amended by striking the paragraph.
28 34 Sec. 42. NEW SECTION. 514A.3B ADDITIONAL REQUIREMENTS.
28 35 1. An insurer which accepts an individual for coverage
28 36 under an individual policy or contract of accident and health
28 37 insurance shall waive any time period applicable to a



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29 1 preexisting condition exclusion or limitation period
29 2 requirement of the policy or contract with respect to
29 3 particular services in an individual health benefit plan for
29 4 the period of time the individual was previously covered by
29 5 qualifying previous coverage as defined in section 513C.3 that
29 6 provided benefits with respect to such services, provided that
29 7 the qualifying previous coverage was continuous to a date not
29 8 more than sixty=three days prior to the effective date of the
29 9 new policy or contract. Any days of coverage provided to an
29 10 individual pursuant to chapter 249A or 514I, or Medicare
29 11 coverage provided pursuant to Title XVIII of the federal Social
29 12 Security Act, do not constitute qualifying previous coverage.
29 13 Such days of chapter 249A or 514I or Medicare coverage shall be
29 14 counted as part of the maximum sixty=three=day grace period and
29 15 shall not constitute a basis for the waiver of any preexisting
29 16 condition exclusion or limitation period.

29 17 2. An insurer issuing an individual policy or contract of
29 18 accident and health insurance which provides coverage for
29 19 children of the insured shall permit continuation of existing
29 20 coverage for an unmarried child of an insured or enrollee who
29 21 so elects, at least through the policy anniversary date on or
29 22 after the date the child marries, ceases to be a resident of
29 23 this state, or attains the age of twenty=five years old,
29 24 whichever occurs first, or so long as the unmarried child
29 25 maintains full=time status as a student in an accredited
29 26 institution of postsecondary education.

29 27 Sec. 43. APPLICABILITY. This division of this Act applies
29 28 to policies or contracts of accident and health insurance
29 29 delivered or issued for delivery or continued or renewed in
29 30 this state on or after July 1, 2008.

29 31 DIVISION VIII

29 32 MEDICAL HOME

29 33 DIVISION XXII

29 34 MEDICAL HOME

29 35 Sec. 44. NEW SECTION. 135.157 DEFINITIONS.

29 36 As used in this chapter, unless the context otherwise
29 37 requires:



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- 30 1 1. "Board" means the state board of health created pursuant
30 2 to section 136.1.
- 30 3 2. "Department" means the department of public health.
- 30 4 3. "Health care professional" means a person who is
30 5 licensed, certified, or otherwise authorized or permitted by
30 6 the law of this state to administer health care in the ordinary
30 7 course of business or in the practice of a profession.
- 30 8 4. "Medical home" means a team approach to providing health
30 9 care that originates in a primary care setting; fosters a
30 10 partnership among the patient, the personal provider, and other
30 11 health care professionals, and where appropriate, the patient's
30 12 family; utilizes the partnership to access all medical and
30 13 nonmedical health-related services needed by the patient and
30 14 the patient's family to achieve maximum health potential;
30 15 maintains a centralized, comprehensive record of all
30 16 health-related services to promote continuity of care; and has
30 17 all of the characteristics specified in section 135.158.
- 30 18 5. "National committee for quality assurance" means the
30 19 nationally recognized, independent nonprofit organization that
30 20 measures the quality and performance of health care and health
30 21 care plans in the United States; provides accreditation,
30 22 certification, and recognition programs for health care plans
30 23 and programs; and is recognized in Iowa as an accrediting
30 24 organization for commercial and Medicaid-managed care
30 25 organizations.
- 30 26 6. "Personal provider" means the patient's first point of
30 27 contact in the health care system with a primary care provider
30 28 who identifies the patient's health needs, and, working with a
30 29 team of health care professionals, provides for and coordinates
30 30 appropriate care to address the health needs identified.
- 30 31 7. "Primary care" means health care which emphasizes
30 32 providing for a patient's general health needs and utilizes
30 33 collaboration with other health care professionals and
30 34 consultation or referral as appropriate to meet the needs
30 35 identified.
- 30 36 8. "Primary care provider" means any of the following who
30 37 provide primary care and meet certification standards:



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- 31 1 a. A physician who is a family or general practitioner, a
31 2 pediatrician, an internist, an obstetrician, or a gynecologist.
31 3 b. An advanced registered nurse practitioner.
31 4 c. A physician assistant.
31 5 d. A chiropractor licensed pursuant to chapter 151.
31 6 Sec. 45. NEW SECTION. 135.158 MEDICAL HOME PURPOSES ==
31 7 CHARACTERISTICS.
31 8 1. The purposes of a medical home are the following:
31 9 a. To reduce disparities in health care access, delivery,
31 10 and health care outcomes.
31 11 b. To improve quality of health care and lower health care
31 12 costs, thereby creating savings to allow more Iowans to have
31 13 health care coverage and to provide for the sustainability of
31 14 the health care system.
31 15 c. To provide a tangible method to document if each Iowan
31 16 has access to health care.
31 17 2. A medical home has all of the following characteristics:
31 18 a. A personal provider. Each patient has an ongoing
31 19 relationship with a personal provider trained to provide first
31 20 contact and continuous and comprehensive care.
31 21 b. A provider-directed medical practice. The personal
31 22 provider leads a team of individuals at the practice level who
31 23 collectively take responsibility for the ongoing health care of
31 24 patients.
31 25 c. Whole person orientation. The personal provider is
31 26 responsible for providing for all of a patient's health care
31 27 needs or taking responsibility for appropriately arranging
31 28 health care by other qualified health care professionals. This
31 29 responsibility includes health care at all stages of life
31 30 including provision of acute care, chronic care, preventive
31 31 services, and end-of-life care.
31 32 d. Coordination and integration of care. Care is
31 33 coordinated and integrated across all elements of the complex
31 34 health care system and the patient's community. Care is
31 35 facilitated by registries, information technology, health
31 36 information exchanges, and other means to assure that patients
31 37 receive the indicated care when and where they need and want



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32 1 the care in a culturally and linguistically appropriate manner.
32 2 e. Quality and safety. The following are quality and
32 3 safety components of the medical home:
32 4 (1) Provider-directed medical practices advocate for their
32 5 patients to support the attainment of optimal, patient-centered
32 6 outcomes that are defined by a care planning process driven by
32 7 a compassionate, robust partnership between providers, the
32 8 patient, and the patient's family.
32 9 (2) Evidence-based medicine and clinical decision-support
32 10 tools guide decision making.
32 11 (3) Providers in the medical practice accept accountability
32 12 for continuous quality improvement through voluntary engagement
32 13 in performance measurement and improvement.
32 14 (4) Patients actively participate in decision making and
32 15 feedback is sought to ensure that the patients' expectations
32 16 are being met.
32 17 (5) Information technology is utilized appropriately to
32 18 support optimal patient care, performance measurement, patient
32 19 education, and enhanced communication.
32 20 (6) Practices participate in a voluntary recognition
32 21 process conducted by an appropriate nongovernmental entity to
32 22 demonstrate that the practice has the capabilities to provide
32 23 patient-centered services consistent with the medical home
32 24 model.
32 25 (7) Patients and families participate in quality
32 26 improvement activities at the practice level.
32 27 f. Enhanced access to health care. Enhanced access to
32 28 health care is available through systems such as open
32 29 scheduling, expanded hours, and new options for communication
32 30 between the patient, the patient's personal provider, and
32 31 practice staff.
32 32 g. Payment. The payment system appropriately recognizes
32 33 the added value provided to patients who have a
32 34 patient-centered medical home. The payment structure framework
32 35 of the medical home provides all of the following:
32 36 (1) Reflects the value of provider and nonprovider staff
32 37 and patient-centered care management work that is in addition



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- 33 1 to the face-to-face visit.
33 2 (2) Pays for services associated with coordination of
33 3 health care both within a given practice and between
33 4 consultants, ancillary providers, and community resources.
33 5 (3) Supports adoption and use of health information
33 6 technology for quality improvement.
33 7 (4) Supports provision of enhanced communication access
33 8 such as secure electronic mail and telephone consultation.
33 9 (5) Recognizes the value of provider work associated with
33 10 remote monitoring of clinical data using technology.
33 11 (6) Allows for separate fee-for-service payments for
33 12 face-to-face visits. Payments for health care management
33 13 services that are in addition to the face-to-face visit do not
33 14 result in a reduction in the payments for face-to-face visits.
33 15 (7) Recognizes case mix differences in the patient
33 16 population being treated within the practice.
33 17 (8) Allows providers to share in savings from reduced
33 18 hospitalizations associated with provider-guided health care
33 19 management in the office setting.
33 20 (9) Allows for additional payments for achieving measurable
33 21 and continuous quality improvements.
33 22 Sec. 46. NEW SECTION. 135.159 MEDICAL HOME SYSTEM ==
33 23 ADVISORY COUNCIL == DEVELOPMENT AND IMPLEMENTATION.
33 24 1. The department shall administer the medical home system.
33 25 The department shall adopt rules pursuant to chapter 17A
33 26 necessary to administer the medical home system.
33 27 2. a. The department shall establish an advisory council
33 28 which shall include but is not limited to all of the following
33 29 members, selected by their respective organizations, and any
33 30 other members the department determines necessary to assist in
33 31 the department's duties at various stages of development of the
33 32 medical home system:
33 33 (1) The director of human services, or the director's
33 34 designee.
33 35 (2) The commissioner of insurance, or the commissioner's
33 36 designee.
33 37 (3) A representative of the federation of Iowa insurers.



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- 34 1 (4) A representative of the Iowa dental association.
34 2 (5) A representative of the Iowa nurses association.
34 3 (6) A physician licensed pursuant to chapter 148 and a
34 4 physician licensed pursuant to chapter 150 who are family
34 5 physicians and members of the Iowa academy of family
34 6 physicians.
34 7 (7) A health care consumer.
34 8 (8) A representative of the Iowa collaborative safety net
34 9 provider network established pursuant to section 135.153.
34 10 (9) A representative of the governor's developmental
34 11 disabilities council.
34 12 (10) A representative of the Iowa chapter of the American
34 13 academy of pediatrics.
34 14 (11) A representative of the child and family policy
34 15 center.
34 16 (12) A representative of the Iowa pharmacy association.
34 17 (13) A representative of the Iowa chiropractic society.
34 18 (14) A representative of the university of Iowa college of
34 19 public health.
34 20 b. Public members of the advisory council shall receive
34 21 reimbursement for actual expenses incurred while serving in
34 22 their official capacity only if they are not eligible for
34 23 reimbursement by the organization that they represent.
34 24 3. The department shall develop a plan for implementation
34 25 of a statewide medical home system. The department, in
34 26 collaboration with parents, schools, communities, health plans,
34 27 and providers, shall endeavor to increase healthy outcomes for
34 28 children and adults by linking the children and adults with a
34 29 medical home, identifying health improvement goals for children
34 30 and adults, and linking reimbursement strategies to increasing
34 31 healthy outcomes for children and adults. The plan shall
34 32 provide that the medical home system shall do all of the
34 33 following:
34 34 a. Coordinate and provide access to evidence-based health
34 35 care services, emphasizing convenient, comprehensive primary
34 36 care and including preventive, screening, and well-child health
34 37 services.



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- 35 1 b. Provide access to appropriate specialty care and
35 2 inpatient services.
- 35 3 c. Provide quality-driven and cost-effective health care.
- 35 4 d. Provide access to pharmacist-delivered medication
35 5 reconciliation and medication therapy management services,
35 6 where appropriate.
- 35 7 e. Promote strong and effective medical management
35 8 including but not limited to planning treatment strategies,
35 9 monitoring health outcomes and resource use, sharing
35 10 information, and organizing care to avoid duplication of
35 11 service. The plan shall provide that in sharing information,
35 12 the priority shall be the protection of the privacy of
35 13 individuals and the security and confidentiality of the
35 14 individual's information. Any sharing of information required
35 15 by the medical home system shall comply and be consistent with
35 16 all existing state and federal laws and regulations relating to
35 17 the confidentiality of health care information and shall be
35 18 subject to written consent of the patient.
- 35 19 f. Emphasize patient and provider accountability.
- 35 20 g. Prioritize local access to the continuum of health care
35 21 services in the most appropriate setting.
- 35 22 h. Establish a baseline for medical home goals and
35 23 establish performance measures that indicate a child or adult
35 24 has an established and effective medical home. For children,
35 25 these goals and performance measures may include but are not
35 26 limited to childhood immunizations rates, well-child care
35 27 utilization rates, care management for children with chronic
35 28 illnesses, emergency room utilization, and oral health service
35 29 utilization.
- 35 30 i. For children, coordinate with and integrate guidelines,
35 31 data, and information from existing newborn and child health
35 32 programs and entities, including but not limited to the healthy
35 33 opportunities to experience, success=healthy families Iowa
35 34 program, the community empowerment program, the center for
35 35 congenital and inherited disorders screening and health care
35 36 programs, standards of care for pediatric health guidelines,
35 37 the office of multicultural health established in section



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36 1 135.12, the oral health bureau established in section 135.15,
36 2 and other similar programs and services.
36 3 4. The department shall develop an organizational structure
36 4 for the medical home system in this state. The organizational
36 5 structure plan shall integrate existing resources, provide a
36 6 strategy to coordinate health care services, provide for
36 7 monitoring and data collection on medical homes, provide for
36 8 training and education to health care professionals and
36 9 families, and provide for transition of children to the adult
36 10 medical care system. The organizational structure may be based
36 11 on collaborative teams of stakeholders throughout the state
36 12 such as local public health agencies, the collaborative safety
36 13 net provider network established in section 135.153, or a
36 14 combination of statewide organizations. Care coordination may
36 15 be provided through regional offices or through individual
36 16 provider practices. The organizational structure may also
36 17 include the use of telemedicine resources, and may provide for
36 18 partnering with pediatric and family practice residency
36 19 programs to improve access to preventive care for children.
36 20 The organizational structure shall also address the need to
36 21 organize and provide health care to increase accessibility for
36 22 patients including using venues more accessible to patients and
36 23 having hours of operation that are conducive to the population
36 24 served.
36 25 5. The department shall adopt standards and a process to
36 26 certify medical homes based on the national committee for
36 27 quality assurance standards. The certification process and
36 28 standards shall provide mechanisms to monitor performance and
36 29 to evaluate, promote, and improve the quality of health of and
36 30 health care delivered to patients through a medical home. The
36 31 mechanism shall require participating providers to monitor
36 32 clinical progress and performance in meeting applicable
36 33 standards and to provide information in a form and manner
36 34 specified by the department. The evaluation mechanism shall be
36 35 developed with input from consumers, providers, and payers. At
36 36 a minimum the evaluation shall determine any increased quality
36 37 in health care provided and any decrease in cost resulting from



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37 1 the medical home system compared with other health care
37 2 delivery systems. The standards and process shall also include
37 3 a mechanism for other ancillary service providers to become
37 4 affiliated with a certified medical home.
37 5 6. The department shall adopt education and training
37 6 standards for health care professionals participating in the
37 7 medical home system.
37 8 7. The department shall provide for system simplification
37 9 through the use of universal referral forms, internet-based
37 10 tools for providers, and a central medical home internet site
37 11 for providers.
37 12 8. The department shall recommend a reimbursement
37 13 methodology and incentives for participation in the medical
37 14 home system to ensure that providers enter and remain
37 15 participating in the system. In developing the recommendations
37 16 for incentives, the department shall consider, at a minimum,
37 17 providing incentives to promote wellness, prevention, chronic
37 18 care management, immunizations, health care management, and the
37 19 use of electronic health records. In developing the
37 20 recommendations for the reimbursement system, the department
37 21 shall analyze, at a minimum, the feasibility of all of the
37 22 following:
37 23 a. Reimbursement under the medical assistance program to
37 24 promote wellness and prevention, provide care coordination, and
37 25 provide chronic care management.
37 26 b. Increasing reimbursement to Medicare levels for certain
37 27 wellness and prevention services, chronic care management, and
37 28 immunizations.
37 29 c. Providing reimbursement for primary care services by
37 30 addressing the disparities between reimbursement for specialty
37 31 services and primary care services.
37 32 d. Increased funding for efforts to transform medical
37 33 practices into certified medical homes, including emphasizing
37 34 the implementation of the use of electronic health records.
37 35 e. Targeted reimbursement to providers linked to health
37 36 care quality improvement measures established by the
37 37 department.



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38 1 f. Reimbursement for specified ancillary support services
38 2 such as transportation for medical appointments and other such
38 3 services.
38 4 g. Providing reimbursement for medication reconciliation
38 5 and medication therapy management service, where appropriate.
38 6 9. The department shall coordinate the requirements and
38 7 activities of the medical home system with the requirements and
38 8 activities of the dental home for children as described in
38 9 section 249J.14, subsection 7, and shall recommend financial
38 10 incentives for dentists and nondental providers to promote oral
38 11 health care coordination through preventive dental
38 12 intervention, early identification of oral disease risk, health
38 13 care coordination and data tracking, treatment, chronic care
38 14 management, education and training, parental guidance, and oral
38 15 health promotions for children.
38 16 10. The department shall integrate the recommendations and
38 17 policies developed by the prevention and chronic care
38 18 management advisory council into the medical home system.
38 19 11. Implementation phases.
38 20 a. Initial implementation shall require participation in
38 21 the medical home system of children who are recipients of full
38 22 benefits under the medical assistance program. The department
38 23 shall work with the department of human services and shall
38 24 recommend to the general assembly a reimbursement methodology
38 25 to compensate providers participating under the medical
38 26 assistance program for participation in the medical home
38 27 system.
38 28 b. The department shall work with the department of human
38 29 services to expand the medical home system to adults who are
38 30 recipients of full benefits under the medical assistance
38 31 program and the expansion population under the IowaCare
38 32 program. The department shall work with the centers for
38 33 Medicare and Medicaid services of the United States department
38 34 of health and human services to allow Medicare recipients to
38 35 utilize the medical home system.
38 36 c. The department shall work with the department of
38 37 administrative services to allow state employees to utilize the



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39 1 medical home system.

39 2 d. The department shall work with insurers and self-insured
39 3 companies, if requested, to make the medical home system
39 4 available to individuals with private health care coverage.

39 5 12. The department shall provide oversight for all
39 6 certified medical homes. The department shall review the
39 7 progress of the medical home system and recommend improvements
39 8 to the system, as necessary.

39 9 13. The department shall annually evaluate the medical home
39 10 system and make recommendations to the governor and the general
39 11 assembly regarding improvements to and continuation of the
39 12 system.

39 13 14. Recommendations and other activities resulting from the
39 14 duties authorized for the department under this section shall
39 15 require approval by the board prior to any subsequent action or
39 16 implementation.

39 17 Sec. 47. Section 136.3, Code 2007, is amended by adding the
39 18 following new subsection:

39 19 NEW SUBSECTION. 12. Perform those duties authorized
39 20 pursuant to section 135.159.

39 21 Sec. 48. Section 249J.14, subsection 7, Code 2007, is
39 22 amended to read as follows:

39 23 7. DENTAL HOME FOR CHILDREN. By ~~July 1, 2008~~ December 31,
39 24 2010, every recipient of medical assistance who is a child
39 25 twelve years of age or younger shall have a designated dental
39 26 home and shall be provided with the dental screenings, ~~and~~
39 27 ~~preventive care identified in the oral health standards~~
39 28 services, diagnostic services, treatment services, and
39 29 emergency services as defined under the early and periodic
39 30 screening, diagnostic, and treatment program.

39 31 Sec. 49. MEDICAL HOME SYSTEM == APPROPRIATION. There is
39 32 appropriated from the general fund of the state to the
39 33 department of public health for the fiscal year beginning July
39 34 1, 2008, and ending June 30, 2009, the following amount, or so
39 35 much thereof as is necessary, for the purpose designated:

39 36 For activities associated with the medical home system
39 37 requirements of this division and for not more than the



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40 1 following full-time equivalent positions:
 40 2 \$ 165,600
 40 3 FTEs 4.00
 40 4 DIVISION IX
 40 5 PREVENTION AND CHRONIC CARE MANAGEMENT
 40 6 DIVISION XXIII
 40 7 PREVENTION AND CHRONIC CARE MANAGEMENT
 40 8 Sec. 50. NEW SECTION. 135.160 DEFINITIONS.
 40 9 For the purpose of this division, unless the context
 40 10 otherwise requires:
 40 11 1. "Board" means the state board of health created pursuant
 40 12 to section 136.1.
 40 13 2. "Chronic care" means health care services provided by a
 40 14 health care professional for an established clinical condition
 40 15 that is expected to last a year or more and that requires
 40 16 ongoing clinical management attempting to restore the
 40 17 individual to highest function, minimize the negative effects
 40 18 of the chronic condition, and prevent complications related to
 40 19 the chronic condition.
 40 20 3. "Chronic care information system" means approved
 40 21 information technology to enhance the development and
 40 22 communication of information to be used in providing chronic
 40 23 care, including clinical, social, and economic outcomes of
 40 24 chronic care.
 40 25 4. "Chronic care management" means a system of coordinated
 40 26 health care interventions and communications for individuals
 40 27 with chronic conditions, including significant patient
 40 28 self-care efforts, systemic supports for the health care
 40 29 professional and patient relationship, and a chronic care plan
 40 30 emphasizing prevention of complications utilizing
 40 31 evidence-based practice guidelines, patient empowerment
 40 32 strategies, and evaluation of clinical, humanistic, and
 40 33 economic outcomes on an ongoing basis with the goal of
 40 34 improving overall health.
 40 35 5. "Chronic care plan" means a plan of care between an
 40 36 individual and the individual's principal health care
 40 37 professional that emphasizes prevention of complications



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41 1 through patient empowerment including but not limited to
41 2 providing incentives to engage the patient in the patient's own
41 3 care and in clinical, social, or other interventions designed
41 4 to minimize the negative effects of the chronic condition.
41 5 6. "Chronic care resources" means health care
41 6 professionals, advocacy groups, health departments, schools of
41 7 public health and medicine, health plans, and others with
41 8 expertise in public health, health care delivery, health care
41 9 financing, and health care research.
41 10 7. "Chronic condition" means an established clinical
41 11 condition that is expected to last a year or more and that
41 12 requires ongoing clinical management.
41 13 8. "Department" means the department of public health.
41 14 9. "Director" means the director of public health.
41 15 10. "Eligible individual" means a resident of this state
41 16 who has been diagnosed with a chronic condition or is at an
41 17 elevated risk for a chronic condition and who is a recipient of
41 18 medical assistance, is a member of the expansion population
41 19 pursuant to chapter 249J, or is an inmate of a correctional
41 20 institution in this state.
41 21 11. "Health care professional" means health care
41 22 professional as defined in section 135.157.
41 23 12. "Health risk assessment" means screening by a health
41 24 care professional for the purpose of assessing an individual's
41 25 health, including tests or physical examinations and a survey
41 26 or other tool used to gather information about an individual's
41 27 health, medical history, and health risk factors during a
41 28 health screening.
41 29 Sec. 51. NEW SECTION. 135.161 PREVENTION AND CHRONIC CARE
41 30 MANAGEMENT INITIATIVE == ADVISORY COUNCIL.
41 31 1. The director, in collaboration with the prevention and
41 32 chronic care management advisory council, shall develop a state
41 33 initiative for prevention and chronic care management. The
41 34 state initiative consists of the state's plan for developing a
41 35 chronic care organizational structure for prevention and
41 36 chronic care management, including coordinating the efforts of
41 37 health care professionals and chronic care resources to promote



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42 1 the health of residents and the prevention and management of
42 2 chronic conditions, developing and implementing arrangements
42 3 for delivering prevention services and chronic care management,
42 4 developing significant patient self-care efforts, providing
42 5 systemic support for the health care professional-patient
42 6 relationship and options for channeling chronic care resources
42 7 and support to health care professionals, providing for
42 8 community development and outreach and education efforts, and
42 9 coordinating information technology initiatives with the
42 10 chronic care information system.

42 11 2. The director may accept grants and donations and shall
42 12 apply for any federal, state, or private grants available to
42 13 fund the initiative. Any grants or donations received shall be
42 14 placed in a separate fund in the state treasury and used
42 15 exclusively for the initiative or as federal law directs.

42 16 3. a. The director shall establish and convene an advisory
42 17 council to provide technical assistance to the director in
42 18 developing a state initiative that integrates evidence-based
42 19 prevention and chronic care management strategies into the
42 20 public and private health care systems, including the medical
42 21 home system. Public members of the advisory council shall
42 22 receive their actual and necessary expenses incurred in the
42 23 performance of their duties and may be eligible to receive
42 24 compensation as provided in section 7E.6.

42 25 b. The advisory council shall elicit input from a variety
42 26 of health care professionals, health care professional
42 27 organizations, community and nonprofit groups, insurers,
42 28 consumers, businesses, school districts, and state and local
42 29 governments in developing the advisory council's
42 30 recommendations.

42 31 c. The advisory council shall submit initial
42 32 recommendations to the director for the state initiative for
42 33 prevention and chronic care management no later than July 1,
42 34 2009. The recommendations shall address all of the following:

42 35 (1) The recommended organizational structure for
42 36 integrating prevention and chronic care management into the
42 37 private and public health care systems. The organizational



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43 1 structure recommended shall align with the organizational
43 2 structure established for the medical home system developed
43 3 pursuant to division XXII. The advisory council shall also
43 4 review existing prevention and chronic care management
43 5 strategies used in the health insurance market and in private
43 6 and public programs and recommend ways to expand the use of
43 7 such strategies throughout the health insurance market and in
43 8 the private and public health care systems.
43 9 (2) A process for identifying leading health care
43 10 professionals and existing prevention and chronic care
43 11 management programs in the state, and coordinating care among
43 12 these health care professionals and programs.
43 13 (3) A prioritization of the chronic conditions for which
43 14 prevention and chronic care management services should be
43 15 provided, taking into consideration the prevalence of specific
43 16 chronic conditions and the factors that may lead to the
43 17 development of chronic conditions; the fiscal impact to state
43 18 health care programs of providing care for the chronic
43 19 conditions of eligible individuals; the availability of
43 20 workable, evidence-based approaches to chronic care for the
43 21 chronic condition; and public input into the selection process.
43 22 The advisory council shall initially develop consensus
43 23 guidelines to address the two chronic conditions identified as
43 24 having the highest priority and shall also specify a timeline
43 25 for inclusion of additional specific chronic conditions in the
43 26 initiative.
43 27 (4) A method to involve health care professionals in
43 28 identifying eligible patients for prevention and chronic care
43 29 management services, which includes but is not limited to the
43 30 use of a health risk assessment.
43 31 (5) The methods for increasing communication between health
43 32 care professionals and patients, including patient education,
43 33 patient self-management, and patient follow-up plans.
43 34 (6) The educational, wellness, and clinical management
43 35 protocols and tools to be used by health care professionals,
43 36 including management guideline materials for health care
43 37 delivery.



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44 1 (7) The use and development of process and outcome measures
44 2 and benchmarks, aligned to the greatest extent possible with
44 3 existing measures and benchmarks such as the best in class
44 4 estimates utilized in the national healthcare quality report of
44 5 the agency for health care research and quality of the United
44 6 States department of health and human services, to provide
44 7 performance feedback for health care professionals and
44 8 information on the quality of health care, including patient
44 9 satisfaction and health status outcomes.

44 10 (8) Payment methodologies to align reimbursements and
44 11 create financial incentives and rewards for health care
44 12 professionals to utilize prevention services, establish
44 13 management systems for chronic conditions, improve health
44 14 outcomes, and improve the quality of health care, including
44 15 case management fees, payment for technical support and data
44 16 entry associated with patient registries, and the cost of staff
44 17 coordination within a medical practice.

44 18 (9) Methods to involve public and private groups, health
44 19 care professionals, insurers, third-party administrators,
44 20 associations, community and consumer groups, and other entities
44 21 to facilitate and sustain the initiative.

44 22 (10) Alignment of any chronic care information system or
44 23 other information technology needs with other health care
44 24 information technology initiatives.

44 25 (11) Involvement of appropriate health resources and public
44 26 health and outcomes researchers to develop and implement a
44 27 sound basis for collecting data and evaluating the clinical,
44 28 social, and economic impact of the initiative, including a
44 29 determination of the impact on expenditures and prevalence and
44 30 control of chronic conditions.

44 31 (12) Elements of a marketing campaign that provides for
44 32 public outreach and consumer education in promoting prevention
44 33 and chronic care management strategies among health care
44 34 professionals, health insurers, and the public.

44 35 (13) A method to periodically determine the percentage of
44 36 health care professionals who are participating, the success of
44 37 the empowerment-of-patients approach, and any results of health



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45 1 outcomes of the patients participating.

45 2 (14) A means of collaborating with the health professional
45 3 licensing boards pursuant to chapter 147 to review prevention
45 4 and chronic care management education provided to licensees, as
45 5 appropriate, and recommendations regarding education resources
45 6 and curricula for integration into existing and new education
45 7 and training programs.

45 8 4. Following submission of initial recommendations to the
45 9 director for the state initiative for prevention and chronic
45 10 care management by the advisory council, the director shall
45 11 submit the state initiative to the board for approval. Subject
45 12 to approval of the state initiative by the board, the
45 13 department shall initially implement the state initiative among
45 14 the population of eligible individuals. Following initial
45 15 implementation, the director shall work with the department of
45 16 human services, insurers, health care professional
45 17 organizations, and consumers in implementing the initiative
45 18 beyond the population of eligible individuals as an integral
45 19 part of the health care delivery system in the state. The
45 20 advisory council shall continue to review and make
45 21 recommendations to the director regarding improvements to the
45 22 initiative. Any recommendations are subject to approval by the
45 23 board.

45 24 Sec. 52. NEW SECTION. 135.162 CLINICIANS ADVISORY PANEL.

45 25 1. The director shall convene a clinicians advisory panel
45 26 to advise and recommend to the department clinically
45 27 appropriate, evidence-based best practices regarding the
45 28 implementation of the medical home as defined in section
45 29 135.157 and the prevention and chronic care management
45 30 initiative pursuant to section 135.161. The director shall act
45 31 as chairperson of the advisory panel.

45 32 2. The clinicians advisory panel shall consist of nine
45 33 members representing licensed medical health care providers
45 34 selected by their respective professional organizations. Terms
45 35 of members shall begin and end as provided in section 69.19.
45 36 Any vacancy shall be filled in the same manner as regular
45 37 appointments are made for the unexpired portion of the regular



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46 1 term. Members shall serve terms of three years. A member is
46 2 eligible for reappointment for three successive terms.
46 3 3. The clinicians advisory panel shall meet on a quarterly
46 4 basis to receive updates from the director regarding strategic
46 5 planning and implementation progress on the medical home and
46 6 the prevention and chronic care management initiative and shall
46 7 provide clinical consultation to the department regarding the
46 8 medical home and the initiative.

46 9 Sec. 53. Section 136.3, Code 2007, is amended by adding the
46 10 following new subsection:

46 11 NEW SUBSECTION. 13. Perform those duties authorized
46 12 pursuant to section 135.161.

46 13 Sec. 54. PREVENTION AND CHRONIC CARE MANAGEMENT ==
46 14 APPROPRIATION. There is appropriated from the general fund of
46 15 the state to the department of public health for the fiscal
46 16 year beginning July 1, 2008, and ending June 30, 2009, the
46 17 following amount, or so much thereof as is necessary, for the
46 18 purpose designated:

46 19 For activities associated with the prevention and chronic
46 20 care management requirements of this division:
46 21 \$ 190,500

46 22 DIVISION X
46 23 FAMILY OPPORTUNITY ACT

46 24 Sec. 55. 2007 Iowa Acts, chapter 218, section 126,
46 25 subsection 1, is amended to read as follows:

46 26 1. The provision in this division of this Act relating to
46 27 eligibility for certain persons with disabilities under the
46 28 medical assistance program shall ~~only~~ be implemented if the
~~46 29 department of human services determines that funding is~~
~~46 30 available in appropriations made in this Act, in combination~~
~~46 31 with federal allocations to the state, for the state children's~~
~~46 32 health insurance program, in excess of the amount needed to~~
~~46 33 cover the current and projected enrollment under the state~~
~~46 34 children's health insurance program beginning January 1, 2009.~~
46 35 If such a determination is made, the department of human
~~46 36 services shall transfer funding from the appropriations made in~~
~~46 37 this Act for the state children's health insurance program, not~~



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~~47 1 otherwise required for that program, to the appropriations made
47 2 in this Act for medical assistance, as necessary, to implement
47 3 such provision of this division of this Act.~~

47 4

DIVISION XI

47 5

MEDICAL ASSISTANCE QUALITY IMPROVEMENT

47 6

Sec. 56. NEW SECTION. 249A.36 MEDICAL ASSISTANCE QUALITY

47 7

IMPROVEMENT COUNCIL.

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1. A medical assistance quality improvement council is established. The council shall evaluate the clinical outcomes and satisfaction of consumers and providers with the medical assistance program. The council shall coordinate efforts with the cost and quality performance evaluation completed pursuant to section 249J.16.

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2. a. The council shall consist of seven voting members appointed by the majority leader of the senate, the minority leader of the senate, the speaker of the house, and the minority leader of the house of representatives. At least one member of the council shall be a consumer and at least one member shall be a medical assistance program provider. An individual who is employed by a private or nonprofit organization that receives one million dollars or more in compensation or reimbursement from the department, annually, is not eligible for appointment to the council. The members shall serve terms of two years beginning and ending as provided in section 69.19, and appointments shall comply with sections 69.16 and 69.16A. Members shall receive reimbursement for actual expenses incurred while serving in their official capacity and may also be eligible to receive compensation as provided in section 7E.6. Vacancies shall be filled by the original appointing authority and in the manner of the original appointment. A person appointed to fill a vacancy shall serve only for the unexpired portion of the term.

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b. The members shall select a chairperson, annually, from among the membership. The council shall meet at least quarterly and at the call of the chairperson. A majority of the members of the council constitutes a quorum. Any action taken by the council must be adopted by the affirmative vote of



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48 1 a majority of its voting membership.

48 2 c. The department shall provide administrative support and
48 3 necessary supplies and equipment for the council.

48 4 3. The council shall consult with and advise the Iowa
48 5 Medicaid enterprise in establishing a quality assessment and
48 6 improvement process.

48 7 a. The process shall be consistent with the health plan
48 8 employer data and information set developed by the national
48 9 committee for quality assurance and with the consumer
48 10 assessment of health care providers and systems developed by
48 11 the agency for health care research and quality of the United
48 12 States department of health and human services. The council
48 13 shall also coordinate efforts with the Iowa healthcare
48 14 collaborative and the state's Medicare quality improvement
48 15 organization to create consistent quality measures.

48 16 b. The process may utilize as a basis the medical
48 17 assistance and state children's health insurance quality
48 18 improvement efforts of the centers for Medicare and Medicaid
48 19 services of the United States department of health and human
48 20 services.

48 21 c. The process shall include assessment and evaluation of
48 22 both managed care and fee=for=service programs, and shall be
48 23 applicable to services provided to adults and children.

48 24 d. The initial process shall be developed and implemented
48 25 by December 31, 2008, with the initial report of results to be
48 26 made available to the public by June 30, 2009. Following the
48 27 initial report, the council shall submit a report of results to
48 28 the governor and the general assembly, annually, in January.

48 29 DIVISION XII

48 30 HEALTH AND LONG=TERM CARE ACCESS

48 31 DIVISION XXIV

48 32 Sec. 57. NEW SECTION. 135.163 HEALTH AND LONG=TERM CARE
48 33 ACCESS.

48 34 The department shall coordinate public and private efforts
48 35 to develop and maintain an appropriate health care delivery
48 36 infrastructure and a stable, well=qualified, diverse, and
48 37 sustainable health care workforce in this state. The health



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49 1 care delivery infrastructure and the health care workforce
49 2 shall address the broad spectrum of health care needs of Iowans
49 3 throughout their lifespan including long-term care needs. The
49 4 department shall, at a minimum, do all of the following:
49 5 1. Develop a strategic plan for health care delivery
49 6 infrastructure and health care workforce resources in this
49 7 state.
49 8 2. Provide for the continuous collection of data to provide
49 9 a basis for health care strategic planning and health care
49 10 policymaking.
49 11 3. Make recommendations regarding the health care delivery
49 12 infrastructure and the health care workforce that assist in
49 13 monitoring current needs, predicting future trends, and
49 14 informing policymaking.
49 15 Sec. 58. NEW SECTION. 135.164 STRATEGIC PLAN.
49 16 1. The strategic plan for health care delivery
49 17 infrastructure and health care workforce resources shall
49 18 describe the existing health care system, describe and provide
49 19 a rationale for the desired health care system, provide an
49 20 action plan for implementation, and provide methods to evaluate
49 21 the system. The plan shall incorporate expenditure control
49 22 methods and integrate criteria for evidence-based health care.
49 23 The department shall do all of the following in developing the
49 24 strategic plan for health care delivery infrastructure and
49 25 health care workforce resources:
49 26 a. Conduct strategic health planning activities related to
49 27 preparation of the strategic plan.
49 28 b. Develop a computerized system for accessing, analyzing,
49 29 and disseminating data relevant to strategic health planning.
49 30 The department may enter into data sharing agreements and
49 31 contractual arrangements necessary to obtain or disseminate
49 32 relevant data.
49 33 c. Conduct research and analysis or arrange for research
49 34 and analysis projects to be conducted by public or private
49 35 organizations to further the development of the strategic plan.
49 36 d. Establish a technical advisory committee to assist in
49 37 the development of the strategic plan. The members of the



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50 1 committee may include but are not limited to health economists,
50 2 representatives of the university of Iowa college of public
50 3 health, health planners, representatives of health care
50 4 purchasers, representatives of state and local agencies that
50 5 regulate entities involved in health care, representatives of
50 6 health care providers and health care facilities, and
50 7 consumers.

50 8 2. The strategic plan shall include statewide health
50 9 planning policies and goals related to the availability of
50 10 health care facilities and services, the quality of care, and
50 11 the cost of care. The policies and goals shall be based on the
50 12 following principles:

50 13 a. That a strategic health planning process, responsive to
50 14 changing health and social needs and conditions, is essential
50 15 to the health, safety, and welfare of Iowans. The process
50 16 shall be reviewed and updated as necessary to ensure that the
50 17 strategic plan addresses all of the following:

50 18 (1) Promoting and maintaining the health of all Iowans.

50 19 (2) Providing accessible health care services through the
50 20 maintenance of an adequate supply of health facilities and an
50 21 adequate workforce.

50 22 (3) Controlling excessive increases in costs.

50 23 (4) Applying specific quality criteria and population
50 24 health indicators.

50 25 (5) Recognizing prevention and wellness as priorities in
50 26 health care programs to improve quality and reduce costs.

50 27 (6) Addressing periodic priority issues including disaster
50 28 planning, public health threats, and public safety dilemmas.

50 29 (7) Coordinating health care delivery and resource
50 30 development efforts among state agencies including those tasked
50 31 with facility, services, and professional provider licensure;
50 32 state and federal reimbursement; health service utilization
50 33 data systems; and others.

50 34 (8) Recognizing long-term care as an integral component of
50 35 the health care delivery infrastructure and as an essential
50 36 service provided by the health care workforce.

50 37 b. That both consumers and providers throughout the state



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51 1 must be involved in the health planning process, outcomes of
51 2 which shall be clearly articulated and available for public
51 3 review and use.

51 4 c. That the supply of a health care service has a
51 5 substantial impact on utilization of the service, independent
51 6 of the effectiveness, medical necessity, or appropriateness of
51 7 the particular health care service for a particular individual.

51 8 d. That given that health care resources are not unlimited,
51 9 the impact of any new health care service or facility on
51 10 overall health expenditures in this state must be considered.

51 11 e. That excess capacity of health care services and
51 12 facilities places an increased economic burden on the public.

51 13 f. That the likelihood that a requested new health care
51 14 facility, service, or equipment will improve health care
51 15 quality and outcomes must be considered.

51 16 g. That development and ongoing maintenance of current and
51 17 accurate health care information and statistics related to cost
51 18 and quality of health care and projections of the need for
51 19 health care facilities and services are necessary to developing
51 20 an effective health care planning strategy.

51 21 h. That the certificate of need program as a component of
51 22 the health care planning regulatory process must balance
51 23 considerations of access to quality care at a reasonable cost
51 24 for all Iowans, optimal use of existing health care resources,
51 25 fostering of expenditure control, and elimination of
51 26 unnecessary duplication of health care facilities and services,
51 27 while supporting improved health care outcomes.

51 28 i. That strategic health care planning must be concerned
51 29 with the stability of the health care system, encompassing
51 30 health care financing, quality, and the availability of
51 31 information and services for all residents.

51 32 3. The health care delivery infrastructure and health care
51 33 workforce resources strategic plan developed by the department
51 34 shall include all of the following:

51 35 a. A health care system assessment and objectives component
51 36 that does all of the following:

51 37 (1) Describes state and regional population demographics,



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52 1 health status indicators, and trends in health status and
52 2 health care needs.
52 3 (2) Identifies key policy objectives for the state health
52 4 care system related to access to care, health care outcomes,
52 5 quality, and cost-effectiveness.
52 6 b. A health care facilities and services plan that assesses
52 7 the demand for health care facilities and services to inform
52 8 state health care planning efforts and direct certificate of
52 9 need determinations, for those facilities and services subject
52 10 to certificate of need. The plan shall include all of the
52 11 following:
52 12 (1) An inventory of each geographic region's existing
52 13 health care facilities and services.
52 14 (2) Projections of the need for each category of health
52 15 care facility and service, including those subject to
52 16 certificate of need.
52 17 (3) Policies to guide the addition of new or expanded
52 18 health care facilities and services to promote the use of
52 19 quality, evidence-based, cost-effective health care delivery
52 20 options, including any recommendations for criteria, standards,
52 21 and methods relevant to the certificate of need review process.
52 22 (4) An assessment of the availability of health care
52 23 providers, public health resources, transportation
52 24 infrastructure, and other considerations necessary to support
52 25 the needed health care facilities and services in each region.
52 26 c. A health care data resources plan that identifies data
52 27 elements necessary to properly conduct planning activities and
52 28 to review certificate of need applications, including data
52 29 related to inpatient and outpatient utilization and outcomes
52 30 information, and financial and utilization information related
52 31 to charity care, quality, and cost. The plan shall provide all
52 32 of the following:
52 33 (1) An inventory of existing data resources, both public
52 34 and private, that store and disclose information relevant to
52 35 the health care planning process, including information
52 36 necessary to conduct certificate of need activities. The plan
52 37 shall identify any deficiencies in the inventory of existing



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53 1 data resources and the data necessary to conduct comprehensive
53 2 health care planning activities. The plan may recommend that
53 3 the department be authorized to access existing data sources
53 4 and conduct appropriate analyses of such data or that other
53 5 agencies expand their data collection activities as statutory
53 6 authority permits. The plan may identify any computing
53 7 infrastructure deficiencies that impede the proper storage,
53 8 transmission, and analysis of health care planning data.
53 9 (2) Recommendations for increasing the availability of data
53 10 related to health care planning to provide greater community
53 11 involvement in the health care planning process and consistency
53 12 in data used for certificate of need applications and
53 13 determinations. The plan shall also integrate the requirements
53 14 for annual reports by hospitals and health care facilities
53 15 pursuant to section 135.75, the provisions relating to analyses
53 16 and studies by the department pursuant to section 135.76, the
53 17 data compilation provisions of section 135.78, and the
53 18 provisions for contracts for assistance with analyses, studies,
53 19 and data pursuant to section 135.83.
53 20 d. An assessment of emerging trends in health care delivery
53 21 and technology as they relate to access to health care
53 22 facilities and services, quality of care, and costs of care.
53 23 The assessment shall recommend any changes to the scope of
53 24 health care facilities and services covered by the certificate
53 25 of need program that may be warranted by these emerging trends.
53 26 In addition, the assessment may recommend any changes to
53 27 criteria used by the department to review certificate of need
53 28 applications, as necessary.
53 29 e. A rural health care resources plan to assess the
53 30 availability of health care resources in rural areas of the state,
53 31 assess the unmet needs of these communities, and evaluate how
53 32 federal and state reimbursement policies can be modified, if
53 33 necessary, to more efficiently and effectively meet the health
53 34 care needs of rural communities. The plan shall consider the
53 35 unique health care needs of rural communities, the adequacy of
53 36 the rural health care workforce, and transportation needs for
53 37 accessing appropriate care.



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54 1 f. A health care workforce resources plan to assure a
54 2 competent, diverse, and sustainable health care workforce in
54 3 Iowa and to improve access to health care in underserved areas
54 4 and among underserved populations. The plan shall include the
54 5 establishment of an advisory council to inform and advise the
54 6 department and policymakers regarding issues relevant to the
54 7 health care workforce in Iowa. The health care workforce
54 8 resources plan shall recognize long-term care as an essential
54 9 service provided by the health care workforce.

54 10 4. The department shall submit the initial statewide health
54 11 care delivery infrastructure and resources strategic plan to
54 12 the governor and the general assembly by January 1, 2010, and
54 13 shall submit an updated strategic plan to the governor and the
54 14 general assembly every two years thereafter.

54 15 Sec. 59. HEALTH CARE ACCESS == APPROPRIATION. There is
54 16 appropriated from the general fund of the state to the
54 17 department of public health for the fiscal year beginning July
54 18 1, 2008, and ending June 30, 2009, the following amount, or so
54 19 much thereof as is necessary, for the purpose designated:

54 20 For activities associated with the health care access
54 21 requirements of this division, and for not more than the
54 22 following full-time equivalent positions:
54 23 \$ 172,200
54 24 FTEs 3.00

DIVISION XIII
PREVENTION AND WELLNESS
INITIATIVES

54 28 Sec. 60. Section 135.27, Code 2007, is amended by striking
54 29 the section and inserting in lieu thereof the following:

54 30 135.27 IOWA HEALTHY COMMUNITIES INITIATIVE == GRANT
54 31 PROGRAM.

54 32 1. PROGRAM GOALS. The department shall establish a grant
54 33 program to energize local communities to transform the existing
54 34 culture into a culture that promotes healthy lifestyles and
54 35 leads collectively, community by community, to a healthier
54 36 state. The grant program shall expand an existing healthy
54 37 communities initiative to assist local boards of health, in



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55 1 collaboration with existing community resources, to build
55 2 community capacity in addressing the prevention of chronic
55 3 disease that results from risk factors including overweight and
55 4 obesity conditions.

55 5 2. DISTRIBUTION OF GRANTS. The department shall distribute
55 6 the grants on a competitive basis and shall support the grantee
55 7 communities in planning and developing wellness strategies and
55 8 establishing methodologies to sustain the strategies. Grant
55 9 criteria shall be consistent with the existing statewide
55 10 initiative between the department and the department's partners
55 11 that promotes increased opportunities for physical activity and
55 12 healthy eating for Iowans of all ages, or its successor, and
55 13 the statewide comprehensive plan developed by the existing
55 14 statewide initiative to increase physical activity, improve
55 15 nutrition, and promote healthy behaviors. Grantees shall
55 16 demonstrate an ability to maximize local, state, and federal
55 17 resources effectively and efficiently.

55 18 3. DEPARTMENTAL SUPPORT. The department shall provide
55 19 support to grantees including capacity-building strategies,
55 20 technical assistance, consultation, and ongoing evaluation.

55 21 4. ELIGIBILITY. Local boards of health representing a
55 22 coalition of health care providers and community and private
55 23 organizations are eligible to submit applications.

55 24 Sec. 61. NEW SECTION. 135.27A GOVERNOR'S COUNCIL ON
55 25 PHYSICAL FITNESS AND NUTRITION.

55 26 1. A governor's council on physical fitness and nutrition
55 27 is established consisting of twelve members appointed by the
55 28 governor who have expertise in physical activity, physical
55 29 fitness, nutrition, and promoting healthy behaviors. At least
55 30 one member shall be a representative of elementary and
55 31 secondary physical education professionals, at least one member
55 32 shall be a health care professional, at least one member shall
55 33 be a registered dietician, at least one member shall be
55 34 recommended by the department of elder affairs, and at least
55 35 one member shall be an active nutrition or fitness
55 36 professional. In addition, at least one member shall be a
55 37 member of a racial or ethnic minority. The governor shall



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56 1 select a chairperson for the council. Members shall serve
56 2 terms of three years beginning and ending as provided in
56 3 section 69.19. Appointments are subject to sections 69.16 and
56 4 69.16A. Members are entitled to receive reimbursement for
56 5 actual expenses incurred while engaged in the performance of
56 6 official duties. A member of the council may also be eligible
56 7 to receive compensation as provided in section 7E.6.
56 8 2. The council shall assist in developing a strategy for
56 9 implementation of the statewide comprehensive plan developed by
56 10 the existing statewide initiative to increase physical
56 11 activity, improve physical fitness, improve nutrition, and
56 12 promote healthy behaviors. The strategy shall include specific
56 13 components relating to specific populations and settings
56 14 including early childhood, educational, local community,
56 15 worksite wellness, health care, and older Iowans. The initial
56 16 draft of the implementation plan shall be submitted to the
56 17 governor and the general assembly by December 1, 2008.
56 18 3. The council shall assist the department in establishing
56 19 and promoting a best practices internet site. The internet
56 20 site shall provide examples of wellness best practices for
56 21 individuals, communities, workplaces, and schools and shall
56 22 include successful examples of both evidence-based and
56 23 nonscientific programs as a resource.
56 24 4. The council shall provide oversight for the governor's
56 25 physical fitness challenge. The governor's physical fitness
56 26 challenge shall be administered by the department and shall
56 27 provide for the establishment of partnerships with communities
56 28 or school districts to offer the physical fitness challenge
56 29 curriculum to elementary and secondary school students. The
56 30 council shall develop the curriculum, including benchmarks and
56 31 rewards, for advancing the school wellness policy through the
56 32 challenge.
56 33 Sec. 62. IOWA HEALTHY COMMUNITIES INITIATIVE ==
56 34 APPROPRIATION. There is appropriated from the general fund of
56 35 the state to the department of public health for the fiscal
56 36 year beginning July 1, 2008, and ending June 30, 2009, the
56 37 following amount, or so much thereof as is necessary, for the



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57 1 purpose designated:
 57 2 For Iowa healthy communities initiative grants distributed
 57 3 beginning January 1, 2009, and for not more than the following
 57 4 full-time equivalent positions:
 57 5 \$ 900,000
 57 6 FTEs 3.00
 57 7 Sec. 63. GOVERNOR'S COUNCIL ON PHYSICAL FITNESS AND
 57 8 NUTRITION == APPROPRIATION. There is appropriated from the
 57 9 general fund of the state to the department of public health
 57 10 for the fiscal period beginning July 1, 2008, and ending June
 57 11 30, 2009, the following amount, or so much thereof as is
 57 12 necessary, for the purpose designated:
 57 13 For the governor's council on physical fitness:
 57 14 \$ 112,100
 57 15 Sec. 64. SMALL BUSINESS QUALIFIED WELLNESS PROGRAM TAX
 57 16 CREDIT == PLAN. The department of public health, in
 57 17 consultation with the insurance division of the department of
 57 18 commerce and the department of revenue, shall develop a plan to
 57 19 provide a tax credit to small businesses that provide qualified
 57 20 wellness programs to improve the health of their employees.
 57 21 The plan shall include specification of what constitutes a
 57 22 small business for the purposes of the qualified wellness
 57 23 program, the minimum standards for use by a small business in
 57 24 establishing a qualified wellness program, the criteria and a
 57 25 process for certification of a small business qualified
 57 26 wellness program, and the process for claiming a small business
 57 27 qualified wellness program tax credit. The department of
 57 28 public health shall submit the plan including any
 57 29 recommendations for changes in law to implement a small
 57 30 business qualified wellness program tax credit to the governor
 57 31 and the general assembly by December 15, 2008.
 57 32 DIVISION XIV
 57 33 HEALTH CARE TRANSPARENCY
 57 34 DIVISION XXV
 57 35 HEALTH CARE TRANSPARENCY
 57 36 Sec. 65. NEW SECTION. 135.165 HEALTH CARE TRANSPARENCY ==
 57 37 REPORTING REQUIREMENTS == HOSPITALS AND NURSING FACILITIES.



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58 1 Each hospital and nursing facility in this state that is
58 2 recognized by the Internal Revenue Code as a nonprofit
58 3 organization or entity shall submit to the department of public
58 4 health and the legislative services agency, annually, a copy of
58 5 the hospital's internal revenue service form 990, including but
58 6 not limited to schedule J or any successor schedule that
58 7 provides compensation information for certain officers,
58 8 directors, trustees, and key employees, information about the
58 9 highest compensated employees, and information regarding
58 10 revenues, expenses, excess or surplus revenues, and reserves
58 11 within ninety days following the due date for filing the
58 12 hospital's or nursing facility's return for the taxable year.
58 13 Sec. 66. Section 136.3, Code 2007, is amended by adding the
58 14 following new subsection:
58 15 NEW SUBSECTION. 14. To the greatest extent possible
58 16 integrate the efforts of the governing entities of the Iowa
58 17 health information technology system pursuant to division XXI,
58 18 the medical home pursuant to division XXII, the prevention and
58 19 chronic care management initiative pursuant to division XXIII,
58 20 and health and long-term care access pursuant to division XXIV.
58 21 Sec. 67. HEALTH CARE QUALITY AND COST TRANSPARENCY ==
58 22 WORKGROUP.
58 23 1. A health care quality and cost transparency workgroup is
58 24 created to develop recommendations for legislation and policies
58 25 regarding health care quality and cost including measures to be
58 26 utilized in providing transparency to consumers of health care
58 27 and health care coverage. Membership of the workgroup shall be
58 28 determined by the legislative council in consultation with the
58 29 chairpersons and ranking members of the joint appropriations
58 30 subcommittee on health and human services and the chairpersons
58 31 and ranking members of the committees on human resources of the
58 32 senate and house of representatives. Membership of the
58 33 workgroup shall include but is not limited to representatives
58 34 of the Iowa healthcare collaborative, the department of public
58 35 health, the department of human services, the insurance
58 36 division of the department of commerce, the Iowa hospital
58 37 association, the Iowa medical society, the Iowa health buyers



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59 1 alliance, the AARP Iowa chapter, the university of Iowa public
59 2 policy center, and other interested consumers, advocates,
59 3 purchasers, providers, and legislators. The legislative
59 4 services agency shall provide staffing assistance to the
59 5 workgroup.
59 6 2. The workgroup shall do all of the following:
59 7 a. Review the approaches of other states quality and cost
59 8 in addressing health care transparency information.
59 9 b. Develop and compile recommendations and strategies to
59 10 lower health care costs and health care coverage costs for
59 11 consumers and businesses.
59 12 c. Make recommendations, including any necessary
59 13 legislation, regarding reporting of health care quality and
59 14 cost measures. The measures recommended for adoption shall be
59 15 those measures endorsed by the national quality forum.
59 16 However, if an area of measurement is deemed important by the
59 17 workgroup, but the national quality forum has not endorsed such
59 18 area of measurement, the workgroup may recommend, in order of
59 19 priority, the measures of other national accreditation
59 20 organizations such as the national committee for quality
59 21 assurance, the joint commission, the centers for Medicare and
59 22 Medicaid services of the United States department of health and
59 23 human services, or the agency for healthcare research and
59 24 quality. Any measure recommended for adoption shall be
59 25 evidence-based and clinically important, reasonably feasible to
59 26 implement, and easily understood by the health care consumer.
59 27 d. Make recommendations regarding the collection and
59 28 publishing of health care quality and cost measures. Measures
59 29 shall be collected from health plans, hospitals, and physicians
59 30 and published on a public internet site available to the
59 31 general public. The recommendations shall include how the
59 32 internet site will be maintained and utilization of a format to
59 33 ensure that the information provided is understood by the
59 34 health care consumer.
59 35 e. Submit a written report of all recommendations to the
59 36 general assembly on or before December 15, 2008.
59 37 3. The legislative council, pursuant to its authority in



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60 1 section 2.42, may allocate to the workgroup funding from moneys
60 2 available to it in section 2.12 for the purpose of providing
60 3 expert support to the workgroup.

60 4 Sec. 68. EFFECTIVE DATE. The provision in this division of
60 5 this Act creating a health care quality and cost transparency
60 6 workgroup, being deemed of immediate importance, takes effect
60 7 upon enactment.

60 8

DIVISION XV

60 9

DIRECT CARE WORKFORCE

60 10 Sec. 69. DIRECT CARE WORKER ADVISORY COUNCIL == DUTIES ==
60 11 REPORT.

60 12 1. As used in this section, unless the context otherwise
60 13 requires:

60 14 a. "Department" means the department of public health.

60 15 b. "Direct care" means environmental or chore services,
60 16 health monitoring and maintenance, assistance with instrumental
60 17 activities of daily living, assistance with personal care
60 18 activities of daily living, personal care support, or specialty
60 19 skill services.

60 20 c. "Direct care worker" means an individual who directly
60 21 provides or assists a consumer in the care of the consumer by
60 22 providing direct care in a variety of settings which may or may
60 23 not require supervision of the direct care worker, depending on
60 24 the setting and the skills that the direct care workers
60 25 possess, based on education or certification.

60 26 d. "Director" means the director of public health.

60 27 2. A direct care worker advisory council shall be appointed
60 28 by the director and shall include representatives of direct
60 29 care workers, consumers of direct care services, educators of
60 30 direct care workers, other health professionals, employers of
60 31 direct care workers, and appropriate state agencies.

60 32 3. Membership, terms of office, quorum, and expenses shall
60 33 be determined by the director in accordance with the applicable
60 34 provisions of section 135.11.

60 35 4. The direct care worker advisory council shall advise the
60 36 director regarding regulation and certification of direct care
60 37 workers, based on the work of the direct care workers task



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61 1 force established pursuant to 2005 Iowa Acts, chapter 88, and
61 2 shall develop recommendations regarding but not limited to all
61 3 of the following:

- 61 4 a. Direct care worker classifications based on functions
61 5 and services provided by direct care workers.
- 61 6 b. Functions for each direct care worker classification.
- 61 7 c. An education and training orientation to be provided by
61 8 employers.
- 61 9 d. Education and training requirements for each direct care
61 10 worker classification.
- 61 11 e. The standard curriculum required for each direct care
61 12 worker classification.
- 61 13 f. Education and training equivalency standards for each
61 14 direct care worker classification.
- 61 15 g. Guidelines that allow individuals who are members of the
61 16 direct care workforce prior to the date of required
61 17 certification to be incorporated into the new regulatory
61 18 system.
- 61 19 h. Continuing education requirements for each direct care
61 20 worker classification.
- 61 21 i. Standards for direct care worker educators and trainers.
- 61 22 j. Certification requirements for each direct care worker
61 23 classification.
- 61 24 k. Protections for the title "certified direct care
61 25 worker".
- 61 26 l. Standardized requirements for supervision of each direct
61 27 care worker classification, as applicable, and the roles and
61 28 responsibilities of supervisory positions.
- 61 29 m. Responsibility for maintenance of credentialing and
61 30 continuing education and training.
- 61 31 n. Provision of information to income maintenance workers
61 32 and case managers under the purview of the department of human
61 33 services about the education and training requirements for
61 34 direct care workers to provide the care and services to meet
61 35 consumer needs.

61 36 5. The direct care worker advisory council shall report its
61 37 recommendations to the director by November 30, 2008, including



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62 1 recommendations for any changes in law or rules necessary.
62 2 6. Implementation of certification of direct care workers
62 3 shall begin July 1, 2009.
62 4 Sec. 70. DIRECT CARE WORKER COMPENSATION ADVISORY COMMITTEE
62 5 == REVIEWS.
62 6 1. a. The general assembly recognizes that direct care
62 7 workers play a vital role and make a valuable contribution in
62 8 providing care to Iowans with a variety of needs in both
62 9 institutional and home and community-based settings.
62 10 Recruiting and retaining qualified, highly competent direct
62 11 care workers is a challenge across all employment settings.
62 12 High rates of employee vacancies and staff turnover threaten
62 13 the ability of providers to achieve the core mission of
62 14 providing safe and high quality support to Iowans.
62 15 b. It is the intent of the general assembly to address the
62 16 long-term care workforce shortage and turnover rates in order
62 17 to improve the quality of health care delivered in the
62 18 long-term care continuum by reviewing wages and other
62 19 compensation paid to direct care workers in the state.
62 20 c. It is the intent of the general assembly that the
62 21 initial review of and recommendations for improving wages and
62 22 other compensation paid to direct care workers focus on
62 23 nonlicensed direct care workers in the nursing facility
62 24 setting. However, following the initial review of wages and
62 25 other compensation paid to direct care workers in the nursing
62 26 facility setting, the department of human services shall
62 27 convene subsequent advisory committees with appropriate
62 28 representatives of public and private organizations and
62 29 consumers to review the wages and other compensation paid to
62 30 and turnover rates of the entire spectrum of direct care
62 31 workers in the various settings in which they are employed as a
62 32 means of demonstrating the general assembly's commitment to
62 33 ensuring a stable and quality direct care workforce in this
62 34 state.
62 35 2. The department of human services shall convene an
62 36 initial direct care worker compensation advisory committee to
62 37 develop recommendations for consideration by the general



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63 1 assembly during the 2009 legislative session regarding wages
63 2 and other compensation paid to direct care workers in nursing
63 3 facilities. The committee shall consist of the following
63 4 members, selected by their respective organizations:
63 5 a. The director of human services, or the director's
63 6 designee.
63 7 b. The director of public health, or the director's
63 8 designee.
63 9 c. The director of the department of elder affairs, or the
63 10 director's designee.
63 11 d. The director of the department of inspections and
63 12 appeals, or the director's designee.
63 13 e. A representative of the Iowa caregivers association.
63 14 f. A representative of the Iowa health care association.
63 15 g. A representative of the Iowa association of homes and
63 16 services for the aging.
63 17 h. A representative of the AARP Iowa chapter.
63 18 3. The advisory committee shall also include two members of
63 19 the senate and two members of the house of representatives,
63 20 with not more than one member from each chamber being from the
63 21 same political party. The legislative members shall serve in
63 22 an ex officio, nonvoting capacity. The two senators shall be
63 23 appointed respectively by the majority leader of the senate and
63 24 the minority leader of the senate, and the two representatives
63 25 shall be appointed respectively by the speaker of the house of
63 26 representatives and the minority leader of the house of
63 27 representatives.
63 28 4. Public members of the committee shall receive actual
63 29 expenses incurred while serving in their official capacity and
63 30 may also be eligible to receive compensation as provided in
63 31 section 7E.6. Legislative members of the committee are
63 32 eligible for per diem and reimbursement of actual expenses as
63 33 provided in section 2.10.
63 34 5. The department of human services shall provide
63 35 administrative support to the committee and the director of
63 36 human services or the director's designee shall serve as
63 37 chairperson of the committee.



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64 1 6. The department shall convene the committee no later than
64 2 July 1, 2008. Prior to the initial meeting, the department of
64 3 human services shall provide all members of the committee with
64 4 a detailed analysis of trends in wages and other compensation
64 5 paid to direct care workers.

64 6 7. The committee shall consider options related but not
64 7 limited to all of the following:

64 8 a. The shortening of the time delay between a nursing
64 9 facility's submittal of cost reports and receipt of the
64 10 reimbursement based upon these cost reports.

64 11 b. The targeting of appropriations to provide increases in
64 12 direct care worker compensation.

64 13 c. Creation of a nursing facility provider tax.

64 14 8. Any option considered by the committee shall be
64 15 consistent with federal law and regulations.

64 16 9. Following its deliberations, the committee shall submit
64 17 a report of its findings and recommendations regarding
64 18 improvement in direct care worker wages and other compensation
64 19 in the nursing facility setting to the governor and the general
64 20 assembly no later than December 12, 2008.

64 21 10. For the purposes of the initial review, "direct care
64 22 worker" means nonlicensed nursing facility staff who provide
64 23 hands-on care including but not limited to certified nurse
64 24 aides and medication aides.

64 25 Sec. 71. DIRECT CARE WORKER IN NURSING FACILITIES ==
64 26 TURNOVER REPORT. The department of human services shall modify
64 27 the nursing facility cost reports utilized for the medical
64 28 assistance program to capture data by the distinct categories
64 29 of nonlicensed direct care workers and other employee
64 30 categories for the purposes of documenting the turnover rates
64 31 of direct care workers and other employees of nursing
64 32 facilities. The department shall submit a report on an annual
64 33 basis to the governor and the general assembly which provides
64 34 an analysis of direct care worker and other nursing facility
64 35 employee turnover by individual nursing facility, a comparison
64 36 of the turnover rate in each individual nursing facility with
64 37 the state average, and an analysis of any improvement or



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65 1 decline in meeting any accountability goals or other measures
65 2 related to turnover rates. The annual reports shall also
65 3 include any data available regarding turnover rate trends, and
65 4 other information the department deems appropriate. The
65 5 initial report shall be submitted no later than December 1,
65 6 2008, and subsequent reports shall be submitted no later than
65 7 December 1, annually, thereafter.

65 8 Sec. 72. VOLUNTARY EMPLOYER=SPONSORED HEALTH CARE COVERAGE
65 9 DEMONSTRATION PROJECT == DIRECT CARE WORKERS.

65 10 1. a. The department of human services in collaboration
65 11 with the insurance division of the department of commerce shall
65 12 design a demonstration project to provide a health care
65 13 coverage premium assistance program for nonlicensed direct care
65 14 workers. Participation in the demonstration project shall be
65 15 offered to employers and nonlicensed direct care workers on a
65 16 voluntary basis.

65 17 b. The department in collaboration with the division shall
65 18 convene an advisory council consisting of representatives of
65 19 the Iowa caregivers association, the Iowa child and family
65 20 policy center, the Iowa association of homes and services for
65 21 the aging, the Iowa health care association, the federation of
65 22 Iowa insurers, the AARP Iowa chapter, the senior living
65 23 coordinating unit, and other public and private entities with
65 24 interest in the demonstration project to assist in designing
65 25 the project. The department in collaboration with the division
65 26 shall also review the experiences of other states and the
65 27 medical assistance premium assistance program in designing the
65 28 demonstration project.

65 29 c. The department and the division, in consultation with
65 30 the advisory council, shall establish criteria to determine
65 31 which nonlicensed direct care workers shall be eligible to
65 32 participate in the demonstration project, the coverage and cost
65 33 parameters of the health care coverage which an employer shall
65 34 provide to be eligible for participation in the project, the
65 35 minimum premium contribution required of an employer to be
65 36 eligible for participation in the project, income eligibility
65 37 parameters for direct care workers participating in the



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66 1 project, minimum hours of work required of an employee to be
66 2 eligible for participation in the project, and maximum premium
66 3 cost limits for an employee participating in the project.

66 4 d. The project design shall allow up to 250 direct care
66 5 workers and their dependents to access health care coverage
66 6 sponsored by the direct care worker's employer.

66 7 e. To the extent possible, the design of the demonstration
66 8 project shall incorporate a medical home, wellness and
66 9 prevention services, and chronic care management.

66 10 2. The department and the division shall submit the design
66 11 for the demonstration project to the governor and the general
66 12 assembly for review by December 15, 2008. If the general
66 13 assembly enacts legislation to implement the demonstration
66 14 project and appropriates funding for the demonstration project,
66 15 the department in collaboration with the division shall
66 16 implement the demonstration project for an initial two-year
66 17 period.

66 18 Sec. 73. EFFECTIVE DATE. This division of this Act, being
66 19 deemed of immediate importance, takes effect upon enactment.>

66 20 #2. Title page, line 3, by striking the words <end-of-life
66 21 care decision making> and inserting the following: <long-term
66 22 living planning and patient autonomy in health care>.

66 23 #3. Title page, by striking lines 5 and 6 and inserting the
66 24 following: <prevention and chronic care management,>.

66 25 #4. Title page, by striking line 8 and inserting the
66 26 following: <transparency, health care access, the direct care
66 27 workforce, making appropriations, and including effective date
66 28 and applicability provisions.>

66 29

66 30

66 31 ON THE PART OF THE HOUSE:

ON THE PART OF THE SENATE:

66 32

66 33

66 34

66 35

66 36 LISA HEDDENS, CHAIRPERSON

JACK HATCH, CHAIRPERSON

66 37



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67 3	AKO ABDUL=SAMAD	JOE BOLKCOM
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67 7	DAVID HEATON	DAVID JOHNSON
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67 11	MARK SMITH	AMANDA RAGAN
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67 15	LINDA UPMEYER	JAMES A. SEYMOUR
67 16	CCH 2539	
67 17	pf:av/rj/24	



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House Amendment 8707

PAG LIN

1 1 Amend House File 2700 as follows:
1 2 #1. By striking page 28, line 16, through page 29,
1 3 line 7.
1 4
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1 7 STRUYK of Pottawattamie
1 8 HF 2700.224 82
1 9 mg/mg/11820
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House Amendment 8708

PAG LIN

1 1 Amend House File 2700 as follows:

1 2 #1. Page 21, by inserting after line 14 the
1 3 following:

1 4 <Sec. _____. Section 135.63, subsection 2, paragraph
1 5 1, Code 2007, is amended to read as follows:

1 6 1. The replacement or modernization of any
1 7 institutional health facility if the replacement or
1 8 modernization does not add new health services or
1 9 additional bed capacity for existing health services,
1 10 notwithstanding any provision in this division to the
1 11 contrary. With reference to a hospital, "replacement"
1 12 means establishing a new hospital that demonstrates
1 13 compliance with all of the following criteria through
1 14 evidence submitted to the department:

1 15 (1) Is designated as a critical access hospital
1 16 pursuant to 42 U.S.C. } 1395i-4.

1 17 (2) Serves at least seventy-five percent of the
1 18 same service area that was served by the prior
1 19 hospital to be closed and replaced by the new
1 20 hospital.

1 21 (3) Provides at least seventy-five percent of the
1 22 same services that were provided by the prior hospital
1 23 to be closed and replaced by the new hospital.

1 24 (4) Is staffed by at least seventy-five percent of
1 25 the same staff, including medical staff, contracted
1 26 staff, and employees, as constituted the staff of the
1 27 prior hospital to be closed and replaced by the new
1 28 hospital.>

1 29 #2. Page 21, line 22, by striking the words <one
1 30 thousand> and inserting the following: <five
1 31 hundred>.

1 32 #3. Page 21, line 24, by inserting after the word
1 33 <department.> the following: <The annual licensure
1 34 fee shall be dedicated to support and provide
1 35 educational programs on regulatory issues for
1 36 hospitals licensed under this chapter in consultation
1 37 with the hospital licensing board.>

1 38 #4. Page 22, by striking lines 1 through 35 and
1 39 inserting the following:

1 40 <Sec. _____. Section 135B.10, Code 2007, is amended
1 41 to read as follows:

1 42 135B.10 HOSPITAL LICENSING BOARD.

1 43 The governor shall appoint ~~five~~ six individuals ~~who~~
1 44 ~~possess recognized ability in the field of hospital~~
1 45 ~~administration~~, to serve as the hospital licensing
1 46 board within the department. Five members shall
1 47 possess recognized ability in the field of hospital
1 48 administration and one member shall be a member of the
1 49 general public.>

1 50 #5. Page 40, by striking lines 12 and 13.



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House Amendment 8708 continued

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- 2 4 OLDSON of Polk
- 2 5 HF 2700.234 82
- 2 6 mg/mg/11831



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House Amendment 8709

PAG LIN

1 1 Amend House File 2700 as follows:

1 2 #1. Page 24, by inserting after line 5 the
1 3 following:

1 4 <Sec. _____. Section 216A.162, subsection 2, if
1 5 enacted by 2008 Iowa Acts, Senate File 2400, is
1 6 amended to read as follows:

1 7 2. The purpose of the commission shall be to work
1 8 in concert with ~~tribal governments~~, Native American
1 9 groups, and Native ~~American persons~~ Americans in this
1 10 state to advance the interests of ~~tribal governments~~
~~1 11 and Native American persons~~ Americans in the areas of
1 12 human rights, access to justice, economic equality,
1 13 and the elimination of discrimination.

1 14 Sec. _____. Section 216A.162, subsection 3,
1 15 paragraph a, if enacted by 2008 Iowa Acts, Senate File
1 16 2400, is amended to read as follows:

1 17 a. Seven public members appointed in compliance
1 18 with sections 69.16 and 69.16A who shall be appointed
1 19 with consideration given to the geographic residence
1 20 of the member and the population density of Native
1 21 Americans within the vicinity of the geographic
1 22 residence of a member. Of the seven public members
1 23 appointed, at least one shall be a Native American who
1 24 is an enrolled tribal member living on a tribal
1 25 settlement or reservation in Iowa and whose tribal
1 26 government is located in Iowa and ~~one shall be a~~
~~1 27 Native American who is primarily descended from a~~
~~1 28 tribe other than those specified in paragraph "b".~~

1 29 Sec. _____. Section 216A.165, if enacted by 2008
1 30 Iowa Acts, Senate File 2400, is amended to read as
1 31 follows:

1 32 216A.165 DUTIES.

1 33 The commission shall have all powers necessary to
1 34 carry out the functions and duties specified in this
1 35 subchapter and shall do all of the following:

1 36 1. Advise the governor and the general assembly on
1 37 issues confronting ~~tribal governments~~ and Native
1 38 ~~American persons~~ Americans in this state.

1 39 2. Promote legislation beneficial to ~~tribal~~
~~1 40 governments~~ and Native ~~American persons~~ Americans in
1 41 this state.

1 42 3. Recommend to the governor and the general
1 43 assembly any revisions in the state's affirmative
1 44 action program and other steps necessary to eliminate
1 45 discrimination against and the underutilization of
1 46 Native ~~American persons~~ Americans in the state's
1 47 workforce.

1 48 4. Serve as a conduit to state government for
1 49 Native ~~American persons~~ Americans in this state.

1 50 5. Serve as an advocate for Native ~~American~~



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~~House Amendment 8709 continued~~

~~2 1 persons~~ Americans and a referral agency to assist
 2 2 Native ~~American persons~~ Americans in securing access
 2 3 to justice and state agencies and programs.
 2 4 6. Serve as a liaison with federal, state, and
 2 5 local governmental units, and private organizations on
 2 6 matters relating to Native ~~American persons~~ Americans
 2 7 in this state.
 2 8 7. Conduct studies, make recommendations, and
 2 9 implement programs designed to solve the problems of
 2 10 Native ~~American persons~~ Americans in this state in the
 2 11 areas of human rights, housing, education, welfare,
 2 12 employment, health care, access to justice, and any
 2 13 other related problems.
 2 14 8. Publicize the accomplishments of Native
 2 15 ~~American persons~~ Americans and their contributions to
 2 16 this state.
 2 17 9. Work with other state, tribal, and federal
 2 18 agencies and organizations to develop small business
 2 19 opportunities and promote economic development for
 2 20 Native ~~American persons~~ Americans.
 2 21 Sec. _____. Section 216A.166, if enacted by 2008
 2 22 Iowa Acts, Senate File 2400, is amended to read as
 2 23 follows:
 2 24 216A.166 REVIEW OF GRANT APPLICATIONS AND BUDGET
 2 25 REQUESTS.
 2 26 Before the submission of an application, a state
 2 27 department or agency shall consult with the commission
 2 28 concerning an application for federal funding that
 2 29 will have its primary effect on ~~tribal governments or~~
 2 30 Native ~~American persons~~ Americans. The commission
 2 31 shall advise the governor, the director of the
 2 32 department of human rights, and the director of
 2 33 revenue concerning any state agency budget request
 2 34 that will have its primary effect on ~~tribal~~
~~2 35 governments or~~ Native ~~American persons~~ Americans.>
 2 36 #2. By renumbering as necessary.
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 2 40 MASCHER of Johnson
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 2 43
 2 44 RANTS of Woodbury
 2 45 HF 2700.317 82
 2 46 ec/rj/21384



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House Amendment 8710

PAG LIN

1 1 Amend House File 2700 as follows:
1 2 #1. By striking page 28, line 16, through page 29,
1 3 line 7.
1 4 #2. Page 29, by striking lines 14 through 21.
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1 8 SHOMSHOR of Pottawattamie
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1 12 HUSER of Polk
1 13 HF 2700.320 82
1 14 mg/mg/11833
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House Amendment 8711

PAG LIN

1 1 Amend House File 2700 as follows:
 1 2 #1. Page 40, by inserting after line 11 the
 1 3 following:
 1 4 <Sec. _____. 2008 Iowa Acts, Senate File 2420,
 1 5 section 124, is amended by striking the section and
 1 6 inserting in lieu thereof the following:
 1 7 SEC. 124. Section 423.5, subsection 3, Code 2007,
 1 8 as amended by this division of this Act, is amended to
 1 9 read as follows:
 1 10 3. The An excise tax at the rate of five percent
 1 11 is imposed on the use of vehicles subject only to the
 1 12 issuance of a certificate of title and the use of
 1 13 manufactured housing, and on the use of leased
 1 14 vehicles, if the lease transaction does not require
 1 15 titling or registration of the vehicle, on the amount
 1 16 subject to tax as calculated pursuant to section
 1 17 423.26, subsection 2.>
 1 18 #2. By renumbering as necessary.
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 1 22 HUSER of Polk
 1 23 HF 2700.301 82
 1 24 dea/nh/11794

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House Amendment 8712

PAG LIN

1 1 Amend House File 2700 as follows:
1 2 #1. By striking page 38, line 35, through page 39,
1 3 line 32, and inserting the following:
1 4 <Sec. _____. NEW SECTION. 692A.3B PRESENCE ON THE
1 5 REAL PROPERTY COMPRISING A CHILD CARE FACILITY OR
1 6 CHILD CARE HOME == RESTRICTION.
1 7 1. As used in this section, "child care provider"
1 8 includes a "child care center", "child care home",
1 9 "child development home", and "preschool" as those
1 10 terms are defined in section 237A.1, and a "child care
1 11 program" as defined in section 279.49 and authorized
1 12 in section 280.3A.
1 13 2. A person required to register under this
1 14 chapter who has been convicted of a criminal offense
1 15 against a minor, or an offense involving a minor that
1 16 is an aggravated offense, sexually violent offense, or
1 17 other relevant offense, shall not be knowingly present
1 18 on the real property comprising a child care provider,
1 19 except under one of the following circumstances:
1 20 a. The person is transporting a minor who is a
1 21 child of the person to or from the child care
1 22 provider.
1 23 b. The person is responding to a health or
1 24 behavioral emergency regarding a minor who is the
1 25 child of the person.
1 26 c. The person has been summoned to discuss the
1 27 developmental activity or social progress of a minor
1 28 who is a child of the person.
1 29 d. The person is voting in the building in which
1 30 the child care provider is located during the hours
1 31 designated to vote.
1 32 3. The child care provider's owner or
1 33 administrator shall provide notice to the parents,
1 34 guardians, or custodians of the children receiving
1 35 child care from the child care provider about the
1 36 presence of a person on the real property comprising
1 37 the child care provider, as authorized in accordance
1 38 with subsection 2.
1 39 4. A person required to register under this
1 40 chapter who commits a violation of this section
1 41 commits an aggravated misdemeanor.
1 42 Sec. _____. Section 709.12, unnumbered paragraph 1,
1 43 Code 2007, is amended to read as follows:
1 44 A person eighteen years of age or older is upon
1 45 conviction guilty of ~~an aggravated misdemeanor~~ a class
1 46 "D" felony if the person commits any of the following
1 47 acts with a child, not the person's spouse, with or
1 48 without the child's consent, for the purpose of
1 49 arousing or satisfying the sexual desires of either of
1 50 them:



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House Amendment 8712 continued

2 1 Sec. _____. Section 709.14, Code 2007, is amended to
2 2 read as follows:
2 3 709.14 LASCIVIOUS CONDUCT WITH A MINOR.
2 4 1. It is unlawful for a person over eighteen years
2 5 of age who is in a position of authority over a minor
2 6 to force, persuade, or coerce a minor, with or without
2 7 consent, to disrobe or partially disrobe for the
2 8 purpose of arousing or satisfying the sexual desires
2 9 of either of them.
2 10 2. Lascivious conduct with a minor as prohibited
2 11 in subsection 1 is a ~~serious~~ aggravated misdemeanor.>
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2 15 BAUDLER of Adair
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2 18
2 19 R. OLSON of Polk
2 20 HF 2700.319 82
2 21 mg/mg/11832



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House Amendment 8713

PAG LIN

1 1 Amend House File 2700 as follows:
1 2 #1. Page 21, by inserting after line 14 the
1 3 following:
1 4 <Sec. _____. Section 68B.2A, Code 2007, is amended
1 5 by adding the following new subsection:
1 6 NEW SUBSECTION. 4. The board shall adopt rules
1 7 pursuant to chapter 17A further delineating particular
1 8 situations where outside employment or activity of
1 9 officials and state employees of the executive branch
1 10 will be deemed to create an unacceptable conflict of
1 11 interest.
1 12 Sec. _____. Section 68B.5A, subsections 2 and 5,
1 13 Code 2007, are amended to read as follows:
1 14 2. The head of a major subunit of a department or
1 15 independent state agency whose position involves
1 16 substantial exercise of administrative discretion or
1 17 the expenditure of public funds, a full-time employee
1 18 of an office of a statewide elected official whose
1 19 position involves substantial exercise of
1 20 administrative discretion or the expenditure of public
1 21 funds, or a legislative employee whose position
1 22 involves a substantial exercise of administrative
1 23 discretion or the expenditure of public funds, shall
1 24 not, during the time in which the person serves or is
1 25 employed by the state, act as a lobbyist before the
1 26 agency in which the person is employed or before state
1 27 agencies, officials, or employees with whom the person
1 28 has substantial or regular contact as part of the
1 29 person's duties, unless the person is designated, by
1 30 the agency in which the person serves or is employed,
1 31 to represent the official position of the agency.
1 32 5. The head of a major subunit of a department or
1 33 independent state agency whose position involves
1 34 substantial exercise of administrative discretion or
1 35 the expenditure of public funds, a full-time employee
1 36 of an office of a statewide elected official whose
1 37 position involves substantial exercise of
1 38 administrative discretion or the expenditure of public
1 39 funds, or a legislative employee whose position
1 40 involves a substantial exercise of administrative
1 41 discretion or the expenditure of public funds, shall
1 42 not, within two years after termination of employment,
1 43 become a lobbyist before the agency in which the
1 44 person was employed or before state agencies or
1 45 officials or employees with whom the person had
1 46 substantial and regular contact as part of the
1 47 person's former duties.
1 48 Sec. _____. Section 68B.22, subsection 4, Code
1 49 Supplement 2007, is amended by adding the following
1 50 new paragraph:



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House Amendment 8713 continued

2 1 NEW PARAGRAPH. hh. Food and beverages provided at
2 2 a meal that is part of a bona fide event or program at
2 3 which the recipient is being honored for public
2 4 service.>
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2 8 JACOBS of Polk
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2 12 GIPP of Winneshiek
2 13 HF 2700.508 82
2 14 mg/mg/11836



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House Amendment 8714

PAG LIN

1 1 Amend House File 2700 as follows:
1 2 #1. Page 27, by inserting after line 2 the
1 3 following:
1 4 <Sec. ____ . Section 441.21, subsection 1, paragraph
1 5 b, unnumbered paragraph 1, Code 2007, is amended to
1 6 read as follows:
1 7 The actual value of all property subject to
1 8 assessment and taxation shall be the fair and
1 9 reasonable market value of such property except as
1 10 otherwise provided in this section. "Market value" is
1 11 defined as the fair and reasonable exchange in the
1 12 year in which the property is listed and valued
1 13 between a willing buyer and a willing seller, and
1 14 based on the actual use of that property, neither
1 15 being under any compulsion to buy or sell and each
1 16 being familiar with all the facts relating to the
1 17 particular property. Sale prices of the property or
1 18 comparable property in normal transactions reflecting
1 19 market value, and the probable availability or
1 20 unavailability of persons interested in purchasing the
1 21 property, shall be taken into consideration in
1 22 arriving at its market value. In arriving at market
1 23 value, sale prices of property in abnormal
1 24 transactions not reflecting market value shall not be
1 25 taken into account, or shall be adjusted to eliminate
1 26 the effect of factors which distort market value,
1 27 including but not limited to sales to immediate family
1 28 of the seller, foreclosure or other forced sales,
1 29 contract sales, discounted purchase transactions or
1 30 purchase of adjoining land or other land to be
1 31 operated as a unit.>
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1 35 STRUYK of Pottawattamie
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1 39 HUSER of Polk
1 40 HF 2700.702 82
1 41 mg/mg/11835
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House Amendment 8715

PAG LIN

1 1 Amend the amendment, H=8676, to House File 2700 as
1 2 follows:
1 3 #1. Page 1, by striking lines 4 through 12 and
1 4 inserting the following:
1 5 <<Sec. ____ . STATE TROOPER FUEL COSTS. There is
1 6 appropriated from the general fund of the state to the
1 7 department of public safety for the fiscal year
1 8 beginning July 1, 2008, and ending June 30, 2009, the
1 9 following amount, or so much thereof as is necessary,
1 10 to be used for the purposes designated:
1 11 For the payment of state trooper fuel costs:>
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1 15 RAECKER of Polk
1 16 HF 2700.509 82
1 17 mg/mg/11839
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House Amendment 8716

PAG LIN

1 1 Amend House File 2700 as follows:
1 2 #1. Page 42, line 9, by inserting after the word
1 3 <years.> the following: <If the school district
1 4 determines that the expenditures associated with
1 5 providing competent private instruction pursuant to
1 6 chapter 299A is in excess of the revenue attributed to
1 7 the school district's weighted enrollment for such
1 8 instruction in accordance with this subparagraph, the
1 9 school district may submit a request to the school
1 10 budget review committee for modified allowable growth
1 11 in accordance with section 257.31, subsection 5,
1 12 paragraph "n". A home school assistance program shall
1 13 not provide moneys received pursuant to this
1 14 subparagraph, nor resources paid for with moneys
1 15 received pursuant to this subparagraph, to parents or
1 16 students utilizing the program.
1 17 Sec. _____. Section 257.11, subsection 5, Code
1 18 Supplement 2007, is amended by adding the following
1 19 new paragraph:
1 20 NEW PARAGRAPH. n. Unusual need for additional
1 21 funds for the costs associated with providing
1 22 competent private instruction pursuant to chapter
1 23 299A.
1 24 Sec. _____. Section 299.4, Code Supplement 2007, is
1 25 amended to read as follows:
1 26 299.4 REPORTS AS TO PRIVATE INSTRUCTION.
1 27 1. The parent, guardian, or legal custodian of a
1 28 child who is of compulsory attendance age, who places
1 29 the child under competent private instruction under
1 30 either section 299A.2 or 299A.3, not in an accredited
1 31 school or a home school assistance program operated by
1 32 a ~~public~~ school district or accredited nonpublic
1 33 school, shall furnish a report in duplicate on forms
1 34 provided by the public school district, to the
1 35 district by the earliest starting date specified in
1 36 section 279.10, subsection 1. The secretary shall
1 37 retain and file one copy and forward the other copy to
1 38 the district's area education agency. The report
1 39 shall state the name and age of the child, the period
1 40 of time during which the child has been or will be
1 41 under competent private instruction for the year, an
1 42 outline of the course of study, texts used, and the
1 43 name and address of the instructor. The parent,
1 44 guardian, or legal custodian of a child, who is
1 45 placing the child under competent private instruction
1 46 for the first time, shall also provide the district
1 47 with evidence that the child has had the immunizations
1 48 required under section 139A.8, and, if the child is
1 49 elementary school age, a blood lead test in accordance
1 50 with section 135.105D. The term "outline of course of



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House Amendment 8716 continued

2 1 study" shall include subjects covered, lesson plans,
2 2 and time spent on the areas of study.

2 3 2. A home school assistance program operated by a
2 4 school district or accredited nonpublic school shall
2 5 furnish a report on forms provided by the department.
2 6 The report shall, at a minimum, state the name and age
2 7 of the child and the period of time during the school
2 8 year in which the child has been or will be under
2 9 competent private instruction by the home school
2 10 assistance program.

2 11 Sec. ____ . Section 299A.2, Code 2007, is amended to
2 12 read as follows:

2 13 299A.2 COMPETENT PRIVATE INSTRUCTION BY LICENSED
2 14 PRACTITIONER.

2 15 ~~If a licensed practitioner provides competent~~
~~2 16 instruction to a child of compulsory attendance age,~~
~~2 17 the practitioner shall possess a valid license or~~
~~2 18 certificate which has been issued by the state board~~
~~2 19 of educational examiners under chapter 272 and which~~
~~2 20 is appropriate to the ages and grade levels of the~~
~~2 21 children to be taught.~~ Competent private instruction
2 22 may include, but is not limited to, a home school
2 23 assistance program which provides instruction or
2 24 instructional supervision offered through an
2 25 accredited nonpublic school or public school district
2 26 by a teacher licensed under chapter 272, who is
2 27 employed by the accredited nonpublic school or public
2 28 school district, who assists and supervises a parent,
2 29 guardian, or legal custodian in providing instruction
2 30 to a child. If competent private instruction is
2 31 provided through a public school district, the child
2 32 shall be enrolled and included in the basic enrollment
2 33 of the school district as provided in section 257.6.
2 34 Sections 299A.3 through 299A.7 do not apply to
2 35 competent private instruction provided by a licensed
2 36 practitioner under this section. However, the
2 37 reporting requirement contained in section 299A.3,
2 38 subsection 1, shall apply to competent private
2 39 instruction provided by licensed practitioners that is
2 40 not part of a home school assistance program offered
2 41 through an accredited nonpublic school or public
2 42 school district.>

2 43 #2. By renumbering as necessary.

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2 47 WINCKLER of Scott

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House Amendment 8716 continued

- 3 1 WENDT of Woodbury
- 3 2 HF 2700.323 82
- 3 3 kh/mg/12011



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House Amendment 8717

PAG LIN

1 1 Amend House File 2701 as follows:
 1 2 #1. By striking everything after the enacting
 1 3 clause and inserting the following:
 1 4 <DIVISION I
 1 5 REBUILD IOWA INFRASTRUCTURE FUND
 1 6 Section 1. There is appropriated from the rebuild
 1 7 Iowa infrastructure fund to the following departments
 1 8 and agencies for the fiscal year beginning July 1,
 1 9 2008, and ending June 30, 2009, the following amounts,
 1 10 or so much thereof as is necessary, to be used for the
 1 11 purposes designated:
 1 12 1. DEPARTMENT OF ADMINISTRATIVE SERVICES
 1 13 a. For routine maintenance of state buildings and
 1 14 facilities, notwithstanding section 8.57, subsection
 1 15 6, paragraph "c":
 1 16 \$ 3,000,000
 1 17 b. For updating the capitol complex master plan,
 1 18 notwithstanding section 8.57, subsection 6, paragraph
 1 19 "c":
 1 20 \$ 250,000
 1 21 c. To provide funding and related services for
 1 22 capitol complex property acquisition, notwithstanding
 1 23 section 8.57, subsection 6, paragraph "c":
 1 24 \$ 1,000,000
 1 25 d. For costs associated with developing the
 1 26 request for proposals necessary for the procurement
 1 27 and implementation of a human resources module
 1 28 associated with the integrated information for Iowa
 1 29 system, notwithstanding section 8.57, subsection 6,
 1 30 paragraph "c":
 1 31 \$ 200,000
 1 32 e. For the state's share of support in conjunction
 1 33 with the city of Des Moines and local area businesses
 1 34 to provide a free shuttle service to the citizens of
 1 35 Iowa visiting the capitol complex that includes
 1 36 transportation between the capitol complex and the
 1 37 downtown Des Moines area, notwithstanding section
 1 38 8.57, subsection 6, paragraph "c":
 1 39 \$ 170,000
 1 40 Details for the shuttle service, including the
 1 41 route to be served, shall be determined pursuant to an
 1 42 agreement to be entered into by the department with
 1 43 the Des Moines area regional transit authority (DART)
 1 44 and any other participating entities.
 1 45 Of the amount appropriated in this lettered
 1 46 paragraph, up to \$50,000 shall be used to encourage
 1 47 state employees to utilize transit services provided
 1 48 by the Des Moines area regional transit authority.
 1 49 f. For distribution to other governmental
 1 50 entities, notwithstanding section 8.57, subsection 6,



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House Amendment 8717 continued

2 1 paragraph "c":
 2 2 \$ 2,000,000
 2 3 Moneys appropriated in this lettered paragraph
 2 4 shall be separately accounted for in a distribution
 2 5 account and shall be distributed to other governmental
 2 6 entities based upon a formula established by the
 2 7 department to pay for services provided during the
 2 8 fiscal year to such other governmental entities by the
 2 9 department associated with the integrated information
 2 10 for Iowa system, notwithstanding section 8.57,
 2 11 subsection 6, paragraph "c". Additionally, the
 2 12 department may use any unexpended or unencumbered
 2 13 amount in the distribution account for the purchase of
 2 14 an existing license for which the state has made
 2 15 partial payment. Notwithstanding section 8.33, any
 2 16 remaining balance in the distribution account as of
 2 17 June 30, 2009, shall not revert but shall remain
 2 18 available to be used for additional operational
 2 19 expenses related to the integrated information for
 2 20 Iowa system during the subsequent fiscal year.
 2 21 g. For a contract project manager for the Iowa
 2 22 veterans home, notwithstanding section 8.57,
 2 23 subsection 6, paragraph "c":
 2 24 \$ 200,000
 2 25 It is the intent of the general assembly that the
 2 26 Iowa veterans home work with the project manager to
 2 27 proceed with the master plan for the Iowa veterans
 2 28 home. The Iowa veterans home shall submit a report to
 2 29 the general assembly on or before December 31, 2008,
 2 30 detailing the progress of the work, the amount of
 2 31 money spent, and the amount of federal funding
 2 32 received.
 2 33 2. DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP
 2 34 For allocation to the Iowa junior Gelbvieh
 2 35 association in connection with the 2009 national
 2 36 junior Gelbvieh heifer show, notwithstanding section
 2 37 8.57, subsection 6, paragraph "c":
 2 38 \$ 10,000
 2 39 3. DEPARTMENT OF CORRECTIONS
 2 40 a. For architecture and engineering costs
 2 41 associated with the building projects at Fort Madison
 2 42 prison and Mitchellville prison, notwithstanding
 2 43 section 8.57, subsection 6, paragraph "c":
 2 44 \$ 1,000,000
 2 45 b. For project management costs associated with
 2 46 construction projects at the department
 2 47 notwithstanding section 8.57, subsection 6, paragraph
 2 48 "c":
 2 49 \$ 500,000
 2 50 c. For a study related to the fifth judicial



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House Amendment 8717 continued

3 1 district department of correctional services,
 3 2 notwithstanding section 8.57, subsection 6, paragraph
 3 3 "c":
 3 4 \$ 200,000
 3 5 As a condition of receiving the appropriation in
 3 6 this lettered paragraph, the department of corrections
 3 7 shall collaborate with the fifth judicial district
 3 8 department of correctional services, the fifth
 3 9 judicial district board of directors, and providers
 3 10 within the local justice system to study potential
 3 11 locations of residential facilities to add no more
 3 12 than 170 beds. The study may address the
 3 13 infrastructure needs of the district department. The
 3 14 department of corrections and the fifth judicial
 3 15 district department of correctional services shall
 3 16 comply with section 905.13. The funds may be used to
 3 17 secure an option for the potential purchase of land
 3 18 contingent upon state appropriations being made for
 3 19 that specific purpose and architectural and
 3 20 engineering fees.
 3 21 4. DEPARTMENT OF CULTURAL AFFAIRS
 3 22 a. For deposit into the Iowa great places program
 3 23 fund created in section 303.3D for Iowa great places
 3 24 program projects that meet the definition of "vertical
 3 25 infrastructure" in section 8.57, subsection 6,
 3 26 paragraph "c":
 3 27 \$ 2,000,000
 3 28 b. For historical site preservation grants to be
 3 29 used for the restoration, preservation, and
 3 30 development of historic sites:
 3 31 \$ 1,000,000
 3 32 In making grants pursuant to this lettered
 3 33 paragraph, the department shall consider the existence
 3 34 and amount of other funds available to an applicant
 3 35 for the designated project. A grant awarded from
 3 36 moneys appropriated in this lettered paragraph shall
 3 37 not exceed \$100,000 per project. Not more than two
 3 38 grants may be awarded in the same county.
 3 39 c. For continuation of the project recommended by
 3 40 the Iowa battle flag advisory committee to stabilize
 3 41 the condition of the battle flag collection,
 3 42 notwithstanding section 8.57, subsection 6, paragraph
 3 43 "c":
 3 44 \$ 220,000
 3 45 d. For repairs to the historic Kimball organ
 3 46 located in Clermont, Iowa, notwithstanding section
 3 47 8.57, subsection 6, paragraph "c":
 3 48 \$ 80,000
 3 49 5. DEPARTMENT OF ECONOMIC DEVELOPMENT
 3 50 a. For accelerated career education program



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House Amendment 8717 continued

4 1 capital projects at community colleges that are
 4 2 authorized under chapter 260G and that meet the
 4 3 definition of "vertical infrastructure" in section
 4 4 8.57, subsection 6, paragraph "c":
 4 5 \$ 900,000
 4 6 The moneys appropriated in this lettered paragraph
 4 7 shall be allocated equally among the community
 4 8 colleges in the state. If any portion of the equal
 4 9 allocation to a community college is not obligated or
 4 10 encumbered by April 1, 2009, the unobligated and
 4 11 unencumbered portions shall be made available by the
 4 12 department for use by other community colleges.
 4 13 b. For infrastructure expenses to support the
 4 14 development and expansion of targeted industry areas
 4 15 of advanced manufacturing, bioscience, and information
 4 16 technology pursuant to section 15.411, notwithstanding
 4 17 section 8.57, subsection 6, paragraph "c":
 4 18 \$ 900,000
 4 19 c. For equal distribution to regional sports
 4 20 authority districts certified by the department
 4 21 pursuant to section 15E.321:
 4 22 \$ 500,000
 4 23 d. For deposit into the workforce training and
 4 24 economic development funds created for each community
 4 25 college in section 260C.18A, notwithstanding section
 4 26 8.57, subsection 6, paragraph "c":
 4 27 \$ 2,000,000
 4 28 e. For deposit into the river enhancement
 4 29 community attraction and tourism fund created in 2008
 4 30 Iowa Acts, Senate File 2430, if enacted:
 4 31 \$ 10,000,000
 4 32 f. For the construction of a multiuse community
 4 33 center in Des Moines:
 4 34 \$ 100,000
 4 35 6. DEPARTMENT OF EDUCATION
 4 36 a. To provide resources for structural and
 4 37 technological improvements to local libraries and for
 4 38 the enrich Iowa program, notwithstanding section 8.57,
 4 39 subsection 6, paragraph "c":
 4 40 \$ 1,000,000
 4 41 Of the amount of this appropriation, \$50,000 shall
 4 42 be allocated equally to each library service area.
 4 43 b. For implementation of the provisions of chapter
 4 44 280A, notwithstanding section 8.57, subsection 6,
 4 45 paragraph "c":
 4 46 \$ 250,000
 4 47 c. For allocation to eastern Iowa community
 4 48 college merged area IX with an established
 4 49 agricultural learning center for the construction of
 4 50 an agricultural learning center in Muscatine:



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5	1	\$	80,000
5	2	7. DEPARTMENT OF HUMAN SERVICES		
5	3	a. For the renovation and construction of certain		
5	4	nursing facilities, consistent with the provisions of		
5	5	chapter 249K:		
5	6	.....	\$	600,000
5	7	b. For a study of ways to enhance access to health		
5	8	insurance by registered child development home		
5	9	providers in accordance with this section,		
5	10	notwithstanding section 8.57, subsection 6, paragraph		
5	11	"c":		
5	12	.....	\$	50,000
5	13	The study shall be conducted jointly with the		
5	14	collective bargaining organization representing		
5	15	registered child development home providers and the		
5	16	organization shall match the funding provided in this		
5	17	section.		
5	18	c. For costs associated with the child care		
5	19	workgroup established pursuant to this paragraph,		
5	20	notwithstanding section 8.57, subsection 6, paragraph		
5	21	"c":		
5	22	.....	\$	30,000
5	23	(1) (a) The state child care advisory council		
5	24	established pursuant to section 237A.21 shall serve as		
5	25	a workgroup to address implementation of the		
5	26	provisions of this lettered paragraph and the issues		
5	27	identified in this lettered paragraph.		
5	28	(b) The workgroup shall submit a report to the		
5	29	governor and general assembly with findings and		
5	30	recommendations on or before December 15, 2008. In		
5	31	addition to addressing the other issues listed in this		
5	32	lettered paragraph, the report shall provide options		
5	33	for revising the regulatory system for home-based		
5	34	child care providers. The options provided shall		
5	35	include but are not limited to mandatory registration,		
5	36	voluntary licensure, and mandatory licensure.		
5	37	(c) The workgroup shall address the implementation		
5	38	issues associated with a change in child care		
5	39	regulation to mandatory registration or voluntary or		
5	40	mandatory licensure as described in subparagraph		
5	41	subdivision (b). The issues considered shall include		
5	42	but are not limited to planning for the phase-in of		
5	43	and costs for additional inspection visits of child		
5	44	development homes, increased expenses for state child		
5	45	care assistance program slots, revising state child		
5	46	care assistance program reimbursement methodologies to		
5	47	reward quality, and other implementation issues.		
5	48	(2) (a) The workgroup shall cooperate with early		
5	49	childhood stakeholders and the private sector in		
5	50	addressing the many publicly supported programs and		



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6 1 services directed to early childhood and issues
6 2 involved with redirecting the programs and services to
6 3 be part of a cohesive child care system.
6 4 (b) The issues addressed shall include
6 5 professional development of workers, improving the
6 6 workforce, ensuring articulation between programs,
6 7 meeting the needs of both children and parents,
6 8 enhancing community engagement to support early
6 9 childhood, and other efforts to address early
6 10 childhood needs with a coordinated system.
6 11 (3) In addition, the workgroup shall explore other
6 12 issues, including but not limited to all of the
6 13 following:
6 14 (a) Using the internet to provide information to
6 15 child care providers, capacity for providers to
6 16 register with the department of human services via the
6 17 internet, and training information.
6 18 (b) Creating a database of all child care
6 19 providers.
6 20 (c) Streamlining and coordinating inspections of
6 21 home-based child care providers.
6 22 (d) Providing health care insurance for providers
6 23 and their workers.
6 24 (e) Educating the public on the advantages of
6 25 using a registered child care provider.
6 26 (f) Developing possible sanctions for violations
6 27 at child care facilities other than closing the
6 28 facilities.
6 29 (g) Requiring a state and federal
6 30 fingerprint-based criminal history record check for
6 31 all licensed and registered child care providers as
6 32 well as unregistered child care home providers.
6 33 Recommendations made for purposes of this subdivision
6 34 shall include but are not limited to options for the
6 35 phasing in of required fingerprint-based checks and
6 36 addressing the frequency with which such checks should
6 37 be required.
6 38 (h) Providing additional opportunities and
6 39 resources for child care providers and instructing the
6 40 Iowa state university of science and technology
6 41 cooperative extension service in agriculture and home
6 42 economics, child care resource and referral agencies,
6 43 and community colleges to expand continuing education
6 44 opportunities offered at times the providers are not
6 45 providing care.
6 46 (i) Implementing an electronic benefit transfer
6 47 program to pay for state child care assistance.
6 48 e. For the construction of a community and family
6 49 resources drug and gambling center in a seven-county
6 50 area:



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7	1	\$	15,000
7	2	8. IOWA FINANCE AUTHORITY		
7	3	a. For grants for distribution for water quality		
7	4	improvement projects for the wastewater treatment financial		
7	5	assistance program pursuant to section 16.134:		
7	6	.....	\$	3,000,000
7	7	b. For deposit into the housing trust fund created		
7	8	in section 16.181:		
7	9	.....	\$	3,000,000
7	10	9. DEPARTMENT OF NATURAL RESOURCES		
7	11	a. For purposes of supporting a lowhead dam public		
7	12	hazard improvement program, notwithstanding section		
7	13	8.57, subsection 6, paragraph "c":		
7	14	.....	\$	1,000,000
7	15	The department shall award grants to dam owners		
7	16	including counties, cities, state agencies,		
7	17	cooperatives, and individuals, to support projects		
7	18	approved by the department.		
7	19	The department shall require each dam owner		
7	20	applying for a project grant to submit a project plan		
7	21	for the expenditure of the moneys, and file a report		
7	22	with the department regarding the project, as required		
7	23	by the department.		
7	24	The funds can be used for signs, posts, and related		
7	25	cabling, and the department shall only award money on		
7	26	a matching basis, pursuant to the dam owner		
7	27	contributing at least 20 cents for every 80 cents		
7	28	awarded by the department, in order to finance the		
7	29	project. For the remainder of the funds, including		
7	30	any balance of money not awarded for signs, posts, and		
7	31	related cabling, the department shall only award		
7	32	moneys to a dam owner on a matching basis. A dam		
7	33	owner shall contribute one dollar for each dollar		
7	34	awarded by the department in order to finance a		
7	35	project.		
7	36	b. For lake dredging and related improvements		
7	37	including ongoing dam maintenance and operation on a		
7	38	lake with public access that has the support of a		
7	39	benefited lake district located in a county with a		
7	40	population between 18,015 and 18,050 according to the		
7	41	2005 population estimate issued by the federal		
7	42	government, notwithstanding section 8.57, subsection		
7	43	6, paragraph "c":		
7	44	.....	\$	100,000
7	45	c. For a grant to a city with a population of more		
7	46	than 30,500 but less than 31,500, according to the		
7	47	2006 estimate issued by the United States bureau of		
7	48	the census, notwithstanding section 8.57, subsection		
7	49	6, paragraph "c":		
7	50	\$	150,000



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8 1 The grant shall be used to conduct a study of the
 8 2 feasibility of the use of plasma arc and other related
 8 3 energy technology for disposal of solid waste while
 8 4 generating energy.

8 5 10. DEPARTMENT OF PUBLIC DEFENSE

8 6 a. For upgrades to the Camp Dodge water
 8 7 distribution system:
 8 8 \$ 410,000

8 9 b. For major maintenance projects at national
 8 10 guard armories and facilities:
 8 11 \$ 1,500,000

8 12 c. For the renovation and modernization of the
 8 13 national guard armory in Ottumwa:
 8 14 \$ 500,000

8 15 d. For upgrades to the Camp Dodge electrical
 8 16 distribution system:
 8 17 \$ 526,000

8 18 e. For construction improvement projects at
 8 19 statewide national guard armories:
 8 20 \$ 1,800,000

8 21 11. DEPARTMENT OF PUBLIC HEALTH

8 22 For a grant to an existing national affiliated
 8 23 volunteer eye organization that has an established
 8 24 program for children and adults and that is solely
 8 25 dedicated to preserving sight and preventing blindness
 8 26 through education, nationally certified vision
 8 27 screening and training, community and patient service
 8 28 programs, notwithstanding section 8.57, subsection 6,
 8 29 paragraph "c":
 8 30 \$ 130,000

8 31 12. STATE BOARD OF REGENTS

8 32 a. For allocation by the state board of regents to
 8 33 the state university of Iowa, the Iowa state
 8 34 university of science and technology, and the
 8 35 university of northern Iowa to reimburse the
 8 36 institutions for deficiencies in their operating funds
 8 37 resulting from the pledging of tuition, student fees
 8 38 and charges, and institutional income to finance the
 8 39 cost of providing academic and administrative
 8 40 buildings and facilities and utility services at the
 8 41 institutions, notwithstanding section 8.57, subsection
 8 42 6, paragraph "c":
 8 43 \$ 24,305,412

8 44 b. For phase II of the construction and renovation
 8 45 of the veterinary medical facilities at Iowa state
 8 46 university of science and technology, specifically the
 8 47 renovation and modernization of the area formerly
 8 48 occupied by the large animal area of the teaching
 8 49 hospital for expanded clinical services:
 8 50 \$ 1,800,000



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9 1 c. For the midwest grape and wine industry
 9 2 institute at Iowa state university of science and
 9 3 technology, notwithstanding section 8.57, subsection
 9 4 6, paragraph "c":
 9 5 \$ 50,000
 9 6 13. DEPARTMENT OF TRANSPORTATION
 9 7 a. For acquiring, constructing, and improving
 9 8 recreational trails within the state:
 9 9 \$ 3,000,000
 9 10 Moneys appropriated in this lettered paragraph may
 9 11 be used for purposes of building equestrian or
 9 12 snowmobile trails that run parallel to a recreational
 9 13 trail. It is the intent of the general assembly to
 9 14 promote multiple uses for trails funding in this
 9 15 lettered paragraph and to maximize the number of trail
 9 16 users.
 9 17 Of the amounts appropriated in this lettered
 9 18 paragraph, the following amounts shall be allocated as
 9 19 follows:
 9 20 (1) For infrastructure improvements for a river
 9 21 water trail located in a county with a population
 9 22 between 20,000 and 20,250:
 9 23 \$ 100,000
 9 24 (2) For developing and completing a recreational
 9 25 trail beginning at the entrance of Stone state park
 9 26 and continuing south for one and one-eighth miles
 9 27 along, but separate from, state highway 12:
 9 28 \$ 100,000
 9 29 (3) To the area 15 regional planning commission
 9 30 for the development of the American gothic regional
 9 31 trail project:
 9 32 \$ 100,000
 9 33 (4) For the development of the Principal riverwalk
 9 34 in downtown Des Moines:
 9 35 \$ 750,000
 9 36 (5) For the development of the Summerset trail
 9 37 from Indianola to Des Moines to Carlisle:
 9 38 \$ 100,000
 9 39 (6) For general infrastructure improvements for
 9 40 the Crawford county trail:
 9 41 \$ 30,000
 9 42 b. For deposit into the railroad revolving loan
 9 43 and grant fund created in section 327H.20A,
 9 44 notwithstanding section 8.57, subsection 6, paragraph
 9 45 "c":
 9 46 \$ 2,000,000
 9 47 It is the intent of the general assembly that the
 9 48 moneys appropriated in this lettered paragraph shall
 9 49 be used to generate at least \$10,000,000 in vertical
 9 50 infrastructure capital investments.



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10 1 c. For the construction of a depot and platform to
 10 2 accommodate the future Amtrak service from Dubuque to
 10 3 Chicago:
 10 4 \$ 300,000
 10 5 d. For infrastructure improvements at general
 10 6 aviation airports within the state:
 10 7 \$ 750,000
 10 8 14. TREASURER OF STATE
 10 9 a. For county fair infrastructure improvements for
 10 10 distribution in accordance with chapter 174 to
 10 11 qualified fairs which belong to the association of
 10 12 Iowa fairs:
 10 13 \$ 1,590,000
 10 14 Of the amount appropriated in this lettered
 10 15 paragraph, \$530,000 shall be deposited into the
 10 16 fairgrounds infrastructure aid fund created pursuant
 10 17 to section 12.101, as enacted in this Act, for
 10 18 fairgrounds infrastructure aid as provided in section
 10 19 12.102, as enacted in this Act.
 10 20 b. For deposit in the watershed improvement fund
 10 21 created in section 466A.2, notwithstanding section
 10 22 8.57, subsection 6, paragraph "c":
 10 23 \$ 5,000,000
 10 24 15. DEPARTMENT OF VETERANS AFFAIRS
 10 25 For transfer to the Iowa finance authority for the
 10 26 continuation of the home ownership assistance program
 10 27 for persons who are or were eligible members of the
 10 28 armed forces of the United States, pursuant to section
 10 29 16.54, as enacted by 2008 Iowa Acts, Senate File 2354,
 10 30 if enacted, notwithstanding section 8.57, subsection
 10 31 6, paragraph "c":
 10 32 \$ 1,600,000
 10 33 Of the funds transferred pursuant to this
 10 34 subsection, the Iowa finance authority may retain not
 10 35 more than \$20,000 for administrative purposes.
 10 36 Sec. 2. REVERSION. Notwithstanding section 8.33,
 10 37 moneys appropriated for the fiscal year beginning July
 10 38 1, 2008, in this division of this Act that remain
 10 39 unencumbered or unobligated at the close of the fiscal
 10 40 year shall not revert but shall remain available for
 10 41 the purposes designated until the close of the fiscal
 10 42 year that begins July 1, 2011, or until the project
 10 43 for which the appropriation was made is completed,
 10 44 whichever is earlier.
 10 45 Sec. 3. DEPARTMENT OF ECONOMIC DEVELOPMENT. There
 10 46 is appropriated from the rebuild Iowa infrastructure
 10 47 fund to the department of economic development for the
 10 48 fiscal year beginning July 1, 2007, and ending July 1,
 10 49 2008, the following amount, or so much thereof as is
 10 50 necessary, to be used for the purpose designated:



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11 1 For the central Iowa expo for the design and
 11 2 development of a long-term facility for an outdoor
 11 3 farm show:
 11 4 \$ 250,000
 11 5 Notwithstanding section 8.33, moneys appropriated
 11 6 in this section for the fiscal year beginning July 1,
 11 7 2007, and ending June 30, 2008, shall not revert at
 11 8 the close of the fiscal year for which they are
 11 9 appropriated but shall remain available for the
 11 10 purposes designated until the close of the fiscal year
 11 11 that begins July 1, 2010, or until the project for
 11 12 which the appropriation was made is completed,
 11 13 whichever is earlier.
 11 14 Sec. 4. STATE BOARD OF REGENTS. There is
 11 15 appropriated from the rebuild Iowa infrastructure fund
 11 16 to the state board of regents for the fiscal year
 11 17 beginning July 1, 2009, and ending June 30, 2010, the
 11 18 following amount, or so much thereof as is necessary,
 11 19 to be used for the purposes designated:
 11 20 For allocation by the state board of regents to the
 11 21 state university of Iowa, the Iowa state university of
 11 22 science and technology, and the university of northern
 11 23 Iowa to reimburse the institutions for deficiencies in
 11 24 their operating funds resulting from the pledging of
 11 25 tuition, student fees and charges, and institutional
 11 26 income to finance the cost of providing academic and
 11 27 administrative buildings and facilities and utility
 11 28 services at the institutions, notwithstanding section
 11 29 8.57, subsection 6, paragraph "c":
 11 30 \$ 24,305,412
 11 31 Notwithstanding section 8.33, moneys appropriated
 11 32 in this section for the fiscal year beginning July 1,
 11 33 2009, and ending June 30, 2010, shall not revert at
 11 34 the close of the fiscal year for which they are
 11 35 appropriated but shall remain available for the
 11 36 purpose designated until the close of the fiscal year
 11 37 that begins July 1, 2012, or until the project for
 11 38 which the appropriation was made is completed,
 11 39 whichever is earlier.
 11 40 Sec. 5. DEPARTMENT OF PUBLIC DEFENSE. There is
 11 41 appropriated from the rebuild Iowa infrastructure fund
 11 42 to the department of public defense for the designated
 11 43 fiscal years the following amounts, or so much thereof
 11 44 as is necessary, to be used for the purpose
 11 45 designated:
 11 46 For construction improvement projects at statewide
 11 47 national guard armories:
 11 48 FY 2009=2010..... \$ 1,800,000
 11 49 FY 2010=2011..... \$ 1,800,000
 11 50 Notwithstanding section 8.33, moneys appropriated



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12 1 in this section for the fiscal year beginning July 1,
12 2 2009, and ending June 30, 2010, shall not revert at
12 3 the close of the fiscal year for which they are
12 4 appropriated but shall remain available for the
12 5 purpose designated until the close of the fiscal year
12 6 that begins July 1, 2012, or until the project for
12 7 which the appropriation was made is completed,
12 8 whichever is earlier.

12 9 Notwithstanding section 8.33, moneys appropriated
12 10 in this section for the fiscal year beginning July 1,
12 11 2010, and ending June 30, 2011, shall not revert at
12 12 the close of the fiscal year for which they are
12 13 appropriated but shall remain available for the
12 14 purpose designated until the close of the fiscal year
12 15 that begins July 1, 2013, or until the project for
12 16 which the appropriation was made is completed,
12 17 whichever is earlier.

12 18 Sec. 6. DEPARTMENT OF CORRECTIONS. There is
12 19 appropriated from the rebuild Iowa infrastructure fund
12 20 to the department of corrections for the designated
12 21 fiscal years the following amounts, or so much thereof
12 22 as is necessary, to be used for the purposes
12 23 designated:

12 24 For expansion of the Iowa correctional facility for
12 25 women at Mitchellville:

12 26 FY 2010=2011.....	\$ 11,700,000
12 27 FY 2011=2012.....	\$ 8,779,000

12 28 Notwithstanding section 8.33, moneys appropriated
12 29 in this section for the fiscal year beginning July 1,
12 30 2010, and ending June 30, 2011, shall not revert at
12 31 the close of the fiscal year for which they are
12 32 appropriated but shall remain available for the
12 33 purpose designated until the close of the fiscal year
12 34 that begins July 1, 2013, or until the project for
12 35 which the appropriation was made is completed,
12 36 whichever is earlier.

12 37 Notwithstanding section 8.33, moneys appropriated
12 38 in this section for the fiscal year beginning July 1,
12 39 2011, and ending June 30, 2012, shall not revert at
12 40 the close of the fiscal year for which they are
12 41 appropriated but shall remain available for the
12 42 purpose designated until the close of the fiscal year
12 43 that begins July 1, 2014, or until the project for
12 44 which the appropriation was made is completed,
12 45 whichever is earlier.

12 46 Sec. 7. DEPARTMENT OF ECONOMIC DEVELOPMENT. There
12 47 is appropriated from the rebuild Iowa infrastructure
12 48 fund to the department of economic development for the
12 49 designated fiscal years the following amounts, or so
12 50 much thereof as is necessary, to be used for the



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14 1 ENDOWMENT FOR IOWA'S HEALTH RESTRICTED
 14 2 CAPITALS FUND
 14 3 Sec. 9. There is appropriated from the endowment
 14 4 for Iowa's health restricted capitals fund to the
 14 5 following departments and agencies for the fiscal year
 14 6 beginning July 1, 2008, and ending June 30, 2009, the
 14 7 following amounts, or so much thereof as is necessary,
 14 8 to be used for the purposes designated:
 14 9 1. DEPARTMENT OF ADMINISTRATIVE SERVICES
 14 10 a. For the installation of preheat piping in the
 14 11 Lucas state office building:
 14 12 \$ 300,000
 14 13 b. For costs associated with the capitol complex
 14 14 alternative energy system:
 14 15 \$ 200,000
 14 16 2. DEPARTMENT OF ECONOMIC DEVELOPMENT
 14 17 For accelerated career education program capital
 14 18 projects at community colleges that are authorized
 14 19 under chapter 260G and that meet the definition of
 14 20 "vertical infrastructure" in section 8.57, subsection
 14 21 6, paragraph "c":
 14 22 \$ 4,600,000
 14 23 Sec. 10. TAX=EXEMPT STATUS == USE OF
 14 24 APPROPRIATIONS. Payment of moneys from the
 14 25 appropriations in this division of this Act shall be
 14 26 made in a manner that does not adversely affect the
 14 27 tax-exempt status of any outstanding bonds issued by
 14 28 the tobacco settlement authority.
 14 29 Sec. 11. REVERSION. Notwithstanding section 8.33,
 14 30 moneys appropriated for the fiscal year beginning July
 14 31 1, 2008, and ending June 30, 2009, in this division of
 14 32 this Act that remain unencumbered or unobligated at
 14 33 the close of the fiscal year shall not revert but
 14 34 shall remain available for the purposes designated
 14 35 until the close of the fiscal year that begins July 1,
 14 36 2011, or until the project for which the appropriation
 14 37 was made is completed, whichever is earlier.
 14 38 DIVISION III
 14 39 TAX=EXEMPT BOND PROCEEDS RESTRICTED
 14 40 CAPITAL FUNDS ACCOUNT
 14 41 Sec. 12. There is appropriated from the tax-exempt
 14 42 bond proceeds restricted capital funds account of the
 14 43 tobacco settlement trust fund to the following
 14 44 departments and agencies for the fiscal year beginning
 14 45 July 1, 2008, and ending June 30, 2009, the following
 14 46 amounts, or so much thereof as is necessary, to be
 14 47 used for the purposes designated:
 14 48 1. DEPARTMENT OF ADMINISTRATIVE SERVICES
 14 49 For costs associated with the restoration and
 14 50 renovation, including major repairs and major



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15 1 maintenance, at the governor's mansion at Terrace
 15 2 Hill:
 15 3 \$ 186,457
 15 4 2. DEPARTMENT OF NATURAL RESOURCES
 15 5 For the construction of the cabins, activity
 15 6 building, picnic shelters, and other costs associated
 15 7 with the opening of the Honey creek premier
 15 8 destination park:
 15 9 \$ 3,100,000
 15 10 The department shall not obligate any funding under
 15 11 this appropriation without approval from the
 15 12 department of management. The department shall give
 15 13 quarterly updates to the Honey creek premier
 15 14 destination park authority and the legislative
 15 15 services agency on the obligation and spending of this
 15 16 appropriation.
 15 17 In light of this appropriation, the department
 15 18 shall not request additional appropriations for
 15 19 funding the construction of future additional
 15 20 amenities at the Honey creek destination park beyond
 15 21 the fiscal year ending June 30, 2009. In the event
 15 22 that the chairperson of the authority delivers a
 15 23 certificate to the governor, pursuant to section
 15 24 463C.13, stating the amounts necessary to restore bond
 15 25 reserve funds, it is the general assembly's intent
 15 26 upon consideration of the governor's request to first
 15 27 seek refunding from the department's budget.
 15 28 Sec. 13. TAX=EXEMPT STATUS == USE OF
 15 29 APPROPRIATIONS. Payment of moneys from the
 15 30 appropriations in this division of this Act shall be
 15 31 made in a manner that does not adversely affect the
 15 32 tax-exempt status of any outstanding bonds issued by
 15 33 the tobacco settlement authority.
 15 34 Sec. 14. REVERSION. Notwithstanding section 8.33,
 15 35 moneys appropriated in this division of this Act for
 15 36 the fiscal year beginning July 1, 2008, and ending
 15 37 June 30, 2009, shall not revert at the close of the
 15 38 fiscal year for which they are appropriated but shall
 15 39 remain available for the purposes designated until the
 15 40 close of the fiscal year that begins July 1, 2011, or
 15 41 until the project for which the appropriation was made
 15 42 is completed, whichever is earlier.
 15 43 DIVISION IV
 15 44 TECHNOLOGY REINVESTMENT FUND
 15 45 Sec. 15. There is appropriated from the technology
 15 46 reinvestment fund created in section 8.57C to the
 15 47 following departments and agencies for the fiscal year
 15 48 beginning July 1, 2008, and ending June 30, 2009, the
 15 49 following amounts, or so much thereof as is necessary,
 15 50 to be used for the purposes designated:



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16	1	1. DEPARTMENT OF ADMINISTRATIVE SERVICES	
16	2	For technology improvement projects:	
16	3	.....	\$ 3,980,255
16	4	2. DEPARTMENT OF CORRECTIONS	
16	5	For costs associated with the Iowa corrections	
16	6	offender network data system:	
16	7	.....	\$ 500,000
16	8	3. DEPARTMENT OF CULTURAL AFFAIRS	
16	9	For providing a grant to the Grout museum district	
16	10	at the Sullivan brothers veterans museum for costs	
16	11	associated with the oral history exhibit including but	
16	12	not limited to exhibit information technology,	
16	13	computer connectivity, and interactive display	
16	14	technologies:	
16	15	.....	\$ 500,000
16	16	4. DEPARTMENT OF EDUCATION	
16	17	a. For maintenance and lease costs associated with	
16	18	connections for Part III of the Iowa communications	
16	19	network:	
16	20	.....	\$ 2,727,000
16	21	b. To the public broadcasting division for the	
16	22	purchase and installation of generators at transmitter	
16	23	sites:	
16	24	.....	\$ 1,602,437
16	25	c. To the public broadcasting division for the	
16	26	replacement and digital conversion of the Keosauqua	
16	27	translator:	
16	28	.....	\$ 701,500
16	29	d. For the implementation of an educational data	
16	30	warehouse that will be utilized by teachers, parents,	
16	31	school district administrators, area education agency	
16	32	staff, department of education staff, and	
16	33	policymakers:	
16	34	.....	\$ 600,000
16	35	e. For continuation of the skills Iowa technology	
16	36	grant program in accordance with this lettered	
16	37	paragraph:	
16	38	.....	\$ 500,000
16	39	The amount appropriated in this lettered paragraph	
16	40	shall be used to continue the skills Iowa technology	
16	41	grant program, previously known as the	
16	42	follow=the=leader technology grant program. The	
16	43	purpose of the program is to provide assessment and	
16	44	remediation tools to classrooms, to enhance teachers'	
16	45	ability to easily assess the skill levels of	
16	46	individual students and prescribe individualized	
16	47	instruction plans based on those assessments, and	
16	48	provide for professional development of teachers. The	
16	49	department shall contract with a not=for=profit entity	
16	50	with at least two years experience with the skills	



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17 1 Iowa technology grant program and in providing
 17 2 technical assistance to schools in Iowa. The goals
 17 3 for the contractor shall include minimizing disruption
 17 4 in the use of skills Iowa in schools. Any
 17 5 departmental administrative expenses associated with
 17 6 this appropriation shall not exceed \$50,000.

17 7 5. DEPARTMENT OF HUMAN RIGHTS
 17 8 For the cost of equipment and computer software for
 17 9 the implementation of Iowa's criminal justice
 17 10 information system:
 17 11 \$ 1,839,852

17 12 6. IOWA TELECOMMUNICATIONS AND TECHNOLOGY
 17 13 COMMISSION
 17 14 a. For replacement of equipment for the Iowa
 17 15 communications network:
 17 16 \$ 2,190,123

17 17 The commission may continue to enter into contracts
 17 18 pursuant to section 8D.13 for the replacement of
 17 19 equipment and for operations and maintenance costs of
 17 20 the network.
 17 21 In addition to funds appropriated under this
 17 22 lettered paragraph, the commission may use a financing
 17 23 agreement entered into by the treasurer of state in
 17 24 accordance with section 12.28 for the replacement of
 17 25 equipment for the network. For purposes of this
 17 26 lettered paragraph, the treasurer of state is not
 17 27 subject to the maximum principal limitation contained
 17 28 in section 12.28, subsection 6. Repayment of any
 17 29 amounts financed shall be made from receipts
 17 30 associated with fees charged for use of the network.

17 31 b. For addition of network redundancy for
 17 32 continuity of operations for the capitol complex:
 17 33 \$ 1,800,000

17 34 7. DEPARTMENT OF PUBLIC SAFETY
 17 35 For continuation of payments on the lease of the
 17 36 automated fingerprint identification system:
 17 37 \$ 560,000

17 38 Sec. 16. REVERSION. Notwithstanding section 8.33,
 17 39 moneys appropriated for the fiscal year beginning July
 17 40 1, 2008, and ending June 30, 2009, in this division of
 17 41 this Act that remain unencumbered or unobligated at
 17 42 the close of the fiscal year shall not revert but
 17 43 shall remain available for the purposes designated
 17 44 until the close of the fiscal year beginning July 1,
 17 45 2011, or until the project for which the appropriation
 17 46 was made is completed, whichever is earlier.

17 47 Sec. 17. There is appropriated from the technology
 17 48 reinvestment fund created in section 8.57C to the
 17 49 department of cultural affairs for the fiscal year
 17 50 beginning July 1, 2009, and ending July 1, 2010, the



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18 1 following amount, or so much thereof as is necessary,
 18 2 to be used for the purpose designated:
 18 3 For providing a grant to the Grout museum district
 18 4 at the Sullivan brothers veterans museum for costs
 18 5 associated with the oral history exhibit:
 18 6 \$ 486,250
 18 7 Notwithstanding section 8.33, moneys appropriated
 18 8 in this section for the fiscal year beginning July 1,
 18 9 2009, and ending June 30, 2010, shall not revert at
 18 10 the close of the fiscal year for which they are
 18 11 appropriated but shall remain available for the
 18 12 purposes designated until the close of the fiscal year
 18 13 that begins July 1, 2012, or until the project for
 18 14 which the appropriation was made is completed,
 18 15 whichever is earlier.

18 16 DIVISION V
 18 17 FY 2009 TAX=EXEMPT BOND PROCEEDS
 18 18 RESTRICTED CAPITAL FUNDS ACCOUNT

18 19 Sec. 18. There is appropriated from the FY 2009
 18 20 tax-exempt bond proceeds restricted capital funds
 18 21 account of the tobacco settlement trust fund pursuant
 18 22 to section 12E.12, subsection 1, paragraph "b",
 18 23 subparagraph (1A), as enacted in this Act, to the
 18 24 following departments and agencies for the fiscal year
 18 25 beginning July 1, 2008, and ending June 30, 2009, the
 18 26 following amounts, or so much thereof as is necessary,
 18 27 to be used for the purposes designated:

18 28 1. DEPARTMENT OF ADMINISTRATIVE SERVICES

18 29 a. For the planning, design, and construction of a
 18 30 new state office building, including costs associated
 18 31 with the furnishing of the building:
 18 32 \$ 20,000,000

18 33 The location, design, plans and specifications, and
 18 34 occupants of the building shall be determined jointly
 18 35 by the executive council and the department of
 18 36 administrative services in consultation with the
 18 37 capitol planning commission following an analysis of
 18 38 space needs to be completed no later than January 1,
 18 39 2009. Recommendations for design, plans and
 18 40 specifications, and occupants shall be presented to
 18 41 the general assembly and the governor for approval by
 18 42 the start of the 2009 legislative session.

18 43 b. For renovations to the capitol complex utility
 18 44 tunnel system:
 18 45 \$ 4,763,078

18 46 c. For costs associated with capitol interior and
 18 47 exterior restoration:
 18 48 \$ 6,900,000

18 49 d. For upgrades to the electrical distribution
 18 50 system serving the capitol complex:



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19	1	\$	4,470,000
19	2	e. For heating, ventilating, and air conditioning		
19	3	improvements in the Hoover state office building:		
19	4	.....	\$	1,500,000
19	5	f. For costs associated with the central energy		
19	6	plant addition and improvements:		
19	7	.....	\$	623,000
19	8	g. For building security and firewall protection		
19	9	in the Hoover state office building:		
19	10	.....	\$	165,000
19	11	h. For projects related to major repairs and major		
19	12	maintenance for state buildings and facilities under		
19	13	the purview of the department:		
19	14	.....	\$	15,000,000
19	15	Of the amount appropriated in this lettered		
19	16	paragraph, up to \$1,000,000 may be used for demolition		
19	17	purposes.		
19	18	i. For the purchase of Mercy capitol hospital:		
19	19	.....	\$	3,400,000
19	20	It is the intent of the general assembly that the		
19	21	department will use other appropriations made or other		
19	22	funds available to the department for the acquisition		
19	23	of buildings to complete the purchase of this		
19	24	building.		
19	25	j. For capital improvements at the civil		
19	26	commitment unit for a sexual offenders facility at		
19	27	Cherokee:		
19	28	.....	\$	829,000
19	29	k. For costs associated with the restoration and		
19	30	renovation, including major repairs and major		
19	31	maintenance, at the governor's mansion at Terrace		
19	32	Hill:		
19	33	.....	\$	769,543
19	34	2. DEPARTMENT FOR THE BLIND		
19	35	For costs associated with the renovation of		
19	36	dormitory buildings:		
19	37	.....	\$	869,748
19	38	3. DEPARTMENT OF CORRECTIONS		
19	39	a. For expansion of the community-based		
19	40	corrections facility at Sioux City:		
19	41	.....	\$	5,300,000
19	42	b. For expansion of the community-based		
19	43	corrections facility at Ottumwa:		
19	44	.....	\$	4,100,000
19	45	c. For expansion of the community-based		
19	46	corrections facility at Waterloo:		
19	47	.....	\$	6,000,000
19	48	It is the intent of the general assembly that the		
19	49	funds appropriated in paragraphs "a" through "c" be		
19	50	used to expand the number of beds available through		



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20 1 new construction and remodeling and not for
 20 2 replacement of existing facilities.
 20 3 d. For expansion of the Iowa correctional facility
 20 4 for women at Mitchellville:
 20 5 \$ 47,500,000
 20 6 e. For the remodeling of kitchens at the
 20 7 correctional facilities at Mount Pleasant and Rockwell
 20 8 City:
 20 9 \$ 12,500,000
 20 10 4. DEPARTMENT OF EDUCATION
 20 11 For major renovation and major repair needs,
 20 12 including health, life, and fire safety needs, and for
 20 13 compliance with the federal Americans With
 20 14 Disabilities Act, for state buildings and facilities
 20 15 under the purview of the community colleges:
 20 16 \$ 2,000,000
 20 17 The moneys appropriated in this subsection shall be
 20 18 allocated to the community colleges based upon the
 20 19 distribution formula established in section 260C.18C.
 20 20 5. DEPARTMENT OF NATURAL RESOURCES
 20 21 a. For infrastructure improvements for a state
 20 22 river recreation area located in a county with a
 20 23 population between 21,900 and 22,100:
 20 24 \$ 750,000
 20 25 b. For the construction and installation of an
 20 26 angled well, pumps, and piping to connect the existing
 20 27 infrastructure from the new well to a lake located in
 20 28 a county with a population between 87,500 and 88,000:
 20 29 \$ 500,000
 20 30 Moneys appropriated in this lettered paragraph are
 20 31 contingent upon receipt of matching funds from a state
 20 32 taxing authority surrounding such lake.
 20 33 c. For the construction of the cabins, activity
 20 34 building, picnic shelters, and other costs associated
 20 35 with the opening of the Honey creek premier
 20 36 destination park:
 20 37 \$ 4,900,000
 20 38 The department shall not obligate any funding under
 20 39 this appropriation without approval from the
 20 40 department of management. The department shall
 20 41 provide quarterly updates to the Honey creek premier
 20 42 destination park authority and the legislative
 20 43 services agency on the obligation and spending of this
 20 44 appropriation.
 20 45 In light of this appropriation, the department
 20 46 shall not request additional appropriations for
 20 47 funding the construction of future additional
 20 48 amenities at the Honey creek destination park beyond
 20 49 the fiscal year ending June 30, 2009. In the event
 20 50 that the chairperson of the authority delivers a



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21 1 certificate to the governor, pursuant to section
 21 2 463C.13, stating the amounts necessary to restore bond
 21 3 reserve funds, it is the general assembly's intent
 21 4 upon consideration of the governor's request to first
 21 5 seek refunding from the department's budget.
 21 6 d. For implementation of lake projects that have
 21 7 established watershed improvement initiatives and
 21 8 community support in accordance with the department's
 21 9 annual lake restoration plan and report,
 21 10 notwithstanding section 8.57, subsection 6, paragraph
 21 11 "c":
 21 12 \$ 8,600,000
 21 13 (1) It is the intent of the general assembly that
 21 14 the department of natural resources shall implement
 21 15 the lake restoration annual report and plan submitted
 21 16 to the joint appropriations subcommittee on
 21 17 transportation, infrastructure, and capitals and the
 21 18 legislative services agency on December 26, 2006,
 21 19 pursuant to section 456A.33B. The lake restoration
 21 20 projects that are recommended by the department to
 21 21 receive funding for fiscal year 2007=2008 and that
 21 22 satisfy the criteria in section 456A.33B, including
 21 23 local commitment of funding for the projects, shall be
 21 24 funded in the amounts provided in the report.
 21 25 Of the amounts appropriated in this lettered
 21 26 paragraph, at least the following amounts shall be
 21 27 allocated as follows:
 21 28 (a) For clear lake in Cerro Gordo county:
 21 29 \$ 3,000,000
 21 30 (b) For storm lake in Buena Vista county:
 21 31 \$ 1,000,000
 21 32 (c) For carter lake in Pottawattamie county:
 21 33 \$ 200,000
 21 34 (2) Of the moneys appropriated in this lettered
 21 35 paragraph, \$200,000 shall be used for the purposes of
 21 36 supporting a low head dam public hazard improvement
 21 37 program. The moneys shall be used to provide grants
 21 38 to local communities, including counties and cities,
 21 39 for projects approved by the department.
 21 40 (a) The department shall award grants to dam
 21 41 owners including counties, cities, state agencies,
 21 42 cooperatives, and individuals, to support projects
 21 43 approved by the department.
 21 44 (b) The department shall require each dam owner
 21 45 applying for a project grant to submit a project plan
 21 46 for the expenditure of the moneys, and file a report
 21 47 with the department regarding the project, as required
 21 48 by the department.
 21 49 (c) The funds can be used for signs, posts, and
 21 50 related cabling, and the department shall only award



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22 1 money on a matching basis, pursuant to the dam owner
 22 2 contributing at least 20 cents for every 80 cents
 22 3 awarded by the department, in order to finance the
 22 4 project. For the remainder of the funds, including
 22 5 any balance of money not awarded for signs, posts, and
 22 6 related cabling, the department shall only award
 22 7 moneys to a dam owner on a matching basis. A dam
 22 8 owner shall contribute one dollar for each dollar
 22 9 awarded by the department in order to finance a
 22 10 project.

22 11 6. STATE BOARD OF REGENTS
 22 12 For infrastructure, deferred maintenance, and
 22 13 equipment related to Iowa public radio:
 22 14 \$ 2,000,000

22 15 7. IOWA STATE FAIR
 22 16 For infrastructure improvements to the Iowa state
 22 17 fairgrounds including but not limited to the
 22 18 construction of an agricultural exhibition center on
 22 19 the Iowa state fairgrounds:
 22 20 \$ 5,000,000

22 21 8. DEPARTMENT OF TRANSPORTATION
 22 22 a. For deposit into the public transit
 22 23 infrastructure grant fund created in section 324A.6A:
 22 24 \$ 2,200,000

22 25 b. For infrastructure improvements at the
 22 26 commercial service airports within the state:
 22 27 \$ 1,500,000

22 28 Fifty percent of the funds appropriated in this
 22 29 lettered paragraph shall be allocated equally between
 22 30 each commercial air service airport, forty percent of
 22 31 the funds shall be allocated based on the percentage
 22 32 that the number of enplaned passengers at each
 22 33 commercial air service airport bears to the total
 22 34 number of enplaned passengers in the state during the
 22 35 previous fiscal year, and ten percent of the funds
 22 36 shall be allocated based on the percentage that the
 22 37 air cargo tonnage at each commercial air service
 22 38 airport bears to the total air cargo tonnage in the
 22 39 state during the previous fiscal year. In order for a
 22 40 commercial air service airport to receive funding
 22 41 under this lettered paragraph, the airport shall be
 22 42 required to submit applications for funding of
 22 43 specific projects to the department for approval by
 22 44 the state transportation commission.

22 45 8. DEPARTMENT OF VETERANS AFFAIRS
 22 46 a. For matching funds for the construction of
 22 47 resident living areas at the Iowa veterans home and
 22 48 related improvements associated with the Iowa veterans
 22 49 home comprehensive plan:
 22 50 \$ 20,555,329



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24 1 remain available for the purposes designated until the
24 2 close of the fiscal year that begins July 1, 2012, or
24 3 until the project for which the appropriation was made
24 4 is completed, whichever is earlier.

24 5 DIVISION VIII

24 6 CHANGES TO PRIOR APPROPRIATIONS

24 7 Sec. 24. 2001 Iowa Acts, chapter 185, section 30,
24 8 as amended by 2005 Iowa Acts, chapter 178, section 22,
24 9 2006 Iowa Acts, chapter 1179, section 27, and 2007
24 10 Iowa Acts, chapter 219, section 17, is amended to read
24 11 as follows:

24 12 SEC. 30. REVERSION.

24 13 1. Except as provided in subsections 2 and 3 and
24 14 notwithstanding section 8.33, moneys appropriated in
24 15 this division of this Act shall not revert at the
24 16 close of the fiscal year for which they were
24 17 appropriated but shall remain available for the
24 18 purposes designated until the close of the fiscal year
24 19 that begins July 1, 2004, or until the project for
24 20 which the appropriation was made is completed,
24 21 whichever is earlier.

24 22 2. Notwithstanding section 8.33, moneys
24 23 appropriated in section 25, subsection 3, paragraph
24 24 "b", of this division of this Act shall not revert at
24 25 the close of the fiscal year for which they were
24 26 appropriated but shall remain available for the
24 27 purpose designated until the close of the fiscal year
24 28 that begins July 1, 2006, or until the project for
24 29 which the appropriation was made is completed,
24 30 whichever is earlier.

24 31 3. Notwithstanding section 8.33, moneys
24 32 appropriated in section 28 of this division of this
24 33 Act shall not revert at the close of the fiscal year
24 34 for which they were appropriated but shall remain
24 35 available for the purpose designated until the close
24 36 of the fiscal year that begins July 1, ~~2007~~ 2008, or
24 37 until the project for which the appropriation was made
24 38 is completed, whichever is earlier.

24 39 Sec. 25. 2004 Iowa Acts, chapter 1175, section
24 40 290, is amended to read as follows:

24 41 SEC. 290. REVERSION.

24 42 1. Notwithstanding Except as provided in
24 43 subsections 2 and 3, and notwithstanding section 8.33,
24 44 moneys appropriated from the rebuild Iowa
24 45 infrastructure fund in this division of this Act shall
24 46 not revert at the close of the fiscal year for which
24 47 they were appropriated but shall remain available for
24 48 the purposes designated until the close of the fiscal
24 49 year that begins July 1, 2007, or until the project
24 50 for which the appropriation was made is completed,



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25 1 whichever is earlier. This ~~section~~ subsection does
25 2 not apply to the sections in this division of this Act
25 3 that were previously enacted and are amended in this
25 4 division of this Act.

25 5 2. Notwithstanding section 8.33, moneys
25 6 appropriated from the rebuild Iowa infrastructure fund
25 7 in this division of this Act in section 288,
25 8 subsection 4, paragraph "b", and section 288,
25 9 subsection 7, paragraph "d", shall not revert at the
25 10 close of the fiscal year for which they were
25 11 appropriated but shall remain available for the
25 12 purposes designated until the close of the fiscal year
25 13 that begins July 1, 2010, or until the project for
25 14 which the appropriation was made is completed,
25 15 whichever is earlier.

25 16 3. Notwithstanding section 8.33, moneys
25 17 appropriated from the rebuild Iowa infrastructure fund
25 18 in this division of this Act in section 288,
25 19 subsection 12, paragraph "a", shall not revert at the
25 20 close of the fiscal year for which they were
25 21 appropriated but shall remain available for the
25 22 purposes designated until the close of the fiscal year
25 23 that begins July 1, 2008, or until the project for
25 24 which the appropriation was made is completed,
25 25 whichever is earlier.

25 26 Sec. 26. 2005 Iowa Acts, chapter 178, section 19,
25 27 subsection 3, as amended by 2007 Iowa Acts, chapter
25 28 219, section 20, is amended to read as follows:

25 29 3. REVERSION.

25 30 ~~1-~~ a. Except as provided in ~~subsection 2~~
25 31 paragraphs "b" and "c" and notwithstanding section
25 32 8.33, moneys appropriated in this section shall not
25 33 revert at the close of the fiscal year for which they
25 34 were appropriated but shall remain available for the
25 35 purposes designated until the close of the fiscal year
25 36 that begins July 1, 2006, or until the project for
25 37 which the appropriation was made is completed,
25 38 whichever is earlier.

25 39 ~~2-~~ b. Notwithstanding section 8.33, moneys
25 40 appropriated in ~~subsection 1, paragraph "a",~~
25 41 ~~subparagraph (1), and subsection 1, paragraph "g",~~
25 42 shall not revert at the close of the fiscal year for
25 43 which they were appropriated but shall remain
25 44 available for the purpose designated until the close
25 45 of the fiscal year that begins July 1, 2007, or until
25 46 the project for which the appropriation was made is
25 47 completed, whichever is earlier.

25 48 c. Notwithstanding section 8.33, moneys
25 49 appropriated in subsection 1, paragraph "a",
25 50 subparagraph (1), shall not revert at the close of the



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26 1 fiscal year for which they were appropriated but shall
 26 2 remain available for the purpose designated until the
 26 3 close of the fiscal year that begins July 1, 2008, or
 26 4 until the project for which the appropriation was made
 26 5 is completed, whichever is earlier.

26 6 Sec. 27. 2005 Iowa Acts, chapter 178, section 30,
 26 7 is amended to read as follows:

26 8 SEC. 30. DEPARTMENT OF ADMINISTRATIVE SERVICES.

26 9 1. There is appropriated from the vertical
 26 10 infrastructure fund to the department of
 26 11 administrative services for the designated fiscal
 26 12 years, the following amounts, or so much thereof as ~~if~~
 26 13 is necessary, to be used for the purposes designated:

26 14	For major renovation and major repair needs,	
26 15	including health, life, and fire safety needs, and for	
26 16	compliance with the federal Americans With	
26 17	Disabilities Act, for state buildings and facilities	
26 18	under the purview of the department:	
26 19	FY 2006=2007.....	\$ 10,000,000
26 20	FY 2007=2008.....	\$ 40,000,000
26 21	FY 2008=2009.....	\$ 40,000,000
26 22		<u>0</u>

26 23 Notwithstanding section 8.33, moneys appropriated
 26 24 in this section shall not revert at the close of the
 26 25 fiscal year for which they were appropriated but shall
 26 26 remain available for the purposes designated until the
 26 27 close of the fiscal year that begins July 1, 2010, or
 26 28 until the project for which the appropriation was made
 26 29 is completed, whichever is earlier.

26 30 Sec. 28. 2005 Iowa Acts, chapter 179, section 13,
 26 31 unnumbered paragraph 2, as amended by 2006 Iowa Acts,
 26 32 chapter 1179, section 32, is amended to read as
 26 33 follows:

26 34 For major renovation and major repair needs,
 26 35 including health, life, and fire safety needs, and for
 26 36 compliance with the federal Americans With
 26 37 Disabilities Act, for state buildings and facilities
 26 38 under the purview of the community colleges:

26 39	FY 2006=2007.....	\$ 0
26 40	FY 2007=2008.....	\$ 2,000,000
26 41	FY 2008=2009.....	\$ 2,000,000
26 42		<u>0</u>

26 43 Sec. 29. 2006 Iowa Acts, chapter 1179, section 5,
 26 44 as amended by 2007 Iowa Acts, chapter 219, section 22,
 26 45 is amended to read as follows:

26 46 SEC. 5. DEPARTMENT OF ADMINISTRATIVE SERVICES.

26 47 There is appropriated from the rebuild Iowa
 26 48 infrastructure fund to the department of
 26 49 administrative services for the designated fiscal
 26 50 years, the following amounts, or so much thereof as is



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27 1 necessary, to be used for the purposes designated:
 27 2 For planning, design, and construction ~~costs~~
~~27 3 associated with the construction of a new~~
 27 4 ~~approximately 350,000-gross-square-foot~~ state office
 27 5 building, including costs associated with ~~furnishings,~~
~~27 6 employee relocation, and the demolition of the Wallace~~
~~27 7 Building~~ furnishing the building:
 27 8 FY 2007=2008..... \$ 3,600,000
 27 9 FY 2008=2009..... \$ ~~23,300,000~~
 27 10 0
 27 11 FY 2009=2010..... \$ 12,657,100

27 12 The location, design, plans and specifications, and
27 13 occupants of the building shall be determined jointly
27 14 by the executive council and the department of
27 15 administrative services in consultation with the
27 16 capitol planning commission following an analysis of
27 17 space needs to be completed no later than January 1,
27 18 2009. Recommendations for the design, plans and
27 19 specifications, and occupants shall be presented to
27 20 the general assembly and the governor for approval by
27 21 the start of the 2009 legislative session.

27 22 Notwithstanding section 8.33, moneys appropriated
 27 23 in this section shall not revert at the close of the
 27 24 fiscal year for which they were appropriated but shall
 27 25 remain available for the purposes designated until the
 27 26 close of the fiscal year that begins July 1, 2011, or
 27 27 until the project for which the appropriation was made
 27 28 is completed, whichever is earlier.

27 29 The design specifications of the new state office
 27 30 building shall include, at a minimum, energy
 27 31 efficiency specifications that exceed state building
 27 32 code requirements and have the potential for
 27 33 leadership in energy and environmental design silver
 27 34 certification from the United States green building
 27 35 council.

27 36 Sec. 30. 2006 Iowa Acts, chapter 1179, section 18,
 27 37 is amended to read as follows:
 27 38 SEC. 18. REVERSION.

27 39 1. Except as provided in subsections 2, ~~and~~ 3, and
27 40 4, notwithstanding section 8.33, moneys appropriated
27 41 from the endowment for Iowa's health restricted
27 42 capitals fund for the fiscal years that begin July 1,
27 43 2005, and July 1, 2006, in this division of this Act
27 44 that remain unencumbered or unobligated at the close
27 45 of the fiscal year shall not revert but shall remain
27 46 available for the purposes designated until the close
27 47 of the fiscal year that begins July 1, 2009, or until
27 48 the project for which the appropriation was made is
27 49 completed, whichever is earlier.

27 50 2. Notwithstanding section 8.33, moneys



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28 1 appropriated from the endowment for Iowa's health
28 2 restricted capitals fund for the fiscal year that
28 3 begins July 1, 2006, and ends June 30, 2007, in this
28 4 division of this Act to the department of veterans
28 5 affairs for capital improvement projects at the Iowa
28 6 veterans home that remain unencumbered or unobligated
28 7 at the close of the fiscal year shall not revert but
28 8 shall remain available for expenditure for the
28 9 purposes designated until the close of the fiscal year
28 10 that begins July 1, 2010.

28 11 3. Notwithstanding section 8.33, moneys
28 12 appropriated from the endowment for Iowa's health
28 13 restricted capitals fund for the fiscal year beginning
28 14 July 1, 2006, and ending June 30, 2007, in this
28 15 division of this Act to the department of education
28 16 for major renovation and major repair needs at the
28 17 community colleges that remain unencumbered or
28 18 unobligated at the close of the fiscal year shall not
28 19 revert but shall remain available for expenditure for
28 20 the purposes designated until the close of the fiscal
28 21 year beginning July 1, 2010, or until the project for
28 22 which appropriated is completed, whichever is earlier.

28 23 4. Notwithstanding section 8.33, moneys
28 24 appropriated in section 16, subsection 3, paragraph
28 25 "a", that remain unencumbered or unobligated at the
28 26 close of the fiscal year shall not revert at the close
28 27 of the fiscal year for which they were appropriated
28 28 but shall remain available for the purposes designated
28 29 until the close of the fiscal year that begins July 1,
28 30 2010, or until the project for which the appropriation
28 31 was made is completed, whichever is earlier.

28 32 Sec. 31. 2006 Iowa Acts, chapter 1179, section 22,
28 33 is amended to read as follows:

28 34 SEC. 22. REVERSION.

28 35 1. ~~Notwithstanding~~ Except as provided in
28 36 subsections 2 and 3, and notwithstanding section 8.33,
28 37 moneys appropriated in this division of this Act that
28 38 remain unencumbered or unobligated at the close of the
28 39 fiscal year shall not revert but shall remain
28 40 available for the purposes designated until the close
28 41 of the fiscal year beginning July 1, 2007, or until
28 42 the project for which the appropriation was made is
28 43 completed, whichever is earlier.

28 44 2. Notwithstanding section 8.33, moneys
28 45 appropriated from the technology reinvestment fund in
28 46 this division of this Act in section 21, subsection 1,
28 47 shall not revert at the close of the fiscal year for
28 48 which they were appropriated but shall remain
28 49 available until the close of the fiscal year that
28 50 begins July 1, 2008, or until the project for which



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29 1 the appropriation was made is completed, whichever is
 29 2 earlier.

29 3 3. Notwithstanding section 8.33, moneys
 29 4 appropriated from the technology reinvestment fund in
 29 5 this division of this Act in section 21, subsection 3,
 29 6 paragraph "e", shall not revert at the close of the
 29 7 fiscal year for which they were appropriated but shall
 29 8 remain available until the close of the fiscal year
 29 9 that begins July 1, 2010, or until the project for
 29 10 which the appropriation was made is completed,
 29 11 whichever is earlier.

29 12 Sec. 32. 2006 Iowa Acts, chapter 1179, sections 68
 29 13 and 69, are amended to read as follows:

29 14 SEC. 68. WASTEWATER TREATMENT FINANCIAL ASSISTANCE
 29 15 FUND == IOWA FINANCE AUTHORITY. There is appropriated
 29 16 from any interest or earnings on moneys in the federal
 29 17 economic stimulus and jobs holding account to the Iowa
 29 18 finance authority for deposit in the wastewater
 29 19 treatment financial assistance fund created in section
 29 20 16.134, the following amount:

29 21 \$ 4,000,000

29 22 Notwithstanding section 8.33, moneys appropriated
 29 23 in this section shall not revert at the close of the
 29 24 fiscal year for which they are appropriated but shall
 29 25 remain available for the purposes designated until the
 29 26 close of the fiscal year that begins July 1, 2008.

29 27 SEC. 69. RESOURCE CONSERVATION AND DEVELOPMENT
 29 28 PROJECTS == DEPARTMENT OF NATURAL RESOURCES. There is
 29 29 appropriated from any interest or earnings on moneys
 29 30 in the federal economic stimulus and jobs holding
 29 31 account to the department of natural resources for the
 29 32 development of projects relating to natural
 29 33 resource-based business opportunities, the following
 29 34 amount:

29 35 \$ 300,000

29 36 Local resource conservation and development groups
 29 37 sponsored by county governments or sponsored by soil
 29 38 and water conservation districts shall be eligible to
 29 39 receive funding on the condition that such groups
 29 40 receive dollar=for=dollar funding.

29 41 Notwithstanding section 8.33, moneys appropriated
 29 42 in this section shall not revert at the close of the
 29 43 fiscal year for which they are appropriated but shall
 29 44 remain available for the purposes designated until the
 29 45 close of the fiscal year that begins July 1, 2008.

29 46 Sec. 33. 2007 Iowa Acts, chapter 219, section 1,
 29 47 subsection 2, is amended to read as follows:

29 48 ~~2.~~ r. For distribution to other governmental
 29 49 entities:

29 50 \$ 2,000,000



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30 1 Moneys appropriated in this lettered paragraph
 30 2 shall be separately accounted for in a distribution
 30 3 account and shall be distributed to other governmental
 30 4 entities based upon a formula established by the
 30 5 department to pay for services provided during the
 30 6 fiscal year to such other governmental entities by the
 30 7 department associated with the integrated information
 30 8 for Iowa system, notwithstanding section 8.57,
 30 9 subsection 6, paragraph "c"-. Additionally, the
 30 10 department may use any unexpended or unencumbered
 30 11 amount in the distribution account for the purchase of
 30 12 an existing license for which the state has made
 30 13 partial payment. Any remaining balance in the
 30 14 distribution account as of June 30, 2008, shall not
 30 15 revert but shall remain available to be used for
 30 16 additional operating expenses related to the
 30 17 integrated information for Iowa system during the
 30 18 subsequent fiscal year.

30 19 Sec. 34. 2007 Iowa Acts, chapter 219, section 3,
 30 20 is amended to read as follows:

30 21 SEC. 3. DEPARTMENT OF ADMINISTRATIVE SERVICES.

30 22 There is appropriated from the rebuild Iowa
 30 23 infrastructure fund for the fiscal year beginning July
 30 24 1, 2008, and ending June 30, 2009, the following
 30 25 amount, or so much thereof as is necessary, to be used
 30 26 for the purpose designated:

30 27 For capital improvements at the civil commitment
 30 28 unit for the sexual offenders facility at Cherokee:

30 29	\$	829,000
30 30		<u>0</u>

~~30 31 Notwithstanding section 8.33, moneys appropriated
 30 32 in this section shall not revert at the close of the
 30 33 fiscal year for which they were appropriated but shall
 30 34 remain available for the purposes designated until the
 30 35 close of the fiscal year that begins July 1, 2011, or
 30 36 until the project for which the appropriation was made
 30 37 is completed, whichever is earlier.~~

30 38 Sec. 35. 2008 Iowa Acts, Senate File 2420, section
 30 39 27, is amended to read as follows:

30 40 SEC. 27. PUBLIC TRANSIT FUNDING STUDY. The
 30 41 department of transportation, in cooperation with the
 30 42 office of energy independence and the department of
 30 43 natural resources, shall review the current revenues
 30 44 available for support of public transit and the
 30 45 sufficiency of those revenues to meet future needs.
 30 46 The review shall include but is not limited to
 30 47 identifying transit improvements needed to meet state
 30 48 energy independence goals and an assessment of how the
 30 49 state's support of public transit is positioned to
 30 50 meet the mobility needs of Iowa's growing senior



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31 1 population. The department shall submit a report to
31 2 the governor and the general assembly on or before
31 3 December ~~1, 2009~~ 31, 2008.

31 4 Sec. 36. EFFECTIVE DATE. The sections of this
31 5 division of this Act amending 2001 Iowa Acts, chapter
31 6 185, 2004 Iowa Acts, chapter 1175, 2005 Iowa Acts,
31 7 chapters 178 and 179, 2006 Iowa Acts, chapter 1179,
31 8 sections 5, 18, 22, 68, and 69 and 2007 Iowa Acts,
31 9 chapter 219, sections 1 and 3, being deemed of
31 10 immediate importance, take effect upon enactment.

31 11 DIVISION IX

31 12 MISCELLANEOUS CODE CHANGES

31 13 Sec. 37. Section 8.57, subsection 6, paragraph c,
31 14 Code Supplement 2007, is amended to read as follows:

31 15 c. Moneys in the fund in a fiscal year shall be
31 16 used as directed by the general assembly for public
31 17 vertical infrastructure projects. For the purposes of
31 18 this subsection, "vertical infrastructure" includes
31 19 only land acquisition and construction, major
31 20 renovation and major repair of buildings, all
31 21 appurtenant structures, utilities, site development,
31 22 and recreational trails. "Vertical infrastructure"
31 23 does not include routine, recurring maintenance or
31 24 operational expenses or leasing of a building,
31 25 appurtenant structure, or utility without a
31 26 lease-purchase agreement. ~~However, appropriations may~~
~~31 27 be made for the fiscal years beginning July 1, 1997,~~
~~31 28 and July 1, 1998, for the purpose of funding the~~
~~31 29 completion of Part III of the Iowa communications~~
~~31 30 network.~~

31 31 Sec. 38. Section 8.57A, subsection 4, Code
31 32 Supplement 2007, is amended to read as follows:
31 33 4. There is appropriated from the rebuild Iowa
31 34 infrastructure fund for the fiscal year beginning July
31 35 1, ~~2007~~ 2008, and for each fiscal year thereafter, the
31 36 sum of ~~forty~~ forty-two million dollars to the
31 37 environment first fund, notwithstanding section 8.57,
31 38 subsection 6, paragraph "c".

31 39 Sec. 39. Section 8.57B, Code Supplement 2007, is
31 40 amended to read as follows:

31 41 8.57B VERTICAL INFRASTRUCTURE FUND.

31 42 1. A vertical infrastructure fund is created under
31 43 the authority of the department of management. The
31 44 fund shall consist of appropriations made to the fund
31 45 and transfers of interest, earnings, and moneys from
31 46 other funds as provided by law. The fund shall be
31 47 separate from the general fund of the state and the
31 48 balance in the fund shall not be considered part of
31 49 the balance of the general fund of the state.
31 50 However, the fund shall be considered a special



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32 1 account for the purposes of section 8.53, relating to
32 2 generally accepted accounting principles.

32 3 2. Notwithstanding section 12C.7, subsection 2,
32 4 interest or earnings on moneys in the vertical
32 5 infrastructure fund shall be credited to the rebuild
32 6 Iowa infrastructure fund.

32 7 3. Moneys in the fund in a fiscal year shall be
32 8 used as appropriated by the general assembly for
32 9 public vertical infrastructure projects. For the
32 10 purposes of this section, "vertical infrastructure"
32 11 includes only land acquisition and construction, major
32 12 renovation, and major repair of buildings, all
32 13 appurtenant structures, utilities, and site
32 14 development. "Vertical infrastructure" does not
32 15 include routine, recurring maintenance, debt service,
32 16 or operational expenses or leasing of a building,
32 17 appurtenant structure, or utility without a
32 18 lease-purchase agreement.

32 19 4. There is appropriated from the rebuild Iowa
32 20 infrastructure fund to the vertical infrastructure
32 21 fund, the following:

32 22 a. For the fiscal year beginning July 1, 2005, and
32 23 ending June 30, 2006, the sum of fifteen million
32 24 dollars.

32 25 b. For the fiscal year beginning July 1, 2006, and
32 26 ending June 30, 2007, the sum of fifteen million
32 27 dollars.

32 28 c. For the fiscal year beginning July 1, 2007, and
32 29 ending June 30, 2008, the sum of fifty million
32 30 dollars.

~~32 31 d. For the fiscal year beginning July 1, 2008, and~~
~~32 32 ending June 30, 2009, the sum of fifty million~~
~~32 33 dollars.~~

32 34 5. Annually, on or before January 15 of each year,
32 35 a state agency that received an appropriation from the
32 36 vertical infrastructure fund shall report to the
32 37 legislative services agency and the department of
32 38 management the status of all projects completed or in
32 39 progress. The report shall include a description of
32 40 the project, the progress of work completed, the total
32 41 estimated cost of the project, a list of all revenue
32 42 sources being used to fund the project, the amount of
32 43 funds expended, the amount of funds obligated, and the
32 44 date the project was completed or an estimated
32 45 completion date of the project, where applicable.

32 46 6. On July 1, 2008, any unobligated and
32 47 unencumbered balance in the vertical infrastructure
32 48 fund shall be transferred to the rebuild Iowa
32 49 infrastructure fund. This subsection is repealed July
32 50 1, 2010.



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33 1 Sec. 40. Section 8.57C, subsection 3, Code
33 2 Supplement 2007, is amended to read as follows:
33 3 3. a. There is appropriated from the general fund
33 4 of the state for the fiscal ~~year~~ years beginning July
33 5 1, 2006, July 1, 2007, July 1, 2010, and for each
33 6 subsequent fiscal year thereafter, the sum of
33 7 seventeen million five hundred thousand dollars to the
33 8 technology reinvestment fund.

33 9 b. There is appropriated from the rebuild Iowa
33 10 infrastructure fund for each fiscal year of the fiscal
33 11 period beginning July 1, 2008, and ending June 30,
33 12 2010, the sum of seventeen million five hundred
33 13 thousand dollars to the technology reinvestment fund,
33 14 notwithstanding section 8.57, subsection 6, paragraph
33 15 "c".

33 16 Sec. 41. NEW SECTION. 12.79 FY 2009 PRISON
33 17 BONDING FUND.

33 18 1. An FY 2009 prison bonding fund is created as a
33 19 separate fund in the state treasury. Moneys in the
33 20 fund shall not be subject to appropriation for any
33 21 other purpose by the general assembly, but shall be
33 22 used only for the purposes of the FY 2009 prison
33 23 bonding fund.

33 24 2. Revenue for the fund shall consist of the net
33 25 proceeds from the bonds issued pursuant to section
33 26 12.80.

33 27 3. Moneys in the fund in a fiscal year shall be
33 28 used as appropriated by the general assembly for
33 29 prison improvement and prison construction projects.

33 30 4. Moneys in the fund are not subject to section
33 31 8.33. Notwithstanding section 12C.7, subsection 2,
33 32 interest or earnings on moneys in the fund shall be
33 33 credited to the fund.

33 34 5. Annually, on or before January 15 of each year,
33 35 the department of corrections shall report to the
33 36 legislative services agency and the department of
33 37 management the status of all projects completed or in
33 38 progress. The report shall include a description of
33 39 the project, the work completed, the total estimated
33 40 cost of the project, a list of all revenue sources
33 41 being used to fund the project, the amount of funds
33 42 expended, the amount of funds obligated, and the date
33 43 the project was completed or an estimated completion
33 44 date of the project, where applicable.

33 45 Sec. 42. NEW SECTION. 12.80 GENERAL AND SPECIFIC
33 46 BONDING POWERS == PRISON INFRASTRUCTURE.

33 47 1. The treasurer of state is authorized to issue
33 48 bonds to provide prison infrastructure financing as
33 49 provided in this section. Bonds shall be issued in
33 50 accordance with the provisions of chapter 12A.



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34 1 2. Bonds issued under this section are payable
34 2 solely and only out of the moneys, assets, or revenues
34 3 of the prison infrastructure fund established in
34 4 section 602.8108A, and other moneys available as
34 5 provided in this section, all of which may be
34 6 deposited with trustees or depositories in accordance
34 7 with bond or security documents, and are not an
34 8 indebtedness of this state, or a charge against the
34 9 general credit or general fund of the state, and the
34 10 state shall not be liable for the bonds except from
34 11 amounts on deposit in the prison infrastructure fund
34 12 and other moneys available as provided in this
34 13 section. Bonds issued under this section shall
34 14 contain a statement that the bonds do not constitute
34 15 an indebtedness of the state.

34 16 3. Bonds issued under this section are declared to
34 17 be issued for an essential public and governmental
34 18 purpose and all bonds issued under this section shall
34 19 be exempt from taxation by the state of Iowa and the
34 20 interest on the bonds shall be exempt from the state
34 21 income tax and the state inheritance tax.

34 22 4. The net proceeds from the bonds issued under
34 23 this section shall be deposited into the FY 2009
34 24 prison bonding fund.

34 25 5. The treasurer of state shall cooperate with the
34 26 department of corrections in the implementation of
34 27 this section.

34 28 6. In order to assure maintenance of bond reserve
34 29 funds, an issuer shall, on or before January 1 of each
34 30 calendar year, make and deliver to the governor the
34 31 issuer's certificate stating the sum, if any, required
34 32 to restore each bond reserve fund to the bond reserve
34 33 fund requirement for that fund. Within thirty days
34 34 after the beginning of the session of the general
34 35 assembly next following the delivery of the
34 36 certificate, the governor shall submit to both houses
34 37 printed copies of a budget including the sum, if any,
34 38 required to restore each bond reserve fund to the bond
34 39 reserve fund requirement for that fund. Any sums
34 40 appropriated by the general assembly and paid to the
34 41 issuer pursuant to this subsection shall be deposited
34 42 by the issuer in the applicable bond reserve fund.

34 43 Sec. 43. NEW SECTION. 12.101 FAIRGROUNDS
34 44 INFRASTRUCTURE AID FUND.

34 45 1. A fairgrounds infrastructure aid fund is
34 46 created in the state treasury under the control of the
34 47 treasurer of state. The fund is separate from the
34 48 general fund of the state. The fund is composed of
34 49 moneys appropriated by the general assembly and moneys
34 50 available to and obtained or accepted by the treasurer



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35 1 of state from the United States government or private
35 2 sources for placement in the fund.
35 3 2. Moneys in the fairgrounds infrastructure aid
35 4 fund are appropriated to the treasurer of state
35 5 exclusively to support the payment of infrastructure
35 6 aid as provided in section 12.102. Moneys in the fund
35 7 shall not be allocated to the treasurer of state to
35 8 reimburse the treasurer of state for administrative
35 9 costs.
35 10 3. Notwithstanding section 12C.7, interest or
35 11 earnings on moneys in the fairgrounds infrastructure
35 12 aid fund shall be credited to the fund.
35 13 Notwithstanding section 8.33, unencumbered and
35 14 unobligated moneys remaining in the fund at the close
35 15 of each fiscal year shall not revert but shall remain
35 16 available in the fund.
35 17 Sec. 44. NEW SECTION. 12.102 PAYMENT OF
35 18 INFRASTRUCTURE AID.
35 19 1. The treasurer of state shall award
35 20 infrastructure aid to a fair necessary for the fair to
35 21 make improvements to the permanent infrastructure of
35 22 its fairgrounds, including the construction, major
35 23 renovation, or major repair of buildings, appurtenant
35 24 structures, or utilities.
35 25 2. The treasurer of state, in cooperation with the
35 26 association of Iowa fairs, shall provide criteria for
35 27 eligibility for infrastructure aid by rule. The
35 28 treasurer of state must receive an application for an
35 29 award on or after July 1 and before December 1 of each
35 30 year. An award of infrastructure aid to an eligible
35 31 fair shall be in the form of a grant. The treasurer
35 32 of state shall meet with representatives of the
35 33 association of Iowa fairs. The representatives shall
35 34 be available to advise the treasurer of state when the
35 35 treasurer of state makes decisions regarding the
35 36 awarding of infrastructure aid.
35 37 3. In order to receive infrastructure aid, the
35 38 management of an eligible fair must execute a
35 39 cost=share agreement with the treasurer of state, with
35 40 the treasurer of state contributing two dollars for
35 41 each dollar contributed by the fair.
35 42 4. The infrastructure aid awarded to a fair cannot
35 43 be less than five thousand dollars or more than fifty
35 44 thousand dollars during any fiscal year. The
35 45 treasurer of state may approve multiple awards to make
35 46 improvements to a fair's fairgrounds so long as the
35 47 total amount awarded does not exceed the limitations
35 48 provided in this subsection.
35 49 Sec. 45. Section 12E.10, subsection 1, paragraph
35 50 a, subparagraphs (2) and (3), Code 2007, are amended



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36 1 to read as follows:

36 2 (2) The authority shall issue tax-exempt bonds in
~~36 3 an amount that is as necessary in amounts determined~~
~~36 4 by the authority sufficient to provide net proceeds in~~
~~36 5 an amount of not more than five hundred forty million~~
~~36 6 dollars~~ for deposit in the tax-exempt bond proceeds
36 7 restricted capital funds account of the tobacco
36 8 settlement trust fund, to be used for capital
36 9 projects, certain debt service on outstanding
36 10 obligations which funded capital projects, and
36 11 attorney fees related to the master settlement
36 12 agreement.

36 13 (3) The authority may also issue taxable bonds or
36 14 tax-exempt bonds to provide additional amounts to be
36 15 used for the purposes specified in section 12.65.

36 16 Sec. 46. Section 12E.10, subsection 1, paragraph
36 17 b, Code 2007, is amended to read as follows:

36 18 b. It is the expectation of the state that not
36 19 less than eighty-five percent of the proceeds
~~36 20 deposited in the tax-exempt bond proceeds restricted~~
~~36 21 capital funds account of the tobacco settlement trust~~
~~36 22 fund of any issue of tax-exempt bonds~~ will be expended
36 23 within five years from the effective date of the sale,
36 24 consistent with the requirements of federal law, and
36 25 that the specific capital projects, debt service, and
36 26 attorney fees payments shall be determined annually
36 27 through appropriations authorized by a constitutional
36 28 majority of each house of the general assembly and
36 29 approved by the governor.

36 30 Sec. 47. Section 12E.10, subsection 1, Code 2007,
36 31 is amended by adding the following new paragraph:

36 32 NEW PARAGRAPH. c. The authority may issue
36 33 tax-exempt bonds if the securitization of any
36 34 remaining tobacco settlement payments will result in
36 35 the deposit of net proceeds of not less than one
36 36 hundred eighty-three million dollars for tax-exempt
36 37 bonds issued after July 1, 2008.

36 38 Sec. 48. Section 12E.12, subsection 1, paragraph
36 39 b, Code 2007, is amended by adding the following new
36 40 subparagraph:

36 41 NEW SUBPARAGRAPH. (1A) The FY 2009 tax-exempt
36 42 bond proceeds restricted capital funds account. The
36 43 net proceeds of tax-exempt bonds issued after July 1,
36 44 2008, as a result of the securitization of any
36 45 remaining tobacco settlement payments to provide funds
36 46 for capital projects which the treasurer of state is
36 47 authorized and directed to deposit on behalf of the
36 48 state shall be deposited in the account and shall be
36 49 used to fund capital projects. With respect to
36 50 capital projects, it is the intent of the general



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37 1 assembly to fund capital projects that qualify as
37 2 vertical infrastructure projects as defined in section
37 3 8.57, subsection 6, paragraph "c", to the extent
37 4 practicable in any fiscal year and without limiting
37 5 other qualifying capital expenditures considered and
37 6 approved by a constitutional majority of each house of
37 7 the general assembly and the governor.

37 8 Sec. 49. Section 12E.12, subsection 9, Code 2007,
37 9 is amended to read as follows:

37 10 9. Annually, on or before January ~~1~~ 15 of each
37 11 year, a state agency that received an appropriation
37 12 from the tobacco settlement trust fund ~~for the~~
~~37 13 preceding fiscal year shall report to the joint~~
~~37 14 transportation, infrastructure, and capitals~~
~~37 15 appropriation subcommittee, the legislative services~~
37 16 agency, ~~and the department of management, and the~~
~~37 17 legislative capital projects committee of the~~
~~37 18 legislative council~~ the status of all ~~ongoing~~ projects
37 19 ~~for which an appropriation from the fund has been made~~
37 20 completed or in progress. The report shall include a
37 21 description of the project, the progress of work
37 22 completed, the total estimated cost of the project, a
37 23 list of all revenue sources being used to fund the
37 24 project, the amount of funds expended, the amount of
37 25 funds obligated, and the date the project was
~~37 26 completed or an estimated completion date of the~~
37 27 project, where applicable.

37 28 Sec. 50. Section 15F.204, subsection 8, paragraph
37 29 a, subparagraphs (5) and (6), Code 2007, are amended
37 30 to read as follows:

37 31 (5) For the fiscal year beginning July 1, 2008,
37 32 and ending June 30, 2009, the sum of ~~five~~ twelve
37 33 million dollars.

37 34 (6) For the fiscal year beginning July 1, 2009,
37 35 and ending June 30, 2010, the sum of ~~five~~ twelve
37 36 million dollars.

37 37 Sec. 51. Section 15F.204, subsection 8, paragraph
37 38 b, subparagraphs (4) and (5), Code 2007, are amended
37 39 by striking the subparagraphs.

37 40 Sec. 52. Section 15G.110, Code 2007, is amended to
37 41 read as follows:

37 42 15G.110 APPROPRIATION.

37 43 1. For the fiscal period beginning July 1, 2005,
37 44 and ending June 30, 2008, and for the fiscal period
~~37 45 beginning July 1, 2010, and ending June 30, 2015,~~
37 46 there is appropriated to the department of economic
37 47 development each fiscal year fifty million dollars
37 48 from the general fund of the state for deposit in the
37 49 grow Iowa values fund.

37 50 2. For the fiscal period beginning July 1, 2008,



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38 1 and ending June 30, 2010, there is appropriated to the
38 2 department of economic development each fiscal year
38 3 fifty million dollars from the rebuild Iowa
38 4 infrastructure fund for deposit in the grow Iowa
38 5 values fund, notwithstanding section 8.57, subsection
38 6 6, paragraph "c".

38 7 Sec. 53. Section 15G.111, subsection 1, paragraph
38 8 c, Code Supplement 2007, is amended to read as
38 9 follows:

38 10 c. The department shall require an applicant for
38 11 moneys appropriated under this subsection to include
38 12 in the application a statement regarding the intended
38 13 return on investment. A recipient of moneys
38 14 appropriated under this subsection shall annually
38 15 submit a statement to the department regarding the
38 16 progress achieved on the intended return on investment
38 17 stated in the application. A recipient of moneys
38 18 appropriated under this subsection shall also annually
38 19 submit a statement to the department regarding the
38 20 type and amount of funds spent on any major
38 21 maintenance, repair, or renovation of any new or
38 22 existing building. The department, in cooperation
38 23 with the department of revenue, shall develop a method
38 24 of identifying and tracking each new job created and
38 25 the leveraging of moneys through financial assistance
38 26 from moneys appropriated under this subsection. The
38 27 department of economic development shall identify
38 28 research and development activities funded through
38 29 financial assistance from not more than ten percent of
38 30 the moneys appropriated under this subsection, and,
38 31 instead of determining return on investment and job
38 32 creation for the identified funding, determine the
38 33 potential impact on the state's economy. The
38 34 department's annual project status report satisfies
38 35 the reporting requirement contained in this section.

38 36 Sec. 54. NEW SECTION. 16.181A HOUSING TRUST FUND
38 37 == APPROPRIATIONS.

38 38 There is appropriated from the rebuild Iowa
38 39 infrastructure fund to the Iowa finance authority for
38 40 deposit in the housing trust fund created in section
38 41 16.181, for the fiscal year beginning July 1, 2009,
38 42 and ending June 30, 2010, and for each succeeding
38 43 fiscal year, the sum of three million dollars.

38 44 Sec. 55. Section 303.3D, subsections 2 and 4, Code
38 45 2007, are amended to read as follows:

38 46 2. Moneys appropriated for a fiscal year to the
38 47 fund shall be used by the general assembly to fund
38 48 capital infrastructure projects for identified Iowa
38 49 great places through the Iowa great places program
38 50 established in section 303.3C. Moneys appropriated



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39 1 for a fiscal year shall be available for a project
39 2 identified in an Iowa great places agreement for a
39 3 period of three years from the time the project is
39 4 identified.

39 5 4. Notwithstanding section 8.33, moneys credited
39 6 to the great places program fund shall not revert to
39 7 the fund from which appropriated but shall remain
39 8 available for expenditure for the purposes designated
39 9 for subsequent fiscal years.

39 10 Sec. 56. Section 428A.8, Code 2007, is amended to
39 11 read as follows:

39 12 428A.8 REMITTANCE TO STATE TREASURER == PORTION
39 13 RETAINED IN COUNTY.

39 14 1. On or before the tenth day of each month the
39 15 county recorder shall determine and pay to the
39 16 treasurer of state eighty=two and three=fourths
39 17 percent of the receipts from the real estate transfer
39 18 tax collected during the preceding month and the
39 19 treasurer of state shall deposit ~~ninety=five percent~~
~~39 20 of the receipts in the general fund of the state and~~
~~39 21 transfer five percent of the receipts to the shelter~~
~~39 22 assistance fund created in section 15.349 as provided~~
39 23 in subsection 2.

39 24 The county recorder shall deposit the remaining
39 25 seventeen and one=fourth percent of the receipts in
39 26 the county general fund.

39 27 Any tax or additional tax found to be due shall be
39 28 collected by the county recorder. If the county
39 29 recorder is unable to collect the tax, the director of
39 30 revenue shall collect the tax in the same manner as
39 31 taxes are collected in chapter 422, division III. If
39 32 collected by the director of revenue, the director
39 33 shall pay the county its proportionate share of the
39 34 tax. Section 422.25, subsections 1, 2, 3, and 4, and
39 35 sections 422.26, 422.28 through 422.30, and 422.73,
39 36 consistent with this chapter, apply with respect to
39 37 the collection of any tax or additional tax found to
39 38 be due, in the same manner and with the same effect as
39 39 if the deed, instrument, or writing were an income tax
39 40 return within the meaning of those statutes.

39 41 The county recorder shall keep records and make
39 42 reports with respect to the real estate transfer tax
39 43 as the director of revenue prescribes.

39 44 2. The treasurer of state shall deposit or
39 45 transfer the receipts paid the treasurer of state
39 46 pursuant to subsection 1 to either the general fund of
39 47 the state, the housing trust fund created in section
39 48 16.181, or the shelter assistance fund created in
39 49 section 15.349 as follows:

39 50 a. For the fiscal year beginning July 1, 2009,



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40 1 ninety percent of the receipts shall be deposited in
40 2 the general fund, five percent of the receipts shall
40 3 be transferred to the housing trust fund, and five
40 4 percent of the receipts shall be transferred to the
40 5 shelter assistance fund.

40 6 b. For the fiscal year beginning July 1, 2010,
40 7 eighty-five percent of the receipts shall be deposited
40 8 in the general fund, ten percent of the receipts shall
40 9 be transferred to the housing trust fund, and five
40 10 percent of the receipts shall be transferred to the
40 11 shelter assistance fund.

40 12 c. For the fiscal year beginning July 1, 2011,
40 13 eighty percent of the receipts shall be deposited in
40 14 the general fund, fifteen percent of the receipts
40 15 shall be transferred to the housing trust fund, and
40 16 five percent of the receipts shall be transferred to
40 17 the shelter assistance fund.

40 18 d. For the fiscal year beginning July 1, 2012,
40 19 seventy-five percent of the receipts shall be
40 20 deposited in the general fund, twenty percent of the
40 21 receipts shall be transferred to the housing trust
40 22 fund, and five percent of the receipts shall be
40 23 transferred to the shelter assistance fund.

40 24 e. For the fiscal year beginning July 1, 2013,
40 25 seventy percent of the receipts shall be deposited in
40 26 the general fund, twenty-five percent of the receipts
40 27 shall be transferred to the housing trust fund, and
40 28 five percent of the receipts shall be transferred to
40 29 the shelter assistance fund.

40 30 f. For the fiscal year beginning July 1, 2014, and
40 31 each succeeding fiscal year, sixty-five percent of the
40 32 receipts shall be deposited in the general fund,
40 33 thirty percent of the receipts shall be transferred to
40 34 the housing trust fund, and five percent of the
40 35 receipts shall be transferred to the shelter
40 36 assistance fund.

40 37 3. Notwithstanding subsection 2, the amount of
40 38 money that shall be transferred pursuant to this
40 39 section to the housing trust fund in any one fiscal
40 40 year shall not exceed three million dollars. Any
40 41 money that otherwise would be transferred pursuant to
40 42 this section to the housing trust fund in excess of
40 43 that amount shall be deposited in the general fund of
40 44 the state.

40 45 Sec. 57. Section 602.8108A, Code Supplement 2007,
40 46 is amended to read as follows:

40 47 602.8108A PRISON INFRASTRUCTURE FUND.

40 48 1. The Iowa prison infrastructure fund is created
40 49 and established as a separate and distinct fund in the
40 50 state treasury. Notwithstanding any other provision



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41 1 of this chapter to the contrary, the first eight
41 2 million dollars and, beginning July 1, 1997, the first
41 3 nine million five hundred thousand dollars, of moneys
41 4 remitted to the treasurer of state from fines, fees,
41 5 costs, and forfeited bail collected by the clerks of
41 6 the district court in criminal cases, including those
41 7 collected for both scheduled and nonscheduled
41 8 violations, collected in each fiscal year commencing
41 9 with the fiscal year beginning July 1, 1995, shall be
41 10 deposited in the fund. Beginning July 1, 2009, the
41 11 treasurer of state shall certify to the judicial
41 12 branch the annual amount of funds necessary to be
41 13 remitted for deposit into the fund for that fiscal
41 14 year and such moneys shall be remitted to the
41 15 treasurer of state from fines, fees, costs, and
41 16 forfeited bail collected by the clerks of the district
41 17 court in criminal cases, including those collected for
41 18 both scheduled and nonscheduled violations, for debt
41 19 payments expected to be paid from the fund. Interest
41 20 and other income earned by the fund shall be deposited
41 21 in the fund. However, beginning with the fiscal year
41 22 beginning July 1, 1998, all fines and fees
41 23 attributable to commercial vehicle violation citations
41 24 issued after July 1, 1998, shall be deposited as
41 25 provided in section 602.8108, subsection 8. ~~If the~~
~~41 26 treasurer of state determines pursuant to 1994 Iowa~~
~~41 27 Acts, ch. 1196, that bonds can be issued pursuant to~~
~~41 28 this section and section 16.177, then the~~ The moneys
41 29 in the fund are appropriated ~~to~~ and shall have
41 30 priority and precedence for the purpose of paying the
41 31 principal of, premium, if any, and interest on bonds
41 32 issued by the Iowa finance authority under section
41 33 16.177. Any remaining moneys not otherwise
41 34 appropriated for purposes of paying the principal,
41 35 premium, and interest on the bonds issued by the Iowa
41 36 finance authority pursuant to section 16.177 shall be
41 37 available and appropriated to the treasurer of state
41 38 pursuant to section 12.80. Except as otherwise
41 39 provided in subsection 2, amounts in the funds shall
41 40 not be subject to appropriation for any purpose by the
41 41 general assembly, but shall be used only for the
41 42 purposes set forth in this section. The treasurer of
41 43 state shall act as custodian of the fund and disburse
41 44 amounts contained in it as directed by the department
41 45 of corrections including the automatic disbursement of
41 46 funds pursuant to the terms of bond indentures and
41 47 documents and security provisions to trustees and
41 48 custodians. The treasurer of state is authorized to
41 49 invest the funds deposited in the fund subject to any
41 50 limitations contained in any applicable bond



**Iowa General Assembly
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House Amendment 8717 continued

42 1 proceedings. Any amounts remaining in the fund at the
42 2 end of each fiscal year shall be transferred to the
42 3 general fund of the state.

42 4 2. If the treasurer of state determines that bonds
42 5 cannot be issued pursuant to this section and ~~section~~
42 6 sections 12.80 and 16.177 ~~or if there are any~~
42 7 remaining moneys at the end of a fiscal year after the
42 8 appropriations are paid pursuant to sections 12.80 and
42 9 16.177 the treasurer of state shall deposit the moneys
42 10 in the prison infrastructure fund into the general
42 11 fund of the state.

DIVISION X

MISCELLANEOUS

42 12
42 13
42 14 Sec. 58. IOWA VETERANS HOME DESIGN SERVICES
42 15 CONTRACT. The department of administrative services
42 16 is authorized to contract for design services related
42 17 to the planned expansion project to be completed at
42 18 the Iowa veterans home as provided in section 8A.311,
42 19 subsection 3. It is the intent of the general
42 20 assembly that this authorization is necessary to
42 21 secure the award of federal funding recently made and
42 22 to eliminate the uncertainty of securing such funding
42 23 in the future.

42 24 Sec. 59. The section of this division of this Act,
42 25 relating to the Iowa veterans home design services
42 26 contract, being deemed of immediate importance, takes
42 27 effect upon enactment.>

42 28

42 29

42 30

42 31 COHOON of Des Moines

42 32 HF 2701.301 82

42 33 rh/rj/12386



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
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House Amendment 8718

PAG LIN

1 1 Amend Senate File 2432, as amended, passed, and
 1 2 reprinted by the Senate, as follows:
 1 3 #1. Page 15, line 22, by inserting before the word
 1 4 <For> the following: <1.>
 1 5 #2. Page 15, line 27, by striking the word
 1 6 <section> and inserting the following: <subsection>.
 1 7 #3. Page 15, line 35, by striking the word
 1 8 <section> and inserting the following: <subsection>.
 1 9 #4. Page 16, by inserting after line 6 the
 1 10 following:
 1 11 <2. For costs associated with the building of a
 1 12 new Iowa State Penitentiary at Fort Madison:
 1 13 FY 2010=2011..... \$ 3,840,000
 1 14 FY 2011=2012..... \$ 44,520,000
 1 15 FY 2012=2013..... \$ 54,500,000
 1 16 FY 2013=2014..... \$ 26,880,000
 1 17 FY 2014=2015..... \$ 937,500
 1 18 Notwithstanding section 8.33, moneys appropriated
 1 19 in this subsection for fiscal years during the fiscal
 1 20 period beginning July 1, 2010, and ending June 30,
 1 21 2015, shall not revert but shall remain available for
 1 22 the purpose designated until the close of the fiscal
 1 23 year that begins July 1, 2017, or until the project
 1 24 for which the appropriation was made is completed,
 1 25 whichever is earlier.>
 1 26 #5. By striking page 29, line 34, through page 30,
 1 27 line 20.
 1 28 #6. By striking page 42, line 5, through page 44,
 1 29 line 3.
 1 30 #7. By striking page 51, line 21, through page 53,
 1 31 line 9.
 1 32 #8. Title page, line 7, by striking the words and
 1 33 figure <and the FY 2009 prison bonding fund,>.
 1 34 #9. By renumbering as necessary.
 1 35
 1 36
 1 37
 1 38 RANTS of Woodbury
 1 39
 1 40
 1 41
 1 42 HEATON of Henry
 1 43
 1 44
 1 45
 1 46 HUSEMAN of Cherokee
 1 47
 1 48
 1 49
 1 50 RAECKER of Polk



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
April 25, 2008**

House Amendment 8718 continued

2 1 SF 2432.703 82
2 2 rh/rj/21451



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
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House Amendment 8719

PAG LIN

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1 1 Amend Senate File 2432, as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. Page 5, by inserting after line 23 the
1 4 following:
1 5 <g. For the Cass=Audubon border economic
1 6 development agreement for entrance access to the
1 7 valley business park:
1 8 ..... $ 150,000>
1 9 #2. By renumbering as necessary.
1 10
1 11
1 12
1 13 DRAKE of Pottawattamie
1 14 SF 2432.202 82
1 15 rh/rj/21388
1 16
1 17
1 18
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Iowa General Assembly
Daily Bills, Amendments & Study Bills
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House Amendment 8720

PAG LIN

1 1 Amend Senate File 2432, as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. Page 12, by striking lines 29 through 33.
1 4 #2. By striking page 44, line 4, through page 45,
1 5 line 18.
1 6
1 7
1 8
1 9 WINDSCHITL of Harrison
1 10
1 11
1 12
1 13 DRAKE of Pottawattamie
1 14
1 15
1 16
1 17 RAYHONS of Hancock
1 18
1 19
1 20
1 21 KAUFMANN of Cedar
1 22
1 23
1 24
1 25 DOLECHECK of Ringgold
1 26
1 27
1 28
1 29 SODERBERG of Plymouth
1 30 SF 2432.301 82
1 31 rh/rj/21385
1 32
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Iowa General Assembly
Daily Bills, Amendments & Study Bills
April 25, 2008

House Amendment 8721

PAG LIN

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1 1 Amend Senate File 2432, as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. Page 21, by striking lines 2 through 20 and
1 4 inserting the following:
1 5 <e. For implementation of the provisions of
1 6 chapter 280A:
1 7 ..... $ 500,000>
1 8 #2. By renumbering as necessary.
1 9
1 10
1 11
1 12 BOAL of Polk
1 13 SF 2432.701 82
1 14 rh/rj/21386
1 15
1 16
1 17
1 18
1 19
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**Iowa General Assembly
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House Amendment 8722

PAG LIN

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1 1      Amend Senate File 2432, as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1.  Page 10, by inserting after line 14 the
1 4 following:
1 5     <___.  DEPARTMENT OF PUBLIC SAFETY
1 6     To provide grants to regional emergency response
1 7 training centers established under section 100B.22 for
1 8 infrastructure improvements:
1 9 ..... $ 3,400,000>
1 10 #2.  By renumbering as necessary.
1 11
1 12
1 13
1 14 LUKAN of Dubuque
1 15
1 16
1 17
1 18 RAYHONS of Hancock
1 19 SF 2432.203 82
1 20 rh/rj/21450
1 21
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Iowa General Assembly
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House Amendment 8723

PAG LIN

1 1 Amend Senate File 2432, as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. Page 53, by inserting after line 20 the
1 4 following:
1 5 <Sec. _____. NEW OPERATIONS PROJECTS OR REVENUES FOR
1 6 KIDS (NO PORK) BOARD == ESTABLISHED. A new operations
1 7 project or revenue for kids board is established under
1 8 the purview of the general assembly. The board shall
1 9 consist of eight freshmen members of the general
1 10 assembly with four from the senate and four from the
1 11 house of representatives and not more than two members
1 12 from each chamber being from the same political party.
1 13 Board members shall be appointed by the majority
1 14 leader and the minority leader of the senate and by
1 15 the majority leader and minority leader of the house
1 16 of representatives. The board shall make
1 17 theme-centered infrastructure project recommendations
1 18 to each general assembly and shall also make
1 19 recommendations concerning appropriations for such
1 20 projects. As a condition of serving on the board,
1 21 each member shall agree to refrain from recommending
1 22 and validating infrastructure projects that only
1 23 benefit the senate or house district the member
1 24 represents.>
1 25 #2. By renumbering as necessary.
1 26
1 27
1 28
1 29 KAUFMANN of Cedar
1 30 SF 2432.501 82
1 31 rh/rj/21389
1 32
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Iowa General Assembly
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House Amendment 8724

PAG LIN

1 1 Amend Senate File 2432, as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. Page 4, line 5, by striking the figure
1 4 <2,000,000> and inserting the following: <3,000,000>.
1 5
1 6
1 7
1 8 VAN FOSSEN of Scott
1 9 SF 2432.302 82
1 10 rh/rj/21387
1 11
1 12
1 13
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Iowa General Assembly
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House Amendment 8725

PAG LIN

1 1 Amend Senate File 2432, as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. Page 1, line 10, by striking the word
1 4 <notwithstanding> and inserting the following: <if
1 5 the project meets the definition of "vertical
1 6 infrastructure" in>.
1 7 #2. Page 1, line 14, by striking the word
1 8 <notwithstanding> and inserting the following: <if
1 9 the project meets the definition of "vertical
1 10 infrastructure" in>.
1 11 #3. Page 1, line 17, by striking the word
1 12 <notwithstanding> and inserting the following: <if
1 13 the project meets the definition of "vertical
1 14 infrastructure" in>.
1 15 #4. Page 1, line 23, by striking the word
1 16 <notwithstanding> and inserting the following: <if
1 17 the project meets the definition of "vertical
1 18 infrastructure" in>.
1 19 #5. Page 1, line 31, by striking the word
1 20 <notwithstanding> and inserting the following: <if
1 21 the project meets the definition of "vertical
1 22 infrastructure" in>.
1 23 #6. Page 2, line 8, by striking the word
1 24 <notwithstanding> and inserting the following: <if
1 25 the project meets the definition of "vertical
1 26 infrastructure" in>.
1 27 #7. Page 2, line 16, by striking the word
1 28 <notwithstanding> and inserting the following: <if
1 29 the project meets the definition of "vertical
1 30 infrastructure" in>.
1 31 #8. Page 2, line 27, by striking the word
1 32 <notwithstanding> and inserting the following: <if
1 33 the project meets the definition of "vertical
1 34 infrastructure" in>.
1 35 #9. Page 3, line 5, by striking the word
1 36 <notwithstanding> and inserting the following: <if
1 37 the project meets the definition of "vertical
1 38 infrastructure" in>.
1 39 #10. Page 3, line 10, by striking the word
1 40 <notwithstanding> and inserting the following: <if
1 41 the project meets the definition of "vertical
1 42 infrastructure" in>.
1 43 #11. Page 3, line 14, by striking the word
1 44 <notwithstanding> and inserting the following: <if
1 45 the project meets the definition of "vertical
1 46 infrastructure" in>.
1 47 #12. Page 3, line 18, by striking the word
1 48 <notwithstanding> and inserting the following: <if
1 49 the project meets the definition of "vertical
1 50 infrastructure" in>.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
April 25, 2008

House Amendment 8725 continued

2 1 #13. Page 4, line 18, by striking the word
2 2 <notwithstanding> and inserting the following: <if
2 3 the project meets the definition of "vertical
2 4 infrastructure" in>.
2 5 #14. Page 4, line 22, by striking the word
2 6 <notwithstanding> and inserting the following: <if
2 7 the project meets the definition of "vertical
2 8 infrastructure" in>.
2 9 #15. Page 5, line 5, by striking the word
2 10 <notwithstanding> and inserting the following: <if
2 11 the project meets the definition of "vertical
2 12 infrastructure" in>.
2 13 #16. Page 5, line 14, by striking the word
2 14 <notwithstanding> and inserting the following: <if
2 15 the project meets the definition of "vertical
2 16 infrastructure" in>.
2 17 #17. Page 5, line 27, by striking the word
2 18 <notwithstanding> and inserting the following: <if
2 19 the project meets the definition of "vertical
2 20 infrastructure" in>.
2 21 #18. Page 5, line 33, by striking the word
2 22 <notwithstanding> and inserting the following: <if
2 23 the project meets the definition of "vertical
2 24 infrastructure" in>.
2 25 #19. Page 6, line 11, by striking the word
2 26 <notwithstanding> and inserting the following: <if
2 27 the project meets the definition of "vertical
2 28 infrastructure" in>.
2 29 #20. Page 6, line 19, by striking the word
2 30 <notwithstanding> and inserting the following: <if
2 31 the project meets the definition of "vertical
2 32 infrastructure" in>.
2 33 #21. Page 8, line 32, by striking the word
2 34 <notwithstanding> and inserting the following: <if
2 35 the project meets the definition of "vertical
2 36 infrastructure" in>.
2 37 #22. Page 9, line 22, by striking the word
2 38 <notwithstanding> and inserting the following: <if
2 39 the project meets the definition of "vertical
2 40 infrastructure" in>.
2 41 #23. Page 9, line 28, by striking the word
2 42 <notwithstanding> and inserting the following: <if
2 43 the project meets the definition of "vertical
2 44 infrastructure" in>.
2 45 #24. Page 10, line 22, by striking the word
2 46 <notwithstanding> and inserting the following: <if
2 47 the project meets the definition of "vertical
2 48 infrastructure" in>.
2 49 #25. Page 10, line 33, by striking the word
2 50 <notwithstanding> and inserting the following: <if



Iowa General Assembly
Daily Bills, Amendments & Study Bills
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House Amendment 8725 continued

3 1 the project meets the definition of "vertical
3 2 infrastructure" in>.
3 3 #26. Page 11, line 10, by striking the word
3 4 <notwithstanding> and inserting the following: <if
3 5 the project meets the definition of "vertical
3 6 infrastructure" in>.
3 7 #27. Page 12, line 11, by striking the word
3 8 <notwithstanding> and inserting the following: <if
3 9 the project meets the definition of "vertical
3 10 infrastructure" in>.
3 11 #28. Page 12, line 35, by striking the word
3 12 <notwithstanding> and inserting the following: <if
3 13 the project meets the definition of "vertical
3 14 infrastructure" in>.
3 15 #29. Page 13, line 8, by striking the word
3 16 <notwithstanding> and inserting the following: <if
3 17 the project meets the definition of "vertical
3 18 infrastructure" in>.
3 19 #30. Page 14, line 16, by striking the word
3 20 <notwithstanding> and inserting the following: <if
3 21 the project meets the definition of "vertical
3 22 infrastructure" in>.
3 23 #31. By renumbering as necessary.
3 24
3 25
3 26
3 27 RAECKER of Polk
3 28
3 29
3 30
3 31 HUSEMAN of Cherokee
3 32
3 33
3 34
3 35 GIPP of Winneshiek
3 36
3 37
3 38
3 39 RANTS of Woodbury
3 40 SF 2432.704 82
3 41 rh/rj/21452



**Iowa General Assembly
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House Amendment 8726

PAG LIN

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1 1 Amend Senate File 2432, as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. Page 4, by inserting after line 24 the
1 4 following:
1 5 <e. For providing a grant to the Grout museum
1 6 district at the Sullivan brothers veterans museum for
1 7 costs associated with the oral history exhibit
1 8 including but not limited to exhibit information
1 9 technology, computer connectivity, and interactive
1 10 display technologies, notwithstanding section 8.57,
1 11 subsection 6, paragraph "c":
1 12 ..... $ 986,250>
1 13 #2. Page 20, by striking lines 15 through 21.
1 14 #3. By striking page 22, line 21, through page 23,
1 15 line 3.
1 16 #4. By renumbering as necessary.
1 17
1 18
1 19
1 20 WIENCEK of Black Hawk
1 21 SF 2432.706 82
1 22 rh/rj/21454
1 23
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1 28
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**Iowa General Assembly
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House Amendment 8727

PAG LIN

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1 1 Amend the amendment, H=8719, to Senate File 2432,
1 2 as amended, passed, and reprinted by the Senate, as
1 3 follows:
1 4 #1. Page 1, by inserting after line 2, the
1 5 following:
1 6 <#____. Page 3, by inserting after line 1 the
1 7 following:
1 8 <h. For the purchase and installation of
1 9 decorative planters on state property west of the west
1 10 capitol terrace, notwithstanding section 8.57,
1 11 subsection 6, paragraph "c":
1 12 ..... $ 120,000>>
1 13 #2. By renumbering as necessary.
1 14
1 15
1 16
1 17 WISE of Lee
1 18 SF 2432.205 82
1 19 rh/rj/12388
1 20
1 21
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Iowa General Assembly
Daily Bills, Amendments & Study Bills
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House Resolution 161 - Introduced

PAG LIN

H.R. _____ S.R. _____

1 1 HOUSE RESOLUTION NO.
1 2 BY FORD
1 3 A Resolution urging the Iowa State Fair Board to seek
1 4 greater diversity in its events and attractions.
1 5 WHEREAS, since its inception over a century ago,
1 6 the Iowa State Fair has been a showcase for Iowa's
1 7 places, products, and its people; and
1 8 WHEREAS, in the 21st century Iowa has an
1 9 increasingly diverse population, with a great increase
1 10 in racial and ethnic minority groups now making Iowa
1 11 their home; and
1 12 WHEREAS, the Iowa State Fair needs to both reflect
1 13 Iowa's increasingly diverse population and take steps
1 14 to welcome Iowans of all racial and ethnic backgrounds
1 15 and encourages them to attend the fair and participate
1 16 in its activities; NOW THEREFORE,
1 17 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES,
1 18 That the House of Representatives urges the Iowa State
1 19 Fair Board to ensure that the Iowa State Fair
1 20 celebrates all of Iowa's people by adding a broad
1 21 range of events, attractions, and grandstand
1 22 entertainment that both represent and appeal to the
1 23 diverse racial and ethnic population that now calls
1 24 Iowa home.
1 25 LSB 6692HH 82
1 26 jr/rj/5.1



Iowa General Assembly
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Senate Amendment 5450

PAG LIN

1 1 Amend House File 2700, as amended, passed, and
1 2 reprinted by the House, as follows:
1 3 #1. By striking page 43, line 25, through page 45,
1 4 line 5.
1 5
1 6
1 7
1 8 MICHAEL CONNOLLY
1 9 HF 2700.239 82
1 10 mg/mg/11840
1 11
1 12
1 13
1 14
1 15
1 16
1 17
1 18
1 19
1 20
1 21
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Iowa General Assembly
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Senate Amendment 5451

PAG LIN

1 1 Amend Senate File 2424, as passed by the Senate, as
1 2 follows:
1 3 #1. Page 31, by inserting after line 20 the
1 4 following:
1 5 <Sec. ____ . Section 97B.80C, subsection 3, Code
1 6 2007, is amended by adding the following new
1 7 paragraph:
1 8 NEW PARAGRAPH. cc. For a member making
1 9 contributions for a purchase of permissive service
1 10 credit for qualified service as described in
1 11 subsection 1, paragraph "c", subparagraph (1),
1 12 subparagraph subdivision (h), in which, prior to July
1 13 1, 1998, the member received a refund of the member's
1 14 accumulated contributions and subsequently returned to
1 15 covered employment as a full-time employee for whom
1 16 coverage under this chapter was mandatory the member
1 17 shall receive a credit against the actuarial cost of
1 18 the service purchase equal to the amount of the
1 19 member's employer's accumulated contributions which
1 20 were not paid to the member as a refund pursuant to
1 21 section 97B.53 plus interest as calculated pursuant to
1 22 section 97B.70.>
1 23 #2. Page 33, by inserting after line 13 the
1 24 following:
1 25 <4. The section of this Act enacting section
1 26 97B.80C, subsection 3, paragraph cc, takes effect
1 27 January 1, 2009.>
1 28 #3. Page 36, by inserting after line 10 the
1 29 following:
1 30 <Sec. ____ Section 411.15, Code 2007, is amended to
1 31 read as follows:
1 32 411.15 HOSPITALIZATION AND MEDICAL ATTENTION.
1 33 Cities shall provide hospital, nursing, and medical
1 34 attention for the members of the police and fire
1 35 departments of the cities, when injured while in the
1 36 performance of their duties as members of such
1 37 department, and shall continue to provide hospital,
1 38 nursing, and medical attention for injuries or
1 39 diseases incurred while in the performance of their
1 40 duties for members receiving a retirement allowance
1 41 under section 411.6, subsection 6. Cities may ~~provide~~
1 42 fund the cost of the hospital, nursing, and medical
1 43 attention required by this section through the
1 44 purchase of insurance, by self-insuring the
1 45 obligation, or through payment of moneys into a local
1 46 government risk pool established for the purpose of
1 47 covering the costs associated with the requirements of
1 48 this section. However, the cost of the hospital,
1 49 nursing, and medical attention required by this

1 50 section shall not be funded through an employee-paid



Iowa General Assembly
Daily Bills, Amendments & Study Bills
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Senate Amendment 5451 continued

2 1 health insurance policy. The cost of ~~providing~~ the
2 2 hospital, nursing, and medical attention required by
2 3 this section shall be paid from moneys held in a trust
2 4 and agency fund established pursuant to section 384.6,
2 5 or out of the appropriation for the department to
2 6 which the injured person belongs or belonged; provided
2 7 that any amounts received by the injured person ~~under~~
~~2 8 the workers' compensation law of the state, or from~~
2 9 any other source for such specific purposes, shall be
2 10 deducted from the amount paid by the city under the
2 11 provisions of this section.>
2 12 #4. By renumbering as necessary.
2 13 SF 2424.H
2 14 ec/jg/25



**Iowa General Assembly
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Senate Amendment 5452

PAG LIN

1 1 Amend House File 2700, as amended, passed, and
 1 2 reprinted by the House, as follows:
 1 3 #1. Page 29, by inserting after line 22 the
 1 4 following:
 1 5 <Sec. _____. Section 252B.5, subsection 3, Code
 1 6 Supplement 2007, is amended to read as follows:
 1 7 3. Aid in enforcing through court or
 1 8 administrative proceedings an existing court order for
 1 9 support issued pursuant to chapter 252A, 252C, 252F,
 1 10 598, or 600B, or any other chapter under which child
 1 11 or medical support is granted. Enforcement shall
 1 12 include the calculation and collection of interest
 1 13 pursuant to section 535.3, with payments first applied
 1 14 to accrued arrearages before being applied to
 1 15 interest. Application of payments shall be to the
 1 16 earliest arrearage first. The director may enter into
 1 17 a contract with a private collection agency to collect
 1 18 support payments for cases which have been identified
 1 19 by the department as difficult collection cases if the
 1 20 department determines that this form of collection is
 1 21 more cost-effective than departmental collection
 1 22 methods. The department shall utilize, to the maximum
 1 23 extent possible, every available automated process to
 1 24 collect support payments prior to referral of a case
 1 25 to a private collection agency. A private collection
 1 26 agency with whom the department enters a contract
 1 27 under this subsection shall comply with state and
 1 28 federal confidentiality requirements and debt
 1 29 collection laws. The director may use a portion of
 1 30 the state share of funds collected through this means
 1 31 to pay the costs of any contract authorized under this
 1 32 subsection.>
 1 33 #2. By renumbering as necessary.
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 1 37 JEFF ANGELO
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 1 40 _____
 1 41 HERMAN C. QUIRMBACH
 1 42 HF 2700.322 82
 1 43 pf/ml/12
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**Iowa General Assembly
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Senate Amendment 5453

PAG LIN

1 1 Amend House File 2700, as amended, passed, and
 1 2 reprinted by the House, as follows:
 1 3 #1. Page 45, by inserting before line 33 the
 1 4 following:
 1 5 <Sec. _____. 2008 Iowa Acts, House File 2689,
 1 6 section 28, subsection 3, if enacted, is amended to
 1 7 read as follows:
 1 8 ~~3. In order to participate in the renewable fuel~~
~~1 9 infrastructure program for retail motor fuel sites as~~
~~1 10 provided in this section, a person must apply to the~~
~~1 11 department of economic development as provided in~~
~~1 12 section 15C.203, as amended by this Act, not later~~
~~1 13 than December 31, 2008.>~~
 1 14 #2. Page 47, by inserting after line 22 the
 1 15 following:
 1 16 <Sec. _____. EFFECTIVE DATE. The section of this
 1 17 division of this Act amending 2008 Iowa Acts, House
 1 18 File 2689, being deemed of immediate importance, takes
 1 19 effect upon enactment.>
 1 20 #3. By renumbering as necessary.
 1 21
 1 22
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 1 24 MARY A. LUNDBY
 1 25 HF 2700.325 82
 1 26 jp/mg/11783
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Iowa General Assembly
Daily Bills, Amendments & Study Bills
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Senate Amendment 5454

PAG LIN

1 1 Amend House File 2700, as amended, passed, and
1 2 reprinted by the House, as follows:
1 3 #1. Page 17, by inserting after line 28 the
1 4 following:
1 5 <Sec. ____ . BONUS PAY == STUDY COMMITTEE.
1 6 1. As used in this section unless the context
1 7 otherwise requires, "bonus pay" means any additional
1 8 remuneration provided to an employee in the form of a
1 9 bonus, including but not limited to a retention bonus,
1 10 recruitment bonus, exceptional job performance pay,
1 11 extraordinary job performance pay, exceptional
1 12 performance pay, extraordinary duty pay, extraordinary
1 13 or special duty pay, advanced appointment rate,
1 14 incentive pay, and any extra benefit not otherwise
1 15 provided to other similarly situated employees.
1 16 2. Unless otherwise authorized by law or required
1 17 pursuant to a collective bargaining agreement, a state
1 18 employee shall not, in addition to a salary, receive
1 19 any bonus pay during or for work done during the
1 20 fiscal year beginning July 1, 2008.
1 21 3. The legislative council is requested to
1 22 establish a study committee for the 2008 legislative
1 23 interim to develop guidelines for the granting of
1 24 bonus pay. Membership of the committee should consist
1 25 of the following:
1 26 a. Five voting members from the senate.
1 27 b. Seven voting members from the house of
1 28 representatives.
1 29 c. One nonvoting member representing the
1 30 department of administrative services appointed by the
1 31 director of the department.
1 32 d. One nonvoting member representing the office of
1 33 governor appointed by the governor.>
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1 37 JEFF ANGELO
1 38 HF 2700.516 82
1 39 mg/ml/12
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Iowa General Assembly
Daily Bills, Amendments & Study Bills
April 25, 2008

Senate Amendment 5455

PAG LIN

1 1 Amend House File 2700, as amended, passed, and
1 2 reprinted by the House, as follows:
1 3 #1. Page 17, by inserting after line 30 the
1 4 following:
1 5 <Sec. _____. Section 2.45, Code 2007, is amended by
1 6 adding the following new subsection:
1 7 NEW SUBSECTION. 6. The legislative common sense
1 8 committee of the legislative council composed of
1 9 members designated by the legislative council to serve
1 10 as a joint committee of the general assembly. In
1 11 addition to the duties assigned by the legislative
1 12 council, the committee shall review bills, amendments,
1 13 and other legislative proposals in order to recommend
1 14 amendments or otherwise revise the items reviewed by
1 15 applying sound and prudent judgment based on a simple
1 16 perception of the situation or facts. The committee
1 17 may submit bills or amendments for consideration by
1 18 one or both chambers of the general assembly at any
1 19 time a chamber is in session, notwithstanding any
1 20 provision to the contrary.>
1 21 #2. By renumbering as necessary.
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1 25 JEFF ANGELO
1 26 HF 2700.326 82
1 27 jp/mg/11785
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Iowa General Assembly
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April 25, 2008

Senate Amendment 5456

PAG LIN

1 1 Amend House File 2700, as amended, passed, and
1 2 reprinted by the House, as follows:
1 3 #1. By striking page 24, line 32, through page 25,
1 4 line 18.
1 5 #2. By renumbering as necessary.
1 6
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1 8
1 9 JACK HATCH
1 10
1 11
1 12
1 13 JOE BOLKCOM
1 14 HF 2700.511 82
1 15 jp/jp/11776
1 16
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Iowa General Assembly
Daily Bills, Amendments & Study Bills
April 25, 2008

Senate Amendment 5457 continued

2 1 Sec. _____. Section 724.8, Code 2007, is amended to
2 2 read as follows:

2 3 724.8 PERSONS ELIGIBLE FOR PERMIT TO CARRY
2 4 WEAPONS.

2 5 ~~No~~ A person shall not be issued a professional or
2 6 nonprofessional permit to carry weapons unless:

2 7 1. The person is eighteen years of age or older
2 8 for a professional permit or twenty-one years or older
2 9 for a nonprofessional permit.

2 10 2. The person has never been convicted of a
2 11 felony.

2 12 3. The person is not addicted to the use of
2 13 alcohol or any controlled substance.

2 14 4. The person has no history of repeated acts of
2 15 violence.

2 16 5. The issuing officer reasonably determines that
2 17 the applicant does not constitute a danger to any
2 18 person.

2 19 6. The person has never been convicted of any
2 20 crime defined in chapter 708, except "assault" as
2 21 defined in section 708.1 and "harassment" as defined
2 22 in section 708.7.

2 23 7. The person has not been committed to a mental
2 24 institution for purposes of 18 U.S.C. } 922 (g)(4).

2 25 8. The person is not subject to a protective order
2 26 pursuant to 18 U.S.C. } 922(g)(8) and has not been
2 27 convicted of a misdemeanor crime of domestic violence
2 28 pursuant to 18 U.S.C. } 922(g)(9). It is the intent
2 29 of the general assembly that violations of these
2 30 federal laws be strictly enforced in the courts of
2 31 this state.

2 32 Sec. _____. Section 724.9, Code 2007, is amended to
2 33 read as follows:

2 34 724.9 ~~FIREARM~~ FIREARMS TRAINING PROGRAM.

2 35 A training program to qualify persons in the safe
2 36 use of firearms shall be provided by the issuing
2 37 officer of permits, as provided in section 724.11.

2 38 1. The commissioner of public safety shall
2 39 establish minimum standards for a training program
2 40 designed to qualify persons in the safe use of
2 41 firearms and shall include a course of instruction
2 42 designed to qualify a person on a firing range. The
2 43 course of instruction shall be limited to a maximum of
2 44 six hours in length. The course of instruction shall
2 45 include all of the following:

2 46 a. Firearms safety in the classroom, at home, on
2 47 the firing range, and while carrying the firearm.

2 48 b. A physical demonstration performed by the
2 49 applicant that demonstrates the applicant's ability to
2 50 safely load and unload a revolver or a semiautomatic



**Iowa General Assembly
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Senate Amendment 5457 continued

3 1 pistol and the applicant's marksmanship.
 3 2 c. The basic principles of marksmanship.
 3 3 d. The law relating to firearms pursuant to this
 3 4 chapter.
 3 5 e. The law relating to the justifiable use of
 3 6 force pursuant to chapter 704.
 3 7 f. A live fire shooting test administered to an
 3 8 applicant pursuant to section 724.9A.
 3 9 2. The commissioner of public safety shall approve
 3 10 the training program, and the county sheriff or the
 3 11 commissioner of public safety conducting the training
 3 12 program within their respective jurisdictions may
 3 13 contract with a private organization or use the
 3 14 services of other agencies, or may use a combination
 3 15 of the two, to provide ~~such a~~ training program that
 3 16 meets the standards specified in subsection 1. Any
 3 17 person eligible to be issued a permit to carry weapons
 3 18 may enroll in such course. A fee sufficient to cover
 3 19 the cost of the program may be charged to each person
 3 20 attending. Certificates of completion, on a form
 3 21 prescribed and published by the commissioner of public
 3 22 safety, shall be issued by a qualified firearms safety
 3 23 instructor subject to the restrictions of section
 3 24 724.9B to each person who successfully completes the
 3 25 program. ~~No~~ A person shall not be issued either a
 3 26 professional or nonprofessional permit unless the
 3 27 person has received a certificate of completion or is
 3 28 a certified peace officer. ~~No~~ A peace officer or
 3 29 correctional officer, except a certified peace
 3 30 officer, shall not go armed with a pistol or revolver
 3 31 unless the officer has received a certificate of
 3 32 completion, provided that this requirement shall not
 3 33 apply to persons who are employed in this state as
 3 34 ~~peace officers on January 1, 1978 until July 1, 1978,~~
 3 35 ~~or to peace officers of other jurisdictions exercising~~
 3 36 their legal duties within this state.
 3 37 Sec. ____ . NEW SECTION. 724.9A LIVE FIRE SHOOTING
 3 38 TEST.
 3 39 1. A live fire shooting test shall be administered
 3 40 in the presence of a firearms safety instructor
 3 41 qualified under section 724.9C to an applicant for a
 3 42 nonprofessional permit to carry weapons. The live
 3 43 fire shooting test shall consist of thirty rounds
 3 44 fired from a standing position or its equivalent at a
 3 45 distance from a B=27 silhouette target or an FBI "Q"
 3 46 target, ten rounds fired from a distance of five
 3 47 yards, ten rounds fired from a distance of seven
 3 48 yards, and ten rounds fired from a distance of ten
 3 49 yards. Two sets of five rounds shall be fired
 3 50 consecutively at each designated distance and each



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Senate Amendment 5457 continued

4 1 five-round string shall be fired within thirty
4 2 seconds. Twenty-one of the rounds fired must strike
4 3 either the eight-ring on the B-27 target or the
4 4 smallest FBI "Q" target to pass the live fire shooting
4 5 test.

4 6 2. An applicant for a nonprofessional permit to
4 7 carry weapons may attempt to pass the live fire
4 8 shooting test administered pursuant to subsection 1 up
4 9 to three times in one day but must pass the shooting
4 10 test within two weeks of completing a firearms
4 11 training program pursuant to section 724.9. An
4 12 applicant who fails the live fire shooting test within
4 13 the requisite two-week period shall be required to
4 14 retake the firearms training program prior to again
4 15 attempting to pass the live fire shooting test.

4 16 3. The provisions of this section shall be
4 17 implemented uniformly throughout the state and shall
4 18 constitute the statewide standard for the course of
4 19 instruction qualifying a person to shoot on a firing
4 20 range pursuant to section 724.9.

4 21 Sec. _____. NEW SECTION. 724.9B CERTIFICATE OF
4 22 COMPLETION.

4 23 A qualified firearms safety instructor shall not
4 24 issue a certificate of completion to an applicant for
4 25 a permit to carry weapons who does any of the
4 26 following:

4 27 1. Fails to demonstrate the requisite knowledge
4 28 and technique regarding the proper handling of a
4 29 firearm.

4 30 2. Handles a firearm in a manner that, in the
4 31 judgment of the qualified firearms safety instructor,
4 32 poses a danger to the applicant or others.

4 33 3. Fails the live fire shooting test pursuant to
4 34 the requirements specified in section 724.9A.

4 35 Sec. _____. NEW SECTION. 724.9C QUALIFIED FIREARMS
4 36 SAFETY INSTRUCTOR.

4 37 A firearms safety instructor shall be considered to
4 38 be a qualified firearms safety instructor if the
4 39 instructor has any of the following qualifications:

4 40 1. Is a valid firearms safety instructor certified
4 41 by the national rifle association holding a rating as
4 42 a personal protection instructor or pistol
4 43 marksmanship instructor.

4 44 2. Submits a photocopy of a certificate of
4 45 completion of a firearms safety instructor course
4 46 offered by a local, state, or federal governmental
4 47 agency and approved by the department of public
4 48 safety.

4 49 3. Submits a photocopy of a certificate of
4 50 completion of a firearms safety instructor course



Iowa General Assembly
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Senate Amendment 5457 continued

5 1 approved by the department of public safety.
5 2 4. Has successfully completed a firearms safety
5 3 instructor course given by or under the supervision of
5 4 any state, county, municipal, or federal enforcement
5 5 agency.
5 6 5. Is a certified police officer firearms safety
5 7 instructor.
5 8 6. Is a certified law enforcement academy firearms
5 9 safety instructor.
5 10 Sec. _____. Section 724.11, Code 2007, is amended to
5 11 read as follows:
5 12 724.11 ISSUANCE OF PERMIT TO CARRY WEAPONS.
5 13 1. Applications for permits to carry weapons shall
5 14 be made to the sheriff of the county in which the
5 15 applicant resides. Applications from persons who are
5 16 nonresidents of the state, or whose need to go armed
5 17 arises out of employment by the state, shall be made
5 18 to the commissioner of public safety. In either case,
5 19 the issuance of the permit shall be by and at the
5 20 discretion of the sheriff or commissioner, who shall,
5 21 before issuing the permit, determine that the
5 22 requirements of sections 724.6 to 724.10 have been
5 23 satisfied. However, the training program requirements
5 24 in section 724.9 ~~may~~ shall be waived for renewal
5 25 permits. If the sheriff or the commissioner restricts
5 26 or denies an application for a permit under this
5 27 section, the sheriff or commissioner shall provide a
5 28 written statement of the reasons for the restriction
5 29 or the denial to the applicant by certified mail
5 30 within fifteen working days of the filing of the
5 31 application.
5 32 2. The issuing officer shall collect a fee of ten
5 33 dollars, except from a duly appointed peace officer or
5 34 correctional officer, for each permit issued. Renewal
5 35 permits or duplicate permits shall be issued for a fee
5 36 of five dollars. The issuing officer shall notify the
5 37 commissioner of public safety of the issuance of any
5 38 permit at least monthly and forward to the
5 39 commissioner an amount equal to two dollars for each
5 40 permit issued and one dollar for each renewal or
5 41 duplicate permit issued. All such fees received by
5 42 the commissioner shall be paid to the treasurer of
5 43 state and deposited in the operating account of the
5 44 department of public safety to offset the cost of
5 45 administering this chapter. Any unspent balance as of
5 46 June 30 of each year shall revert to the general fund
5 47 as provided by section 8.33.
5 48 Sec. _____. NEW SECTION. 724.11A RECIPROCITY.
5 49 A person possessing a valid permit issued by
5 50 another state to carry a weapon shall be entitled to



**Iowa General Assembly
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Senate Amendment 5457 continued

6 1 the privileges and subject to the restrictions
 6 2 prescribed in this chapter provided the state that
 6 3 issued the license has eligibility and training
 6 4 requirements that are equal to or greater than the
 6 5 eligibility and training requirements prescribed by
 6 6 this chapter. The department of public safety shall
 6 7 determine which states qualify as reciprocal states,
 6 8 shall maintain an up-to-date list of such states, and
 6 9 shall post such information on the department's
 6 10 internet site.

6 11 Sec. _____. NEW SECTION. 724.14 IMMUNITY.

6 12 The sheriff or the commissioner of public safety
 6 13 shall not be liable for damages in any civil action
 6 14 arising from the alleged wrongful issuance, renewal,
 6 15 or failure to revoke a permit to carry weapons
 6 16 provided that the sheriff or the commissioner acted
 6 17 reasonably and in good faith and in accordance with
 6 18 the provisions of this chapter in carrying out the
 6 19 sheriff's or the commissioner's official duties.

6 20 Sec. _____. EFFECTIVE DATE. The sections of this
 6 21 division of this Act amending section 229.24 take
 6 22 effect January 1, 2009.>

6 23 #2. By renumbering as necessary.

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 6 28 RON WIECK

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 6 30 DAVID JOHNSON

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 6 32 JERRY BEHN

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 6 34 JOHN PUTNEY

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 6 36 NANCY J. BOETTGER

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 6 38 PAUL MCKINLEY

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 6 40 DAVID L. HARTSUCH

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 6 42 STEVE KETTERING

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Iowa General Assembly
Daily Bills, Amendments & Study Bills
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Senate Amendment 5457 continued

7 1 JAMES F. HAHN
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7 3 _____
7 4 BRAD ZAUN
7 5
7 6 _____
7 7 JAMES A. SEYMOUR
7 8 HF 2700.243 82
7 9 jp/ml/12



Iowa General Assembly
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Senate Amendment 5458

PAG LIN

1 1 Amend House File 2700, as amended, passed, and
1 2 reprinted by the House, as follows:
1 3 #1. Page 2, line 31, by striking the figure
1 4 <8,604,714> and inserting the following: <8,948,903>.
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1 8 BRAD ZAUN
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1 11 PAUL MCKINLEY
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1 14 NANCY J. BOETTGER
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1 17 JERRY BEHN
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1 20 DAVID JOHNSON
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1 22 _____
1 23 JEFF ANGELO
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1 26 RON WIECK
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1 28 _____
1 29 MARK ZIEMAN
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1 32 JAMES F. HAHN
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1 35 STEVE KETTERING
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1 38 JOHN PUTNEY
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1 40 _____
1 41 LARRY NOBLE
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1 43 _____
1 44 PAT WARD
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1 46 _____
1 47 DAVID L. HARTSUCH
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1 49 HF 2700.241 82
1 50 jp/ml/12



**Iowa General Assembly
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Senate Amendment 5459

PAG LIN

1 1 Amend House File 2700, as amended, passed, and
 1 2 reprinted by the House, as follows:
 1 3 #1. Page 26, by inserting after line 16 the
 1 4 following:
 1 5 <Sec. _____. Section 142D.3, subsection 2, paragraph
 1 6 b, as enacted by 2008 Iowa Acts, House File 2212,
 1 7 section 3, is amended by striking the paragraph.
 1 8 Sec. _____. Section 142D.4, as enacted by 2008 Iowa
 1 9 Acts, House File 2212, section 4, is amended by adding
 1 10 the following new subsection:
 1 11 NEW SUBSECTION. 12. Public and private golf
 1 12 courses.>
 1 13 #2. By renumbering as necessary.
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 1 17 BRAD ZAUN
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 1 19 _____
 1 20 PAT WARD
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 1 22 _____
 1 23 DAVID JOHNSON
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 1 26 MARK ZIEMAN
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 1 29 RON WIECK
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 1 32 JERRY BEHN
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 1 35 JOHN PUTNEY
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 1 38 JAMES F. HAHN
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 1 41 STEVE KETTERING
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 1 43 _____
 1 44 PAUL McKINLEY
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 1 46 HF 2700.515 82
 1 47 pf/ml/12
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**Iowa General Assembly
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Senate Amendment 5460

PAG LIN

1 1 Amend House File 2700, as amended, passed, and
 1 2 reprinted by the House, as follows:
 1 3 #1. Page 6, by inserting after line 17 the
 1 4 following:
 1 5 <Sec. _____. IOWA LOTTERY AUTHORITY FISCAL YEAR
 1 6 2008=2009 BUDGET == MONITOR VENDING MACHINE LITIGATION
 1 7 COSTS. Notwithstanding any provision of chapter 99G
 1 8 to the contrary, the Iowa lottery authority budget for
 1 9 the fiscal year beginning July 1, 2008, shall be
 1 10 reduced by the amount of moneys expended by the state
 1 11 to owners of monitor vending machines pursuant to
 1 12 settlement agreements with the owners arising out of
 1 13 litigation relating to the prohibition on monitor
 1 14 vending machines. The attorney general shall provide
 1 15 the Iowa lottery authority with the total dollar
 1 16 amount of moneys agreed to be paid to owners of
 1 17 monitor vending machines pursuant to the settlement
 1 18 agreements.>
 1 19 #2. Page 7, by inserting after line 8 the
 1 20 following:
 1 21 <Sec. _____. EFFECTIVE DATE. The section of this
 1 22 division of this Act relating to the Iowa lottery
 1 23 authority budget, being deemed of immediate
 1 24 importance, takes effect upon enactment.>
 1 25 #3. By renumbering as necessary.
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 1 29 BRAD ZAUN
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 1 31 _____
 1 32 PAT WARD
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 1 35 DAVID JOHNSON
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 1 38 NANCY J. BOETTGER
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 1 41 MARK ZIEMAN
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 1 44 RON WIECK
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 1 47 JERRY BEHN
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 1 50 JAMES A. SEYMOUR



Iowa General Assembly
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Senate Amendment 5460 continued

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2 2 _____
2 3 STEVE KETTERING
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2 5 _____
2 6 JAMES F. HAHN
2 7
2 8 HF 2700.513 82
2 9 jp/ml/12



**Iowa General Assembly
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Senate Amendment 5461

PAG LIN

1 1 Amend House File 2700, as amended, passed, and
 1 2 reprinted by the House, as follows:
 1 3 #1. By striking page 48, line 8, through page 51,
 1 4 line 19, and inserting the following:
 1 5 <Sec. ____ . ANALYSIS OF COMPETENT HOME SCHOOL
 1 6 SUPPORT. The department of education shall perform a
 1 7 comprehensive analysis of the expenses and indirect
 1 8 costs relating to providing competent private
 1 9 instruction, services under school districts' home
 1 10 school assistance programs, and other state and
 1 11 district support provided to children who are being
 1 12 home schooled. The department shall report the
 1 13 results of the study along with findings and
 1 14 recommendations to the governor and general assembly
 1 15 on or before January 15, 2009.>
 1 16 #2. By renumbering as necessary.
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 1 20 NANCY J. BOETTGER
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 1 23 PAUL McKINLEY
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 1 26 MARK ZIEMAN
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 1 29 MARY A. LUNDBY
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 1 32 DAVID JOHNSON
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 1 35 JEFF ANGELO
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 1 41 RON WIECK
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 1 44 MARK ZIEMAN
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 1 47 STEVE KETTERING
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 1 49 _____
 1 50 JERRY BEHN



Iowa General Assembly
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Senate Amendment 5461 continued

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2 3 JAMES F. HAHN
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2 6 PAT WARD
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2 9 DAVID L. HARTSUCH
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2 12 JOHN PUTNEY
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2 14 HF 2700.706 82
2 15 jp/ml/12



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Senate Amendment 5462

PAG LIN

1 1 Amend House File 2700, as amended, passed, and
1 2 reprinted by the House, as follows:
1 3 #1. Page 42, line 15, by inserting after the word
1 4 <cases.> the following: <In addition, a retrieval fee
1 5 of up to twenty=five dollars per request may be
1 6 charged for up to two requests.>
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1 10 DAVID L. HARTSUCH
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1 13 _____
1 14 PAT WARD
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1 17 _____
1 18 DAVID JOHNSON
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1 20 HF 2700.240 82
1 21 jp/ml/12
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Iowa General Assembly
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Senate Amendment 5463

PAG LIN

1 1 Amend House File 2700, as amended, passed, and
1 2 reprinted by the House, as follows:
1 3 #1. Page 43, by inserting after line 24 the
1 4 following:
1 5 <Sec. _____. Section 669.14, Code 2007, is amended
1 6 by adding the following new subsection:
1 7 NEW SUBSECTION. 16. Any claim based upon or
1 8 arising out of the condition of a street or highway,
1 9 as defined in section 321.1, by a person participating
1 10 in a statewide touring event when the person knew or
1 11 reasonably should have known that participation in the
1 12 statewide touring event created the likelihood of
1 13 exposure to a variety of road surfaces and conditions,
1 14 unless the claim is based upon an act or omission of
1 15 an officer or employee of the state and the act or
1 16 omission constitutes actual malice or a criminal
1 17 offense. For purposes of this subsection, "statewide
1 18 touring event" means a major group bicycle ride across
1 19 Iowa, a group tractor ride, an antique car tour, or a
1 20 similar event that involves more than one area of the
1 21 state, attracts wide participation, and is likely to
1 22 contribute significantly to the economic well-being of
1 23 the state or areas of the state.
1 24 Sec. _____. Section 670.4, Code 2007, is amended by
1 25 adding the following new subsection:
1 26 NEW SUBSECTION. 16. Any claim based upon or
1 27 arising out of the condition of a street or highway,
1 28 as defined in section 321.1, by a person participating
1 29 in a statewide touring event when the person knew or
1 30 reasonably should have known that participation in the
1 31 statewide touring event created the likelihood of
1 32 exposure to a variety of road surfaces and conditions,
1 33 unless the claim is based upon an act or omission of
1 34 an officer or employee of the municipality and the act
1 35 or omission constitutes actual malice or a criminal
1 36 offense. For purposes of this subsection, "statewide
1 37 touring event" means a major group bicycle ride across
1 38 Iowa, a group tractor ride, an antique car tour, or a
1 39 similar event that involves more than one area of the
1 40 state, attracts wide participation, and is likely to
1 41 contribute significantly to the economic well-being of
1 42 the state or areas of the state.>
1 43 #2. By renumbering as necessary.
1 44
1 45
1 46
1 47 BRAD ZAUN
1 48
1 49
1 50 _____



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2 1 DAVID JOHNSON
2 2 HF 2700.244 82
2 3 jp/ml/12



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PAG LIN

1 1 Amend House File 2700, as amended, passed, and
 1 2 reprinted by the House, as follows:
 1 3 #1. Page 2, line 12, by striking the figure
 1 4 <1,439,884> and inserting the following: <1,400,261>.
 1 5 #2. Page 9, by striking lines 21 and 22 and
 1 6 inserting the following: <director, and the Iowa>.
 1 7 #3. Page 12, lines 12 and 13, by striking the
 1 8 words <secretary of the Iowa state fair board,>.
 1 9 #4. Page 17, by inserting after line 28 the
 1 10 following:
 1 11 <Sec. _____. Section 173.10, Code 2007, is amended
 1 12 to read as follows:
 1 13 173.10 SALARY OF SECRETARY.
 1 14 ~~The secretary shall receive the salary fixed by the~~
 1 15 ~~board. The compensation and employment terms of the~~
 1 16 ~~secretary shall be set by the governor, taking into~~
 1 17 ~~consideration the level of knowledge and experience of~~
 1 18 ~~the secretary.>~~
 1 19 #5. Page 17, by inserting after line 30 the
 1 20 following:
 1 21 <Sec. _____. Section 8.7, Code 2007, is amended to
 1 22 read as follows:
 1 23 8.7 REPORTING OF GIFTS AND BEQUESTS RECEIVED.
 1 24 All gifts, and bequests, ~~and grants~~ received by a
 1 25 department or accepted by the governor on behalf of
 1 26 the state shall be reported to the Iowa ethics and
 1 27 campaign disclosure board and the government oversight
 1 28 committees. The ethics and campaign disclosure board
 1 29 shall, by January 31 of each year, submit to the
 1 30 fiscal services division of the legislative services
 1 31 agency a written report listing all gifts, and
 1 32 bequests, ~~and grants~~ received during the previous
 1 33 calendar year with a value over one thousand dollars
 1 34 and the purpose for each such gift, or bequest, ~~or~~
 1 35 ~~grant~~. The submission shall also include a listing of
 1 36 all gifts, and bequests, ~~and grants~~ received by a
 1 37 department from a person if the cumulative value of
 1 38 all gifts, and bequests, ~~and grants~~ received by the
 1 39 department from the person during the previous
 1 40 calendar year exceeds one thousand dollars, and the
 1 41 ethics and campaign disclosure board shall include, if
 1 42 available, the purpose for each such gift, or bequest,
 1 43 ~~or grant~~. However, the reports on gifts, ~~grants~~, or
 1 44 bequests filed by the state board of regents pursuant
 1 45 to section 8.44 shall be deemed sufficient to comply
 1 46 with the requirements of this section.
 1 47 Sec. _____. Section 8.9, Code 2007, is amended to
 1 48 read as follows:
 1 49 8.9 GRANTS ENTERPRISE MANAGEMENT OFFICE.
 1 50 1. The office of grants enterprise management is



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2 1 established in the department of management. The
2 2 function of the office is to develop and administer a
2 3 system to track, identify, advocate for, and
2 4 coordinate nonstate grants as defined in section 8.2,
2 5 subsections 1 and 3. Staffing for the office of
2 6 grants enterprise management shall be provided by a
2 7 facilitator appointed by the director of the
2 8 department of management. Additional staff may be
2 9 hired, subject to the availability of funding.
2 10 Funding for the office is from the appropriation to
2 11 the department pursuant to section 8A.505, subsection
2 12 2.

2 13 2. a. All grant applications submitted and grant
2 14 moneys received by a department on behalf of the state
2 15 shall be reported to the office of grants enterprise
2 16 management. The office shall by January 31 of each
2 17 year submit to the fiscal services division of the
2 18 legislative services agency a written report listing
2 19 all grants received during the previous calendar year
2 20 with a value over one thousand dollars and the funding
2 21 entity and purpose for each grant. However, the
2 22 reports on grants filed by the state board of regents
2 23 pursuant to section 8.44 shall be deemed sufficient to
2 24 comply with the requirements of this subsection.

2 25 b. The office of grants enterprise management
2 26 shall submit by July 1 and January 1 of each year to
2 27 the government oversight committees a written report
2 28 summarizing departmental compliance with the
2 29 requirements of this subsection.

2 30 Sec. _____. Section 12C.16, subsection 1, paragraph
2 31 b, subparagraph (4), Code Supplement 2007, is amended
2 32 to read as follows:

2 33 (4) To the extent of the guarantee, loans,
2 34 obligations, or nontransferable letters of credit upon
2 35 which the payment of principal and interest is fully
2 36 secured or guaranteed by the United States of America
2 37 or an agency or instrumentality of the United States
2 38 of America or the United States central credit union,
2 39 a corporate central credit union organized under
2 40 section 533.213, or a corporate credit union ~~organized~~
2 41 ~~under 12 C.F.R. } 704~~ whose activities are subject to
2 42 regulation by the national credit union
2 43 administration, and the rating of any one of such
2 44 credit unions remains within the two highest
2 45 classifications of prime established by at least one
2 46 of the standard rating services approved by the
2 47 superintendent of banking by rule pursuant to chapter
2 48 17A. The treasurer of state shall adopt rules
2 49 pursuant to chapter 17A to implement this section.

2 50 Sec. _____. Section 12C.17, subsection 1, paragraph



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3 1 c, Code Supplement 2007, is amended to read as
3 2 follows:

3 3 c. The securities shall be deposited with the
3 4 federal reserve bank, the federal home loan bank of
3 5 Des Moines, Iowa, or the United States central credit
3 6 union, a corporate central credit union organized
3 7 under section 533.213, or a corporate credit union
3 8 ~~organized under 12 C.F.R. } 704 whose activities are~~
3 9 subject to regulation by the national credit union
3 10 administration pursuant to a bailment agreement or a
3 11 pledge custody agreement.

3 12 Sec. ____ . Section 12C.17, subsection 4, Code
3 13 Supplement 2007, is amended to read as follows:

3 14 4. Upon written request from the appropriate
3 15 public officer but not less than monthly, the federal
3 16 reserve bank, the federal home loan bank of Des
3 17 Moines, Iowa, the United States central credit union,
3 18 a corporate central credit union organized under
3 19 section 533.213, or a corporate credit union ~~organized~~
3 20 ~~under 12 C.F.R. } 704 whose activities are subject to~~
3 21 regulation by the national credit union administration
3 22 shall report a description, the par value, and the
3 23 market value of any pledged collateral by a credit
3 24 union.>

3 25 #6. Page 19, line 13, by inserting after the word
3 26 <subsection> the following: <, or not otherwise
3 27 confidential,>.

3 28 #7. Page 20, by inserting after line 20 the
3 29 following:

3 30 <Sec. ____ . Section 39A.5, subsection 1, paragraph
3 31 b, Code Supplement 2007, is amended by adding the
3 32 following new subparagraph:

3 33 NEW SUBPARAGRAPH. (4) As an employer, denying an
3 34 employee the privilege conferred by section 43.4A to
3 35 attend a precinct caucus, or subjecting an employee to
3 36 a penalty because of the exercise of that privilege.

3 37 Sec. ____ . NEW SECTION. 43.4A EMPLOYEES ENTITLED
3 38 TO TIME TO PARTICIPATE IN PRESIDENTIAL PRECINCT
3 39 CAUCUSES.

3 40 1. Any person entitled to participate in a
3 41 precinct caucus held as part of the presidential
3 42 nominating process in this state who is required to be
3 43 present at work for an employer during the four-hour
3 44 period starting one hour prior to the time the
3 45 precinct caucus starts is entitled to take unpaid
3 46 leave for as much of that four-hour period as is
3 47 necessary to participate in the precinct caucus except
3 48 as provided by this section. Application by any
3 49 employee for such absence shall be made to the
3 50 employee's employer individually and in writing at



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4 1 least fourteen days prior to the time the precinct
4 2 caucus is scheduled to start. The employee shall not
4 3 be liable for any loss of wages or salary or any other
4 4 penalty except for the loss of wages or salary for the
4 5 hours of unpaid leave actually used.

4 6 2. a. An application for an absence by an
4 7 employee may be denied by an employer if all the
4 8 following circumstances exist:

4 9 (1) The person is employed in an emergency
4 10 services position which shall include peace officer,
4 11 fire fighter, emergency medical personnel, and any
4 12 other position that seriously affects public health or
4 13 safety, or is employed by an entity that would
4 14 experience severe economic or operational disruption
4 15 due to the person's absence.

4 16 (2) The employer filed a written notice with the
4 17 commissioner at least seven days prior to the date of
4 18 the precinct caucus specifying exigent circumstances
4 19 justifying the denial of such leave for personnel
4 20 described in subparagraph (1) and declaring the
4 21 minimum number of such personnel, by position, needed
4 22 to protect public health and safety or maintain
4 23 minimum operational capacity, as applicable. A copy
4 24 of this written notice shall be provided to employees
4 25 of the employer.

4 26 (3) The number of persons employed in a position
4 27 that did not apply for an absence is less than the
4 28 minimum number of persons in that position needed by
4 29 the employer to protect public health and safety or
4 30 maintain minimum operational capacity, as applicable.

4 31 b. If the circumstances in paragraph "a" exist as
4 32 to a particular position of the employer, then the
4 33 employer may deny the minimum number of employees
4 34 applying for an absence in that position needed to
4 35 yield the minimum staffing level for that position as
4 36 specified in the written notice to the commissioner.
4 37 The selection of which employees applying for an
4 38 absence shall be denied shall be made without regard
4 39 to political party affiliation, political belief, or
4 40 affiliation with or support for any candidate, or for
4 41 any of the grounds for which employment discrimination
4 42 is prohibited in this state.

4 43 3. An employer may, in lieu of providing unpaid
4 44 leave to affected employees to attend a presidential
4 45 precinct caucus, do any of the following:

4 46 a. Authorize paid leave to all affected employees.
4 47 b. Allow all affected employees the option to work
4 48 additional compensatory hours, at a time designated by
4 49 the employer not in conflict with the time needed for
4 50 caucus participation, equal in number to the number of



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5 1 hours taken to participate in the presidential
5 2 precinct caucus. The option of working compensatory
5 3 hours may be exercised individually by each employee.
5 4 Work done during the compensatory hours shall be
5 5 compensated in the same manner as work during regular
5 6 hours.>

5 7 #8. Page 22, by inserting before line 31 the
5 8 following:

5 9 <Sec. _____. Section 68B.32, subsection 1, Code
5 10 2007, is amended to read as follows:

5 11 1. An Iowa ethics and campaign disclosure board is
5 12 established as an independent agency. The board shall
5 13 administer this chapter and set standards for,
5 14 investigate complaints relating to, and monitor the
5 15 ethics of officials, employees, lobbyists, and
5 16 candidates for office in the executive branch of state
5 17 government. The board shall administer and set
5 18 standards for, investigate complaints relating to, and
5 19 monitor the campaign finance practices of candidates
5 20 for public office. The board shall administer and
5 21 establish standards for, investigate complaints
5 22 relating to, and monitor the reporting of gifts, and
5 23 bequests, ~~and grants~~ under section 8.7. The board
5 24 shall consist of six members and shall be balanced as
5 25 to political affiliation as provided in section 69.16.
5 26 The members shall be appointed by the governor,
5 27 subject to confirmation by the senate.

5 28 Sec. _____. Section 68B.32A, subsection 4, Code
5 29 Supplement 2007, is amended to read as follows:

5 30 4. Receive and file registration and reports from
5 31 lobbyists of the executive branch of state government,
5 32 client disclosure from clients of lobbyists of the
5 33 executive branch of state government, personal
5 34 financial disclosure information from officials and
5 35 employees in the executive branch of state government
5 36 who are required to file personal financial disclosure
5 37 information under this chapter, and gift, and bequest,
~~5 38 and grant~~ disclosure information pursuant to section
5 39 8.7. The board, upon its own motion, may initiate
5 40 action and conduct a hearing relating to reporting
5 41 requirements under this chapter or section 8.7.

5 42 Sec. _____. Section 84A.5, subsection 1, paragraph
5 43 a, Code Supplement 2007, is amended to read as
5 44 follows:

5 45 a. The workforce development system shall strive
5 46 to provide high quality services to its customers
5 47 including workers, families, and businesses. The
5 48 department of workforce development shall maintain a
5 49 common intake, assessment, and customer tracking
5 50 system and to the extent practical provide one-stop



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6 1 services to customers at workforce development centers
6 2 and other service access points. The department of
6 3 workforce development shall administer a statewide
6 4 standard skills assessment to assess the employability
6 5 skills of adult workers statewide and shall instruct
6 6 appropriate department staff in the administration of
6 7 the assessment. The assessment shall be included in
6 8 the one-stop services provided to customers at
6 9 workforce development centers and other service access
6 10 points throughout the state.

6 11 Sec. ____ . Section 85.1, subsection 6, Code
6 12 Supplement 2007, is amended to read as follows:

6 13 6. Employers may with respect to an employee or a
6 14 classification of employees exempt from coverage
6 15 provided by this chapter pursuant to subsection 1, 2,
6 16 or 3, other than the employee or classification of
6 17 employees with respect to whom a rule of liability or
6 18 a method of compensation is established by the
6 19 Congress of the United States, assume a liability for
6 20 compensation imposed upon employers by this chapter,
6 21 for the benefit of employees within the coverage of
6 22 this chapter, by the purchase of valid workers'
6 23 compensation insurance that does not specifically
6 24 exclude the employee or classification of employees.
6 25 In addition, an employer that assumed a liability for
6 26 compensation imposed upon employers by this chapter
6 27 pursuant to a collective bargaining agreement with
6 28 respect to an employee or a classification of
6 29 employees exempt from coverage provided by this
6 30 chapter pursuant to subsection 4 as of July 1, 2007,
6 31 may continue to assume liability for that compensation
6 32 pursuant to a subsequent collective bargaining
6 33 agreement, for the benefit of such employees, by the
6 34 purchase of valid workers' compensation insurance that
6 35 does not specifically exclude that employee or
6 36 classification of employees. The purchase of and
6 37 acceptance by an employer of valid workers'
6 38 compensation insurance applicable to the employee or
6 39 classification of employees constitutes an assumption
6 40 by the employer of liability without any further act
6 41 on the part of the employer, but only with respect to
6 42 the employee or classification of employees as are
6 43 within the coverage of the workers' compensation
6 44 insurance contract and only for the time period in
6 45 which the insurance contract is in force. Upon an
6 46 election of such coverage, the employee or
6 47 classification of employees shall accept compensation
6 48 in the manner provided by this chapter and the
6 49 employer shall be relieved from any other liability
6 50 for recovery of damage, or other compensation for



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7 1 injury.
7 2 Sec. _____. Section 96.3, subsection 5, Code 2007,
7 3 is amended to read as follows:
7 4 5. a. DURATION OF BENEFITS. The maximum total
7 5 amount of benefits payable to an eligible individual
7 6 during a benefit year shall not exceed the total of
7 7 the wage credits accrued to the individual's account
7 8 during the individual's base period, or twenty=six
7 9 times the individual's weekly benefit amount,
7 10 whichever is the lesser. The director shall maintain
7 11 a separate account for each individual who earns wages
7 12 in insured work. The director shall compute wage
7 13 credits for each individual by crediting the
7 14 individual's account with one=third of the wages for
7 15 insured work paid to the individual during the
7 16 individual's base period. However, the director shall
7 17 recompute wage credits for an individual who is laid
7 18 off due to the individual's employer going out of
7 19 business at the factory, establishment, or other
7 20 premises at which the individual was last employed, by
7 21 crediting the individual's account with one=half,
7 22 instead of one=third, of the wages for insured work
7 23 paid to the individual during the individual's base
7 24 period. Benefits paid to an eligible individual shall
7 25 be charged against the base period wage credits in the
7 26 individual's account which have not been previously
7 27 charged, in the inverse chronological order as the
7 28 wages on which the wage credits are based were paid.
7 29 However if the state "off indicator" is in effect and
7 30 if the individual is laid off due to the individual's
7 31 employer going out of business at the factory,
7 32 establishment, or other premises at which the
7 33 individual was last employed, the maximum benefits
7 34 payable shall be extended to thirty=nine times the
7 35 individual's weekly benefit amount, but not to exceed
7 36 the total of the wage credits accrued to the
7 37 individual's account.
7 38 b. TRAINING EXTENSION BENEFITS. An individual who
7 39 is in training with the approval of the director at
7 40 the time regular benefits are exhausted may be
7 41 eligible for training extension benefits. The
7 42 training extension benefit amount shall be twenty=six
7 43 times the individual's weekly benefit amount, and the
7 44 weekly benefit amount shall be equal to the
7 45 individual's weekly benefit amount for the claim in
7 46 which benefits were exhausted while in training. An
7 47 individual who is receiving training extension
7 48 benefits shall not be denied benefits due to
7 49 application of section 96.4, subsection 3, or section
7 50 96.5, subsection 3. However, an employer's account



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8 1 shall not be charged with benefits so paid. Relief of
8 2 charges under this paragraph applies to both
8 3 contributory and reimbursable employers,
8 4 notwithstanding section 96.8, subsection 5. In order
8 5 for the individual to be eligible for training
8 6 extension benefits the training must be for a
8 7 high-demand or high-technology occupation, including
8 8 fields of life sciences, advanced manufacturing,
8 9 biotechnology, alternative fuels, insurance, and
8 10 environmental technology. "High-demand occupation"
8 11 means an occupation in a labor market area in which
8 12 the department determines work opportunities are
8 13 available and there is a lack of qualified
8 14 applicants.>

8 15 #9. Page 26, by inserting after line 16 the
8 16 following:

8 17 <Sec. ____ . Section 135C.40, subsection 1, Code
8 18 2007, is amended to read as follows:

8 19 1. If the director determines, based on the
8 20 findings of an inspection or investigation of a health
8 21 care facility, that the facility is in violation of
8 22 this chapter, ~~or~~ rules adopted under this chapter, or
8 23 the federal certification guidelines, the director
8 24 within ~~five ten~~ working days after ~~making the~~
8 25 ~~determination~~ completion of an on-site survey, ~~may~~
8 26 ~~shall issue a written citation~~ all statements of
8 27 deficiencies, including any state citations issued to
8 28 the facility under rules adopted by the department.
8 29 The citation shall be served upon the facility
8 30 personally ~~or~~, by electronic mail, or by certified
8 31 mail, except that a citation for a Class III violation
8 32 may be sent by ordinary mail. Each citation shall
8 33 specifically describe the nature of the violation,
8 34 identifying the Code section or subsection or the rule
8 35 or standard violated, and the classification of the
8 36 violation under section 135C.36. Where appropriate,
8 37 the citation shall also state the period of time
8 38 allowed for correction of the violation, which shall
8 39 in each case be the shortest period of time the
8 40 department deems feasible. Failure to correct a
8 41 violation within the time specified, unless the
8 42 licensee shows that the failure was due to
8 43 circumstances beyond the licensee's control, shall
8 44 subject the facility to a further penalty of fifty
8 45 dollars for each day that the violation continues
8 46 after the time specified for correction.

8 47 a. If a facility licensed under this chapter
8 48 submits a plan of correction relating to a statement
8 49 of deficiencies or a response to a citation issued
8 50 under rules adopted by the department and the



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9 1 department elects to conduct an on-site revisit
9 2 survey, the department shall commence the revisit
9 3 survey within ten business days of the date that the
9 4 plan of correction is received, or the date specified
9 5 within the plan of correction alleging compliance,
9 6 whichever is later.
9 7 b. If the department recommends the issuance of
9 8 federal remedies pursuant to 42 C.F.R. } 488.406
9 9 (a)(2) or (a)(3), relating to a survey conducted by
9 10 the department, the department shall issue the
9 11 statement of deficiencies within twenty-four hours of
9 12 the date that the centers for Medicare and Medicaid
9 13 services of the United States department of health and
9 14 human services was notified of the recommendation for
9 15 the imposition of remedies.>
9 16 #10. Page 26, by inserting after line 16 the
9 17 following:
9 18 <Sec. ____ . Section 135H.3, Code 2007, is amended
9 19 to read as follows:
9 20 135H.3 NATURE OF CARE.
9 21 1. A psychiatric medical institution for children
9 22 shall utilize a team of professionals to direct an
9 23 organized program of diagnostic services, psychiatric
9 24 services, nursing care, and rehabilitative services to
9 25 meet the needs of residents in accordance with a
9 26 medical care plan developed for each resident. Social
9 27 and rehabilitative services shall be provided under
9 28 the direction of a qualified mental health
9 29 professional.
9 30 2. A child who requires treatment for a
9 31 biologically based mental illness as defined in
9 32 section 514C.22, and meets the medical assistance
9 33 program criteria for admission to a psychiatric
9 34 medical institution for children shall be deemed to
9 35 meet the acuity criteria for inpatient benefits under
9 36 a group policy, contract, or plan providing for
9 37 third-party payment or prepayment of health, medical,
9 38 and surgical coverage benefits issued by a carrier, as
9 39 defined in section 513B.2, or by an organized delivery
9 40 system authorized under 1993 Iowa Acts, chapter 158,
9 41 that is subject to section 514C.22.>
9 42 #11. Page 29, by inserting after line 22 the
9 43 following:
9 44 <Sec. ____ . NEW SECTION. 231C.20 CITATIONS ==
9 45 MONITORING VISITS.
9 46 1. All results of state monitoring visits,
9 47 including complaint investigations or certification
9 48 inspections conducted by the department pursuant to
9 49 this chapter or rules adopted by the department shall
9 50 be submitted by the department personally, by



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10 1 electronic mail, or by certified mail to the program
10 2 no later than ten business days following completion
10 3 of an on-site monitoring visit, if findings of
10 4 noncompliance are cited.
10 5 2. If a program certified under this chapter
10 6 submits a plan of correction relating to the statement
10 7 of noncompliance or a response to a civil penalty
10 8 issued under rules adopted by the department, and the
10 9 department elects to conduct an on-site monitoring
10 10 revisit, the department shall commence the monitoring
10 11 revisit within ten business days of the date that the
10 12 plan of correction is received, or the date specified
10 13 within the plan of correction alleging compliance,
10 14 whichever is later.>
10 15 #12. Page 29, by inserting after line 26 the
10 16 following:
10 17 <Sec. _____. Section 280.7A, as enacted by 2008 Iowa
10 18 Acts, Senate File 2251, section 1, is amended by
10 19 adding the following new subsections:
10 20 NEW SUBSECTION. 4. A comprehensive vision
10 21 screening by a certified vision screener provided by
10 22 the school district shall be given within the first
10 23 thirty days of the first day of the school year to
10 24 students entering kindergarten, first grade, third
10 25 grade, sixth grade, and eighth grade, and to transfer
10 26 students and students referred for screening by a
10 27 parent or teacher. A student shall be required to
10 28 receive a comprehensive vision screening only once
10 29 within a thirty-six month period.
10 30 NEW SUBSECTION. 5. A student who is not able to
10 31 pass the comprehensive vision screening, pursuant to
10 32 subsection 4, shall be required to have a
10 33 comprehensive eye examination performed by a licensed
10 34 optometrist, ophthalmologist, or physician trained in
10 35 providing comprehensive eye care. A student's parent
10 36 or guardian shall be responsible for ensuring that a
10 37 student receives a comprehensive eye examination
10 38 pursuant to this subsection. No penalty shall be
10 39 imposed as a result of a student not receiving a
10 40 recommended comprehensive eye examination.>
10 41 #13. Page 29, by inserting after line 26 the
10 42 following:
10 43 <Sec. _____. Section 321A.3, subsections 1, 5, and
10 44 6, Code Supplement 2007, are amended to read as
10 45 follows:
10 46 1. The department shall upon request furnish any
10 47 person a certified abstract of the operating record of
10 48 a person subject to chapter 321, 321J, or this
10 49 chapter. The abstract shall also fully designate the
10 50 motor vehicles, if any, registered in the name of the



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11 1 person. If there is no record of a conviction of the
11 2 person having violated any law relating to the
11 3 operation of a motor vehicle or of any injury or
11 4 damage caused by the person, the department shall so
11 5 certify. A fee of five dollars and fifty cents shall
11 6 be paid for each abstract except for state, county, or
11 7 city officials, court officials, public transit
11 8 officials, or other officials of a political
11 9 subdivision of the state or a nonprofit charitable
11 10 organization described in section 501(c)(3) of the
11 11 Internal Revenue Code. The department shall transfer
11 12 the moneys collected under this section to the
11 13 treasurer of state who shall credit to the general
11 14 fund all moneys collected.

11 15 5. ~~The department may permit any person to view~~
~~11 16 the operating record of a person subject to chapter~~
~~11 17 321 or this chapter through one of the department's~~
~~11 18 computer terminals or through a computer printout~~
~~11 19 generated by the department.~~ The department shall not
11 20 require a fee for a person to view their own operating
11 21 record, but the department shall impose a fee of one
~~11 22 dollar for each of the first five operating records~~
~~11 23 viewed within a calendar day and two dollars for each~~
~~11 24 additional operating record viewed within the calendar~~
~~11 25 day.~~

11 26 6. Fees under ~~subsections~~ subsection 1 and 5 may
11 27 be paid by credit cards, as defined in section
11 28 537.1301, subsection 17, approved for that purpose by
11 29 the department of transportation. The department
11 30 shall enter into agreements with financial
11 31 institutions extending credit through the use of
11 32 credit cards to ensure payment of the fees. The
11 33 department shall adopt rules pursuant to chapter 17A
11 34 to implement the provisions of this subsection.

11 35 Sec. _____. Section 321A.3, Code Supplement 2007, is
11 36 amended by adding the following new subsection:
11 37 NEW SUBSECTION. 8. A person making a request for
11 38 a record or an abstract under this section that is
11 39 subject to a fee shall only use the record or abstract
11 40 requested one time, for one purpose, and it shall not
11 41 supply that record to more than one other person. Any
11 42 subsequent use of the same record or abstract shall
11 43 require that the person make a subsequent request for
11 44 the record or abstract and pay an additional fee for
11 45 the request in the same manner as provided for the
11 46 initial request. A person requesting a record or an
11 47 abstract pursuant to this section shall keep records
11 48 identifying who the record or abstract is provided to,
11 49 and the use of the record or abstract, for a period of
11 50 five years. Records maintained pursuant to this



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12 1 subsection shall be made available to the department
12 2 upon request. A person shall not sell, retain,
12 3 distribute, provide, or transfer any record or
12 4 abstract information or portion of the record or
12 5 abstract information acquired under this agreement
12 6 except as authorized by the department and the federal
12 7 Driver's Privacy Protection Act, 18 U.S.C. }
12 8 2721=2725.>

12 9 #14. Page 32, by inserting after line 33 the
12 10 following:

12 11 <Sec. _____. Section 423B.1, subsection 6, Code
12 12 Supplement 2007, is amended by adding the following
12 13 new paragraph:

12 14 NEW PARAGRAPH. c. Notwithstanding any other
12 15 provision in this section, a change in use of the
12 16 local sales and services tax revenues for purposes of
12 17 funding an urban renewal project pursuant to section
12 18 423B.10 does not require an election.

12 19 Sec. _____. Section 423B.7, subsection 1, Code 2007,
12 20 is amended to read as follows:

12 21 1. a. The Except as provided in paragraph "b",
12 22 the director shall credit the local sales and services
12 23 tax receipts and interest and penalties from a
12 24 county-imposed tax to the county's account in the
12 25 local sales and services tax fund and from a
12 26 city-imposed tax under section 423B.1, subsection 2,
12 27 to the city's account in the local sales and services
12 28 tax fund. If the director is unable to determine from
12 29 which county any of the receipts were collected, those
12 30 receipts shall be allocated among the possible
12 31 counties based on allocation rules adopted by the
12 32 director.

12 33 b. Notwithstanding paragraph "a", the director
12 34 shall credit the designated amount of the increase in
12 35 local sales and services tax receipts, as computed in
12 36 section 423B.10, collected in an urban renewal area of
12 37 an eligible city that has adopted an ordinance
12 38 pursuant to section 423B.10, subsection 2, into a
12 39 special city account in the local sales and services
12 40 tax fund.

12 41 Sec. _____. Section 423B.7, Code 2007, is amended by
12 42 adding the following new subsection:

12 43 NEW SUBSECTION. 5A. From each special city
12 44 account, the revenues shall be remitted to the city
12 45 council for deposit in the special fund created in
12 46 section 403.19, subsection 2, to be used by the city
12 47 as provided in section 423B.10. The distribution from
12 48 the special city account is not subject to the
12 49 distribution formula provided in subsections 3, 4, and
12 50 5.



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13 1 Sec. _____. NEW SECTION. 423B.10 FUNDING URBAN
13 2 RENEWAL PROJECTS.
13 3 1. For purposes of this section, unless the
13 4 context otherwise requires:
13 5 a. "Base year" means the fiscal year during which
13 6 an ordinance is adopted that provides for funding of
13 7 an urban renewal project by a designated amount of the
13 8 increased sales and services tax revenues.
13 9 b. "Eligible city" means a city in which a local
13 10 sales and services tax imposed by the county applies
13 11 or a city described in section 423B.1, subsection 2,
13 12 paragraph "a", and in which an urban renewal area has
13 13 been designated.
13 14 c. "Retail establishment" means a business
13 15 operated by a retailer as defined in section 423.1.
13 16 d. "Urban renewal area" and "urban renewal
13 17 project" mean the same as defined in section 403.17.
13 18 2. An eligible city may by ordinance of the city
13 19 council provide for the use of a designated amount of
13 20 the increased local sales and services tax revenues
13 21 collected under this chapter which are attributable to
13 22 retail establishments in an urban renewal area to fund
13 23 urban renewal projects located in the area. The
13 24 designated amount may be all or a portion of such
13 25 increased revenues.
13 26 3. To determine the revenue increase for purposes
13 27 of subsection 2, revenue amounts shall be calculated
13 28 by the department of revenue as follows:
13 29 a. Determine the amount of local sales and
13 30 services tax revenue collected from retail
13 31 establishments located in the area comprising the
13 32 urban renewal area during the base year.
13 33 b. Determine the current year revenue amount for
13 34 each fiscal year following the base year in the manner
13 35 specified in paragraph "a".
13 36 c. The excess of the amount determined in
13 37 paragraph "b" over the base year revenue amount
13 38 determined in paragraph "a" is the increase in the
13 39 local sales and services tax revenues of which the
13 40 designated amount is to be deposited in the special
13 41 city account created in section 423B.7, subsection 5A.
13 42 4. The ordinance adopted pursuant to this section
13 43 is repealed when the area ceases to be an urban
13 44 renewal area or twenty years following the base year,
13 45 whichever is the earlier.
13 46 5. In addition to the moneys received pursuant to
13 47 the ordinance authorized under subsection 2, an
13 48 eligible city may deposit any other local sales and
13 49 services tax revenues received by it pursuant to the
13 50 distribution formula in section 423B.7, subsections 3,



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14 1 4, and 5, to the special fund described in section
14 2 403.19, subsection 2.

14 3 6. For purposes of this section, the eligible city
14 4 shall assist the department of revenue in identifying
14 5 retail establishments in the urban renewal area that
14 6 are collecting the local sales and services tax. This
14 7 process shall be ongoing until the ordinance is
14 8 repealed.>

14 9 #15. Page 34, by inserting after line 7 the
14 10 following:

14 11 <Sec. _____. Section 423F.3, subsection 3, paragraph
14 12 c, as enacted by 2008 Iowa Acts, House File 2663,
14 13 section 29, if enacted, is amended to read as follows:

14 14 c. The board secretary shall notify the county
14 15 commissioner of elections of the intent to take the
14 16 issue to the voters. The county commissioner of
14 17 elections shall publish the notices required by law
14 18 for special or general elections, and the election
14 19 shall be held ~~not sooner than thirty days nor later~~
~~than forty days after notice from the school board on~~
14 21 a date specified in section 39.2, subsection 4,

14 22 paragraph "c". A majority of those voting on the
14 23 question must favor approval of the revenue purpose
14 24 statement. If the proposal is not approved, the
14 25 school district shall not submit the same or new
14 26 revenue purpose statement to the electors for a period
14 27 of six months from the date of the previous election.>

14 28 #16. Page 35, by inserting after line 20 the
14 29 following:

14 30 <Sec. _____. Section 441.38, subsection 1, Code
14 31 2007, is amended to read as follows:

14 32 1. Appeals may be taken from the action of the
14 33 local board of review with reference to protests of
14 34 assessment, to the district court of the county in
14 35 which the board holds its sessions within twenty days
14 36 after its adjournment or May 31, whichever date is
14 37 later. Appeals may be taken from the action of the
14 38 property assessment appeal board to the district court
14 39 of the county where the property which is the subject
14 40 of the appeal is located within twenty days after the
14 41 letter of disposition of the appeal by the property
14 42 assessment appeal board is postmarked to the
14 43 appellant. No new grounds in addition to those set
14 44 out in the protest to the local board of review as
14 45 provided in section 441.37, or in addition to those
14 46 set out in the appeal to the property assessment
14 47 appeal board, if applicable, can be pleaded, ~~but~~
~~additional.~~ Additional evidence to sustain those
14 49 grounds may be introduced in an appeal from the local
14 50 board of review to the district court. However, no



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15 1 new evidence to sustain those grounds may be
 15 2 introduced in an appeal from the property assessment
 15 3 appeal board to the district court. The assessor
 15 4 shall have the same right to appeal and in the same
 15 5 manner as an individual taxpayer, public body, or
 15 6 other public officer as provided in section 441.42.
 15 7 Appeals shall be taken by filing a written notice of
 15 8 appeal with the clerk of district court. Filing of
 15 9 the written notice of appeal shall preserve all rights
 15 10 of appeal of the appellant.>

15 11 #17. Page 45, by inserting before line 6 the
 15 12 following:

15 13 <Sec. _____. 2007 Iowa Acts, chapter 206, section 6,
 15 14 unnumbered paragraph 3, is amended to read as follows:

15 15 Notwithstanding section 8.33, moneys appropriated
 15 16 in this section that remain unencumbered or
 15 17 unobligated at the close of the fiscal year shall not
 15 18 revert but shall remain available for expenditure for
 15 19 the purposes designated until the close of the
 15 20 ~~succeeding~~ fiscal year beginning July 1, 2008.>

15 21 #18. Page 45, by inserting after line 19 the
 15 22 following:

15 23 <Sec. _____. MEDICAL ASSISTANCE == APPROPRIATION.

15 24 There is appropriated from the general fund of the
 15 25 state to the department of human services for the
 15 26 fiscal year beginning July 1, 2008, and ending June
 15 27 30, 2009, the following amount, or so much thereof as
 15 28 is necessary, for the purpose designated:

15 29 Notwithstanding the reimbursement provisions in
 15 30 2008 Iowa Acts, Senate File 2425, if enacted, or any
 15 31 other provision requiring budget neutrality in setting
 15 32 hospital reimbursement rates, as additional funding
 15 33 for the medical assistance program to be used for the
 15 34 rebasing of hospital reimbursement rates under the
 15 35 medical assistance program:

15 36 \$ 5,500,000>

15 37 #19. Page 46, by inserting after line 7 the
 15 38 following:

15 39 <Sec. _____. 2008 Iowa Acts, House File 2699,
 15 40 section 4, subsection 3, if enacted, is amended by
 15 41 adding the following new paragraph:

15 42 NEW PARAGRAPH. e. The department of economic
 15 43 development shall coordinate with the department of
 15 44 natural resources, the Iowa finance authority, and the
 15 45 United States department of agriculture in maximizing
 15 46 community development block grants and loans available
 15 47 for water, wastewater, and unsewered communities. It
 15 48 is the intent of the general assembly that the
 15 49 department recognize and provide the appropriate level
 15 50 of funding needed for wastewater and sewer projects in



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16 1 communities with populations of 200 persons or less.
 16 2 Sec. _____. 2008 Iowa Acts, House File 2699, section
 16 3 16, subsection 4, if enacted, is amended by striking
 16 4 the subsection and inserting in lieu thereof the
 16 5 following:
 16 6 4. STATEWIDE STANDARD SKILLS ASSESSMENT
 16 7 For development and administration of a statewide
 16 8 standard skills assessment to assess the employability
 16 9 skills of adult workers statewide and to provide
 16 10 instruction to department staff in the administration
 16 11 of the assessment in accordance with section 84A.5,
 16 12 subsection 1, as amended by the Eighty=second General
 16 13 Assembly, 2008 Session:
 16 14 \$ 500,000>
 16 15 #20. Page 46, by inserting after line 7 the
 16 16 following:
 16 17 <Sec. _____. HEALTHY IOWANS TOBACCO TRUST ==
 16 18 APPROPRIATION == TOBACCO USE PREVENTION AND TREATMENT.
 16 19 There is appropriated from the healthy Iowans tobacco
 16 20 trust created in section 12.65 to the department of
 16 21 public health for the fiscal year beginning July 1,
 16 22 2008, and ending June 30, 2009, the following amount,
 16 23 or so much thereof as is necessary, for the purpose
 16 24 designated:
 16 25 For tobacco use prevention, cessation, and
 16 26 treatment, in addition to other appropriations made
 16 27 for this purpose:
 16 28 \$ 1,000,000
 16 29 Sec. _____. DEPARTMENT OF HUMAN SERVICES == SHELTER
 16 30 CARE. There is appropriated from the general fund of
 16 31 the state to the department of human services for the
 16 32 fiscal year beginning July 1, 2008, and ending June
 16 33 30, 2009, the following amount, or so much thereof as
 16 34 is necessary, to be used for the purposes designated:
 16 35 For supplementing the appropriation made for child
 16 36 and family services in 2008 Iowa Acts, Senate File
 16 37 2425, if enacted, to be used to increase the amount
 16 38 allocated in that appropriation for shelter care to
 16 39 \$8,072,215:
 16 40 \$ 1,000,000
 16 41 Sec. _____. INTERPRETERS FOR THE DEAF. There is
 16 42 appropriated from the general fund of the state to the
 16 43 department of education for the fiscal year beginning
 16 44 July 1, 2008, and ending June 30, 2009, the following
 16 45 amount, or so much thereof as is necessary, to be used
 16 46 for the purpose designated:
 16 47 Due to the high numbers of articulation agreements
 16 48 between the state school for the deaf and Iowa western
 16 49 community college, for allocation for arrangements
 16 50 made between the state school for the deaf and Iowa



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17 1 western community college for deaf interpreters:
 17 2 \$ 200,000
 17 3 Sec. _____. UNITED STATES CENTER FOR CITIZEN
 17 4 DIPLOMACY. There is appropriated from the general
 17 5 fund of the state to the office of the secretary of
 17 6 state for the fiscal year beginning July 1, 2008, and
 17 7 ending June 30, 2009, the following amount, or so much
 17 8 thereof as is necessary, to be used for the purpose
 17 9 designated:
 17 10 For a grant to support the United States center for
 17 11 citizen diplomacy:
 17 12 \$ 150,000
 17 13 Sec. _____. DEPARTMENT OF NATURAL RESOURCES. There
 17 14 is appropriated from any interest or earning moneys in
 17 15 the federal economic stimulus and jobs holding fund to
 17 16 the department of natural resources for the fiscal
 17 17 year beginning July 1, 2008, and ending June 30, 2009,
 17 18 the following amounts, or so much thereof as is
 17 19 necessary, to be used for the purposes designated:
 17 20 For the abatement, control, and prevention of
 17 21 ambient air pollution in this state, including
 17 22 measures as necessary to assure attainment and
 17 23 maintenance of ambient air quality standards from
 17 24 particulate matter:
 17 25 \$ 195,000>
 17 26 #21. Page 46, by inserting after line 12 the
 17 27 following:
 17 28 <Sec. _____. DEPARTMENT OF CULTURAL AFFAIRS ==
 17 29 BATTLE FLAG EMPLOYEES. The department of cultural
 17 30 affairs is authorized an additional 1.50 full-time
 17 31 equivalent positions for a conservation assistant and
 17 32 a part-time historian for work related to the
 17 33 stabilization and preservation of the battle flag
 17 34 collection.>
 17 35 #22. Page 47, by inserting after line 18 the
 17 36 following:
 17 37 <Sec. _____. EFFECTIVE DATE. The section of this
 17 38 division of this Act amending 2007 Iowa Acts, chapter
 17 39 206, section 6, being deemed of immediate importance,
 17 40 takes effect upon enactment.>
 17 41 #23. Page 56, by inserting after line 2 the
 17 42 following:
 17 43 <Sec. _____. Section 100C.6, subsection 3, as
 17 44 enacted by 2008 Iowa Acts, House File 2646, section 1,
 17 45 is amended to read as follows:
 17 46 3. Relieve any person engaged in fire sprinkler
 17 47 installation, maintenance, repair, service, or
 17 48 inspection as defined in section 100D.1 from obtaining
 17 49 a fire sprinkler installer ~~or fire sprinkler and~~
 17 50 maintenance worker license as required pursuant to



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18 1 chapter 100D.>
 18 2 #24. Page 58, line 25, by striking the words and
 18 3 figure <Sec. 106. NEW SECTION.>.
 18 4 #25. Page 61, by inserting after line 24 the
 18 5 following:
 18 6 <Sec. _____. 2008 Iowa Acts, House File 2689,
 18 7 section 35, if enacted, is amended by striking the
 18 8 section and inserting in lieu thereof the following:
 18 9 SEC. _____. EFFECTIVE DATE. This division of this
 18 10 Act takes effect January 1, 2009.>

18 11 #26. Page 62, by inserting after line 29 the
 18 12 following:
 18 13 <Sec. _____. 2008 Iowa Acts, Senate File 2432,
 18 14 section 1, subsection 5, paragraph c, if enacted, is
 18 15 amended to read as follows:
 18 16 <c. For equal distribution to regional sports
 18 17 authority districts certified by the department
 18 18 pursuant to section 15E.321, notwithstanding section
 18 19 8.57, subsection 6, paragraph "c":

18 20 \$ 500,000

18 21 Sec. _____. 2008 Iowa Acts, Senate File 2432,
 18 22 section 1, subsection 9, paragraph a, if enacted, is
 18 23 amended to read as follows:
 18 24 a. For purposes of supporting a water trails
 18 25 development program and a lowhead dam public hazard
 18 26 improvement program, notwithstanding section 8.57,
 18 27 subsection 6, paragraph "c":

18 28 \$ 1,000,000

18 29 The department shall award grants to dam owners
 18 30 including counties, cities, state agencies,
 18 31 cooperatives, and individuals, to support projects
 18 32 approved by the department.

18 33 The department shall require each dam owner
 18 34 applying for a project grant to submit a project plan
 18 35 for the expenditure of the moneys, and file a report
 18 36 with the department regarding the project, as required
 18 37 by the department.

18 38 The funds can be used for signs, posts, and related
 18 39 cabling, and the department shall only award money on
 18 40 a matching basis, pursuant to the dam owner
 18 41 contributing at least 20 cents for every 80 cents
 18 42 awarded by the department, in order to finance the
 18 43 project. For the remainder of the funds, including
 18 44 any balance of money not awarded for signs, posts, and
 18 45 related cabling, the department shall only award
 18 46 ~~moneys to a dam owner on a matching basis. A dam~~
 18 47 ~~owner shall contribute one dollar for each dollar~~
 18 48 ~~awarded by the department in order to finance a~~
 18 49 ~~project moneys for the water trails development~~
 18 50 program or to the lowhead dam public hazard



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19 1 improvement program on a matching basis according to
19 2 departmental rules.>

19 3 #27. Page 62, by inserting after line 29 the
19 4 following:

19 5 <DIVISION
19 6 ANIMAL AGRICULTURE

19 7 Sec. _____. Section 459.102, subsection 4, Code
19 8 2007, is amended to read as follows:

19 9 4. "Animal feeding operation" means a lot, yard,
19 10 corral, building, or other area in which animals are
19 11 confined and fed and maintained for forty-five days or
19 12 more in any twelve-month period, and all structures
19 13 used for the storage of manure from animals in the
19 14 operation. ~~An~~ Except as required for a national
19 15 pollutant discharge elimination system permit required

19 16 pursuant to the federal Water Pollution Control Act,
19 17 33 U.S.C. ch. 26, as amended, an animal feeding
19 18 operation does not include a livestock market.

19 19 Sec. _____. Section 459A.103, subsection 3, Code
19 20 2007, is amended to read as follows:

19 21 3. a. In calculating the animal unit capacity of
19 22 an open feedlot operation, the animal unit capacity
19 23 shall not include the animal unit capacity of any
19 24 confinement feeding operation building as defined in
19 25 section 459.102, which is part of the open feedlot
19 26 operation.

19 27 b. Notwithstanding paragraph "a", only for
19 28 purposes of determining whether an open feedlot
19 29 operation must obtain an operating permit, the animal
19 30 unit capacity of the animal feeding operation includes
19 31 the animal unit capacities of both the open feedlot
19 32 operation and the confinement feeding operation if the
19 33 animals in the open feedlot operation and the
19 34 confinement feeding operation are all in the same
19 35 category or type of animals as used in the definitions
19 36 of large and medium concentrated animal feeding
19 37 operations in 40 C.F.R. pt. 122. In all other
19 38 respects the confinement feeding operation shall be
19 39 governed by chapter 459 and the open feedlot operation
19 40 shall be governed by this chapter.

19 41 Sec. _____. Section 459A.401, subsection 2,
19 42 paragraph a, unnumbered paragraph 1, Code Supplement
19 43 2007, is amended to read as follows:

19 44 An open feedlot operation in compliance with the
19 45 inspection and recordkeeping requirements of 40 C.F.R.
19 46 pt. 122 and 40 C.F.R. pt. 412 applicable to the
19 47 operation may discharge open feedlot effluent into any
19 48 waters of the United States due to a precipitation
19 49 event, if any of the following apply:

19 50 Sec. _____. COMPLIANCE EDUCATION EFFORT. The



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20 1 department of natural resources shall provide for a
20 2 compliance education effort. In administering the
20 3 effort, the department, in cooperation with
20 4 associations that represent livestock producers and
20 5 organizations that represent farmers generally, shall
20 6 provide information on a statewide basis to persons
20 7 involved with maintaining animals in a confinement
20 8 feeding operation or open feedlot operation regarding
20 9 methods and practices to ensure compliance with this
20 10 Act.

20 11 Sec. _____. APPLICABILITY AND ENFORCEMENT.

20 12 1. A person required to obtain an operating permit
20 13 for an animal feeding operation by the department of
20 14 natural resources pursuant to 567 IAC ch. 65, and
20 15 section 459.102, subsection 4, as amended by this
20 16 division of this Act, or section 459A.103, subsection
20 17 3, as amended by this division of this Act, shall
20 18 submit an application for the operating permit to the
20 19 department of natural resources on or before December
20 20 31, 2008. The application for the operating permit
20 21 must be complete, including all information required
20 22 to be included in the application according to rules
20 23 adopted by the department.

20 24 2. a. The state shall not take an enforcement
20 25 action against a person arising from the person's
20 26 failure to obtain an operating permit by the
20 27 department of natural resources as required pursuant
20 28 to this division of this Act if the person's
20 29 application for the operating permit application is
20 30 pending in accordance with subsection 1.

20 31 b. The state shall not take an enforcement action
20 32 against a person arising from the person's failure to
20 33 obtain an operating permit as required pursuant to
20 34 this division of this Act for the period beginning on
20 35 the day when the department of natural resources
20 36 denies the person's application for the operation
20 37 permit and ending on the thirtieth day after the
20 38 person receives written notice that such application
20 39 has been denied.

20 40 Sec. _____. EFFECTIVE DATE.

20 41 1. Except as provided in subsection 2, this
20 42 division of this Act takes effect on December 31,
20 43 2008.

20 44 2. The section of this division of this Act
20 45 establishing a compliance education effort takes
20 46 effect upon enactment.

20 47 DIVISION

20 48 RETIREMENT FOR SENIOR JUDGES

20 49 Sec. _____. Section 602.9202, Code 2007, is amended
20 50 by adding the following new subsection:



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21 1 NEW SUBSECTION. 3A. "Senior judge retirement age"
21 2 means seventy=eight years of age or, if the senior
21 3 judge is reappointed as a senior judge for an
21 4 additional two=year term upon attaining seventy=eight
21 5 years of age pursuant to section 602.9203, eighty
21 6 years of age.

21 7 Sec. _____. Section 602.9203, subsection 5, Code
21 8 2007, is amended to read as follows:

21 9 5. a. A senior judge may be reappointed to
21 10 additional two=year terms, at the discretion of the
21 11 supreme court, if the judicial officer meets the
21 12 requirements of subsection 2.

21 13 b. A senior judge may be reappointed to an
21 14 additional two=year term upon attaining seventy=eight
21 15 years of age, at the discretion of the supreme court,
21 16 if the judicial officer meets the requirements of
21 17 subsection 2.

21 18 Sec. _____. Section 602.9204, subsection 1, Code
21 19 2007, is amended to read as follows:

21 20 1. A judge who retires on or after July 1, 1994,
21 21 and who is appointed a senior judge under section
21 22 602.9203 shall be paid a salary as determined by the
21 23 general assembly. A senior judge or retired senior
21 24 judge shall be paid an annuity under the judicial
21 25 retirement system in the manner provided in section
21 26 602.9109, but computed under this section in lieu of
21 27 section 602.9107, as follows: The annuity paid to a
21 28 senior judge or retired senior judge shall be an
21 29 amount equal to the applicable percentage multiplier
21 30 of the basic senior judge salary, multiplied by the
21 31 judge's years of service prior to retirement as a
21 32 judge of one or more of the courts included under this
21 33 article, for which contributions were made to the
21 34 system, except the annuity of the senior judge or
21 35 retired senior judge shall not exceed an amount equal
21 36 to the applicable specified percentage of the basic
21 37 senior judge salary used in calculating the annuity.
21 38 However, following the twelve=month period during
21 39 which the senior judge or retired senior judge attains
21 40 ~~seventy=eight years of~~ senior judge retirement age,
21 41 the annuity paid to the person shall be an amount
21 42 equal to the applicable percentage multiplier of the
21 43 basic senior judge salary cap, multiplied by the
21 44 judge's years of service prior to retirement as a
21 45 judge of one or more of the courts included under this
21 46 article, for which contributions were made to the
21 47 system, except that the annuity shall not exceed an
21 48 amount equal to the applicable specified percentage of
21 49 the basic senior judge salary cap. A senior judge or
21 50 retired senior judge shall not receive benefits



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22 1 calculated using a basic senior judge salary
22 2 established after the twelve-month period in which the
22 3 senior judge or retired senior judge attains
22 4 ~~seventy-eight years of~~ senior judge retirement age.
22 5 The state shall provide, regardless of age, to an
22 6 active senior judge or a senior judge with six years
22 7 of service as a senior judge and to the judge's
22 8 spouse, and pay for medical insurance until the judge
22 9 attains ~~the senior judge retirement age of~~
~~22 10 seventy-eight years.~~

22 11 Sec. _____. Section 602.9204, subsection 2,
22 12 paragraphs d and e, Code 2007, is amended to read as
22 13 follows:

22 14 d. "Basic senior judge salary cap" means the basic
22 15 senior judge salary, at the end of the twelve-month
22 16 period during which the senior judge or retired senior
22 17 judge attained ~~seventy-eight years of~~ senior judge
22 18 retirement age, of the office in which the person last
22 19 served as a judge before retirement as a judge or
22 20 senior judge.

22 21 e. "Escalator" means the difference between the
22 22 current basic salary, as of the time each payment is
22 23 made up to and including the twelve-month period
22 24 during which the senior judge or retired senior judge
22 25 attains ~~seventy-eight years of~~ senior judge retirement
22 26 age, of the office in which the senior judge last
22 27 served as a judge before retirement as a judge or
22 28 senior judge, and the basic annual salary which the
22 29 judge is receiving at the time the judge becomes
22 30 separated from full-time service as a judge of one or
22 31 more of the courts included in this article, as would
22 32 be used in computing an annuity pursuant to section
22 33 602.9107 without service as a senior judge.

22 34 Sec. _____. Section 602.9207, subsection 1, Code
22 35 2007, is amended to read as follows:

22 36 1. A senior judge shall cease to be a senior judge
22 37 upon completion of the twelve-month period during
22 38 which the judge attains ~~seventy-eight years of~~ senior
22 39 judge retirement age. The clerk of the supreme court
22 40 shall make a notation of the retirement of a senior
22 41 judge in the roster of senior judges, at which time
22 42 the senior judge shall become a retired senior judge.

22 43 Sec. _____. Section 602.9208, subsection 1, Code
22 44 2007, is amended to read as follows:

22 45 1. A senior judge, at any time prior to the end of
22 46 the twelve-month period during which the judge attains
22 47 ~~seventy-eight years of~~ senior judge retirement age,
22 48 may submit to the clerk of the supreme court a written
22 49 request that the judge's name be stricken from the
22 50 roster of senior judges. Upon the receipt of the



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23 1 request the clerk shall strike the name of the person
23 2 from the roster of senior judges, at which time the
23 3 person shall cease to be a senior judge. A person who
23 4 relinquishes a senior judgeship as provided in this
23 5 subsection may be assigned to temporary judicial
23 6 duties as provided in section 602.1612.

23 7

DIVISION

23 8

CORE CURRICULUM FOR SCHOOLS

23 9

Sec. _____. Section 256.7, subsection 26, Code

23 10 Supplement 2007, as amended by 2008 Iowa Acts, Senate
23 11 File 2216, section 1, is amended to read as follows:

23 12

26. a. Adopt rules that establish a core

23 13 curriculum and requiring, beginning with the students
23 14 in the 2010==2011 school year graduating class, high
23 15 school graduation requirements for all students in
23 16 school districts and accredited nonpublic schools that
23 17 include at a minimum satisfactory completion of four
23 18 years of English and language arts, three years of
23 19 mathematics, three years of science, and three years
23 20 of social studies. The core curriculum adopted shall
23 21 address the core content standards in subsection 28
23 22 and the skills and knowledge students need to be
23 23 successful in the twenty=first century. The core
23 24 curriculum shall include social studies and
23 25 twenty=first century learning skills which include but
23 26 are not limited to civic literacy, health literacy,
23 27 technology literacy, financial literacy, and
23 28 employability skills; and shall address the curricular
23 29 needs of students in kindergarten through grade twelve
23 30 in those areas. ~~For purposes of this subsection,~~
~~23 31 "financial literacy" shall include but not be limited~~
~~23 32 to financial responsibility and planning skills; money~~
~~23 33 management skills, including setting financial goals,~~
~~23 34 creating spending plans, and using financial~~
~~23 35 instruments; applying decision=making skills to~~
~~23 36 analyze debt incurrence and debt management;~~
~~23 37 understanding risk management, including the features~~
~~23 38 and functions of insurance; and understanding saving~~
~~23 39 and investing as applied to long=term financial~~
~~23 40 security and asset building. The department shall~~
23 41 further define the twenty=first century learning
23 42 skills components by rule.

23 43

b. Continue the inclusive process begun during the
23 44 initial development of a core curriculum for grades
23 45 nine through twelve including stakeholder involvement,
23 46 including but not limited to representatives from the
23 47 private sector and the business community, and
23 48 alignment of the core curriculum to other recognized
23 49 sets of national and international standards. The
23 50 state board shall also recommend quality assessments



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24 1 to school districts and accredited nonpublic schools
24 2 to measure the core curriculum.
24 3 ~~The state board shall not require school districts~~
24 4 ~~or accredited nonpublic schools to adopt a specific~~
24 5 ~~textbook or textbook series to meet the core~~
24 6 ~~curriculum requirements of~~ Neither the state board nor
24 7 the department shall require school districts or
24 8 accredited nonpublic schools to adopt a specific
24 9 textbook, textbook series, or specific instructional
24 10 methodology, or acquire specific textbooks, curriculum
24 11 materials, or educational products from a specific
24 12 vendor in order to meet the core curriculum
24 13 requirements of this subsection or the core content
24 14 standards adopted pursuant to subsection 28.
24 15 Sec. ____ . Section 256.9, subsection 57, as enacted
24 16 by 2008 Iowa Acts, section 2, is amended to read as
24 17 follows:
24 18 57. a. Develop and distribute, in collaboration
24 19 with the area education agencies, core curriculum
24 20 technical assistance and implementation strategies
24 21 that school districts and accredited nonpublic schools
24 22 ~~may~~ shall utilize, including but not limited to the
24 23 development and delivery of formative and
24 24 end-of-course model assessments classroom teachers ~~can~~
24 25 may use to measure student progress on the core
24 26 curriculum adopted pursuant to section 256.7,
24 27 subsection 26. The department shall ~~continue to~~
24 28 ~~collaborate with Iowa testing programs on the~~
24 29 ~~development of,~~ in collaboration with the advisory
24 30 group convened in accordance with paragraph "b" and
24 31 educational assessment providers, identify and make
24 32 available to school districts end-of-course and
24 33 additional model end-of-course and additional
24 34 assessments to align with the expectations included in
24 35 the Iowa core curriculum. The model assessments shall
24 36 be suitable to meet the multiple assessment measures
24 37 requirement specified in section 256.7, subsection 21,
24 38 paragraph "c".
24 39 b. Convene an advisory group comprised of
24 40 education stakeholders including but not limited to
24 41 school district and accredited nonpublic school
24 42 teachers, school administrators, higher education
24 43 faculty who teach in the subjects for which the
24 44 curriculum is being adopted, private sector employers,
24 45 members of the boards of directors of school
24 46 districts, and individuals representing the
24 47 educational assessment providers. The task force
24 48 shall review the national assessment of educational
24 49 progress standards and assessments used by other
24 50 states, and shall consider standards identified as



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25 1 best practices in the field of study by the national
25 2 councils of teachers of English and mathematics, the
25 3 national council for the social studies, the national
25 4 science teachers association, and other recognized
25 5 experts.

25 6 Sec. _____. Section 257.11, Code Supplement 2007, is
25 7 amended by adding the following new subsection:

25 8 NEW SUBSECTION. 8A. A school district shall
25 9 ensure that any course made available to a student
25 10 through any sharing agreement between the school
25 11 district and a community college or any other entity
25 12 providing course programming pursuant to this section
25 13 to students enrolled in the school district meets the
25 14 expectations contained in the core curriculum adopted
25 15 pursuant to section 256.7, subsection 26. The school
25 16 district shall ensure that any course that has the
25 17 capacity to generate college credit shall be
25 18 equivalent to college-level work.

25 19 Sec. _____. Section 280.2, Code 2007, is amended to
25 20 read as follows:

25 21 280.2 DEFINITIONS.

25 22 The term "public school" means any school directly
25 23 supported in whole or in part by taxation. The term
25 24 "nonpublic school" means any other school which is
25 25 ~~accredited or which uses licensed practitioners as~~
25 26 ~~instructors pursuant to section 256.11.~~

25 27 Sec. _____. 2008 Iowa Acts, Senate File 2216,
25 28 section 6, is amended to read as follows:

25 29 SEC. 6. DEPARTMENT OF EDUCATION == CORE CURRICULUM
25 30 STUDY. The department of education shall conduct a
25 31 study of the measures necessary for the successful
25 32 adoption by the state's school districts and
25 33 accredited nonpublic schools of core curriculums and
25 34 core content standards established by rule pursuant to
25 35 section 256.7, subsections 26 and 28. The study shall
25 36 include an examination of the possible future
25 37 expansion of the core curriculum to include content
25 38 areas not currently included under section 256.7,
25 39 subsection 26, including but not limited to fine arts,
25 40 applied arts, humanities, and world languages. The
25 41 department shall submit its findings and
25 42 recommendations, including recommendations for
25 43 statutory and administrative rule changes necessary,
25 44 to the general assembly by November 14, 2008.

25 45 DIVISION

25 46 PUBLIC INFORMATION BOARD == APPROPRIATION

25 47 Sec. _____. Section 21.6, subsection 3, paragraph a,
25 48 subparagraph (3), Code 2007, is amended to read as
25 49 follows:

25 50 (3) Reasonably relied upon a decision of a court,



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26 1 ~~or~~ a formal opinion of the Iowa public information
26 2 board, the attorney general, or the attorney for the
26 3 governmental body, given in writing, or as
26 4 memorialized in the minutes of the meeting at which a
26 5 formal oral opinion was given, or an advisory opinion
26 6 of the Iowa public information board, the attorney
26 7 general, or the attorney for the governmental body,
26 8 given in writing.

26 9 Sec. _____. Section 21.6, subsection 3, paragraph d,
26 10 Code 2007, is amended to read as follows:

26 11 d. Shall issue an order removing a member of a
26 12 governmental body from office if that member has
26 13 engaged in a prior violation of this chapter for which
26 14 damages were assessed against the member during the
26 15 member's term. In making this determination, the
26 16 court shall recognize violations for which damages
26 17 were assessed by the Iowa public information board
26 18 created in section 23.3.

26 19 Sec. _____. Section 22.10, subsection 3, paragraphs
26 20 b and d, Code 2007, are amended to read as follows:

26 21 b. Shall assess the persons who participated in
26 22 its violation damages in the amount of not more than
26 23 five hundred dollars nor less than one hundred
26 24 dollars. These damages shall be paid by the court
26 25 imposing them to the state of Iowa if the body in
26 26 question is a state government body, or to the local
26 27 government involved if the body in question is a local
26 28 government body. A person found to have violated this
26 29 chapter shall not be assessed such damages if that
26 30 person proves that the person either voted against the
26 31 action violating this chapter, refused to participate
26 32 in the action violating this chapter, or engaged in
26 33 reasonable efforts under the circumstances to resist
26 34 or prevent the action in violation of this chapter;
26 35 had good reason to believe and in good faith believed
26 36 facts which, if true, would have indicated compliance
26 37 with the requirements of this chapter; or reasonably
26 38 relied upon a decision of a court ~~or an~~ a formal
26 39 opinion of the Iowa public information board, the
26 40 attorney general or the attorney for the government
26 41 body, given in writing or as memorialized in the
26 42 minutes of the meeting at which a formal oral opinion
26 43 was given, or an advisory opinion of the Iowa public
26 44 information board, the attorney general, or the
26 45 attorney for the government body, given in writing.

26 46 d. Shall issue an order removing a person from
26 47 office if that person has engaged in a prior violation
26 48 of this chapter for which damages were assessed
26 49 against the person during the person's term. In
26 50 making this determination, the court shall recognize



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27 1 violations for which damages were assessed by the Iowa
27 2 public information board created in section 23.3.

27 3 Sec. ____ . NEW SECTION. 23.1 CITATION AND
27 4 PURPOSE.

27 5 This chapter may be cited as the "Iowa Public
27 6 Information Board Act". The purpose of this chapter
27 7 is to provide an alternative means by which to secure
27 8 compliance with and enforcement of the requirements of
27 9 chapters 21 and 22 through the provision by the Iowa
27 10 public information board to all interested parties of
27 11 an efficient, informal, and cost-effective process for
27 12 resolving disputes.

27 13 Sec. ____ . NEW SECTION. 23.2 DEFINITIONS.

27 14 1. "Board" means the Iowa public information board
27 15 created in section 23.3.

27 16 2. "Complainant" means a person who files a
27 17 complaint with the board.

27 18 3. "Complaint" means a written and signed document
27 19 filed with the board alleging a violation of chapter
27 20 21 or 22.

27 21 4. "Custodian" means a government body, government
27 22 official, or government employee designated as the
27 23 lawful custodian of a government record pursuant to
27 24 section 22.1.

27 25 5. "Government body" means the same as defined in
27 26 section 22.1.

27 27 6. "Person" means an individual, partnership,
27 28 association, corporation, legal representative,
27 29 trustee, receiver, custodian, government body, or
27 30 official, employee, agency, or political subdivision
27 31 of this state.

27 32 7. "Respondent" means any agency or other unit of
27 33 state or local government, custodian, government
27 34 official, or government employee who is the subject of
27 35 a complaint.

27 36 Sec. ____ . NEW SECTION. 23.3 BOARD APPOINTED.

27 37 1. An Iowa public information board is created
27 38 consisting of five members appointed by the governor,
27 39 subject to confirmation by the senate. Membership
27 40 shall be balanced as to political affiliation as
27 41 provided in section 69.16 and gender as provided in
27 42 section 69.16A. Members appointed to the board shall
27 43 serve staggered, four-year terms, beginning and ending
27 44 as provided by section 69.19. A quorum shall consist
27 45 of three members.

27 46 2. A vacancy on the board shall be filled by the
27 47 governor by appointment for the unexpired part of the
27 48 term. A board member may be removed from office by
27 49 the governor for good cause. The board shall select
27 50 one of its members to serve as chair and shall employ



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28 1 a director who shall serve as the executive officer of
28 2 the board.

28 3 Sec. _____. NEW SECTION. 23.4 COMPENSATION AND
28 4 EXPENSES.

28 5 Board members shall be paid a per diem as specified
28 6 in section 7E.6 and shall be reimbursed for actual and
28 7 necessary expenses incurred while on official board
28 8 business. Per diem and expenses shall be paid from
28 9 funds appropriated to the board.

28 10 Sec. _____. NEW SECTION. 23.5 ELECTION OF
28 11 REMEDIES.

28 12 1. An aggrieved person, any taxpayer to or citizen
28 13 of this state, the attorney general, or any county
28 14 attorney may seek enforcement of the requirements of
28 15 chapters 21 and 22 by electing either to file an
28 16 action pursuant to section 17A.19, 21.6, or 22.10,
28 17 whichever is applicable, or in the alternative, to
28 18 file a timely complaint with the board.

28 19 2. If more than one person seeks enforcement of
28 20 chapter 21 or 22 with respect to the same incident
28 21 involving an alleged violation, and one or more of
28 22 such persons elects to do so by filing an action under
28 23 section 17A.19, 21.6, or 22.10 and one or more of such
28 24 persons elects to do so by filing a timely complaint
28 25 with the board, the court in which the action was
28 26 filed shall dismiss the action without prejudice,
28 27 authorizing the complainant to file a complaint with
28 28 respect to the same incident with the board without
28 29 regard to the timeliness of the filing of the
28 30 complaint at the time the action in court is
28 31 dismissed.

28 32 3. If a person files an action pursuant to section
28 33 22.8 seeking to enjoin the inspection of a public
28 34 record, the respondent or person requesting access to
28 35 the record which is the subject of the request for
28 36 injunction may remove the proceeding to the board for
28 37 its determination by filing, within thirty days of the
28 38 commencement of the judicial proceeding, a complaint
28 39 with the board alleging a violation of chapter 22 in
28 40 regard to the same matter.

28 41 Sec. _____. NEW SECTION. 23.6 BOARD POWERS AND
28 42 DUTIES.

28 43 The board shall have all of the following powers
28 44 and duties:

28 45 1. Employ such employees as are necessary to
28 46 execute its authority, including administrative law
28 47 judges, and attorneys to prosecute respondents in
28 48 proceedings before the board and to represent the
28 49 board in proceedings before a court. Notwithstanding
28 50 section 8A.412, all of the board's employees, except



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29 1 for the executive director and attorneys, shall be
29 2 employed subject to the merit system provisions of
29 3 chapter 8A, subchapter IV.

29 4 2. Adopt rules with the force of law pursuant to
29 5 chapter 17A calculated to implement, enforce, and
29 6 interpret the requirements of chapters 21 and 22 and
29 7 to implement any authority delegated to the board by
29 8 this chapter.

29 9 3. Issue, consistent with the requirements of
29 10 section 17A.9, declaratory orders with the force of
29 11 law determining the applicability of chapter 21 or 22
29 12 to specified fact situations and issue informal advice
29 13 to any person concerning the applicability of chapters
29 14 21 and 22.

29 15 4. Receive complaints alleging violations of
29 16 chapter 21 or 22, seek resolution of such complaints
29 17 through informal assistance or through mediation and
29 18 settlement, formally investigate such complaints,
29 19 decide after such an investigation whether there is
29 20 probable cause to believe a violation of chapter 21 or
29 21 22 has occurred, and if probable cause has been found
29 22 prosecute the respondent before the board in a
29 23 contested case proceeding conducted according to the
29 24 provisions of chapter 17A.

29 25 5. Request and receive from a government body
29 26 assistance and information as necessary in the
29 27 performance of its duties. The board may examine a
29 28 record of a government body that is the subject matter
29 29 of a complaint, including any record that is
29 30 confidential by law. Confidential records provided to
29 31 the board by a governmental body shall continue to
29 32 maintain their confidential status. Any member or
29 33 employee of the board is subject to the same policies
29 34 and penalties regarding the confidentiality of the
29 35 document as an employee of the government body.

29 36 6. Issue subpoenas enforceable in court for the
29 37 purpose of investigating complaints and to facilitate
29 38 the prosecution and conduct of contested cases before
29 39 the board.

29 40 7. After appropriate board proceedings, issue
29 41 orders with the force of law, determining whether
29 42 there has been a violation of chapter 21 or 22,
29 43 requiring compliance with specified provisions of
29 44 those chapters, imposing civil penalties equivalent to
29 45 and to the same extent as those provided for in
29 46 section 21.6 or 22.10, as applicable, on a respondent
29 47 who has been found in violation of chapter 21 or 22,
29 48 and imposing any other appropriate remedies calculated
29 49 to declare, terminate, or remediate any violation of
29 50 those chapters.



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30 1 8. Represent itself in judicial proceedings to
30 2 enforce or defend its orders and rules through
30 3 attorneys on its own staff, through the office of the
30 4 attorney general, or through other attorneys retained
30 5 by the board, at its option.

30 6 9. Make training opportunities available to lawful
30 7 custodians, government bodies, and other persons
30 8 subject to the requirements of chapters 21 and 22 and
30 9 require, in its discretion, appropriate persons who
30 10 have responsibilities in relation to chapters 21 and
30 11 22 to receive periodic training approved by the board.

30 12 10. Disseminate information calculated to inform
30 13 members of the public about the public's right to
30 14 access government information in this state including
30 15 procedures to facilitate this access and including
30 16 information relating to the obligations of government
30 17 bodies under chapter 21 and lawful custodians under
30 18 chapter 22 and other laws dealing with this subject.

30 19 11. Prepare and transmit to the governor and to
30 20 the general assembly, at least annually, reports
30 21 describing complaints received, board proceedings,
30 22 investigations, hearings conducted, decisions
30 23 rendered, and other work performed by the board.

30 24 12. Make recommendations to the general assembly
30 25 proposing legislation relating to public access to
30 26 government information deemed desirable by the board
30 27 in light of the policy of this state to provide as
30 28 much public access as possible to government
30 29 information as is consistent with the public interest
30 30 and the need to protect individuals against undue
30 31 invasions of personal privacy.

30 32 Sec. ____ . NEW SECTION. 23.7 FILING OF COMPLAINTS
30 33 WITH THE BOARD.

30 34 1. The board shall adopt rules with the force of
30 35 law and pursuant to chapter 17A providing for the
30 36 timing, form, content, and means by which any
30 37 aggrieved person, any taxpayer to or citizen of this
30 38 state, the attorney general, or any county attorney
30 39 may file a complaint with the board alleging a
30 40 violation of chapter 21 or 22. The complaint must be
30 41 filed within sixty days from the time the alleged
30 42 violation occurred or the complainant could have
30 43 become aware of the violation with reasonable
30 44 diligence.

30 45 2. All board proceedings in response to the filing
30 46 of a complaint shall be conducted as expeditiously as
30 47 possible.

30 48 3. The board shall not charge a complainant any
30 49 fee in relation to the filing of a complaint, the
30 50 processing of a complaint, or any board proceeding or



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31 1 judicial proceeding resulting from the filing of a
31 2 complaint.
31 3 Sec. _____. NEW SECTION. 23.8 INITIAL PROCESSING
31 4 OF COMPLAINT.
31 5 Upon receipt of a complaint alleging a violation of
31 6 chapter 21 or 22, the board shall do either of the
31 7 following:
31 8 1. Determine that, on its face, the complaint is
31 9 within the board's jurisdiction, appears legally
31 10 sufficient, and could have merit. In such a case the
31 11 board shall accept the complaint, and shall notify the
31 12 parties of that fact in writing.
31 13 2. Determine that, on its face, the complaint is
31 14 outside its jurisdiction, is legally insufficient, is
31 15 frivolous, is without merit, involves harmless error,
31 16 or relates to a specific incident that has previously
31 17 been finally disposed of on its merits by the board or
31 18 a court. In such a case the board shall decline to
31 19 accept the complaint. If the board refuses to accept
31 20 a complaint, the board shall provide the complainant
31 21 with a written order explaining its reasons for the
31 22 action.
31 23 Sec. _____. NEW SECTION. 23.9 INFORMAL ASSISTANCE
31 24 == MEDIATION AND SETTLEMENT.
31 25 1. After accepting a complaint, the board shall
31 26 promptly work with the parties through its employees
31 27 to reach an informal, expeditious resolution of the
31 28 complaint. If an informal resolution satisfactory to
31 29 the parties cannot be reached, the board or the
31 30 board's designee shall offer the parties an
31 31 opportunity to resolve the dispute through mediation
31 32 and settlement.
31 33 2. The mediation and settlement process shall
31 34 enable the complainant to attempt to resolve the
31 35 dispute with the aid of a neutral mediator employed
31 36 and selected by the board, in its discretion, from
31 37 either its own staff or an outside source.
31 38 3. Mediation shall be conducted as an informal,
31 39 nonadversarial process and in a manner calculated to
31 40 help the parties reach a mutually acceptable and
31 41 voluntary settlement agreement. The mediator shall
31 42 assist the parties in identifying issues and shall
31 43 foster joint problem solving and the exploration of
31 44 settlement alternatives.
31 45 Sec. _____. NEW SECTION. 23.10 ENFORCEMENT.
31 46 1. If any party declines mediation or settlement
31 47 or if mediation or settlement fails to resolve the
31 48 matter to the satisfaction of all parties, the board
31 49 shall initiate a formal investigation concerning the
31 50 facts and circumstances set forth in the complaint.



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32 1 The board shall, after an appropriate investigation,
32 2 make a determination as to whether the complaint is
32 3 within the board's jurisdiction and whether there is
32 4 probable cause to believe that the facts and
32 5 circumstances alleged in the complaint constitute a
32 6 violation of chapter 21 or 22.

32 7 2. If the board finds the complaint is outside the
32 8 board's jurisdiction or there is no probable cause to
32 9 believe there has been a violation of chapter 21 or
32 10 22, the board shall issue a written order explaining
32 11 the reasons for the board's conclusions and dismissing
32 12 the complaint, and shall transmit a copy to the
32 13 complainant and to the party against whom the
32 14 complaint was filed.

32 15 3. a. If the board finds the complaint is within
32 16 the board's jurisdiction and there is probable cause
32 17 to believe there has been a violation of chapter 21 or
32 18 22, the board shall issue a written order to that
32 19 effect and shall commence a contested case proceeding
32 20 under chapter 17A against the respondent. An attorney
32 21 selected by the director of the board shall prosecute
32 22 the respondent in the contested case proceeding. At
32 23 the termination of the contested case proceeding the
32 24 board shall, by a majority vote of its members, render
32 25 a final decision as to the merits of the complaint.
32 26 If the board finds that the complaint has merit, the
32 27 board may issue any appropriate order to ensure
32 28 enforcement of chapter 21 or 22 including but not
32 29 limited to an order requiring specified action or
32 30 prohibiting specified action and any appropriate order
32 31 to remedy any failure of the respondent to observe any
32 32 provision of those chapters.

32 33 b. If the board determines, by a majority vote of
32 34 its members, that the respondent has violated chapter
32 35 21 or 22, the board may also do any or all of the
32 36 following:

32 37 (1) Require the respondent to pay damages as
32 38 provided for in section 21.6 or 22.10, whichever is
32 39 applicable, to the extent that provision would make
32 40 such damages payable if the complainant had sought to
32 41 enforce a violation in court instead of through the
32 42 board.

32 43 (2) Void any action taken in violation of chapter
32 44 21 if a court would be authorized to do so in similar
32 45 circumstances pursuant to section 21.6.

32 46 c. The board shall not have the authority to
32 47 remove a person from public office for a violation of
32 48 chapter 21 or 22. The board may file an action under
32 49 chapter 21 or 22 to remove a person from office for
32 50 violations that would subject a person to removal



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33 1 under those chapters.
 33 2 d. A final board order resulting from such
 33 3 proceedings may be enforced by the board in court and
 33 4 is subject to judicial review pursuant to section
 33 5 17A.19.
 33 6 Sec. _____. NEW SECTION. 23.11 DEFENSES IN A
 33 7 CONTESTED CASE PROCEEDING.
 33 8 A respondent may defend against a proceeding before
 33 9 the board charging a violation of chapter 21 or 22 on
 33 10 the ground that if such a violation occurred it was
 33 11 only harmless error or that clear and convincing
 33 12 evidence demonstrated that grounds existed to justify
 33 13 a court to issue an injunction against disclosure
 33 14 pursuant to section 22.8.
 33 15 Sec. _____. NEW SECTION. 23.12 JURISDICTION.
 33 16 The board shall not have jurisdiction over the
 33 17 judicial or legislative branches of state government
 33 18 or any entity, officer, or employee of those branches,
 33 19 or over the governor or the office of the governor.
 33 20 Sec. _____. IOWA PUBLIC INFORMATION BOARD ==
 33 21 TRANSITION PROVISIONS.
 33 22 1. The initial members of the Iowa public
 33 23 information board established pursuant to this
 33 24 division of this Act shall be appointed by September
 33 25 1, 2008.
 33 26 2. Notwithstanding any provision of this division
 33 27 of this Act to the contrary, the director of the board
 33 28 and employees of the board shall not be hired prior to
 33 29 July 1, 2009.
 33 30 3. Prior to July 1, 2009, the board shall submit a
 33 31 report to the governor and the general assembly. The
 33 32 report shall include a job description for the
 33 33 executive director of the board, goals for board
 33 34 operations, and performance measures to measure
 33 35 achievement of the board's goals.
 33 36 Sec. _____. APPROPRIATION == IOWA PUBLIC INFORMATION
 33 37 BOARD. There is appropriated from the general fund of
 33 38 the state to the department of management for the
 33 39 fiscal year beginning July 1, 2008, and ending June
 33 40 30, 2009, the following amount, or so much thereof as
 33 41 is necessary, to be used for the following purpose:
 33 42 For the initial expenses of the Iowa public
 33 43 information board as established in this division of
 33 44 this Act:
 33 45 \$ 6,000
 33 46 Sec. _____. LEGISLATIVE INTENT == OPEN MEETINGS AND
 33 47 PUBLIC RECORDS LAWS. It is the intent of the general
 33 48 assembly to provide as much transparency in government
 33 49 operations as possible consistent with the need to
 33 50 avoid undue invasions of personal privacy and the need



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34 1 to avoid significant interference with the achievement
34 2 of other important and legitimate state objectives.
34 3 To these ends, the general assembly will continue to
34 4 consider and make any necessary technical, practical,
34 5 and policy revisions to Iowa's open meetings law,
34 6 chapter 21, and Iowa's public records law, chapter 22.

34 7 DIVISION ____
34 8 WAGE=BENEFITS TAX CREDIT PROGRAM
34 9 Sec. ____ . Section 15.335A, subsection 2,
34 10 paragraphs b and c, Code 2007, are amended by striking
34 11 the paragraphs and inserting in lieu thereof the
34 12 following:

34 13 b. "Average county wage" means the annualized,
34 14 average hourly wage based on wage information compiled
34 15 by the department of workforce development.

34 16 c. "Benefits" means all of the following:

34 17 (1) Medical and dental insurance plans. If an
34 18 employer offers medical insurance under both single
34 19 and family coverage plans, the employer shall be given
34 20 credit for providing medical insurance under family
34 21 coverage plans to all new employees.

34 22 (2) Pension and profit sharing plans.

34 23 (3) Child care services.

34 24 (4) Life insurance coverage.

34 25 (5) Other benefits identified by rule of the
34 26 department of revenue.

34 27 Sec. ____ . Section 15.336, Code 2007, is amended to
34 28 read as follows:

34 29 15.336 OTHER INCENTIVES.

34 30 An eligible business may receive other applicable
34 31 federal, state, and local incentives and credits in
34 32 addition to those provided in this part. ~~However, a~~
~~34 33 business which participates in the program under this~~
~~34 34 part shall not receive any wage-benefits tax credits~~
~~34 35 under chapter 15I.~~

34 36 Sec. ____ . Section 15G.112, subsection 1, Code
34 37 2007, is amended to read as follows:

34 38 1. In order to receive financial assistance from
34 39 the department from moneys appropriated from the grow
34 40 Iowa values fund, the average annual wage, including
34 41 benefits, of new jobs created must be equal to or
34 42 greater than one hundred thirty percent of the average
34 43 county wage. For purposes of this section, "average
34 44 county wage" and "benefits" mean the same as defined
34 45 in section ~~15I.1~~ 15.335A.

34 46 Sec. ____ . Section 422.33, subsection 18, Code
34 47 Supplement 2007, is amended by striking the
34 48 subsection.

34 49 Sec. ____ . Section 422.60, subsection 10, Code
34 50 Supplement 2007, is amended by striking the



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35 1 subsection.
35 2 Sec. _____. Section 533.329, subsection 2, paragraph
35 3 m, Code Supplement 2007, is amended by striking the
35 4 subsection.
35 5 Sec. _____. Sections 15I.2, 15I.3, and 422.11L, Code
35 6 Supplement 2007, are repealed.
35 7 Sec. _____. Sections 15I.1, 15I.4, 15I.5, and
35 8 432.12G, Code 2007, are repealed.
35 9 Sec. _____. CONTINUATION OF TAX CREDITS. The repeal
35 10 of chapter 15I in this division of this Act does not
35 11 affect the availability of tax credits for qualified
35 12 new jobs in existence on June 30, 2008. Qualified new
35 13 jobs in existence on June 30, 2008, shall continue to
35 14 be eligible to receive the tax credits for the
35 15 remainder of the five-year period. However, a
35 16 business is not entitled to a tax credit for a
35 17 qualified new job created on or after July 1, 2008.>
35 18 #28. By renumbering as necessary.
35 19
35 20
35 21
35 22 ROBERT E. DVORSKY
35 23 HF 2700.705 82
35 24 mg/jp/21099



Iowa General Assembly
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Senate Amendment 5465

PAG LIN

1 1 Amend the amendment, S=5464, to House File 2700, as
1 2 amended, passed, and reprinted by the House, as
1 3 follows:
1 4 #1. Page 1, line 16, by inserting after the word
1 5 <by> the following: <the Iowa state fair board with
1 6 the approval of>.
1 7
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1 9
1 10 JOHN PUTNEY
1 11 HF 2700.708 82
1 12 mg/mg/11842
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**Iowa General Assembly
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April 25, 2008**

Senate Amendment 5466

PAG LIN

1 1 Amend the amendment, S=5464, to House File 2700, as
 1 2 amended, passed, and reprinted by the House, as
 1 3 follows:
 1 4 #1. Page 17, by striking lines 3 through 12 and
 1 5 inserting the following:
 1 6 <Sec. ____ . UNITED STATES CENTER FOR CITIZEN
 1 7 DIPLOMACY. There is appropriated from the general
 1 8 fund of the state to the department of economic
 1 9 development for the fiscal year beginning July 1,
 1 10 2008, and ending June 30, 2009, the following amount,
 1 11 or so much thereof as is necessary, to be used for the
 1 12 purposes designated:
 1 13 For a grant to support the United States center for
 1 14 citizen diplomacy:
 1 15 \$ 150,000
 1 16 The director of the department of economic
 1 17 development shall condition the grant upon the grantee
 1 18 submitting all of the following: evidence of a
 1 19 matching amount from nongovernmental sources received
 1 20 during calendar year 2008, a financial plan for
 1 21 program sustainability, evidence that the center's
 1 22 principal place of business is in this state, and
 1 23 agreement to submit quarterly reports demonstrating
 1 24 that the center's programs are directed to assisting
 1 25 the citizens of this state and beyond in promoting
 1 26 citizen diplomacy through individual, educational,
 1 27 business, and cultural efforts. The director shall
 1 28 submit the reports required under this section to the
 1 29 governor and the legislative council.>
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 1 33 ROBERT E. DVORSKY
 1 34 HF 2700.327 82
 1 35 jp/mg/11843

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Senate Resolution 164 - Introduced

PAG LIN

S.R. _____ H.R. _____

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SENATE RESOLUTION NO.
 BY COMMITTEE ON RULES AND ADMINISTRATION
 A Resolution thanking those Senators retiring from the Senate
 for their service to the State of Iowa.
 BE IT RESOLVED BY THE SENATE, That on the occasion of the
 retirement from the Senate of Senators Jeff Angelo, Michael
 Connolly, Thurman Gaskill, Mary Lundby, Larry McKibben, Dave
 Mulder, and John Putney, the undersigned members of the Senate
 wish to give thanks to their retiring colleagues for their years
 of public service, for their dedication to the common good,
 and for their contributions to the work of the Iowa Senate.

STACI APPEL	DARYL BEALL	JERRY BEHN
DENNIS H. BLACK	NANCY J. BOETTGER	JOE BOLKCOM
THOMAS G. COURTNEY	JEFF DANIELSON	DICK L. DEARDEN
WILLIAM DOTZLER	ROBERT E. DVORSKY	EUGENE S. FRAISE
MICHAEL E. GRONSTAL	JAMES F. HAHN	TOM HANCOCK



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Senate Resolution 164 - Introduced continued

2	1	DAVID L. HARTSUCH	JACK HATCH	WILLIAM HECKROTH
2	2			
2	3			
2	4	ROBERT M. HOGG	WALLY E. HORN	HUBERT HOUSER
2	5			
2	6			
2	7	DAVID JOHNSON	STEVE KETTERING	JOHN P. KIBBIE
2	8			
2	9			
2	10	KEITH A. KREIMAN	MATT McCOY	PAUL McKINLEY
2	11			
2	12			
2	13	LARRY NOBLE	RICH OLIVE	HERMAN C. QUIRMBACH
2	14			
2	15			
2	16	AMANDA RAGAN	THOMAS RIELLY	BECKY SCHMITZ
2	17			
2	18			
2	19	BRIAN SCHOENJAHN	Dr. JOE M. SENG	JAMES A. SEYMOUR
2	20			
2	21			
2	22	ROGER STEWART	PAT WARD	STEVE WARNSTADT
2	23			
2	24			
2	25	RON WIECK	FRANK B. WOOD	BRAD ZAUN
2	26			
2	27			
2	28	MARK ZIEMAN		