

# House File 2700

HOUSE FILE \_\_\_\_\_  
BY COMMITTEE ON APPROPRIATIONS  
(SUCCESSOR TO HSB 797)

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

## A BILL FOR

1 An Act relating to state and local finances by providing for  
2 funding of property tax credits and reimbursements, by making,  
3 increasing and reducing appropriations, providing for salaries  
4 and compensation of state employees, providing for matters  
5 relating to tax credits, providing for fees and penalties, and  
6 providing for properly related matters, and including  
7 effective and retroactive applicability date provisions.  
8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
9 TLSB 6618HV 82  
10 mg/jp/24

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1 1 DIVISION I  
1 2 MH/MR/DD SERVICES ALLOWED  
1 3 GROWTH FUNDING == FY 2009=2010  
1 4 Section 1. COUNTY MENTAL HEALTH, MENTAL RETARDATION, AND  
1 5 DEVELOPMENTAL DISABILITIES ALLOWED GROWTH APPROPRIATION AND  
1 6 ALLOCATIONS == FISCAL YEAR 2009=2010.  
1 7 1. There is appropriated from the general fund of the  
1 8 state to the department of human services for the fiscal year  
1 9 beginning July 1, 2009, and ending June 30, 2010, the  
1 10 following amount, or so much thereof as is necessary, to be  
1 11 used for the purpose designated:  
1 12 For distribution to counties of the county mental health,  
1 13 mental retardation, and developmental disabilities allowed  
1 14 growth factor adjustment for fiscal year 2009=2010:  
1 15 ..... \$ 69,949,069  
1 16 2. The amount appropriated in this section shall be  
1 17 allocated as provided in a later enactment of the general  
1 18 assembly.  
1 19 DIVISION II  
1 20 STANDING APPROPRIATIONS  
1 21 AND RELATED MATTERS  
1 22 Sec. 2. BUDGET PROCESS FOR FISCAL YEAR 2009=2010.  
1 23 1. For the budget process applicable to the fiscal year  
1 24 beginning July 1, 2009, on or before October 1, 2008, in lieu  
1 25 of the information specified in section 8.23, subsection 1,  
1 26 unnumbered paragraph 1, and paragraph "a", all departments and  
1 27 establishments of the government shall transmit to the

1 28 director of the department of management, on blanks to be  
1 29 furnished by the director, estimates of their expenditure  
1 30 requirements, including every proposed expenditure, for the  
1 31 ensuing fiscal year, together with supporting data and  
1 32 explanations as called for by the director of the department  
1 33 of management after consultation with the legislative services  
1 34 agency.

1 35 2. The estimates of expenditure requirements shall be in a  
2 1 form specified by the director of the department of  
2 2 management, and the expenditure requirements shall include all  
2 3 proposed expenditures and shall be prioritized by program or  
2 4 the results to be achieved. The estimates shall be  
2 5 accompanied by performance measures for evaluating the  
2 6 effectiveness of the programs or results.

2 7 Sec. 3. GENERAL ASSEMBLY. The appropriations made  
2 8 pursuant to section 2.12 for the expenses of the general  
2 9 assembly and legislative agencies for the fiscal year  
2 10 beginning July 1, 2008, and ending June 30, 2009, are reduced  
2 11 by the following amount:

2 12 ..... \$ 1,400,261

2 13 Sec. 4. LIMITATION OF STANDING APPROPRIATIONS.  
2 14 Notwithstanding the standing appropriations in the following  
2 15 designated sections for the fiscal year beginning July 1,  
2 16 2008, and ending June 30, 2009, the amounts appropriated from  
2 17 the general fund of the state pursuant to these sections for  
2 18 the following designated purposes shall not exceed the  
2 19 following amounts:

2 20 1. For instructional support state aid under section  
2 21 257.20:

2 22 ..... \$ 14,428,271

2 23 If the total amount of instructional support state aid  
2 24 appropriated in accordance with this subsection is  
2 25 insufficient to pay the amount of instructional support state  
2 26 aid to a district as determined under section 257.20, the  
2 27 department of education shall prorate the amount of the  
2 28 instructional support state aid provided to each district.

2 29 2. For payment for nonpublic school transportation under  
2 30 section 285.2:

2 31 ..... \$ 8,604,714

2 32 If total approved claims for reimbursement for nonpublic  
2 33 school pupil transportation exceed the amount appropriated in  
2 34 accordance with this subsection, the department of education  
2 35 shall prorate the amount of each approved claim.

3 1 3. For the educational excellence program under section  
3 2 294A.25, subsection 1:

3 3 ..... \$ 55,469,053

3 4 4. For the state's share of the cost of the peace  
3 5 officers' retirement benefits under section 411.20:

3 6 ..... \$ 2,745,784

3 7 Sec. 5. PROPERTY TAX CREDIT FUND == PAYMENTS IN LIEU OF  
3 8 GENERAL FUND REIMBURSEMENT.

3 9 1. a. Notwithstanding section 8.57, prior to the  
3 10 appropriation and distribution to the senior living trust fund  
3 11 and the cash reserve fund of the surplus existing in the  
3 12 general fund of the state at the conclusion of the fiscal year  
3 13 beginning July 1, 2007, and ending June 30, 2008, pursuant to  
3 14 section 8.57, subsections 1 and 2, of that surplus,  
3 15 \$99,849,544 is appropriated to the property tax credit fund  
3 16 which shall be created in the office of the treasurer of state

3 17 to be used for the purposes of this section.

3 18 b. Notwithstanding any provision in section 8.57 to the  
3 19 contrary in determining the amount of the appropriation to the  
3 20 senior living trust fund pursuant to section 8.57, subsection  
3 21 2, paragraph "a", the following shall apply:

3 22 (1) The surplus for the fiscal year beginning July 1,  
3 23 2007, shall not include the amount appropriated to the  
3 24 property tax credit fund pursuant to paragraph "a" of this  
3 25 subsection.

3 26 (2) The remaining surplus after the operation of  
3 27 subparagraph (1) shall be appropriated to the cash reserve  
3 28 fund prior to any appropriation to the senior living trust  
3 29 fund.

3 30 c. There is appropriated from the general fund of the  
3 31 state to the property tax credit fund created in paragraph "a"  
3 32 for the fiscal year beginning July 1, 2008, and ending June  
3 33 30, 2009, the sum of \$44,400,000.

3 34 d. There is transferred from the surplus existing in the  
3 35 salary adjustment fund at the conclusion of the fiscal year  
4 1 beginning July 1, 2007, and ending June 30, 2008, to the  
4 2 property tax credit fund created in paragraph "a", the sum of  
4 3 \$13,937,263.

4 4 e. Notwithstanding section 8.33, the surplus existing in  
4 5 the property tax credit fund created pursuant to 2007 Iowa  
4 6 Acts, chapter 215, section 5, at the conclusion of the fiscal  
4 7 year beginning July 1, 2007, and ending June 30, 2008, is  
4 8 transferred to the property tax credit fund created in this  
4 9 section.

4 10 2. Notwithstanding the amount of the standing  
4 11 appropriation from the general fund of the state in the  
4 12 following designated sections and notwithstanding any  
4 13 conflicting provisions or voting requirements of section 8.56,  
4 14 there is appropriated from the property tax credit fund in  
4 15 lieu of the appropriations in the following designated  
4 16 sections for the fiscal year beginning July 1, 2008, and  
4 17 ending June 30, 2009, the following amounts for the following  
4 18 designated purposes:

4 19 a. For reimbursement for the homestead property tax credit  
4 20 under section 425.1:  
4 21 ..... \$ 99,254,781

4 22 b. For reimbursement for the agricultural land and family  
4 23 farm tax credits under sections 425A.1 and 426.1:  
4 24 ..... \$ 34,610,183

4 25 c. For reimbursement for the military service tax credit  
4 26 under section 426A.1A:  
4 27 ..... \$ 2,800,000

4 28 d. For implementing the elderly and disabled tax credit  
4 29 and reimbursement pursuant to sections 425.16 through 425.40:  
4 30 ..... \$ 23,204,000

4 31 If the director of revenue determines that the amount of  
4 32 claims for credit for property taxes due pursuant to  
4 33 paragraphs "a", "b", "c", and "d" plus the amount of claims  
4 34 for reimbursement for rent constituting property taxes paid  
4 35 which are to be paid during the fiscal year may exceed the  
5 1 total amount appropriated, the director shall estimate the  
5 2 percentage of the credits and reimbursements which will be  
5 3 funded by the appropriation. The county treasurer shall  
5 4 notify the director of the amount of property tax credits  
5 5 claimed by June 8, 2008. The director shall estimate the

5 6 percentage of the property tax credits and rent reimbursement  
5 7 claims that will be funded by the appropriation and notify the  
5 8 county treasurer of the percentage estimate by June 15, 2008.  
5 9 The estimated percentage shall be used in computing for each  
5 10 claim the amount of property tax credit and reimbursement for  
5 11 rent constituting property taxes paid for that fiscal year.  
5 12 If the director overestimates the percentage of funding,  
5 13 claims for reimbursement for rent constituting property taxes  
5 14 paid shall be paid until they can no longer be paid at the  
5 15 estimated percentage of funding. Rent reimbursement claims  
5 16 filed after that point in time shall receive priority and  
5 17 shall be paid in the following fiscal year.

5 18 3. Notwithstanding any other provision, if the  
5 19 Eighty-second General Assembly, 2008 Session, enacts  
5 20 legislation that also provides for the appropriation of the  
5 21 surplus or any part of the surplus existing in the general  
5 22 fund of the state at the conclusion of the fiscal year  
5 23 beginning July 1, 2007, and ending June 30, 2008, the moneys  
5 24 appropriated from such surplus pursuant to subsection 1 shall  
5 25 have priority over all other such appropriations.

5 26 4. Notwithstanding the amount of the standing  
5 27 appropriations from the general fund of the state from the  
5 28 designated sections listed in subsection 2, unless otherwise  
5 29 provided by law, for the fiscal year beginning July 1, 2009,  
5 30 and ending June 30, 2010, the amounts of such standing  
5 31 appropriations shall be the same as provided in subsection 2.

5 32 Sec. 6. CASH RESERVE APPROPRIATION FOR FY 2008=2009. For  
5 33 the fiscal year beginning July 1, 2008, and ending June 30,  
5 34 2009, the appropriation to the cash reserve fund provided in  
5 35 section 8.57, subsection 1, paragraph "a", shall not be made.

6 1 Sec. 7. APRIL 4, 2008, REVENUE ESTIMATE. For use by the  
6 2 general assembly in the budget process and the governor's  
6 3 approval or disapproval of the appropriations bills for the  
6 4 fiscal year beginning July 1, 2008, and for purposes of  
6 5 calculating the state general fund expenditure limitation  
6 6 pursuant to section 8.54 for the fiscal year beginning July 1,  
6 7 2008, the revenue estimate for the fiscal year beginning July  
6 8 1, 2008, that shall be used in the budget process and such  
6 9 calculation shall be the revenue estimate determined by the  
6 10 revenue estimating conference on April 4, 2008,  
6 11 notwithstanding the provision in section 8.22A, subsection 3,  
6 12 that disallows the use of a revenue estimate agreed to at a  
6 13 later meeting that projects a greater amount than the initial  
6 14 estimated amount agreed to in December 2007. This section  
6 15 also authorizes the use of the estimated revenue figures for  
6 16 the purposes or sources designated in section 8.22A,  
6 17 subsection 5.

6 18 Sec. 8. Section 257.35, Code Supplement 2007, is amended  
6 19 by adding the following new subsection:

6 20 NEW SUBSECTION. 4A. Notwithstanding subsection 1, and in  
6 21 addition to the reduction applicable pursuant to subsection 2,  
6 22 the state aid for area education agencies and the portion of  
6 23 the combined district cost calculated for these agencies for  
6 24 the fiscal year beginning July 1, 2008, shall be reduced by  
6 25 the department of management by two million five hundred  
6 26 thousand dollars. The reduction for each area education  
6 27 agency shall be prorated based on the reduction that the  
6 28 agency received in the fiscal year beginning July 1, 2003.

6 29 Sec. 9. AREA EDUCATION AGENCY PAYMENTS. It is the intent

6 30 of the general assembly that for the fiscal year beginning  
6 31 July 1, 2009, and subsequent fiscal years there shall be no  
6 32 additional reduction in state aid to area education agencies  
6 33 and the combined district cost calculated for those agencies  
6 34 over the reduction applicable pursuant to section 257.35,  
6 35 subsection 2.

7 1 Sec. 10. EFFECTIVE AND APPLICABILITY DATES.

7 2 1. The section of this division of this Act creating the  
7 3 property tax credit fund, being deemed of immediate  
7 4 importance, takes effect upon enactment.

7 5 2. The section of this division of this Act relating to  
7 6 the use of the April 4, 2008, revenue estimate, being deemed  
7 7 of immediate importance, takes effect upon enactment and  
7 8 applies retroactively to January 14, 2008.

7 9 DIVISION III

7 10 SALARIES, COMPENSATION, AND RELATED MATTERS

7 11 Sec. 11. STATE COURT == JUSTICES, JUDGES, AND MAGISTRATES.

7 12 1. The salary rates specified in subsection 2 are for the  
7 13 fiscal year beginning July 1, 2008, effective for the pay  
7 14 period beginning June 27, 2008, and for subsequent fiscal  
7 15 years until otherwise provided by the general assembly. The  
7 16 salaries provided for in this section shall be paid from funds  
7 17 allocated to the judicial branch from the salary adjustment  
7 18 fund or if the allocation is not sufficient, from funds  
7 19 appropriated to the judicial branch pursuant to any Act of the  
7 20 general assembly.

7 21 2. The following annual salary rates shall be paid to the  
7 22 persons holding the judicial positions indicated during the  
7 23 fiscal year beginning July 1, 2008, effective with the pay  
7 24 period beginning June 27, 2008, and for subsequent pay  
7 25 periods.

7 26 a. Chief justice of the supreme court:	
7 27 .....	\$ 170,850
7 28 b. Each justice of the supreme court:	
7 29 .....	\$ 163,200
7 30 c. Chief judge of the court of appeals:	
7 31 .....	\$ 153,000
7 32 d. Each associate judge of the court of appeals:	
7 33 .....	\$ 147,900
7 34 e. Each chief judge of a judicial district:	
7 35 .....	\$ 142,800
8 1 f. Each district judge except the chief judge of a	
8 2 judicial district:	
8 3 .....	\$ 137,700
8 4 g. Each district associate judge:	
8 5 .....	\$ 122,400
8 6 h. Each associate juvenile judge:	
8 7 .....	\$ 122,400
8 8 i. Each associate probate judge:	
8 9 .....	\$ 122,400
8 10 j. Each judicial magistrate:	
8 11 .....	\$ 37,740
8 12 k. Each senior judge:	
8 13 .....	\$ 8,160

8 14 3. Persons receiving the salary rates established under  
8 15 this section shall not receive any additional salary  
8 16 adjustments provided by this division of this Act.

8 17 Sec. 12. ELECTIVE EXECUTIVE OFFICIALS.

8 18 1. The annual salary rates specified in this section are

8 19 effective for the fiscal year beginning July 1, 2008, with the  
8 20 pay period beginning June 27, 2008, and for subsequent fiscal  
8 21 years until otherwise provided by the general assembly.

8 22 The salaries provided for in this section shall be paid  
8 23 from funds allocated to the office, department, or agency of  
8 24 the elected official specified in subsections 2, 3, and 4 from  
8 25 the salary adjustment fund, if the allocation is not  
8 26 sufficient, from funds appropriated to the office, department,  
8 27 or agency.

8 28 2. The annual salary rates paid to the person holding the  
8 29 following elected offices shall be equal to 82.65 percent of  
8 30 the maximum of range 7 of the salary ranges specified in this  
8 31 division of this Act for appointed state officers, rounded to  
8 32 the nearest \$10: secretary of agriculture, auditor of state,  
8 33 secretary of state, treasurer of state, and lieutenant  
8 34 governor.

8 35 3. The annual salary rate paid to the attorney general  
9 1 shall be equal to 89 percent of the maximum of range 7 of the  
9 2 salary ranges specified in this division of this Act for  
9 3 appointed state officers, rounded to the nearest \$10.

9 4 4. The annual salary rate paid to the governor shall be  
9 5 equal to 92.4 percent of the maximum of range 7 of the salary  
9 6 ranges specified in this division of this Act for appointed  
9 7 state officers, rounded to the nearest \$10.

9 8 Sec. 13. APPOINTED STATE OFFICERS. The governor shall  
9 9 establish a salary for appointed nonelected persons in the  
9 10 executive branch of state government holding a position  
9 11 enumerated in the section of this division of this Act that  
9 12 addresses the salary ranges of state officers within the range  
9 13 provided, by considering, among other items, the experience of  
9 14 the individual in the position, changes in the duties of the  
9 15 position, the incumbent's performance of assigned duties, and  
9 16 subordinates' salaries. However, the attorney general shall  
9 17 establish the salary for the consumer advocate, the chief  
9 18 justice of the supreme court shall establish the salary for  
9 19 the state court administrator, the ethics and campaign  
9 20 disclosure board shall establish the salary of the executive  
9 21 director, and the Iowa public broadcasting board shall  
9 22 establish the salary of the administrator of the public  
9 23 broadcasting division of the department of education, each  
9 24 within the salary range provided in the section of this  
9 25 division of this Act that addresses the salary ranges of state  
9 26 officers.

9 27 The governor, in establishing salaries as provided in the  
9 28 section of this division of this Act that addresses the salary  
9 29 ranges of state officers, shall take into consideration other  
9 30 employee benefits which may be provided for an individual  
9 31 including but not limited to housing.

9 32 A person whose salary is established pursuant to the  
9 33 section of this division of this Act that addresses the salary  
9 34 ranges of state officers and who is a full-time, year-round  
9 35 employee of the state shall not receive any other remuneration  
10 1 from the state or from any other source for the performance of  
10 2 that person's duties unless the additional remuneration is  
10 3 first approved by the governor or authorized by law. However,  
10 4 this provision does not exclude the reimbursement for  
10 5 necessary travel and expenses incurred in the performance of  
10 6 duties or fringe benefits normally provided to employees of  
10 7 the state.

10 8 Sec. 14. STATE OFFICERS == SALARY RANGE. The following  
 10 9 annual salary ranges are effective for the positions specified  
 10 10 in this section for the fiscal year beginning July 1, 2008,  
 10 11 and for subsequent fiscal years until otherwise provided by  
 10 12 the general assembly. The governor or other person designated  
 10 13 in the section of this division of this Act relating to  
 10 14 appointed state officers shall determine the salary to be paid  
 10 15 to the person indicated at a rate within this salary range  
 10 16 from funds appropriated by the general assembly for that  
 10 17 purpose.

10 18 1. The following are salary ranges for appointed state  
 10 19 officers for the fiscal year beginning July 1, 2008, effective  
 10 20 with the pay period beginning June 27, 2008:

10 21 SALARY RANGE	<u>Minimum</u>	<u>Maximum</u>
10 22 a. Range 2 .....	\$ 48,160	\$ 73,700
10 23 b. Range 3 .....	\$ 55,380	\$ 84,750
10 24 c. Range 4 .....	\$ 63,690	\$ 97,460
10 25 d. Range 5 .....	\$ 73,250	\$112,070
10 26 e. Range 6 .....	\$ 84,240	\$128,890
10 27 f. Range 7 .....	\$100,840	\$154,300

10 28 2. The following are range 2 positions: administrator of  
 10 29 the arts division of the department of cultural affairs,  
 10 30 administrators of the division of persons with disabilities,  
 10 31 the division on the status of women, the division on the  
 10 32 status of Iowans of Asian and Pacific Islander heritage, the  
 10 33 division on the status of African-Americans, the division of  
 10 34 deaf services, and the division of Latino affairs of the  
 10 35 department of human rights.

11 1 3. The following are range 3 positions: administrator of  
 11 2 the division of criminal and juvenile justice planning of the  
 11 3 department of human rights, administrator of the division of  
 11 4 community action agencies of the department of human rights,  
 11 5 executive director of the department of veterans affairs, and  
 11 6 chairperson and members of the employment appeal board of the  
 11 7 department of inspections and appeals.

11 8 4. The following are range 4 positions: director of the  
 11 9 department of human rights, director of the Iowa state civil  
 11 10 rights commission, executive director of the college student  
 11 11 aid commission, director of the department for the blind,  
 11 12 executive director of the ethics and campaign disclosure  
 11 13 board, members of the public employment relations board, and  
 11 14 chairperson, vice chairperson, and members of the board of  
 11 15 parole.

11 16 5. The following are range 5 positions: administrator of  
 11 17 the division of homeland security and emergency management of  
 11 18 the department of public defense, state public defender, drug  
 11 19 policy coordinator, labor commissioner, workers' compensation  
 11 20 commissioner, director of the department of cultural affairs,  
 11 21 director of the department of elder affairs, director of the  
 11 22 law enforcement academy, and administrator of the historical  
 11 23 division of the department of cultural affairs.

11 24 6. The following are range 6 positions: director of the  
 11 25 office of energy independence, superintendent of banking,  
 11 26 superintendent of credit unions, administrator of the  
 11 27 alcoholic beverages division of the department of commerce,  
 11 28 director of the department of inspections and appeals,  
 11 29 commandant of the Iowa veterans home, commissioner of public  
 11 30 safety, commissioner of insurance, executive director of the  
 11 31 Iowa finance authority, director of the department of natural

11 32 resources, consumer advocate, and chairperson of the utilities  
11 33 board. The other members of the utilities board shall receive  
11 34 an annual salary within a range of not less than 90 percent  
11 35 but not more than 95 percent of the annual salary of the  
12 1 chairperson of the utilities board.

12 2 7. The following are range 7 positions: administrator of  
12 3 the public broadcasting division of the department of  
12 4 education, director of the department of corrections, director  
12 5 of the department of education, director of human services,  
12 6 director of the department of economic development, executive  
12 7 director of the Iowa telecommunications and technology  
12 8 commission, executive director of the state board of regents,  
12 9 director of transportation, director of the department of  
12 10 workforce development, director of revenue, director of public  
12 11 health, state court administrator, director of the department  
12 12 of management, and director of the department of  
12 13 administrative services.

12 14 Sec. 15. COLLECTIVE BARGAINING AGREEMENTS FUNDED ==  
12 15 GENERAL FUND. There is appropriated from the general fund of  
12 16 the state to the salary adjustment fund for distribution by  
12 17 the department of management to the various state departments,  
12 18 boards, commissions, councils, and agencies, including the  
12 19 state board of regents and the judicial branch, for the fiscal  
12 20 year beginning July 1, 2008, and ending June 30, 2009, the  
12 21 amount of \$88,100,000, or so much thereof as may be necessary,  
12 22 to fully fund annual pay adjustments, expense reimbursements,  
12 23 and related benefits implemented pursuant to the following:

12 24 1. The collective bargaining agreement negotiated pursuant  
12 25 to chapter 20 for employees in the blue collar bargaining  
12 26 unit.

12 27 2. The collective bargaining agreement negotiated pursuant  
12 28 to chapter 20 for employees in the public safety bargaining  
12 29 unit.

12 30 3. The collective bargaining agreement negotiated pursuant  
12 31 to chapter 20 for employees in the security bargaining unit.

12 32 4. The collective bargaining agreement negotiated pursuant  
12 33 to chapter 20 for employees in the technical bargaining unit.

12 34 5. The collective bargaining agreement negotiated pursuant  
12 35 to chapter 20 for employees in the professional fiscal and  
13 1 staff bargaining unit.

13 2 6. The collective bargaining agreement negotiated pursuant  
13 3 to chapter 20 for employees in the clerical bargaining unit.

13 4 7. The collective bargaining agreement negotiated pursuant  
13 5 to chapter 20 for employees in the professional social  
13 6 services bargaining unit.

13 7 8. The collective bargaining agreement negotiated pursuant  
13 8 to chapter 20 for employees in the community-based corrections  
13 9 bargaining unit.

13 10 9. The collective bargaining agreements negotiated  
13 11 pursuant to chapter 20 for employees in the judicial branch of  
13 12 government bargaining units.

13 13 10. The collective bargaining agreement negotiated  
13 14 pursuant to chapter 20 for employees in the patient care  
13 15 bargaining unit.

13 16 11. The collective bargaining agreement negotiated  
13 17 pursuant to chapter 20 for employees in the science bargaining  
13 18 unit.

13 19 12. The collective bargaining agreement negotiated  
13 20 pursuant to chapter 20 for employees in the university of



13 21 northern Iowa faculty bargaining unit.

13 22 13. The collective bargaining agreement negotiated  
13 23 pursuant to chapter 20 for employees in the state university  
13 24 of Iowa graduate student bargaining unit.

13 25 14. The collective bargaining agreement negotiated  
13 26 pursuant to chapter 20 for employees in the state university  
13 27 of Iowa hospital and clinics tertiary health care bargaining  
13 28 unit.

13 29 15. The annual pay adjustments, related benefits, and  
13 30 expense reimbursements referred to in the sections of this  
13 31 division of this Act addressing noncontract state and board of  
13 32 regents employees who are not covered by a collective  
13 33 bargaining agreement.

13 34 Of the amount appropriated in this section, \$7,647,352  
13 35 shall be allocated to the judicial branch for the purposes of  
14 1 funding annual pay adjustments, expense reimbursements, and  
14 2 related benefits implemented for judicial branch employees.

14 3 Sec. 16. NONCONTRACT STATE EMPLOYEES == GENERAL.

14 4 1. a. For the fiscal year beginning July 1, 2008, the  
14 5 maximum and minimum salary levels of all pay plans provided  
14 6 for in section 8A.413, subsection 2, as they exist for the  
14 7 fiscal year ending June 30, 2008, shall be increased by 3  
14 8 percent for the pay period beginning June 27, 2008, and any  
14 9 additional changes in the pay plans shall be approved by the  
14 10 governor.

14 11 b. For the fiscal year beginning July 1, 2008, employees  
14 12 may receive a step increase or the equivalent of a step  
14 13 increase.

14 14 c. Notwithstanding the increase in paragraph "a",  
14 15 noncontract judicial branch employees shall receive increases  
14 16 similar to those employees covered by collective bargaining  
14 17 agreements negotiated by the judicial branch.

14 18 2. The pay plans for state employees who are exempt from  
14 19 chapter 8A, subchapter IV, and who are included in the  
14 20 department of administrative service's centralized payroll  
14 21 system shall be increased in the same manner as provided in  
14 22 subsection 1, and any additional changes in any executive  
14 23 branch pay plans shall be approved by the governor.

14 24 3. This section does not apply to members of the general  
14 25 assembly, board members, commission members, salaries of  
14 26 persons set by the general assembly pursuant to this division  
14 27 of this Act or set by the governor, or other persons  
14 28 designated in the section of this division of this Act  
14 29 addressing appointed state officers, employees designated  
14 30 under section 8A.412, subsection 5, and employees covered by  
14 31 11 IAC 53.6(3).

14 32 4. The pay plans for the bargaining eligible employees of  
14 33 the state shall be increased in the same manner as provided in  
14 34 subsection 1, and any additional changes in such executive  
14 35 branch pay plans shall be approved by the governor. As used  
15 1 in this section, "bargaining eligible employee" means an  
15 2 employee who is eligible to organize under chapter 20, but has  
15 3 not done so.

15 4 5. The policies for implementation of this section shall  
15 5 be approved by the governor.

15 6 Sec. 17. STATE EMPLOYEES == STATE BOARD OF REGENTS. Funds  
15 7 from the appropriation made from the general fund of the state  
15 8 in the section of this division of this Act providing for  
15 9 funding of collective bargaining agreements shall be allocated

15 10 to the state board of regents for the purposes of providing  
15 11 increases for state board of regents employees covered by such  
15 12 section of this division of this Act and for state board of  
15 13 regents employees not covered by a collective bargaining  
15 14 agreement as follows:

15 15 1. For regents merit system employees and merit  
15 16 supervisory employees to fund for the fiscal year increases  
15 17 comparable to those provided for similar contract=covered  
15 18 employees in this division of this Act.

15 19 2. For faculty members and professional and scientific  
15 20 employees to fund for the fiscal year percentage increases  
15 21 comparable to those provided for contract=covered employees in  
15 22 the university of northern Iowa faculty bargaining unit.

15 23 Sec. 18. APPROPRIATIONS FROM ROAD FUNDS.

15 24 1. There is appropriated from the road use tax fund to the  
15 25 salary adjustment fund for the fiscal year beginning July 1,  
15 26 2008, and ending June 30, 2009, the following amount, or so  
15 27 much thereof as may be necessary, to be used for the purpose  
15 28 designated:

15 29 To supplement other funds appropriated by the general  
15 30 assembly:

15 31 ..... \$ 1,485,911

15 32 2. There is appropriated from the primary road fund to the  
15 33 salary adjustment fund, for the fiscal year beginning July 1,  
15 34 2008, and ending June 30, 2009, the following amount, or so  
15 35 much thereof as may be necessary, to be used for the purpose  
16 1 designated:

16 2 To supplement other funds appropriated by the general  
16 3 assembly:

16 4 ..... \$ 8,335,688

16 5 3. Except as otherwise provided in this division of this  
16 6 Act, the amounts appropriated in subsections 1 and 2 shall be  
16 7 used to fund the annual pay adjustments, expense  
16 8 reimbursements, and related benefits for public employees as  
16 9 provided in this division of this Act.

16 10 Sec. 19. SPECIAL FUNDS == AUTHORIZATION. To departmental  
16 11 revolving, trust, or special funds, except for the primary  
16 12 road fund or the road use tax fund, for which the general  
16 13 assembly has established an operating budget, a supplemental  
16 14 expenditure authorization is provided, unless otherwise  
16 15 provided, in an amount necessary to fund salary adjustments as  
16 16 otherwise provided in this division of this Act.

16 17 Sec. 20. GENERAL FUND SALARY MONEYS. Funds appropriated  
16 18 from the general fund of the state for distribution from the  
16 19 salary adjustment fund in the section of this division of this  
16 20 Act providing for funding of collective bargaining agreements  
16 21 relate only to salaries supported from general fund  
16 22 appropriations of the state. Funds appropriated from the  
16 23 general fund of the state for employees of the state board of  
16 24 regents relate only to salaries supported by tuition or from  
16 25 general fund appropriations of the state and shall exclude  
16 26 general university indirect costs and general university  
16 27 federal funds.

16 28 Sec. 21. FEDERAL FUNDS APPROPRIATED. All federal grants  
16 29 to and the federal receipts of the agencies affected by this  
16 30 division of Act which are received and may be expended for  
16 31 purposes of this division of this Act are appropriated for  
16 32 those purposes and as set forth in the federal grants or  
16 33 receipts.

16 34 Sec. 22. STATE TROOPER MEAL ALLOWANCE. The sworn peace  
16 35 officers in the department of public safety who are not  
17 1 covered by a collective bargaining agreement negotiated  
17 2 pursuant to chapter 20 shall receive the same per diem meal  
17 3 allowance as the sworn peace officers in the department of  
17 4 public safety who are covered by a collective bargaining  
17 5 agreement negotiated pursuant to chapter 20.

17 6 Sec. 23. SALARY MODEL ADMINISTRATOR. The salary model  
17 7 administrator shall work in conjunction with the legislative  
17 8 services agency to maintain the state's salary model used for  
17 9 analyzing, comparing, and projecting state employee salary and  
17 10 benefit information, including information relating to  
17 11 employees of the state board of regents. The department of  
17 12 revenue, the department of administrative services, the five  
17 13 institutions under the jurisdiction of the state board of  
17 14 regents, the judicial district departments of correctional  
17 15 services, and the state department of transportation shall  
17 16 provide salary data to the department of management and the  
17 17 legislative services agency to operate the state's salary  
17 18 model. The format and frequency of provision of the salary  
17 19 data shall be determined by the department of management and  
17 20 the legislative services agency. The information shall be  
17 21 used in collective bargaining processes under chapter 20 and  
17 22 in calculating the funding needs contained within the annual  
17 23 salary adjustment legislation. A state employee organization  
17 24 as defined in section 20.3, subsection 4, may request  
17 25 information produced by the model, but the information  
17 26 provided shall not contain information attributable to  
17 27 individual employees.

17 28 Sec. 24. Section 173.10, Code 2007, is amended to read as  
17 29 follows:

17 30 173.10 SALARY OF SECRETARY.

17 31 ~~The secretary shall receive the salary fixed by the board.~~  
17 32 The compensation and employment terms of the secretary shall  
17 33 be set by the Iowa state fair board with the approval of the  
17 34 governor, taking into consideration the level of knowledge and  
17 35 experience of the secretary.

18 1 DIVISION IV

18 2 MISCELLANEOUS STATUTORY CHANGES == APPROPRIATIONS

18 3 Sec. 25. Section 8.7, Code 2007, is amended to read as  
18 4 follows:

18 5 8.7 REPORTING OF GIFTS AND BEQUESTS RECEIVED.

18 6 All gifts, and bequests, ~~and grants~~ received by a  
18 7 department or accepted by the governor on behalf of the state  
18 8 shall be reported to the Iowa ethics and campaign disclosure  
18 9 board and the government oversight committees. The ethics and  
18 10 campaign disclosure board shall, by January 31 of each year,  
18 11 submit to the fiscal services division of the legislative  
18 12 services agency a written report listing all gifts, and  
18 13 ~~bequests, and grants~~ received during the previous calendar  
18 14 year with a value over one thousand dollars and the purpose  
18 15 for each such gift, or bequest, ~~or grant~~. The submission  
18 16 shall also include a listing of all gifts, and bequests, ~~and~~  
18 17 ~~grants~~ received by a department from a person if the  
18 18 cumulative value of all gifts, and bequests, ~~and grants~~  
18 19 received by the department from the person during the previous  
18 20 calendar year exceeds one thousand dollars, and the ethics and  
18 21 campaign disclosure board shall include, if available, the  
18 22 purpose for each such gift, or bequest, ~~or grant~~. However,

18 23 ~~the~~ reports on gifts, ~~grants,~~ or bequests filed by the state  
18 24 board of regents pursuant to section 8.44 shall be deemed  
18 25 sufficient to comply with the requirements of this section.  
18 26 Sec. 26. Section 8.9, Code 2007, is amended to read as  
18 27 follows:

18 28 8.9 GRANTS ENTERPRISE MANAGEMENT OFFICE.

18 29 1. The office of grants enterprise management is  
18 30 established in the department of management. The function of  
18 31 the office is to develop and administer a system to track,  
18 32 identify, advocate for, and coordinate nonstate grants as  
18 33 defined in section 8.2, subsections 1 and 3. Staffing for the  
18 34 office of grants enterprise management shall be provided by a  
18 35 facilitator appointed by the director of the department of  
19 1 management. Additional staff may be hired, subject to the  
19 2 availability of funding. Funding for the office is from the  
19 3 appropriation to the department pursuant to section 8A.505,  
19 4 subsection 2.

19 5 2. a. All grant applications submitted and grant moneys  
19 6 received by a department on behalf of the state shall be  
19 7 reported to the office of grants enterprise management. The  
19 8 office shall by January 31 of each year submit to the fiscal  
19 9 services division of the legislative services agency a written  
19 10 report listing all grants received during the previous  
19 11 calendar year with a value over one thousand dollars and the  
19 12 funding entity and purpose for each grant. However, the  
19 13 reports on grants filed by the state board of regents pursuant  
19 14 to section 8.44 shall be deemed sufficient to comply with the  
19 15 requirements of this subsection.

19 16 b. The office of grants enterprise management shall submit  
19 17 by July 1 and January 1 of each year to the government  
19 18 oversight committees a written report summarizing departmental  
19 19 compliance with the requirements of this subsection.

19 20 Sec. 27. Section 12C.16, subsection 1, paragraph b,  
19 21 subparagraph (4), Code Supplement 2007, is amended to read as  
19 22 follows:

19 23 (4) To the extent of the guarantee, loans, obligations, or  
19 24 nontransferable letters of credit upon which the payment of  
19 25 principal and interest is fully secured or guaranteed by the  
19 26 United States of America or an agency or instrumentality of  
19 27 the United States of America or the United States central  
19 28 credit union, a corporate central credit union organized under  
19 29 section 533.213, or a corporate credit union ~~organized under~~  
19 30 12 C.F.R. ) 704 whose activities are subject to regulation by  
19 31 the national credit union administration, and the rating of  
19 32 any one of such credit unions remains within the two highest  
19 33 classifications of prime established by at least one of the  
19 34 standard rating services approved by the superintendent of  
19 35 banking by rule pursuant to chapter 17A. The treasurer of  
20 1 state shall adopt rules pursuant to chapter 17A to implement  
20 2 this section.

20 3 Sec. 28. Section 12C.17, subsection 1, paragraph c, Code  
20 4 Supplement 2007, is amended to read as follows:

20 5 c. The securities shall be deposited with the federal  
20 6 reserve bank, the federal home loan bank of Des Moines, Iowa,  
20 7 or the United States central credit union, a corporate central  
20 8 credit union organized under section 533.213, or a corporate  
20 9 credit union ~~organized under 12 C.F.R. ) 704 whose activities~~  
20 10 are subject to regulation by the national credit union  
20 11 administration pursuant to a bailment agreement or a pledge

20 12 custody agreement.

20 13 Sec. 29. Section 12C.17, subsection 4, Code Supplement  
20 14 2007, is amended to read as follows:

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

20 24 Sec. 30. NEW SECTION. 15.368 WORLD FOOD PRIZE AWARD AND  
20 25 SUPPORT.

20 26 1. Commencing with the fiscal year beginning July 1, 2009,  
20 27 there is annually appropriated from the general fund of the  
20 28 state to the department one million dollars for the support of  
20 29 the world food prize award.

20 30 2. The Iowa state capitol is designated as the primary  
20 31 location for the annual ceremony to award the world food  
20 32 prize.

20 33 Sec. 31. Section 15F.204, subsection 5, unnumbered  
20 34 paragraph 1, Code 2007, is amended to read as follows:

20 35 At the beginning of each fiscal year, the board shall  
21 1 allocate one hundred thousand dollars for purposes of  
21 2 marketing those projects that are receiving moneys from the  
21 3 fund. After the marketing allocation, the board shall  
21 4 allocate all remaining moneys in the fund in the following  
21 5 manner:

21 6 Sec. 32. Section 16.92, subsection 5, paragraph c, Code  
21 7 Supplement 2007, is amended to read as follows:

21 8 c. In addition to any other remedy provided by law, if the  
21 9 division through an act of negligence wrongfully or  
21 10 erroneously records a certificate of release under this  
21 11 section, the division is liable to the mortgagee and mortgage  
21 12 servicer for actual damages sustained due to the recording of  
21 13 the certificate of release.

21 14 Sec. 33. Section 21.5, subsection 1, Code Supplement 2007,  
21 15 is amended by adding the following new paragraph:

21 16 NEW PARAGRAPH. 1. To discuss patient care quality and  
21 17 process improvement initiatives in a meeting of a public  
21 18 hospital or to discuss marketing and pricing strategies or  
21 19 similar proprietary information in a meeting of a public  
21 20 hospital, where public disclosure of such information would  
21 21 harm such a hospital's competitive position when no public  
21 22 purpose would be served by public disclosure. The minutes and  
21 23 the audio recording of a closed session under this paragraph  
21 24 shall be available for public inspection when the public  
21 25 disclosure would no longer harm the hospital's competitive  
21 26 position. For purposes of this paragraph, "public hospital"  
21 27 means the same as defined in section 249J.3. This paragraph  
21 28 does not apply to the information required to be disclosed  
21 29 pursuant to section 347.13, subsection 14, or to any  
21 30 discussions relating to terms or conditions of employment,  
21 31 including but not limited to compensation of an officer or  
21 32 employee or group of officers or employees.

21 33 Sec. 34. Section 22.7, Code Supplement 2007, is amended by  
21 34 adding the following new subsection:

21 35 NEW SUBSECTION. 60. CLOSED SESSION RECORDS. Information

22 1 in a record that would permit a governmental body subject to  
22 2 chapter 21 to hold a closed session pursuant to section 21.5  
22 3 in order to avoid public disclosure of that information, until  
22 4 such time as final action is taken on the subject matter of  
22 5 that information. Any portion of such a record not subject to  
22 6 this subsection, or not otherwise confidential, shall be made  
22 7 available to the public. After the governmental body has  
22 8 taken final action on the subject matter pertaining to the  
22 9 information in that record, this subsection shall no longer  
22 10 apply. This subsection shall not apply more than ninety days  
22 11 after a record is known to exist by the governmental body,  
22 12 unless it is not possible for the governmental body to take  
22 13 final action within ninety days. The burden shall be on the  
22 14 governmental body to prove that final action was not possible  
22 15 within the ninety-day period.

22 16 Sec. 35. Section 35A.8, subsection 5, paragraph a, Code  
22 17 Supplement 2007, is amended to read as follows:

22 18 a. The executive director shall provide for the  
22 19 administration of the bonus authorized in this subsection.  
22 20 The ~~commission~~ department shall adopt rules, pursuant to  
22 21 chapter 17A, as necessary to administer this subsection  
22 22 including but not limited to application procedures,  
22 23 investigation, approval or disapproval, and payment of claims.

22 24 Sec. 36. Section 35A.8, subsection 5, paragraph b,  
22 25 subparagraph (1), Code Supplement 2007, is amended to read as  
22 26 follows:

22 27 (1) A person who served on active duty for not less than  
22 28 one hundred twenty days in the armed forces of the United  
22 29 States, and who served on active duty at any time between July  
22 30 1, 1973, and May 31, 1975, both dates inclusive, and who at  
22 31 the time of entering into active duty service was a legal  
22 32 resident of the state of Iowa, and who had maintained the  
22 33 person's residence in this state for a period of at least six  
22 34 months immediately before entering into active duty service,  
22 35 and was honorably discharged or separated from active duty  
23 1 service, or is still in active service in an honorable status,  
23 2 or has been retired, or has been furloughed to a reserve, or  
23 3 has been placed on inactive status is entitled to receive from  
23 4 moneys appropriated for that purpose the sum of seventeen  
23 5 dollars and fifty cents for each month that the person was on  
23 6 active duty service in the Vietnam service area, within the  
23 7 dates specified in this subparagraph, if the veteran earned  
23 8 either a Vietnam service medal or an armed forces  
23 9 expeditionary medal=Vietnam or can otherwise establish service  
23 10 in the Vietnam service area during that period. Compensation  
23 11 under this subparagraph shall not exceed a total sum of five  
23 12 hundred dollars. Compensation for a fraction of a month shall  
23 13 not be considered unless the fraction is sixteen days or more,  
23 14 in which case the fraction shall be computed as a full month.

23 15 Sec. 37. NEW SECTION. 68A.401A REPORTING OF  
23 16 CONTRIBUTIONS AND EXPENDITURES RELATING TO ISSUE ADVOCACY.

23 17 1. A political organization that is required to file  
23 18 reports with the internal revenue service, pursuant to 26  
23 19 U.S.C. } 527, shall file a report with the board if that  
23 20 organization does both of the following:

23 21 a. Creates or disseminates a communication of issue  
23 22 advocacy in this state.

23 23 b. Receives or expects to receive twenty-five thousand  
23 24 dollars or more in gross receipts in any taxable year.

23 25 2. A report required under this section shall contain the  
23 26 following information:

23 27 a. The amount, date, and purpose of each expenditure made  
23 28 to a person if the aggregate amount of expenditures to such  
23 29 person during the calendar year equals or exceeds five hundred  
23 30 dollars and the name and address of the person, and, in the  
23 31 case of an individual, the occupation and name of employer of  
23 32 the individual.

23 33 b. The name and address, and, in the case of an  
23 34 individual, the occupation and name of employer of such  
23 35 individual, of all contributors which contributed an aggregate  
24 1 amount of two hundred dollars or more to the organization  
24 2 during the calendar year and the amount and date of the  
24 3 contribution.

24 4 3. The board shall by rule establish a procedure for the  
24 5 filing of reports required by this section. To the extent  
24 6 practicable the reporting periods and filing due dates shall  
24 7 be the same as set out in 26 U.S.C. } 527(j)(2).

24 8 4. The term "issue advocacy" means any print, radio,  
24 9 televised, telephonic, or electronic communication in any form  
24 10 or content, which is disseminated to the general public or a  
24 11 segment of the general public, that refers to a clearly  
24 12 identified candidate for the general assembly or statewide  
24 13 office.

24 14 5. The penalty set out in section 68A.701 does not apply  
24 15 to a violation of this section. The penalties for a violation  
24 16 of this section are as set out in section 68B.32D.

24 17 Sec. 38. Section 68B.2A, Code 2007, is amended by adding  
24 18 the following new subsection:

24 19 NEW SUBSECTION. 4. The board shall adopt rules pursuant  
24 20 to chapter 17A further delineating particular situations where  
24 21 outside employment or activity of officials and state  
24 22 employees of the executive branch will be deemed to create an  
24 23 unacceptable conflict of interest.

24 24 Sec. 39. Section 68B.5A, subsections 2 and 5, Code 2007,  
24 25 are amended to read as follows:

24 26 2. The head of a major subunit of a department or  
24 27 independent state agency whose position involves substantial  
24 28 exercise of administrative discretion or the expenditure of  
24 29 public funds, a full-time employee of an office of a statewide  
24 30 elected official whose position involves substantial exercise  
24 31 of administrative discretion or the expenditure of public  
24 32 funds, or a legislative employee whose position involves a  
24 33 substantial exercise of administrative discretion or the  
24 34 expenditure of public funds, shall not, during the time in  
24 35 which the person serves or is employed by the state, act as a  
25 1 lobbyist before the agency in which the person is employed or  
25 2 before state agencies, officials, or employees with whom the  
25 3 person has substantial or regular contact as part of the  
25 4 person's duties, unless the person is designated, by the  
25 5 agency in which the person serves or is employed, to represent  
25 6 the official position of the agency.

25 7 5. The head of a major subunit of a department or  
25 8 independent state agency whose position involves substantial  
25 9 exercise of administrative discretion or the expenditure of  
25 10 public funds, a full-time employee of an office of a statewide  
25 11 elected official whose position involves substantial exercise  
25 12 of administrative discretion or the expenditure of public  
25 13 funds, or a legislative employee whose position involves a

25 14 substantial exercise of administrative discretion or the  
25 15 expenditure of public funds, shall not, within two years after  
25 16 termination of employment, become a lobbyist before the agency  
25 17 in which the person was employed or before state agencies or  
25 18 officials or employees with whom the person had substantial  
25 19 and regular contact as part of the person's former duties.

25 20 Sec. 40. Section 68B.22, subsection 4, Code Supplement  
25 21 2007, is amended by adding the following new paragraph:

25 22 NEW PARAGRAPH. hh. Food and beverages provided at a meal  
25 23 that is part of a bona fide event or program at which the  
25 24 recipient is being honored for public service.

25 25 Sec. 41. Section 68B.32, subsection 1, Code 2007, is  
25 26 amended to read as follows:

25 27 1. An Iowa ethics and campaign disclosure board is  
25 28 established as an independent agency. The board shall  
25 29 administer this chapter and set standards for, investigate  
25 30 complaints relating to, and monitor the ethics of officials,  
25 31 employees, lobbyists, and candidates for office in the  
25 32 executive branch of state government. The board shall  
25 33 administer and set standards for, investigate complaints  
25 34 relating to, and monitor the campaign finance practices of  
25 35 candidates for public office. The board shall administer and  
26 1 establish standards for, investigate complaints relating to,  
26 2 and monitor the reporting of gifts, and bequests, ~~and grants~~  
26 3 under section 8.7. The board shall consist of six members and  
26 4 shall be balanced as to political affiliation as provided in  
26 5 section 69.16. The members shall be appointed by the  
26 6 governor, subject to confirmation by the senate.

26 7 Sec. 42. Section 68B.32A, subsection 4, Code Supplement  
26 8 2007, is amended to read as follows:

26 9 4. Receive and file registration and reports from  
26 10 lobbyists of the executive branch of state government, client  
26 11 disclosure from clients of lobbyists of the executive branch  
26 12 of state government, personal financial disclosure information  
26 13 from officials and employees in the executive branch of state  
26 14 government who are required to file personal financial  
26 15 disclosure information under this chapter, and gift, and  
26 16 bequest, ~~and grant~~ disclosure information pursuant to section  
26 17 8.7. The board, upon its own motion, may initiate action and  
26 18 conduct a hearing relating to reporting requirements under  
26 19 this chapter or section 8.7.

26 20 Sec. 43. Section 84A.5, subsection 1, paragraph a, Code  
26 21 Supplement 2007, is amended to read as follows:

26 22 a. The workforce development system shall strive to  
26 23 provide high quality services to its customers including  
26 24 workers, families, and businesses. The department of  
26 25 workforce development shall maintain a common intake,  
26 26 assessment, and customer tracking system and to the extent  
26 27 practical provide one-stop services to customers at workforce  
26 28 development centers and other service access points. The  
26 29 department of workforce development shall administer a  
26 30 statewide standard skills assessment to assess the  
26 31 employability skills of adult workers statewide and shall  
26 32 instruct appropriate department staff in the administration of  
26 33 the assessment. The assessment shall be included in the  
26 34 one-stop services provided to customers at workforce  
26 35 development centers and other service access points throughout  
27 1 the state.

27 2 Sec. 44. Section 97A.10, Code 2007, is amended to read as



27 3 follows:

27 4 97A.10 PURCHASE OF ELIGIBLE SERVICE CREDIT.

27 5 1. For purposes of this section:

27 6 a. "Eligible qualified service" means ~~as follows:~~

~~27 7 (1) Service with the department prior to July 1, 1994, in  
27 8 a position as a gaming enforcement officer, fire prevention  
27 9 inspector peace officer, or as an employee of the division of  
27 10 capitol police except clerical workers.~~

27 11 (2) ~~Service~~ service as a member of a city fire retirement  
27 12 system or police retirement system operating under chapter 411  
27 13 prior to January 1, 1992, for which service was not eligible  
27 14 to be transferred to this system pursuant to section 97A.17.

27 15 Eligible qualified service under this paragraph "a" does  
27 16 not include service if the receipt of credit for such service  
27 17 would result in the member receiving a retirement benefit  
27 18 under more than one retirement plan for the same period of  
27 19 service.

27 20 b. "Permissive service credit" means credit that will be  
27 21 recognized by the retirement system for purposes of  
27 22 calculating a member's benefit, for which the member did not  
27 23 previously receive service credit in the retirement system,  
27 24 and for which the member voluntarily contributes to the  
27 25 retirement system the amount required by the retirement  
27 26 system, not in excess of the amount necessary to fund the  
27 27 benefit attributable to such service.

27 28 2. An active member of the system may make contributions  
27 29 to the system to purchase up to the maximum amount of  
27 30 permissive service credit for eligible qualified service as  
27 31 determined by the system, pursuant to Internal Revenue Code  
27 32 section 415(n) and the requirements of this section. A member  
27 33 seeking to purchase permissive service credit pursuant to this  
27 34 section shall file a written application along with  
27 35 appropriate documentation with the department by July 1, ~~2007~~  
28 1 2009.

28 2 3. A member making contributions for a purchase of  
28 3 permissive service credit for eligible qualified service under  
28 4 this section shall make contributions in an amount equal to  
28 5 the actuarial cost of the permissive service credit purchase,  
28 6 less an amount equal to the member's contributions under  
28 7 chapter 411 for the period of eligible qualified service  
28 8 together with interest at a rate determined by the board of  
28 9 trustees. For purposes of this subsection, the actuarial cost  
28 10 of the permissive service credit purchase is an amount  
28 11 determined by the system in accordance with actuarial tables,  
28 12 as reported to the system by the system's actuary, which  
28 13 reflects the actuarial cost necessary to fund an increased  
28 14 retirement allowance resulting from the purchase of permissive  
28 15 service credit.

28 16 Sec. 45. Section 103.6, Code Supplement 2007, is amended  
28 17 by adding the following new subsection:

28 18 NEW SUBSECTION. 5. Adopt rules to create a special master  
28 19 license class or subclass and special journeyman license class  
28 20 or subclass for individuals who were licensed by a political  
28 21 subdivision prior to January 1, 2008, pursuant to a supervised  
28 22 written examination that has not been approved by the board  
28 23 pursuant to section 103.10, subsection 4, or section 103.12,  
28 24 subsection 4. A person licensed pursuant to this subsection  
28 25 shall have the same authority as a person holding a  
28 26 corresponding class A master license or class A journeyman

28 27 license. However, the board shall not be required to include  
28 28 persons licensed under this subsection in any agreement  
28 29 entered into pursuant to the authority granted under section  
28 30 103.21.

28 31 Sec. 46. Section 103.22, Code Supplement 2007, is amended  
28 32 by adding the following new subsection:

28 33 NEW SUBSECTION. 2A. Require firms or individuals working  
28 34 under contract to municipal utilities, electric membership or  
28 35 cooperative associations, or investor-owned utilities to hold  
29 1 licenses while performing work for utilities which is within  
29 2 the scope of the public service obligations of a utility.

29 3 Sec. 47. Section 135.63, subsection 2, paragraph 1, Code  
29 4 2007, is amended to read as follows:

29 5 1. The replacement or modernization of any institutional  
29 6 health facility if the replacement or modernization does not  
29 7 add new health services or additional bed capacity for  
29 8 existing health services, notwithstanding any provision in  
29 9 this division to the contrary. With reference to a hospital,

29 10 "replacement" means establishing a new hospital that  
29 11 demonstrates compliance with all of the following criteria  
29 12 through evidence submitted to the department:

29 13 (1) Is designated as a critical access hospital pursuant  
29 14 to 42 U.S.C. ) 1395i-4.

29 15 (2) Serves at least seventy-five percent of the same  
29 16 service area that was served by the prior hospital to be  
29 17 closed and replaced by the new hospital.

29 18 (3) Provides at least seventy-five percent of the same  
29 19 services that were provided by the prior hospital to be closed  
29 20 and replaced by the new hospital.

29 21 (4) Is staffed by at least seventy-five percent of the  
29 22 same staff, including medical staff, contracted staff, and  
29 23 employees, as constituted the staff of the prior hospital to  
29 24 be closed and replaced by the new hospital.

29 25 Sec. 48. Section 135B.5, Code 2007, is amended to read as  
29 26 follows:

29 27 135B.5 ISSUANCE AND RENEWAL OF LICENSE.

29 28 1. Upon receipt of an application for license and the  
29 29 license fee, the department shall issue a license if the  
29 30 applicant and hospital facilities comply with this chapter and  
29 31 the rules of the department. Each licensee shall receive  
29 32 annual reapproval upon payment of ~~ten~~ five hundred dollars and  
29 33 upon filing of an application form which is available from the  
29 34 department. The annual licensure fee shall be dedicated to  
30 1 support and provide educational programs on regulatory issues  
30 2 for hospitals licensed under this chapter in consultation with

30 3 the hospital licensing board. Licenses shall be either  
30 4 general or restricted in form. Each license shall be issued  
30 5 only for the premises and persons or governmental units named  
30 6 in the application and is not transferable or assignable  
30 7 except with the written approval of the department. Licenses  
30 8 shall be posted in a conspicuous place on the licensed  
30 9 premises as prescribed by rule of the department.

30 10 2. ~~Provided, however, that the~~ The provisions of this  
30 11 section shall not in any way affect, change, deny or nullify  
30 12 any rights set forth in, or arising from the provisions of  
30 13 this chapter and particularly section 135B.7, arising before  
30 14 or after December 31, 1960.

30 15 Sec. 49. Section 135B.10, Code 2007, is amended to read as  
30 15 follows:

30 16 135B.10 HOSPITAL LICENSING BOARD.

30 17 The governor shall appoint ~~five six~~ individuals ~~who possess~~  
~~30 18 recognized ability in the field of hospital administration,~~ to  
30 19 serve as the hospital licensing board within the department.  
30 20 Five members shall possess recognized ability in the field of  
30 21 hospital administration and one member shall be a member of  
30 22 the general public.

30 23 Sec. 50. Section 135C.40, subsection 1, Code 2007, is  
30 24 amended to read as follows:

30 25 1. If the director determines, based on the findings of an  
30 26 inspection or investigation of a health care facility, that  
30 27 the facility is in violation of this chapter, ~~or~~ rules adopted  
30 28 under this chapter, or the federal certification guidelines,  
30 29 the director within ~~five ten~~ working days after ~~making the~~  
~~30 30 determination~~ completion of an on-site survey, may shall issue  
30 31 a written citation all statements of deficiencies, including  
30 32 any state citations issued to the facility under rules adopted  
30 33 by the department. The citation shall be served upon the  
30 34 facility personally ~~or,~~ by electronic mail, or by certified  
30 35 mail, except that a citation for a Class III violation may be  
31 1 sent by ordinary mail. Each citation shall specifically  
31 2 describe the nature of the violation, identifying the Code  
31 3 section or subsection or the rule or standard violated, and  
31 4 the classification of the violation under section 135C.36.  
31 5 Where appropriate, the citation shall also state the period of  
31 6 time allowed for correction of the violation, which shall in  
31 7 each case be the shortest period of time the department deems  
31 8 feasible. Failure to correct a violation within the time  
31 9 specified, unless the licensee shows that the failure was due  
31 10 to circumstances beyond the licensee's control, shall subject  
31 11 the facility to a further penalty of fifty dollars for each  
31 12 day that the violation continues after the time specified for  
31 13 correction.

31 14 a. If a facility licensed under this chapter submits a  
31 15 plan of correction relating to a statement of deficiencies or  
31 16 a response to a citation issued under rules adopted by the  
31 17 department and the department elects to conduct an on-site  
31 18 revisit survey, the department shall commence the revisit  
31 19 survey within ten business days of the date that the plan of  
31 20 correction is received, or the date specified within the plan  
31 21 of correction alleging compliance, whichever is later.

31 22 b. If the department recommends the issuance of federal  
31 23 remedies pursuant to 42 C.F.R. } 488.406 (a) (2) or (a) (3),  
31 24 relating to a survey conducted by the department, the  
31 25 department shall issue the statement of deficiencies within  
31 26 twenty-four hours of the date that the centers for Medicare  
31 27 and Medicaid services of the United States department of  
31 28 health and human services was notified of the recommendation  
31 29 for the imposition of remedies.

31 30 Sec. 51. Section 175.2, subsection 1, paragraph m, Code  
31 31 2007, is amended to read as follows:

31 32 m. (1) "Low or moderate net worth" means a person's  
31 33 aggregate net worth calculated as a designated amount  
31 34 established pursuant to rules adopted by the authority and  
31 35 effective for one year. The designated amount shall be  
32 1 established by January 1 of each year by adjusting the  
32 2 designated amount effective on the previous December 31. The  
32 3 authority shall establish the designated amount in accordance  
32 4 with the prices paid by farmers index as compiled by the

32 5 United States department of agriculture.

32 6 (2) "Low or moderate net worth" as applied to the  
32 7 following persons means:

32 8 ~~(1)~~ (a) For an individual, an aggregate net worth of the  
32 9 individual and the individual's spouse and minor children of  
32 10 less than ~~three hundred thousand dollars~~ the designated  
32 11 amount.

32 12 ~~(2)~~ (b) For a partnership, an aggregate net worth of all  
32 13 partners, including each partner's net capital in the  
32 14 partnership, and each partner's spouse and minor children of  
32 15 less than ~~six hundred thousand dollars~~ twice the designated  
32 16 amount. However, the aggregate net worth of each partner and  
32 17 that partner's spouse and minor children shall not exceed  
32 18 ~~three hundred thousand dollars~~ the designated amount.

32 19 ~~(3)~~ (c) For a family farm corporation, an aggregate net  
32 20 worth of all shareholders, including the value of each  
32 21 shareholder's share in the family farm corporation, and each  
32 22 shareholder's spouse and minor children of less than ~~six~~  
32 23 ~~hundred thousand dollars~~ twice the designated amount.  
32 24 However, the aggregate net worth of each shareholder and that  
32 25 shareholder's spouse and minor children shall not exceed ~~three~~  
32 26 ~~hundred thousand dollars~~ the designated amount.

32 27 ~~(4)~~ (d) For a family farm limited liability company, an  
32 28 aggregate net worth of all members, including each member's  
32 29 ownership interest in the family farm limited liability  
32 30 company, and each member's spouse and minor children of less  
32 31 than ~~six hundred thousand dollars~~ twice the designated amount.  
32 32 However, the aggregate net worth of each member and that  
32 33 member's spouse and minor children shall not exceed ~~three~~  
32 34 ~~hundred thousand dollars~~ the designated amount.

32 35 Sec. 52. Section 216A.162, subsection 2, if enacted by  
33 1 2008 Iowa Acts, Senate File 2400, is amended to read as  
33 2 follows:

33 3 2. The purpose of the commission shall be to work in  
33 4 concert with ~~tribal governments,~~ Native American groups, and  
33 5 Native ~~American persons~~ Americans in this state to advance the  
33 6 interests of ~~tribal governments and Native American persons~~  
33 7 Americans in the areas of human rights, access to justice,  
33 8 economic equality, and the elimination of discrimination.

33 9 Sec. 53. Section 216A.162, subsection 3, paragraph a, if  
33 10 enacted by 2008 Iowa Acts, Senate File 2400, is amended to  
33 11 read as follows:

33 12 a. Seven public members appointed in compliance with  
33 13 sections 69.16 and 69.16A who shall be appointed with  
33 14 consideration given to the geographic residence of the member  
33 15 and the population density of Native Americans within the  
33 16 vicinity of the geographic residence of a member. Of the  
33 17 seven public members appointed, at least one shall be a Native  
33 18 American who is an enrolled tribal member living on a tribal  
33 19 settlement or reservation in Iowa and whose tribal government  
33 20 is located in Iowa ~~and one shall be a Native American who is~~  
33 21 ~~primarily descended from a tribe other than those specified in~~  
33 22 ~~paragraph "b".~~

33 23 Sec. 54. Section 216A.165, if enacted by 2008 Iowa Acts,  
33 24 Senate File 2400, is amended to read as follows:

33 25 216A.165 DUTIES.

33 26 The commission shall have all powers necessary to carry out  
33 27 the functions and duties specified in this subchapter and  
33 28 shall do all of the following:

33 29 1. Advise the governor and the general assembly on issues  
33 30 confronting ~~tribal governments and Native American persons~~  
33 31 Americans in this state.

33 32 2. Promote legislation beneficial to ~~tribal governments~~  
~~33 33 and Native American persons~~ Americans in this state.

33 34 3. Recommend to the governor and the general assembly any  
33 35 revisions in the state's affirmative action program and other  
34 1 steps necessary to eliminate discrimination against and the  
34 2 underutilization of Native ~~American persons~~ Americans in the  
34 3 state's workforce.

34 4 4. Serve as a conduit to state government for Native  
34 5 ~~American persons~~ Americans in this state.

34 6 5. Serve as an advocate for Native ~~American persons~~  
34 7 Americans and a referral agency to assist Native ~~American~~  
~~34 8 persons~~ Americans in securing access to justice and state  
34 9 agencies and programs.

34 10 6. Serve as a liaison with federal, state, and local  
34 11 governmental units, and private organizations on matters  
34 12 relating to Native ~~American persons~~ Americans in this state.

34 13 7. Conduct studies, make recommendations, and implement  
34 14 programs designed to solve the problems of Native ~~American~~  
~~34 15 persons~~ Americans in this state in the areas of human rights,  
34 16 housing, education, welfare, employment, health care, access  
34 17 to justice, and any other related problems.

34 18 8. Publicize the accomplishments of Native ~~American~~  
~~34 19 persons~~ Americans and their contributions to this state.

34 20 9. Work with other state, tribal, and federal agencies and  
34 21 organizations to develop small business opportunities and  
34 22 promote economic development for Native ~~American persons~~  
34 23 Americans.

34 24 Sec. 55. Section 216A.166, if enacted by 2008 Iowa Acts,  
34 25 Senate File 2400, is amended to read as follows:  
34 26 216A.166 REVIEW OF GRANT APPLICATIONS AND BUDGET REQUESTS.  
34 27 Before the submission of an application, a state department  
34 28 or agency shall consult with the commission concerning an  
34 29 application for federal funding that will have its primary  
34 30 effect on ~~tribal governments or Native American persons~~  
34 31 Americans. The commission shall advise the governor, the  
34 32 director of the department of human rights, and the director  
34 33 of revenue concerning any state agency budget request that  
34 34 will have its primary effect on ~~tribal governments or Native~~  
34 35 ~~American persons~~ Americans.

35 1 Sec. 56. NEW SECTION. 231C.20 CITATIONS == MONITORING  
35 2 VISITS.

35 3 1. All results of state monitoring visits, including  
35 4 complaint investigations or certification inspections  
35 5 conducted by the department pursuant to this chapter or rules  
35 6 adopted by the department shall be submitted by the department  
35 7 personally, by electronic mail, or by certified mail to the  
35 8 program no later than ten business days following completion  
35 9 of an on-site monitoring visit, if findings of noncompliance  
35 10 are cited.

35 11 2. If a program certified under this chapter submits a  
35 12 plan of correction relating to the statement of noncompliance  
35 13 or a response to a civil penalty issued under rules adopted by  
35 14 the department, and the department elects to conduct an  
35 15 on-site monitoring revisit, the department shall commence the  
35 16 monitoring revisit within ten business days of the date that  
35 17 the plan of correction is received, or the date specified

35 18 within the plan of correction alleging compliance, whichever  
35 19 is later.

35 20 Sec. 57. NEW SECTION. 279.67 COMPETITIVE LIVING WAGE.

35 21 It is the goal of this state that every employee of a  
35 22 public school corporation be provided with a competitive  
35 23 living wage.

35 24 Sec. 58. Section 321A.3, subsections 1, 5, and 6, Code  
35 25 Supplement 2007, are amended to read as follows:

35 26 1. The department shall upon request furnish any person a  
35 27 certified abstract of the operating record of a person subject  
35 28 to chapter 321, 321J, or this chapter. The abstract shall  
35 29 also fully designate the motor vehicles, if any, registered in  
35 30 the name of the person. If there is no record of a conviction  
35 31 of the person having violated any law relating to the  
35 32 operation of a motor vehicle or of any injury or damage caused  
35 33 by the person, the department shall so certify. A fee of five  
35 34 dollars and fifty cents shall be paid for each abstract except  
35 35 for state, county, or city officials, court officials, public  
36 1 transit officials, or other officials of a political

36 2 subdivision of the state or a nonprofit charitable  
36 3 organization described in section 501(c)(3) of the Internal  
36 4 Revenue Code. The department shall transfer the moneys

36 5 collected under this section to the treasurer of state who  
36 6 shall credit to the general fund all moneys collected.

36 7 5. ~~The department may permit any person to view the~~  
~~36 8 operating record of a person subject to chapter 321 or this~~  
~~36 9 chapter through one of the department's computer terminals or~~  
~~36 10 through a computer printout generated by the department.~~ The  
36 11 department shall not require a fee for a person to view their  
36 12 own operating record, ~~but the department shall impose a fee of~~  
~~36 13 one dollar for each of the first five operating records viewed~~  
~~36 14 within a calendar day and two dollars for each additional~~  
~~36 15 operating record viewed within the calendar day.~~

36 16 6. Fees under ~~subsections~~ subsection 1 and 5 may be paid  
36 17 by credit cards, as defined in section 537.1301, subsection  
36 18 17, approved for that purpose by the department of  
36 19 transportation. The department shall enter into agreements  
36 20 with financial institutions extending credit through the use  
36 21 of credit cards to ensure payment of the fees. The department  
36 22 shall adopt rules pursuant to chapter 17A to implement the  
36 23 provisions of this subsection.

36 24 Sec. 59. Section 321A.3, Code Supplement 2007, is amended  
36 25 by adding the following new subsection:

36 26 NEW SUBSECTION. 8. A person making a request for a record  
36 27 or an abstract under this section that is subject to a fee  
36 28 shall only use the record or abstract requested one time, for  
36 29 one purpose, and it shall not supply that record to more than  
36 30 one other person. Any subsequent use of the same record or  
36 31 abstract shall require that the person make a subsequent  
36 32 request for the record or abstract and pay an additional fee  
36 33 for the request in the same manner as provided for the initial  
36 34 request. A person requesting a record or an abstract pursuant  
36 35 to this section shall keep records identifying who the record  
37 1 or abstract is provided to, and the use of the record or  
37 2 abstract, for a period of five years. Records maintained  
37 3 pursuant to this subsection shall be made available to the  
37 4 department upon request. A person shall not sell, retain,  
37 5 distribute, provide, or transfer any record or abstract  
37 6 information or portion of the record or abstract information

37 7 acquired under this agreement except as authorized by the  
37 8 department and the federal Driver's Privacy Protection Act, 18  
37 9 U.S.C. } 2721=2725.

37 10 Sec. 60. Section 331.304, subsection 10, Code Supplement  
37 11 2007, is amended to read as follows:

37 12 10. A county shall not adopt or enforce any ordinance  
37 13 imposing any registration or licensing system or registration  
37 14 or license fees for or relating to owner=occupied manufactured  
37 15 or mobile homes including the lots, ~~or~~ lands, or manufactured  
37 16 home community or mobile home park upon or in which they are  
37 17 located. A county shall not adopt or enforce any ordinance  
37 18 imposing any registration or licensing system, or registration  
37 19 or license fees, or safety or sanitary standards for rental  
37 20 manufactured or mobile homes unless similar registration or  
37 21 licensing system, or registration or license fees, or safety  
37 22 or sanitary standards are required for other rental properties  
37 23 intended for human habitation. This subsection does not  
37 24 preclude the investigation and abatement of a nuisance or the  
37 25 enforcement of a tiedown system, or the enforcement of any  
37 26 regulations of the state or local board of health if those  
37 27 regulations apply to other rental properties or to  
37 28 owner=occupied housing intended for human habitation.

37 29 Sec. 61. Section 364.3, subsection 5, Code 2007, is  
37 30 amended to read as follows:

37 31 5. A city shall not adopt or enforce any ordinance  
37 32 imposing any registration or licensing system or registration  
37 33 or license fees for or relating to owner=occupied manufactured  
37 34 or mobile homes including the lots, ~~or~~ lands, or manufactured  
37 35 home community or mobile home park upon or in which they are  
38 1 located. A city shall not adopt or enforce any ordinance  
38 2 imposing any registration or licensing system, or registration  
38 3 or license fees, or safety or sanitary standards for rental  
38 4 manufactured or mobile homes unless a similar registration or  
38 5 licensing system, or registration or license fees, or safety  
38 6 or sanitary standards are required for other rental properties  
38 7 intended for human habitation. This subsection does not  
38 8 preclude the investigation and abatement of a nuisance or the  
38 9 enforcement of a tiedown system, or the enforcement of any  
38 10 regulations of the state or local board of health if those  
38 11 regulations apply to other rental properties or to  
38 12 owner=occupied housing intended for human habitation.

38 13 Sec. 62. NEW SECTION. 422.11V CHARITABLE CONSERVATION  
38 14 CONTRIBUTION TAX CREDIT.

38 15 1. The taxes imposed under this division, less the credits  
38 16 allowed under section 422.12, shall be reduced by a charitable  
38 17 conservation contribution tax credit equal to fifty percent of  
38 18 the fair market value of a qualified real property interest  
38 19 located in the state that is conveyed as an unconditional  
38 20 charitable donation in perpetuity by the taxpayer to a  
38 21 qualified organization exclusively for conservation purposes.  
38 22 The maximum amount of tax credit is one hundred thousand  
38 23 dollars. The amount of the contribution for which the tax  
38 24 credit is claimed shall not be deductible in determining  
38 25 taxable income for state tax purposes.

38 26 2. For purposes of this section, "conservation purpose",  
38 27 "qualified organization", and "qualified real property  
38 28 interest" mean the same as defined for the qualified  
38 29 conservation contribution under section 170(h) of the Internal  
38 30 Revenue Code, except that a conveyance of land for open space

38 31 for the purpose of fulfilling density requirements to obtain  
38 32 subdivision or building permits shall not be considered a  
38 33 conveyance for a conservation purpose.

38 34 3. Any credit in excess of the tax liability is not  
38 35 refundable but the excess for the tax year may be credited to  
39 1 the tax liability for the following twenty tax years or until  
39 2 depleted, whichever is the earlier.

39 3 4. An individual may claim the tax credit allowed a  
39 4 partnership, limited liability company, S corporation, estate,  
39 5 or trust electing to have the income taxed directly to the  
39 6 individual. The amount claimed by the individual shall be  
39 7 based upon the pro rata share of the individual's earnings of  
39 8 the partnership, limited liability company, S corporation,  
39 9 estate, or trust.

39 10 Sec. 63. Section 422.33, Code Supplement 2007, is amended  
39 11 by adding the following new subsection:

39 12 NEW SUBSECTION. 25. a. The taxes imposed under this  
39 13 division shall be reduced by a charitable conservation  
39 14 contribution tax credit equal to fifty percent of the fair  
39 15 market value of a qualified real property interest located in  
39 16 the state that is conveyed as an unconditional charitable  
39 17 donation in perpetuity by the taxpayer to a qualified  
39 18 organization exclusively for conservation purposes. The  
39 19 maximum amount of tax credit is one hundred thousand dollars.  
39 20 The amount of the contribution for which the tax credit is  
39 21 claimed shall not be deductible in determining taxable income  
39 22 for state tax purposes.

39 23 b. For purposes of this section, "conservation purpose",  
39 24 "qualified organization", and "qualified real property  
39 25 interest" mean the same as defined for the qualified  
39 26 conservation contribution under section 170(h) of the Internal  
39 27 Revenue Code, except that a conveyance of land for open space  
39 28 for the purpose of fulfilling density requirements to obtain  
39 29 subdivision or building permits shall not be considered a  
39 30 conveyance for a conservation purpose.

39 31 c. Any credit in excess of the tax liability is not  
39 32 refundable but the excess for the tax year may be credited to  
39 33 the tax liability for the following twenty tax years or until  
39 34 depleted, whichever is the earlier.

39 35 Sec. 64. Section 423.6, subsection 14, Code 2007, is  
40 1 amended to read as follows:

40 2 14. Mobile homes to the extent of the portion of the  
40 3 purchase price of the mobile home which is not attributable to  
40 4 the cost of the tangible personal property used in the  
40 5 processing of the mobile home, and manufactured housing to the  
40 6 extent of the purchase price or the installed purchase price  
40 7 of the manufactured housing which is not attributable to the  
40 8 cost of the tangible personal property used in the processing  
40 9 of the manufactured housing. For purposes of this exemption,  
40 10 the portion of the purchase price which is not attributable to  
40 11 the cost of the tangible personal property used in the  
40 12 processing of the mobile home is ~~forty~~ eighty percent and the  
40 13 portion of the purchase price or installed purchase price  
40 14 which is not attributable to the cost of the tangible personal  
40 15 property used in the processing of the manufactured housing is  
40 16 ~~forty~~ eighty percent.

40 17 Sec. 65. Section 423B.1, subsection 6, Code Supplement  
40 18 2007, is amended by adding the following new paragraph:

40 19 NEW PARAGRAPH. c. Notwithstanding any other provision in



40 20 this section, a change in use of the local sales and services  
40 21 tax revenues for purposes of funding an urban renewal project  
40 22 pursuant to section 423B.10 does not require an election.

40 23 Sec. 66. Section 423B.7, subsection 1, Code 2007, is  
40 24 amended to read as follows:

40 25 1. a. Except as provided in paragraph "b", the  
40 26 director shall credit the local sales and services tax  
40 27 receipts and interest and penalties from a county-imposed tax  
40 28 to the county's account in the local sales and services tax  
40 29 fund and from a city-imposed tax under section 423B.1,  
40 30 subsection 2, to the city's account in the local sales and  
40 31 services tax fund. If the director is unable to determine  
40 32 from which county any of the receipts were collected, those  
40 33 receipts shall be allocated among the possible counties based  
40 34 on allocation rules adopted by the director.

40 35 b. Notwithstanding paragraph "a", the director shall  
41 1 credit the designated amount of the increase in local sales  
41 2 and services tax receipts, as computed in section 423B.10,  
41 3 collected in an urban renewal area of an eligible city that  
41 4 has adopted an ordinance pursuant to section 423B.10,  
41 5 subsection 2, into a special city account in the local sales  
41 6 and services tax fund.

41 7 Sec. 67. Section 423B.7, Code 2007, is amended by adding  
41 8 the following new subsection:

41 9 NEW SUBSECTION. 5A. From each special city account, the  
41 10 revenues shall be remitted to the city council for deposit in  
41 11 the special fund created in section 403.19, subsection 2, to  
41 12 be used by the city as provided in section 423B.10. The  
41 13 distribution from the special city account is not subject to  
41 14 the distribution formula provided in subsections 3, 4, and 5.

41 15 Sec. 68. NEW SECTION. 423B.10 FUNDING URBAN RENEWAL  
41 16 PROJECTS.

41 17 1. For purposes of this section, unless the context  
41 18 otherwise requires:

41 19 a. "Base year" means the fiscal year during which an  
41 20 ordinance is adopted that provides for funding of an urban  
41 21 renewal project by a designated amount of the increased sales  
41 22 and services tax revenues.

41 23 b. "Eligible city" means a city in which a local sales and  
41 24 services tax imposed by the county applies or a city described  
41 25 in section 423B.1, subsection 2, paragraph "a", and in which  
41 26 an urban renewal area has been designated.

41 27 c. "Retail establishment" means a business operated by a  
41 28 retailer as defined in section 423.1.

41 29 d. "Urban renewal area" and "urban renewal project" mean  
41 30 the same as defined in section 403.17.

41 31 2. An eligible city may by ordinance of the city council  
41 32 provide for the use of a designated amount of the increased  
41 33 local sales and services tax revenues collected under this  
41 34 chapter which are attributable to retail establishments in an  
41 35 urban renewal area to fund urban renewal projects located in  
42 1 the area. The designated amount may be all or a portion of  
42 2 such increased revenues.

42 3 3. To determine the revenue increase for purposes of  
42 4 subsection 2, revenue amounts shall be calculated by the  
42 5 department of revenue as follows:

42 6 a. Determine the amount of local sales and services tax  
42 7 revenue collected from retail establishments located in the  
42 8 area comprising the urban renewal area during the base year.

42 9 b. Determine the current year revenue amount for each  
42 10 fiscal year following the base year in the manner specified in  
42 11 paragraph "a".

42 12 c. The excess of the amount determined in paragraph "b"  
42 13 over the base year revenue amount determined in paragraph "a"  
42 14 is the increase in the local sales and services tax revenues  
42 15 of which the designated amount is to be deposited in the  
42 16 special city account created in section 423B.7, subsection 5A.

42 17 4. The ordinance adopted pursuant to this section is  
42 18 repealed when the area ceases to be an urban renewal area or  
42 19 twenty years following the base year, whichever is the  
42 20 earlier.

42 21 5. In addition to the moneys received pursuant to the  
42 22 ordinance authorized under subsection 2, an eligible city may  
42 23 deposit any other local sales and services tax revenues  
42 24 received by it pursuant to the distribution formula in section  
42 25 423B.7, subsections 3, 4, and 5, to the special fund described  
42 26 in section 403.19, subsection 2.

42 27 6. For purposes of this section, the eligible city shall  
42 28 assist the department of revenue in identifying retail  
42 29 establishments in the urban renewal area that are collecting  
42 30 the local sales and services tax. This process shall be  
42 31 ongoing until the ordinance is repealed.

42 32 Sec. 69. Section 423E.4, subsection 3, paragraph b,  
42 33 subparagraph (2), Code 2007, as amended by 2008 Iowa Acts,  
42 34 House File 2663, section 21, if enacted, is amended to read as  
42 35 follows:

43 1 (2) "Sales tax capacity per student" means for a school  
43 2 district the estimated amount of revenues that a school  
43 3 district would receive if a local sales and services tax for  
43 4 school infrastructure purposes was imposed at one percent in  
43 5 the county pursuant to section 423E.2, Code 2007, ~~as computed~~  
~~43 6 in subsection 8,~~ divided by the school district's actual  
43 7 enrollment as determined in section 423E.3, subsection 5,  
43 8 paragraph "d".

43 9 Sec. 70. Section 423E.4, subsection 3, paragraph b,  
43 10 subparagraph (3), Code 2007, as amended by 2008 Iowa Acts,  
43 11 House File 2663, section 22, if enacted, is amended to read as  
43 12 follows:

43 13 (3) "Statewide tax revenues per student" means the amount  
43 14 determined by estimating the total revenues that would be  
43 15 generated by a one percent local option sales and services tax  
43 16 for school infrastructure purposes if imposed by all the  
43 17 counties during the entire fiscal year, ~~as computed in~~  
~~43 18 subsection 8,~~ and dividing this estimated revenue amount by  
43 19 the sum of the combined actual enrollment for all counties as  
43 20 determined in section 423E.3, subsection 5, paragraph "d",  
43 21 subparagraph (2).

43 22 Sec. 71. Section 423E.4, subsection 8, as enacted by 2008  
43 23 Iowa Acts, House File 2663, section 25, if enacted, is amended  
43 24 by striking the subsection.

43 25 Sec. 72. Section 423F.2, subsection 1, paragraph b, as  
43 26 enacted by 2008 Iowa Acts, House File 2663, section 28, if  
43 27 enacted, is amended to read as follows:

43 28 b. The increase in the state sales, services, and use  
43 29 taxes under chapter 423, subchapters II and III, from five  
43 30 percent to six percent shall replace the repeal of the  
43 31 county's local sales and services tax for school  
43 32 infrastructure purposes. The distribution of moneys in the

43 33 secure an advanced vision for education fund and the use of  
43 34 the moneys for infrastructure purposes or property tax relief  
43 35 shall be as provided in this chapter. However, the formula  
44 1 for the distribution of the moneys in the fund shall be based  
44 2 upon amounts that would have been received if the local sales  
44 3 and services taxes under chapter 423E, Code 2007, continued in  
44 4 existence, ~~as computed pursuant to section 423E.4, subsection~~  
~~44 5 8.~~

44 6 Sec. 73. Section 423F.3, subsection 3, paragraph c, as  
44 7 enacted by 2008 Iowa Acts, House File 2663, section 29, if  
44 8 enacted, is amended to read as follows:

44 9 c. The board secretary shall notify the county  
44 10 commissioner of elections of the intent to take the issue to  
44 11 the voters. The county commissioner of elections shall  
44 12 publish the notices required by law for special or general  
44 13 elections, and the election shall be held ~~not sooner than~~  
~~44 14 thirty days nor later than forty days after notice from the~~  
~~44 15 school board on a date specified in section 39.2, subsection~~  
~~44 16 4, paragraph "c".~~ A majority of those voting on the question  
44 17 must favor approval of the revenue purpose statement. If the  
44 18 proposal is not approved, the school district shall not submit  
44 19 the same or new revenue purpose statement to the electors for  
44 20 a period of six months from the date of the previous election.

44 21 Sec. 74. Section 441.37A, subsection 1, unnumbered  
44 22 paragraph 1, Code 2007, is amended to read as follows:

44 23 For the assessment year beginning January 1, 2007, and all  
44 24 subsequent assessment years, appeals may be taken from the  
44 25 action of the board of review with reference to protests of  
44 26 assessment, valuation, or application of an equalization order  
44 27 to the property assessment appeal board created in section  
44 28 421.1A. However, a property owner or aggrieved taxpayer or an  
44 29 appellant described in section 441.42 may bypass the property  
44 30 assessment appeal board and appeal the decision of the local  
44 31 board of review to the district court pursuant to section  
44 32 441.38. For an appeal to the property assessment appeal board  
44 33 to be valid, written notice must be filed by the party  
44 34 appealing the decision with the secretary of the property  
44 35 assessment appeal board within twenty days after the date the  
45 1 board of review's letter of disposition of the appeal is  
45 2 postmarked to the party making the protest. The written  
45 3 notice of appeal shall include a petition setting forth the  
45 4 basis of the appeal and the relief sought. No new grounds in  
45 5 addition to those set out in the protest to the local board of  
45 6 review as provided in section 441.37 can be pleaded, but  
45 7 additional evidence to sustain those grounds may be  
45 8 introduced. The assessor shall have the same right to appeal  
45 9 to the assessment appeal board as an individual taxpayer,  
45 10 public body, or other public officer as provided in section  
45 11 441.42. An appeal to the board is a contested case under  
45 12 chapter 17A.

45 13 Sec. 75. Section 441.37A, subsection 2, unnumbered  
45 14 paragraph 2, Code 2007, is amended to read as follows:

45 15 An appeal may be considered by less than a majority of the  
45 16 members of the board, and the chairperson of the board may  
45 17 assign members to consider appeals. If a hearing is  
45 18 requested, it shall be open to the public and shall be  
45 19 conducted in accordance with the rules of practice and  
45 20 procedure adopted by the board. However, any deliberation of  
45 21 a board member considering the appeal in reaching a decision

45 22 on any appeal shall be confidential. A meeting of the board  
45 23 to rule on procedural motions in a pending appeal or to  
45 24 deliberate on the decision to be reached in an appeal is  
45 25 exempt from the provisions of chapter 21. The property  
45 26 assessment appeal board or any member of the board may require  
45 27 the production of any books, records, papers, or documents as  
45 28 evidence in any matter pending before the board that may be  
45 29 material, relevant, or necessary for the making of a just  
45 30 decision. Any books, records, papers, or documents produced  
45 31 as evidence shall become part of the record of the appeal.  
45 32 Any testimony given relating to the appeal shall be  
45 33 transcribed and made a part of the record of the appeal.  
45 34 Sec. 76. Section 441.38, subsection 1, Code 2007, is  
45 35 amended to read as follows:

46 1 1. Appeals may be taken from the action of the local board  
46 2 of review with reference to protests of assessment, to the  
46 3 district court of the county in which the board holds its  
46 4 sessions within twenty days after its adjournment or May 31,  
46 5 whichever date is later. Appeals may be taken from the action  
46 6 of the property assessment appeal board to the district court  
46 7 of the county where the property which is the subject of the  
46 8 appeal is located within twenty days after the letter of  
46 9 disposition of the appeal by the property assessment appeal  
46 10 board is postmarked to the appellant. No new grounds in  
46 11 addition to those set out in the protest to the local board of  
46 12 review as provided in section 441.37, or in addition to those  
46 13 set out in the appeal to the property assessment appeal board,  
46 14 if applicable, can be pleaded, ~~but additional.~~ Additional  
46 15 evidence to sustain those grounds may be introduced in an  
46 16 appeal from the local board of review to the district court.  
46 17 However, no new evidence to sustain those grounds may be  
46 18 introduced in an appeal from the property assessment appeal  
46 19 board to the district court. The assessor shall have the same  
46 20 right to appeal and in the same manner as an individual  
46 21 taxpayer, public body, or other public officer as provided in  
46 22 section 441.42. Appeals shall be taken by filing a written  
46 23 notice of appeal with the clerk of district court. Filing of  
46 24 the written notice of appeal shall preserve all rights of  
46 25 appeal of the appellant.

46 26 Sec. 77. NEW SECTION. 441.38B APPEAL TO DISTRICT COURT  
46 27 FROM PROPERTY ASSESSMENT APPEAL BOARD.

46 28 A person or party who is aggrieved or adversely affected by  
46 29 a decision of the property assessment appeal board may seek  
46 30 judicial review of the decision as provided in chapter 17A and  
46 31 section 441.38.

46 32 Sec. 78. NEW SECTION. 455C.17 GRANTS FOR INDEPENDENT  
46 33 REDEMPTION CENTERS.

46 34 1. An independent redemption center grant program shall be  
46 35 established by the department to award grants for improvements  
47 1 to independent redemption centers. An "independent redemption  
47 2 center" is a redemption center that is also a nonprofit or a  
47 3 for-profit facility that has existed prior to July 1, 2008,  
47 4 and that is not affiliated with or in any way a subsidiary of  
47 5 a dealer, a distributor, or a manufacturer.

47 6 2. a. An independent redemption center grant fund is  
47 7 established in the state treasury under the authority of the  
47 8 department. The fund shall consist of moneys appropriated to  
47 9 the fund or appropriated to the department for purposes of the  
47 10 grant program. Moneys in the fund are appropriated to the

47 11 department to be used for the grant program.

47 12 b. Notwithstanding section 8.33, moneys in the fund at the  
47 13 close of any fiscal year shall not revert to any other fund  
47 14 but shall remain in the fund for the subsequent fiscal year to  
47 15 be used for purposes of the fund.

47 16 3. a. Moneys in the grant fund shall be used by the  
47 17 department to provide grants to independent redemption centers  
47 18 for purposes of making improvements to such centers. The  
47 19 department shall not award grants in a fiscal year in an  
47 20 aggregate of more than one million dollars. A grant shall not  
47 21 exceed fifteen thousand dollars for any independent redemption  
47 22 center.

47 23 b. The department shall not pay administrative costs  
47 24 relating to the management of the grant program in excess of  
47 25 three and one-half percent of the moneys in the fund in a  
47 26 fiscal year.

47 27 Sec. 79. Section 535.8, subsection 1, Code 2007, is  
47 28 amended by striking the subsection and inserting in lieu  
47 29 thereof the following:

47 30 1. DEFINITIONS. For purposes of this section, unless the  
47 31 context otherwise requires:

47 32 a. "Lender" means a person who makes or originates a loan;  
47 33 a person who is identified as a lender on the loan documents;  
47 34 a person who arranges, negotiates, or brokers a loan; and a  
47 35 person who provides any goods or services as an incident to or  
48 1 as a condition required for the making or closing of the loan.  
48 2 "Lender" does not include a licensed attorney admitted to  
48 3 practice in this state acting solely as an incident to the  
48 4 practice of law.

48 5 b. "Loan" means a loan of money which is wholly or in part  
48 6 to be used for the purpose of purchasing real property which  
48 7 is a single-family or two-family dwelling occupied or to be  
48 8 occupied by the borrower. A loan includes the refinancing of  
48 9 a contract of sale, and the refinancing of a prior loan,  
48 10 whether or not the borrower also was the borrower under the  
48 11 prior loan, and the assumption of a prior loan.

48 12 Sec. 80. Section 535.8, subsection 2, paragraphs a and b,  
48 13 Code 2007, are amended to read as follows:

48 14 a. ~~A lender may collect~~ borrower may be charged by a  
48 15 lender, in connection with a loan made pursuant to a written  
48 16 agreement executed by the borrower on or after July 1, 1983,  
48 17 or in connection with a loan made pursuant to a written  
48 18 commitment by the lender mailed or delivered to the borrower  
48 19 on or after that date, a loan origination or processing fee, a  
48 20 broker fee, or both, which ~~does together do~~ not exceed two  
48 21 percent of an amount which is equal to the loan principal;  
48 22 except that to the extent of an assumption by a new borrower  
48 23 of the obligation to make payments under a prior loan, or to  
48 24 the extent that the loan principal is used to refinance a  
48 25 prior loan between the same borrower and the same lender, the  
48 26 ~~lender may collect~~ borrower may be charged by a lender a loan  
48 27 origination or processing fee, a broker fee, or both, which  
48 28 ~~does together do~~ not exceed an amount which is a reasonable  
48 29 estimate of the expenses of processing the loan assumption or  
48 30 refinancing but which does not exceed one percent of the  
48 31 unpaid balance of the loan that is assumed or refinanced. In  
48 32 addition, ~~a lender may collect from a borrower, a seller of~~  
48 33 ~~property, another lender, or any other person, or from any~~  
48 34 ~~combination of these persons~~ borrower may be charged by a

48 35 lender, in contemplation of or in connection with a loan, a  
49 1 commitment fee, closing fee, or both, that is agreed to in  
49 2 writing by the lender and the ~~persons from whom the charges~~  
~~49 3 are to be collected~~ borrower. A loan fee ~~collected~~ paid by a  
49 4 borrower to a lender under this paragraph is compensation to  
49 5 the lender solely for the use of money, notwithstanding any  
49 6 provision of the agreement to the contrary. However, a loan  
49 7 fee collected under this paragraph shall be disregarded for  
49 8 purposes of determining the maximum charge permitted by  
49 9 section 535.2 or 535.9, subsection 2. ~~The collection~~ A lender  
49 10 is prohibited from charging a borrower in connection with a  
49 11 loan ~~of~~ a loan origination or processing fee, broker fee,  
49 12 closing fee, commitment fee, or similar charge ~~is prohibited~~  
49 13 other than expressly authorized by this paragraph or a payment  
49 14 reduction fee authorized by subsection 3.

49 15 b. A ~~lender may collect~~ borrower may be charged by a  
49 16 lender in connection with a loan any of the following costs  
49 17 which are incurred by the lender in connection with the loan  
49 18 and which are disclosed to the borrower:

- 49 19 (1) Credit reports.
- 49 20 (2) Appraisal fees paid to a third party, or when the  
49 21 appraisal is performed by the lender, a fee which is a  
49 22 reasonable estimate of the expense incurred by the lender in  
49 23 performing the appraisal.
- 49 24 (3) Attorney's opinions.
- 49 25 (4) Abstracting fees paid to a third party, or when the  
49 26 abstracting is performed by the lender, a fee which is a  
49 27 reasonable estimate of the expense incurred by the lender in  
49 28 performing the abstracting.
- 49 29 (5) County recorder's fees.
- 49 30 (6) Inspection fees.
- 49 31 (7) Mortgage guarantee insurance charge.
- 49 32 (8) Surveying of property.
- 49 33 (9) Termite inspection.
- 49 34 (10) The cost of a title guaranty issued by the Iowa  
49 35 finance authority pursuant to chapter 16.

50 1 (11) A bona fide and reasonable settlement or closing fee  
50 2 which is paid to a third party to settle or close the loan.

50 3 The lender shall not charge the borrower for the cost of  
50 4 revenue stamps or real estate commissions which are paid by  
50 5 the seller.

50 6 ~~The collection of~~ A lender shall not charge the borrower  
50 7 any costs other than ~~as~~ expressly permitted by this paragraph  
50 8 "b" ~~is prohibited~~. However, additional costs incurred in  
50 9 connection with a loan under this paragraph "b", if bona fide  
50 10 and reasonable, may be collected by a state=chartered  
50 11 financial institution licensed under chapter 524, 533, or 534,  
50 12 to the extent permitted under applicable federal law as  
50 13 determined by the office of the comptroller of the currency of  
50 14 the United States department of treasury, the national credit  
50 15 union administration, or the office of thrift supervision of  
50 16 the United States department of treasury. Such costs shall  
50 17 apply only to the same type of state=chartered entity as the  
50 18 federally chartered entity affected and shall apply to and may  
50 19 be collected by an insurer organized under chapter 508 or 515,  
50 20 or otherwise authorized to conduct the business of insurance  
50 21 in this state.

50 22 Nothing in this section shall be construed to change the  
50 23 prohibition against the sale of title insurance or sale of

50 24 insurance against loss or damage by reason of defective title  
50 25 or encumbrances as provided in section 515.48, subsection 10.  
50 26 Sec. 81. Section 622.10, subsection 3, paragraphs a, d,  
50 27 and e, Code Supplement 2007, are amended to read as follows:

50 28 a. In a civil action in which the condition of the  
50 29 plaintiff in whose favor the prohibition is made is an element  
50 30 or factor of the claim or defense of the adverse party or of  
50 31 any party claiming through or under the adverse party, the  
50 32 adverse party shall make a written request for records  
50 33 relating to the condition alleged upon the plaintiff's ~~counsel~~  
50 34 attorney for a legally sufficient patient's waiver under  
50 35 federal and state law. Upon receipt of a written request, the  
51 1 plaintiff shall execute ~~the~~ a legally sufficient patient's  
51 2 waiver and release it to the adverse party making the request  
51 3 within sixty days of receipt of the written request. The  
51 4 patient's waiver may require a physician or surgeon, physician  
51 5 assistant, advanced registered nurse practitioner, or mental  
51 6 health professional to do all of the following:

51 7 (1) Provide a complete copy of the patient's records  
51 8 including, but not limited to, any reports or diagnostic  
51 9 imaging relating to the condition alleged.

51 10 (2) Consult with the attorney for the adverse party prior  
51 11 to providing testimony regarding the plaintiff's medical  
51 12 history and the condition alleged and opinions regarding  
51 13 health etiology and prognosis for the condition alleged  
51 14 subject to the limitations in ~~paragraph~~ paragraphs "c" and  
51 15 "e".

51 16 d. Any physician or surgeon, physician assistant, advanced  
51 17 registered nurse practitioner, or mental health professional  
51 18 who provides records or consults with the ~~counsel~~ attorney for  
51 19 ~~the adverse~~ any party shall be entitled to charge a reasonable  
51 20 fee for production of the records, diagnostic imaging, and  
51 21 consultation. Any party seeking consultation shall be  
51 22 responsible for payment of all charges. The ~~fee~~ fees for  
51 23 copies of any records shall ~~be based upon actual cost of~~  
51 24 production be as specified in subsection 4A.

51 25 e. Defendant's counsel shall provide a written notice to  
51 26 plaintiff's ~~counsel~~ attorney in a manner consistent with the  
51 27 Iowa rules of civil procedure providing for notice of  
51 28 deposition at least ten days prior to any meeting with  
51 29 plaintiff's physician or surgeon, physician assistant,  
51 30 advanced registered nurse practitioner, or mental health  
51 31 professional. Plaintiff's ~~counsel~~ attorney has the right to  
51 32 be present at all such meetings, or participate in telephonic  
51 33 communication with the physician or surgeon, physician  
51 34 assistant, advanced registered nurse practitioner, or mental  
51 35 health professional and ~~counsel~~ attorney for the defendant.

52 1 Prior to scheduling any meeting or engaging in any  
52 2 communication with the physician or surgeon, physician  
52 3 assistant, advanced registered nurse practitioner, or mental  
52 4 health professional, attorney for the defendant shall confer  
52 5 with plaintiff's attorney to determine a mutually convenient  
52 6 date and time for such meeting or telephonic communication.

52 7 Plaintiff's ~~counsel~~ attorney may seek a protective order  
52 8 structuring all communication by making application to the  
52 9 court at any time.

52 10 Sec. 82. Section 622.10, subsection 4, Code Supplement  
52 11 2007, is amended to read as follows:

52 12 4. If an adverse party desires the oral deposition, either

52 13 discovery or evidentiary, of a physician or surgeon, physician  
52 14 assistant, advanced registered nurse practitioner, or mental  
52 15 health professional to which the prohibition would otherwise  
52 16 apply or the stenographer or confidential clerk of a physician  
52 17 or surgeon, physician assistant, advanced registered nurse  
52 18 practitioner, or mental health professional or desires to call  
52 19 a physician or surgeon, physician assistant, advanced  
52 20 registered nurse practitioner, or mental health professional  
52 21 to which the prohibition would otherwise apply or the  
52 22 stenographer or confidential clerk of a physician or surgeon,  
52 23 physician assistant, advanced registered nurse practitioner,  
52 24 or mental health professional as a witness at the trial of the  
52 25 action, the adverse party shall file an application with the  
52 26 court for permission to do so. The court upon hearing, which  
52 27 shall not be ex parte, shall grant permission unless the court  
52 28 finds that the evidence sought does not relate to the  
52 29 condition alleged ~~and~~. At the request of any party or at the  
52 30 request of the deponent, the court shall fix a reasonable fee  
52 31 to be paid to the a physician or surgeon, physician assistant,  
52 32 advanced registered nurse practitioner, or mental health  
52 33 professional by the party taking the deposition or calling the  
52 34 witness.

52 35 Sec. 83. Section 622.10, Code Supplement 2007, is amended  
53 1 by adding the following new subsection:

53 2 NEW SUBSECTION. 4A. At any time, upon a written request  
53 3 from a patient, a patient's legal representative or attorney,  
53 4 or an adverse party pursuant to subsection 3, any provider  
53 5 shall provide copies of the requested records or images to the  
53 6 requester within thirty days of receipt of the written  
53 7 request. The written request shall be accompanied by a  
53 8 legally sufficient patient's waiver unless the request is made  
53 9 by the patient or the patient's legal representative or  
53 10 attorney.

53 11 a. The fee charged for the cost of producing the requested  
53 12 records or images shall be based upon the actual cost of  
53 13 production. If the written request and accompanying patient's  
53 14 waiver, if required, authorizes the release of all of the  
53 15 patient's records for the requested time period, including  
53 16 records relating to the patient's mental health, substance  
53 17 abuse, and acquired immune deficiency syndrome-related  
53 18 conditions, the amount charged shall not exceed the rates  
53 19 established by the workers' compensation commissioner for  
53 20 copies of records in workers' compensation cases. If  
53 21 requested, the provider shall include an affidavit certifying  
53 22 that the records or images produced are true and accurate  
53 23 copies of the originals for an additional fee not to exceed  
53 24 ten dollars.

53 25 b. A patient or a patient's legal representative or a  
53 26 patient's attorney is entitled to one copy free of charge of  
53 27 the patient's complete billing statement, subject only to a  
53 28 charge for the actual costs of postage or delivery charges  
53 29 incurred in providing the statement. If requested, the  
53 30 provider or custodian of the record shall include an affidavit  
53 31 certifying the billing statements produced to be true and  
53 32 accurate copies of the originals for an additional fee not to  
53 33 exceed ten dollars.

53 34 c. Fees charged pursuant to this subsection are not  
53 35 subject to a sales or use tax. A provider providing the  
54 1 records or images may require payment in advance if an



54 2 itemized statement demanding such is provided to the  
54 3 requesting party within fifteen days of the request. Upon a  
54 4 timely request for payment in advance, the time for providing  
54 5 the records or images shall be extended until the greater of  
54 6 thirty days from the date of the original request or ten days  
54 7 from the receipt of payment.

54 8 d. If a provider does not provide to the requester all  
54 9 records or images encompassed by the request or does not allow  
54 10 a patient access to all of the patient's medical records  
54 11 encompassed by the patient's request to examine the patient's  
54 12 records, the provider shall give written notice to the  
54 13 requester or the patient that providing the requested records  
54 14 or images would be a violation of the federal Health Insurance  
54 15 Portability and Accountability Act of 1996, Pub. L. No.  
54 16 104=191.

54 17 e. As used in this subsection:

54 18 (1) "Records" and "images" include electronic media and  
54 19 data containing a patient's health or billing information and  
54 20 "copies" includes patient records or images provided in  
54 21 electronic form, regardless of the form of the originals. If  
54 22 consented to by the requesting party, records and images  
54 23 produced pursuant to this subsection may be produced on  
54 24 electronic media.

54 25 (2) "Provider" means any physician or surgeon, physician  
54 26 assistant, advanced registered nurse practitioner, mental  
54 27 health professional, hospital, nursing home, or other person,  
54 28 entity, facility, or organization that furnishes, bills, or is  
54 29 paid for health care in the normal course of business.

54 30 Sec. 84. 2007 Iowa Acts, chapter 206, section 6,  
54 31 unnumbered paragraph 3, is amended to read as follows:

54 32 Notwithstanding section 8.33, moneys appropriated in this  
54 33 section that remain unencumbered or unobligated at the close  
54 34 of the fiscal year shall not revert but shall remain available  
54 35 for expenditure for the purposes designated until the close of  
55 1 the ~~succeeding~~ fiscal year beginning July 1, 2008.

55 2 Sec. 85. REAL ESTATE EDUCATION PROGRAM. There is  
55 3 appropriated from the general fund of the state to the state  
55 4 board of regents for the fiscal year beginning July 1, 2008,  
55 5 and ending June 30, 2009, the following amount, or so much  
55 6 thereof as is necessary, to be used for the purposes  
55 7 designated:

55 8 For allocation to the university of northern Iowa for the  
55 9 real estate education program:  
55 10 ..... \$ 160,000

55 11 Notwithstanding section 8.33, moneys appropriated in this  
55 12 section that remain unencumbered or unobligated at the close  
55 13 of the fiscal year shall not revert but shall remain available  
55 14 for expenditure for the purposes designated until the close of  
55 15 the succeeding fiscal year.

55 16 Sec. 86. MEDICAL ASSISTANCE == APPROPRIATION. There is  
55 17 appropriated from the general fund of the state to the  
55 18 department of human services for the fiscal year beginning  
55 19 July 1, 2008, and ending June 30, 2009, the following amount,  
55 20 or so much thereof as is necessary, for the purpose  
55 21 designated:

55 22 Notwithstanding the reimbursement provisions in 2008 Iowa  
55 23 Acts, Senate File 2425, if enacted, or any other provision  
55 24 requiring budget neutrality in setting hospital reimbursement  
55 25 rates, as additional funding for the medical assistance

55 26 program to be used for the rebasing of hospital reimbursement  
55 27 rates under the medical assistance program:

55 28 ..... \$ 5,500,000

55 29 Sec. 87. 2008 Iowa Acts, Senate File 2420, section 124, is  
55 30 amended by striking the section and inserting in lieu thereof  
55 31 the following:

55 32 SEC. 124. Section 423.5, subsection 3, Code 2007, as  
55 33 amended by this division of this Act, is amended to read as  
55 34 follows:

55 35 3. The An excise tax at the rate of five percent is  
56 1 imposed on the use of vehicles subject only to the issuance of  
56 2 a certificate of title and the use of manufactured housing,  
56 3 and on the use of leased vehicles, if the lease transaction  
56 4 does not require titling or registration of the vehicle, on  
56 5 the amount subject to tax as calculated pursuant to section  
56 6 423.26, subsection 2.

56 7 Sec. 88. INDEPENDENT REDEMPTION CENTER GRANT FUND. There  
56 8 is appropriated from the general fund of the state to the  
56 9 department of natural resources for the fiscal year beginning  
56 10 July 1, 2008, and ending June 30, 2009, the following amount,  
56 11 or so much thereof as is necessary, to be used for the purpose  
56 12 designated:

56 13 For deposit in the independent redemption center fund  
56 14 created in section 455C.17, as enacted in this division of  
56 15 this Act:

56 16 ..... \$ 1,000,000

56 17 Sec. 89. 2008 Iowa Acts, House File 2699, section 4,  
56 18 subsection 3, if enacted, is amended by adding the following  
56 19 new paragraph:

56 20 NEW PARAGRAPH. e. The department of economic development  
56 21 shall coordinate with the department of natural resources, the  
56 22 Iowa finance authority, and the United States department of  
56 23 agriculture in maximizing community development block grants  
56 24 and loans available for water, wastewater, and unsewered  
56 25 communities. It is the intent of the general assembly that  
56 26 the department recognize and provide the appropriate level of  
56 27 funding needed for wastewater and sewer projects in  
56 28 communities with populations of 200 persons or less.

56 29 Sec. 90. 2008 Iowa Acts, House File 2699, section 16,  
56 30 subsection 4, if enacted, is amended by striking the  
56 31 subsection and inserting in lieu thereof the following:

56 32 4. STATEWIDE STANDARD SKILLS ASSESSMENT  
56 33 For development and administration of a statewide standard  
56 34 skills assessment to assess the employability skills of adult  
56 35 workers statewide and to provide instruction to department  
57 1 staff in the administration of the assessment in accordance  
57 2 with section 84A.5, subsection 1, as amended by the  
57 3 Eighty-second General Assembly, 2008 Session:

57 4 ..... \$ 500,000

57 5 Sec. 91. HEALTHY IOWANS TOBACCO TRUST == APPROPRIATION ==  
57 6 TOBACCO USE PREVENTION AND TREATMENT. There is appropriated  
57 7 from the healthy Iowans tobacco trust created in section 12.65  
57 8 to the department of public health for the fiscal year  
57 9 beginning July 1, 2008, and ending June 30, 2009, the  
57 10 following amount, or so much thereof as is necessary, for the  
57 11 purpose designated:

57 12 For tobacco use prevention, cessation, and treatment, in  
57 13 addition to other appropriations made for this purpose:

57 14 ..... \$ 1,000,000

57 15 Sec. 92. DEPARTMENT OF HUMAN SERVICES == SHELTER CARE.  
57 16 There is appropriated from the general fund of the state to  
57 17 the department of human services for the fiscal year beginning  
57 18 July 1, 2008, and ending June 30, 2009, the following amount,  
57 19 or so much thereof as is necessary, to be used for the  
57 20 purposes designated:

57 21 For supplementing the appropriation made for child and  
57 22 family services in 2008 Iowa Acts, Senate File 2425, if  
57 23 enacted, to be used to increase the amount allocated in that  
57 24 appropriation for shelter care to \$8,072,215:

57 25 ..... \$ 1,000,000

57 26 Sec. 93. INTERPRETERS FOR THE DEAF. There is appropriated  
57 27 from the general fund of the state to the department of  
57 28 education for the fiscal year beginning July 1, 2008, and  
57 29 ending June 30, 2009, the following amount, or so much thereof  
57 30 as is necessary, to be used for the purpose designated:

57 31 Due to the high numbers of articulation agreements between  
57 32 the state school for the deaf and Iowa western community  
57 33 college, for allocation for arrangements made between the  
57 34 state school for the deaf and Iowa western community college  
57 35 for deaf interpreters:

58 1 ..... \$ 200,000

58 2 Sec. 94. UNITED STATES CENTER FOR CITIZEN DIPLOMACY.  
58 3 There is appropriated from the general fund of the state to  
58 4 the department of economic development for the fiscal year  
58 5 beginning July 1, 2008, and ending June 30, 2009, the  
58 6 following amount, or so much thereof as is necessary, to be  
58 7 used for the purposes designated:

58 8 For a grant to support the United States center for citizen  
58 9 diplomacy:

58 10 ..... \$ 150,000

58 11 The director of the department of economic development  
58 12 shall condition the grant upon the grantee submitting all of  
58 13 the following: evidence of a matching amount from  
58 14 nongovernmental sources received during calendar year 2008, a  
58 15 financial plan for program sustainability, evidence that the  
58 16 center's principal place of business is in this state, and  
58 17 agreement to submit quarterly reports demonstrating that the  
58 18 center's programs are directed to assisting the citizens of  
58 19 this state and beyond in promoting citizen diplomacy through  
58 20 individual, educational, business, and cultural efforts. The  
58 21 director shall submit the reports required under this section  
58 22 to the governor and the legislative council.

58 23 Sec. 95. DEPARTMENT OF NATURAL RESOURCES. There is  
58 24 appropriated from any interest or earning moneys in the  
58 25 federal economic stimulus and jobs holding fund to the  
58 26 department of natural resources for the fiscal year beginning  
58 27 July 1, 2008, and ending June 30, 2009, the following amounts,  
58 28 or so much thereof as is necessary, to be used for the  
58 29 purposes designated:

58 30 For the abatement, control, and prevention of ambient air  
58 31 pollution in this state, including measures as necessary to  
58 32 assure attainment and maintenance of ambient air quality  
58 33 standards from particulate matter:

58 34 ..... \$ 195,000

58 35 Sec. 96. 2008 Iowa Acts, House File 2663, section 15, if  
59 1 enacted, is amended by striking the section and inserting in  
59 2 lieu thereof the following:

59 3 SEC. 15. Section 423E.3, subsections 1 and 4, Code 2007,

59 4 are amended by striking the subsections.

59 5 Sec. 97. DEPARTMENT OF CULTURAL AFFAIRS == BATTLE FLAG  
59 6 EMPLOYEES. The department of cultural affairs is authorized  
59 7 an additional 1.50 full-time equivalent positions for a  
59 8 conservation assistant and a part-time historian for work  
59 9 related to the stabilization and preservation of the battle  
59 10 flag collection.

59 11 Sec. 98. PUBLIC SAFETY PEACE OFFICERS' RETIREMENT,  
59 12 ACCIDENT, AND DISABILITY SYSTEM == ADDITIONAL APPROPRIATION  
59 13 FOR PURCHASE OF SERVICE. If section 97A.10 is amended by the  
59 14 2008 Session of the Eighty-second General Assembly to provide  
59 15 for the purchase of eligible service credit on and after July  
59 16 1, 2008, there shall be appropriated from the general fund of  
59 17 the state to the retirement fund described in section 97A.8 an  
59 18 amount equal to that portion of the actuarial cost of the  
59 19 permissive service credit purchase for eligible service credit  
59 20 that is not required to be contributed by a member making  
59 21 contributions to the system for that purchase.

59 22 Sec. 99. APPLICABILITY. The sections of this division of  
59 23 this Act amending section 21.5, subsection 1, and section  
59 24 22.7, do not apply to any litigation before any court of this  
59 25 state filed prior to July 1, 2008.

59 26 Sec. 100. INCOME TAXATION == ACTIVE DUTY MILITARY PAY.  
59 27 Notwithstanding section 422.7, subsection 40, the net income  
59 28 of a member of the national guard who served from August 1,  
59 29 2004, to January 31, 2006, on full-time military duty as a  
59 30 mobilization augments in a rear detachment support assignment  
59 31 for a national guard unit deployed pursuant to orders related  
59 32 to Operation Iraqi Freedom, shall be calculated for those tax  
59 33 years as provided in section 422.7 by subtracting, to the  
59 34 extent included, the amount of full-time national guard duty  
59 35 pay received.

60 1 Sec. 101. LOW OR MODERATE NET WORTH == DESIGNATED AMOUNT  
60 2 ESTABLISHED. For the period beginning July 1, 2008, and  
60 3 ending December 31, 2008, the designated amount used to  
60 4 determine a person's aggregate net worth as provided in  
60 5 section 175.2, subsection 1, as amended in this division of  
60 6 this Act, is five hundred thousand dollars.

60 7 Sec. 102. CHARTER AGENCY GRANT FUND. Notwithstanding  
60 8 sections 7J.2 and 8.33 or any other provision of law, moneys  
60 9 appropriated to the department of management from the charter  
60 10 agency grant fund that remain unencumbered or unobligated at  
60 11 the close of the fiscal year beginning July 1, 2007, shall not  
60 12 revert but shall remain available for expenditure for the  
60 13 purposes designated in section 7J.2, Code 2007, until the  
60 14 close of the succeeding fiscal year. At the close of the  
60 15 succeeding fiscal year, such moneys that remain unencumbered  
60 16 or unobligated shall revert to the general fund of the state.

60 17 Sec. 103. EFFECTIVE DATE. The section of this division of  
60 18 this Act amending 2007 Iowa Acts, chapter 206, section 6,  
60 19 being deemed of immediate importance, takes effect upon  
60 20 enactment.

60 21 Sec. 104. EFFECTIVE DATE. The section of this division of  
60 22 this Act addressing sections 7J.2 and 8.33 and the charter  
60 23 agency grant fund, being deemed of immediate importance, takes  
60 24 effect upon enactment.

60 25 Sec. 105. EFFECTIVE DATE == RETROACTIVE APPLICABILITY.  
60 26 The section of this division of this Act relating to the  
60 27 computation of net income for individual income tax purposes

60 28 of a member of the national guard who served on full-time  
60 29 military duty as a mobilization augmter in a rear detachment  
60 30 support assignment for a national guard unit deployed pursuant  
60 31 to orders related to Operation Iraqi Freedom, being deemed of  
60 32 immediate importance, takes effect upon enactment, and applies  
60 33 retroactively to January 1, 2004, for tax years beginning on  
60 34 or after that date but before January 1, 2007.

60 35 Sec. 106. EFFECTIVE DATE == RETROACTIVE APPLICABILITY.

61 1 The sections of this division of this Act amending section  
61 2 35A.8, being deemed of immediate importance, take effect upon  
61 3 enactment and are retroactively applicable to July 1, 2007,  
61 4 and are applicable on and after that date.

61 5 Sec. 107. RETROACTIVE APPLICABILITY DATE. The sections of  
61 6 this division of this Act enacting section 422.11V and section  
61 7 422.33, subsection 25, apply retroactively to January 1, 2008,  
61 8 for tax years beginning on or after that date.

61 9 DIVISION V

61 10 STATE AID FOR SCHOOLS == ENROLLMENT

61 11 Sec. 108. Section 257.6, subsection 1, paragraph a,  
61 12 subparagraph (5), Code Supplement 2007, is amended to read as  
61 13 follows:

61 14 (5) Resident pupils receiving competent private  
61 15 instruction from a licensed practitioner provided through a  
61 16 public school district pursuant to chapter 299A shall be  
61 17 counted as ~~six-tenths~~ three-tenths of one pupil. School  
61 18 districts shall not spend less than the amount expended for  
61 19 the delivery of home school assistance programming during the  
61 20 fiscal year beginning July 1, 2007, unless there is a decline  
61 21 in enrollment in the program. If a school district offered a  
61 22 home school assistance program in the fiscal year beginning  
61 23 July 1, 2007, it shall continue to offer a home school  
61 24 assistance program in the fiscal year beginning July 1, 2008,  
61 25 and subsequent fiscal years. If the school district  
61 26 determines that the expenditures associated with providing  
61 27 competent private instruction pursuant to chapter 299A is in  
61 28 excess of the revenue attributed to the school district's  
61 29 weighted enrollment for such instruction in accordance with  
61 30 this subparagraph, the school district may submit a request to  
61 31 the school budget review committee for modified allowable  
61 32 growth in accordance with section 257.31, subsection 5,  
61 33 paragraph "n". A home school assistance program shall not  
61 34 provide moneys received pursuant to this subparagraph, nor  
61 35 resources paid for with moneys received pursuant to this  
62 1 subparagraph, to parents or students utilizing the program.

62 2 Sec. 109. Section 257.11, subsection 5, Code Supplement  
62 3 2007, is amended by adding the following new paragraph:

62 4 NEW PARAGRAPH. n. Unusual need for additional funds for  
62 5 the costs associated with providing competent private  
62 6 instruction pursuant to chapter 299A.

62 7 Sec. 110. Section 299.4, Code Supplement 2007, is amended  
62 8 to read as follows:

62 9 299.4 REPORTS AS TO PRIVATE INSTRUCTION.

62 10 1. The parent, guardian, or legal custodian of a child who  
62 11 is of compulsory attendance age, who places the child under  
62 12 competent private instruction under either section 299A.2 or  
62 13 299A.3, not in an accredited school or a home school  
62 14 assistance program operated by a public school district or  
62 15 accredited nonpublic school, shall furnish a report in  
62 16 duplicate on forms provided by the public school district, to

62 17 the district by the earliest starting date specified in  
62 18 section 279.10, subsection 1. The secretary shall retain and  
62 19 file one copy and forward the other copy to the district's  
62 20 area education agency. The report shall state the name and  
62 21 age of the child, the period of time during which the child  
62 22 has been or will be under competent private instruction for  
62 23 the year, an outline of the course of study, texts used, and  
62 24 the name and address of the instructor. The parent, guardian,  
62 25 or legal custodian of a child, who is placing the child under  
62 26 competent private instruction for the first time, shall also  
62 27 provide the district with evidence that the child has had the  
62 28 immunizations required under section 139A.8, and, if the child  
62 29 is elementary school age, a blood lead test in accordance with  
62 30 section 135.105D. The term "outline of course of study" shall  
62 31 include subjects covered, lesson plans, and time spent on the  
62 32 areas of study.

62 33 2. A home school assistance program operated by a school  
62 34 district or accredited nonpublic school shall furnish a report  
62 35 on forms provided by the department. The report shall, at a  
63 1 minimum, state the name and age of the child and the period of  
63 2 time during the school year in which the child has been or  
63 3 will be under competent private instruction by the home school  
63 4 assistance program.

63 5 Sec. 111. WEIGHTED ENROLLMENT. There is appropriated from  
63 6 the general fund of the state to the department of education  
63 7 for the fiscal year beginning July 1, 2008, and ending June  
63 8 30, 2009, the following amount, or so much thereof as is  
63 9 necessary, to be used for the purposes designated:

63 10 For one-time distribution to those school districts  
63 11 determined by the department to have expenditures associated  
63 12 with providing competent private instruction pursuant to  
63 13 chapter 299A in excess of the revenue attributed to the school  
63 14 district's weighted enrollment for such instruction in  
63 15 accordance with section 257.6, subsection 1, paragraph "a",  
63 16 subparagraph (5), as amended by this Act:

63 17 ..... \$ 146,000

63 18 Sec. 112. BUDGET ADJUSTMENT. For the budget year  
63 19 beginning July 1, 2008, and ending June 30, 2009, any  
63 20 adjustment in the school district's budget resulting from the  
63 21 amendment to section 257.6 in this division of this Act shall  
63 22 be addressed as provided in section 257.6, subsection 1,  
63 23 paragraph "d" based upon the amendment made to section 257.6,  
63 24 subsection 1, paragraph a, subparagraph (5), and with the  
63 25 budget adjustment being made in the fiscal year beginning July  
63 26 1, 2008.

63 27 Sec. 113. EFFECTIVE DATE. The section of this division of  
63 28 this Act amending section 257.6, being deemed of immediate  
63 29 importance, takes effect upon enactment.

63 30 DIVISION VI  
63 31 CAMPAIGN FINANCE

63 32 Sec. 114. Section 53.10, unnumbered paragraph 3, Code  
63 33 Supplement 2007, is amended to read as follows:

63 34 During the hours when absentee ballots are available in the  
63 35 office of the commissioner, ~~the posting of political signs is~~  
64 1 ~~prohibited within three hundred feet of the absentee voting~~  
64 2 ~~site. No electioneering shall not be allowed within the sight~~  
64 3 or hearing of voters at the absentee voting site.

64 4 Sec. 115. Section 53.11, subsection 4, Code Supplement  
64 5 2007, is amended to read as follows:

64 6 4. During the hours when absentee ballots are available at  
64 7 a satellite absentee voting station, ~~the posting of political~~  
~~64 8 signs is prohibited within three hundred feet of the satellite~~  
~~64 9 absentee voting station. Electioneering electioneering~~ shall  
64 10 not be allowed within the sight or hearing of voters at the  
64 11 satellite absentee voting station.

64 12 Sec. 116. Section 68A.404, subsection 1, Code 2007, is  
64 13 amended to read as follows:

64 14 1. As used in this section, "independent expenditure"  
64 15 means one or more expenditures in excess of ~~seven hundred~~  
~~64 16 fifty one hundred~~ dollars in the aggregate for a communication  
64 17 that expressly advocates the nomination, election, or defeat  
64 18 of a clearly identified candidate or the passage or defeat of  
64 19 a ballot issue that is made without the prior approval or  
64 20 coordination with a candidate, candidate's committee, or a  
64 21 ballot issue committee.

64 22 Sec. 117. Section 68A.404, subsection 3, paragraph a, Code  
64 23 2007, is amended to read as follows:

64 24 a. An independent expenditure statement shall be filed  
64 25 within forty-eight hours of the making of an independent  
64 26 expenditure in excess of ~~seven hundred fifty one hundred~~  
64 27 dollars in the aggregate.

64 28 Sec. 118. Section 68A.406, Code Supplement 2007, is  
64 29 amended to read as follows:

64 30 68A.406 CAMPAIGN SIGNS == YARD SIGNS.

64 31 1. Campaign signs may be placed with the permission of the  
64 32 property owner or lessee on any of the following:

64 33 a. Residential property.

64 34 b. Agricultural land owned by individuals or by a family  
64 35 farm operation as defined in section 9H.1, subsections 8, 9,  
65 1 and 10.

65 2 c. Property leased for residential purposes including, but  
65 3 not limited to, apartments, condominiums, college housing  
65 4 facilities, and houses if placed only on leased property space  
65 5 that is actually occupied.

65 6 d. Vacant lots owned by a ~~private individual~~ person who is  
65 7 not a prohibited contributor under section 68A.503.

65 8 e. Property owned by an organization that is not a  
65 9 prohibited contributor under section 68A.503.

65 10 f. Property leased by a candidate, committee, or an  
65 11 organization established to advocate the nomination, election,  
65 12 or defeat of a candidate or the passage or defeat of a ballot  
65 13 issue that has not yet registered pursuant to section 68A.201,  
65 14 when the property is used as campaign headquarters or a  
65 15 campaign office and the placement of the sign is limited to  
65 16 the space that is actually leased.

65 17 2. a. Campaign signs shall not be placed on any of the  
65 18 following:

65 19 ~~a-~~ (1) Any property owned by the state or the governing  
65 20 body of a county, city, or other political subdivision of the  
65 21 state, including all property considered the public  
65 22 right-of-way. Upon a determination by the board that a sign  
65 23 has been improperly placed, the sign shall be removed by  
65 24 highway authorities as provided in section 318.5, or by county  
65 25 or city law enforcement authorities in a manner consistent  
65 26 with section 318.5.

65 27 ~~b-~~ (2) Property owned, leased, or occupied by a  
65 28 prohibited contributor under section 68A.503 unless the sign  
65 29 advocates the passage or defeat of a ballot issue or is

65 30 exempted under subsection 1.

65 31 ~~e-~~ (3) On any property without the permission of the  
65 32 property owner or lessee.

65 33 ~~d-~~ (4) On election day either on the premises of any  
65 34 polling place or within three hundred feet of any outside door  
65 35 of any building affording access to any room where the polls  
66 1 are held, or of any outside door of any building affording  
66 2 access to any hallway, corridor, stairway, or other means of  
66 3 reaching the room where the polls are held.

66 4 ~~e-~~ (5) Within On the premises of or within three hundred  
66 5 feet of any outside door of any building affording access to  
66 6 an absentee voting site during the hours when absentee ballots  
66 7 are available in the office of the county commissioner of  
66 8 elections as provided in section 53.10.

66 9 ~~f-~~ (6) Within On the premises of or within three hundred  
66 10 feet of any outside door of any building affording access to a  
66 11 satellite absentee voting station during the hours when  
66 12 absentee ballots are available at the satellite absentee  
66 13 voting station as provided in section 53.11.

66 14 b. Paragraphs "d", "e", and "f" Paragraph "a",  
66 15 subparagraphs (4), (5), and (6) shall not apply to the posting  
66 16 of signs on private property not a polling place, except that  
66 17 the placement of a sign on a motor vehicle, trailer, or  
66 18 semitrailer, or any attachment to a motor vehicle, trailer, or  
66 19 semitrailer parked on public property within three hundred  
66 20 feet of any outside door of any building affording access to  
66 21 any room serving as a polling place, which sign is more than  
66 22 ninety square inches in size, is prohibited.

66 23 3. Campaign signs with dimensions of thirty-two square  
66 24 feet or less are exempt from the attribution statement  
66 25 requirement in section 68A.405. Campaign signs in excess of  
66 26 thirty-two square feet, or signs that are affixed to buildings  
66 27 or vehicles regardless of size except for bumper stickers, are  
66 28 required to include the attribution statement required by  
66 29 section 68A.405. The placement or erection of campaign signs  
66 30 shall be exempt from the requirements of chapter 480 relating  
66 31 to underground facilities information.

66 32 DIVISION VII

66 33 CORRECTIVE PROVISIONS

66 34 Sec. 119. Section 15.104, subsection 9, paragraph a, if  
66 35 enacted by 2008 Iowa Acts, House File 2450, section 6, is  
67 1 amended to read as follows:

67 2 a. FINANCIAL ASSISTANCE PROGRAMS. Data on all assistance  
67 3 provided to business finance projects under the community  
67 4 economic betterment program established in section 15.317,  
67 5 eligible businesses under the high quality job creation  
67 6 program described in section 15.326, and eligible facilities  
67 7 under the value-added agricultural products and processes  
67 8 financial assistance program established in section 15E.111.

67 9 Sec. 120. Section 20.9, subsection 1, paragraph n, if  
67 10 enacted by 2008 Iowa Acts, House File 2645, is amended to read  
67 11 as follows:

67 12 n. Evaluation procedures, including the frequency of  
67 13 evaluations, the method of evaluation, evaluation forms and  
67 14 other evaluation instruments, evaluation criteria, the  
67 15 purposes for and use of evaluations, and remedial and employee  
67 16 ~~performances~~ performance improvement plans and procedures.

67 17 Sec. 121. Section 87.4, unnumbered paragraph 2, Code 2007,  
67 18 as amended by 2008 Iowa Acts, Senate File 2337, section 1, if



67 19 enacted, is amended to read as follows:

67 20 A self=insurance association formed under this section and  
67 21 an association comprised of cities or counties, or both, or  
67 22 the association of ~~county~~ Iowa fairs or a fair as defined in  
67 23 section 174.1, or community colleges as defined in section  
67 24 260C.2 or school corporations, or both, or other political  
67 25 subdivisions, which have entered into an agreement under  
67 26 chapter 28E for the purpose of establishing a self=insured  
67 27 program for the payment of workers' compensation benefits are  
67 28 exempt from taxation under section 432.1.

67 29 Sec. 122. Section 87.4, unnumbered paragraph 4, Code 2007,  
67 30 as amended by 2008 Iowa Acts, Senate File 2337, section 1, if  
67 31 enacted, is amended to read as follows:

67 32 A self=insured program for the payment of workers'  
67 33 compensation benefits established by an association comprised  
67 34 of cities or counties, or both, or the association of ~~county~~  
67 35 Iowa fairs or a fair as defined in section 174.1, or community  
68 1 colleges, as defined in section 260C.2, or other political  
68 2 subdivisions, which have entered into an agreement under  
68 3 chapter 28E, is not insurance, and is not subject to  
68 4 regulation under chapters 505 through 523C. Membership in  
68 5 such an association together with payment of premiums due  
68 6 relieves the member from obtaining insurance as required in  
68 7 section 87.1. Such an association is not required to submit  
68 8 its plan or program to the commissioner of insurance for  
68 9 review and approval prior to its implementation and is not  
68 10 subject to rules or rates adopted by the commissioner relating  
68 11 to workers' compensation group self=insurance programs. Such  
68 12 a program is deemed to be in compliance with this chapter.

68 13 Sec. 123. Section 100C.6, subsection 3, as enacted by 2008  
68 14 Iowa Acts, House File 2646, section 1, is amended to read as  
68 15 follows:

68 16 3. Relieve any person engaged in fire sprinkler  
68 17 installation, maintenance, repair, service, or inspection as  
68 18 defined in section 100D.1 from obtaining a fire sprinkler  
68 19 installer ~~or fire sprinkler~~ and maintenance worker license as  
68 20 required pursuant to chapter 100D.

68 21 Sec. 124. Section 144C.3, subsection 4, as enacted by 2008  
68 22 Iowa Acts, Senate File 473, section 8, is amended to read as  
68 23 follows:

68 24 4. A funeral director, an attorney, or any agent, owner,  
68 25 or employee of a funeral establishment, cremation  
68 26 establishment, cemetery, elder group home, assisted living  
68 27 program facility, adult day services program, or licensed  
68 28 hospice program, ~~or attorney, or any agent, owner, or employee~~  
~~68 29 of such an entity,~~ shall not serve as a designee unless  
68 30 related to the declarant within the third degree of  
68 31 consanguinity.

68 32 Sec. 125. Section 261.7, subsections 2 and 3, if enacted  
68 33 by 2008 Iowa Acts, House File 2197, section 1, are amended to  
68 34 read as follows:

68 35 2. The general assembly recommends that every public and  
69 1 private institution ~~for~~ of higher education in this state,  
69 2 including those institutions referenced in chapters 260C and  
69 3 262 and section 261.9, post the list of required and suggested  
69 4 textbooks for all courses and the corresponding international  
69 5 standard book numbers for such textbooks at least fourteen  
69 6 days before the start of each semester or term, to the extent  
69 7 possible, at the locations where textbooks are sold on campus

69 8 and on the web site for the respective institution ~~for~~ of  
69 9 higher education.

69 10 3. The college student aid commission is directed to  
69 11 convey the legislative intent and recommendation contained in  
69 12 this section to every institution ~~for~~ of higher education in  
69 13 the state registered pursuant to chapter 261B at least once a  
69 14 year.

69 15 Sec. 126. Section 279.15A, subsection 2, if enacted by  
69 16 2008 Iowa Acts, House File 2645, is amended to read as  
69 17 follows:

69 18 2. If the teacher requests a private meeting, the board  
69 19 shall, within five days of the receipt of the request, deliver  
69 20 to the teacher, in writing, notice of declination to meet with  
69 21 the teacher, or notice of a time and place for the meeting  
69 22 with the board which meeting shall be exempt from the  
69 23 requirements of chapter 21. If the board declines to meet  
69 24 with the teacher, the parties shall immediately proceed under  
69 25 section 279.16. The private meeting, if agreed to by the  
69 26 board, shall be held no later than fifteen days from receipt  
69 27 of the request for the private meeting. At the meeting, the  
69 28 superintendent shall have the opportunity to discuss with the  
69 29 board the reasons for the issuance of the notice. The  
69 30 teacher, or the teacher's representative, shall be given an  
69 31 opportunity to respond. At the conclusion of the meeting, the  
69 32 board of directors and the teacher may enter into a mutually  
69 33 agreeable resolution to the recommendation of termination. If  
69 34 no resolution is reached by the parties, the board shall  
69 35 immediately meet in open session, and, by majority roll call  
70 1 vote, either reject or support the superintendent's  
70 2 recommendation. If the recommendation is rejected, the  
70 3 teacher's continuing contract shall remain in force and  
70 4 effect. If the recommendation is supported, the parties shall  
70 5 immediately proceed under section 279.16.

70 6 Sec. 127. Section 321.23, subsection 3, Code 2007, as  
70 7 amended by 2008 Iowa Acts, Senate File 2420, section 53, is  
70 8 amended to read as follows:

70 9 3. In the event an applicant for registration of a foreign  
70 10 vehicle for which a certificate of title has been issued is  
70 11 able to furnish evidence of being the registered owner of the  
70 12 vehicle to the county treasurer of the owner's residence,  
70 13 although unable to surrender such certificate of title, the  
70 14 county treasurer may issue a registration receipt and plates  
70 15 upon receipt of the required annual registration fee and the  
70 16 fee for new registration ~~fee~~ but shall not issue a certificate  
70 17 of title thereto. Upon surrender of the certificate of title  
70 18 from the foreign state, the county treasurer shall issue a  
70 19 certificate of title to the owner, or person entitled thereto,  
70 20 of such vehicle as provided in this chapter. The owner of a  
70 21 vehicle registered under this subsection shall not be required  
70 22 to obtain a certificate of title in this state and may  
70 23 transfer ownership of the vehicle to a motor vehicle dealer  
70 24 licensed under chapter 322 if, at the time of the transfer,  
70 25 the certificate of title is held by a secured party and the  
70 26 dealer has forwarded to the secured party the sum necessary to  
70 27 discharge the security interest pursuant to section 321.48,  
70 28 subsection 1.

70 29 Sec. 128. Section 321.105A, subsection 2, paragraph c,  
70 30 subparagraph (27), as enacted by 2008 Iowa Acts, Senate File  
70 31 2420, section 40, is amended to read as follows:

70 32 (27) A vehicle repossessed by a financial institution or  
70 33 an individual by means of a foreclosure affidavit pursuant to  
70 34 the uniform commercial code, chapter 554, provided there is a  
70 35 valid lien on the vehicle and the foreclosure affidavit is  
71 1 used for the sole purpose of retaining possession of the  
71 2 vehicle until a new buyer is found. However, if the financial  
71 3 institution or individual uses the foreclosure affidavit to  
71 4 take title to the vehicle and register the vehicle, the fee  
71 5 for new registration ~~fee~~ shall be due based on the outstanding  
71 6 loan amount on the vehicle.

71 7 Sec. 129. Section 476.44A, if enacted by 2008 Iowa Acts,  
71 8 Senate File 2386, section 6, is amended to read as follows:

71 9 476.44A TRADING OF CREDITS.

71 10 The board may establish or participate in a program to  
71 11 track, record, and verify the trading of credits ~~for~~ or  
71 12 attributes relating to electricity generated from alternative  
71 13 energy production facilities or renewable energy sources among  
71 14 electric generators, utilities, and other interested entities,  
71 15 within this state and with similar entities in other states.

71 16 Sec. 130. Section 508E.8, subsection 1, paragraphs i and  
71 17 k, if enacted by 2008 Iowa Acts, Senate File 2392, section 8,  
71 18 are amended to read as follows:

71 19 i. Disclosure to a viator shall include distribution of a  
71 20 brochure describing the process of viatical settlements. The  
71 21 national association of insurance commissioners form for the  
71 22 brochure shall be used unless another form is developed ~~or~~ and  
71 23 approved by the commissioner.

71 24 k. Following execution of a viatical contract, the insured  
71 25 may be contacted for the purpose of determining the insured's  
71 26 health status and to confirm the insured's residential or  
71 27 business street address and telephone number, or as otherwise  
71 28 provided in this chapter. This contact shall be limited to  
71 29 once every three months if the insured has a life expectancy  
71 30 of more than one year, and no more than once per month if the  
71 31 insured has a life expectancy of one year or less. All such  
71 32 ~~contracts~~ contacts shall be made only by a duly licensed  
71 33 viatical settlement provider or by the authorized  
71 34 representative of a duly licensed viatical settlement  
71 35 provider.

72 1 Sec. 131. Section 633A.2301, Code 2007, as amended by 2008  
72 2 Iowa Acts, Senate File 2350, section 21, if enacted, is  
72 3 amended to read as follows:

72 4 633A.2301 RIGHTS OF BENEFICIARY, CREDITOR, AND ASSIGNEE.

72 5 To the extent a beneficiary's interest is not subject to a  
72 6 spendthrift provision, and subject to sections 633A.2305 and  
72 7 ~~633.2306~~ 633A.2306, the court may authorize a creditor or  
72 8 assignee of the beneficiary to reach the beneficiary's  
72 9 interest by levy, attachment, or execution of present or  
72 10 future distributions to or for the benefit of the beneficiary  
72 11 or other means.

72 12 Sec. 132. Section 670.7, subsection 4, if enacted by 2008  
72 13 Iowa Acts, Senate File 2337, section 3, is amended to read as  
72 14 follows:

72 15 4. The association of ~~county Iowa~~ county Iowa ~~fairs~~ or a fair as  
72 16 defined in section 174.1, ~~or a fair~~, shall be deemed to be a  
72 17 municipality as defined in this chapter only for the purpose  
72 18 of joining a local government risk pool as provided in this  
72 19 section.

72 20 Sec. 133. Section 714E.2, subsection 2, if enacted by 2008

72 21 Iowa Acts, House File 2653, section 2, is amended to read as  
72 22 follows:

72 23 2. The following notice, printed in at least fourteen  
72 24 point boldface type and completed with the name of the  
72 25 foreclosure consultant, must be printed immediately above the  
72 26 notice of cancellation statement required pursuant to section  
72 27 714E.3:

72 28 NOTICE REQUIRED BY IOWA LAW

72 29 ..... (name) or anyone working for

72 30 ~~him or her~~ ..... (name) CANNOT:

72 31 (1) Take any money from you or ask you for money until  
72 32 ..... (name) has completely finished  
72 33 doing everything ~~he or she~~ ..... (name) said  
72 34 ~~he or she~~ ..... (name) would do; and

72 35 (2) Ask you to sign or have you sign any lien, mortgage,  
73 1 or real estate contract.

73 2 Sec. 134. 2008 Iowa Acts, House File 2103, section 1, is  
73 3 amended by striking the section and inserting in lieu thereof  
73 4 the following:

73 5 SECTION 1. Section 261.1, subsections 3 and 4, Code 2007,  
73 6 are amended to read as follows:

73 7 3. a. Two members of the senate, one to be  
73 8 appointed by the president of the senate, ~~after consultation~~  
~~73 9 with the majority leader and one to be appointed by the~~  
73 10 minority leader of the senate, to serve as ~~an~~ ex officio,  
73 11 nonvoting member for a term of four years beginning on July 1  
~~73 12 of the year of appointment~~ members.

73 13 ~~4. b. A member~~ Two members of the house of  
73 14 representatives, one to be appointed by the speaker of the  
73 15 house of representatives and one to be appointed by the  
~~73 16 minority leader of the house of representatives,~~ to serve as  
73 17 ~~an~~ ex officio, nonvoting member for a term of four years  
~~73 18 beginning on July 1 of the year of appointment~~ members.

73 19 c. The members of the senate and house of representatives  
73 20 shall serve at the pleasure of the appointing legislator for a  
73 21 term beginning upon the convening of the general assembly and  
73 22 expiring upon the convening of the following general assembly,  
73 23 or when the appointee's successor is appointed, whichever  
73 24 occurs later.

73 25 Sec. 135. 2008 Iowa Acts, House File 2555, section 18, is  
73 26 amended by striking the section and inserting in lieu thereof  
73 27 the following:

73 28 SEC. 18. NEW SECTION. 508E.20 PUBLIC RECORDS.

73 29 All information filed with the commissioner pursuant to the  
73 30 requirements of this chapter and its implementing rules shall  
73 31 constitute a public record that is open for public inspection  
73 32 except as otherwise provided in this chapter.

73 33 Sec. 136. 2008 Iowa Acts, House File 2651, section 40, if  
73 34 enacted, is amended to read as follows:

73 35 SEC. 40. EFFECTIVE DATE DATES.

74 1 1. The sections of this Act amending sections 321E.8,  
74 2 321E.9, 321E.14, and 322.7A, the section enacting section  
74 3 321E.9B, and the section repealing 2007 Iowa Acts, chapter  
74 4 167, being deemed of immediate importance, take effect upon  
74 5 enactment.

74 6 2. The section of this Act amending section 321.115,  
74 7 subsection 1, as enacted in 2007 Iowa Acts, chapter 143,  
74 8 section 12, takes effect January 1, 2009.

74 9 Sec. 137. 2008 Iowa Acts, House File 2689, section 35, if

74 10 enacted, is amended by striking the section and inserting in  
74 11 lieu thereof the following:

74 12 SEC. 35. EFFECTIVE DATE. This division of this Act takes  
74 13 effect January 1, 2009.

74 14 Sec. 138. 2008 Iowa Acts, Senate File 2316, section 10, is  
74 15 amended to read as follows:

74 16 SEC. 10. Sections 540A.1, 540A.2, 540A.3, 540A.4, 540A.5,  
74 17 540A.6, 540A.7, 540A.8, and 540A.9, Code 2007, are repealed.

74 18 Sec. 139. 2008 Iowa Acts, Senate File 2347, section 9, is  
74 19 amended to read as follows:

74 20 SEC. 9. EMERGENCY RULES. The secretary of state may adopt  
74 21 emergency rules under section ~~17A.1~~ 17A.4, subsection 2, and  
74 22 section 17A.5, subsection 2, paragraph "b", to implement the  
74 23 provisions of this Act relating to optical scan voting  
74 24 systems, and the rules shall be effective immediately upon  
74 25 filing unless a later date is specified in the rules. Any  
74 26 rules adopted in accordance with this section shall also be  
74 27 published as a notice of intended action as provided in  
74 28 section 17A.4.

74 29 Sec. 140. 2008 Iowa Acts, Senate File 2349, section 8, is  
74 30 amended by striking the section and inserting in lieu thereof  
74 31 the following:

74 32 SEC. 8. Section 523A.601, subsection 6, paragraph a, Code  
74 33 Supplement 2007, is amended to read as follows:

74 34 a. A purchase agreement that is funded by a trust shall  
74 35 include a conspicuous statement in language substantially  
75 1 similar to the following language:

75 2 "For your prearranged funeral agreement, we will deposit  
75 3 not less than eighty percent of your payments in trust at  
75 4 (name of financial institution), (street address), (city),  
75 5 (state) (zip code) within fifteen days following receipt of  
75 6 the funds. For your protection, you ~~have the right to contact~~  
75 7 will be notified within sixty days from the date of deposit  
75 8 from the financial institution directly, if acting as a  
75 9 trustee of trust funds under this chapter, to confirm that the  
75 10 deposit of these funds ~~occurred~~ has been made establishing a  
75 11 trust fund as required by law. If you ~~are unable to confirm~~  
75 12 ~~the deposit of these funds in trust~~ do not receive this  
75 13 notification, you may contact the Iowa insurance division for  
75 14 assistance by calling the insurance division at (telephone  
75 15 number) or by mail at (street address), (city), Iowa (zip  
75 16 code), or you may contact the financial institution by calling  
75 17 the financial institution at (telephone number) or by mail at  
75 18 the address indicated above."

75 19 Sec. 141. 2008 Iowa Acts, Senate File 2432, section 1,  
75 20 subsection 5, paragraph c, if enacted, is amended to read as  
75 21 follows:

75 22 c. For equal distribution to regional sports authority  
75 23 districts certified by the department pursuant to section  
75 24 15E.321, notwithstanding section 8.57, subsection 6, paragraph  
75 25 "c":

75 26 ..... \$ 500,000

75 27 Sec. 142. 2008 Iowa Acts, Senate File 2432, section 1,  
75 28 subsection 9, paragraph a, if enacted, is amended to read as  
75 29 follows:

75 30 a. For purposes of supporting a water trails development  
75 31 program and a lowhead dam public hazard improvement program,  
75 32 notwithstanding section 8.57, subsection 6, paragraph "c":

75 33 ..... \$ 1,000,000

75 34 The department shall award grants to dam owners including  
75 35 counties, cities, state agencies, cooperatives, and  
76 1 individuals, to support projects approved by the department.  
76 2 The department shall require each dam owner applying for a  
76 3 project grant to submit a project plan for the expenditure of  
76 4 the moneys, and file a report with the department regarding  
76 5 the project, as required by the department.  
76 6 The funds can be used for signs, posts, and related  
76 7 cabling, and the department shall only award money on a  
76 8 matching basis, pursuant to the dam owner contributing at  
76 9 least 20 cents for every 80 cents awarded by the department,  
76 10 in order to finance the project. For the remainder of the  
76 11 funds, including any balance of money not awarded for signs,  
76 12 posts, and related cabling, the department shall only award  
76 13 moneys to a dam owner on a matching basis. ~~A dam owner shall~~  
~~76 14 contribute one dollar for each dollar awarded by the~~  
~~76 15 department in order to finance a project moneys for the water~~  
~~76 16 trails development program or to the lowhead dam public hazard~~  
~~76 17 improvement program on a matching basis according to~~  
~~76 18 departmental rules.~~

76 19 DIVISION VIII  
76 20 ANIMAL AGRICULTURE

76 21 Sec. 143. Section 459.102, subsection 4, Code 2007, is  
76 22 amended to read as follows:

76 23 4. "Animal feeding operation" means a lot, yard, corral,  
76 24 building, or other area in which animals are confined and fed  
76 25 and maintained for forty=five days or more in any twelve=month  
76 26 period, and all structures used for the storage of manure from  
76 27 animals in the operation. ~~An Except as required for a~~  
~~76 28 national pollutant discharge elimination system permit~~  
~~76 29 required pursuant to the federal Water Pollution Control Act,~~  
~~76 30 33 U.S.C. ch. 26, as amended, an~~ animal feeding operation does  
76 31 not include a livestock market.

76 32 Sec. 144. Section 459A.103, subsection 3, Code 2007, is  
76 33 amended to read as follows:

76 34 3. a. In calculating the animal unit capacity of an open  
76 35 feedlot operation, the animal unit capacity shall not include  
77 1 the animal unit capacity of any confinement feeding operation  
77 2 building as defined in section 459.102, which is part of the  
77 3 open feedlot operation.  
77 4 b. ~~Notwithstanding paragraph "a", only for purposes of~~  
~~77 5 determining whether an open feedlot operation must obtain an~~  
~~77 6 operating permit, the animal unit capacity of the animal~~  
~~77 7 feeding operation includes the animal unit capacities of both~~  
~~77 8 the open feedlot operation and the confinement feeding~~  
~~77 9 operation if the animals in the open feedlot operation and the~~  
~~77 10 confinement feeding operation are all in the same category or~~  
~~77 11 type of animals as used in the definitions of large and medium~~  
~~77 12 concentrated animal feeding operations in 40 C.F.R. pt. 122.~~  
~~77 13 In all other respects the confinement feeding operation shall~~  
~~77 14 be governed by chapter 459 and the open feedlot operation~~  
~~77 15 shall be governed by this chapter.~~

77 16 Sec. 145. Section 459A.401, subsection 2, paragraph a,  
77 17 unnumbered paragraph 1, Code Supplement 2007, is amended to  
77 18 read as follows:

77 19 An open feedlot operation in compliance with the inspection  
77 20 and recordkeeping requirements of 40 C.F.R. pt. 122 and 40  
77 21 C.F.R. pt. 412 applicable to the operation may discharge open  
77 22 feedlot effluent into any waters of the United States due to a

77 23 precipitation event, if any of the following apply:  
77 24 Sec. 146. COMPLIANCE EDUCATION EFFORT. The department of  
77 25 natural resources shall provide for a compliance education  
77 26 effort. In administering the effort, the department, in  
77 27 cooperation with associations that represent livestock  
77 28 producers and organizations that represent farmers generally,  
77 29 shall provide information on a statewide basis to persons  
77 30 involved with maintaining animals in a confinement feeding  
77 31 operation or open feedlot operation regarding methods and  
77 32 practices to ensure compliance with this Act.

77 33 Sec. 147. APPLICABILITY AND ENFORCEMENT.

77 34 1. A person required to obtain an operating permit for an  
77 35 animal feeding operation by the department of natural  
78 1 resources pursuant to 567 IAC ch. 65, and section 459.102,  
78 2 subsection 4, as amended by this division of this Act, or  
78 3 section 459A.103, subsection 3, as amended by this division of  
78 4 this Act, shall submit an application for the operating permit  
78 5 to the department of natural resources on or before December  
78 6 31, 2008. The application for the operating permit must be  
78 7 complete, including all information required to be included in  
78 8 the application according to rules adopted by the department.

78 9 2. a. The state shall not take an enforcement action  
78 10 against a person arising from the person's failure to obtain  
78 11 an operating permit by the department of natural resources as  
78 12 required pursuant to this division of this Act if the person's  
78 13 application for the operating permit application is pending in  
78 14 accordance with subsection 1.

78 15 b. The state shall not take an enforcement action against  
78 16 a person arising from the person's failure to obtain an  
78 17 operating permit as required pursuant to this division of this  
78 18 Act for the period beginning on the day when the department of  
78 19 natural resources denies the person's application for the  
78 20 operation permit and ending on the thirtieth day after the  
78 21 person receives written notice that such application has been  
78 22 denied.

78 23 Sec. 148. EFFECTIVE DATE.

78 24 1. Except as provided in subsection 2, this division of  
78 25 this Act takes effect on December 31, 2008.

78 26 2. The section of this division of this Act establishing a  
78 27 compliance education effort takes effect upon enactment.

78 28 DIVISION IX  
78 29 RETIREMENT FOR SENIOR JUDGES

78 30 Sec. 149. Section 602.9202, Code 2007, is amended by  
78 31 adding the following new subsection:

78 32 NEW SUBSECTION. 3A. "Senior judge retirement age" means  
78 33 seventy=eight years of age or, if the senior judge is  
78 34 reappointed as a senior judge for an additional two=year term  
78 35 upon attaining seventy=eight years of age pursuant to section  
79 1 602.9203, eighty years of age.

79 2 Sec. 150. Section 602.9203, subsection 5, Code 2007, is  
79 3 amended to read as follows:

79 4 5. a. A senior judge may be reappointed to additional  
79 5 two=year terms, at the discretion of the supreme court, if the  
79 6 judicial officer meets the requirements of subsection 2.

79 7 b. A senior judge may be reappointed to an additional  
79 8 two=year term upon attaining seventy=eight years of age, at  
79 9 the discretion of the supreme court, if the judicial officer  
79 10 meets the requirements of subsection 2.

79 11 Sec. 151. Section 602.9204, subsection 1, Code 2007, is

79 12 amended to read as follows:

79 13 1. A judge who retires on or after July 1, 1994, and who  
79 14 is appointed a senior judge under section 602.9203 shall be  
79 15 paid a salary as determined by the general assembly. A senior  
79 16 judge or retired senior judge shall be paid an annuity under  
79 17 the judicial retirement system in the manner provided in  
79 18 section 602.9109, but computed under this section in lieu of  
79 19 section 602.9107, as follows: The annuity paid to a senior  
79 20 judge or retired senior judge shall be an amount equal to the  
79 21 applicable percentage multiplier of the basic senior judge  
79 22 salary, multiplied by the judge's years of service prior to  
79 23 retirement as a judge of one or more of the courts included  
79 24 under this article, for which contributions were made to the  
79 25 system, except the annuity of the senior judge or retired  
79 26 senior judge shall not exceed an amount equal to the  
79 27 applicable specified percentage of the basic senior judge  
79 28 salary used in calculating the annuity. However, following  
79 29 the twelve-month period during which the senior judge or  
79 30 retired senior judge attains ~~seventy-eight years of senior~~  
79 31 judge retirement age, the annuity paid to the person shall be  
79 32 an amount equal to the applicable percentage multiplier of the  
79 33 basic senior judge salary cap, multiplied by the judge's years  
79 34 of service prior to retirement as a judge of one or more of  
79 35 the courts included under this article, for which  
80 1 contributions were made to the system, except that the annuity  
80 2 shall not exceed an amount equal to the applicable specified  
80 3 percentage of the basic senior judge salary cap. A senior  
80 4 judge or retired senior judge shall not receive benefits  
80 5 calculated using a basic senior judge salary established after  
80 6 the twelve-month period in which the senior judge or retired  
80 7 senior judge attains ~~seventy-eight years of senior judge~~  
80 8 retirement age. The state shall provide, regardless of age,  
80 9 to an active senior judge or a senior judge with six years of  
80 10 service as a senior judge and to the judge's spouse, and pay  
80 11 for medical insurance until the judge attains ~~the senior judge~~  
80 12 retirement age of ~~seventy-eight years~~.

80 13 Sec. 152. Section 602.9204, subsection 2, paragraphs d and  
80 14 e, Code 2007, is amended to read as follows:

80 15 d. "Basic senior judge salary cap" means the basic senior  
80 16 judge salary, at the end of the twelve-month period during  
80 17 which the senior judge or retired senior judge attained  
80 18 ~~seventy-eight years of senior judge retirement~~ age, of the  
80 19 office in which the person last served as a judge before  
80 20 retirement as a judge or senior judge.

80 21 e. "Escalator" means the difference between the current  
80 22 basic salary, as of the time each payment is made up to and  
80 23 including the twelve-month period during which the senior  
80 24 judge or retired senior judge attains ~~seventy-eight years of~~  
80 25 senior judge retirement age, of the office in which the senior  
80 26 judge last served as a judge before retirement as a judge or  
80 27 senior judge, and the basic annual salary which the judge is  
80 28 receiving at the time the judge becomes separated from  
80 29 full-time service as a judge of one or more of the courts  
80 30 included in this article, as would be used in computing an  
80 31 annuity pursuant to section 602.9107 without service as a  
80 32 senior judge.

80 33 Sec. 153. Section 602.9207, subsection 1, Code 2007, is  
80 34 amended to read as follows:

80 35 1. A senior judge shall cease to be a senior judge upon



81 1 completion of the twelve-month period during which the judge  
81 2 attains ~~seventy-eight years of~~ senior judge retirement age.  
81 3 The clerk of the supreme court shall make a notation of the  
81 4 retirement of a senior judge in the roster of senior judges,  
81 5 at which time the senior judge shall become a retired senior  
81 6 judge.

81 7 Sec. 154. Section 602.9208, subsection 1, Code 2007, is  
81 8 amended to read as follows:

81 9 1. A senior judge, at any time prior to the end of the  
81 10 twelve-month period during which the judge attains  
81 11 ~~seventy-eight years of~~ senior judge retirement age, may submit  
81 12 to the clerk of the supreme court a written request that the  
81 13 judge's name be stricken from the roster of senior judges.  
81 14 Upon the receipt of the request the clerk shall strike the  
81 15 name of the person from the roster of senior judges, at which  
81 16 time the person shall cease to be a senior judge. A person  
81 17 who relinquishes a senior judgeship as provided in this  
81 18 subsection may be assigned to temporary judicial duties as  
81 19 provided in section 602.1612.

#### 81 20 DIVISION X

#### 81 21 CORE CURRICULUM FOR SCHOOLS

81 22 Sec. 155. Section 256.7, subsection 26, Code Supplement  
81 23 2007, as amended by 2008 Iowa Acts, Senate File 2216, section  
81 24 1, is amended to read as follows:

81 25 26. a. Adopt rules that establish a core curriculum and  
81 26 requiring, beginning with the students in the 2010==2011  
81 27 school year graduating class, high school graduation  
81 28 requirements for all students in school districts and  
81 29 accredited nonpublic schools that include at a minimum  
81 30 satisfactory completion of four years of English and language  
81 31 arts, three years of mathematics, three years of science, and  
81 32 three years of social studies. The core curriculum adopted  
81 33 shall address the core content standards in subsection 28 and  
81 34 the skills and knowledge students need to be successful in the  
81 35 twenty-first century. The core curriculum shall include  
82 1 social studies and twenty-first century learning skills which  
82 2 include but are not limited to civic literacy, health  
82 3 literacy, technology literacy, financial literacy, and  
82 4 employability skills; and shall address the curricular needs  
82 5 of students in kindergarten through grade twelve in those  
82 6 areas. ~~For purposes of this subsection, "financial literacy"~~  
~~82 7 shall include but not be limited to financial responsibility~~  
~~82 8 and planning skills; money management skills, including~~  
~~82 9 setting financial goals, creating spending plans, and using~~  
~~82 10 financial instruments; applying decision-making skills to~~  
~~82 11 analyze debt incurrence and debt management; understanding~~  
~~82 12 risk management, including the features and functions of~~  
~~82 13 insurance; and understanding saving and investing as applied~~  
~~82 14 to long-term financial security and asset building. The~~  
82 15 department shall further define the twenty-first century  
82 16 learning skills components by rule.

82 17 b. Continue the inclusive process begun during the initial  
82 18 development of a core curriculum for grades nine through  
82 19 twelve including stakeholder involvement, including but not  
82 20 limited to representatives from the private sector and the  
82 21 business community, and alignment of the core curriculum to  
82 22 other recognized sets of national and international standards.  
82 23 The state board shall also recommend quality assessments to  
82 24 school districts and accredited nonpublic schools to measure

82 25 the core curriculum.

~~82 26 The state board shall not require school districts or  
82 27 accredited nonpublic schools to adopt a specific textbook or  
82 28 textbook series to meet the core curriculum requirements of  
82 29 Neither the state board nor the department shall require  
82 30 school districts or accredited nonpublic schools to adopt a  
82 31 specific textbook, textbook series, or specific instructional  
82 32 methodology, or acquire specific textbooks, curriculum  
82 33 materials, or educational products from a specific vendor in  
82 34 order to meet the core curriculum requirements of this  
82 35 subsection or the core content standards adopted pursuant to  
83 1 subsection 28.~~

83 2 Sec. 156. Section 256.9, subsection 57, as enacted by 2008  
83 3 Iowa Acts, section 2, is amended to read as follows:

83 4 57. a. Develop and distribute, in collaboration with the  
83 5 area education agencies, core curriculum technical assistance  
83 6 and implementation strategies that school districts and  
83 7 accredited nonpublic schools ~~may~~ shall utilize, including but  
83 8 not limited to the development and delivery of formative and  
83 9 end-of-course model assessments classroom teachers ~~can~~ may use  
83 10 to measure student progress on the core curriculum adopted  
83 11 pursuant to section 256.7, subsection 26. The department  
83 12 shall ~~continue to collaborate with Iowa testing programs on~~  
~~83 13 the development of,~~ in collaboration with the advisory group  
83 14 convened in accordance with paragraph "b" and educational  
83 15 assessment providers, identify and make available to school  
83 16 districts end-of-course and additional model end-of-course and  
83 17 additional assessments to align with the expectations included  
83 18 in the Iowa core curriculum. The model assessments shall be  
83 19 suitable to meet the multiple assessment measures requirement  
83 20 specified in section 256.7, subsection 21, paragraph "c".

83 21 b. Convene an advisory group comprised of education  
83 22 stakeholders including but not limited to school district and  
83 23 accredited nonpublic school teachers, school administrators,  
83 24 higher education faculty who teach in the subjects for which  
83 25 the curriculum is being adopted, private sector employers,  
83 26 members of the boards of directors of school districts, and  
83 27 individuals representing the educational assessment providers.  
83 28 The task force shall review the national assessment of  
83 29 educational progress standards and assessments used by other  
83 30 states, and shall consider standards identified as best  
83 31 practices in the field of study by the national councils of  
83 32 teachers of English and mathematics, the national council for  
83 33 the social studies, the national science teachers association,  
83 34 and other recognized experts.

83 35 Sec. 157. Section 257.11, Code Supplement 2007, is amended  
84 1 by adding the following new subsection:

84 2 NEW SUBSECTION. 8A. A school district shall ensure that  
84 3 any course made available to a student through any sharing  
84 4 agreement between the school district and a community college  
84 5 or any other entity providing course programming pursuant to  
84 6 this section to students enrolled in the school district meets  
84 7 the expectations contained in the core curriculum adopted  
84 8 pursuant to section 256.7, subsection 26. The school district  
84 9 shall ensure that any course that has the capacity to generate  
84 10 college credit shall be equivalent to college-level work.

84 11 Sec. 158. Section 280.2, Code 2007, is amended to read as  
84 12 follows:

84 13 280.2 DEFINITIONS.

84 14 The term "public school" means any school directly  
84 15 supported in whole or in part by taxation. The term  
84 16 "nonpublic school" means any other school which is accredited  
84 17 ~~or which uses licensed practitioners as instructors pursuant~~  
84 18 to section 256.11.

84 19 Sec. 159. 2008 Iowa Acts, Senate File 2216, section 6, is  
84 20 amended to read as follows:

84 21 SEC. 6. DEPARTMENT OF EDUCATION == CORE CURRICULUM STUDY.  
84 22 The department of education shall conduct a study of the  
84 23 measures necessary for the successful adoption by the state's  
84 24 school districts and accredited nonpublic schools of core  
84 25 curriculums and core content standards established by rule  
84 26 pursuant to section 256.7, subsections 26 and 28. The study  
84 27 shall include an examination of the possible future expansion  
84 28 of the core curriculum to include content areas not currently  
84 29 included under section 256.7, subsection 26, including but not  
84 30 limited to fine arts, applied arts, humanities, and world  
84 31 languages. The department shall submit its findings and  
84 32 recommendations, including recommendations for statutory and  
84 33 administrative rule changes necessary, to the general assembly  
84 34 by November 14, 2008.

84 35 DIVISION XI

85 1 WAGE=BENEFITS TAX CREDIT PROGRAM

85 2 Sec. 160. Section 15.335A, subsection 2, paragraphs b and  
85 3 c, Code 2007, are amended by striking the paragraphs and  
85 4 inserting in lieu thereof the following:

85 5 b. "Average county wage" means the annualized, average  
85 6 hourly wage based on wage information compiled by the  
85 7 department of workforce development.

85 8 c. "Benefits" means all of the following:

85 9 (1) Medical and dental insurance plans. If an employer  
85 10 offers medical insurance under both single and family coverage  
85 11 plans, the employer shall be given credit for providing  
85 12 medical insurance under family coverage plans to all new  
85 13 employees.

85 14 (2) Pension and profit sharing plans.

85 15 (3) Child care services.

85 16 (4) Life insurance coverage.

85 17 (5) Other benefits identified by rule of the department of  
85 18 revenue.

85 19 Sec. 161. Section 15.336, Code 2007, is amended to read as  
85 20 follows:

85 21 15.336 OTHER INCENTIVES.

85 22 An eligible business may receive other applicable federal,  
85 23 state, and local incentives and credits in addition to those  
85 24 provided in this part. ~~However, a business which participates~~  
85 25 ~~in the program under this part shall not receive any~~  
85 26 ~~wage-benefits tax credits under chapter 15I.~~

85 27 Sec. 162. Section 15G.112, subsection 1, Code 2007, is  
85 28 amended to read as follows:

85 29 1. In order to receive financial assistance from the  
85 30 department from moneys appropriated from the grow Iowa values  
85 31 fund, the average annual wage, including benefits, of new jobs  
85 32 created must be equal to or greater than one hundred thirty  
85 33 percent of the average county wage. For purposes of this  
85 34 section, "average county wage" and "benefits" mean the same as  
85 35 defined in section ~~15I.1~~ 15.335A.

86 1 Sec. 163. Section 422.33, subsection 18, Code Supplement  
86 2 2007, is amended by striking the subsection.

86 3       Sec. 164. Section 422.60, subsection 10, Code Supplement  
86 4 2007, is amended by striking the subsection.  
86 5       Sec. 165. Section 533.329, subsection 2, paragraph m, Code  
86 6 Supplement 2007, is amended by striking the subsection.  
86 7       Sec. 166. Sections 15I.2, 15I.3, and 422.11L, Code  
86 8 Supplement 2007, are repealed.  
86 9       Sec. 167. Sections 15I.1, 15I.4, 15I.5, and 432.12G, Code  
86 10 2007, are repealed.  
86 11       Sec. 168. CONTINUATION OF TAX CREDITS. The repeal of  
86 12 chapter 15I in this division of this Act does not affect the  
86 13 availability of tax credits for qualified new jobs in  
86 14 existence on June 30, 2008. Qualified new jobs in existence  
86 15 on June 30, 2008, shall continue to be eligible to receive the  
86 16 tax credits for the remainder of the five-year period.  
86 17 However, a business is not entitled to a tax credit for a  
86 18 qualified new job created on or after July 1, 2008.  
86 19 HF 2700  
86 20 mg/jg/25