



Iowa General Assembly
Daily Bills, Amendments & Study Bills
April 09, 2009

House Amendment 1489

PAG LIN

1 1 Amend House File 811 as follows:
1 2 #1. Page 58, by inserting after line 27 the
1 3 following:
1 4 <Sec. ____ . INTRADEPARTMENTAL TRANSFERS == REPORTS.
1 5 In addition to any other requirements, a department or
1 6 state agency to which appropriations are made pursuant
1 7 to this division of this Act, shall report any
1 8 intradepartmental transfers of state or federal funds
1 9 during the fiscal year beginning July 1, 2009, to the
1 10 persons designated by this division of this Act for
1 11 submission of reports on a quarterly basis.>
1 12 #2. By renumbering as necessary.
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1 16 SCHULTE of Linn
1 17 HF 811.511 83
1 18 pf/jp/23652
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House Amendment 1490

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1 1 Amend House File 811 as follows:
1 2 #1. By striking page 66, line 35, through page 67,
1 3 line 11, and inserting the following:
1 4 <Sec. _____. IOWACARE RENEWAL == REIMBURSEMENT FOR
1 5 ELIGIBLE SERVICES PROVIDED TO A MEMBER. Beginning
1 6 July 1, 2010, the department of human services shall
1 7 include in any medical assistance program waiver
1 8 relating to the continuation of the IowaCare program
1 9 pursuant to chapter 249J, provisions for reimbursement
1 10 of eligible services provided to an expansion
1 11 population member by a nonparticipating provider if
1 12 the nonparticipating provider does all of the
1 13 following:
1 14 1. Contacts the appropriate participating provider
1 15 prior to providing eligible services to verify
1 16 consensus regarding one of the following courses of
1 17 action:
1 18 a. If the nonparticipating provider and the
1 19 participating provider agree that the medical status
1 20 of the expansion population member indicates it is
1 21 medically possible to postpone provision of services,
1 22 the nonparticipating provider shall direct the
1 23 expansion population member to the appropriate
1 24 participating provider for services.
1 25 b. If the nonparticipating provider and the
1 26 participating provider agree that the medical status
1 27 of the expansion population member indicates it is not
1 28 medically possible to postpone provision of services,
1 29 the nonparticipating provider shall provide medically
1 30 necessary services.
1 31 2. Notwithstanding subsection 1, if the medical
1 32 status of the expansion population member indicates a
1 33 medical emergency and the nonparticipating provider is
1 34 not able to contact the appropriate participating
1 35 provider prior to providing medically necessary
1 36 services, the nonparticipating provider shall document
1 37 the medical emergency and inform the appropriate
1 38 participating provider immediately after the member
1 39 has been stabilized of any eligible services
1 40 provided.>
1 41 #2. By renumbering as necessary.
1 42
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1 45 UPMEYER of Hancock
1 46 HF 811.303 83
1 47 pf/jp/23649
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House Amendment 1491

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1 1 Amend the amendment, H=1488, to House File 811, as
1 2 follows:
1 3 #1. Page 1, by inserting before line 15 the
1 4 following:
1 5 <____. During the fiscal year beginning July 1,
1 6 2009, notwithstanding section 231.33, subsection 19,
1 7 relating to departmental training of area agency on
1 8 aging boards of directors and section 231.63 relating
1 9 to the development of end-of-life care information,
1 10 the department is not required to comply with these
1 11 requirements if funding is not available.>
1 12 #2. By renumbering as necessary.
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1 16 HEDDENS of Story
1 17 HF 811.307 83
1 18 pf/jp/23657
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House Amendment 1492

PAG LIN

1 1 Amend the amendment, H=1150, to House File 712, as
1 2 follows:
1 3 #1. By striking page 1, line 1, through page 6,
1 4 line 16, and inserting the following:
1 5 <Amend House File 712 as follows:
1 6 #__. By striking everything after the enacting
1 7 clause and inserting the following:
1 8 <Section 1. NEW SECTION. 714H.1 TITLE.
1 9 This chapter shall be known and may be cited as the
1 10 "Private Right of Action for Consumer Frauds Act".
1 11 Sec. 2. NEW SECTION. 714H.2 DEFINITIONS.
1 12 1. "Actual damages" means all economic damages
1 13 proximately caused by the prohibited practice or act
1 14 that are reasonably ascertainable in amount.
1 15 2. "Advertisement" means the same as defined in
1 16 section 714.16.
1 17 3. "Consumer" means a natural person or the
1 18 person's legal representative.
1 19 4. "Consumer merchandise" means merchandise
1 20 offered for sale or lease, or sold or leased,
1 21 primarily for personal, family, or household purposes.
1 22 5. "Deception" means an act or practice that is
1 23 likely to mislead a substantial number of consumers as
1 24 to a material fact or facts.
1 25 6. "Merchandise" means the same as defined in
1 26 section 714.16.
1 27 7. "Person" means the same as defined in section
1 28 714.16.
1 29 8. "Sale" means any sale or offer for sale of
1 30 consumer merchandise for cash or credit.
1 31 9. "Unfair practice" means the same as defined in
1 32 section 714.16.
1 33 Sec. 3. NEW SECTION. 714H.3 PROHIBITED PRACTICES
1 34 AND ACTS.
1 35 1. A person shall not engage in a practice or act
1 36 the person knows or reasonably should know is an
1 37 unfair practice, deception, fraud, false pretense, or
1 38 false promise, or the misrepresentation, concealment,
1 39 suppression, or omission of a material fact, with the
1 40 intent that others rely upon the unfair practice,
1 41 deception, fraud, false pretense, false promise,
1 42 misrepresentation, concealment, suppression, or
1 43 omission in connection with the advertisement, sale,
1 44 or lease of consumer merchandise, or the solicitation
1 45 of contributions for charitable purposes. For the
1 46 purposes of this chapter, a claimant alleging an
1 47 unfair practice, deception, fraud, false pretense,
1 48 false promise, or misrepresentation must prove that
1 49 the prohibited practice related to a material fact or
1 50 facts. "Solicitations of contributions for charitable



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2 1 purposes" does not include solicitations made on
2 2 behalf of a political organization as defined in
2 3 section 13C.1, solicitations made on behalf of a
2 4 religious organization as defined in section 13C.1,
2 5 solicitations made on behalf of a state, regionally,
2 6 or nationally accredited college or university, or
2 7 solicitations made on behalf of a nonprofit foundation
2 8 benefiting a state, regionally, or nationally
2 9 accredited college or university subject to section
2 10 509(a)(1) or 509(a)(3) of the Internal Revenue Code of
2 11 1986.

2 12 2. A person shall not engage in any practice or
2 13 act that is in violation of any of the following:

2 14 a. Section 321.69.
2 15 b. Chapter 516D.
2 16 c. Section 516E.5, 516E.9, or 516E.10.
2 17 d. Chapter 555A.
2 18 e. Section 714.16, subsection 2, paragraphs "b"
2 19 through "n".
2 20 f. Chapter 714A.

2 21 Sec. 4. NEW SECTION. 714H.4 EXCLUSIONS.
2 22 1. This chapter shall not apply to any of the
2 23 following:

2 24 a. Merchandise offered or provided by any of the
2 25 following persons, including business entities
2 26 organized under Title XII by those persons and the
2 27 officers, directors, employees, and agents of those
2 28 persons or business entities, pursuant to a profession
2 29 or business for which they are licensed or registered:

2 30 (1) Insurance companies subject to Title XIII.
2 31 (2) Attorneys licensed to practice law in this
2 32 state.
2 33 (3) Financial institutions which includes any bank
2 34 incorporated under the provisions of any state or
2 35 federal law, any savings and loan association or
2 36 savings bank incorporated under the provisions of any
2 37 state or federal law, any credit union organized under
2 38 the provisions of any state or federal law, and any
2 39 affiliate or subsidiary of a bank, savings and loan
2 40 association, savings bank, or credit union, and any
2 41 industrial loan licensee under chapter 536A or
2 42 regulated loan licensee under chapter 536.
2 43 (4) Persons or facilities licensed, certified, or
2 44 registered under chapters 135B, 135C, 135J, 148, 148A,
2 45 148B, 148C, 149, 151, 152, 152A, 152B, 153, 154, 154B,
2 46 154C, 154D, 155A, 156, 169, 522B, 542, 542B, 543B,
2 47 544A, or 544B.

2 48 b. Advertising by a retailer for a product, other
2 49 than a drug or other product claiming to have a
2 50 health-related benefit or use, if the advertising is



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3 1 prepared by a supplier, unless the retailer
3 2 participated in the preparation of the advertisement
3 3 or knew or should have known that the advertisement
3 4 was deceptive, false, or misleading.
3 5 c. In connection with an advertisement that
3 6 violates this chapter, the newspaper, magazine,
3 7 publication, or other print media in which the
3 8 advertisement appears, including the publisher of the
3 9 newspaper, magazine, publication, or other print media
3 10 in which the advertisement appears, or the radio
3 11 station, television station, or other electronic media
3 12 which disseminates the advertisement, including an
3 13 employee, agent, or representative of the publisher,
3 14 newspaper, magazine, publication or other print media,
3 15 or the radio station, television station, or other
3 16 electronic media.
3 17 d. Any advertisement that complies with the
3 18 statutes, rules, and regulations of the federal trade
3 19 commission.
3 20 e. The provision of local exchange carrier
3 21 telephone service pursuant to a certificate issued
3 22 under section 476.29.
3 23 f. Public utilities as defined in section 476.1
3 24 that furnish gas by a piped distribution system or
3 25 electricity to the public for compensation.
3 26 g. The provision of cable television service or
3 27 video service pursuant to a franchise under section
3 28 364.2 or 477A.2.
3 29 h. Conduct in compliance with the orders or rules
3 30 of, or a statute administered by, a federal, state, or
3 31 local governmental agency.
3 32 i. Actions alleging bodily injury.
3 33 j. In any action relating to a charitable
3 34 solicitation, an individual who has engaged in the
3 35 charitable solicitation as an unpaid, uncompensated
3 36 volunteer and who does not receive monetary gain of
3 37 any sort from engaging in the solicitation.
3 38 k. An affirmative act that violates this chapter
3 39 but is specifically required by other applicable law,
3 40 to the extent that the actor could not reasonably
3 41 avoid a violation of this chapter.
3 42 2. "Material fact" as used in this chapter does
3 43 not include repairs of damage to, adjustments on, or
3 44 replacements of parts with new parts of otherwise new
3 45 merchandise if the repairs, adjustments, or
3 46 replacements are made to achieve compliance with
3 47 factory specifications and are made before sale of the
3 48 merchandise at retail and the actual cost of any labor
3 49 and parts charged to or performed by a retailer for
3 50 any such repairs, adjustments, and parts does not



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4 1 exceed three hundred dollars or ten percent of the
4 2 actual cost to a retailer including freight of the
4 3 merchandise, whichever is less, provided that the
4 4 seller posts in a conspicuous place notice that
4 5 repairs, adjustments, or replacements will be
4 6 disclosed upon request. The exclusion provided in
4 7 this subsection does not apply to the concealment,
4 8 suppression, or omission of a material fact if the
4 9 purchaser requests disclosure of any repair,
4 10 adjustment, or replacement.

4 11 Sec. 5. NEW SECTION. 714H.5 PRIVATE RIGHT OF
4 12 ACTION.

4 13 1. A consumer who suffers an ascertainable loss of
4 14 money or property as the result of such prohibited
4 15 practice or act may bring an action at law to recover
4 16 actual damages. The court may order such equitable
4 17 relief as it deems necessary to protect the public
4 18 from further violations, including temporary and
4 19 permanent injunctive relief.

4 20 2. If the court finds that a person has violated
4 21 this chapter and the consumer is awarded actual
4 22 damages, the court shall award to the consumer the
4 23 costs of the action and to the consumer's attorney
4 24 reasonable fees. Reasonable attorney fees shall be
4 25 determined by the value of the time reasonably
4 26 expended by the attorney including but not limited to
4 27 consideration of the following factors:

4 28 a. The time and labor required.
4 29 b. The novelty and difficulty of the issues in the
4 30 case.
4 31 c. The skills required to perform the legal
4 32 services properly.
4 33 d. The preclusion of other employment by the
4 34 attorney due to the attorney's acceptance of the case.
4 35 e. The customary fee.
4 36 f. Whether the fee is fixed or contingent.
4 37 g. The time limitations imposed by the client or
4 38 the circumstances of the case.
4 39 h. The amount of money involved in the case and
4 40 the results obtained.
4 41 i. The experience, reputation, and ability of the
4 42 attorney.
4 43 j. The undesirability of the case.
4 44 k. The nature and length of the professional
4 45 relationship between the attorney and the client.

4 46 1. Attorney fee awards in similar cases.

4 47 3. In order to recover damages, a claim under this
4 48 section shall be proved by a preponderance of the
4 49 evidence.

4 50 4. If the finder of fact finds by a preponderance



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5 1 of clear, convincing, and satisfactory evidence that a
5 2 prohibited practice or act in violation of this
5 3 chapter constitutes willful and wanton disregard for
5 4 the rights or safety of another, in addition to an
5 5 award of actual damages, statutory damages up to three
5 6 times the amount of actual damages may be awarded to a
5 7 prevailing consumer.

5 8 5. An action pursuant to this chapter must be
5 9 brought within two years of the occurrence of the last
5 10 event giving rise to the cause of action under this
5 11 chapter or within two years of the discovery of the
5 12 violation of this chapter by the person bringing the
5 13 action, whichever is later.

5 14 6. This section shall not affect a consumer's
5 15 right to seek relief under any other theory of law.

5 16 Sec. 6. NEW SECTION. 714H.6 ATTORNEY GENERAL
5 17 NOTIFICATION.

5 18 1. A party filing a petition, counterclaim,
5 19 cross-petition, or pleading, or any count thereof, in
5 20 intervention alleging a violation under this chapter,
5 21 within seven days following the date of filing such
5 22 pleading, shall provide a copy to the attorney general
5 23 and, within seven days following entry of any final
5 24 judgment in the action, shall provide a copy of the
5 25 judgment to the attorney general.

5 26 2. A party appealing to district court a small
5 27 claims order or judgment involving an issue raised
5 28 under this chapter, within seven days of providing
5 29 notice of the appeal, shall notify the attorney
5 30 general in writing and provide a copy of the pleading
5 31 raising the issue and a copy of the small claims court
5 32 order or judgment.

5 33 3. A party appealing an order or judgment
5 34 involving an issue raised under this chapter, within
5 35 seven days following the date such notice of appeal is
5 36 filed with the court, shall notify the attorney
5 37 general in writing and provide a copy of the pleading
5 38 raising the issue and a copy of the court order or
5 39 judgment being appealed.

5 40 4. Upon timely application to the court in which
5 41 an action involving an issue raised under this chapter
5 42 is pending, the attorney general may intervene as a
5 43 party at any time or may be heard at any time. The
5 44 attorney general's failure to intervene shall not
5 45 preclude the attorney general from bringing a separate
5 46 enforcement action.

5 47 5. All copies of pleadings, orders, judgments, and
5 48 notices required by this section to be sent to the
5 49 attorney general shall be sent by certified mail
5 50 unless the attorney general has previously been



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6 1 provided such copies of pleadings, orders, judgments,
6 2 or notices in the same action by certified mail, in
6 3 which case subsequent mailings may be made by regular
6 4 mail. Failure to provide the required mailings to the
6 5 attorney general shall not be grounds for dismissal of
6 6 an action under this chapter, but shall be grounds for
6 7 a subsequent action by the attorney general to vacate
6 8 or modify the judgment.

6 9 Sec. 7. NEW SECTION. 714H.7 CLASS ACTIONS
6 10 BARRED.

6 11 A class action lawsuit alleging violations of this
6 12 chapter shall not be available. Nothing in this
6 13 chapter shall be construed to limit the attorney
6 14 general from bringing a class action lawsuit pursuant
6 15 to section 714.16.

6 16 Sec. 8. NEW SECTION. 714H.8 SEVERABILITY CLAUSE.

6 17 If any provision of this chapter or its application
6 18 to any person or circumstances is held invalid, the
6 19 invalidity does not affect other provisions or
6 20 applications of this chapter that can be given effect
6 21 without the invalid provision or application, and to
6 22 this end the provisions of this chapter are severable.

6 23 Sec. 9. APPLICABILITY. This Act applies to causes
6 24 of actions accruing on or after the effective date of
6 25 this Act.>

6 26 #__. Title page, line 1, by striking the word
6 27 <cause> and inserting the following: <right>.

6 28 #__. Title page, line 2, by striking the word
6 29 <providing> and inserting the following:
6 30 <including>.>

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6 34 STRUYK of Pottawattamie

6 35 HF 712.506 83

6 36 rh/rj/22680



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House Amendment 1493

PAG LIN

1 1 Amend House File 811 as follows:
1 2 #1. Page 58, by inserting after line 27 the
1 3 following:
1 4 <Sec. _____. LEAN GOVERNMENT EXCHANGE. Beginning
1 5 July 1, 2009, the department of human services shall
1 6 participate in the lean government exchange through
1 7 consultation with the department of management, office
1 8 of lean enterprise, to improve the speed and
1 9 efficiency of departmental and program processes by
1 10 eliminating waste. The department shall submit
1 11 periodic progress reports regarding such
1 12 implementation to the persons designated by this
1 13 division of this Act for submission of reports.>
1 14 #2. By renumbering as necessary.
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1 18 SCHULTE of Linn
1 19 HF 811.705 83
1 20 pf/jp/23650
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**Iowa General Assembly
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House Amendment 1494

PAG LIN

1 1 Amend House File 811 as follows:
 1 2 #1. Page 96, by inserting after line 28 the
 1 3 following:
 1 4 <Sec. _____. Section 249A.3, subsection 14, Code
 1 5 2009, is amended to read as follows:
 1 6 14. Once initial ongoing eligibility for the
~~1 7 family medical assistance program-related medical~~
~~1 8 assistance is determined for a child described under~~
~~1 9 subsection 1, paragraph "b", "f", "g", "j", "k", "l",~~
~~1 10 or "n" or under subsection 2, paragraph "e", "f", or~~
~~1 11 "h" the age of nineteen, the department shall provide~~
 1 12 continuous eligibility for a period of up to twelve
 1 13 months regardless of changes in family circumstances,
 1 14 until the child's next annual review of eligibility
 1 15 under the medical assistance program, if the child
~~1 16 would otherwise be determined ineligible due to excess~~
~~1 17 countable income but otherwise remains eligible with~~
 1 18 the exception of the following children:
 1 19 a. A newborn child of a medical
 1 20 assistance-eligible woman.
 1 21 b. A child whose eligibility was determined under
 1 22 the medically needy program.
 1 23 c. A child who is eligible under a state-only
 1 24 funded program.
 1 25 d. A child who is no longer an Iowa resident.
 1 26 e. A child who is incarcerated in a jail or other
 1 27 correctional institution.
 1 28 Sec. _____. EFFECTIVE DATE == RETROACTIVE
 1 29 APPLICABILITY. The section of this division of this
 1 30 Act amending section 249A.3, subsection 14, being
 1 31 deemed of immediate importance, takes effect upon
 1 32 enactment and is retroactively applicable to July 1,
 1 33 2008.>
 1 34 #2. By renumbering as necessary.
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 1 38 HEDDENS of Story
 1 39 HF 811.309 83
 1 40 pf/jp/23658
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House Amendment 1495

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1 1 Amend the amendment, H=1488, to House File 811 as
1 2 follows:
1 3 #1. Page 4, by inserting after line 25 the
1 4 following:
1 5 <#____. Page 43, line 31, by striking the figure
1 6 <15,535,967> and inserting the following:
1 7 <15,763,951>.
1 8 #____. Page 45, by striking lines 6 through 10.>
1 9 #2. Page 6, line 18, by striking the figure
1 10 <15,389,217> and inserting the following:
1 11 <15,763,951>.
1 12 #3. By renumbering as necessary.
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1 16 HEDDENS of Story
1 17 HF 811.512 83
1 18 jp/pf/22645
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House Amendment 1496

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1 1 Amend the amendment, H=1488, to House File 811 as
1 2 follows:
1 3 #1. Page 4, by inserting after line 25 the
1 4 following:
1 5 <#____. Page 43, by striking lines 16 through 20.>
1 6 #2. Page 5, by inserting after line 37 the
1 7 following:
1 8 <#____. Page 67, by striking lines 12 through 23.>
1 9 #3. Page 7, by striking lines 35 through 47 and
1 10 inserting the following:
1 11 <#____. By striking page 78, line 32, through page
1 12 79, line 13.>
1 13 #4. Page 8, by inserting after line 10 the
1 14 following:
1 15 <#____. By striking page 80, lines 24 through 32.>
1 16 #5. Page 8, by inserting before line 26 the
1 17 following:
1 18 <#____. By striking page 81, line 15, through page
1 19 82, line 6.>
1 20 #6. Page 8, by striking lines 26 through 30 and
1 21 inserting the following:
1 22 <#____. Page 83, by striking lines 10 through 23.>
1 23 #7. By renumbering as necessary.
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1 27 SCHULTE of Linn
1 28 HF 811.513 83
1 29 pf/jp/23655
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House Amendment 1497

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1 1 Amend House File 811 as follows:
1 2 #1. Page 26, by inserting after line 31 the
1 3 following:
1 4 <____. The department shall develop a proposal to
1 5 revise psychiatric medical institution for children
1 6 services in order for the services to provide dual
1 7 diagnosis treatment of both the mental health and
1 8 substance abuse needs of children. The proposal shall
1 9 include implementation provisions and shall be
1 10 submitted to the persons designated by this division
1 11 of this Act for submission of reports on or before
1 12 December 15, 2009.>
1 13 #2. By renumbering as necessary.
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1 17 HEATON of Henry
1 18 HF 811.704 83
1 19 jp/pf/22643
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House Amendment 1498

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1 1 Amend House File 811 as follows:
1 2 #1. Page 27, line 17, by striking the figure
1 3 <13,651,503> and inserting the following:
1 4 <13,477,410>.
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1 8 HEATON of Henry
1 9 HF 811.508 83
1 10 pf/jp/23648
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House Amendment 1499

PAG LIN

1 1 Amend House File 811 as follows:
1 2 #1. Page 31, by inserting after line 7 the
1 3 following:
1 4 <____. The department shall work with personnel of
1 5 the department, state and local public health
1 6 departments, child care resource and referral
1 7 services, extension, and others who visit or inspect
1 8 child care providers to streamline and eliminate
1 9 duplication in the inspection processes. The
1 10 department shall report on or before December 15,
1 11 2009, to the persons designated by this division of
1 12 this Act for submission of reports on the changes made
1 13 as a result of the work.>
1 14 #2. By renumbering as necessary.
1 15
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1 18 HEATON of Henry
1 19 HF 811.206 83
1 20 jp/pf/22646
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House Amendment 1500

PAG LIN

1 1 Amend House File 811 as follows:
1 2 #1. Page 34, line 1, by inserting after the figure
1 3 <7.> the following: <However, the contract provisions
1 4 shall be revised to pay for the child welfare
1 5 emergency services on a fee=for=service basis. The
1 6 department shall include information on the usage of
1 7 the emergency services in the monthly shelter care
1 8 report.>
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1 12 HEATON of Henry
1 13 HF 811.204 83
1 14 jp/pf/22642
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House Amendment 1501

PAG LIN

1 1 Amend House File 811 as follows:
1 2 #1. Page 38, by inserting after line 8 the
1 3 following:
1 4 <Sec. _____. The department of human services shall
1 5 work jointly with the juvenile court and juvenile
1 6 court services in studying the provision of child
1 7 abuse information to juvenile court services
1 8 concerning children under the supervision of juvenile
1 9 court services, barriers to timely provision of the
1 10 information, and how the provision of the information
1 11 can be improved. A final report with findings and
1 12 recommendations shall be submitted to the governor,
1 13 supreme court, and general assembly, on or before
1 14 December 15, 2009.>
1 15 #2. By renumbering as necessary.
1 16
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1 19 HEATON of Henry
1 20 HF 811.205 83
1 21 jp/pf/22644
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House Amendment 1502

PAG LIN

1 1 Amend House File 811 as follows:
1 2 #1. Page 38, by inserting after line 33 the
1 3 following:
1 4 <4. The department shall review the potential
1 5 outcomes of instituting a policy of suspending all or
1 6 a portion of adoption subsidy payments during a period
1 7 that a child for whom payments are provided is placed
1 8 by the court in a placement other than the adoptive
1 9 family. The department shall report on the review on
1 10 or before December 15, 2009, providing findings and
1 11 recommendations, to the persons designated by this
1 12 division of this Act for submission of reports.>
1 13 #2. By renumbering as necessary.
1 14
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1 16
1 17 SODERBERG of Plymouth
1 18 HF 811.304 83
1 19 jp/pf/22637
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House Amendment 1503

PAG LIN

1 1 Amend House File 811 as follows:
1 2 #1. Page 41, by striking lines 3 through 8.
1 3 #2. By renumbering as necessary.
1 4
1 5
1 6
1 7 HUSEMAN of Cherokee
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1 11 ANDERSON of Page
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1 15 HEATON of Henry
1 16 HF 811.306 83
1 17 jp/pf/22636
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House Amendment 1504

PAG LIN

1 1 Amend House File 811 as follows:
1 2 #1. Page 52, by striking lines 8 through 12.
1 3 #2. By renumbering as necessary.
1 4
1 5
1 6
1 7 ALONS of Sioux
1 8 HF 811.302 83
1 9 pf/jp/23646
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House Amendment 1505

PAG LIN

1 1 Amend House File 811 as follows:
1 2 #1. Page 58, by inserting after line 27 the
1 3 following:
1 4 <Sec. ____ . VACANT, FUNDED FULL=TIME EQUIVALENT
1 5 POSITIONS. Notwithstanding any provision to the
1 6 contrary, for the fiscal year beginning July 1, 2009,
1 7 and ending June 30, 2010, the director of a department
1 8 or state agency to which appropriations are made
1 9 pursuant to the provisions of this Act shall revert to
1 10 the general fund of the state at the close of the
1 11 fiscal year an amount equal to the salary and benefits
1 12 cost of each full-time equivalent position funded with
1 13 an appropriation made in this Act that remains vacant
1 14 for a period of six months or more.>
1 15 #2. By renumbering as necessary.
1 16
1 17
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1 19 SCHULTE of Linn
1 20 HF 811.505 83
1 21 pf/jp/22996
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House Amendment 1506

PAG LIN

1 1 Amend House File 811 as follows:
1 2 #1. Page 58, by inserting after line 27 the
1 3 following:
1 4 <Sec. ____ . EXPENSE REIMBURSEMENT == REQUIREMENTS.
1 5 Notwithstanding any provision to the contrary, for the
1 6 fiscal year beginning July 1, 2009, and ending June
1 7 30, 2010, the director of a department or state agency
1 8 to which appropriations are made pursuant to the
1 9 provisions of this Act shall require employees, in
1 10 order to receive reimbursement for expense, to submit
1 11 actual receipts for meals and other costs.
1 12 Reimbursement up to the maximum amount shall only be
1 13 allowed in an amount equal to the sum of the actual
1 14 receipts submitted.>
1 15 #2. By renumbering as necessary.
1 16
1 17
1 18
1 19 BAUDLER of Adair
1 20 HF 811.504 83
1 21 pf/jp/22997
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House Amendment 1507

PAG LIN

1 1 Amend House File 811 as follows:
1 2 #1. Page 58, by inserting after line 27 the
1 3 following:
1 4 <Sec. ____ . OUT=OF=STATE TRAVEL == RESTRICTIONS.
1 5 Notwithstanding any provision to the contrary, for the
1 6 fiscal year beginning July 1, 2009, and ending June
1 7 30, 2010, out-of-state travel by an employee of a
1 8 department or state agency to which appropriations are
1 9 made pursuant to this Act shall not be authorized
1 10 unless the executive council authorizes the travel as
1 11 necessary for the performance of official state
1 12 business.>
1 13 #2. By renumbering as necessary.
1 14
1 15
1 16
1 17 RAYHONS of Hancock
1 18 HF 811.502 83
1 19 pf/jp/22998
1 20
1 21
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House Amendment 1508

PAG LIN

1 1 Amend House File 811 as follows:
1 2 #1. Page 58, by inserting after line 27 the
1 3 following:
1 4 <Sec. _____. EXPENDITURES FOR CELLULAR TELEPHONES
1 5 AND PERSONAL DIGITAL ASSISTANTS PROHIBITED.
1 6 Notwithstanding any provision to the contrary, other
1 7 than for employees performing inspections or who are
1 8 otherwise normally performing their primary duties
1 9 away from a fixed location more than 70 percent of the
1 10 time, for the fiscal year beginning July 1, 2009, a
1 11 department receiving appropriations in this Act shall
1 12 not expend moneys appropriated from the general fund
1 13 of the state to pay for or reimburse the initial or
1 14 associated service costs for cellular telephones,
1 15 personal digital assistant devices, or handheld
1 16 computers. However, the executive council may
1 17 authorize an exception on a case-by-case basis, to
1 18 address an emergency situation for a period of time
1 19 not more than three consecutive calendar months in
1 20 length or to complete the minimum period specified
1 21 under the terms of a lease or contract.>
1 22 #2. By renumbering as necessary.
1 23
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1 25
1 26 ALONS of Sioux
1 27 HF 811.503 83
1 28 pf/jp/22999
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House Amendment 1509

PAG LIN

1 1 Amend House File 811 as follows:
1 2 #1. Page 58, by inserting after line 27 the
1 3 following:
1 4 <Sec. _____. OFFICE EXPENSES == MANDATORY REDUCTION.
1 5 For the fiscal year beginning July 1, 2009, and ending
1 6 June 30, 2010, the appropriations from the general
1 7 fund of the state to a state department or state
1 8 agency to which appropriations are made pursuant to
1 9 this Act are reduced by such amount, as necessary to
1 10 effect a 50 percent reduction in the amount
1 11 appropriated for expenditures for office supplies,
1 12 service contracts, and equipment purchases. The
1 13 reduction of the individual appropriations shall be
1 14 determined by the department of management in
1 15 consultation with the affected departments and
1 16 agencies on the basis of the expected expenditures for
1 17 such items by the affected state department or agency
1 18 for the fiscal year without the reduction required by
1 19 this section. The specific amount that each
1 20 individual appropriation is reduced shall be outlined
1 21 in a memorandum prepared by the department of
1 22 management which shall be submitted to the general
1 23 assembly and legislative services agency within 30
1 24 days of the effective date of this section of this
1 25 Act. The reduction of an individual appropriation
1 26 pursuant to this section shall be applied prior to any
1 27 reductions in full-time equivalent positions. The
1 28 reduction of an individual appropriation pursuant to
1 29 this section shall be in addition to any other
1 30 reduction required by law and general fund
1 31 appropriations reduced pursuant to this section shall
1 32 not be expended for any other purposes but shall be
1 33 retained in the general fund of the state.>
1 34 #2. By renumbering as necessary.
1 35
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1 38 RAECKER of Polk
1 39 HF 811.706 83
1 40 pf/jp/23659
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House Amendment 1510

PAG LIN

1 1 Amend House File 811 as follows:
1 2 #1. Page 71, by inserting after line 29 the
1 3 following:
1 4 <NEW SUBSECTION. 7. The county management plans
1 5 for the services funded under this section shall
1 6 provide that if a consumer is receiving targeted case
1 7 management services under the medical assistance
1 8 program that the consumer shall not also receive other
1 9 case management services duplicative of the targeted
1 10 case management services.>
1 11
1 12
1 13
1 14 L. MILLER of Scott
1 15 HF 811.308 83
1 16 jp/pf/22638
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House Amendment 1511

PAG LIN

1 1 Amend House File 811 as follows:
1 2 #1. Page 71, line 33, by inserting after the word
1 3 <services> the following: <, in consultation with the
1 4 ranking members of the subcommittee,>.
1 5
1 6
1 7
1 8 HEATON of Henry
1 9 HF 811.202 83
1 10 jp/pf/22640
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House Amendment 1512

PAG LIN

1 1 Amend House File 811 as follows:
1 2 #1. Page 72, line 16, by inserting after the word
1 3 <bodies.> the following: <The bodies shall report to
1 4 the persons designated by this division of this Act
1 5 for submission of reports on or before January 15,
1 6 2010, concerning the coordination efforts.>
1 7
1 8
1 9
1 10 HEATON of Henry
1 11 HF 811.203 83
1 12 jp/pf/22641
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House Amendment 1513

PAG LIN

1 1 Amend House File 811 as follows:
1 2 #1. Page 80, by striking lines 8 through 23.
1 3 #2. By renumbering as necessary.
1 4
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1 7 HEATON of Henry
1 8 HF 811.507 83
1 9 pf/jp/23647
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House Amendment 1514

PAG LIN

1 1 Amend House File 580, as passed by the House, as
1 2 follows:
1 3 #1. Page 1, by inserting after line 31 the
1 4 following:
1 5 <Sec. _____. CONTINGENCY. Notwithstanding the
1 6 requirement of this Act directing the department of
1 7 human services to include provisions for reimbursement
1 8 of eligible services provided to an expansion
1 9 population member by a nonparticipating provider under
1 10 any medical assistance program waiver relating to the
1 11 continuation of the IowaCare program, if the
1 12 department of human services in consultation with the
1 13 governor determines that such requirement would
1 14 adversely affect continuation of the IowaCare waiver,
1 15 the department shall not include such provisions in
1 16 the IowaCare waiver.>
1 17 #2. Title page, line 2, by inserting after the
1 18 word <members> the following: <, and providing a
1 19 contingency>.
1 20 #3. By renumbering as necessary.
1 21 HF 580.S
1 22 pf/nh/jh/26
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House Amendment 1515

PAG LIN

1 1 Amend House File 811 as follows:
1 2 #1. Page 48, line 9, by striking the word
1 3 <continue> and inserting the following: <reissue the
1 4 request for proposals for>.
1 5
1 6
1 7
1 8 HEATON of Henry
1 9 HF 811.510 83
1 10 pf/jp/23653
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House Amendment 1516

PAG LIN

1 1 Amend House File 811 as follows:
1 2 #1. Page 41, by inserting before line 9 the
1 3 following:
1 4 <3. The department shall staff a task force
1 5 appointed by the governor consisting of knowledgeable
1 6 citizens to perform an in-depth review of the four
1 7 state mental health institutes, services provided,
1 8 public benefits of the services provided, economic
1 9 effects connected to the presence of the institutes
1 10 that are realized by the communities in the areas
1 11 served and the families of personnel, and other public
1 12 costs and benefits associated with the presence and
1 13 availability of the four institutes. The task force
1 14 shall submit a report providing findings and
1 15 recommendations to the governor and general assembly
1 16 on or before December 15, 2009.>
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1 20 ANDERSON of Page
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1 24 HUSEMAN of Cherokee
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1 28 HEATON of Henry
1 29 HF 811.514 83
1 30 jp/pf/22648
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House Amendment 1517

PAG LIN

1 1 Amend House File 811 as follows:
1 2 #1. Page 42, by inserting after line 19 the
1 3 following:
1 4 <6. The superintendents of the state resource
1 5 centers shall report to the persons designated by this
1 6 division of this Act for submission of reports at
1 7 least quarterly concerning the use of the
1 8 authorization in this section for adding new
1 9 positions, reclassifying positions, pooling vacant
1 10 positions, opening units or other facilities, and
1 11 implementing services or addressing special needs.>
1 12
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1 14
1 15 FORRISTALL of Pottawattamie
1 16 HF 811.703 83
1 17 jp/pf/22639
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House Amendment 1518

PAG LIN

1 1 Amend House File 811 as follows:
1 2 #1. By striking page 95, line 25, through page 96,
1 3 line 10.
1 4 #2. By renumbering as necessary.
1 5
1 6
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1 8 DOLECHECK of Ringgold
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1 12 HEATON of Henry
1 13 HF 811.207 83
1 14 pf/jp/23661
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House Amendment 1519

PAG LIN

1 1 Amend House File 811 as follows:
1 2 #1. Page 47, by striking lines 20 through 34.
1 3 #2. By renumbering as necessary.
1 4
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1 6
1 7 DE BOEF of Keokuk
1 8 HF 811.311 83
1 9 pf/jp/23664
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House Amendment 1520

PAG LIN

1 1 Amend House File 811 as follows:
1 2 #1. Page 58, by inserting after line 27 the
1 3 following:
1 4 <Sec. _____. LEAN GOVERNMENT EXCHANGE. Beginning
1 5 July 1, 2009, the department of human services shall
1 6 participate in the lean government exchange through
1 7 consultation with the department of management, office
1 8 of lean enterprise, to improve the speed and
1 9 efficiency of departmental and program processes by
1 10 eliminating waste. The department shall initially
1 11 apply this methodology to general administration. The
1 12 department shall submit periodic progress reports
1 13 regarding such implementation to the persons
1 14 designated by this division of this Act for submission
1 15 of reports.>
1 16 #2. By renumbering as necessary.
1 17
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1 20 SCHULTE of Linn
1 21 HF 811.708 83
1 22 pf/jp/23665
1 23
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House Amendment 1521

PAG LIN

1 1 Amend the amendment, H=1488, to House File 811 as
1 2 follows:
1 3 #1. By striking page 1, line 1, through page 20,
1 4 line 49 and inserting the following:
1 5 <Amend House File 811 as follows:
1 6 #___. By striking the enacting clause and
1 7 inserting the following: <BE IT RESOLVED BY THE
1 8 GENERAL ASSEMBLY OF THE STATE OF IOWA:>
1 9 #___. By striking page 1, line 1, through page 96,
1 10 line 28, and inserting the following:
1 11 <Section 1. The following amendment to the
1 12 Constitution of the State of Iowa is proposed:
1 13 Article I of the Constitution of the State of Iowa
1 14 is amended by adding the following new section:
1 15 MARRIAGE. SEC. 26. Marriage between one man and
1 16 one woman shall be the only legal union valid or
1 17 recognized in this state.
1 18 Sec. 2. REFERRAL AND PUBLICATION. The foregoing
1 19 amendment to the Constitution of the State of Iowa is
1 20 referred to the General Assembly to be chosen at the
1 21 next general election for members of the General
1 22 Assembly and the Secretary of State is directed to
1 23 cause the same to be published for three consecutive
1 24 months previous to the date of that election as
1 25 provided by law.>
1 26 #___. Title page, the House enactment identifier,
1 27 by striking the words <HOUSE FILE> and inserting the
1 28 following: <HOUSE JOINT RESOLUTION>.
1 29 #___. Title page, the enactment type identifier,
1 30 by striking the words <A BILL FOR> and inserting the
1 31 following: <HOUSE JOINT RESOLUTION>.
1 32 #___. Title page, by striking lines 1 through 5
1 33 and inserting the following: <A Joint Resolution
1 34 proposing an amendment to the Constitution of the
1 35 State of Iowa specifying marriage between one man and
1 36 one woman as the only legal union that is valid or
1 37 recognized in the state.>>
1 38
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1 40
1 41 RANTS of Woodbury
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1 45 ALONS of Sioux
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1 49 ANDERSON of Page
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House Amendment 1521 continued

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- 2 3 ARNOLD of Lucas
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- 2 15 DE BOEF of Keokuk
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- 2 23 DOLECHECK of Ringgold
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- 2 27 DRAKE of Cass
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- 2 31 FORRISTALL of Pottawattamie
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- 2 35 GRASSLEY of Butler
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- 2 39 HAGENOW of Polk
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- 2 43 HEATON of Henry
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- 2 47 HELLAND of Polk
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House Amendment 1521 continued

3 1 HORBACH of Tama
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3 5 HUSEMAN of Cherokee
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3 9 KAUFMANN of Cedar
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3 13 KOESTER of Polk
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3 17 LUKAN of Dubuque
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3 21 MAY of Dickinson
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3 25 L. MILLER of Scott
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3 29 S. OLSON of Clinton
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3 33 PAULSEN of Linn
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3 37 PETTENGILL of Benton
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3 41 RAECKER of Polk
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3 45 RAYHONS of Hancock
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3 49 ROBERTS of Carroll
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Iowa General Assembly
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House Amendment 1521 continued

- 4 1
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- 4 3 SANDS of Louisa
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- 4 7 SCHULTE of Linn
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- 4 11 SCHULTZ of Crawford
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- 4 15 SODERBERG of Plymouth
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- 4 19 SORENSON of Warren
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- 4 23 STRUYK of Pottawattamie
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- 4 27 SWEENEY of Hardin
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- 4 31 TJEPKES of Webster
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- 4 35 TYMESON of Madison
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- 4 39 UPMEYER of Hancock
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- 4 43 VAN ENGELENHOVEN of Marion
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- 4 47 WAGNER of Linn
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**Iowa General Assembly
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House Amendment 1521 continued

5 1 WATTS of Dallas
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5 3
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5 5 WINDSCHITL of Harrison
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5 9 WORTHAN of Buena Vista
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5 11 HF 811.710 83
5 12 rj/nh/10745



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House Amendment 1522

PAG LIN

1 1 Amend House File 811 as follows:
1 2 #1. By striking the enacting clause and inserting
1 3 the following: <BE IT RESOLVED BY THE GENERAL
1 4 ASSEMBLY OF THE STATE OF IOWA:>
1 5 #2. By striking page 1, line 1, through page 96,
1 6 line 28, and inserting the following:
1 7 <Section 1. The following amendment to the
1 8 Constitution of the State of Iowa is proposed:
1 9 Article I of the Constitution of the State of Iowa
1 10 is amended by adding the following new section:
1 11 MARRIAGE. SEC. 26. Marriage between one man and
1 12 one woman shall be the only legal union valid or
1 13 recognized in this state.
1 14 Sec. 2. REFERRAL AND PUBLICATION. The foregoing
1 15 amendment to the Constitution of the State of Iowa is
1 16 referred to the General Assembly to be chosen at the
1 17 next general election for members of the General
1 18 Assembly and the Secretary of State is directed to
1 19 cause the same to be published for three consecutive
1 20 months previous to the date of that election as
1 21 provided by law.>
1 22 #3. Title page, the House enactment identifier, by
1 23 striking the words <HOUSE FILE> and inserting the
1 24 following: <HOUSE JOINT RESOLUTION>.
1 25 #4. Title page, the enactment type identifier, by
1 26 striking the words <A BILL FOR> and inserting the
1 27 following: <HOUSE JOINT RESOLUTION>.
1 28 #5. Title page, by striking lines 1 through 5 and
1 29 inserting the following: <A Joint Resolution
1 30 proposing an amendment to the Constitution of the
1 31 State of Iowa specifying marriage between one man and
1 32 one woman as the only legal union that is valid or
1 33 recognized in the state.>
1 34
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1 36
1 37 RANTS of Woodbury
1 38 HF 811.310 83
1 39 rj/sc/05652
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House Amendment 1523

PAG LIN

1 1 Amend House File 811 as follows:
 1 2 #1. Page 71, by inserting after line 29 the
 1 3 following:
 1 4 <Sec. _____. Section 331.424A, subsection 4, Code
 1 5 2009, is amended to read as follows:
 1 6 4. a. For the fiscal year beginning July 1, ~~1996~~
 1 7 2010, and for each subsequent fiscal year, the county
 1 8 shall certify a levy for payment of services.
 1 9 b. For each fiscal year, ~~county revenues from the~~
 1 10 levy rate per thousand dollars of assessed value of
 1 11 taxable property for taxes imposed by the county
 1 12 credited to the services fund shall not exceed an
 1 13 amount equal to the amount of base year expenditures
 1 14 for services as defined in section 331.438, less the
 1 15 amount of property tax relief to be received pursuant
 1 16 to section 426B.2, in the fiscal year for which the
 1 17 budget is certified the highest rate authorized to be
 1 18 imposed by the county for the services fund for a
 1 19 fiscal year beginning on or after July 1, 1997, prior
 1 20 to adjustment of the rate pursuant to paragraph "c".
 1 21 c. The county auditor and the board of supervisors
 1 22 shall reduce the amount of the levy certified for the
 1 23 services fund by the amount of property tax relief to
 1 24 be received pursuant to section 426B.2. A levy
 1 25 certified under this section is not subject to the
 1 26 appeal provisions of section 331.426 or to any other
 1 27 provision in law authorizing a county to exceed,
 1 28 increase, or appeal a property tax levy limit.>
 1 29 #2. Page 72, by inserting after line 16 the
 1 30 following:
 1 31 <Sec. _____. APPLICABILITY. This section of this
 1 32 division of this Act amending section 331.424A, is
 1 33 applicable for fiscal years beginning on or after July
 1 34 1, 2010.>
 1 35 #3. By renumbering as necessary.
 1 36
 1 37
 1 38
 1 39 FORD of Polk
 1 40 HF 811.709 83
 1 41 jp/pf/22649
 1 42
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House Amendment 1524

PAG LIN

1 1 Amend House File 811 as follows:
1 2 #1. Page 58, by inserting after line 27 the
1 3 following:
1 4 <Sec. ____ MISCELLANEOUS DEPARTMENT EXPENSES ==
1 5 MANDATORY REDUCTION. For the fiscal year beginning
1 6 July 1, 2009, and ending June 30, 2010, the
1 7 appropriations from the general fund of the state to a
1 8 state department or state agency to which
1 9 appropriations are made pursuant to this division of
1 10 this Act are reduced by such amount, as necessary to
1 11 effect a 20 percent reduction in the amount
1 12 appropriated for expenditures for printing, binding,
1 13 and communications, and a 50 percent reduction in the
1 14 amount appropriated for expenditures for advertising
1 15 and publicity. The reduction of the individual
1 16 appropriations shall be determined by the department
1 17 of management in consultation with the affected
1 18 departments and agencies on the basis of the expected
1 19 expenditures for such items by the affected state
1 20 department or agency for the fiscal year without the
1 21 reductions required by this section. The specific
1 22 amount that each individual appropriation is reduced
1 23 shall be outlined in a memorandum prepared by the
1 24 department of management which shall be submitted to
1 25 the general assembly and legislative services agency
1 26 within 30 days of the effective date of this section
1 27 of this Act. The reduction of an individual
1 28 appropriation pursuant to this section shall be in
1 29 addition to any other reduction required by law and
1 30 general fund appropriations reduced pursuant to this
1 31 section shall not be expended for any other purposes
1 32 but shall be retained in the general fund of the
1 33 state.>
1 34 #2. By renumbering as necessary.
1 35
1 36
1 37
1 38 RAECKER of Polk
1 39 HF 811.711 83
1 40 pf/jp/23667
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House Amendment 1525

PAG LIN

1 1 Amend House File 811 as follows:
1 2 #1. Page 58, by inserting after line 27 the
1 3 following:
1 4 <Sec. ____ TELECONFERENCING PREFERENCE. For the
1 5 fiscal year beginning July 1, 2009, and ending June
1 6 30, 2010, each state department or agency to which
1 7 appropriations are made in this division of this Act
1 8 shall utilize, to the greatest extent possible,
1 9 teleconferencing for any meetings of boards,
1 10 committees, commissions, councils, workgroups, or
1 11 other bodies under the purview of the state department
1 12 or agency.>
1 13
1 14
1 15
1 16 L. MILLER of Scott
1 17 HF 811.712 83
1 18 pf/jp/23669
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House Amendment 1526

PAG LIN

1 1 Amend House File 811 as follows:
1 2 #1. Page 5, by inserting after line 33 the
1 3 following:
1 4 <(5) The requirement of section 123.53, subsection
1 5 3, is met by the appropriations and allocations made
1 6 in this Act for purposes of substance abuse treatment
1 7 and addictive disorders for the fiscal year beginning
1 8 July 1, 2009.>
1 9 #2. Page 95, by striking lines 2 through 24.
1 10 #3. By renumbering as necessary.
1 11
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1 14 STRUYK of Pottawattamie
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1 18 HEDDENS of Story
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1 21
1 22 SMITH of Marshall
1 23 HF 811.1
1 24 pf/cm/25
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House Amendment 1527

PAG LIN

1 1 Amend Senate File 457, as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. Page 1, by striking lines 19 through 23 and
1 4 inserting the following: <proceedings were conducted
1 5 or actions were taken.>
1 6 #2. Page 4, by striking lines 29 and 30 and
1 7 inserting the following: <emergency or the president
1 8 of the United States has declared a major disaster.
1 9 Bonds issued pursuant to section 331.443 for the
1 10 purposes specified in this subparagraph shall be
1 11 issued not later than ten years after the governor has
1 12 proclaimed a disaster emergency or the president of
1 13 the United States has declared a major disaster,
1 14 whichever is later.>
1 15 #3. Page 5, by striking lines 1 and 2 and
1 16 inserting the following: <proclaimed a disaster
1 17 emergency or the president of the United States has
1 18 declared a major disaster. Bonds issued pursuant to
1 19 section 331.443 for the purposes specified in this
1 20 subparagraph shall be issued not later than ten years
1 21 after the governor has proclaimed a disaster emergency
1 22 or the president of the United States has declared a
1 23 major disaster, whichever is later.>
1 24 #4. Page 5, by inserting before line 3 the
1 25 following:
1 26 <Sec. _____. Section 331.443, Code 2009, is amended
1 27 by adding the following new subsection:
1 28 NEW SUBSECTION. 3. a. Notwithstanding subsection
1 29 2, a board may institute proceedings for the issuance
1 30 of bonds for an essential county purpose specified in
1 31 section 331.441, subsection 2, paragraph "b",
1 32 subparagraph (18) or (19), in an amount equal to or
1 33 greater than three million dollars by causing a notice
1 34 of the proposal to issue the bonds, including a
1 35 statement of the amount and purpose of the bonds,
1 36 together with the maximum rate of interest which the
1 37 bonds are to bear, and the right to petition for an
1 38 election, to be published at least once in a newspaper
1 39 of general circulation within the county at least ten
1 40 days prior to the meeting at which it is proposed to
1 41 take action for the issuance of the bonds.
1 42 b. If at any time before the date fixed for taking
1 43 action for the issuance of the bonds, a petition is
1 44 filed with the county auditor signed by eligible
1 45 electors of the county equal in number to twenty
1 46 percent of the persons in the county who voted for the
1 47 office of president of the United States at the last
1 48 preceding general election that had such office on the
1 49 ballot, asking that the question of issuing the bonds
1 50 be submitted to the registered voters of the county,



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House Amendment 1527 continued

2 1 the board shall either by resolution declare the
2 2 proposal to issue the bonds to have been abandoned or
2 3 shall direct the county commissioner of elections to
2 4 call a special election upon the question of issuing
2 5 the bonds. Notice of the election and its conduct
2 6 shall be in the manner provided in section 331.442.
2 7 c. If a petition is not filed, or if a petition is
2 8 filed and the proposition of issuing the bonds is
2 9 approved at an election, the board may proceed with
2 10 the authorization and issuance of the bonds.>
2 11 #5. Page 5, by striking line 24 and inserting the
2 12 following: <or the president of the United States has
2 13 declared a major disaster. Bonds issued pursuant to
2 14 section 384.25 for the purposes specified in this
2 15 paragraph shall be issued not later than ten years
2 16 after the governor has proclaimed a disaster emergency
2 17 or the president of the United States has declared a
2 18 major disaster, whichever is later.>
2 19 #6. Page 5, by striking lines 30 and 31 and
2 20 inserting the following: <a disaster emergency or the
2 21 president of the United States has declared a major
2 22 disaster. Bonds issued pursuant to section 384.25 for
2 23 the purposes specified in this paragraph shall be
2 24 issued not later than ten years after the governor has
2 25 proclaimed a disaster emergency or the president of
2 26 the United States has declared a major disaster,
2 27 whichever is later.>
2 28 #7. Page 6, by inserting after line 7 the
2 29 following:
2 30 <Sec. _____. Section 384.25, Code 2009, is amended
2 31 by adding the following new subsection:
2 32 NEW SUBSECTION. 3. a. Notwithstanding subsection
2 33 2, a council may institute proceedings for the
2 34 issuance of bonds for an essential corporate purpose
2 35 specified in section 384.24, subsection 3, paragraph
2 36 "w" or "x", in an amount equal to or greater than
2 37 three million dollars by causing a notice of the
2 38 proposal to issue the bonds, including a statement of
2 39 the amount and purpose of the bonds, together with the
2 40 maximum rate of interest which the bonds are to bear,
2 41 and the right to petition for an election, to be
2 42 published at least once in a newspaper of general
2 43 circulation within the city at least ten days prior to
2 44 the meeting at which it is proposed to take action for
2 45 the issuance of the bonds.
2 46 b. If at any time before the date fixed for taking
2 47 action for the issuance of the bonds, a petition is
2 48 filed with the clerk of the city signed by eligible
2 49 electors of the city equal in number to twenty percent
2 50 of the persons in the city who voted for the office of



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House Amendment 1527 continued

3 1 president of the United States at the last preceding
3 2 general election that had such office on the ballot,
3 3 asking that the question of issuing the bonds be
3 4 submitted to the registered voters of the city, the
3 5 council shall either by resolution declare the
3 6 proposal to issue the bonds to have been abandoned or
3 7 shall direct the county commissioner of elections to
3 8 call a special election upon the question of issuing
3 9 the bonds. Notice of the election and its conduct
3 10 shall be in the manner provided in section 384.26.
3 11 c. If a petition is not filed, or if a petition is
3 12 filed and the proposition of issuing the bonds is
3 13 approved at an election, the council may proceed with
3 14 the authorization and issuance of the bonds.>
3 15 #8. Page 12, by striking lines 9 through 20.
3 16 #9. By renumbering as necessary.
3 17
3 18
3 19
3 20 T. OLSON of Linn
3 21
3 22
3 23
3 24 HELLAND of Polk
3 25
3 26
3 27
3 28 WAGNER of Linn
3 29
3 30
3 31
3 32 WINDSCHITL of Harrison
3 33
3 34
3 35
3 36 GRASSLEY of Butler
3 37 SF 457.502 83
3 38 md/sc/23910



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House Amendment 1528

PAG LIN

1 1 Amend the amendment, H=1437, to Senate File 415, as
1 2 amended, passed, and reprinted by the Senate, as
1 3 follows:
1 4 #1. Page 1, by inserting after line 2 the
1 5 following:
1 6 <#____. Page 1, by inserting before line 1 the
1 7 following:
1 8 <Sec. _____. NEW SECTION. 384.3A PROPERTY RIGHTS
1 9 DEFENSE ACCOUNT.
1 10 1. A city may establish a property rights defense
1 11 account within the city's general fund. If a property
1 12 rights defense account is established under this
1 13 section, moneys which remain unclaimed under section
1 14 100, subsection 10, paragraph "d", of this Act, may be
1 15 deposited in the account. Interest or earnings on
1 16 moneys in the property rights defense account shall be
1 17 credited to the account. Moneys in the property
1 18 rights defense account are not subject to transfer,
1 19 appropriation, or reversion to any other account or
1 20 fund, or any other use except as provided in this
1 21 section.
1 22 2. Moneys in the account shall be used for the
1 23 reimbursement of reasonable attorney fees and
1 24 reasonable costs incurred by a property owner as the
1 25 result of proceedings initiated under this Act,
1 26 chapters 6A and 6B, and section 657A.10A.
1 27 3. Property owners shall apply to the city council
1 28 on a form proscribed by the city council. If
1 29 sufficient funds exist in the account, the city
1 30 council shall reimburse each property owner who
1 31 applies for all reasonable attorney fees and
1 32 reasonable costs incurred. If insufficient funds
1 33 exist in the account to reimburse a property owner for
1 34 all reasonable attorney fees and reasonable costs
1 35 incurred, the city council shall reimburse the
1 36 property owner for the fees and costs in an amount
1 37 equal to the remaining balance in account.>
1 38 #____. Page 1, line 1, by striking the word and
1 39 figure <Section 1> and inserting the following: <Sec.
1 40 100>.>
1 41 #2. Page 1, by inserting after line 26 the
1 42 following:
1 43 <#____. Page 4, line 13, by inserting after the
1 44 words <in the> the following: <city's property rights
1 45 defense account or in the>.
1 46 #____. Title page, line 2, by inserting after the
1 47 word <years> the following: <and authorizing cities
1 48 to establish a property rights defense account>.>
1 49 #3. By renumbering as necessary.
1 50



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House Amendment 1528 continued

- 2 1
- 2 2
- 2 3 GRASSLEY of Butler
- 2 4 SF 415.708 83
- 2 5 md/sc/23753



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House Amendment 1529

PAG LIN

1 1 Amend House File 812 as follows:
1 2 #1. Page 4, line 6, by striking the words
1 3 <twenty=five> and inserting the following:
1 4 <twenty=four>.
1 5 #2. Page 5, by striking lines 8 and 9 and
1 6 inserting the following:
1 7 <1. Except as provided in subsection 2, this Act,
1 8 being deemed of immediate importance, takes effect
1 9 upon enactment.>
1 10
1 11
1 12
1 13 THOMAS of Clayton
1 14 HF 812.1
1 15 jp/cm/25
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House Amendment 1530

PAG LIN

1 1 Amend House File 816 as follows:
1 2 #1. Page 1, by striking lines 3 through 15 and
1 3 inserting the following:
1 4 <NEW SUBSECTION. 31. a. To the extent
1 5 permissible by federal law, to subpoena certain
1 6 records held by a public or private utility company
1 7 with respect to an individual who has a debt or
1 8 obligation placed with the centralized collection unit
1 9 of the department. The subpoena authority granted in
1 10 this subsection may be used only after reasonable
1 11 efforts have been made by the centralized collection
1 12 unit to identify and locate the individual.
1 13 b. The department may subpoena customer records,
1 14 but shall not request or require the disclosure of
1 15 transaction information, account activity, or
1 16 proprietary information.>
1 17 #2. Page 1, by striking lines 18 through 20 and
1 18 inserting the following: <frequently than quarterly.>
1 19 #3. Page 1, line 24, by inserting after the word
1 20 <director.> the following: <In administering this
1 21 subsection, the director and the department shall
1 22 comply with all applicable state and federal laws
1 23 pertaining to the confidentiality or privacy of
1 24 individuals or public or private utility companies.
1 25 The information and customer records obtained by the
1 26 department pursuant to this subsection are
1 27 confidential records and are not subject to requests
1 28 for examination pursuant to chapter 22.>
1 29 #4. Page 1, by inserting before line 34 the
1 30 following:
1 31 <g. The department may adopt rules for the
1 32 administration of this subsection.>
1 33 #5. Title page, by striking lines 2 and 3, and
1 34 inserting the following: <customer records of
1 35 individuals with a debt placed with the centralized
1 36 collection unit of the department of revenue and
1 37 including an effective date provision.>
1 38 #6. By renumbering as necessary.
1 39
1 40
1 41
1 42 PETERSEN of Polk
1 43
1 44
1 45
1 46 STRUYK of Pottawattamie
1 47 HF 816.202 83
1 48 tw/rj/23756
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House Amendment 1531

PAG LIN

1 1 Amend the amendment, H=1335, to Senate File 283, as
1 2 passed by the Senate, as follows:
1 3 #1. Page 1, by inserting after line 18 the
1 4 following:
1 5 <Sec. _____. Section 46.20, Code 2009, is amended to
1 6 read as follows:
1 7 46.20 DECLARATION OF CANDIDACY.
1 8 At least one hundred four days before the judicial
1 9 election preceding expiration of the initial or
1 10 regular term of office, a judge of the supreme court,
1 11 court of appeals, or district court including district
1 12 associate judges, full-time associate juvenile judges,
1 13 or full-time associate probate judges, or a clerk of
1 14 the district court who is required to stand for
1 15 retention under section 602.1216 may file a
1 16 declaration of candidacy with the state commissioner
1 17 of elections to stand for retention or rejection at
1 18 that election. If a judge or clerk fails to file the
1 19 declaration, the office shall be vacant at the end of
1 20 the term. District associate judges, full-time
1 21 associate juvenile judges, and full-time associate
1 22 probate judges filing the declaration shall stand for
1 23 retention in the judicial election district of their
1 24 ~~residence~~ appointment.>>
1 25 #2. Page 1, by inserting after line 20 the
1 26 following:
1 27 <<Sec. _____. Section 602.6302, subsection 1,
1 28 paragraph b, Code 2009, is amended to read as follows:
1 29 b. The substitution must not result in a lack of a
1 30 ~~resident~~ district associate judge or magistrate in one
1 31 or more of the counties.>
1 32 #3. Page 2, by inserting after line 24 the
1 33 following:
1 34 <Sec. _____. Section 602.6305, Code 2009, is amended
1 35 to read as follows:
1 36 602.6305 TERM, RETENTION, QUALIFICATIONS.
1 37 1. District associate judges shall serve initial
1 38 terms and shall stand for retention in office within
1 39 the judicial election districts of their ~~residences~~
1 40 appointments at the judicial election under sections
1 41 46.16 through 46.24.
1 42 2. A person does not qualify for appointment to
1 43 the office of district associate judge unless the
1 44 person is at the time of appointment a resident of the
1 45 ~~county~~ judicial district in which the vacancy exists,
1 46 licensed to practice law in Iowa, and will be able,
1 47 measured by the person's age at the time of
1 48 appointment, to complete the initial term of office
1 49 prior to reaching age seventy-two. An applicant for
1 50 district associate judge shall file a certified



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House Amendment 1531 continued

2 1 application form, to be provided by the supreme court,
2 2 with the chairperson of the county magistrate
2 3 appointing commission.
2 4 3. A district associate judge must be a resident
2 5 of ~~a county~~ the judicial district in which the office
2 6 is held during the entire term of office. A district
2 7 associate judge shall serve within the judicial
2 8 district in which appointed, as directed by the chief
2 9 judge, and is subject to reassignment under section
2 10 602.6108.
2 11 4. District associate judges shall qualify for
2 12 office as provided in chapter 63 for district
2 13 judges.>>
2 14 #4. By renumbering as necessary.
2 15
2 16
2 17
2 18 D. OLSON of Boone
2 19
2 20
2 21
2 22 R. OLSON of Polk
2 23 SF 283.202 83
2 24 jm/rj/23906



Iowa General Assembly
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House Amendment 1532

PAG LIN

1 1 Amend House File 812 as follows:
1 2 #1. Page 4, line 5, by striking the word <adults>
1 3 and inserting the following: <persons>.
1 4 #2. Page 4, line 6, by striking the words
1 5 <eighteen through twenty=five> and inserting the
1 6 following: <sixteen through twenty=four>.
1 7 #3. Page 5, by striking lines 8 and 9 and
1 8 inserting the following:
1 9 <1. Except as provided in subsection 2, this Act,
1 10 being deemed of immediate importance, takes effect
1 11 upon enactment.>
1 12
1 13
1 14
1 15 THOMAS of Clayton
1 16 HF 812.702 83
1 17 jp/sc/22653
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Iowa General Assembly
Daily Bills, Amendments & Study Bills
April 09, 2009

House File 814 - Introduced

HOUSE FILE
BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO HF 747)
(SUCCESSOR TO HSB 57)

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

A BILL FOR

- 1 An Act modifying provisions applicable to facilities qualifying
- 2 for wind energy production and renewable energy tax credits
- 3 and including effective and retroactive applicability
- 4 provisions.
- 5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 6 TL5B 1649HZ 83
- 7 rn/mg/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
April 09, 2009

House File 814 - Introduced continued

PAG LIN

1 1 Section 1. Section 476B.1, subsection 4, paragraph d, Code
1 2 2009, is amended to read as follows:

1 3 d. (1) For applications filed on or after March 1, 2008,
1 4 consists of one or more wind turbines connected to a common
1 5 gathering line which have a combined nameplate capacity of no
1 6 less than two megawatts and no more than thirty megawatts.

1 7 (2) For applications filed on or after July 1, 2009, by a
1 8 private college or university, community college, institution
1 9 under the control of the state board of regents, public or
1 10 accredited nonpublic elementary and secondary school, or
1 11 public hospital as defined in section 249J.3, for the
1 12 applicant's own use of qualified electricity, consists of wind
1 13 turbines with a combined nameplate capacity of three-fourths
1 14 of a megawatt or greater.

1 15 Sec. 2. Section 476B.4, Code 2009, is amended to read as
1 16 follows:

1 17 476B.4 ~~LIMITATIONS~~ LIMITATION.

1 18 1. ~~The wind energy production tax credit shall not be~~
~~1 19 allowed for any kilowatt-hour of electricity produced on wind~~
~~1 20 energy conversion property for which the owner has claimed or~~
~~1 21 otherwise received for that property the benefit of special~~
~~1 22 valuation under section 427B.26 or section 441.21, subsection~~
~~1 23 8, or the exemption from retail sales tax under section~~
~~1 24 422.45, subsection 48, Code Supplement 2003, or section 423.3,~~
~~1 25 subsection 54, as applicable.~~

1 26 2. The wind energy production tax credit shall not be
1 27 allowed for any kilowatt-hour of electricity that is sold to a
1 28 related person. For ~~purpose~~ purposes of this ~~subsection~~
1 29 section, persons shall be treated as related to each other if
1 30 such persons would be treated as a single employer under the
1 31 regulations prescribed under section 52(b) of the Internal
1 32 Revenue Code. In the case of a corporation that is a member
1 33 of an affiliated group of corporations filing a consolidated
1 34 return, such corporation shall be treated as selling
1 35 electricity to an unrelated person if such electricity is sold



Iowa General Assembly
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House File 814 - Introduced continued

2 1 to such a person by another member of such group.

2 2 Sec. 3. Section 476B.5, subsection 4, Code 2009, is

2 3 amended to read as follows:

2 4 4. The maximum amount of nameplate generating capacity of

2 5 all qualified facilities the board may find eligible under

2 6 this chapter shall not exceed ~~four~~ one hundred fifty megawatts

2 7 of nameplate generating capacity.

2 8 Sec. 4. Section 476B.6, subsection 1, Code 2009, is

2 9 amended to read as follows:

2 10 1. a. If a city or a county in which a qualified facility

2 11 is located has enacted an ordinance under section 427B.26 and

2 12 an owner has filed for and received special valuation pursuant

2 13 to that ordinance, the owner is not required to obtain

2 14 approval from the city council or county board of supervisors

2 15 to apply for the wind energy production tax credit pursuant to

2 16 subsection 2.

2 17 ~~a. b. (1) To be eligible to receive the wind energy~~

2 18 ~~production tax credit, If neither a city nor a county in which~~

2 19 ~~a qualified facility is located has enacted an ordinance under~~

2 20 ~~section 427B.26, or a qualified facility is not eligible for~~

2 21 ~~special valuation pursuant to an ordinance adopted by a city~~

2 22 ~~or a county under section 427B.26, the owner must first~~

2 23 ~~receive approval of the applicable city council or county~~

2 24 ~~board of supervisors of the city or county in which the~~

2 25 ~~qualified facility is located in order to be eligible to~~

2 26 ~~receive the wind energy production tax credit. The~~

2 27 ~~application for approval may be submitted prior to~~

2 28 ~~commencement of the construction of the qualified facility but~~

2 29 ~~shall be submitted no later than the close of the owner's~~

2 30 ~~first taxable year for which the credit is to be applied for.~~

2 31 ~~The application must contain the owner's name and address, the~~

2 32 ~~address of the qualified facility, and the dates of the~~

2 33 ~~owner's first and last taxable years for which the credit will~~

2 34 ~~be applied for. Within forty-five days of the receipt of the~~

2 35 ~~application for approval, the city council or county board of~~



Iowa General Assembly
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April 09, 2009

House File 814 - Introduced continued

3 1 supervisors, as applicable, shall either approve or disapprove
3 2 the application. After the forty=five=day limit time period
3 3 has expired, the application is deemed to be approved.

3 4 ~~b.~~ (2) Upon approval of ~~the~~ an application submitted
3 5 pursuant to subparagraph (1), the owner may apply for the tax
3 6 credit as provided in subsection 2. In addition, approval of
3 7 the application submitted pursuant to subparagraph (1) is
3 8 acceptance by the applicant for the assessment of the
3 9 qualified facility for property tax purposes for a period of
3 10 twelve years and approval by the city council or county board
3 11 of supervisors, as applicable, for the payment of the property
3 12 taxes levied on the qualified property to the state. For
3 13 purposes of property taxation, the qualified facility
3 14 receiving approval of an application submitted pursuant to
3 15 subparagraph (1) shall be centrally assessed and shall be
3 16 exempt from any replacement tax under section 437A.6 for the
3 17 period during which the facility is subject to property
3 18 taxation. The property taxes to be paid to the state are
3 19 those property taxes which make up the consolidated tax levied
3 20 on the qualified facility and which are due and payable in the
3 21 twelve=year period beginning with the first fiscal year
3 22 beginning on or after the end of the owner's first taxable
3 23 year for which the credit is applied for. Upon approval of
3 24 the application, the city council or county board of
3 25 supervisors, as applicable, shall notify the county treasurer
3 26 to ~~state~~ designate on the tax statement which lists the taxes
3 27 on the qualified facility ~~that~~ the amount of the property
3 28 taxes ~~shall~~ to be paid to the department. Payment of the
3 29 designated property taxes to the department shall be in the
3 30 same manner as required for the payment of regular property
3 31 taxes and failure to pay designated property taxes to the
3 32 department shall be treated the same as failure to pay
3 33 property taxes to the county treasurer.

3 34 c. Once the owner of the qualified facility receives
3 35 approval under paragraph ~~"a"~~ "b", subsequent approval under



Iowa General Assembly
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House File 814 - Introduced continued

4 1 paragraph ~~"a"~~ "b" is not required for the same qualified
4 2 facility for subsequent taxable years.

4 3 Sec. 5. Section 476C.3, subsection 3, Code 2009, is
4 4 amended to read as follows:

4 5 3. A facility that is not operational within thirty months
4 6 after issuance of an approval for the facility by the board
4 7 shall cease to be an eligible renewable energy facility.

4 8 However, a wind energy conversion facility that is approved as
4 9 eligible under this section but is not operational within
4 10 eighteen months due to the unavailability of necessary
4 11 equipment shall be granted an additional ~~twelve~~ twenty-four
4 12 months to become operational. A facility that is granted and
4 13 thereafter loses approval may reapply to the board for a new
4 14 determination.

4 15 Sec. 6. Section 476C.3, subsection 4, Code 2009, is
4 16 amended to read as follows:

4 17 4. The maximum amount of nameplate generating capacity of
4 18 all wind energy conversion facilities the board may find
4 19 eligible under this chapter shall not exceed ~~one~~ three hundred
4 20 ~~eighty~~ thirty megawatts of nameplate generating capacity. The
4 21 maximum amount of energy production capacity equivalent of all
4 22 other facilities the board may find eligible under this
4 23 chapter shall not exceed a combined output of twenty megawatts
4 24 of nameplate generating capacity and one hundred sixty-seven
4 25 billion British thermal units of heat for a commercial
4 26 purpose. Of the maximum amount of energy production capacity
4 27 equivalent of all other facilities found eligible under this
4 28 chapter, fifty-five billion British thermal units of heat for
4 29 a commercial purpose shall be reserved for an eligible
4 30 facility that is a refuse conversion facility for processed,
4 31 engineered fuel from a multicounty solid waste management
4 32 planning area. The maximum amount of energy production
4 33 capacity the board may find eligible for a single refuse
4 34 conversion facility is fifty-five billion British thermal
4 35 units of heat for a commercial purpose.



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House File 814 - Introduced continued

5 1 Sec. 7. REFUNDS. Refunds of taxes, interest, or penalties
5 2 which may arise from claims resulting from the amendment of
5 3 section 476B.4 in this Act, for the exemption of sales of wind
5 4 energy conversion property as provided in section 423.3,
5 5 subsection 54, occurring between January 1, 2008, and the
5 6 effective date of this Act, shall be limited to one hundred
5 7 thousand dollars in the aggregate and shall not be allowed
5 8 unless refund claims are filed prior to October 1, 2009,
5 9 notwithstanding any other provision of law. If the amount of
5 10 claims totals more than one hundred thousand dollars in the
5 11 aggregate, the department of revenue shall prorate the one
5 12 hundred thousand dollars among all claimants in relation to
5 13 the amounts of the claimants' valid claims. Claimants shall
5 14 not be entitled to interest on any refunds.

5 15 Sec. 8. RENEWABLE ENERGY TAX CREDIT ELIGIBILITY STUDY.
5 16 The utilities board of the utilities division of the
5 17 department of commerce shall conduct a study to evaluate
5 18 whether procedures applicable to eligible renewable energy
5 19 facilities which have been approved for the renewable energy
5 20 tax credit but are not yet operational pursuant to section
5 21 476C.3, subsection 3, and eligible renewable energy facilities
5 22 which have been placed on a waiting list for approval pursuant
5 23 to section 476C.3, subsection 5, are in need of modification.
5 24 The study shall include a survey of each facility which has
5 25 been approved to determine the extent to which progress has
5 26 been made toward achieving operational status. The study
5 27 shall also include a survey of each facility which has been
5 28 determined eligible and is awaiting approval, to ascertain
5 29 whether the facility continues to seek approval and is
5 30 committed to becoming operational once approval is obtained.
5 31 Based on the results of the surveys, the board shall submit
5 32 recommendations to the general assembly by January 1, 2010,
5 33 regarding whether statutory or procedural modifications are
5 34 necessary to ensure that facilities are being effectively and
5 35 efficiently maintained in an approved or eligible status.



Iowa General Assembly
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House File 814 - Introduced continued

6 1 Sec. 9. EFFECTIVE AND APPLICABILITY DATES. The sections
6 2 of this Act enacting section 476B.1, subsection 4, paragraph
6 3 "d", subparagraph (1), and amending sections 476B.4 and
6 4 476B.6, being deemed of immediate importance, take effect upon
6 5 enactment and apply retroactively to January 1, 2008, for tax
6 6 years beginning on or after that date.

6 7 EXPLANATION

6 8 This bill modifies eligibility requirements applicable to
6 9 the wind energy production tax credit established in Code
6 10 chapter 476B and the renewable energy tax credit established
6 11 in Code chapter 476C.

6 12 With regard to the wind energy production tax credit, the
6 13 bill provides for a maximum combined nameplate capacity
6 14 restriction of no more than 30 megawatts for applicants for
6 15 the credit. The bill also adds to the definition of
6 16 "qualified facility", for applications filed on or after July
6 17 1, 2009, by a private college or university, community
6 18 college, institution under the control of the state board of
6 19 regents, a public or accredited nonpublic primary or secondary
6 20 school, or public hospital as defined in Code section 249J.3,
6 21 for the applicant's own use of qualified electricity a wind
6 22 turbine with a combined nameplate capacity of three-fourths of
6 23 a megawatt or greater.

6 24 The bill deletes a provision which had prevented
6 25 eligibility for the wind energy production tax credit for any
6 26 kilowatt-hour of electricity produced on wind energy
6 27 conversion property for which the owner had claimed or
6 28 received specified special property tax valuation or sales tax
6 29 exemptions, thus preserving credit availability for owners
6 30 having received special valuation or having claimed the sales
6 31 tax exemptions. Because of the retroactivity of the
6 32 elimination of the restriction of the receipt of the tax
6 33 credit to those who have not received the sales tax exemption,
6 34 a provision for refund of sales tax paid is included in the
6 35 bill. These provisions and the provision regarding a maximum



Iowa General Assembly
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House File 814 - Introduced continued

7 1 combined nameplate capacity restriction take effect upon
7 2 enactment and apply retroactively to January 1, 2008, for tax
7 3 years beginning on or after that date.
7 4 The bill changes a provision specifying the maximum amount
7 5 of nameplate generating capacity of all qualifying facilities
7 6 under Code chapter 476B, currently at 450 megawatts of
7 7 nameplate generating capacity, to 150 megawatts.
7 8 With regard to the renewable energy tax credit, the bill
7 9 provides for an extension of time for a wind energy conversion
7 10 facility to become operational following issuance of an
7 11 approval from the current period of 12 additional months to 24
7 12 additional months.
7 13 The bill changes a provision specifying the maximum amount
7 14 of nameplate generating capacity for all eligible wind energy
7 15 conversion facilities under Code chapter 476C, currently at
7 16 180 megawatts of nameplate generating capacity, to 330
7 17 megawatts.
7 18 Additionally, the bill directs the utilities board of the
7 19 utilities division of the department of commerce to conduct a
7 20 study to evaluate whether procedures applicable to eligible
7 21 renewable energy facilities which have been approved for the
7 22 renewable energy tax credit under Code chapter 476C but are
7 23 not yet operational, and facilities which have been placed on
7 24 a waiting list for approval, are in need of modification. The
7 25 board is required to submit recommendations to the general
7 26 assembly by January 1, 2010, regarding whether statutory or
7 27 procedural modifications appear necessary.
7 28 LSB 1649HZ 83
7 29 rn/mg/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
April 09, 2009

House File 815 - Introduced

HOUSE FILE
BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO HSB 286)

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

A BILL FOR

- 1 An Act relating to articulation agreements between public
- 2 postsecondary institutions and to the dissemination of
- 3 articulation information.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 2708HV 83
- 6 kh/rj/14



Iowa General Assembly
Daily Bills, Amendments & Study Bills
April 09, 2009

House File 815 - Introduced continued

PAG LIN

1 1 Section 1. Section 256.9, Code 2009, is amended by adding
1 2 the following new subsection:

1 3 NEW SUBSECTION. 61. Develop and implement a plan to
1 4 provide, at least twice annually to all principals and
1 5 guidance counselors employed by school districts and
1 6 accredited nonpublic schools, notice describing how students
1 7 can find and use the articulation information available on the
1 8 website maintained by the state board of regents. The plan
1 9 shall include suggested methods for elementary and secondary
1 10 schools and community colleges to effectively communicate
1 11 information about the articulation website to the following:

1 12 a. To all elementary and secondary school students
1 13 interested in or potentially interested in attending a
1 14 community college or institution of higher education governed
1 15 by the state board of regents.

1 16 b. To all community college students interested in or
1 17 potentially interested in admission to a baccalaureate degree
1 18 program offered by an institution of higher education governed
1 19 by the state board of regents.

1 20 Sec. 2. Section 260C.14, Code 2009, is amended by adding
1 21 the following new subsection:

1 22 NEW SUBSECTION. 23. Enter into a collective statewide
1 23 articulation agreement with the state board of regents
1 24 pursuant to section 262.9, subsection 32, which shall provide
1 25 for the seamless transfer of academic credits from a completed
1 26 associate of arts or associate of science degree program
1 27 offered by a community college to a baccalaureate degree
1 28 program offered by an institution of higher education governed
1 29 by the state board of regents. The board shall also do the
1 30 following:

1 31 a. Identify a transfer and articulation contact office or
1 32 person, publicize transfer and articulation information and
1 33 the contact office or person, and submit the contact
1 34 information to the state board of regents, which shall publish
1 35 the contact information on its articulation website.



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House File 815 - Introduced continued

2 1 b. Collaborate with the state board of regents to meet the
2 2 requirements specified in section 262.9, subsection 32,
2 3 including but not limited to developing a systematic process
2 4 for expanding academic discipline and meetings between the
2 5 community college faculty and faculty of the institutions of
2 6 higher education governed by the state board of regents,
2 7 developing criteria to prioritize core curriculum areas,
2 8 promoting greater awareness of articulation-related
2 9 activities, facilitating additional opportunities for
2 10 individual institutions to pursue program articulation
2 11 agreements for career and technical educational programs, and
2 12 developing and implementing a process to examine a minimum of
2 13 eight new associate of applied science degree programs for
2 14 which articulation agreements would serve students' continued
2 15 academic success in those degree programs.

2 16 Sec. 3. Section 262.9, Code 2009, is amended by adding the
2 17 following new subsection:

2 18 NEW SUBSECTION. 32. In consultation with the state board
2 19 for community colleges established pursuant to section 260C.3,
2 20 establish and enter into a collective statewide articulation
2 21 agreement with the community colleges established pursuant to
2 22 chapter 260C, which shall provide for the seamless transfer of
2 23 academic credits from a completed associate of arts or
2 24 associate of science degree program offered by a community
2 25 college to a baccalaureate degree program offered by an
2 26 institution of higher education governed by the board. The
2 27 board shall also do the following:

2 28 a. Require each of the institutions of higher education
2 29 governed by the board to identify a transfer and articulation
2 30 contact office or person, publicize transfer and articulation
2 31 information and the contact office or person, and submit the
2 32 contact information to the board for publication on its
2 33 articulation website.

2 34 b. Develop, in collaboration with the boards of directors
2 35 of the community colleges, a systematic process for expanding



Iowa General Assembly
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April 09, 2009

House File 815 - Introduced continued

3 1 academic discipline and meetings between the community college
3 2 faculty and faculty of the institutions of higher education
3 3 governed by the board. The board shall conduct and jointly
3 4 administer with the boards of directors of the community
3 5 colleges four program and academic discipline meetings each
3 6 academic year for the purpose of enhancing alignment between
3 7 course content and expectations at the community colleges and
3 8 institutions of higher education governed by the state board
3 9 of regents.

3 10 c. Develop criteria to prioritize core curriculum areas
3 11 and create or review transition guides for the core curriculum
3 12 areas.

3 13 d. Include on its articulation website course equivalency
3 14 and transition guides for each of the institutions of higher
3 15 education governed by the board.

3 16 e. Jointly, with the boards of directors of the community
3 17 colleges, select academic departments in which to articulate
3 18 first-year and second-year courses through faculty-to-faculty
3 19 meetings in accordance with paragraph "b". However,
3 20 course-to-course equivalencies need not occur in an academic
3 21 discipline when the board and the community colleges jointly
3 22 determine that course content is incompatible.

3 23 f. Promote greater awareness of articulation-related
3 24 activities, including the articulation website maintained by
3 25 the board and articulation agreements in which the
3 26 institutions participate.

3 27 g. Facilitate additional opportunities for individual
3 28 institutions to pursue program articulation agreements for
3 29 community college career and technical education programs and
3 30 programs of study offered by the institutions of higher
3 31 education governed by the board.

3 32 h. Develop and implement by January 1, 2012, a process to
3 33 examine a minimum of eight new community college associate of
3 34 applied science degree programs for which articulation
3 35 agreements between the community colleges and the institutions



Iowa General Assembly
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House File 815 - Introduced continued

4 1 of higher education governed by the board would serve
4 2 students' continued academic success in those degree programs.
4 3 i. Prepare, jointly with the department of education and
4 4 the liaison advisory committee on transfer students, and
4 5 submit by January 1 annually to the general assembly, an
4 6 update on the articulation efforts and activities implemented
4 7 by the community colleges and the institutions of higher
4 8 education governed by the board.

4 9 EXPLANATION

4 10 This bill relates to the transfer and articulation of
4 11 academic credits between the state's postsecondary
4 12 institutions.

4 13 The bill directs the boards of directors of the community
4 14 colleges and the state board of regents to enter into a
4 15 collective statewide articulation agreement to provide for the
4 16 seamless transfer of academic credits from a completed
4 17 associate of arts or associate of science degree program
4 18 offered by a community college to a baccalaureate degree
4 19 program offered by a regents university.

4 20 The bill also directs the boards to identify a transfer and
4 21 articulation contact office or person, publicize transfer and
4 22 articulation and contact information, and submit the contact
4 23 information for publication on the articulation website
4 24 maintained by the state board of regents.

4 25 The boards are further directed to collaborate with each
4 26 other to meet the requirements to develop a systematic process
4 27 for expanding academic discipline and faculty-to-faculty
4 28 meetings, develop criteria to prioritize core curriculum
4 29 areas, promote greater awareness of articulation-related
4 30 activities, facilitate additional opportunities for individual
4 31 institutions to pursue program articulation agreements for
4 32 career and technical educational programs, and develop and
4 33 implement a process to examine a minimum of eight new
4 34 associate of applied science degree programs for which
4 35 articulation agreements would serve students' continued



Iowa General Assembly
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House File 815 - Introduced continued

5 1 academic success in those degree programs.
5 2 The department of education is directed to develop and
5 3 implement a plan to provide, at least twice annually,
5 4 notification to all principals and guidance counselors
5 5 employed by school districts and accredited nonpublic schools
5 6 describing how students can find and use the articulation
5 7 website, and to provide suggested methods for schools and
5 8 community colleges to effectively communicate information
5 9 about the website to all interested elementary, secondary, and
5 10 community college students.
5 11 The board directs the state board of regents to prepare
5 12 jointly, with the department of education and the liaison
5 13 advisory committee on transfer students, and submit by January
5 14 1 annually to the general assembly, an update on the
5 15 articulation efforts and activities implemented by the
5 16 community colleges and the regents universities.
5 17 LSB 2708HV 83
5 18 kh/rj/14



Iowa General Assembly
Daily Bills, Amendments & Study Bills
April 09, 2009

House File 816 - Introduced

HOUSE FILE
BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO HSB 277)

Passed House, Date _____

Passed Senate, Date _____

Vote: Ayes _____ Nays _____

Vote: Ayes _____ Nays _____

Approved

A BILL FOR

- 1 An Act allowing the department of revenue to subpoena certain
- 2 customer records of individuals owing taxes, penalties, or
- 3 interest and including an effective date provision.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 2511HV 83
- 6 tw/mg:sc/8



Iowa General Assembly
Daily Bills, Amendments & Study Bills
April 09, 2009

House File 816 - Introduced continued

PAG LIN

1 1 Section 1. Section 421.17, Code 2009, is amended by adding
1 2 the following new subsection:

1 3 NEW SUBSECTION. 31. a. Notwithstanding any provisions of
1 4 law making such information confidential, to subpoena certain
1 5 records held by a public or private utility company with
1 6 respect to an individual who has a debt or obligation placed
1 7 with the centralized collection unit of the department.

1 8 b. The records the department may subpoena include but are
1 9 not limited to the name and address of the individual and the
1 10 name and address of the employer of the individual as such
1 11 information appears in customer records, the cellular
1 12 telephone number of the individual appearing in the customer
1 13 records of a cellular telephone company, and any other
1 14 personally identifiable information which may reasonably be
1 15 presumed to assist the department in locating the individual.

1 16 c. A public or private utility company shall respond to
1 17 the subpoenas. The subpoenas shall not be served more
1 18 frequently than quarterly. A subpoena shall not be served on
1 19 a cable operator regulated under 47 U.S.C. } 551, or a
1 20 successor statute.

1 21 d. The burden of showing reasonable cause to believe that
1 22 the documents or records sought by the subpoena are necessary
1 23 to assist the department under this subsection shall be upon
1 24 the director.

1 25 e. A public or private utility company shall not be held
1 26 liable for any action arising as a result of providing the
1 27 records described in paragraph "b" or for any other action
1 28 taken reasonably and in good faith to comply with this
1 29 subsection.

1 30 f. As used in this subsection, "public or private utility
1 31 company" means a public utility, cable, video, or satellite
1 32 television company, cellular telephone company, or internet
1 33 service provider.

1 34 Sec. 2. EFFECTIVE DATE. This Act takes effect January 1,
1 35 2010.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
April 09, 2009

House File 817 - Introduced

HOUSE FILE
BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO HF 528)

Passed House, Date _____

Passed Senate, Date _____

Vote: Ayes _____ Nays _____

Vote: Ayes _____ Nays _____

Approved

A BILL FOR

1 An Act relating to the research activities tax credit for
2 innovative renewable energy generation components and making
3 an appropriation and providing applicability date provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 2232HV 83
6 tw/mg:sc/5



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
April 09, 2009**

House File 817 - Introduced continued

PAG LIN

1 1 Section 1. Section 15.335, subsection 1, unnumbered
 1 2 paragraph 1, Code 2009, is amended to read as follows:
 1 3 An eligible business may claim a corporate tax credit for
 1 4 increasing research activities in this state during the period
 1 5 the eligible business is participating in the program. For
 1 6 purposes of this section, "research activities" includes the
 1 7 development and deployment of innovative renewable energy
 1 8 generation components manufactured or assembled in this state.
 1 9 For purposes of this section, "innovative renewable energy
 1 10 generation components" does not include a component with more
 1 11 than two hundred megawatts of installed effective nameplate
 1 12 capacity. The tax credits for innovative renewable energy
 1 13 generation components shall not exceed ~~one~~ two million
 1 14 dollars.

1 15 Sec. 2. GROW IOWA VALUES FUND APPROPRIATION == TRANSFER.
 1 16 1. In lieu of any standing appropriation in section
 1 17 15G.111 from the grow Iowa values fund to the department of
 1 18 economic development, for the fiscal year beginning July 1,
 1 19 2009, there is appropriated from the grow Iowa values fund to
 1 20 the department of economic development for purposes of
 1 21 administering financial assistance programs:
 1 22 \$ 31,000,000

1 23 2. For the fiscal year beginning July 1, 2009, and ending
 1 24 June 30, 2010, one million dollars is transferred from the
 1 25 grow Iowa values fund to the general fund of the state.

1 26 Sec. 3. APPLICABILITY DATE. The section of this Act
 1 27 amending section 15.335 applies to projects approved on or
 1 28 after the effective date of the Act.

1 29 EXPLANATION

1 30 This bill relates to the amount of tax credits available
 1 31 for innovative renewable energy generation components as part
 1 32 of business's research activities tax credit.
 1 33 Currently, the total amount of these tax credits that can
 1 34 be claimed is limited to \$1 million. The bill changes the
 1 35 limit to \$2 million. Since \$1 million of tax credits have



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April 09, 2009**

House File 817 - Introduced continued

2 1 already been claimed, the bill makes an additional \$1 million
2 2 of tax credits available.
2 3 The bill appropriates for FY 2009=2010 \$31 million from the
2 4 grow Iowa values fund to the department of economic
2 5 development in lieu of the standing appropriation of \$32
2 6 million made to the department in Code section 15G.111 for
2 7 purposes of administering financial assistance programs.
2 8 The bill provides that \$1 million of the moneys usually
2 9 appropriated in the standing appropriation to the department
2 10 of economic development from the grow Iowa values fund is
2 11 instead transferred to the general fund of the state. This
2 12 has the effect of making the bill revenue neutral for the
2 13 fiscal year beginning July 1, 2009.
2 14 The bill applies to innovative renewable energy generation
2 15 projects approved on or after the effective date.
2 16 LSB 2232HV 83
2 17 tw/mg:sc/5



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House File 818 - Introduced

HOUSE FILE
BY COMMITTEE ON WAYS AND
MEANS

(SUCCESSOR TO HF 631)
(SUCCESSOR TO HSB 166)

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act relating to the eligibility for tax credits and income
2 reductions for qualified expenditures under the film,
3 television, and video project promotion program, providing for
4 a fee, and providing an applicability date provision.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TLSB 1235HZ 83
7 tw/mg:sc/5



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House File 818 - Introduced continued

PAG LIN

1 1 Section 1. Section 15.393, subsection 1, unnumbered
1 2 paragraph 1, Code 2009, is amended to read as follows:
1 3 The department shall establish and administer a film,
1 4 television, and video project promotion program that provides
1 5 for the registration of projects to be shot on location in the
1 6 state. A project that is registered under the program is
1 7 entitled to the assistance provided in subsection 2. A fee
1 8 ~~shall not~~ may be charged for registering. The amount of the
1 9 fee charged for registering shall be determined by the
1 10 department by rule. Registration fees collected by the
1 11 department under this section shall be used to administer the
1 12 program. The department shall not register a project unless
1 13 the department determines that all of the following criteria
1 14 are met:
1 15 Sec. 2. Section 15.393, subsection 2, paragraph a,
1 16 subparagraph (2), Code 2009, is amended to read as follows:
1 17 (2) A qualified expenditure by a taxpayer is a payment to
1 18 an Iowa resident or an Iowa-based business for the sale,
1 19 rental, or furnishing of tangible personal property or for
1 20 services directly related to the registered project including
1 21 but not limited to aircraft, vehicles, equipment, materials,
1 22 supplies, accounting, animals and animal care, artistic and
1 23 design services, graphics, construction, data and information
1 24 services, delivery and pickup services, labor and personnel,
1 25 lighting, makeup and hairdressing, film, music, photography,
1 26 sound, video and related services, printing, research, site
1 27 fees and rental, travel related to Iowa distant locations,
1 28 trash removal and cleanup, and wardrobe. ~~For the purposes of~~
1 29 ~~this subparagraph, "labor and personnel" does not include the~~
1 30 ~~director, producers, or cast members other than extras and~~
1 31 ~~stand-ins.~~
1 32 (a) For purposes of this subparagraph, "labor and
1 33 personnel" includes compensation paid to the principal
1 34 producer, principal director, and principal cast members if
1 35 the principal producer, principal director, or principal cast



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House File 818 - Introduced continued

2 1 member is an Iowa resident or an Iowa-based business, and if
2 2 the compensation paid meets one of the following conditions:
2 3 (i) If the qualified expenditures are at least ten million
2 4 dollars but less than twenty million dollars, the compensation
2 5 paid to each principal producer, principal director, and
2 6 principal cast member does not exceed two hundred fifty
2 7 thousand dollars each.
2 8 (ii) If the qualified expenditures are at least twenty
2 9 million dollars, the compensation paid to each principal
2 10 producer, principal director, and principal cast member does
2 11 not exceed one million dollars each.
2 12 (b) For purposes of this subparagraph, "labor and
2 13 personnel" includes compensation paid to personnel other than
2 14 the principal producer, principal director, or principal cast
2 15 members if the compensation paid meets one of the following
2 16 conditions:
2 17 (i) If the qualified expenditures are less than ten
2 18 million dollars, the compensation paid to labor and personnel
2 19 other than the principal producer, the principal director, and
2 20 principal cast members, does not exceed one hundred fifty
2 21 thousand dollars each.
2 22 (ii) If the qualified expenditures are at least ten
2 23 million dollars but less than twenty million dollars, the
2 24 compensation paid to labor and personnel other than the
2 25 principal producer, the principal director, and the principal
2 26 cast members, does not exceed two hundred thousand dollars
2 27 each.
2 28 (iii) If the qualified expenditures are at least twenty
2 29 million dollars, the compensation paid to labor and personnel
2 30 other than the principal producer, the principal director, and
2 31 the principal cast members, does not exceed three hundred
2 32 thousand dollars each.
2 33 (c) The department of revenue, in consultation with the
2 34 department of economic development, shall by rule establish a
2 35 list of eligible expenditures.



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3 1 Sec. 3. Section 15.393, subsection 2, paragraph c, Code
3 2 2009, is amended to read as follows:
3 3 c. For ~~tax years beginning on or after January 1, 2007,~~
3 4 the tax year in which a qualified expenditure occurred, and
3 5 for the ensuing three tax years, a taxpayer may claim a
3 6 reduction in adjusted gross income not to exceed in a tax year
3 7 twenty-five percent of the amount of the qualified expenditure
3 8 for purposes of taxes imposed in chapter 422, divisions II and
3 9 III, for payments received from the sale, rental, or
3 10 furnishing of tangible personal property or services directly
3 11 related to the production of a project registered under this
3 12 section which meets the criteria of a qualified expenditure
3 13 under paragraph "a", subparagraph (2).

3 14 Sec. 4. APPLICABILITY DATE. This Act applies to projects
3 15 registered on or after July 1, 2009.

3 16 EXPLANATION

3 17 This bill relates to the eligibility for tax credits for
3 18 qualified expenditures and deduction from income received from
3 19 certain qualified expenditures under the film, television, and
3 20 video project promotion program.

3 21 The bill allows the department to charge a fee to register
3 22 a project with the program. Current law does not allow a
3 23 registration fee. The amount of the fee is determined by rule
3 24 and must be used to administer the program.

3 25 The program currently does not allow salary expenditures
3 26 for directors, producers, and principal cast members, or other
3 27 personnel to be counted as qualified expenditures under the
3 28 program. The bill allows a portion of the compensation paid
3 29 to such persons to be counted toward a taxpayer's qualified
3 30 expenditures if the person is an Iowa resident or Iowa-based
3 31 business.

3 32 The bill provides that for principal producers, directors,
3 33 and cast members, as much as \$250,000 of compensation paid may
3 34 be counted if the qualified expenditures are at least \$10
3 35 million but less than \$20 million. As much as \$1 million of



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4 1 compensation paid may be counted if the qualified expenditures
4 2 are at least \$20 million.

4 3 The bill also provides that for personnel other than
4 4 principal producers, directors, and cast members, as much as
4 5 \$150,000 of compensation paid may be counted if the qualified
4 6 expenditures are less than \$10 million. As much as \$200,000
4 7 of compensation paid may be counted if the qualified
4 8 expenditures are at least \$10 million but less than \$20
4 9 million. As much as \$300,000 may be counted if the qualified
4 10 expenditures are at least \$20 million.

4 11 The program currently allows vendors to take a reduction in
4 12 adjusted gross income for qualified expenditures in the same
4 13 year as the expenses are incurred. The bill makes the credit
4 14 available for the tax year in which the expenditures were
4 15 incurred and for three ensuing tax years.

4 16 The bill applies to projects registered on or after July 1,
4 17 2009.

4 18 LSB 1235HZ 83

4 19 tw/sc/5



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House File 819 - Introduced

HOUSE FILE
BY COMMITTEE ON WAYS AND
MEANS

(SUCCESSOR TO HF 751)
(SUCCESSOR TO HSB 134)

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act relating to historic preservation and cultural and
2 entertainment district tax credits by increasing the aggregate
3 amount of credits that may be approved, changing the amounts
4 allocated to various projects, and modifying certain
5 administrative duties of the department of cultural affairs.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
7 TLSB 1304HZ 83
8 tw/sc:mg/5



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House File 819 - Introduced continued

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1 1 Section 1. Section 404A.2, Code 2009, is amended to read
1 2 as follows:
1 3 404A.2 AMOUNT OF CREDIT.
1 4 1. The amount of the credit equals twenty=five percent of
1 5 the qualified rehabilitation costs made to eligible property.
1 6 a. In the case of commercial property, rehabilitation
1 7 costs must equal at least fifty percent of the assessed value
1 8 of the property, excluding the land, prior to the
1 9 rehabilitation.
1 10 b. In the case of residential property or barns, the
1 11 rehabilitation costs must equal at least twenty=five thousand
1 12 dollars or twenty=five percent of the ~~fair market~~ assessed
1 13 value, excluding the land, prior to the rehabilitation,
1 14 whichever is less.
1 15 c. In computing the tax credit for eligible property that
1 16 is classified as residential or as commercial with multifamily
1 17 residential units, the rehabilitation costs used shall not
1 18 exceed one hundred thousand dollars per residential unit.
1 19 d. In computing the tax credit, the only costs which may
1 20 be included are the qualified rehabilitation costs incurred
1 21 between the period ending on the project completion date and
1 22 beginning on the date two years prior to the project
1 23 completion date, provided that any qualified rehabilitation
1 24 costs incurred prior to the date of approval of the project as
1 25 provided in section 404A.3 must be qualified rehabilitation
1 26 expenditures under the federal rehabilitation credit in
1 27 section 47 of the Internal Revenue Code.
1 28 2. For purposes of this chapter, qualified rehabilitation
1 29 costs include amounts if they are properly includable in
1 30 computing the basis for tax purposes of the eligible property.
1 31 a. Amounts treated as an expense and deducted in the tax
1 32 year in which they are paid or incurred and amounts that are
1 33 otherwise not added to the basis for tax purposes of the
1 34 eligible property are not qualified rehabilitation costs.
1 35 b. Amounts incurred for architectural and engineering



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2 1 fees, site survey fees, legal expenses, insurance premiums,
2 2 development fees, and other construction-related costs are
2 3 qualified rehabilitation costs to the extent they are added to
2 4 the basis for tax purposes of the eligible property.

2 5 c. Costs of sidewalks, parking lots, and landscaping do
2 6 not constitute qualified rehabilitation costs.

2 7 3. For purposes of individual and corporate income taxes
2 8 and the franchise tax, the increase in the basis of the
2 9 rehabilitated property that would otherwise result from the
2 10 qualified rehabilitation costs shall be reduced by the amount
2 11 of the credit computed under this chapter.

2 12 Sec. 2. Section 404A.3, Code 2009, is amended to read as
2 13 follows:

2 14 404A.3 APPROVAL OF REHABILITATION PROJECT.

2 15 1. a. In order for costs of a rehabilitation project to
2 16 qualify for a tax credit, the rehabilitation project must
2 17 receive approval from the state historic preservation office
2 18 of the department of cultural affairs.

2 19 b. Applications for approvals from the state historic
2 20 preservation office of the department of cultural affairs
2 21 shall be on forms approved by the state historic preservation
2 22 office and shall contain information as required by the state
2 23 historic preservation office. The information shall at least
2 24 include the approximate date of the start of rehabilitation,
2 25 the approximate date of completion, as well as the cost.

2 26 c. The approval process shall not exceed ninety days
2 27 beginning from the date ~~the rehabilitation project is~~
~~2 28 submitted on which a completed application is received by the~~
2 29 state historic preservation office. After the ninety-day
2 30 limit, the rehabilitation project is deemed to be approved
2 31 unless the state historic preservation office has denied the
2 32 application or contacted the applicant for further information
2 33 regarding the application.

2 34 2. The state historic preservation office shall establish
2 35 selection criteria and standards for rehabilitation projects



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3 1 involving eligible property. The main emphasis of the
3 2 standards shall be to ensure that a rehabilitation project
3 3 maintains the integrity of the eligible property. To the
3 4 extent applicable, the standards shall be consistent with the
3 5 standards of the United States secretary of the interior for
3 6 rehabilitation of eligible property ~~that is listed on the~~
~~3 7 national register of historic places or is designated as of~~
~~3 8 historic significance to a district listed in the national~~
~~3 9 register of historic places or shall be consistent with~~
~~3 10 standards for issuance of certificates of appropriateness~~
~~3 11 under sections 303.27 through 303.32.~~

3 12 The selection standards shall provide that a person who
~~3 13 qualifies for the rehabilitation tax credit under section 47~~
~~3 14 of the Internal Revenue Code shall automatically qualify for~~
~~3 15 the state historic preservation and cultural and entertainment~~
~~3 16 district tax credit under this chapter.~~

3 17 3. a. A rehabilitation project for which the state
3 18 historic preservation office has reserved tax credits pursuant
3 19 to section 404A.4 shall begin rehabilitation of the property
3 20 before the end of the fiscal year in which the project
3 21 application was approved and for which the tax credits were
3 22 reserved.

3 23 b. The eligible property shall be placed in service within
3 24 thirty-six months of the date on which the project application
3 25 was approved. For purposes of this section, "placed in
3 26 service" has the same meaning as used for purposes of section
3 27 47 of the Internal Revenue Code. The department may provide
3 28 by rule for the allowance of additional time to complete a
3 29 project.

3 30 c. A rehabilitation project for which a project
3 31 application was approved and tax credits reserved prior to
3 32 July 1, 2009, shall complete the project and place the
3 33 building in service on or before June 30, 2011,
3 34 notwithstanding the time period specified in paragraph "b".

3 35 4. A rehabilitation project that does not meet the



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4 1 requirements of subsection 3 is subject to revocation,
4 2 repayment, or recapture of tax credits reserved or approved
4 3 pursuant to this chapter.

4 4 Sec. 3. Section 404A.4, Code 2009, is amended to read as
4 5 follows:

4 6 404A.4 PROJECT COMPLETION AND TAX CREDIT CERTIFICATION ==
4 7 CREDIT REFUND OR CARRYFORWARD.

4 8 1. Upon completion of the rehabilitation project, a
4 9 certification of completion must be obtained from the state
4 10 historic preservation office of the department of cultural
4 11 affairs. A completion certificate shall identify the person
4 12 claiming the tax credit under this chapter and the qualified
4 13 rehabilitation costs incurred up to the two years preceding
4 14 the completion date.

4 15 2. After verifying the eligibility for the tax credit, the
4 16 state historic preservation office, ~~in consultation with the~~
~~4 17 department of economic development,~~ shall issue a historic

4 18 preservation and cultural and entertainment district tax
4 19 credit certificate to be attached to the person's tax return.
4 20 The tax credit certificate shall contain the taxpayer's name,
4 21 address, tax identification number, the date of project
4 22 completion, the amount of credit, other information required
4 23 by the department of revenue, and a place for the name and tax
4 24 identification number of a transferee and the amount of the
4 25 tax credit being transferred. Of the amount of tax credits
4 26 that may be approved in a fiscal year pursuant to subsection
4 27 4, paragraph "a":

4 28 a. For the fiscal year beginning July 1, 2009, the
4 29 department shall reserve not more than twenty million dollars
4 30 worth of tax credits for a taxable year beginning on or after
4 31 January 1, 2009, and not more than thirty million dollars
4 32 worth of tax credits for a taxable year beginning on or after
4 33 January 1, 2010.

4 34 b. For the fiscal year beginning July 1, 2010, the
4 35 department shall reserve not more than twenty million dollars



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5 1 worth of tax credits for a taxable year beginning on or after
5 2 January 1, 2010, and not more than thirty million dollars
5 3 worth of tax credits for a taxable year beginning on or after
5 4 January 1, 2011.

5 5 c. For the fiscal year beginning July 1, 2011, the
5 6 department shall reserve not more than twenty million dollars
5 7 worth of tax credits for a taxable year beginning on or after
5 8 January 1, 2011, and not more than thirty million dollars
5 9 worth of tax credits for a taxable year beginning on or after
5 10 January 1, 2012.

5 11 3. A person receiving a historic preservation and cultural
5 12 and entertainment district tax credit under this chapter which
5 13 is in excess of the person's tax liability for the tax year is
5 14 entitled to a refund. Any credit in excess of the tax
5 15 liability shall be refunded with interest computed under
5 16 section 422.25. In lieu of claiming a refund, a taxpayer may
5 17 elect to have the overpayment shown on the taxpayer's final,
5 18 completed return credited to the tax liability for the
5 19 following year.

5 20 4. a. The total amount of tax credits that may be
5 21 approved for a fiscal year under this chapter shall not exceed
5 22 ~~ten million dollars in the fiscal year beginning July 1, 2007,~~
5 23 ~~fifteen million dollars in the fiscal year beginning July 1,~~
5 24 ~~2008, and twenty million dollars in the fiscal year beginning~~
5 25 ~~July 1, 2009, and each fiscal year thereafter~~ fifty million
5 26 dollars.

5 27 b. Of the tax credits approved for a fiscal year under
5 28 this chapter, ~~ten~~ the amount of the tax credits shall be
5 29 allocated as follows:

5 30 (1) Ten percent of the dollar amount of tax credits shall
5 31 be allocated for purposes of new projects with final qualified
5 32 rehabilitation costs of five hundred thousand dollars or less,
5 33 ~~and forty.~~

5 34 (2) Thirty percent of the dollar amount of tax credits
5 35 shall be allocated for purposes of new projects located in



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6 1 cultural and entertainment districts certified pursuant to
6 2 section 303.3B or identified in Iowa great places agreements
6 3 developed pursuant to section 303.3C. ~~Any of the tax credits~~
~~6 4 allocated for projects located in certified cultural and~~
~~6 5 entertainment districts or identified in Iowa great places~~
~~6 6 agreements and for projects with a cost of five hundred~~
~~6 7 thousand dollars or less that are not reserved during a fiscal~~
~~6 8 year shall be applied to reserved tax credits issued in~~
~~6 9 accordance with section 404A.3 in order of original~~
~~6 10 reservation. The department of cultural affairs shall~~
~~6 11 establish by rule the procedures for the application, review,~~
~~6 12 selection, and awarding of certifications of completion.~~
6 13 (3) Twenty percent of the dollar amount of tax credits
6 14 shall be allocated for disaster recovery projects. For
6 15 purposes of this subparagraph, "disaster recovery project"
6 16 means a property meeting the requirements of an eligible
6 17 property as described in section 404A.1, subsection 2, which
6 18 is located in an area declared a disaster area by the governor
6 19 or by a federal official and which has been physically
6 20 impacted as a result of a natural disaster.
6 21 (4) Twenty percent of the dollar amount of the tax credits
6 22 shall be allocated for projects that involve the creation of
6 23 more than five hundred new permanent jobs. A taxpayer
6 24 receiving a tax credit certificate for a project under this
6 25 allocation shall provide information documenting the creation
6 26 of the jobs to the department and to the department of
6 27 economic development. The jobs shall be created within two
6 28 years of the date a tax credit certificate is issued. The
6 29 department of economic development shall verify the creation
6 30 of the jobs. The amount of any tax credits received is
6 31 subject to recapture by the department of revenue if the jobs
6 32 are not created within two years. The department and the
6 33 department of economic development may adopt rules for the
6 34 implementation of this subparagraph. The rules shall provide
6 35 for a method or form that allows a city or county to track the



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7 1 number of jobs created in the construction industry by the
7 2 project.
7 3 (5) Twenty percent of the dollar amount of the tax credits
7 4 shall be allocated for any eligible project.
7 5 c. (1) If, in any fiscal year, an amount of tax credits
7 6 allocated pursuant to paragraph "b", subparagraph (2) or (4),
7 7 goes unclaimed, the amount of the unclaimed tax credits shall,
7 8 during the same fiscal year, be reallocated to disaster
7 9 recovery projects as described in paragraph "b", subparagraph
7 10 (3).
7 11 (2) If, in any fiscal year, an amount of tax credits
7 12 reallocated pursuant to subparagraph (1) of this paragraph "c"
7 13 goes unclaimed, the tax credits shall, during the same fiscal
7 14 year, be reallocated to the projects described in paragraph
7 15 "b", subparagraph (5).
7 16 d. The departments of cultural affairs and revenue shall
7 17 each adopt rules to jointly administer this subsection and
7 18 shall provide by rule for the method to be used to determine
7 19 for which fiscal year the tax credits are available.
7 20 e. With the exception of tax credits issued pursuant to
7 21 contracts entered into prior to July 1, 2007, tax credits
7 22 shall not be reserved for more than three years.
7 23 5. a. Tax credit certificates issued under this chapter
7 24 may be transferred to any person or entity.
7 25 b. Within ninety days of transfer, the transferee must
7 26 submit the transferred tax credit certificate to the
7 27 department of revenue along with a statement containing the
7 28 transferee's name, tax identification number, and address, and
7 29 the denomination that each replacement tax credit certificate
7 30 is to carry and any other information required by the
7 31 department of revenue.
7 32 c. Within thirty days of receiving the transferred tax
7 33 credit certificate and the transferee's statement, the
7 34 department of revenue shall issue one or more replacement tax
7 35 credit certificates to the transferee. Each replacement



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8 1 certificate must contain the information required under
8 2 subsection 2 and must have the same expiration date that
8 3 appeared in the transferred tax credit certificate.

8 4 d. Tax credit certificate amounts of less than the minimum
8 5 amount established by rule of the ~~state historic preservation~~
8 6 ~~office department of revenue~~ shall not be transferable.

8 7 e. A tax credit shall not be claimed by a transferee under
8 8 this chapter until a replacement tax credit certificate
8 9 identifying the transferee as the proper holder has been
8 10 issued.

8 11 f. The transferee may use the amount of the tax credit
8 12 transferred against the taxes imposed under chapter 422,
8 13 divisions II, III, and V, and chapter 432 for any tax year the
8 14 original transferor could have claimed the tax credit. Any
8 15 consideration received for the transfer of the tax credit
8 16 shall not be included as income under chapter 422, divisions
8 17 II, III, and V. Any consideration paid for the transfer of
8 18 the tax credit shall not be deducted from income under chapter
8 19 422, divisions II, III, and V.

8 20 Sec. 4. Section 404A.5, Code 2009, is amended to read as
8 21 follows:

8 22 404A.5 ECONOMIC IMPACT == RECOMMENDATIONS.

8 23 1. The department of cultural affairs, in consultation
8 24 with the department of ~~economic development~~ revenue, shall be
8 25 responsible for keeping the general assembly and the
8 26 legislative services agency informed on the overall economic
8 27 impact to the state of the rehabilitation of eligible
8 28 properties.

8 29 2. An annual report shall be filed which shall include,
8 30 but is not limited to, data on the number and potential value
8 31 of rehabilitation projects begun during the latest
8 32 twelve-month period, the total historic preservation and
8 33 cultural and entertainment district tax credits originally
8 34 granted during that period, the potential reduction in state
8 35 tax revenues as a result of all tax credits still unused and



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9 1 eligible for refund, and the potential increase in local
9 2 property tax revenues as a result of the rehabilitated
9 3 projects.
9 4 3. The department of cultural affairs, to the extent it is
9 5 able, shall provide recommendations on whether a limit on tax
9 6 credits should be established, the need for a broader or more
9 7 restrictive definition of eligible property, and other
9 8 adjustments to the tax credits under this chapter.

9 9 EXPLANATION

9 10 This bill relates to historic preservation and cultural and
9 11 entertainment district tax credits.

9 12 Current law provides that the rehabilitation costs of
9 13 residential property or barns must equal \$25,000 or 25 percent
9 14 of the fair market value of the structure, whichever is less.
9 15 The bill provides that the 25 percent provision is calculated
9 16 against the assessed value, instead of the fair market value.

9 17 Current law provides that the approval process for a
9 18 project applying for the credit must be completed within 90
9 19 days of the date on which the project is submitted to the
9 20 department. The bill provides that the 90-day period is
9 21 measured from the date on which the completed application is
9 22 received by the department.

9 23 Current law provides that a project not acted upon by the
9 24 department within the 90-day period is automatically approved.
9 25 The bill provides that it is not automatically approved unless
9 26 the department has failed within the 90-day period to either
9 27 deny the application or contact the applicant for further
9 28 information.

9 29 The bill increases the aggregate amount of tax credits that
9 30 may be approved in a fiscal year from \$20 million to \$50
9 31 million. Of the \$50 million of tax credits that may be
9 32 approved in a fiscal year, for the fiscal period beginning
9 33 July 1, 2009, and ending June 30, 2012, the department must
9 34 reserve a portion of the tax credits for different tax years.
9 35 For the fiscal year beginning July 1, 2009, the department



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10 1 must reserve not more than \$20 million worth of tax credits
10 2 for a taxable year beginning on or after January 1, 2009, and
10 3 not more than \$30 million worth of tax credits for a taxable
10 4 year beginning on or after January 1, 2010. For the fiscal
10 5 year beginning July 1, 2010, the department must reserve not
10 6 more than \$20 million worth of tax credits for a taxable year
10 7 beginning on or after January 1, 2010, and not more than \$30
10 8 million worth of tax credits for a taxable year beginning on
10 9 or after January 1, 2011. For the fiscal year beginning July
10 10 1, 2011, the department must reserve not more than \$20 million
10 11 worth of tax credits for a taxable year beginning on or after
10 12 January 1, 2011, and not more than \$30 million worth of tax
10 13 credits for a taxable year beginning on or after January 1,
10 14 2012.

10 15 The bill changes the amount of tax credits that may be
10 16 allocated by the department to certain types of projects. Of
10 17 the \$50 million that may be approved, 10 percent must be
10 18 allocated for projects costing less than \$500,000, 30 percent
10 19 must be allocated for projects in cultural and entertainment
10 20 districts, 20 percent must be allocated for disaster recovery
10 21 projects, 20 percent must be allocated for projects that will
10 22 result in the creation of 500 or more jobs, and 20 percent
10 23 must be allocated for eligible projects generally, without
10 24 imposing special requirements. Taxpayers receiving a tax
10 25 credit allocation for projects that involve the creation of
10 26 500 or more jobs must provide documentation on the creation of
10 27 the jobs to the department and the department of economic
10 28 development. If, in any fiscal year, an amount of tax credits
10 29 allocated pursuant to certain projects goes unclaimed, those
10 30 tax credits may be reallocated by the department to other
10 31 projects according to the relative priority of projects.

10 32 The bill modifies some of the duties relating to the
10 33 administration of the tax credit program, including removing
10 34 certain consultation duties of the department of economic
10 35 development, changing the approval process, providing for a



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House File 819 - Introduced continued

11 1 36-month period for project completion, and allowing the
11 2 department of cultural affairs to recapture credits under
11 3 certain circumstances.
11 4 LSB 1304HZ 83
11 5 tw/sc:mg/5



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House File 820 - Introduced

HOUSE FILE
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO HSB 174)

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

A BILL FOR

1 An Act appropriating federal funds made available from federal
2 block grants, federal American Recovery and Reinvestment Act
3 of 2009 funding, and other federal grants, allocating portions
4 of federal block grants, and providing procedures if federal
5 funds are more or less than anticipated or if federal block
6 grants are more or less than anticipated.
7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
8 TL5B 1018HV 83
9 jp/tm/8



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PAG LIN

1 1 Section 1. SUBSTANCE ABUSE APPROPRIATION.
 1 2 1. There is appropriated from the fund created by section
 1 3 8.41 to the department of public health for the federal fiscal
 1 4 year beginning October 1, 2009, and ending September 30, 2010,
 1 5 the following amount:
 1 6 \$ 13,477,961
 1 7 a. Funds appropriated in this subsection are the
 1 8 anticipated funds to be received from the federal government
 1 9 for the designated federal fiscal year under 42 U.S.C., ch.
 1 10 6A, subc. XVII, part B, subpart ii, which provides for the
 1 11 substance abuse prevention and treatment block grant. The
 1 12 department shall expend the funds appropriated in this
 1 13 subsection as provided in the federal law making the funds
 1 14 available and in conformance with chapter 17A.
 1 15 b. Of the funds appropriated in this subsection, an amount
 1 16 not exceeding 5 percent shall be used by the department for
 1 17 administrative expenses.
 1 18 c. The department shall expend no less than an amount
 1 19 equal to the amount expended for treatment services in the
 1 20 state fiscal year beginning July 1, 2008, for pregnant women
 1 21 and women with dependent children.
 1 22 d. Of the funds appropriated in this subsection, an amount
 1 23 not exceeding \$24,585 shall be used for audits.
 1 24 2. At least 20 percent of the funds remaining from the
 1 25 appropriation made in subsection 1 shall be allocated for
 1 26 prevention programs.
 1 27 3. In implementing the federal substance abuse prevention
 1 28 and treatment block grant under 42 U.S.C., ch. 6A, subc. XVII,
 1 29 and any other applicable provisions of the federal Public
 1 30 Health Service Act under 42 U.S.C., ch. 6A, the department
 1 31 shall apply the provisions of Pub. L. No. 106-310, } 3305, as
 1 32 codified in 42 U.S.C. } 300x-65, relating to services under
 1 33 such federal law being provided by religious and other
 1 34 nongovernmental organizations.
 1 35 Sec. 2. COMMUNITY MENTAL HEALTH SERVICES APPROPRIATION.



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2 1 1. a. There is appropriated from the fund created by
2 2 section 8.41 to the department of human services for the
2 3 federal fiscal year beginning October 1, 2009, and ending
2 4 September 30, 2010, the following amount:
2 5 \$ 3,500,167
2 6 b. Funds appropriated in this subsection are the
2 7 anticipated funds to be received from the federal government
2 8 for the designated federal fiscal year under 42 U.S.C., ch.
2 9 6A, subc. XVII, part B, subpart i, which provides for the
2 10 community mental health services block grant. The department
2 11 shall expend the funds appropriated in this subsection as
2 12 provided in the federal law making the funds available and in
2 13 conformance with chapter 17A.
2 14 c. The department shall allocate not less than 95 percent
2 15 of the amount of the block grant to eligible community mental
2 16 health services providers for carrying out the plan submitted
2 17 to and approved by the federal substance abuse and mental
2 18 health services administration for the fiscal year involved.
2 19 d. Of the amount allocated to eligible services providers
2 20 under paragraph "c", 70 percent shall be distributed to the
2 21 state's accredited community mental health centers established
2 22 or designated by counties in accordance with law or
2 23 administrative rule. If a county has not established or
2 24 designated a community mental health center and has received a
2 25 waiver from the mental health, mental retardation,
2 26 developmental disabilities, and brain injury commission, the
2 27 mental health services provider designated by that county is
2 28 eligible to receive funding distributed pursuant to this
2 29 paragraph in lieu of a community mental health center. The
2 30 funding distributed shall be used by recipients of the funding
2 31 for the purpose of developing and providing evidence-based
2 32 practices and emergency services to adults with a serious
2 33 mental illness and children with a serious emotional
2 34 disturbance. The distribution amounts shall be announced at
2 35 the beginning of the federal fiscal year and distributed on a



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3 1 quarterly basis according to the formulas used in previous
3 2 fiscal years. Recipients shall submit quarterly reports
3 3 containing data consistent with the performance measures
3 4 approved by the federal substance abuse and mental health
3 5 services administration.

3 6 2. An amount not exceeding 5 percent of the funds
3 7 appropriated in subsection 1 shall be used by the department
3 8 of human services for administrative expenses. From the funds
3 9 set aside by this subsection for administrative expenses, the
3 10 department shall pay to the auditor of state an amount
3 11 sufficient to pay the cost of auditing the use and
3 12 administration of the state's portion of the funds
3 13 appropriated in subsection 1. The auditor of state shall bill
3 14 the department for the costs of the audits.

3 15 Sec. 3. MATERNAL AND CHILD HEALTH SERVICES APPROPRIATIONS.

3 16 1. There is appropriated from the fund created by section
3 17 8.41 to the department of public health for the federal fiscal
3 18 year beginning October 1, 2009, and ending September 30, 2010,
3 19 the following amount:

3 20 \$ 6,512,104

3 21 a. The funds appropriated in this subsection are the funds
3 22 anticipated to be received from the federal government for the
3 23 designated federal fiscal year under 42 U.S.C., ch. 7, subc.
3 24 V, which provides for the maternal and child health services
3 25 block grant. The department shall expend the funds
3 26 appropriated in this subsection as provided in the federal law
3 27 making the funds available and in conformance with chapter
3 28 17A.

3 29 b. Funds appropriated in this subsection shall not be used
3 30 by the university of Iowa hospitals and clinics for indirect
3 31 costs.

3 32 2. An amount not exceeding 10 percent of the funds
3 33 appropriated in subsection 1 shall be used by the department
3 34 of public health for administrative expenses.

3 35 3. The departments of public health, human services, and



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4 1 education and the university of Iowa's mobile and regional
 4 2 child health specialty clinics shall continue to pursue to the
 4 3 maximum extent feasible the coordination and integration of
 4 4 services to women and children.

4 5 4. a. Sixty=three percent of the remaining funds
 4 6 appropriated in subsection 1 shall be allocated to supplement
 4 7 appropriations for maternal and child health programs within
 4 8 the department of public health. Of these funds, \$300,291
 4 9 shall be set aside for the statewide perinatal care program.

4 10 b. Thirty=seven percent of the remaining funds
 4 11 appropriated in subsection 1 shall be allocated to the
 4 12 university of Iowa hospitals and clinics under the control of
 4 13 the state board of regents for mobile and regional child
 4 14 health specialty clinics. The university of Iowa hospitals
 4 15 and clinics shall not receive an allocation for indirect costs
 4 16 from the funds for this program. Priority shall be given to
 4 17 establishment and maintenance of a statewide system of mobile
 4 18 and regional child health specialty clinics.

4 19 5. The department of public health shall administer the
 4 20 statewide maternal and child health program and the disabled
 4 21 children's program by conducting mobile and regional child
 4 22 health specialty clinics and conducting other activities to
 4 23 improve the health of low=income women and children and to
 4 24 promote the welfare of children with actual or potential
 4 25 handicapping conditions and chronic illnesses in accordance
 4 26 with the requirements of Title V of the federal Social
 4 27 Security Act.

4 28 Sec. 4. PREVENTIVE HEALTH AND HEALTH SERVICES
 4 29 APPROPRIATIONS.

4 30 1. There is appropriated from the fund created by section
 4 31 8.41 to the department of public health for the federal fiscal
 4 32 year beginning October 1, 2009, and ending September 30, 2010,
 4 33 the following amount:

4 34 \$ 1,064,859

4 35 Funds appropriated in this subsection are the funds



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5 1 anticipated to be received from the federal government for the
5 2 designated federal fiscal year under 42 U.S.C., ch. 6A, subc.
5 3 XVII, part A, which provides for the preventive health and
5 4 health services block grant. The department shall expend the
5 5 funds appropriated in this subsection as provided in the
5 6 federal law making the funds available and in conformance with
5 7 chapter 17A.

5 8 2. Of the funds appropriated in subsection 1, an amount
5 9 not more than 10 percent shall be used by the department for
5 10 administrative expenses.

5 11 3. Of the funds appropriated in subsection 1, the specific
5 12 amount of funds stipulated by the notice of the block grant
5 13 award shall be allocated for services to victims of sex
5 14 offenses and for rape prevention education.

5 15 4. After deducting the funds allocated in subsections 2
5 16 and 3, the remaining funds appropriated in subsection 1 may be
5 17 used by the department for healthy people 2010/healthy Iowans
5 18 2010 program objectives, preventive health advisory committee,
5 19 and risk reduction services, including nutrition programs,
5 20 health incentive programs, chronic disease services, emergency
5 21 medical services, monitoring of the fluoridation program and
5 22 start-up fluoridation grants, and acquired immune deficiency
5 23 syndrome services. The moneys specified in this subsection
5 24 shall not be used by the university of Iowa hospitals and
5 25 clinics or by the state hygienic laboratory for the funding of
5 26 indirect costs.

5 27 Sec. 5. STOP VIOLENCE AGAINST WOMEN GRANT PROGRAM
5 28 APPROPRIATION.

5 29 1. There is appropriated from the fund created by section
5 30 8.41 to the department of justice for the federal fiscal year
5 31 beginning October 1, 2009, and ending September 30, 2010, the
5 32 following amount:

5 33 \$ 1,393,190

5 34 Funds appropriated in this subsection are the anticipated
5 35 funds to be received from the federal government for the



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6 1 designated fiscal year under 42 U.S.C., ch. 46, } 3796gg=1,
 6 2 which provides for grants to combat violent crimes against
 6 3 women. The department of justice shall expend the funds
 6 4 appropriated in this subsection as provided in the federal law
 6 5 making the funds available and in conformance with chapter
 6 6 17A.

6 7 2. An amount not exceeding 10 percent of the funds
 6 8 appropriated in subsection 1 shall be used by the department
 6 9 of justice for administrative expenses. From the funds set
 6 10 aside by this subsection for administrative expenses, the
 6 11 department shall pay to the auditor of state an amount
 6 12 sufficient to pay the cost of auditing the use and
 6 13 administration of the state's portion of the funds
 6 14 appropriated in subsection 1.

6 15 Sec. 6. RESIDENTIAL SUBSTANCE ABUSE TREATMENT FOR STATE
 6 16 PRISONERS FORMULA GRANT PROGRAM. There is appropriated from
 6 17 the fund created by section 8.41 to the governor's office of
 6 18 drug control policy for the federal fiscal year beginning
 6 19 October 1, 2009, and ending September 30, 2010, the following
 6 20 amount:

6 21 \$ 77,360

6 22 Funds appropriated in this section are the funds
 6 23 anticipated to be received from the federal government for the
 6 24 designated fiscal year under 42 U.S.C., ch. 46, subc. XII=G,
 6 25 which provides grants for substance abuse treatment programs
 6 26 in state and local correctional facilities. The drug policy
 6 27 coordinator shall expend the funds appropriated in this
 6 28 section as provided in federal law making the funds available
 6 29 and in conformance with chapter 17A.

6 30 Sec. 7. EDWARD BYRNE JUSTICE ASSISTANCE GRANT PROGRAM
 6 31 APPROPRIATION.

6 32 1. There is appropriated from the fund created by section
 6 33 8.41 to the governor's office of drug control policy for the
 6 34 federal fiscal year beginning October 1, 2009, and ending
 6 35 September 30, 2010, the following amount:



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7 1 \$ 1,052,157
 7 2 Funds appropriated in this subsection are the anticipated
 7 3 funds to be received from the federal government for the
 7 4 designated fiscal year under 42 U.S.C., ch. 46, subc. V, which
 7 5 provides for the Edward Byrne memorial justice assistance
 7 6 grant program. The drug policy coordinator shall expend the
 7 7 funds appropriated in this subsection as provided in the
 7 8 federal law making the funds available and in conformance with
 7 9 chapter 17A.
 7 10 2. An amount not exceeding 10 percent of the funds
 7 11 appropriated in subsection 1 shall be used by the drug policy
 7 12 coordinator for administrative expenses. From the funds set
 7 13 aside by this subsection for administrative expenses, the drug
 7 14 policy coordinator shall pay to the auditor of state an amount
 7 15 sufficient to pay the cost of auditing the use and
 7 16 administration of the state's portion of the funds
 7 17 appropriated in subsection 1.
 7 18 Sec. 8. COMMUNITY SERVICES APPROPRIATIONS.
 7 19 1. a. There is appropriated from the fund created by
 7 20 section 8.41 to the division of community action agencies of
 7 21 the department of human rights for the federal fiscal year
 7 22 beginning October 1, 2009, and ending September 30, 2010, the
 7 23 following amount:
 7 24 \$ 7,037,445
 7 25 Funds appropriated in this subsection are the funds
 7 26 anticipated to be received from the federal government for the
 7 27 designated federal fiscal year under 42 U.S.C., ch. 106, which
 7 28 provides for the community services block grant. The division
 7 29 of community action agencies of the department of human rights
 7 30 shall expend the funds appropriated in this subsection as
 7 31 provided in the federal law making the funds available and in
 7 32 conformance with chapter 17A.
 7 33 b. The administrator of the division of community action
 7 34 agencies of the department of human rights shall allocate not
 7 35 less than 95 percent of the amount of the block grant to



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8 1 eligible community action agencies for programs benefiting
 8 2 low-income persons. Each eligible agency shall receive a
 8 3 minimum allocation of not less than \$100,000. The minimum
 8 4 allocation shall be achieved by redistributing increased funds
 8 5 from agencies experiencing a greater share of available funds.
 8 6 The funds shall be distributed on the basis of the poverty=
 8 7 level population in the area represented by the community
 8 8 action areas compared to the size of the poverty=level
 8 9 population in the state.

8 10 2. An amount not exceeding 5 percent of the funds
 8 11 appropriated in subsection 1 shall be used by the division of
 8 12 community action agencies of the department of human rights
 8 13 for administrative expenses. It is the intent of the general
 8 14 assembly to limit the administrative expenses percentage to 4
 8 15 percent for the succeeding fiscal year. From the funds set
 8 16 aside by this subsection for administrative expenses, the
 8 17 division of community action agencies of the department of
 8 18 human rights shall pay to the auditor of state an amount
 8 19 sufficient to pay the cost of auditing the use and
 8 20 administration of the state's portion of the funds
 8 21 appropriated in subsection 1. The auditor of state shall bill
 8 22 the division of community action agencies for the costs of the
 8 23 audits.

8 24 Sec. 9. COMMUNITY DEVELOPMENT APPROPRIATIONS.

8 25 1. There is appropriated from the fund created by section
 8 26 8.41 to the department of economic development for the federal
 8 27 fiscal year beginning October 1, 2009, and ending September
 8 28 30, 2010, the following amount:

8 29 \$ 25,700,000

8 30 Funds appropriated in this subsection are the funds
 8 31 anticipated to be received from the federal government for the
 8 32 designated federal fiscal year under 42 U.S.C., ch. 69, which
 8 33 provides for community development block grants. The
 8 34 department of economic development shall expend the funds
 8 35 appropriated in this subsection as provided in the federal law



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9 1 making the funds available and in conformance with chapter
9 2 17A.
9 3 2. An amount not exceeding \$1,128,000 for the federal
9 4 fiscal year beginning October 1, 2009, shall be used by the
9 5 department of economic development for administrative expenses
9 6 for the community development block grant. The total amount
9 7 used for administrative expenses includes \$614,000 for the
9 8 federal fiscal year beginning October 1, 2009, of funds
9 9 appropriated in subsection 1 and a matching contribution from
9 10 the state equal to \$514,000 from the appropriation of state
9 11 funds for the community development block grant and state
9 12 appropriations for related activities of the department of
9 13 economic development. From the funds set aside for
9 14 administrative expenses by this subsection, the department of
9 15 economic development shall pay to the auditor of state an
9 16 amount sufficient to pay the cost of auditing the use and
9 17 administration of the state's portion of the funds
9 18 appropriated in subsection 1. The auditor of state shall bill
9 19 the department for the costs of the audit.
9 20 Sec. 10. LOW-INCOME HOME ENERGY ASSISTANCE APPROPRIATIONS.
9 21 1. There is appropriated from the fund created by section
9 22 8.41 to the division of community action agencies of the
9 23 department of human rights for the federal fiscal year
9 24 beginning October 1, 2009, and ending September 30, 2010, the
9 25 following amount:
9 26 \$ 36,762,408
9 27 The funds appropriated in this subsection are the funds
9 28 anticipated to be received from the federal government for the
9 29 designated federal fiscal year under 42 U.S.C., ch. 94, subc.
9 30 II, which provides for the low-income home energy assistance
9 31 block grants. The division of community action agencies of
9 32 the department of human rights shall expend the funds
9 33 appropriated in this subsection as provided in the federal law
9 34 making the funds available and in conformance with chapter
9 35 17A.



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10 1 2. Up to 15 percent of the amount appropriated in this
10 2 section that is actually received shall be used for
10 3 residential weatherization or other related home repairs for
10 4 low-income households. Of this allocation amount, not more
10 5 than 10 percent may be used for administrative expenses.

10 6 3. After subtracting the allocation in subsection 2, up to
10 7 10 percent of the remainder is allocated for administrative
10 8 expenses of the low-income home energy assistance program of
10 9 which \$377,000 is allocated for administrative expenses of the
10 10 division. The costs of auditing the use and administration of
10 11 the portion of the appropriation in this section that is
10 12 retained by the state shall be paid from the amount allocated
10 13 in this subsection to the division. The auditor of state
10 14 shall bill the division for the audit costs.

10 15 4. The remainder of the appropriation in this section
10 16 following the allocations made in subsections 2 and 3, shall
10 17 be used to help eligible households as defined in 42 U.S.C.,
10 18 ch. 94, subc. II, to meet home energy costs.

10 19 5. Not more than 10 percent of the amount appropriated in
10 20 this section that is actually received may be carried forward
10 21 for use in the succeeding federal fiscal year.

10 22 6. Expenditures for assessment and resolution of energy
10 23 problems shall be limited to 5 percent of the amount
10 24 appropriated in this section that is actually received.

10 25 Sec. 11. SOCIAL SERVICES APPROPRIATIONS.

10 26 1. There is appropriated from the fund created by section
10 27 8.41 to the department of human services for the federal
10 28 fiscal year beginning October 1, 2009, and ending September
10 29 30, 2010, the following amount:

10 30 \$ 16,680,041

10 31 Funds appropriated in this subsection are the funds
10 32 anticipated to be received from the federal government for the
10 33 designated federal fiscal year under 42 U.S.C., ch. 7, subc.
10 34 XX, which provides for the social services block grant. The
10 35 department of human services shall expend the funds



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11 1 appropriated in this subsection as provided in the federal law
11 2 making the funds available and in conformance with chapter
11 3 17A.

11 4 2. Not more than \$1,065,049 of the funds appropriated in
11 5 subsection 1 shall be used by the department of human services
11 6 for general administration. From the funds set aside in this
11 7 subsection for general administration, the department of human
11 8 services shall pay to the auditor of state an amount
11 9 sufficient to pay the cost of auditing the use and
11 10 administration of the state's portion of the funds
11 11 appropriated in subsection 1.

11 12 3. In addition to the allocation for general
11 13 administration in subsection 2, the remaining funds
11 14 appropriated in subsection 1 shall be allocated in the
11 15 following amounts to supplement appropriations for the federal
11 16 fiscal year beginning October 1, 2009, for the following
11 17 programs within the department of human services:

- 11 18 a. Field operations:
11 19 \$ 6,370,179
- 11 20 b. Child and family services:
11 21 \$ 951,463
- 11 22 c. Local administrative costs and other local services:
11 23 \$ 675,575
- 11 24 d. Volunteers:
11 25 \$ 73,963
- 11 26 e. MH/MR/DD/BI community services (local purchase):
11 27 \$ 7,540,812

11 28 Sec. 12. SOCIAL SERVICES BLOCK GRANT PLAN. The department
11 29 of human services during each state fiscal year shall develop
11 30 a plan for the use of federal social services block grant
11 31 funds for the subsequent state fiscal year.

11 32 The proposed plan shall include all programs and services
11 33 at the state level which the department proposes to fund with
11 34 federal social services block grant funds, and shall identify
11 35 state and other funds which the department proposes to use to



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12 1 fund the state programs and services.
12 2 The proposed plan shall also include all local programs and
12 3 services which are eligible to be funded with federal social
12 4 services block grant funds, the total amount of federal social
12 5 services block grant funds available for the local programs
12 6 and services, and the manner of distribution of the federal
12 7 social services block grant funds to the counties. The
12 8 proposed plan shall identify state and local funds which will
12 9 be used to fund the local programs and services.
12 10 The proposed plan shall be submitted with the department's
12 11 budget requests to the governor and the general assembly.
12 12 Sec. 13. PROJECTS FOR ASSISTANCE IN TRANSITION FROM
12 13 HOMELESSNESS.
12 14 1. Upon receipt of the minimum formula grant from the
12 15 federal alcohol, drug abuse, and mental health administration
12 16 to provide mental health services for the homeless, for the
12 17 federal fiscal year beginning October 1, 2009, and ending
12 18 September 30, 2010, the department of human services shall
12 19 assure that a project which receives funds under the formula
12 20 grant from either the federal or local match share of 25
12 21 percent in order to provide outreach services to persons who
12 22 have chronic mental illness and are homeless or who are
12 23 subject to a significant probability of becoming homeless
12 24 shall do all of the following:
12 25 a. Provide community mental health services, diagnostic
12 26 services, crisis intervention services, and habilitation and
12 27 rehabilitation services.
12 28 b. Refer clients to medical facilities for necessary
12 29 hospital services, and to entities that provide primary health
12 30 services and substance abuse services.
12 31 c. Provide appropriate training to persons who provide
12 32 services to persons targeted by the grant.
12 33 d. Provide case management to homeless persons.
12 34 e. Provide supportive and supervisory services to certain
12 35 homeless persons living in residential settings which are not



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13 1 otherwise supported.

13 2 2. Projects may expend funds for housing services

13 3 including minor renovation, expansion and repair of housing,

13 4 security deposits, planning of housing, technical assistance

13 5 in applying for housing, improving the coordination of housing

13 6 services, the costs associated with matching eligible homeless

13 7 individuals with appropriate housing, and one-time rental

13 8 payments to prevent eviction.

13 9 Sec. 14. CHILD CARE AND DEVELOPMENT APPROPRIATION. There

13 10 is appropriated from the fund created by section 8.41 to the

13 11 department of human services for the federal fiscal year

13 12 beginning October 1, 2009, and ending September 30, 2010, the

13 13 following amount:

13 14 \$ 43,311,572

13 15 Funds appropriated in this section are the funds

13 16 anticipated to be received from the federal government under

13 17 42 U.S.C., ch. 105, subc. II=B, which provides for the child

13 18 care and development block grant. The department shall expend

13 19 the funds appropriated in this section as provided in the

13 20 federal law making the funds available and in conformance with

13 21 chapter 17A.

13 22 Moneys appropriated in this section that remain

13 23 unencumbered or unobligated at the close of the fiscal year

13 24 shall revert to be available for appropriation for purposes of

13 25 the child care and development block grant in the succeeding

13 26 fiscal year.

13 27 Sec. 15. PROCEDURE FOR REDUCED FEDERAL FUNDS.

13 28 1. If the funds received from the federal government for

13 29 the block grants specified in this Act are less than the

13 30 amounts appropriated, the funds actually received shall be

13 31 prorated by the governor for the various programs, other than

13 32 for the services to victims of sex offenses and for rape

13 33 prevention education under section 4, subsection 3, of this

13 34 Act, for which each block grant is available according to the

13 35 percentages that each program is to receive as specified in



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14 1 this Act. However, if the governor determines that the funds
14 2 allocated by the percentages will not be sufficient to
14 3 accomplish the purposes of a particular program, or if the
14 4 appropriation is not allocated by percentage, the governor may
14 5 allocate the funds in a manner which will accomplish to the
14 6 greatest extent possible the purposes of the various programs
14 7 for which the block grants are available.

14 8 2. Before the governor implements the actions provided for
14 9 in subsection 1, the following procedures shall be taken:

14 10 a. The chairpersons and ranking members of the senate and
14 11 house standing committees on appropriations, the appropriate
14 12 chairpersons and ranking members of subcommittees of those
14 13 committees, and the director of the legislative services
14 14 agency shall be notified of the proposed action.

14 15 b. The notice shall include the proposed allocations, and
14 16 information on the reasons why particular percentages or
14 17 amounts of funds are allocated to the individual programs, the
14 18 departments and programs affected, and other information
14 19 deemed useful. Chairpersons and ranking members notified
14 20 shall be allowed at least two weeks to review and comment on
14 21 the proposed action before the action is taken.

14 22 Sec. 16. PROCEDURE FOR INCREASED FEDERAL FUNDS.

14 23 1. If funds received from the federal government in the
14 24 form of block grants exceed the amounts appropriated in
14 25 sections 1, 2, 3, 4, 7, 9, and 11 of this Act, the excess
14 26 shall be prorated to the appropriate programs according to the
14 27 percentages specified in those sections, except additional
14 28 funds shall not be prorated for administrative expenses.

14 29 2. If actual funds received from the federal government
14 30 from block grants exceed the amount appropriated in section 10
14 31 of this Act for the low-income home energy assistance program,
14 32 not more than 15 percent of the excess may be allocated to the
14 33 low-income residential weatherization program and not more
14 34 than 5 percent of the excess may be used for administrative
14 35 costs.



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15 1 3. If funds received from the federal government from
15 2 community services block grants exceed the amount appropriated
15 3 in section 8 of this Act, 100 percent of the excess is
15 4 allocated to the community services block grant program.

15 5 Sec. 17. PROCEDURE FOR EXPENDITURE OF ADDITIONAL FEDERAL
15 6 FUNDS. If other federal grants, receipts, and funds and other
15 7 nonstate grants, receipts, and funds become available or are
15 8 awarded which are not available or awarded during the period
15 9 in which the general assembly is in session, but which require
15 10 expenditure by the applicable department or agency prior to
15 11 March 15 of the fiscal year beginning July 1, 2009, and ending
15 12 June 30, 2010, these grants, receipts, and funds are
15 13 appropriated to the extent necessary, provided that the fiscal
15 14 committee of the legislative council is notified within thirty
15 15 days of receipt of the grants, receipts, or funds and the
15 16 fiscal committee of the legislative council has an opportunity
15 17 to comment on the expenditure of the grants, receipts, or
15 18 funds.

15 19 Sec. 18. AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009.
15 20 It is the intent of the general assembly to provide for
15 21 expenditure of the funding available through the federal
15 22 American Recovery and Reinvestment Act of 2009 by enactment,
15 23 as necessary, of appropriations of the funding and of state
15 24 funding used to match such funding, for the state fiscal years
15 25 for which the federal funding is available.

15 26 Sec. 19. DEPARTMENT OF ADMINISTRATIVE SERVICES. Federal
15 27 grants, receipts, and funds and other nonstate grants,
15 28 receipts, and funds, available in whole or in part of the
15 29 fiscal year beginning July 1, 2009, and ending June 30, 2010,
15 30 are appropriated to the department of administrative services
15 31 for the purposes set forth in the grants, receipts, or
15 32 conditions accompanying the receipt of the funds, unless
15 33 otherwise provided by law.

15 34 Sec. 20. DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP.
15 35 Federal grants, receipts, and funds and other nonstate grants,



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16 1 receipts, and funds, available in whole or in part for the
16 2 fiscal year beginning July 1, 2009, and ending June 30, 2010,
16 3 are appropriated to the department of agriculture and land
16 4 stewardship for the purposes set forth in the grants,
16 5 receipts, or conditions accompanying the receipt of the funds,
16 6 unless otherwise provided by law.

16 7 Sec. 21. OFFICE OF AUDITOR OF STATE. Federal grants,
16 8 receipts, and funds and other nonstate grants, receipts, and
16 9 funds, available in whole or in part for the fiscal year
16 10 beginning July 1, 2009, and ending June 30, 2010, are
16 11 appropriated to the office of auditor of state for the
16 12 purposes set forth in the grants, receipts, or conditions
16 13 accompanying the receipt of the funds, unless otherwise
16 14 provided by law.

16 15 Sec. 22. DEPARTMENT FOR THE BLIND. Federal grants,
16 16 receipts, and funds and other nonstate grants, receipts, and
16 17 funds, available in whole or in part for the fiscal year
16 18 beginning July 1, 2009, and ending June 30, 2010, are
16 19 appropriated to the department for the blind for the purposes
16 20 set forth in the grants, receipts, or conditions accompanying
16 21 the receipt of the funds, unless otherwise provided by law.

16 22 Sec. 23. IOWA STATE CIVIL RIGHTS COMMISSION. Federal
16 23 grants, receipts, and funds and other nonstate grants,
16 24 receipts, and funds, available in whole or in part for the
16 25 fiscal year beginning July 1, 2009, and ending June 30, 2010,
16 26 are appropriated to the Iowa state civil rights commission for
16 27 the purposes set forth in the grants, receipts, or conditions
16 28 accompanying the receipt of the funds, unless otherwise
16 29 provided by law.

16 30 Sec. 24. COLLEGE STUDENT AID COMMISSION. Federal grants,
16 31 receipts, and funds and other nonstate grants, receipts, and
16 32 funds, available in whole or in part for the fiscal year
16 33 beginning July 1, 2009, and ending June 30, 2010, are
16 34 appropriated to the college student aid commission for the
16 35 purposes set forth in the grants, receipts, or conditions



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17 1 accompanying the receipt of the funds, unless otherwise
17 2 provided by law.

17 3 Sec. 25. DEPARTMENT OF COMMERCE. Federal grants,
17 4 receipts, and funds and other nonstate grants, receipts, and
17 5 funds, available in whole or in part for the fiscal year
17 6 beginning July 1, 2009, and ending June 30, 2010, are
17 7 appropriated to the department of commerce for the purposes
17 8 set forth in the grants, receipts, or conditions accompanying
17 9 the receipt of the funds, unless otherwise provided by law.

17 10 Sec. 26. DEPARTMENT OF CORRECTIONS. Federal grants,
17 11 receipts, and funds and other nonstate grants, receipts, and
17 12 funds, available in whole or in part for the fiscal year
17 13 beginning July 1, 2009, and ending June 30, 2010, are
17 14 appropriated to the department of corrections for the purposes
17 15 set forth in the grants, receipts, or conditions accompanying
17 16 the receipt of the funds, unless otherwise provided by law.

17 17 Sec. 27. DEPARTMENT OF CULTURAL AFFAIRS. Federal grants,
17 18 receipts, and funds and other nonstate grants, receipts, and
17 19 funds, available in whole or in part for the fiscal year
17 20 beginning July 1, 2009, and ending June 30, 2010, are
17 21 appropriated to the department of cultural affairs for the
17 22 purposes set forth in the grants, receipts, or conditions
17 23 accompanying the receipt of the funds, unless otherwise
17 24 provided by law.

17 25 Sec. 28. DEPARTMENT OF ECONOMIC DEVELOPMENT. Federal
17 26 grants, receipts, and funds and other nonstate grants,
17 27 receipts, and funds, available in whole or in part for the
17 28 fiscal year beginning July 1, 2009, and ending June 30, 2010,
17 29 are appropriated to the department of economic development for
17 30 the purposes set forth in the grants, receipts, or conditions
17 31 accompanying the receipt of the funds, unless otherwise
17 32 provided by law.

17 33 Sec. 29. DEPARTMENT OF EDUCATION. Federal grants,
17 34 receipts, and funds and other nonstate grants, receipts, and
17 35 funds, available in whole or in part for the fiscal year



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18 1 beginning July 1, 2009, and ending June 30, 2010, are
18 2 appropriated to the department of education for the purposes
18 3 set forth in the grants, receipts, or conditions accompanying
18 4 the receipt of the funds, unless otherwise provided by law.

18 5 Sec. 30. DEPARTMENT OF ELDER AFFAIRS. Federal grants,
18 6 receipts, and funds and other nonstate grants, receipts, and
18 7 funds, available in whole or in part for the fiscal year
18 8 beginning July 1, 2009, and ending June 30, 2010, are
18 9 appropriated to the department of elder affairs for the
18 10 purposes set forth in the grants, receipts, or conditions
18 11 accompanying the receipt of the funds, unless otherwise
18 12 provided by law.

18 13 Sec. 31. OFFICE OF ENERGY INDEPENDENCE. Federal grants,
18 14 receipts, and funds and other nonstate grants, receipts, and
18 15 funds, available in whole or in part for the fiscal year
18 16 beginning July 1, 2009, and ending June 30, 2010, are
18 17 appropriated to the office of energy independence for the
18 18 purposes set forth in the grants, receipts, or conditions
18 19 accompanying the receipt of the funds, unless otherwise
18 20 provided by law.

18 21 Sec. 32. IOWA ETHICS AND CAMPAIGN DISCLOSURE BOARD.
18 22 Federal grants, receipts, and funds and other nonstate grants,
18 23 receipts, and funds, available in whole or in part for the
18 24 fiscal year beginning July 1, 2009, and ending June 30, 2010,
18 25 are appropriated to the Iowa ethics and campaign disclosure
18 26 board for the purposes set forth in the grants, receipts, or
18 27 conditions accompanying the receipt of the funds, unless
18 28 otherwise provided by law.

18 29 Sec. 33. IOWA FINANCE AUTHORITY. Federal grants,
18 30 receipts, and funds and other nonstate grants, receipts, and
18 31 funds, available in whole or in part for the fiscal year
18 32 beginning July 1, 2009, and ending June 30, 2010, are
18 33 appropriated to the Iowa finance authority for the purposes
18 34 set forth in the grants, receipts, or conditions accompanying
18 35 the receipt of the funds, unless otherwise provided by law.



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19 1 Sec. 34. OFFICES OF THE GOVERNOR AND LIEUTENANT GOVERNOR.
19 2 Federal grants, receipts, and funds and other nonstate grants,
19 3 receipts, and funds, available in whole or in part for the
19 4 fiscal year beginning July 1, 2009, and ending June 30, 2010,
19 5 are appropriated to the offices of the governor and lieutenant
19 6 governor for the purposes set forth in the grants, receipts,
19 7 or conditions accompanying the receipt of the funds, unless
19 8 otherwise provided by law.
19 9 Sec. 35. GOVERNOR'S OFFICE OF DRUG CONTROL POLICY.
19 10 Federal grants, receipts, and funds and other nonstate grants,
19 11 receipts, and funds, available in whole or in part for the
19 12 fiscal year beginning July 1, 2009, and ending June 30, 2010,
19 13 are appropriated to the governor's office of drug control
19 14 policy for the purposes set forth in the grants, receipts, or
19 15 conditions accompanying the receipt of the funds, unless
19 16 otherwise provided by law.
19 17 Sec. 36. DEPARTMENT OF HUMAN RIGHTS. Federal grants,
19 18 receipts, and funds and other nonstate grants, receipts, and
19 19 funds, available in whole or in part for the fiscal year
19 20 beginning July 1, 2009, and ending June 30, 2010, are
19 21 appropriated to the department of human rights for the
19 22 purposes set forth in the grants, receipts, or conditions
19 23 accompanying the receipt of the funds, unless otherwise
19 24 provided by law.
19 25 Sec. 37. DEPARTMENT OF HUMAN SERVICES. Federal grants,
19 26 receipts, and funds and other nonstate grants, receipts, and
19 27 funds, available in whole or in part for the fiscal year
19 28 beginning July 1, 2009, and ending June 30, 2010, are
19 29 appropriated to the department of human services, for the
19 30 purposes set forth in the grants, receipts, or conditions
19 31 accompanying the receipt of the funds, unless otherwise
19 32 provided by law.
19 33 Sec. 38. DEPARTMENT OF INSPECTIONS AND APPEALS. Federal
19 34 grants, receipts, and funds and other nonstate grants,
19 35 receipts, and funds, available in whole or in part for the



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20 1 fiscal year beginning July 1, 2009, and ending June 30, 2010,
20 2 are appropriated to the department of inspections and appeals
20 3 for the purposes set forth in the grants, receipts, or
20 4 conditions accompanying the receipt of the funds, unless
20 5 otherwise provided by law.

20 6 Sec. 39. JUDICIAL BRANCH. Federal grants, receipts, and
20 7 funds and other nonstate grants, receipts, and funds,
20 8 available in whole or in part for the fiscal year beginning
20 9 July 1, 2009, and ending June 30, 2010, are appropriated to
20 10 the judicial branch for the purposes set forth in the grants,
20 11 receipts, or conditions accompanying the receipt of the funds,
20 12 unless otherwise provided by law.

20 13 Sec. 40. DEPARTMENT OF JUSTICE. Federal grants, receipts,
20 14 and funds and other nonstate grants, receipts, and funds,
20 15 available in whole or in part for the fiscal year beginning
20 16 July 1, 2009, and ending June 30, 2010, are appropriated to
20 17 the department of justice for the purposes set forth in the
20 18 grants, receipts, or conditions accompanying the receipt of
20 19 the funds, unless otherwise provided by law.

20 20 Sec. 41. IOWA LAW ENFORCEMENT ACADEMY. Federal grants,
20 21 receipts, and funds and other nonstate grants, receipts, and
20 22 funds, available in whole or in part for the fiscal year
20 23 beginning July 1, 2009, and ending June 30, 2010, are
20 24 appropriated to the Iowa law enforcement academy for the
20 25 purposes set forth in the grants, receipts, or conditions
20 26 accompanying the receipt of the funds, unless otherwise
20 27 provided by law.

20 28 Sec. 42. DEPARTMENT OF MANAGEMENT. Federal grants,
20 29 receipts, and funds and other nonstate grants, receipts, and
20 30 funds, available in whole or in part for the fiscal year
20 31 beginning July 1, 2009, and ending June 30, 2010, are
20 32 appropriated to the department of management for the purposes
20 33 set forth in the grants, receipts, or conditions accompanying
20 34 the receipt of the funds, unless otherwise provided by law.

20 35 Sec. 43. DEPARTMENT OF NATURAL RESOURCES. Federal grants,



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21 1 receipts, and funds and other nonstate grants, receipts, and
21 2 funds, available in whole or in part for the fiscal year
21 3 beginning July 1, 2009, and ending June 30, 2010, are
21 4 appropriated to the department of natural resources for the
21 5 purposes set forth in the grants, receipts, or conditions
21 6 accompanying the receipt of the funds, unless otherwise
21 7 provided by law.
21 8 Sec. 44. BOARD OF PAROLE. Federal grants, receipts, and
21 9 funds and other nonstate grants, receipts, and funds,
21 10 available in whole or in part for the fiscal year beginning
21 11 July 1, 2009, and ending June 30, 2010, are appropriated to
21 12 the board of parole for the purposes set forth in the grants,
21 13 receipts, or conditions accompanying the receipt of the funds,
21 14 unless otherwise provided by law.
21 15 Sec. 45. DEPARTMENT OF PUBLIC DEFENSE. Federal grants,
21 16 receipts, and funds and other nonstate grants, receipts, and
21 17 funds, available in whole or in part for the fiscal year
21 18 beginning July 1, 2009, and ending June 30, 2010, are
21 19 appropriated to the department of public defense for the
21 20 purposes set forth in the grants, receipts, or conditions
21 21 accompanying the receipt of the funds, unless otherwise
21 22 provided by law.
21 23 Sec. 46. PUBLIC EMPLOYMENT RELATIONS BOARD. Federal
21 24 grants, receipts, and funds and other nonstate grants,
21 25 receipts, and funds, available in whole or in part for the
21 26 fiscal year beginning July 1, 2009, and ending June 30, 2010,
21 27 are appropriated to the public employment relations board for
21 28 the purposes set forth in the grants, receipts, or conditions
21 29 accompanying the receipt of the funds, unless otherwise
21 30 provided by law.
21 31 Sec. 47. DEPARTMENT OF PUBLIC HEALTH. Federal grants,
21 32 receipts, and funds and other nonstate grants, receipts, and
21 33 funds, available in whole or in part for the fiscal year
21 34 beginning July 1, 2009, and ending June 30, 2010, are
21 35 appropriated to the department of public health for the



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22 1 purposes set forth in the grants, receipts, or conditions
22 2 accompanying the receipt of the funds, unless otherwise
22 3 provided by law.

22 4 Sec. 48. DEPARTMENT OF PUBLIC SAFETY. Federal grants,
22 5 receipts, and funds and other nonstate grants, receipts, and
22 6 funds, available in whole or in part for the fiscal year
22 7 beginning July 1, 2009, and ending June 30, 2010, are
22 8 appropriated to the department of public safety, for the
22 9 purposes set forth in the grants, receipts, or conditions
22 10 accompanying the receipt of the funds, unless otherwise
22 11 provided by law.

22 12 Sec. 49. STATE BOARD OF REGENTS. Federal grants,
22 13 receipts, and funds and other nonstate grants, receipts, and
22 14 funds, available in whole or in part for the fiscal year
22 15 beginning July 1, 2009, and ending June 30, 2010, are
22 16 appropriated to the state board of regents for the purposes
22 17 set forth in the grants, receipts, or conditions accompanying
22 18 the receipt of the funds, unless otherwise provided by law.

22 19 Sec. 50. DEPARTMENT OF REVENUE. Federal grants, receipts,
22 20 and funds and other nonstate grants, receipts, and funds,
22 21 available in whole or in part for the fiscal year beginning
22 22 July 1, 2009, and ending June 30, 2010, are appropriated to
22 23 the department of revenue for the purposes set forth in the
22 24 grants, receipts, or conditions accompanying the receipt of
22 25 the funds, unless otherwise provided by law.

22 26 Sec. 51. OFFICE OF SECRETARY OF STATE. Federal grants,
22 27 receipts, and funds and other nonstate grants, receipts, and
22 28 funds, available in whole or in part for the fiscal year
22 29 beginning July 1, 2009, and ending June 30, 2010, are
22 30 appropriated to the office of secretary of state for the
22 31 purposes set forth in the grants, receipts, or conditions
22 32 accompanying the receipt of the funds, unless otherwise
22 33 provided by law.

22 34 Sec. 52. IOWA STATE FAIR AUTHORITY. Federal grants,
22 35 receipts, and funds and other nonstate grants, receipts, and



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23 1 funds, available in whole or in part for the fiscal year
23 2 beginning July 1, 2009, and ending June 30, 2010, are
23 3 appropriated to the Iowa state fair authority for the purposes
23 4 set forth in the grants, receipts, or conditions accompanying
23 5 the receipt of the funds, unless otherwise provided by law.

23 6 Sec. 53. OFFICE FOR STATE=FEDERAL RELATIONS. Federal
23 7 grants, receipts, and funds and other nonstate grants,
23 8 receipts, and funds, available in whole or in part for the
23 9 fiscal year beginning July 1, 2009, and ending June 30, 2010,
23 10 are appropriated to the office for state=federal relations for
23 11 the purposes set forth in the grants, receipts, or conditions
23 12 accompanying the receipt of the funds, unless otherwise
23 13 provided by law.

23 14 Sec. 54. IOWA TELECOMMUNICATIONS AND TECHNOLOGY
23 15 COMMISSION. Federal grants, receipts, and funds and other
23 16 nonstate grants, receipts, and funds, available in whole or in
23 17 part for the fiscal year beginning July 1, 2009, and ending
23 18 June 30, 2010, are appropriated to the Iowa telecommunications
23 19 and technology commission for the purposes set forth in the
23 20 grants, receipts, or conditions accompanying the receipt of
23 21 the funds, unless otherwise provided by law.

23 22 Sec. 55. OFFICE OF TREASURER OF STATE. Federal grants,
23 23 receipts, and funds and other nonstate grants, receipts, and
23 24 funds, available in whole or in part for the fiscal year
23 25 beginning July 1, 2009, and ending June 30, 2010, are
23 26 appropriated to the office of treasurer of state for the
23 27 purposes set forth in the grants, receipts, or conditions
23 28 accompanying the receipt of the funds, unless otherwise
23 29 provided by law.

23 30 Sec. 56. DEPARTMENT OF TRANSPORTATION. Federal grants,
23 31 receipts, and funds and other nonstate grants, receipts, and
23 32 funds, available in whole or in part for the fiscal year
23 33 beginning July 1, 2009, and ending June 30, 2010, are
23 34 appropriated to the department of transportation for the
23 35 purposes set forth in the grants, receipts, or conditions



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24 1 accompanying the receipt of the funds, unless otherwise
24 2 provided by law.

24 3 Sec. 57. DEPARTMENT OF VETERANS AFFAIRS. Federal grants,
24 4 receipts, and funds and other nonstate grants, receipts, and
24 5 funds, available in whole or in part for the fiscal year
24 6 beginning July 1, 2009, and ending June 30, 2010, are
24 7 appropriated to the department of veterans affairs for the
24 8 purposes set forth in the grants, receipts, or conditions
24 9 accompanying the receipt of the funds, unless otherwise
24 10 provided by law.

24 11 Sec. 58. DEPARTMENT OF WORKFORCE DEVELOPMENT. Federal
24 12 grants, receipts, and funds and other nonstate grants,
24 13 receipts, and funds, available in whole or in part for the
24 14 fiscal year beginning July 1, 2009, and ending June 30, 2010,
24 15 are appropriated to the department of workforce development
24 16 for the purposes set forth in the grants, receipts, or
24 17 conditions accompanying the receipt of the funds, unless
24 18 otherwise provided by law.

24 19 EXPLANATION

24 20 This bill appropriates for the 2009=2010 federal fiscal
24 21 year which begins October 1, 2009, block grants available from
24 22 the federal government and provides procedures for increasing
24 23 or decreasing the appropriations if the block grants are
24 24 increased or decreased. General appropriations are made for
24 25 the 2009=2010 state fiscal year which begins July 1, 2009, of
24 26 all other nonstate grants, receipts, and funds available to
24 27 agencies of this state.

24 28 The bill states legislative intent for the general assembly
24 29 to provide for expenditure of federal funding available
24 30 through the federal American Recovery and Reinvestment Act of
24 31 2009.

24 32 LSB 1018HV 83

24 33 jp/tm/8



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HOUSE FILE
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO HF 794)
(SUCCESSOR TO HSB 269)

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act concerning public employee collective bargaining.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 3 TLSB 2677HZ 83
- 4 ec/rj/5



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PAG LIN

1 1 Section 1. Section 20.1, subsection 2, paragraph g, Code
1 2 2009, is amended to read as follows:
1 3 g. ~~Assisting the attorney general in the preparation of~~
1 4 Preparing legal briefs and ~~the presentation of~~ presenting oral
1 5 arguments in the district court, the court of appeals, and the
1 6 supreme court in cases affecting the board.
1 7 Sec. 2. Section 20.3, subsection 4, Code 2009, is amended
1 8 to read as follows:
1 9 4. "Employee organization" means an organization of any
1 10 kind in which public employees participate and which exists
1 11 for the primary purpose of representing ~~public~~ employees in
1 12 their employment relations.
1 13 Sec. 3. Section 20.5, subsection 3, Code 2009, is amended
1 14 to read as follows:
1 15 3. The chairperson and the remaining two members shall be
1 16 compensated as provided in section 7E.6, subsection 5.
1 17 Members of the board and ~~other~~ employees of the board shall be
1 18 allowed their actual and necessary expenses incurred in the
1 19 performance of their duties. All expenses and salaries shall
1 20 be paid from appropriations for such purposes and the board
1 21 shall be subject to the budget requirements of chapter 8.
1 22 Sec. 4. Section 20.6, subsection 1, Code 2009, is amended
1 23 to read as follows:
1 24 1. ~~Administer~~ Interpret, apply, and administer the
1 25 provisions of this chapter.
1 26 Sec. 5. Section 20.6, subsection 3, Code 2009, is amended
1 27 to read as follows:
1 28 3. Establish minimum qualifications for arbitrators,
1 29 fact=finders, and mediators, establish procedures for
1 30 appointing, maintaining, and removing from a list persons
1 31 representative of the public to be available to serve as
1 32 arbitrators, fact=finders, and mediators, and establish
1 33 compensation rates for arbitrators, fact=finders, and
1 34 mediators.
1 35 Sec. 6. Section 20.10, subsection 1, Code 2009, is amended



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2 1 to read as follows:

2 2 1. It shall be a prohibited practice for any public
2 3 employer, public employee or employee organization to
2 4 ~~willfully~~ refuse to negotiate in good faith with respect to
2 5 the scope of negotiations as defined in section 20.9.

2 6 Sec. 7. Section 20.10, subsection 2, unnumbered paragraph
2 7 1, Code 2009, is amended to read as follows:

2 8 It shall be a prohibited practice for a public employer or
2 9 the employer's designated representative ~~willfully~~ to:

2 10 Sec. 8. Section 20.10, subsection 2, paragraph f, Code
2 11 2009, is amended to read as follows:

2 12 f. Deny the rights accompanying certification ~~or exclusive~~
~~2 13 recognition~~ granted in this chapter.

2 14 Sec. 9. Section 20.10, subsection 3, unnumbered paragraph
2 15 1, Code 2009, is amended to read as follows:

2 16 It shall be a prohibited practice for public employees or
2 17 an employee organization or for any person, union or
2 18 organization or their agents ~~willfully~~ to:

2 19 Sec. 10. Section 20.10, subsection 3, paragraph b, Code
2 20 2009, is amended to read as follows:

2 21 b. Interfere, restrain, or coerce a public employer with
2 22 respect to rights granted in this chapter or with respect to
2 23 selecting a representative for the purposes of negotiating
2 24 collectively ~~on~~ or the adjustment of grievances.

2 25 Sec. 11. Section 20.10, subsection 3, paragraph f, Code
2 26 2009, is amended to read as follows:

2 27 f. Violate the provisions of sections 732.1 to 732.3,
2 28 which are hereby made applicable to public employers, public
2 29 employees, and ~~public~~ employee organizations.

2 30 Sec. 12. Section 20.10, subsection 4, Code 2009, is
2 31 amended to read as follows:

2 32 4. The expressing of any views, argument or opinion, or
2 33 the dissemination thereof, whether orally or in written,
2 34 printed, graphic, or visual form, shall not constitute or be
2 35 evidence of any ~~unfair labor~~ prohibited practice under any of



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3 1 the provisions of this chapter, if such expression contains no
3 2 threat of reprisal or force or promise of benefit.

3 3 Sec. 13. Section 20.11, subsections 1, 2, and 3, Code
3 4 2009, are amended to read as follows:

3 5 1. Proceedings against a party alleging a violation of
3 6 section 20.10~~7~~ shall be commenced by filing a complaint with
3 7 the board within ninety days of the alleged violation, causing
3 8 a copy of the complaint to be served upon the accused party ~~in~~
~~3 9 the manner of an original notice as provided in this chapter.~~

3 10 The accused party shall have ten days within which to file a
3 11 written answer to the complaint. However, the board may
3 12 conduct a preliminary investigation of the alleged violation,
3 13 and if the board determines that the complaint has no basis in
3 14 fact, the board may dismiss the complaint. The board shall
3 15 promptly thereafter set a time and place for hearing in the
3 16 county where the alleged violation occurred, provided,
3 17 however, that the presiding officer may conduct the hearing
3 18 through the use of technology from a remote location if the
3 19 parties so agree or if witness demeanor will not be a
3 20 substantial factor in resolving any disputed factual issues.

3 21 The parties shall be permitted to be represented by counsel,
3 22 summon witnesses, and request the board to subpoena witnesses
3 23 on the requester's behalf. Compliance with the technical
3 24 rules of pleading and evidence shall not be required.

3 25 2. The board may designate one of its members, an
3 26 administrative law judge, or any other qualified person
3 27 employed by the board to ~~conduct~~ serve as the presiding
3 28 officer at the hearing. The ~~administrative law judge~~
3 29 presiding officer has the powers as may be exercised by the
3 30 board for conducting the hearing and shall follow the
3 31 procedures adopted by the board for conducting the hearing.
3 32 The proposed decision of the ~~administrative law judge~~
3 33 presiding officer may be appealed to the board ~~and the board~~
~~3 34 may hear the case de novo or upon the record as submitted~~
~~3 35 before the administrative law judge, utilizing procedures~~



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~~4 1 governing appeals to the district court in this section so far~~
~~4 2 as applicable, or reviewed on motion of the board, in~~
~~4 3 accordance with the provisions of chapter 17A.~~

4 4 3. The board shall appoint a certified shorthand reporter
4 5 to report the proceedings and the board shall fix the
4 6 reasonable amount of compensation for such service, and for
4 7 any transcript requested by the board, which amount amounts
4 8 shall be taxed as other costs.

4 9 Sec. 14. Section 20.13, subsections 2 and 3, Code 2009,
4 10 are amended to read as follows:

4 11 2. Within thirty days of receipt of a petition ~~or notice~~
~~4 12 to all interested parties if on its own initiative,~~ the board
4 13 shall conduct a public hearing, receive written or oral
4 14 testimony, and promptly thereafter file an order defining the
4 15 appropriate bargaining unit. In defining the unit, the board
4 16 shall take into consideration, along with other relevant
4 17 factors, the principles of efficient administration of
4 18 government, the existence of a community of interest among
4 19 public employees, the history and extent of public employee
4 20 organization, geographical location, and the recommendations
4 21 of the parties involved.

4 22 3. Appeals from such order shall be governed by ~~appeal~~
~~4 23 provisions provided in section 20.11~~ the provisions of chapter
4 24 17A.

4 25 Sec. 15. Section 20.14, subsection 2, paragraph a, Code
4 26 2009, is amended to read as follows:

4 27 a. The employee organization has submitted a request to a
4 28 public employer to bargain collectively ~~with~~ on behalf of a
4 29 designated group of public employees.

4 30 Sec. 16. Section 20.14, subsection 6, Code 2009, is
4 31 amended by striking the subsection.

4 32 Sec. 17. Section 20.15, subsections 1, 2, and 6, Code
4 33 2009, are amended to read as follows:

4 34 1. Upon the filing of a petition for certification of an
4 35 employee organization, the board shall submit a question to



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5 1 the public employees at an election in ~~an appropriate~~ the
5 2 bargaining unit found appropriate by the board. The question
5 3 on the ballot shall permit the public employees to vote for no
5 4 bargaining representation or for any employee organization
5 5 which has petitioned for certification or which has presented
5 6 proof satisfactory to the board of support of ten percent or
5 7 more of the public employees in the appropriate unit.

5 8 2. If a majority of the votes cast on the question is for
5 9 no bargaining representation, the public employees in the
5 10 bargaining unit found appropriate by the board shall not be
5 11 represented by an employee organization. If a majority of the
5 12 votes cast on the question is for a listed employee
5 13 organization, then ~~the~~ that employee organization shall
5 14 represent the public employees in ~~an appropriate~~ the
5 15 bargaining unit found appropriate by the board.

5 16 6. a. A petition for certification as ~~an~~ the exclusive
5 17 bargaining representative of a bargaining unit shall not be
5 18 considered by the board for a period of one year from the date
5 19 of the ~~certification or~~ noncertification of an employee
5 20 organization as the exclusive bargaining representative ~~or~~ of
5 21 that bargaining unit following a certification election. A
5 22 petition for certification as the exclusive bargaining
5 23 representative of a bargaining unit shall also not be
5 24 considered by the board if the bargaining unit is at that time
5 25 represented by a certified exclusive bargaining
5 26 representative.

5 27 b. A petition for the decertification of the exclusive
5 28 bargaining representative of a bargaining unit shall not be
5 29 considered by the board for a period of one year from the date
5 30 of its certification, or within one year of its continued
5 31 certification following a decertification election, or during
5 32 the duration of a collective bargaining agreement which, for
5 33 purposes of this section, shall be deemed not to exceed two
5 34 years. However, if a petition for decertification is filed
5 35 during the duration of a collective bargaining agreement, the



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6 1 board shall award an election under this section not more than
6 2 one hundred eighty days nor less than one hundred fifty days
6 3 prior to the expiration of the collective bargaining
6 4 agreement. If an employee organization is decertified, the
6 5 board may receive petitions under section 20.14, provided that
6 6 no such petition and no election conducted pursuant to such
6 7 petition within one year from decertification shall include as
6 8 a party the decertified employee organization.
6 9 c. A collective bargaining agreement with the state, its
6 10 boards, commissions, departments, and agencies shall be for
6 11 two years and the provisions of a collective bargaining
6 12 agreement ~~except agreements agreed to or tentatively agreed to~~
~~6 13 prior to July 1, 1977, or arbitrators' or arbitrator's award~~
6 14 affecting state employees shall not provide for renegotiations
6 15 which would require the refinancing of salary and fringe
6 16 benefits for the second year of the term of the agreement,
6 17 except as provided in section 20.17, subsection 6, and the
6 18 effective date of any such agreement shall be July 1 of
6 19 odd-numbered years, provided that if an exclusive bargaining
6 20 representative is certified on a date which will prevent the
6 21 negotiation of a collective bargaining agreement prior to July
6 22 1 of odd-numbered years for a period of two years, the
6 23 certified collective bargaining representative may negotiate a
6 24 one-year contract with a the public employer which shall be
6 25 effective from July 1 of the even-numbered year to July 1 of
6 26 the succeeding odd-numbered year when new contracts shall
6 27 become effective. ~~However, if a petition for decertification~~
~~6 28 is filed during the duration of a collective bargaining~~
~~6 29 agreement, the board shall award an election under this~~
~~6 30 section not more than one hundred eighty days nor less than~~
~~6 31 one hundred fifty days prior to the expiration of the~~
~~6 32 collective bargaining agreement. If an employee organization~~
~~6 33 is decertified, the board may receive petitions under section~~
~~6 34 20.14, provided that no such petition and no election~~
~~6 35 conducted pursuant to such petition within one year from~~



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~~House File 821 — Introduced continued~~

~~7 1 decertification shall include as a party the decertified
7 2 employee organization.~~

7 3 Sec. 18. Section 20.17, subsection 3, Code 2009, is
7 4 amended to read as follows:

7 5 3. Negotiating sessions, strategy meetings of public
7 6 employers ~~or employee organizations~~, mediation, and the
7 7 deliberative process of arbitrators shall be exempt from the
7 8 provisions of chapter 21. However, the employee organization
7 9 shall present its initial bargaining position to the public
7 10 employer at the first bargaining session. The public employer
7 11 shall present its initial bargaining position to the employee
7 12 organization at the second bargaining session, which shall be
7 13 held no later than two weeks following the first bargaining
7 14 session. Both sessions shall be open to the public and
7 15 subject to the provisions of chapter 21. Parties who by
7 16 agreement are utilizing a cooperative alternative bargaining
7 17 process may exchange their respective initial interest
7 18 statements in lieu of initial bargaining positions at these
7 19 open sessions. Hearings conducted by arbitrators shall be
7 20 open to the public.

7 21 Sec. 19. Section 20.17, subsection 6, Code 2009, is
7 22 amended to read as follows:

7 23 6. ~~No A~~ collective bargaining agreement or ~~arbitrators'~~
~~7 24 decision~~ arbitrator's award shall not be valid or enforceable
7 25 if its implementation would be inconsistent with any statutory
7 26 limitation on the public employer's funds, spending or budget,
7 27 or would substantially impair or limit the performance of any
7 28 statutory duty by the public employer. A collective
7 29 bargaining agreement or ~~arbitrators'~~ arbitrator's award may
7 30 provide for benefits conditional upon specified funds to be
7 31 obtained by the public employer, but the agreement shall
7 32 provide either for automatic reduction of such conditional
7 33 benefits or for additional bargaining if the funds are not
7 34 obtained or if a lesser amount is obtained.

7 35 Sec. 20. Section 20.17, subsection 10, Code 2009, is



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8 1 amended to read as follows:

8 2 10. The negotiation of a proposed collective bargaining
8 3 agreement by representatives of a state public employer and a
8 4 state employee organization shall be complete not later than
8 5 March 15 of the year when the agreement is to become
8 6 effective. The board shall provide, by rule, a date on which
8 7 any impasse item must be submitted to binding arbitration and
8 8 for such other procedures as deemed necessary to provide for
8 9 the completion of negotiations of proposed state collective
8 10 bargaining agreements not later than March 15. The date
8 11 selected for the mandatory submission of impasse items to
8 12 binding arbitration shall be sufficiently in advance of March
8 13 15 to ~~insure~~ ensure that the ~~arbitrators' decision~~
8 14 arbitrator's award can be reasonably made before March 15.

8 15 Sec. 21. Section 20.17, subsection 11, Code 2009, is
8 16 amended to read as follows:

8 17 11. a. In the absence of an impasse agreement negotiated
8 18 pursuant to section 20.19 which provides for a different
8 19 completion date, public employees represented by a certified
8 20 employee organization who are teachers licensed under chapter
8 21 272 and who are employed by a public employer which is a
8 22 school district or area education agency shall complete the
8 23 negotiation of a proposed collective bargaining agreement not
8 24 later than May 31 of the year when the agreement is to become
8 25 effective. The board shall provide, by rule, a date on which
8 26 impasse items in such cases must be submitted to binding
8 27 arbitration and for such other procedures as deemed necessary
8 28 to provide for the completion of negotiations of proposed
8 29 collective bargaining agreements not later than May 31. The
8 30 date selected for the mandatory submission of impasse items to
8 31 binding arbitration in such cases shall be sufficiently in
8 32 advance of May 31 to ensure that the ~~arbitrators' decision~~
8 33 arbitrator's award can be reasonably made ~~before~~ by May 31.

8 34 b. ~~If the public employer is a community college, the~~
~~8 35 following apply:~~



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9 1 ~~(1) The negotiation of a proposed collective bargaining~~
~~9 2 agreement shall be complete not later than May 31 of the year~~
~~9 3 when the agreement is to become effective, absent the~~
~~9 4 existence~~ In the absence of an impasse agreement negotiated
9 5 pursuant to section 20.19 which provides for a different
9 6 completion date, public employees represented by a certified
9 7 employee organization who are employed by a public employer
9 8 which is a community college shall complete the negotiation of
9 9 a proposed collective bargaining agreement not later than May
9 10 31 of the year when the agreement is to become effective. The
9 11 board shall ~~adopt rules providing for~~ provide, by rule, a date
9 12 on which impasse items in such cases must be submitted to
9 13 binding arbitration and for such other procedures as deemed
9 14 necessary to provide for the completion of negotiations of
9 15 proposed collective bargaining agreements not later than May
9 16 31. The date selected for the mandatory submission of impasse
9 17 items to binding arbitration in such cases shall be
9 18 sufficiently in advance of May 31 to ensure that the
9 19 ~~arbitrators' decision~~ arbitrator's award can be reasonably
9 20 made by May 31.

9 21 ~~(2) c.~~ Notwithstanding the provisions of ~~subparagraph (1)~~
9 22 paragraphs "a" and "b", the May 31 deadline may be waived by
9 23 mutual agreement of the parties to the collective bargaining
9 24 agreement negotiations.

9 25 Sec. 22. Section 20.18, unnumbered paragraph 1, Code 2009,
9 26 is amended to read as follows:

9 27 An agreement with an employee organization which is the
9 28 exclusive representative of public employees in an appropriate
9 29 unit may provide procedures for the consideration of public
9 30 employee and employee organization grievances ~~and of disputes~~
9 31 over the interpretation and application of agreements.
9 32 Negotiated procedures may provide for binding arbitration of
9 33 public employee and employee organization grievances ~~and of~~
~~9 34 disputes~~ over the interpretation and application of existing
9 35 agreements. An arbitrator's decision on a grievance may not



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10 1 change or amend the terms, conditions or applications of the
10 2 collective bargaining agreement. Such procedures shall
10 3 provide for the invoking of arbitration only with the approval
10 4 of the employee organization in all instances, and in the case
10 5 of an employee grievance, only with the additional approval of
10 6 the public employee. The costs of arbitration shall be shared
10 7 equally by the parties.

10 8 Sec. 23. Section 20.19, Code 2009, is amended by adding
10 9 the following new unnumbered paragraph:

10 10 NEW UNNUMBERED PARAGRAPH. Parties who by agreement are
10 11 utilizing a cooperative alternative bargaining process shall,
10 12 at the outset of such process, agree upon a method and
10 13 schedule for the completion of impasse procedures should they
10 14 fail to reach a collective bargaining agreement through the
10 15 use of such alternative process.

10 16 Sec. 24. Section 20.21, unnumbered paragraphs 1 and 2,
10 17 Code 2009, are amended to read as follows:

10 18 If the impasse persists ten days after the mediator has
10 19 been appointed, the board shall appoint a fact-finder
10 20 representative of the public, from a list of qualified persons
10 21 maintained by the board. The fact-finder shall conduct a
10 22 hearing, may administer oaths, and may ~~request the board to~~
10 23 issue subpoenas to compel the attendance of witnesses and the
10 24 production of records. The fact-finder may petition the
10 25 district court at the seat of government or of the county in
10 26 which the hearing is held to enforce the subpoena. The
10 27 fact-finder shall make written findings of facts and
10 28 recommendations for resolution of ~~the dispute~~ each impasse
10 29 item and, not later than fifteen days from the day of
10 30 appointment date of the hearing, shall serve such findings and
10 31 recommendations on the public employer and the certified
10 32 employee organization.

10 33 ~~The~~ Upon receipt of the fact-finder's findings and
10 34 recommendations, the public employer and the certified
10 35 employee organization shall immediately accept the



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11 1 ~~fact-finder's recommendation~~ recommendations in their entirety
11 2 or shall within five days submit the fact-finder's
11 3 recommendations to the governing body of the public employer
11 4 and members of the certified employee organization for such
11 5 acceptance or rejection. If the dispute is not resolved by
11 6 both parties' acceptance of the fact-finder's recommendations,
11 7 the parties may continue to negotiate and resolve any disputed
11 8 impasse items. If the dispute continues ten days after the
11 9 ~~report is submitted~~ fact-finder's findings and recommendations
11 10 are served, the ~~report~~ findings and recommendations shall be
11 11 made available to the public by the board.

11 12 Sec. 25. Section 20.22, subsections 1, 2, and 3, Code
11 13 2009, are amended to read as follows:

11 14 1. If an impasse persists after the fact-finder's findings
11 15 of fact and recommendations are made available to the public
11 16 by the ~~fact-finder~~ board, the parties may continue to
11 17 negotiate or, the board shall have the power, upon request of
11 18 either party, to arrange for arbitration, which shall be
11 19 binding. The request for arbitration shall be in writing and
11 20 a copy of the request shall be served upon the other party.

11 21 2. ~~a.~~ Each party shall ~~submit to the board~~ serve its
11 22 final offer on each of the impasse items upon the other party
11 23 within four days of the board's receipt of the request ~~a final~~
11 24 ~~offer on the impasse items with proof of service of a copy~~
11 25 ~~upon the other party for arbitration. Each party shall also~~
11 26 ~~submit a copy of a draft of the proposed collective bargaining~~
11 27 ~~agreement to the extent to which agreement has been reached~~
11 28 ~~and the name of its selected arbitrator. The parties may~~
11 29 continue to negotiate all offers until an agreement is reached
11 30 or ~~a decision~~ an award is rendered by the ~~panel of arbitrators~~
11 31 arbitrator.

11 32 ~~b.~~ As an alternative procedure, the two parties may agree
11 33 ~~to submit the dispute to a single arbitrator. If the parties~~
11 34 ~~cannot agree on the arbitrator within four days, the selection~~
11 35 ~~shall be made pursuant to subsection 5. The full costs of~~



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12 1 arbitration under this ~~provision~~ section shall be shared
12 2 equally by the parties to the dispute.
12 3 3. The submission of the impasse items to the ~~arbitrators~~
12 4 arbitrator shall be limited to those issues that had been
12 5 considered by the fact-finder and upon which the parties have
12 6 not reached agreement. With respect to each such item, the
12 7 ~~arbitration board~~ arbitrator's award shall be restricted to
12 8 the final offers on each impasse item submitted by the parties
12 9 to the ~~arbitration board~~ arbitrator or to the recommendation
12 10 of the fact-finder on each impasse item.
12 11 Sec. 26. Section 20.22, subsection 4, Code 2009, is
12 12 amended by striking the subsection and inserting in lieu
12 13 thereof the following:
12 14 4. Upon the filing of the request for arbitration, a list
12 15 of five arbitrators shall be served upon the parties by the
12 16 board. Within five days of service of the list, the parties
12 17 shall determine by lot which party shall remove the first name
12 18 from the list and the parties shall then alternately remove
12 19 names from the list until the name of one person remains, who
12 20 shall become the arbitrator. The parties shall immediately
12 21 notify the board of their selection and the board shall notify
12 22 the arbitrator. After consultation with the parties, the
12 23 arbitrator shall set a time and place for an arbitration
12 24 hearing.
12 25 Sec. 27. Section 20.22, subsections 5 and 6, Code 2009,
12 26 are amended by striking the subsections.
12 27 Sec. 28. Section 20.22, subsections 7 and 8, Code 2009,
12 28 are amended to read as follows:
12 29 7. The ~~panel of arbitrators~~ arbitrator shall at no time
12 30 engage in an effort to mediate or otherwise settle the dispute
12 31 in any manner other than that prescribed in this section.
12 32 8. From the time of ~~appointment~~ the board notifies the
12 33 arbitrator of the selection of the arbitrator until such time
12 34 as the ~~panel of arbitrators~~ makes its final determination
12 35 arbitrator's selection on each impasse item is made, there



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13 1 shall be no discussion concerning recommendations for
13 2 settlement of the dispute by the ~~members of the panel of~~
~~13 3 arbitrators~~ arbitrator with parties other than those who are
13 4 direct parties to the dispute. ~~The panel of arbitrators may~~
~~13 5 conduct formal or informal hearings to discuss offers~~
~~13 6 submitted by both parties.~~
13 7 Sec. 29. Section 20.22, subsection 9, unnumbered paragraph
13 8 1, Code 2009, is amended to read as follows:
13 9 The ~~panel of arbitrators~~ arbitrator shall consider, in
13 10 addition to any other relevant factors, the following factors:
13 11 Sec. 30. Section 20.22, subsections 10, 11, 12, and 13,
13 12 Code 2009, are amended to read as follows:
13 13 10. The ~~chairperson of the panel of arbitrators~~ arbitrator
13 14 may ~~hold hearings and~~ administer oaths, examine witnesses and
13 15 documents, take testimony and receive evidence, and issue
13 16 subpoenas to compel the attendance of witnesses and the
13 17 production of records, ~~and delegate such powers to other~~
~~13 18 members of the panel of arbitrators.~~ The ~~chairperson of the~~
~~13 19 panel of arbitrators~~ arbitrator may petition the district
13 20 court at the seat of government or of the county in which ~~any~~
13 21 the hearing is held to enforce the order of the ~~chairperson~~
13 22 arbitrator compelling the attendance of witnesses and the
13 23 production of records.
13 24 11. ~~A majority of the panel of arbitrators~~ The arbitrator
13 25 shall select within fifteen days after ~~its first meeting the~~
13 26 hearing the most reasonable offer, in its the arbitrator's
13 27 judgment, of the final offers on each impasse item submitted
13 28 by the parties, or the recommendations of the fact-finder on
13 29 each impasse item.
13 30 12. The selections by the ~~panel of arbitrators~~ arbitrator
13 31 and items agreed upon by the public employer and the employee
13 32 organization, shall be deemed to be the collective bargaining
13 33 agreement between the parties.
13 34 13. The determination of the ~~panel of arbitrators shall be~~
~~13 35 by majority vote and~~ arbitrator shall be final and binding



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14 1 subject to the provisions of section 20.17, subsection 6. The
14 2 ~~panel of arbitrators~~ arbitrator shall give written explanation
14 3 ~~for its selection~~ the arbitrator's selections and inform the
14 4 parties of ~~its~~ the decision.

14 5 Sec. 31. Section 20.24, Code 2009, is amended to read as
14 6 follows:

14 7 20.24 NOTICE AND SERVICE.

14 8 Any notice required under the provisions of this chapter
14 9 shall be in writing, but service thereof shall be sufficient
14 10 if mailed by restricted certified mail, return receipt
14 11 requested, addressed to the last known address of the ~~parties~~
14 12 intended recipient, unless otherwise provided in this chapter.
14 13 Refusal of restricted certified mail by any party shall be
14 14 considered service. ~~Prescribed~~ Unless otherwise provided in
14 15 this chapter, prescribed time periods shall commence from the
14 16 date of the receipt of the notice. Any party may at any time
14 17 execute and deliver an acceptance of service in lieu of mailed
14 18 notice.

14 19 Sec. 32. Section 20.30, Code 2009, is repealed.

14 20 EXPLANATION

14 21 This bill makes changes to Code chapter 20 governing public
14 22 employee collective bargaining.

14 23 Code section 20.1, subsection 2, is amended to provide that
14 24 one of the powers and duties of the public employment
14 25 relations board (PERB) is to represent the board in court.

14 26 Code section 20.6 is amended to provide that PERB shall
14 27 establish the qualifications and procedures for appointing
14 28 fact-finders in the same manner as for arbitrators and
14 29 mediators and that PERB shall interpret, apply, and administer
14 30 the provisions of Code chapter 20.

14 31 Code section 20.10, subsections 1, 2, and 3, are amended to
14 32 eliminate the requirement that an act giving rise to a
14 33 prohibited practice under this Code section must be willful to
14 34 constitute a violation.

14 35 Code section 20.10, subsection 4, is amended to



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15 1 specifically provide that oral expression of views without
15 2 threat of reprisal or force shall not constitute or be
15 3 evidence of a prohibited practice.
15 4 Code section 20.11 is amended to allow a presiding officer
15 5 in a prohibited practice hearing to hear the case through the
15 6 use of technology from a location other than the county where
15 7 the alleged violation occurred if the parties agree or witness
15 8 demeanor is not a factor. The bill also allows PERB to
15 9 designate one of its members or any other qualified person to
15 10 preside at a prohibited practice hearing.
15 11 The bill amends Code sections 20.11, 20.13, and 20.14 to
15 12 provide that Code chapter 17A, the Iowa administrative
15 13 procedure Act, governs hearing and appeal proceedings
15 14 described in those sections.
15 15 Code section 20.15, concerning certification elections for
15 16 exclusive bargaining representation, is amended. The bill
15 17 provides that a petition for certification of an exclusive
15 18 bargaining representative for a bargaining unit cannot occur
15 19 if that bargaining unit is currently represented by an
15 20 exclusive bargaining representative. The bill also provides
15 21 that a petition for decertification of a certified exclusive
15 22 bargaining representative cannot occur for a period of one
15 23 year from the date of certification or the date of its
15 24 continuing certification or during the duration of a
15 25 collective bargaining agreement.
15 26 Code section 20.17, subsection 3, concerning bargaining
15 27 procedures, is amended to provide that parties utilizing a
15 28 cooperative alternative bargaining process may exchange their
15 29 initial interest statements in lieu of an initial bargaining
15 30 position during bargaining.
15 31 Code section 20.17, subsection 11, concerning the deadlines
15 32 for community college employee bargaining, is amended to match
15 33 the provisions of the subsection applicable to other
15 34 educational bargaining units.
15 35 Code section 20.18, concerning grievance procedures, is



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16 1 amended to provide that an agreement with an employee
16 2 organization may include procedures for the consideration of
16 3 employee organization grievances in addition to public
16 4 employee grievances.
16 5 Code section 20.19, concerning impasse procedures, is
16 6 amended to require that parties using a cooperative
16 7 alternative bargaining process establish impasse procedures at
16 8 the outset of the process.
16 9 Code section 20.21, concerning fact-finding procedures, is
16 10 amended to require that the fact-finder make recommendations
16 11 on each impasse item between the parties and that the parties
16 12 accept or reject the fact-finder's recommendations in their
16 13 entirety.
16 14 Code section 20.22, concerning binding arbitration, is
16 15 amended to provide that arbitration will be conducted by a
16 16 single arbitrator and not a panel of arbitrators. The bill
16 17 also provides for the method of selecting the arbitrator. The
16 18 bill provides that PERB will submit a list of five arbitrators
16 19 to the parties upon the filing of a request for arbitration
16 20 and then each party, in an order determined by lot, shall
16 21 alternatively remove names from the list until one name
16 22 remains.
16 23 LSB 2677HZ 83
16 24 ec/rj/5



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House File 822 - Introduced

HOUSE FILE
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO HSB 291)

Passed House, Date _____

Passed Senate, Date _____

Vote: Ayes _____ Nays _____

Vote: Ayes _____ Nays _____

Approved

A BILL FOR

- 1 An Act relating to and making appropriations to state departments
- 2 and agencies from the rebuild Iowa infrastructure fund and the
- 3 technology reinvestment fund and other funds, and providing
- 4 for properly related matters.
- 5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 6 TLSB 2721HV 83
- 7 rh/rj/24



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House File 822 - Introduced continued

PAG LIN

1 1 Section 1. INFRASTRUCTURE PROJECTS AND OTHER
1 2 APPROPRIATIONS == INTENT. It is the intent of the general
1 3 assembly to appropriate moneys to state departments and
1 4 agencies from the rebuild Iowa infrastructure fund, the
1 5 technology reinvestment fund, and other funds, for
1 6 infrastructure-related projects and other projects.
1 7 EXPLANATION
1 8 This bill expresses the intent of the general assembly to
1 9 appropriate moneys to state departments and agencies from the
1 10 rebuild Iowa infrastructure fund, the technology reinvestment
1 11 fund, and other funds, for infrastructure-related projects and
1 12 other projects.
1 13 LSB 2721HV 83
1 14 rh/rj/24



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House Study Bill 291

HOUSE FILE
BY (PROPOSED COMMITTEE ON
APPROPRIATIONS BILL BY
CHAIRPERSON OLDSON)

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act relating to and making appropriations to state departments
2 and agencies from the rebuild Iowa infrastructure fund and the
3 technology reinvestment fund and other funds, and providing
4 for properly related matters.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TLSB 2721YC 83
7 rh/rj/24



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House Study Bill 291 continued

PAG LIN

1 1 Section 1. INFRASTRUCTURE PROJECTS AND OTHER
1 2 APPROPRIATIONS == INTENT. It is the intent of the general
1 3 assembly to appropriate moneys to state departments and
1 4 agencies from the rebuild Iowa infrastructure fund, the
1 5 technology reinvestment fund, and other funds, for
1 6 infrastructure-related projects and other projects.

1 7 EXPLANATION

1 8 This bill expresses the intent of the general assembly to
1 9 appropriate moneys to state departments and agencies from the
1 10 rebuild Iowa infrastructure fund, the technology reinvestment
1 11 fund, and other funds, for infrastructure-related projects and
1 12 other projects.

1 13 LSB 2721YC 83

1 14 rh/rj/24



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Senate Amendment 3232

PAG LIN

1 1 Amend House File 805, as amended, passed, and
1 2 reprinted by the House, as follows:
1 3 #1. Page 4, by inserting after line 30 the
1 4 following:
1 5 <Sec. _____. NEW SECTION. 314.14A WAGE EXEMPTION
1 6 FOR DISADVANTAGED BUSINESS ENTERPRISE CONTRACTORS.
1 7 In the bidding process for a contract let by the
1 8 department of transportation for the construction,
1 9 reconstruction, improvement, or repair or maintenance
1 10 of a highway, bridge, or culvert, any requirement for
1 11 the payment of local prevailing wages shall not apply
1 12 to a bidder that qualifies as a disadvantaged business
1 13 enterprise as defined in section 314.14, provided the
1 14 contract is not subject to federal requirements for
1 15 the payment of local prevailing wages.>
1 16 #2. Title page, line 4, by inserting after the
1 17 words <road fund> the following: <, and relating to
1 18 the bidding process for primary road construction
1 19 contracts>.
1 20 #3. By renumbering as necessary.
1 21
1 22
1 23
1 24 DAVID L. HARTSUCH
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1 28 STEVE KETTERING
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1 30
1 31
1 32 RANDY FEENSTRA
1 33
1 34
1 35
1 36 SHAWN HAMERLINCK
1 37
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1 39
1 40 BRAD ZAUN
1 41 HF 805.302 83
1 42 dea/tm/22603
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Senate Amendment 3233

PAG LIN

1 1 Amend House File 805, as amended, passed, and
1 2 reprinted by the House, as follows:
1 3 #1. Page 4, by inserting after line 30 the
1 4 following:
1 5 <Sec. _____. EXPENDITURES FOR CELLULAR TELEPHONES
1 6 AND PERSONAL DIGITAL ASSISTANTS PROHIBITED.
1 7 Notwithstanding any provision to the contrary, other
1 8 than for employees performing inspections or who are
1 9 otherwise normally performing their primary duties
1 10 away from a fixed location more than seventy percent
1 11 of the time, for the fiscal year beginning July 1,
1 12 2009, the department of transportation shall not
1 13 expend moneys appropriated from state moneys to pay
1 14 for or reimburse the initial or associated service
1 15 costs for cellular telephones, personal digital
1 16 assistant devices, or handheld computers. However,
1 17 the executive council may authorize an exception on a
1 18 case-by-case basis, to address an emergency situation
1 19 for a period of time not more than three consecutive
1 20 calendar months in length or to complete the minimum
1 21 period specified under the terms of a lease or
1 22 contract.>
1 23 #2. By renumbering as necessary.
1 24
1 25
1 26
1 27 KIM REYNOLDS
1 28 HF 805.203 83
1 29 dea/dea/22605
1 30
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Senate Amendment 3234

PAG LIN

1 1 Amend House File 805, as amended, passed, and
1 2 reprinted by the House, as follows:
1 3 #1. Page 4, by inserting after line 30 the
1 4 following:
1 5 <Sec. _____. NEW SECTION. 321.179 DRIVER EDUCATION
1 6 == TEACHING PARENT.
1 7 1. TEACHING PARENT. As an alternative to the
1 8 driver education requirements under section 321.178, a
1 9 teaching parent may instruct a student in a driver
1 10 education course that meets the requirements of this
1 11 section and provide evidence that the requirements
1 12 under this section have been met.
1 13 2. DEFINITIONS. For purposes of this section:
1 14 a. "Approved course" means driver education
1 15 curriculum approved by the department pursuant to
1 16 rules adopted under chapter 17A. An approved course
1 17 shall, at a minimum, meet the requirements of
1 18 subsection 3 and be appropriate for teaching=
1 19 parent-directed driver education and related street or
1 20 highway instruction. Driver education materials that
1 21 meet or exceed standards established by the department
1 22 for an approved course in driver education for a
1 23 public or private school shall be approved unless
1 24 otherwise determined by the department. The list of
1 25 approved courses shall be posted on the department's
1 26 internet website.
1 27 b. "Student" means a person between the ages of
1 28 fourteen and twenty-one years who is within the
1 29 custody and control of the teaching parent and who
1 30 satisfies preliminary licensing requirements of the
1 31 department.
1 32 c. "Teaching parent" means a parent, guardian, or
1 33 legal custodian of a student who is currently
1 34 providing competent private instruction to the student
1 35 pursuant to section 299A.2 or 299A.3 and who provided
1 36 such instruction to the student during the previous
1 37 year; who has a valid driver's license, other than a
1 38 motorized bicycle license or a temporary restricted
1 39 license, that permits unaccompanied driving; and who
1 40 has maintained a clear driving record for the previous
1 41 two years. For purposes of this paragraph, "clear
1 42 driving record" means the individual has not been
1 43 identified as a candidate for suspension of a driver's
1 44 license under the habitual offender provisions of the
1 45 department's regulations; is not subject to a driver's
1 46 license suspension, revocation, denial, cancellation,
1 47 disqualification, or bar; and has no record of a
1 48 conviction for a moving traffic violation determined
1 49 to be the cause of a motor vehicle accident.
1 50 3. COURSE OF INSTRUCTION.



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2 1 a. An approved course administered by a teaching
2 2 parent shall consist of, but not be limited to, the
2 3 following:
2 4 (1) Thirty clock hours of classroom instruction.
2 5 (2) Forty hours of street or highway driving
2 6 including four hours of driving after sunset and
2 7 before sunrise while accompanied by the teaching
2 8 parent.
2 9 (3) Four hours of classroom instruction concerning
2 10 substance abuse.
2 11 (4) A minimum of twenty minutes of instruction
2 12 concerning railroad crossing safety.
2 13 (5) Instruction relating to becoming an organ
2 14 donor under the revised uniform anatomical gift Act as
2 15 provided in chapter 142C.
2 16 (6) Instruction providing an awareness about
2 17 sharing the road with bicycles and motorcycles.
2 18 b. The content of the course of instruction
2 19 required under this subsection shall be equivalent to
2 20 that required under section 321.178. However,
2 21 reference and study materials, physical classroom
2 22 requirements, and extra vehicle safety equipment
2 23 required for instruction under section 321.178 shall
2 24 not be required for the course of instruction provided
2 25 under this section.
2 26 4. COURSE COMPLETION AND CERTIFICATION. Upon
2 27 application by a student for an intermediate license,
2 28 the teaching parent shall provide evidence showing the
2 29 student's completion of an approved course and
2 30 substantial compliance with the requirements of
2 31 subsection 3 by affidavit signed by the teaching
2 32 parent on a form to be provided by the department.
2 33 The evidence shall include all of the following:
2 34 a. Documentation that the instructor is a teaching
2 35 parent as defined in subsection 2.
2 36 b. Documentation that the student is receiving
2 37 competent private instruction under section 299A.2 or
2 38 the name of the school district within which the
2 39 student is receiving instruction under section 299A.3.
2 40 c. The name of the approved course completed by
2 41 the student.
2 42 d. An affidavit attesting to satisfactory
2 43 completion of course work and street or highway
2 44 driving instruction.
2 45 e. Copies of written tests completed by the
2 46 student.
2 47 f. A statement of the number of classroom hours of
2 48 instruction.
2 49 g. A log of completed street or highway driving
2 50 instruction including the dates when the lessons were



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3 1 conducted, the student's and the teaching parent's
3 2 name and initials noted next to each entry, notes on
3 3 driving activities including a list of driving
3 4 deficiencies and improvements, and the duration of the
3 5 driving time for each session.
3 6 5. INTERMEDIATE LICENSE. Any student who
3 7 successfully completes an approved course as provided
3 8 in this section, passes a driving test to be
3 9 administered by the department, and is otherwise
3 10 qualified under section 321.180B, subsection 2, shall
3 11 be eligible for an intermediate license pursuant to
3 12 section 321.180B. Twenty of the forty hours of street
3 13 or highway driving instruction required under
3 14 subsection 3, paragraph "a", subparagraph (2), may be
3 15 utilized to satisfy the requirement of section
3 16 321.180B, subsection 2.
3 17 6. FULL LICENSE. A student must comply with
3 18 section 321.180B, subsection 4, to be eligible for a
3 19 full driver's license pursuant to section 321.180B.
3 20 Sec. _____. Section 321.180B, subsection 2, Code
3 21 2009, is amended to read as follows:
3 22 2. INTERMEDIATE LICENSE.
3 23 a. The department may issue an intermediate
3 24 driver's license to a person sixteen or seventeen
3 25 years of age who possesses an instruction permit
3 26 issued under subsection 1 or a comparable instruction
3 27 permit issued by another state for a minimum of six
3 28 months immediately preceding application, and who
3 29 presents an affidavit signed by a parent or guardian
3 30 on a form to be provided by the department that the
3 31 permittee has accumulated a total of twenty hours of
3 32 street or highway driving of which two hours were
3 33 conducted after sunset and before sunrise and the
3 34 street or highway driving was with the permittee's
3 35 parent, guardian, instructor, a person certified by
3 36 the department, or a person at least twenty-five years
3 37 of age who had written permission from a parent or
3 38 guardian to accompany the permittee, and whose driving
3 39 privileges have not been suspended, revoked, or barred
3 40 under this chapter or chapter 321J during, and who has
3 41 been accident and violation free continuously for, the
3 42 six-month period immediately preceding the application
3 43 for an intermediate license. An applicant for an
3 44 intermediate license must meet the requirements of
3 45 section 321.186, including satisfactory completion of
3 46 driver education as required in section 321.178 or
3 47 321.179, and payment of the required license fee
3 48 before an intermediate license will be issued.
3 49 b. A person issued an intermediate license must
3 50 limit the number of passengers in the motor vehicle



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4 1 when the intermediate licensee is operating the motor
4 2 vehicle to the number of passenger safety belts.
4 3 c. Except as otherwise provided, a person issued
4 4 an intermediate license under this subsection who is
4 5 operating a motor vehicle between the hours of
4 6 twelve=thirty a.m. and five a.m. must be accompanied
4 7 by a person issued a driver's license valid for the
4 8 vehicle operated who is the parent or guardian of the
4 9 permittee, a member of the permittee's immediate
4 10 family if the family member is at least twenty=one
4 11 years of age, an approved driver education instructor,
4 12 a prospective driver education instructor who is
4 13 enrolled in a practitioner preparation program with a
4 14 safety education program approved by the state board
4 15 of education, or a person at least twenty=five years
4 16 of age if written permission is granted by the parent
4 17 or guardian, and who is actually occupying a seat
4 18 beside the driver. However, a licensee may operate a
4 19 vehicle to and from school=related extracurricular
4 20 activities and work without an accompanying driver
4 21 between the hours of twelve=thirty a.m. and five a.m.
4 22 if such licensee possesses a waiver on a form to be
4 23 provided by the department. An accompanying driver is
4 24 not required between the hours of five a.m. and
4 25 twelve=thirty a.m.>
4 26 #2. Title page, line 4, by inserting after the
4 27 words <road fund> the following: <, and providing for
4 28 driver education instruction by a teaching parent>.
4 29 #3. By renumbering as necessary.
4 30
4 31
4 32
4 33 RANDY FEENSTRA
4 34 HF 805.205 83
4 35 dea/dea/22607



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SENATE FILE
BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO SF 422)
(SUCCESSOR TO SSB 1179)

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

A BILL FOR

1 An Act relating to a quality assurance assessment program,
2 nursing facility reimbursements, and providing monetary
3 penalties, contingencies, and effective dates.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 2100SZ 83
6 pf/rj/8



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1 1 DIVISION I
1 2 QUALITY ASSURANCE ASSESSMENT PROGRAM
1 3 Section 1. NEW SECTION. 249L.1 TITLE. This chapter
1 4 shall be known and may be cited as the "Quality Assurance
1 5 Assessment Program".
1 6 Sec. 2. NEW SECTION. 249L.2 DEFINITIONS. As used in
1 7 this chapter, unless the context otherwise requires:
1 8 1. "Department" means the department of human services.
1 9 2. "Direct care worker" means an employee of a nursing
1 10 facility who holds a nursing assistant certification, is
1 11 employed for the purpose of nursing assistance, and provides
1 12 direct care to residents, regardless of the employee's job
1 13 title.
1 14 3. "Gross revenue" means all revenue reported by the
1 15 nursing facility for patient care, room, board and services,
1 16 but does not include contractual adjustments, bad debt,
1 17 Medicare revenue, or revenue derived from sources other than
1 18 nursing facility operations including but not limited to
1 19 nonoperating revenue and other operating revenue.
1 20 4. "Medically indigent individual" means an individual
1 21 eligible for coverage under the medical assistance program who
1 22 is a resident of a Medicaid-certified nursing facility.
1 23 5. "Nonoperating revenue" means income from activities not
1 24 relating directly to the day-to-day operations of a nursing
1 25 facility such as gains on the disposal of a facility's assets,
1 26 dividends, and interest from security investments, gifts,
1 27 grants, and endowments.
1 28 6. "Nursing facility" means a licensed nursing facility as
1 29 defined in section 135C.1 that is a freestanding facility or a
1 30 nursing facility operated by a hospital licensed pursuant to
1 31 chapter 135B, but does not include a distinct-part skilled
1 32 nursing unit or a swing-bed unit operated by a hospital, or a
1 33 nursing facility owned by the state or federal government or
1 34 other governmental unit.
1 35 7. "Other operating revenue" means income from nonpatient



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2 1 care services to patients and from sales to and activities for
2 2 persons other than patients which may include but are not
2 3 limited to such activities as providing personal laundry
2 4 service for patients, providing meals to persons other than
2 5 patients, gift shop sales, or vending machine commissions.

2 6 8. "Patient day" means a calendar day of care provided to
2 7 an individual resident of a nursing facility that is not
2 8 reimbursed under Medicare, including the date of admission but
2 9 not including the date of discharge, unless the dates of
2 10 admission and discharge occur on the same day, in which case
2 11 the resulting number of patient days is one patient day.

2 12 9. "Uniform tax requirement waiver" means a waiver of the
2 13 uniform tax requirement for permissible health care-related
2 14 taxes as provided in 42 C.F.R. } 433.68(e)(2)(i) and (ii).

2 15 Sec. 3. NEW SECTION. 249L.3 QUALITY ASSURANCE ASSESSMENT
2 16 == IMPOSED == COLLECTION == DEPOSIT == DOCUMENTATION == CIVIL
2 17 ACTIONS.

2 18 1. a. A nursing facility in this state shall be assessed
2 19 a quality assurance assessment for each patient day for the
2 20 preceding quarter.

2 21 b. The quality assurance assessment shall be implemented
2 22 as a broad-based health care-related tax as defined in 42
2 23 U.S.C. } 1396b(w)(3)(B).

2 24 c. The quality assurance assessment shall be imposed
2 25 uniformly upon all nursing facilities, unless otherwise
2 26 provided in this chapter.

2 27 d. The aggregate quality assurance assessments imposed
2 28 under this chapter shall not exceed the lower of three percent
2 29 of the aggregate non-Medicare revenues of a nursing facility
2 30 or the maximum amount that may be assessed pursuant to the
2 31 indirect guarantee threshold as established pursuant to 42
2 32 C.F.R. } 433.68(f)(3)(i), and shall be stated on a per patient
2 33 day basis.

2 34 2. The quality assurance assessment shall be paid by each
2 35 nursing facility to the department on a quarterly basis after



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3 1 the nursing facility's medical assistance payment rates are
3 2 adjusted to include funds appropriated from the quality
3 3 assurance trust fund for that purpose. The department shall
3 4 prepare and distribute a form upon which nursing facilities
3 5 shall calculate and report the quality assurance assessment.
3 6 A nursing facility shall submit the completed form with the
3 7 assessment amount no later than thirty days following the end
3 8 of each calendar quarter.

3 9 3. A nursing facility shall retain and preserve for a
3 10 period of three years such books and records as may be
3 11 necessary to determine the amount of the quality assurance
3 12 assessment for which the nursing facility is liable under this
3 13 chapter. The department may inspect and copy the books and
3 14 records of a nursing facility for the purpose of auditing the
3 15 calculation of the quality assurance assessment. All
3 16 information obtained by the department under this subsection
3 17 is confidential and does not constitute a public record.

3 18 4. The department shall collect the quality assurance
3 19 assessment imposed and shall deposit all revenues collected in
3 20 the quality assurance trust fund created in section 249L.4.

3 21 5. If the department determines that a nursing facility
3 22 has underpaid or overpaid the quality assurance assessment,
3 23 the department shall notify the nursing facility of the amount
3 24 of the unpaid quality assurance assessment or refund due.
3 25 Such payment or refund shall be due or refunded within thirty
3 26 days of the issuance of the notice.

3 27 6. a. A nursing facility that fails to pay the quality
3 28 assurance assessment within the time frame specified in this
3 29 section shall pay, in addition to the outstanding quality
3 30 assurance assessment, a penalty of one and five-tenths percent
3 31 of the quality assurance assessment amount owed for each month
3 32 or portion of each month that the payment is overdue.
3 33 However, if the department determines that good cause is shown
3 34 for failure to comply with payment of the quality assurance
3 35 assessment, the department shall waive the penalty or a



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4 1 portion of the penalty.

4 2 b. If a quality assurance assessment has not been received
4 3 by the department by the last day of the month in which the
4 4 payment is due, the department shall withhold an amount equal
4 5 to the quality assurance assessment and penalty owed from any
4 6 payment due such nursing facility under the medical assistance
4 7 program.

4 8 c. The quality assurance assessment imposed under this
4 9 chapter constitutes a debt due the state and may be collected
4 10 by civil action, including but not limited to the filing of
4 11 tax liens, and any other method provided for by law.

4 12 d. Any penalty collected pursuant to this subsection shall
4 13 be credited to the quality assurance trust fund.

4 14 7. If federal financial participation to match the quality
4 15 assurance assessments made under this section becomes
4 16 unavailable under federal law, the department shall terminate
4 17 the imposition of the assessments beginning on the date the
4 18 federal statutory, regulatory, or interpretive change takes
4 19 effect.

4 20 Sec. 4. NEW SECTION. 249L.4 QUALITY ASSURANCE TRUST FUND
4 21 == LIMITATIONS OF USE == REIMBURSEMENT ADJUSTMENTS TO NURSING
4 22 FACILITIES.

4 23 1. A quality assurance trust fund is created in the state
4 24 treasury under the authority of the department. Moneys
4 25 received through the collection of the nursing facility
4 26 quality assurance assessment imposed under this chapter and
4 27 any other moneys specified for deposit in the trust fund shall
4 28 be deposited in the trust fund.

4 29 2. Moneys in the trust fund shall be used, subject to
4 30 their appropriation by the general assembly, by the department
4 31 only for reimbursement of services for which federal financial
4 32 participation under the medical assistance program is
4 33 available to match state funds. Any moneys appropriated from
4 34 the trust fund for reimbursement of nursing facilities, in
4 35 addition to the quality assurance assessment pass through and



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5 1 the quality assurance assessment rate add-on which shall be
5 2 used as specified in subsection 5, paragraph "b", shall be
5 3 used in a manner such that no less than thirty-five percent of
5 4 the amount received by a nursing facility is used for
5 5 increases in compensation and costs of employment for direct
5 6 care workers, and no less than sixty percent of the total is
5 7 used to increase compensation and costs of employment for all
5 8 nursing facility staff. For the purposes of use of such
5 9 funds, "direct care worker", "nursing facility staff",
5 10 "increases in compensation", and "costs of employment" mean as
5 11 defined or specified in this chapter.

5 12 3. The trust fund shall be separate from the general fund
5 13 of the state and shall not be considered part of the general
5 14 fund of the state. The moneys in the trust fund shall not be
5 15 considered revenue of the state, but rather shall be funds of
5 16 the quality assurance assessment program. The moneys
5 17 deposited in the trust fund are not subject to section 8.33
5 18 and shall not be transferred, used, obligated, appropriated,
5 19 or otherwise encumbered, except to provide for the purposes of
5 20 this chapter. Notwithstanding section 12C.7, subsection 2,
5 21 interest or earnings on moneys deposited in the trust fund
5 22 shall be credited to the trust fund.

5 23 4. The department shall adopt rules pursuant to chapter
5 24 17A to administer the trust fund and reimbursements made from
5 25 the trust fund.

5 26 5. a. The determination of medical assistance
5 27 reimbursements to nursing facilities shall continue to be
5 28 calculated in accordance with the modified price-based
5 29 case-mix reimbursement system as specified in 2001 Iowa Acts,
5 30 chapter 192, section 4, subsection 2, paragraph "c". In
5 31 addition, moneys that are appropriated from the trust fund for
5 32 reimbursements to nursing facilities that serve the medically
5 33 indigent shall be used to provide the following nursing
5 34 facility reimbursement rate adjustment increases within the
5 35 parameters specified:



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6 1 (1) A quality assurance assessment pass-through. This
6 2 rate add-on shall account for the cost incurred by the nursing
6 3 facility in paying the quality assurance assessment, but only
6 4 with respect to the pro rata portion of the assessment that
6 5 correlates with the patient days in the nursing facility that
6 6 are attributable to medically indigent residents.

6 7 (2) A quality assurance assessment rate add-on. This rate
6 8 add-on shall be calculated on a per-patient-day basis for
6 9 medically indigent residents. The amount paid to a nursing
6 10 facility as a quality assurance assessment rate add-on shall
6 11 be ten dollars per patient day.

6 12 (3) Nursing facility payments for rebasing pursuant to
6 13 2001 Iowa Acts, chapter 192, section 4, subsection 3,
6 14 paragraph "a", subparagraph (2).

6 15 b. (1) It is the intent of the general assembly that
6 16 priority in expenditure of rate adjustment increases provided
6 17 to nursing facilities through the quality assurance assessment
6 18 be related to the compensation and costs of employment for
6 19 nursing facility staff.

6 20 (2) If the sum of the quality assurance assessment
6 21 pass-through and the quality assurance assessment rate add-on
6 22 is greater than the total cost incurred by a nursing facility
6 23 in payment of the quality assurance assessment, no less than
6 24 thirty-five percent of the difference shall be used to
6 25 increase compensation and costs of employment for direct care
6 26 workers and no less than sixty percent of the difference shall
6 27 be used to increase compensation and costs of employment for
6 28 all nursing facility staff.

6 29 (3) For the purposes of determining what constitutes
6 30 increases in compensation and costs of employment the
6 31 following shall apply:

6 32 (a) Increases in compensation shall include but are not
6 33 limited to starting hourly wages, average hourly wages paid,
6 34 and total wages including both productive and nonproductive
6 35 wages, and as specified by rule of the department.



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7 1 (b) Increases in total costs of employment shall include
7 2 but are not limited to costs of benefit programs with specific
7 3 reporting for group health plans, group retirement plans,
7 4 leave benefit plans, employee assistance programs, payroll
7 5 taxes, workers' compensation, training, education, career
7 6 development programs, tuition reimbursement, transportation,
7 7 and child care, and as specified by rule of the department.

7 8 (c) Direct care workers and nursing facility staff do not
7 9 include nursing facility administrators, administrative staff,
7 10 or home office staff.

7 11 (4) Each nursing facility shall submit to the department,
7 12 information in a form as specified by the department and
7 13 developed in cooperation with representatives of the Iowa
7 14 caregivers association, the Iowa health care association, the
7 15 Iowa association of homes and services for the aging, and the
7 16 AARP Iowa chapter, that demonstrates compliance by the nursing
7 17 facility with the requirements for use of the rate adjustment
7 18 increases and other reimbursements provided to nursing
7 19 facilities through the quality assurance assessment.

7 20 6. The department shall report annually to the general
7 21 assembly regarding the use of moneys deposited in the trust
7 22 fund and appropriated to the department.

7 23 Sec. 5. EFFECTIVE AND IMPLEMENTATION DATES. This division
7 24 of this Act takes effect upon enactment. However, actual
7 25 implementation of this division of this Act shall be in
7 26 accordance with the following:

7 27 1. If the department in consultation with the governor
7 28 determines that the requests relating to waivers and the
7 29 medical assistance state plan amendment as described in
7 30 division II of this Act would adversely affect the existing
7 31 IowaCare waiver, and the department does not submit such
7 32 requests to the United States department of health and human
7 33 services, this division of this Act shall not be implemented.

7 34 2. If the department in consultation with the governor
7 35 determines that the requests relating to waivers and the



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8 1 medical assistance state plan amendment as described in
8 2 division II of this Act would not adversely affect the
8 3 existing IowaCare waiver, and does submit such requests to the
8 4 United States department of health and human services, this
8 5 division of this Act shall only be implemented if the
8 6 department receives approval of the requests relating to the
8 7 waivers and medical assistance state plan amendment as
8 8 specified in division II of this Act, and in accordance with
8 9 the provisions specified in division II of this Act.

8 10 DIVISION II

8 11 DIRECTIVES TO DEPARTMENT OF HUMAN SERVICES
8 12 AND CONTINGENCIES

8 13 Sec. 6. DEFINITIONS. As used in this division of this
8 14 Act, "department", "nursing facility", "patient day", and
8 15 "uniform tax requirement waiver" mean as defined in section
8 16 249L.2, as enacted in this Act.

8 17 Sec. 7. DIRECTIVES TO DEPARTMENT OF HUMAN SERVICES. No
8 18 later than June 30, 2009, unless the department in
8 19 consultation with the governor determines that such requests
8 20 will adversely affect the existing IowaCare waiver, the
8 21 department shall request approval of all of the following from
8 22 the United States department of health and human services:

8 23 1. An amendment to the terms and conditions of the
8 24 IowaCare waiver to eliminate the provision in which the state
8 25 agrees to refrain from imposing any provider tax during the
8 26 pendency of the demonstration waiver for IowaCare.

8 27 2. A uniform tax requirement waiver to allow the state to
8 28 impose varying levels of taxation on providers based on
8 29 specified criteria. It is the intent of the general assembly
8 30 that the uniform tax requirement waiver sought by the
8 31 department be structured to minimize the negative fiscal
8 32 impact on nursing facilities.

8 33 3. A medical assistance state plan amendment to revise the
8 34 state nursing facility reimbursement methodology to, in part,
8 35 allow the medical assistance program to reimburse nursing



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10 1 required to submit the completed form with the assessment
10 2 amount no later than 30 days following the end of each
10 3 calendar quarter. The bill includes requirements for
10 4 recordkeeping and access to records for the purposes of
10 5 auditing. The bill provides for payments or refunds for
10 6 underpayments or overpayments and also provides penalties and
10 7 collection measures for nonpayment by nursing facilities in a
10 8 timely manner.
10 9 Once DHS collects the assessments, the revenue is to be
10 10 deposited in the quality assurance trust fund established in
10 11 the bill. The fund is created in the state treasury under the
10 12 authority of DHS. Moneys in the trust fund are required to be
10 13 used, subject to their appropriation by the general assembly,
10 14 only for reimbursement of services for which federal financial
10 15 participation under Medicaid is available to match state
10 16 funds. The bill also specifies certain percentages of the
10 17 funds as reimbursements to nursing facilities which must be
10 18 used for direct care worker and nursing facility staff
10 19 compensation and costs of employment. The bill directs DHS to
10 20 adopt rules pursuant to Code chapter 17A to administer the
10 21 trust fund and reimbursements made from the trust fund. The
10 22 bill provides that nursing facilities are to continue to be
10 23 reimbursed under the modified price-based case-mix
10 24 reimbursement methodology originally created in 2001. In
10 25 addition to the amount of reimbursement provided under the
10 26 continuation of the existing formula, the moneys in the fund
10 27 are to be used to provide supplemental payments to nursing
10 28 facilities including: a quality assurance assessment
10 29 pass-through; a quality assurance assessment rate add-on; and
10 30 for nursing facility payments for rebasing. The bill provides
10 31 a methodology for providing these rate adjustments. The bill
10 32 provides that it is the intent of the general assembly that
10 33 priority in expenditure of the rate adjustment increases be in
10 34 relation to the compensation and costs of employment for
10 35 nursing facility staff, and provides minimum percentage



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11 1 amounts of such rate adjustment increases that must be used
11 2 for these purposes. The bill directs each nursing facility to
11 3 submit information to demonstrate compliance with the
11 4 requirements for use of the rate adjustment increases. DHS is
11 5 required to report annually to the general assembly regarding
11 6 the use of moneys deposited in the trust fund and appropriated
11 7 to DHS.

11 8 Division I of the bill takes effect upon enactment. The
11 9 bill directs that division I of the bill is only to be
11 10 implemented if requests for the necessary waivers and state
11 11 plan amendment from the federal government do not adversely
11 12 affect the existing IowaCare waiver and only following receipt
11 13 of approval of the waivers and state plan amendment as
11 14 specified in division II of the bill.

11 15 Division II of the bill provides directives to DHS and
11 16 contingencies. The bill directs that no later than June 30,
11 17 2009, if it is determined that such requests will not
11 18 adversely affect the existing IowaCare waiver, DHS shall
11 19 request waivers and a state plan amendment from the centers
11 20 for Medicare and Medicaid services of the United States
11 21 department of health and human services. The uniform tax
11 22 requirement waiver is to be structured to minimize the
11 23 negative fiscal impact on nursing facilities. Division II
11 24 also includes contingency provisions relating to accrual and
11 25 collection of the assessment. Under the bill, the assessment
11 26 would only accrue beginning on the first day of the calendar
11 27 quarter following the date of approval of the medical
11 28 assistance state plan amendment. The accrued assessments
11 29 would not, however, be collected prior to completion of both
11 30 the approval of the waivers and state plan amendment and
11 31 provision of an appropriation by the general assembly to
11 32 implement the nursing facility provider reimbursements as
11 33 provided in the bill.

11 34 Division II of the bill takes effect upon enactment.
11 35 LSB 2100SZ 83



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12 1 pf/rj/8



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SENATE FILE
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO SSB 1329)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to the issuance of bonds and making of
- 2 appropriations for capital and other essential purposes.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2723SV 83
- 5 rh/rj/24



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1 1 Section 1. BONDING AND APPROPRIATIONS == INTENT. It is
1 2 the intent of the general assembly to authorize the issuance
1 3 of bonds, including appropriation bonds, and to appropriate
1 4 moneys from the proceeds of such bonds for capital projects
1 5 and other essential projects.

1 6 EXPLANATION

1 7 This bill expresses the intent of the general assembly to
1 8 authorize the issuance of bonds and to appropriate moneys from
1 9 the proceeds of such bonds for capital projects and other
1 10 essential projects.

1 11 LSB 2723SV 83

1 12 rh/rj/24



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SENATE FILE
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO SSB 1330)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

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
4 salaries and compensation of state employees, providing for
5 matters relating to tax credits, providing for fees and
6 penalties, and providing for properly related matters.
7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
8 TL5B 2724SV 83
9 tm/jp/24



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1 1 Section 1. STATE AND LOCAL FINANCES == INTENT. It is the
1 2 intent of the general assembly to provide for state and local
1 3 finances by providing for funding of property tax credits and
1 4 reimbursements, by making, increasing, and reducing
1 5 appropriations, providing for salaries and compensation of
1 6 state employees, providing for matters relating to tax
1 7 credits, providing for fees and penalties, and providing for
1 8 properly related matters.

1 9 EXPLANATION

1 10 This bill expresses the intent of the general assembly to
1 11 provide for state and local finances by providing for funding
1 12 of property tax credits and reimbursements, by making,
1 13 increasing, and reducing appropriations, providing for
1 14 salaries and compensation of state employees, providing for
1 15 matters relating to tax credits, providing for fees and
1 16 penalties, and providing for properly related matters.

1 17 LSB 2724SV 83

1 18 tm/jp/24



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Senate File 479 - Introduced

SENATE FILE
BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO SF 214)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to property tax exemption eligibility for methane
- 2 gas conversion property and including an effective date and
- 3 applicability date provision.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TL5B 2108SV 83
- 6 rn/sc:mg/14



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Senate File 479 - Introduced continued

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1 1 Section 1. Section 427.1, subsection 29, paragraph a, Code
1 2 2009, is amended to read as follows:

1 3 a. For purposes of this subsection, "methane gas
1 4 conversion property" means personal property, real property,
1 5 and improvements to real property, and machinery, equipment,
1 6 and computers assessed as real property pursuant to section
1 7 427A.1, subsection 1, paragraphs "e" and "j", used in an
1 8 operation ~~connected with, or in conjunction with, a publicly~~
~~1 9 owned sanitary landfill~~ to collect methane gas or other gases
1 10 produced as a by-product of waste decomposition and to convert
1 11 the gas to energy, or to collect waste ~~that would otherwise be~~
~~1 12 collected by, or deposited with, a publicly owned sanitary~~
~~1 13 landfill~~ in order to decompose the waste to produce methane
1 14 gas or other gases and to convert the gas to energy. However,
1 15 property used to decompose the waste and convert the waste to
1 16 gas is not eligible for this exemption.

1 17 Sec. 2. Section 437A.6, subsection 1, paragraph d, Code
1 18 2009, is amended to read as follows:

1 19 d. Methane gas conversion property subject to section
1 20 427.1, subsection 29, to the extent the property is used in
1 21 connection with, or in conjunction with, a publicly owned
1 22 sanitary landfill or used to collect waste that would
1 23 otherwise be collected by, or deposited with, a publicly owned
1 24 sanitary landfill.

1 25 Sec. 3. IMPLEMENTATION. Section 25B.7 does not apply to
1 26 the property tax exemption amended in this Act.

1 27 Sec. 4. EFFECTIVE AND APPLICABILITY DATES.

1 28 1. This Act takes effect January 1, 2010.

1 29 2. The section of this Act amending section 427.1,
1 30 subsection 29, applies to assessment years beginning on or
1 31 after January 1, 2010.

1 32 EXPLANATION

1 33 This bill expands property tax exemption eligibility for
1 34 methane gas conversion property. Current law provides for an
1 35 exemption applicable to specified methane gas conversion



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Senate File 479 - Introduced continued

2 1 property that is used in an operation in connection with a
2 2 publicly owned sanitary landfill to collect methane gas or an
2 3 operation to collect waste for conversion to methane gas if
2 4 such waste would otherwise be collected by or deposited with a
2 5 publicly owned sanitary landfill. The bill deletes the
2 6 restriction that the methane gas conversion property must be
2 7 used in connection with, or in lieu of collection by and
2 8 deposit with, a publicly owned sanitary landfill. The bill
2 9 adds the restriction with reference to a current exemption
2 10 from the replacement tax imposed on electric generation
2 11 pursuant to Code section 437A.6, which has previously
2 12 referenced the definition of methane gas conversion property
2 13 which the bill modifies and expands.
2 14 Code section 25B.7 does not apply to the expanded property
2 15 tax exemption. That Code section requires state funding to
2 16 implement a property tax exemption.
2 17 The bill takes effect January 1, 2010, and the expanded
2 18 property tax exemption applies to assessment years beginning
2 19 on or after that date.
2 20 LSB 2108SV 83
2 21 rn/sc:mg/14



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Senate File 480 - Introduced

SENATE FILE
BY COMMITTEE ON WAYS AND
MEANS

(SUCCESSOR TO SF 206)
(SUCCESSOR TO SSB 1176)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act relating to the eligibility for tax credits and income
2 reductions for qualified expenditures under the film,
3 television, and video project promotion program, providing for
4 a fee, and providing an applicability date provision.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TL5B 1235SZ 83
7 tw/sc/5



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1 1 Section 1. Section 15.393, subsection 1, unnumbered
1 2 paragraph 1, Code 2009, is amended to read as follows:
1 3 The department shall establish and administer a film,
1 4 television, and video project promotion program that provides
1 5 for the registration of projects to be shot on location in the
1 6 state. A project that is registered under the program is
1 7 entitled to the assistance provided in subsection 2. A fee
1 8 ~~shall not~~ may be charged for registering. The amount of the
1 9 fee charged for registering shall be determined by the
1 10 department by rule. Registration fees collected by the
1 11 department under this section shall be used to administer the
1 12 program. The department shall not register a project unless
1 13 the department determines that all of the following criteria
1 14 are met:
1 15 Sec. 2. Section 15.393, subsection 2, paragraph a,
1 16 subparagraph (2), Code 2009, is amended to read as follows:
1 17 (2) A qualified expenditure by a taxpayer is a payment to
1 18 an Iowa resident or an Iowa-based business for the sale,
1 19 rental, or furnishing of tangible personal property or for
1 20 services directly related to the registered project including
1 21 but not limited to aircraft, vehicles, equipment, materials,
1 22 supplies, accounting, animals and animal care, artistic and
1 23 design services, graphics, construction, data and information
1 24 services, delivery and pickup services, labor and personnel,
1 25 lighting, makeup and hairdressing, film, music, photography,
1 26 sound, video and related services, printing, research, site
1 27 fees and rental, travel related to Iowa distant locations,
1 28 trash removal and cleanup, and wardrobe. ~~For the purposes of~~
1 29 ~~this subparagraph, "labor and personnel" does not include the~~
1 30 ~~director, producers, or cast members other than extras and~~
1 31 ~~stand-ins.~~
1 32 (a) For purposes of this subparagraph, "labor and
1 33 personnel" includes compensation paid to the principal
1 34 producer, principal director, and principal cast members if
1 35 the principal producer, principal director, or principal cast



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2 1 member is an Iowa resident or an Iowa-based business, and if
2 2 the compensation paid meets one of the following conditions:
2 3 (i) If the qualified expenditures are at least ten million
2 4 dollars but less than twenty million dollars, the compensation
2 5 paid to each principal producer, principal director, and
2 6 principal cast member does not exceed two hundred fifty
2 7 thousand dollars each.
2 8 (ii) If the qualified expenditures are at least twenty
2 9 million dollars, the compensation paid to each principal
2 10 producer, principal director, and principal cast member does
2 11 not exceed one million dollars each.
2 12 (b) For purposes of this subparagraph, "labor and
2 13 personnel" includes compensation paid to personnel other than
2 14 the principal producer, principal director, or principal cast
2 15 members if the compensation paid meets one of the following
2 16 conditions:
2 17 (i) If the qualified expenditures are less than ten
2 18 million dollars, the compensation paid to labor and personnel
2 19 other than the principal producer, the principal director, and
2 20 principal cast members, does not exceed one hundred fifty
2 21 thousand dollars each.
2 22 (ii) If the qualified expenditures are at least ten
2 23 million dollars but less than twenty million dollars, the
2 24 compensation paid to labor and personnel other than the
2 25 principal producer, the principal director, and the principal
2 26 cast members, does not exceed two hundred thousand dollars
2 27 each.
2 28 (iii) If the qualified expenditures are at least twenty
2 29 million dollars, the compensation paid to labor and personnel
2 30 other than the principal producer, the principal director, and
2 31 the principal cast members, does not exceed three hundred
2 32 thousand dollars each.
2 33 (c) The department of revenue, in consultation with the
2 34 department of economic development, shall by rule establish a
2 35 list of eligible expenditures.



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3 1 Sec. 3. Section 15.393, subsection 2, paragraph c, Code
3 2 2009, is amended to read as follows:
3 3 c. For ~~tax years beginning on or after January 1, 2007,~~
3 4 the tax year in which a qualified expenditure occurred, and
3 5 for the ensuing three tax years, a taxpayer may claim a
3 6 reduction in adjusted gross income not to exceed in a tax year
3 7 twenty-five percent of the amount of the qualified expenditure
3 8 for purposes of taxes imposed in chapter 422, divisions II and
3 9 III, for payments received from the sale, rental, or
3 10 furnishing of tangible personal property or services directly
3 11 related to the production of a project registered under this
3 12 section which meets the criteria of a qualified expenditure
3 13 under paragraph "a", subparagraph (2).

3 14 Sec. 4. APPLICABILITY DATE. This Act applies to projects
3 15 registered on or after July 1, 2009.

3 16 EXPLANATION

3 17 This bill relates to the eligibility for tax credits for
3 18 qualified expenditures and deduction from income received from
3 19 certain qualified expenditures under the film, television, and
3 20 video project promotion program.

3 21 The bill allows the department to charge a fee to register
3 22 a project with the program. Current law does not allow a
3 23 registration fee. The amount of the fee is determined by rule
3 24 and must be used to administer the program.

3 25 The program currently does not allow salary expenditures
3 26 for directors, producers, and principal cast members, or other
3 27 personnel to be counted as qualified expenditures under the
3 28 program. The bill allows a portion of the compensation paid
3 29 to such persons to be counted toward a taxpayer's qualified
3 30 expenditures if the person is an Iowa resident or Iowa-based
3 31 business.

3 32 The bill provides that for principal producers, directors,
3 33 and cast members, as much as \$250,000 of compensation paid may
3 34 be counted if the qualified expenditures are at least \$10
3 35 million but less than \$20 million. As much as \$1 million of



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4 1 compensation paid may be counted if the qualified expenditures
4 2 are at least \$20 million.

4 3 The bill also provides that for personnel other than
4 4 principal producers, directors, and cast members, as much as
4 5 \$150,000 of compensation paid may be counted if the qualified
4 6 expenditures are less than \$10 million. As much as \$200,000
4 7 of compensation paid may be counted if the qualified
4 8 expenditures are at least \$10 million but less than \$20
4 9 million. As much as \$300,000 may be counted if the qualified
4 10 expenditures are at least \$20 million.

4 11 The program currently allows vendors to take a reduction in
4 12 adjusted gross income for qualified expenditures in the same
4 13 year as the expenses are incurred. The bill makes the credit
4 14 available for the tax year in which the expenditures were
4 15 incurred and for three ensuing tax years.

4 16 The bill applies to projects registered on or after July 1,
4 17 2009.

4 18 LSB 1235SZ 83

4 19 tw/sc/5



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Senate File 481 - Introduced

SENATE FILE
BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO SF 309)
(SUCCESSOR TO SSB 1086)

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

A BILL FOR

1 An Act relating to historic preservation and cultural and
2 entertainment district tax credits by increasing the aggregate
3 amount of credits that may be approved, changing the amounts
4 allocated to various projects, and modifying certain
5 administrative duties of the department of cultural affairs.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
7 TLSB 1304SZ 83
8 tw/sc:mg/5



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1 1 Section 1. Section 404A.2, Code 2009, is amended to read
1 2 as follows:
1 3 404A.2 AMOUNT OF CREDIT.
1 4 1. The amount of the credit equals twenty=five percent of
1 5 the qualified rehabilitation costs made to eligible property.
1 6 a. In the case of commercial property, rehabilitation
1 7 costs must equal at least fifty percent of the assessed value
1 8 of the property, excluding the land, prior to the
1 9 rehabilitation.
1 10 b. In the case of residential property or barns, the
1 11 rehabilitation costs must equal at least twenty=five thousand
1 12 dollars or twenty=five percent of the ~~fair market~~ assessed
1 13 value, excluding the land, prior to the rehabilitation,
1 14 whichever is less.
1 15 c. In computing the tax credit for eligible property that
1 16 is classified as residential or as commercial with multifamily
1 17 residential units, the rehabilitation costs used shall not
1 18 exceed one hundred thousand dollars per residential unit.
1 19 d. In computing the tax credit, the only costs which may
1 20 be included are the qualified rehabilitation costs incurred
1 21 between the period ending on the project completion date and
1 22 beginning on the date two years prior to the project
1 23 completion date, provided that any qualified rehabilitation
1 24 costs incurred prior to the date of approval of the project as
1 25 provided in section 404A.3 must be qualified rehabilitation
1 26 expenditures under the federal rehabilitation credit in
1 27 section 47 of the Internal Revenue Code.
1 28 2. For purposes of this chapter, qualified rehabilitation
1 29 costs include amounts if they are properly includable in
1 30 computing the basis for tax purposes of the eligible property.
1 31 a. Amounts treated as an expense and deducted in the tax
1 32 year in which they are paid or incurred and amounts that are
1 33 otherwise not added to the basis for tax purposes of the
1 34 eligible property are not qualified rehabilitation costs.
1 35 b. Amounts incurred for architectural and engineering



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2 1 fees, site survey fees, legal expenses, insurance premiums,
2 2 development fees, and other construction-related costs are
2 3 qualified rehabilitation costs to the extent they are added to
2 4 the basis for tax purposes of the eligible property.

2 5 c. Costs of sidewalks, parking lots, and landscaping do
2 6 not constitute qualified rehabilitation costs.

2 7 3. For purposes of individual and corporate income taxes
2 8 and the franchise tax, the increase in the basis of the
2 9 rehabilitated property that would otherwise result from the
2 10 qualified rehabilitation costs shall be reduced by the amount
2 11 of the credit computed under this chapter.

2 12 Sec. 2. Section 404A.3, Code 2009, is amended to read as
2 13 follows:

2 14 404A.3 APPROVAL OF REHABILITATION PROJECT.

2 15 1. a. In order for costs of a rehabilitation project to
2 16 qualify for a tax credit, the rehabilitation project must
2 17 receive approval from the state historic preservation office
2 18 of the department of cultural affairs.

2 19 b. Applications for approvals from the state historic
2 20 preservation office of the department of cultural affairs
2 21 shall be on forms approved by the state historic preservation
2 22 office and shall contain information as required by the state
2 23 historic preservation office. The information shall at least
2 24 include the approximate date of the start of rehabilitation,
2 25 the approximate date of completion, as well as the cost.

2 26 c. The approval process shall not exceed ninety days
2 27 beginning from the date ~~the rehabilitation project is~~
~~2 28 submitted on which a completed application is received by the~~
2 29 state historic preservation office. After the ninety-day
2 30 limit, the rehabilitation project is deemed to be approved
2 31 unless the state historic preservation office has denied the
2 32 application or contacted the applicant for further information
2 33 regarding the application.

2 34 2. The state historic preservation office shall establish
2 35 selection criteria and standards for rehabilitation projects



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3 1 involving eligible property. The main emphasis of the
3 2 standards shall be to ensure that a rehabilitation project
3 3 maintains the integrity of the eligible property. To the
3 4 extent applicable, the standards shall be consistent with the
3 5 standards of the United States secretary of the interior for
3 6 rehabilitation of eligible property ~~that is listed on the~~
~~3 7 national register of historic places or is designated as of~~
~~3 8 historic significance to a district listed in the national~~
~~3 9 register of historic places or shall be consistent with~~
~~3 10 standards for issuance of certificates of appropriateness~~
~~3 11 under sections 303.27 through 303.32.~~

3 12 The selection standards shall provide that a person who
~~3 13 qualifies for the rehabilitation tax credit under section 47~~
~~3 14 of the Internal Revenue Code shall automatically qualify for~~
~~3 15 the state historic preservation and cultural and entertainment~~
~~3 16 district tax credit under this chapter.~~

3 17 3. a. A rehabilitation project for which the state
3 18 historic preservation office has reserved tax credits pursuant
3 19 to section 404A.4 shall begin rehabilitation of the property
3 20 before the end of the fiscal year in which the project
3 21 application was approved and for which the tax credits were
3 22 reserved.

3 23 b. The eligible property shall be placed in service within
3 24 thirty-six months of the date on which the project application
3 25 was approved. For purposes of this section, "placed in
3 26 service" has the same meaning as used for purposes of section
3 27 47 of the Internal Revenue Code. The department may provide
3 28 by rule for the allowance of additional time to complete a
3 29 project.

3 30 c. A rehabilitation project for which a project
3 31 application was approved and tax credits reserved prior to
3 32 July 1, 2009, shall complete the project and place the
3 33 building in service on or before June 30, 2011,
3 34 notwithstanding the time period specified in paragraph "b".

3 35 4. A rehabilitation project that does not meet the



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4 1 requirements of subsection 3 is subject to revocation,
4 2 repayment, or recapture of tax credits reserved or approved
4 3 pursuant to this chapter.

4 4 Sec. 3. Section 404A.4, Code 2009, is amended to read as
4 5 follows:

4 6 404A.4 PROJECT COMPLETION AND TAX CREDIT CERTIFICATION ==
4 7 CREDIT REFUND OR CARRYFORWARD.

4 8 1. Upon completion of the rehabilitation project, a
4 9 certification of completion must be obtained from the state
4 10 historic preservation office of the department of cultural
4 11 affairs. A completion certificate shall identify the person
4 12 claiming the tax credit under this chapter and the qualified
4 13 rehabilitation costs incurred up to the two years preceding
4 14 the completion date.

4 15 2. After verifying the eligibility for the tax credit, the
4 16 state historic preservation office, ~~in consultation with the~~
~~4 17 department of economic development,~~ shall issue a historic

4 18 preservation and cultural and entertainment district tax
4 19 credit certificate to be attached to the person's tax return.
4 20 The tax credit certificate shall contain the taxpayer's name,
4 21 address, tax identification number, the date of project
4 22 completion, the amount of credit, other information required
4 23 by the department of revenue, and a place for the name and tax
4 24 identification number of a transferee and the amount of the
4 25 tax credit being transferred. Of the amount of tax credits
4 26 that may be approved in a fiscal year pursuant to subsection

4 27 4, paragraph "a":

4 28 a. For the fiscal year beginning July 1, 2009, the
4 29 department shall reserve not more than twenty million dollars
4 30 worth of tax credits for a taxable year beginning on or after
4 31 January 1, 2009, and not more than thirty million dollars
4 32 worth of tax credits for a taxable year beginning on or after
4 33 January 1, 2010.

4 34 b. For the fiscal year beginning July 1, 2010, the
4 35 department shall reserve not more than twenty million dollars



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5 1 worth of tax credits for a taxable year beginning on or after
5 2 January 1, 2010, and not more than thirty million dollars
5 3 worth of tax credits for a taxable year beginning on or after
5 4 January 1, 2011.

5 5 c. For the fiscal year beginning July 1, 2011, the
5 6 department shall reserve not more than twenty million dollars
5 7 worth of tax credits for a taxable year beginning on or after
5 8 January 1, 2011, and not more than thirty million dollars
5 9 worth of tax credits for a taxable year beginning on or after
5 10 January 1, 2012.

5 11 3. A person receiving a historic preservation and cultural
5 12 and entertainment district tax credit under this chapter which
5 13 is in excess of the person's tax liability for the tax year is
5 14 entitled to a refund. Any credit in excess of the tax
5 15 liability shall be refunded with interest computed under
5 16 section 422.25. In lieu of claiming a refund, a taxpayer may
5 17 elect to have the overpayment shown on the taxpayer's final,
5 18 completed return credited to the tax liability for the
5 19 following year.

5 20 4. a. The total amount of tax credits that may be
5 21 approved for a fiscal year under this chapter shall not exceed
5 22 ~~ten million dollars in the fiscal year beginning July 1, 2007,~~
5 23 ~~fifteen million dollars in the fiscal year beginning July 1,~~
5 24 ~~2008, and twenty million dollars in the fiscal year beginning~~
5 25 ~~July 1, 2009, and each fiscal year thereafter~~ fifty million
5 26 dollars.

5 27 b. Of the tax credits approved for a fiscal year under
5 28 this chapter, ~~ten~~ the amount of the tax credits shall be
5 29 allocated as follows:

5 30 (1) Ten percent of the dollar amount of tax credits shall
5 31 be allocated for purposes of new projects with final qualified
5 32 rehabilitation costs of five hundred thousand dollars or less,
5 33 ~~and forty.~~

5 34 (2) Thirty percent of the dollar amount of tax credits
5 35 shall be allocated for purposes of new projects located in



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6 1 cultural and entertainment districts certified pursuant to
6 2 section 303.3B or identified in Iowa great places agreements
6 3 developed pursuant to section 303.3C. ~~Any of the tax credits~~
~~6 4 allocated for projects located in certified cultural and~~
~~6 5 entertainment districts or identified in Iowa great places~~
~~6 6 agreements and for projects with a cost of five hundred~~
~~6 7 thousand dollars or less that are not reserved during a fiscal~~
~~6 8 year shall be applied to reserved tax credits issued in~~
~~6 9 accordance with section 404A.3 in order of original~~
~~6 10 reservation. The department of cultural affairs shall~~
~~6 11 establish by rule the procedures for the application, review,~~
~~6 12 selection, and awarding of certifications of completion.~~

6 13 (3) Twenty percent of the dollar amount of tax credits
6 14 shall be allocated for disaster recovery projects. For
6 15 purposes of this subparagraph, "disaster recovery project"
6 16 means a property meeting the requirements of an eligible
6 17 property as described in section 404A.1, subsection 2, which
6 18 is located in an area declared a disaster area by the governor
6 19 or by a federal official and which has been physically
6 20 impacted as a result of a natural disaster.

6 21 (4) Twenty percent of the dollar amount of the tax credits
6 22 shall be allocated for projects that involve the creation of
6 23 more than five hundred new permanent jobs. A taxpayer
6 24 receiving a tax credit certificate for a project under this
6 25 allocation shall provide information documenting the creation
6 26 of the jobs to the department and to the department of
6 27 economic development. The jobs shall be created within two
6 28 years of the date a tax credit certificate is issued. The
6 29 department of economic development shall verify the creation
6 30 of the jobs. The amount of any tax credits received is
6 31 subject to recapture by the department of revenue if the jobs
6 32 are not created within two years. The department and the
6 33 department of economic development may adopt rules for the
6 34 implementation of this subparagraph. The rules shall provide
6 35 for a method or form that allows a city or county to track the



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7 1 number of jobs created in the construction industry by the
7 2 project.
7 3 (5) Twenty percent of the dollar amount of the tax credits
7 4 shall be allocated for any eligible project.
7 5 c. (1) If, in any fiscal year, an amount of tax credits
7 6 allocated pursuant to paragraph "b", subparagraph (2) or (4),
7 7 goes unclaimed, the amount of the unclaimed tax credits shall,
7 8 during the same fiscal year, be reallocated to disaster
7 9 recovery projects as described in paragraph "b", subparagraph
7 10 (3).
7 11 (2) If, in any fiscal year, an amount of tax credits
7 12 reallocated pursuant to subparagraph (1) of this paragraph "c"
7 13 goes unclaimed, the tax credits shall, during the same fiscal
7 14 year, be reallocated to the projects described in paragraph
7 15 "b", subparagraph (5).
7 16 d. The departments of cultural affairs and revenue shall
7 17 each adopt rules to jointly administer this subsection and
7 18 shall provide by rule for the method to be used to determine
7 19 for which fiscal year the tax credits are available.
7 20 e. With the exception of tax credits issued pursuant to
7 21 contracts entered into prior to July 1, 2007, tax credits
7 22 shall not be reserved for more than three years.
7 23 5. a. Tax credit certificates issued under this chapter
7 24 may be transferred to any person or entity.
7 25 b. Within ninety days of transfer, the transferee must
7 26 submit the transferred tax credit certificate to the
7 27 department of revenue along with a statement containing the
7 28 transferee's name, tax identification number, and address, and
7 29 the denomination that each replacement tax credit certificate
7 30 is to carry and any other information required by the
7 31 department of revenue.
7 32 c. Within thirty days of receiving the transferred tax
7 33 credit certificate and the transferee's statement, the
7 34 department of revenue shall issue one or more replacement tax
7 35 credit certificates to the transferee. Each replacement



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8 1 certificate must contain the information required under
8 2 subsection 2 and must have the same expiration date that
8 3 appeared in the transferred tax credit certificate.

8 4 d. Tax credit certificate amounts of less than the minimum
8 5 amount established by rule of the ~~state historic preservation~~
8 6 ~~office department of revenue~~ shall not be transferable.

8 7 e. A tax credit shall not be claimed by a transferee under
8 8 this chapter until a replacement tax credit certificate
8 9 identifying the transferee as the proper holder has been
8 10 issued.

8 11 f. The transferee may use the amount of the tax credit
8 12 transferred against the taxes imposed under chapter 422,
8 13 divisions II, III, and V, and chapter 432 for any tax year the
8 14 original transferor could have claimed the tax credit. Any
8 15 consideration received for the transfer of the tax credit
8 16 shall not be included as income under chapter 422, divisions
8 17 II, III, and V. Any consideration paid for the transfer of
8 18 the tax credit shall not be deducted from income under chapter
8 19 422, divisions II, III, and V.

8 20 Sec. 4. Section 404A.5, Code 2009, is amended to read as
8 21 follows:

8 22 404A.5 ECONOMIC IMPACT == RECOMMENDATIONS.

8 23 1. The department of cultural affairs, in consultation
8 24 with the department of ~~economic development~~ revenue, shall be
8 25 responsible for keeping the general assembly and the
8 26 legislative services agency informed on the overall economic
8 27 impact to the state of the rehabilitation of eligible
8 28 properties.

8 29 2. An annual report shall be filed which shall include,
8 30 but is not limited to, data on the number and potential value
8 31 of rehabilitation projects begun during the latest
8 32 twelve-month period, the total historic preservation and
8 33 cultural and entertainment district tax credits originally
8 34 granted during that period, the potential reduction in state
8 35 tax revenues as a result of all tax credits still unused and



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9 1 eligible for refund, and the potential increase in local
9 2 property tax revenues as a result of the rehabilitated
9 3 projects.
9 4 3. The department of cultural affairs, to the extent it is
9 5 able, shall provide recommendations on whether a limit on tax
9 6 credits should be established, the need for a broader or more
9 7 restrictive definition of eligible property, and other
9 8 adjustments to the tax credits under this chapter.

9 9 EXPLANATION

9 10 This bill relates to historic preservation and cultural and
9 11 entertainment district tax credits.

9 12 Current law provides that the rehabilitation costs of
9 13 residential property or barns must equal \$25,000 or 25 percent
9 14 of the fair market value of the structure, whichever is less.
9 15 The bill provides that the 25 percent provision is calculated
9 16 against the assessed value, instead of the fair market value.

9 17 Current law provides that the approval process for a
9 18 project applying for the credit must be completed within 90
9 19 days of the date on which the project is submitted to the
9 20 department. The bill provides that the 90-day period is
9 21 measured from the date on which the completed application is
9 22 received by the department.

9 23 Current law provides that a project not acted upon by the
9 24 department within the 90-day period is automatically approved.
9 25 The bill provides that it is not automatically approved unless
9 26 the department has failed within the 90-day period to either
9 27 deny the application or contact the applicant for further
9 28 information.

9 29 The bill increases the aggregate amount of tax credits that
9 30 may be approved in a fiscal year from \$20 million to \$50
9 31 million. Of the \$50 million of tax credits that may be
9 32 approved in a fiscal year, for the fiscal period beginning
9 33 July 1, 2009, and ending June 30, 2012, the department must
9 34 reserve a portion of the tax credits for different tax years.
9 35 For the fiscal year beginning July 1, 2009, the department



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10 1 must reserve not more than \$20 million worth of tax credits
10 2 for a taxable year beginning on or after January 1, 2009, and
10 3 not more than \$30 million worth of tax credits for a taxable
10 4 year beginning on or after January 1, 2010. For the fiscal
10 5 year beginning July 1, 2010, the department must reserve not
10 6 more than \$20 million worth of tax credits for a taxable year
10 7 beginning on or after January 1, 2010, and not more than \$30
10 8 million worth of tax credits for a taxable year beginning on
10 9 or after January 1, 2011. For the fiscal year beginning July
10 10 1, 2011, the department must reserve not more than \$20 million
10 11 worth of tax credits for a taxable year beginning on or after
10 12 January 1, 2011, and not more than \$30 million worth of tax
10 13 credits for a taxable year beginning on or after January 1,
10 14 2012.

10 15 The bill changes the amount of tax credits that may be
10 16 allocated by the department to certain types of projects. Of
10 17 the \$50 million that may be approved, 10 percent must be
10 18 allocated for projects costing less than \$500,000, 30 percent
10 19 must be allocated for projects in cultural and entertainment
10 20 districts, 20 percent must be allocated for disaster recovery
10 21 projects, 20 percent must be allocated for projects that will
10 22 result in the creation of 500 or more jobs, and 20 percent
10 23 must be allocated for eligible projects generally, without
10 24 imposing special requirements. Taxpayers receiving a tax
10 25 credit allocation for projects that involve the creation of
10 26 500 or more jobs must provide documentation on the creation of
10 27 the jobs to the department and the department of economic
10 28 development. If, in any fiscal year, an amount of tax credits
10 29 allocated pursuant to certain projects goes unclaimed, those
10 30 tax credits may be reallocated by the department to other
10 31 projects according to the relative priority of projects.

10 32 The bill modifies some of the duties relating to the
10 33 administration of the tax credit program, including removing
10 34 certain consultation duties of the department of economic
10 35 development, changing the approval process, providing for a



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11 1 36-month period for project completion, and allowing the
11 2 department of cultural affairs to recapture credits under
11 3 certain circumstances.
11 4 LSB 1304SZ 83
11 5 tw/sc:mg/5



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Senate File 482 - Introduced

SENATE FILE
BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO SSB 1327)

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

A BILL FOR

1 An Act relating to programs administered by the commission on
2 volunteer service by establishing Iowa summer youth corps and
3 green corps programs, creating the community programs account
4 and making appropriations from the account, excluding certain
5 payments provided to an AmeriCorps volunteer from state income
6 tax, and providing effective dates.
7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
8 TLSB 2619SV 83
9 jp/nh/24



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1 1 Section 1. NEW SECTION. 15H.5 IOWA SUMMER YOUTH CORPS.
1 2 1. For the purposes of this section, "service=learning"
1 3 means a teaching and learning strategy that integrates
1 4 meaningful community service with instruction and reflection
1 5 to enrich the learning experience, teach civic responsibility,
1 6 and strengthen communities.
1 7 2. The Iowa summer youth corps program is established to
1 8 provide meaningful summer enrichment programming to Iowa
1 9 youth. The program shall be administered by the Iowa
1 10 commission on volunteer service using a competitive grant
1 11 process to implement projects in accordance with program
1 12 requirements. The commission shall adopt administrative rules
1 13 for the program, including but not limited to incentives,
1 14 grant criteria, and grantee selection processes. A percentage
1 15 of the grants shall be designated by the commission to address
1 16 the needs of city enterprise zones that meet the distress
1 17 criteria outlined in section 15E.194.
1 18 3. The program shall provide grants for projects that
1 19 utilize a service=learning approach during the summer months
1 20 to enhance student achievement and summer learning retention,
1 21 teach meaningful job skills to Iowa youth, engage Iowa youth
1 22 in their communities, provide positive youth development
1 23 experiences, and address the needs of youth from families with
1 24 low income. The service=learning approach shall be integrated
1 25 into the program using science, technology, engineering,
1 26 mathematics, social studies, civic literacy, or other
1 27 appropriate curricula identified by the department of
1 28 education.
1 29 4. The program shall involve the youth participating in
1 30 the program in service=learning activities with one or more of
1 31 the following focuses:
1 32 a. Energy conservation in the youth's community, including
1 33 conducting educational outreach on energy conservation and
1 34 working to improve energy efficiency in low=income housing and
1 35 public spaces.



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- 2 1 b. Emergency and disaster preparedness.
- 2 2 c. Improving access to and obtaining the benefits from
- 2 3 providing computers and other emerging technologies in
- 2 4 underserved and other appropriate areas of counties and
- 2 5 cities, including but not limited to low-income communities,
- 2 6 senior centers and communities, schools, libraries, and other
- 2 7 public settings.
- 2 8 d. Mentoring of middle school youth while involving all
- 2 9 participants in service-learning to address unmet human,
- 2 10 educational, environmental, public safety, or emergency
- 2 11 disaster preparedness needs in the participants' community.
- 2 12 e. Establishing or implementing summer of service projects
- 2 13 during the summer months. Budgeting for a summer of service
- 2 14 project shall include the cost of recruitment, training, and
- 2 15 placement of service-learning coordinators. A summer of
- 2 16 service project shall comply with all of the following
- 2 17 requirements:
- 2 18 (1) Youth participating in a project will be enrolled in
- 2 19 grades six through twelve in the school year which begins
- 2 20 immediately following the end of a project.
- 2 21 (2) The focus of each project shall be community-based
- 2 22 service-learning activities that address unmet human,
- 2 23 educational, environmental, emergency and disaster
- 2 24 preparedness, and public service needs. Environmental needs
- 2 25 addressed may include energy conservation, water quality, and
- 2 26 land stewardship.
- 2 27 (3) The activities for each project shall be intensive,
- 2 28 structured, supervised, and designed to produce identifiable
- 2 29 improvements to the community. The activities may include the
- 2 30 extension of school year service-learning programs into the
- 2 31 summer months.
- 2 32 f. Performing community improvement projects, which may
- 2 33 include but are not limited to a green corps program activity
- 2 34 under section 15H.6 or other youth training program.
- 2 35 5. a. Funding for the Iowa summer youth corps program and



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3 1 the Iowa green corps program established pursuant to section
3 2 15H.6 shall be obtained from private sector, and local, state,
3 3 and federal government sources, or from other available funds
3 4 credited to the community programs account, which shall be
3 5 created within the department of economic development under
3 6 the authority of the commission. Moneys available in the
3 7 account for a fiscal year are appropriated to the commission
3 8 to be used for the programs.

3 9 b. The commission shall manage the program in a manner to
3 10 maximize the leveraging of federal, local, and private funding
3 11 opportunities that increase or amplify program impact and
3 12 service-learning opportunities. The commission shall also
3 13 encourage collaboration with, and utilization of, other
3 14 national, local, and nonprofit programs engaged in community
3 15 service or addressing the needs of youth from families with
3 16 low income.

3 17 c. The commission shall give priority consideration to
3 18 approving those projects that target communities that have
3 19 disproportionately high rates of juvenile crime or low rates
3 20 of high school graduation or that have been designated as city
3 21 enterprise zones that meet the distress criteria outlined in
3 22 section 15E.194.

3 23 d. The commission shall include progress information
3 24 concerning implementation of the program in the quarterly
3 25 reports made to the governor and the general assembly in
3 26 accordance with section 15H.2.

3 27 6. a. Notwithstanding any contrary provision of chapter
3 28 8A, subchapter IV, or chapter 96, a person participating in
3 29 the Iowa summer youth corps program shall be exempt from merit
3 30 system requirements and shall not be eligible to receive
3 31 unemployment compensation benefits.

3 32 b. If a stipend is provided to a youth participating in
3 33 the program, the youth shall be age fourteen through eighteen.

3 34 c. A youth participating in a summer of service project
3 35 that either has an education award or no compensation shall



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4 1 comply with the grade level requirements specified for summer
4 2 of service project participation.

4 3 d. A project that uses funding for an AmeriCorps young
4 4 adult component within the project design shall limit
4 5 participation in the component to young adults who are age
4 6 eighteen through twenty-five at the time of enrollment in the
4 7 project.

4 8 Sec. 2. NEW SECTION. 15H.6 IOWA GREEN CORPS PROGRAM.

4 9 1. The Iowa commission on volunteer service, in
4 10 collaboration with the department of natural resources, the
4 11 department of workforce development, the office of energy
4 12 independence, and the utilities board of the department of
4 13 commerce shall establish an Iowa green corps program. The
4 14 commission shall work with the collaborating agencies and
4 15 nonprofit agencies in developing a strategy for attracting
4 16 additional financial resources for the program from other
4 17 sources which may include but are not limited to utilities,
4 18 private sector, and local, state, and federal government
4 19 funding sources. The financial resources received shall be
4 20 credited to the community programs account created pursuant to
4 21 section 15H.5.

4 22 2. The program shall utilize AmeriCorps or Iowa summer
4 23 youth corps program volunteers to provide capacity building
4 24 activities, training, and implementation of major
4 25 transformative projects in communities. The project selection
4 26 shall emphasize energy efficiency, historic preservation,
4 27 neighborhood development, and storm water reduction and
4 28 management.

4 29 3. The capacity building activities shall be targeted in
4 30 communities that are already working with existing community
4 31 improvement programs, including but not limited to the Iowa
4 32 great places program established under section 303.3C, the
4 33 green streets and main street Iowa programs administered by
4 34 the department of economic development, and disaster
4 35 remediation activities by communities located within an area



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5 1 declared to be a disaster area in a declaration issued by the
5 2 president of the United States or the governor.
5 3 Sec. 3. Section 422.7, Code 2009, is amended by adding the
5 4 following new subsection:
5 5 NEW SUBSECTION. 23. Subtract, to the extent included, the
5 6 amount of federal Segal AmeriCorps education award payments.
5 7 Sec. 4. EFFECTIVE DATES == APPLICABILITY.
5 8 1. Except as provided in subsection 2, this Act takes
5 9 effect July 1, 2010.
5 10 2. The provision of this Act amending section 422.7 takes
5 11 effect January 1, 2010, and is applicable on or after that
5 12 date.

5 13 EXPLANATION

5 14 This bill relates to youth employment programs administered
5 15 by the commission on volunteer service by establishing the
5 16 Iowa summer youth corps and green corps programs, creating the
5 17 community programs account and making appropriations from the
5 18 account, excluding certain payments provided to an AmeriCorps
5 19 volunteer from state income tax, and providing a retroactive
5 20 applicability provision.

5 21 New Code section 15H.5 establishes the Iowa summer youth
5 22 corps program under the authority of the commission to provide
5 23 meaningful summer enrichment programming to Iowa youth,
5 24 requires the program to be implemented by issuing competitive
5 25 grants for projects, requires the commission to designate a
5 26 percentage of the grants to address the needs of city
5 27 enterprise zones that meet the distress criteria under Code
5 28 section 15E.194, defines the term "service=learning", requires
5 29 the participating youth to be engaged with various specified
5 30 service=learning activities, outlines requirements for "summer
5 31 of service" projects for youth who will be entering grades six
5 32 through 12, creates a community programs account, and
5 33 appropriates any funding available in the account to the
5 34 commission for the youth corps program and the green corps
5 35 program also created by the bill.



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6 1 A participant in the youth corps program is exempt from
6 2 state merit system requirements and is not eligible to receive
6 3 unemployment compensation benefits. If a stipend is provided,
6 4 the participant must be age 14 through 18. If a project uses
6 5 funding for an AmeriCorps young adult component, participation
6 6 in the component is limited to young adults who are age 18
6 7 through 25 at the time of enrollment.

6 8 New Code section 15H.6 directs the commission on volunteer
6 9 service, in collaboration with the departments of natural
6 10 resources and workforce development, and the utilities board,
6 11 to establish an Iowa green corps program. The program is
6 12 required to use AmeriCorps or Iowa summer youth corps program
6 13 volunteers to provide capacity building activities, training,
6 14 and implementation of major transformative projects in
6 15 communities. The project selection is required to emphasize
6 16 energy efficiency, historic preservation, neighborhood
6 17 development, and storm water reduction and management. The
6 18 capacity building activities are required to be targeted to
6 19 communities that are already working with existing community
6 20 improvement programs and may include disaster remediation
6 21 activities.

6 22 Code section 422.7 is amended to exclude from state
6 23 individual income tax the amount of federal Segal AmeriCorps
6 24 education award payments. This provision takes effect on and
6 25 applies to January 1, 2010, for tax years beginning on or
6 26 after that date.

6 27 The remainder of the bill takes effect July 1, 2010.

6 28 LSB 2619SV 83

6 29 jp/nh/24



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Senate File 483 - Introduced

SENATE FILE
BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO SSB 1316)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act relating to state taxes by limiting tax credits available
2 under certain economic development programs and agricultural
3 assets transfer agreements, eliminating the carryback of net
4 operating losses, modifying refund interest provisions, and
5 including retroactive applicability date and other
6 applicability date provisions.

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

8 TLSB 2703SV 83

9 tw/sc/8



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1 1 DIVISION I
1 2 TAX CREDIT LIMITS
1 3 Section 1. NEW SECTION. 15.119 AGGREGATE TAX CREDIT
1 4 LIMIT FOR CERTAIN ECONOMIC DEVELOPMENT PROGRAMS.
1 5 1. Notwithstanding any provision to the contrary in
1 6 sections 15.327 through 15.336, 15.393, section 15A.9,
1 7 subsection 8, sections 15E.191 through 15E.197, and 422.11E,
1 8 and section 422.33, subsection 9, the department shall not
1 9 authorize an amount of tax credits for purposes specified in
1 10 subsection 2 in excess of one hundred seventy-five million
1 11 dollars in any fiscal year.
1 12 2. The department, with the approval of the board, shall
1 13 adopt by rule a procedure for allocating the aggregate tax
1 14 credit limit established in this section among the following
1 15 programs administered by the department:
1 16 a. The high quality job creation program administered
1 17 pursuant to sections 15.326 through 15.336.
1 18 b. The film, television, and video project promotion
1 19 program administered pursuant to sections 15.391 through
1 20 15.393.
1 21 c. The corporate tax research credit under the quality
1 22 jobs enterprise zone program pursuant to section 15A.9,
1 23 subsection 8.
1 24 d. The enterprise zones program administered pursuant to
1 25 sections 15E.191 through 15E.197.
1 26 e. The assistive device tax credit program administered
1 27 pursuant to section 422.11E and section 422.33, subsection 9.
1 28 3. The department shall submit to the department of
1 29 revenue on or before August 15 of each year a report on the
1 30 tax credits allocated pursuant to this section and the tax
1 31 credits awarded under each of the programs described in
1 32 subsection 2.
1 33 Sec. 2. Section 175.37, Code 2009, is amended by adding
1 34 the following new subsection:
1 35 NEW SUBSECTION. 10. The amount of tax credit certificates



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2 1 that may be issued pursuant to this section shall not exceed
2 2 three million dollars in any fiscal year. The authority shall
2 3 issue the tax credit certificates on a first-come,
2 4 first-served basis.

2 5 Sec. 3. APPLICABILITY DATE. This division of this Act
2 6 applies to contracts and agreements entered into or tax
2 7 credits awarded on or after July 1, 2009.

2 8 DIVISION II
2 9 NET OPERATING LOSS CARRYBACK

2 10 Sec. 4. Section 422.35, subsection 11, Code 2009, is
2 11 amended to read as follows:

2 12 11. If after applying all of the adjustments provided for
2 13 in this section and the allocation and apportionment
2 14 provisions of section 422.33, the Iowa taxable income results
2 15 in a net operating loss, such net operating loss shall be
2 16 deducted as follows:

2 17 a. The For tax years beginning prior to January 1, 2009,
2 18 the Iowa net operating loss shall be carried back three
2 19 taxable years for a net operating loss incurred in a
2 20 presidentially declared disaster area by a taxpayer engaged in
2 21 a small business or in the trade or business of farming. For
2 22 all other Iowa net operating losses for tax years beginning
2 23 prior to January 1, 2009, the net operating loss shall be
2 24 carried back two taxable years or to the taxable year in which
2 25 the corporation first commenced doing business in this state,
2 26 whichever is later.

2 27 b. The An Iowa net operating loss for a tax year beginning
2 28 on or after January 1, 2009, or an Iowa net operating loss
2 29 remaining after being carried back as required in paragraph
2 30 "a" or "f" or if not required to be carried back shall be
2 31 carried forward twenty taxable years.

2 32 c. If the election under section 172(b)(3) of the Internal
2 33 Revenue Code is made, the Iowa net operating loss shall be
2 34 carried forward twenty taxable years.

2 35 d. No portion of a net operating loss which was sustained



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3 1 from that portion of the trade or business carried on outside
3 2 the state of Iowa shall be deducted.

3 3 e. The limitations on net operating loss carryback and
3 4 carryforward under sections 172(b)(1)(E) and 172(h) of the
3 5 Internal Revenue Code shall apply.

3 6 f. Notwithstanding paragraph "a", for a taxpayer who is
3 7 engaged in the trade or business of farming as defined in
3 8 section 263A(e)(4) of the Internal Revenue Code and has a loss
3 9 from farming as defined in section 172(b)(1)(F) of the
3 10 Internal Revenue Code including modifications prescribed by
3 11 rule by the director, the Iowa loss from the trade or business
3 12 of farming, for tax years beginning prior to January 1, 2009,
3 13 is a net operating loss which may be carried back five taxable
3 14 years prior to the taxable year of the loss.

3 15 g. Provided, however, that The deductions described in
3 16 paragraphs "a" through "f" of this subsection are allowed
3 17 subject to the requirement that a corporation affected by the
3 18 allocation provisions of section 422.33 shall be permitted to
3 19 deduct only ~~such~~ that portion of the deductions for net
3 20 operating loss and federal income taxes ~~as~~ that is fairly and
3 21 equitably allocable to Iowa, under rules prescribed by the
3 22 director.

3 23 Sec. 5. RETROACTIVE APPLICABILITY DATE. This division of
3 24 this Act applies retroactively to January 1, 2009, for tax
3 25 years beginning on or after that date.

DIVISION III

REFUND INTEREST

3 28 Sec. 6. Section 422.25, subsection 3, Code 2009, is
3 29 amended to read as follows:

3 30 3. If the amount of the tax as determined by the
3 31 department is less than the amount paid, the excess shall be
3 32 refunded with interest, the interest to begin to accrue on the
3 33 first day of the ~~second~~ third calendar month following the
3 34 date of payment or the date the return was due to be filed, or
3 35 the extended due date by which the return was due to be filed



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4 1 if ninety percent of the tax was paid by the original due
4 2 date, or was filed, whichever is the latest, at the rate in
4 3 effect under section 421.7 counting each fraction of a month
4 4 as an entire month under the rules prescribed by the director.
4 5 If an overpayment of tax results from a net operating loss or
4 6 net capital loss which is carried back to a prior year, the
4 7 overpayment, for purposes of computing interest on refunds,
4 8 shall be considered as having been made on the date a claim
4 9 for refund or amended return carrying back the net operating
4 10 loss or net capital loss is filed with the department or on
4 11 the first day of the ~~second~~ third calendar month following the
4 12 date of the actual payment of the tax, whichever is later.
4 13 However, when the net operating loss or net capital loss
4 14 carryback to a prior year eliminates or reduces an
4 15 underpayment of tax due for an earlier year, the full amount
4 16 of the underpayment of tax shall bear interest at the rate in
4 17 effect under section 421.7 for each month counting each
4 18 fraction of a month as an entire month from the due date of
4 19 the tax for the earlier year to the last day of the taxable
4 20 year in which the net operating loss or net capital loss
4 21 occurred.

4 22 Sec. 7. Section 422.91, Code 2009, is amended to read as
4 23 follows:

4 24 422.91 CREDIT FOR ESTIMATED TAX.

4 25 1. Any amount of estimated tax paid is a credit against
4 26 the amount of tax due on a final, completed return, and any
4 27 overpayment of five dollars or more shall be refunded to the
4 28 taxpayer with interest, the interest to begin to accrue on the
4 29 first day of the ~~second~~ third calendar month following the
4 30 date of payment or the date the return was due to be filed or
4 31 was filed, whichever is the latest, at the rate established
4 32 under section 421.7, and the return constitutes a claim for
4 33 refund for this purpose. Amounts less than five dollars shall
4 34 be refunded to the taxpayer only upon written application in
4 35 accordance with section 422.73, and only if the application is



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5 1 filed within twelve months after the due date for the return.
5 2 2. In lieu of claiming a refund, the taxpayer may elect to
5 3 have the overpayment shown on its final, completed return for
5 4 the taxable year credited to the tax liability for the
5 5 following taxable year.

5 6 Sec. 8. RETROACTIVE APPLICABILITY DATE. This division of
5 7 this Act applies retroactively to January 1, 2009, for tax
5 8 years beginning on or after that date.

5 9 EXPLANATION

5 10 This bill relates to tax credits for economic development
5 11 and agricultural assets transfers, to net operating losses,
5 12 and to refund interest.

5 13 Division I of the bill sets a maximum aggregate limit on
5 14 the amount of tax credits the department of economic
5 15 development may issue pursuant to the high quality jobs
5 16 creation program, the film television and video project
5 17 promotion program, the corporate research tax credit of the
5 18 quality jobs enterprise zone program, the enterprise zones
5 19 program, and the assistive device tax credit program. The
5 20 department may not issue more than \$175 million of tax credits
5 21 under these programs.

5 22 Division I also limits the amount of tax credits that may
5 23 be issued under the agricultural assets transfer tax credit
5 24 program to \$3 million.

5 25 Division I applies to contracts and agreements entered into
5 26 or tax credits awarded on or after July 1, 2009.

5 27 Division II ends the carryback of net operating losses of
5 28 corporations in tax years beginning on or after January 1,
5 29 2009, and provides only for the current carryforward period of
5 30 twenty taxable years.

5 31 Division II applies retroactively to January 1, 2009, for
5 32 tax years beginning on or after that date.

5 33 Code sections 422.25 and 422.91 provide for the accrual of
5 34 interest on refunds due to individual and corporate income
5 35 taxpayers. The refund period begins on the first day of the



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6 1 second calendar month following the date of payment or the
6 2 date the return was due to be filed. Division III of the bill
6 3 provides that the period begins on the first day of the third
6 4 calendar month.
6 5 Division III applies retroactively to January 1, 2009, for
6 6 tax years beginning on or after that date.
6 7 LSB 2703SV 83
6 8 tw/sc/8



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SENATE FILE
BY COMMITTEE ON GOVERNMENT
OVERSIGHT

(SUCCESSOR TO SSB 1326)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to regulatory requirements involving boarding
- 2 homes and dependent adults and providing an appropriation and
- 3 a penalty.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 2692SV 83
- 6 jp/rj/5



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1 1 Section 1. Section 10A.104, subsection 9, Code 2009, is
1 2 amended to read as follows:
1 3 9. Administer and enforce this chapter, and chapters 99B,
1 4 135B, 135C, 135H, 135J, 135O, 137C, 137D, and 137F.
1 5 Sec. 2. Section 91A.9, Code 2009, is amended by adding the
1 6 following new subsection:
1 7 NEW SUBSECTION. 3A. The commissioner shall, in
1 8 consultation with the United States department of labor,
1 9 develop a database of the employers in this state utilizing
1 10 special certificates issued by the United States secretary of
1 11 labor as authorized under 29 U.S.C. } 214, and shall maintain
1 12 the database.
1 13 Sec. 3. NEW SECTION. 1350.1 DEFINITIONS.
1 14 For the purposes of this chapter unless the context
1 15 otherwise requires:
1 16 1. "Boarding home" means a premises used by its owner or
1 17 lessee for the purpose of letting rooms for rental to three or
1 18 more persons not related within the third degree of
1 19 consanguinity to the owner or lessee where supervision or
1 20 assistance with activities of daily living is provided to such
1 21 persons. A boarding home does not include a facility, home,
1 22 or program otherwise subject to licensure or regulation under
1 23 chapter 135C, 231B, 231C, or 231D, or under a home and
1 24 community-based services waiver approved by the federal
1 25 government and implemented under the medical assistance
1 26 program.
1 27 2. "Department" means the department of inspections and
1 28 appeals.
1 29 3. "Premises" means the same as defined in section 562A.6.
1 30 Sec. 4. NEW SECTION. 1350.2 REQUIRED REGISTRATION AND
1 31 REPORTING == RULES == PENALTY.
1 32 1. The owner or lessee of a boarding home in this state
1 33 shall register with and submit occupancy reports to the
1 34 department. The content of the required occupancy reports
1 35 shall include but is not limited to the number of individuals



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2 1 living in the boarding home and the supervision or assistance
2 2 with activities of daily living being provided to the
2 3 individuals.

2 4 2. The department of inspections and appeals shall adopt
2 5 rules to administer this chapter in consultation with the
2 6 departments of human services and public safety.

2 7 3. a. The owner or lessee of a boarding home who fails to
2 8 register with the department or to timely submit occupancy
2 9 reports required by this section and rules adopted pursuant to
2 10 this chapter is subject to a civil penalty of not more than
2 11 five hundred dollars.

2 12 b. The department may reduce, alter, or waive a penalty
2 13 under paragraph "a" upon the owner's or lessee's showing of
2 14 good faith compliance with the department's request to
2 15 immediately cease and desist from conduct in violation of this
2 16 chapter.

2 17 Sec. 5. NEW SECTION. 1350.3 RESPONSE TO ALLEGATIONS.

2 18 1. If the department or other state agency receives an
2 19 allegation of a violation of this chapter by a boarding home
2 20 or an allegation regarding the care or safety of an individual
2 21 living in a boarding home, a coordinated, interagency approach
2 22 shall be used to respond to the allegation.

2 23 2. a. The interagency approach may involve a
2 24 multidisciplinary team consisting of employees of the
2 25 department of inspections and appeals, the department of human
2 26 services, the state fire marshal, and the division of criminal
2 27 investigation of the department of public safety, or other
2 28 local, state, and federal agencies.

2 29 b. The multidisciplinary team may consult with local,
2 30 state, and federal law enforcement agencies, first responders,
2 31 health and human services professionals, and governmental and
2 32 nongovernmental advocacy organizations, and other appropriate
2 33 persons.

2 34 3. The name of a person who files an allegation shall be
2 35 kept confidential and shall not be subject to discovery,



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3 1 subpoena, or other means of legal compulsion for its release
3 2 to a person other than department employees or the members of
3 3 a multidisciplinary team involved in the investigation of the
3 4 allegation.

3 5 4. If the department or a multidisciplinary team has
3 6 probable cause to believe that a boarding home is in violation
3 7 of this chapter, or chapter 135C, 231B, 231C, or 231D or that
3 8 dependent adult abuse of any individual living in a boarding
3 9 home has occurred, and upon producing proper identification,
3 10 is denied entry to the boarding home or access to any
3 11 individual living in the boarding home for the purpose of
3 12 making an inspection or conducting an investigation, the
3 13 department or multidisciplinary team may, with the assistance
3 14 of the county attorney of the county in which the boarding
3 15 home is located, apply to the district court for an order
3 16 requiring the owner or lessee to permit entry to the boarding
3 17 home and access to the individuals living in the boarding
3 18 home.

3 19 Sec. 6. Section 235B.3, subsection 1, paragraph a, Code
3 20 2009, is amended to read as follows:

3 21 a. (1) The department shall receive dependent adult abuse
3 22 reports and shall collect, maintain, and disseminate the
3 23 reports by establishing a central registry for dependent adult
3 24 abuse information. The department shall evaluate the reports
3 25 expeditiously.

3 26 (2) However, the department of inspections and appeals is
3 27 solely responsible for the evaluation and disposition of
3 28 dependent adult abuse cases within facilities and programs
3 29 pursuant to chapter 235E and shall inform the department of
3 30 human services of such evaluations and dispositions pursuant
3 31 to section 235E.2.

3 32 (3) If, in the course of an assessment or evaluation of a
3 33 report of dependent adult abuse, the department of human
3 34 services or the department of inspections and appeals
3 35 determines the case involves wages, workplace safety, or other



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4 1 labor and employment matters under the jurisdiction of the
4 2 division of labor services of the department of workforce
4 3 development, the relevant portions of the case shall be
4 4 referred to the division.

4 5 (4) If, in the course of an assessment or evaluation of a
4 6 report of dependent adult abuse, the department of human
4 7 services or the department of inspections and appeals
4 8 determines that the case involves discrimination under the
4 9 jurisdiction of the civil rights commission, the relevant
4 10 portions of the case shall be referred to the commission.

4 11 Sec. 7. Section 235B.9, subsection 2, Code 2009, is
4 12 amended to read as follows:

4 13 2. a. Dependent adult abuse reports that are rejected for
4 14 evaluation, assessment, or disposition for failure to meet the
4 15 definition of dependent adult abuse shall be expunged three
4 16 years from the rejection date.

4 17 b. Dependent adult abuse information which is determined
4 18 by a preponderance of the evidence to be unfounded shall be
4 19 expunged ~~one year~~ five years from the date it is determined to
4 20 be unfounded.

4 21 Sec. 8. NEW SECTION. 235B.16A DEPENDENT ADULTS ==
4 22 DEPENDENCY ASSESSMENTS == INTERAGENCY TRAINING.

4 23 1. The dependent adult protective advisory council
4 24 established pursuant to section 235B.1 shall recommend a
4 25 uniform assessment instrument and process for adoption and use
4 26 by the department of human services and other agencies
4 27 involved with assessing a dependent adult's degree of
4 28 dependency and determining whether dependent adult abuse has
4 29 occurred. However, this section shall not apply to dependent
4 30 adult abuse assessments and determinations made under chapter
4 31 235E.

4 32 2. The instrument and process design under subsection 1
4 33 shall address but is not limited to all of the following:

4 34 a. Evaluation of conformity with applicable federal law
4 35 and regulations on the part of the persons employing, housing,



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5 1 or providing services to the dependent adult.
5 2 b. Provision for the final step in the dependency
5 3 assessment of a dependent adult to be a formal assessment of
5 4 the existence of risk to the health or safety of the
5 5 individual or of the degree of the individual's impairment in
5 6 ability under the definition of dependent adult in section
5 7 235B.2.
5 8 c. If the assessment under paragraph "b" determines that a
5 9 risk to the health or safety of the individual exists or the
5 10 individual has a significant impairment in ability, and the
5 11 individual being assessed agrees, provision for a case manager
5 12 to be assigned to assist in preparing and implementing a
5 13 safety plan which includes protective services for the
5 14 individual.
5 15 d. If the assessment under paragraph "b" determines that a
5 16 risk to the health or safety of the individual exists or the
5 17 individual has a significant impairment in ability, the
5 18 individual being assessed does not agree to the safety plan
5 19 provisions under paragraph "c" or accept other services, and
5 20 the options available under sections 235B.17, 235B.18, and
5 21 235B.19 are not utilized, provision for the department of
5 22 human services to maintain periodic contact with the
5 23 individual in accordance with rules adopted for this purpose.
5 24 The purpose of the contact is to assess any increased risk or
5 25 impairment and to monitor the individual's goals, feelings,
5 26 and concerns so that the department can intervene when
5 27 necessary or offer services and other support to maintain or
5 28 sustain the individual's safety and independence when the
5 29 individual is ready to agree to a safety plan or accept
5 30 services.
5 31 3. The department of human services and other agencies
5 32 involved with assessing a dependent adult's degree of
5 33 dependency and whether dependent adult abuse has occurred
5 34 shall adopt rules and take other steps necessary to implement
5 35 the uniform assessment instrument and process addressed by



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6 1 this section on or before July 1, 2010.

6 2 4. The department of human services shall cooperate with
6 3 the departments of elder affairs, inspections and appeals,
6 4 public health, public safety, and workforce development, the
6 5 civil rights commission, and other state and local agencies
6 6 performing inspections or otherwise visiting residential
6 7 settings where dependent adults live, to regularly provide
6 8 training to the appropriate staff in the agencies concerning
6 9 each agency's procedures involving dependent adults, and to
6 10 build awareness concerning dependent adults and reporting of
6 11 dependent adult abuse.

6 12 Sec. 9. Section 249A.7, Code 2009, is amended by adding
6 13 the following new unnumbered paragraph:

6 14 NEW UNNUMBERED PARAGRAPH. A Medicaid fraud account is
6 15 created in the general fund of the state under the authority
6 16 of the department of inspections and appeals. Moneys from
6 17 penalties and other amounts received as a result of
6 18 prosecutions involving the department of inspections and
6 19 appeals investigations and audits to ensure compliance with
6 20 the medical assistance program that are not credited to the
6 21 program may be credited to the account. Notwithstanding
6 22 sections 8.33 and 8.39, moneys credited to the account shall
6 23 not revert to any other account or fund and are not subject to
6 24 transfer except as specifically provided by law. Moneys in
6 25 the account are appropriated to the department of inspections
6 26 and appeals to be used for costs incurred by the department of
6 27 inspections and appeals or other agencies in providing
6 28 regulation, responding to allegations, or other activity
6 29 involving chapter 1350. The department of inspections and
6 30 appeals and other agencies receiving moneys from the account
6 31 shall provide a joint annual report to the governor and
6 32 general assembly detailing the expenditures from the account
6 33 and activities performed relating to the expenditures.

6 34 EXPLANATION

6 35 This bill relates to regulatory requirements involving



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7 1 boarding homes and dependent adults.
7 2 Code section 91A.9, relating to the duties of the
7 3 commissioner of labor, is amended to include the duty of
7 4 developing, in consultation with the United States department
7 5 of labor, a database of the employers in this state utilizing
7 6 special certificates issued by the United States secretary of
7 7 labor as authorized under 29 U.S.C. } 214. The federal law
7 8 authorizes payment of wages below the minimum wage, under
7 9 certain circumstances, for workers with handicaps. The
7 10 commissioner is required to maintain the database.
7 11 New Code chapter 1350 provides for regulation of boarding
7 12 homes by the department of inspections and appeals. Code
7 13 section 10A.104 is amended to include a reference to the new
7 14 Code chapter among the department's duties.
7 15 Code chapter 1350 defines the term "boarding home". The
7 16 term does not include various facilities, homes, or programs
7 17 subject to licensure or regulated under existing Iowa law.
7 18 The owner or lessee of a boarding home is required to register
7 19 with the department and to submit occupancy information. The
7 20 owner or lessee of a boarding home who fails to register or
7 21 comply with reporting requirements is subject to a civil
7 22 penalty of not more than \$500. The department may reduce,
7 23 alter, or waive the penalty. The department is required to
7 24 adopt rules in consultation with the departments of human
7 25 services and public safety.
7 26 If allegations are received concerning a boarding home or
7 27 the safety of boarding home tenants, an interagency approach
7 28 is required to be used to address the allegations. The name
7 29 of a person who files an allegation is kept confidential. If
7 30 the department or a multidisciplinary team has probable cause
7 31 to believe there is a boarding home violation or that
7 32 dependent adult abuse of an individual living in the boarding
7 33 home has occurred and is denied entry to inspect or
7 34 investigate, upon application, the court may enter an order
7 35 requiring the owner or lessee to permit entry and access to



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8 1 the individuals living in the boarding home.
8 2 Code chapter 235B, relating to dependent adult abuse
8 3 services administered by the department of human services, is
8 4 amended.
8 5 Under current law, Code section 235B.3, relating to the
8 6 procedure for dependent adult abuse reports, generally
8 7 provides for the reports to be evaluated or assessed by the
8 8 department of human services. An exception under Code chapter
8 9 235E provides for reports involving a health care facility,
8 10 hospital, elder group home, assisted living program, or an
8 11 adult day services program, to be evaluated by the department
8 12 of inspections and appeals. If while either department is
8 13 performing a case evaluation, it is determined the case
8 14 involves various labor and employment matters under the
8 15 jurisdiction of the division of labor services of the
8 16 department of workforce development, the bill requires the
8 17 respective department to refer such portions of the case to
8 18 the division. A similar requirement is included for portions
8 19 of cases involving discrimination under the jurisdiction of
8 20 the civil rights commission.
8 21 Code section 235B.9 requirements involving the period of
8 22 time certain dependent adult abuse information is retained by
8 23 the department of human services, are amended. The bill
8 24 increases the period of time that information determined to be
8 25 unfounded is held before expungement from one year to five
8 26 years and requires rejected reports to be expunged after three
8 27 years.
8 28 New Code section 235B.16A provides for the dependent adult
8 29 protective advisory council to recommend a uniform assessment
8 30 instrument and process for use by the department of human
8 31 services and other agencies involved with assessing a
8 32 dependent adult's degree of dependency and whether dependent
8 33 adult abuse has occurred. The council's membership includes
8 34 various professionals, members of the public, caregivers, and
8 35 the directors or directors' designees of the departments of



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9 1 human services, public health, inspections and appeals, and
9 2 elder affairs.
9 3 The uniform instrument and process does not apply to
9 4 facilities and programs for which the department of
9 5 inspections and appeals performs the evaluations under Code
9 6 chapter 235E. The design of the instrument and process is
9 7 required to incorporate various elements, including an
9 8 evaluation of conformity with federal law and regulation by
9 9 those employing, housing, or providing services to the
9 10 individual and a formal assessment of the existence of risk to
9 11 the health or safety of the individual or the degree of the
9 12 individual's impairment in ability to protect the person's own
9 13 interests or to adequately perform or obtain services to meet
9 14 essential human needs, as a result of a physical or mental
9 15 condition which requires assistance from another.
9 16 If a risk exists, development of a safety plan, including
9 17 protective services, is required. Under current law in Code
9 18 section 235B.17, if an individual consents to receipt of
9 19 protective services but the individual's caretaker refuses,
9 20 the department may petition the court to enjoin the caretaker
9 21 from interfering with the protective services. Under Code
9 22 sections 235B.18 and 235B.19, if the individual lacks capacity
9 23 to consent to receipt of protective services or there is an
9 24 immediate danger, the department may petition the court to
9 25 authorize provision of the protective services. The bill
9 26 provides that if these existing law options are not utilized,
9 27 the process for the department of human services to follow
9 28 should include maintaining periodic contact with the
9 29 individual. The purpose of the contact is to monitor the
9 30 individual's goals, feelings, and concerns so that the
9 31 department can intervene as necessary or offer other services
9 32 and other support to maintain or sustain the individual's
9 33 safety and independence when the individual is ready to agree
9 34 to a safety plan or accept services.
9 35 The department of human services and other agencies



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10 1 involved with assessing a dependent adult's degree of
10 2 dependency and whether dependent adult abuse has occurred are
10 3 required to adopt rules and take other steps necessary to
10 4 implement the uniform assessment instrument and process on or
10 5 before July 1, 2010.

10 6 New Code section 235B.16A also requires the department of
10 7 human services to cooperate with the departments of elder
10 8 affairs, inspections and appeals, public health, public
10 9 safety, and workforce development, the civil rights
10 10 commission, and other state and local agencies performing
10 11 inspections or otherwise visiting residential settings where
10 12 dependent adults live, to regularly provide training to the
10 13 appropriate staff in the agencies concerning each agency's
10 14 procedures involving dependent adults, and to build awareness
10 15 concerning dependent adults and reporting of dependent adult
10 16 abuse.

10 17 Code section 249A.7, relating to investigations and audits
10 18 under the medical assistance (Medicaid) program, is amended to
10 19 create a Medicaid fraud account under the authority of the
10 20 department of inspections and appeals. The account receives
10 21 moneys relating to prosecutions involving the department's
10 22 investigations and audits involving the Medicaid program that
10 23 are not credited to the Medicaid program. Moneys in the
10 24 account are appropriated to the department for the
10 25 department's and other agencies' costs associated with new
10 26 Code chapter 1350. The agencies receiving moneys are required
10 27 to submit a joint annual report to the governor and general
10 28 assembly concerning expenditures from the account and
10 29 associated activities.

10 30 LSB 2692SV 83

10 31 jp/rj/5



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SENATE FILE
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO SF 310)
(SUCCESSOR TO SSB 1100)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act creating a disaster assistance loan and credit guarantee
- 2 program and fund, making appropriations, and providing an
- 3 effective date.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TL5B 1844SZ 83
- 6 tm/nh/8



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PAG LIN

1 1 Section 1. DISASTER ASSISTANCE LOAN AND CREDIT GUARANTEE
1 2 PROGRAM.
1 3 1. The department of economic development shall establish
1 4 and administer a disaster assistance loan and credit guarantee
1 5 program by investing the assets of the disaster assistance
1 6 loan and credit guarantee fund in order to provide loan and
1 7 credit guarantees to all of the following qualifying
1 8 businesses:
1 9 a. Businesses directly impacted by a natural disaster
1 10 occurring after May 24, 2008, and before August 14, 2008.
1 11 b. Businesses either locating an existing business or
1 12 starting a new business in a disaster=impacted space in an
1 13 area which was declared a natural disaster area by the
1 14 president of the United States due to a natural disaster
1 15 occurring after May 24, 2008, and before August 14, 2008. For
1 16 purposes of this paragraph, "disaster=impacted space" means a
1 17 building damaged by a natural disaster occurring after May 24,
1 18 2008, and before August 14, 2008, including undamaged upper
1 19 floors of a building that was damaged by the natural disaster.
1 20 c. Businesses filling a critical community need in
1 21 conformance with the comprehensive plan of the city as
1 22 determined by resolution of the city council of the city in
1 23 which the business is located. For purposes of this
1 24 paragraph, a business shall be deemed to be located in a city
1 25 if it is located within two miles of the city limits.
1 26 2. a. The department, pursuant to agreements with
1 27 financial institutions, shall provide loan and credit
1 28 guarantees to qualifying businesses described in subsection 1.
1 29 A loan or credit guarantee under the program shall not exceed
1 30 ten percent of the loan amount or twenty=five thousand
1 31 dollars, whichever is less. Not more than one loan or credit
1 32 guarantee shall be awarded per federal employer identification
1 33 number.
1 34 b. A loan or credit guarantee provided under the program
1 35 may stand alone or may be used in conjunction with or to



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2 1 enhance other loan or credit guarantees offered by a financial
2 2 institution. The department may purchase insurance to cover
2 3 defaulted loans meeting the requirements of the program.
2 4 However, the department shall not in any manner directly or
2 5 indirectly pledge the credit of the state.
2 6 c. Eligible project costs include expenditures for
2 7 productive equipment and machinery, land and real estate,
2 8 working capital for operations, research and development,
2 9 marketing, engineering and architectural fees, and such other
2 10 costs as the department may so designate.
2 11 d. A loan or credit guarantee under the program shall not
2 12 be used for purposes of debt refinancing.
2 13 3. Each participating financial institution shall identify
2 14 and underwrite potential lending opportunities with qualifying
2 15 businesses. Upon a determination by a participating financial
2 16 institution that a qualifying business meets the underwriting
2 17 standards of the financial institution, subject to the
2 18 approval of a loan or credit guarantee, the financial
2 19 institution shall submit the underwriting information and a
2 20 loan or credit guarantee application to the department.
2 21 4. Upon approval of a loan or credit guarantee, the
2 22 department shall enter into a loan or credit guarantee
2 23 agreement with the participating financial institution. The
2 24 agreement shall specify all of the following:
2 25 a. The fee to be charged to the financial institution.
2 26 b. The evidence of debt assurance of, and security for,
2 27 the loan or credit guarantee.
2 28 c. A loan or credit guarantee that does not exceed fifteen
2 29 years.
2 30 d. Any other terms and conditions considered necessary or
2 31 desirable by the department.
2 32 e. That the loan or credit guarantee does not invoke or
2 33 pledge the credit or the taxing power of the state and that
2 34 any claim made pursuant to the loan or credit guarantee shall
2 35 be limited to the terms and amount of the loan or credit



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3 1 guarantee and to the moneys in the disaster assistance loan
3 2 and credit guarantee fund.
3 3 5. The department shall charge a nonrefundable application
3 4 fee for each application under the program. The department
3 5 shall include the fee information in the application
3 6 materials. The fee is payable upon submission of an
3 7 application for a loan or credit guarantee from a financial
3 8 institution or a qualifying business. The application fee
3 9 shall be not less than five hundred dollars and not more than
3 10 one thousand dollars. Moneys received from fees are
3 11 appropriated to the department for purposes of administering
3 12 this section.
3 13 6. The department may adopt loan and credit guarantee
3 14 application procedures that allow a qualifying business to
3 15 apply directly to the department for a preliminary guarantee
3 16 commitment. A preliminary guarantee commitment may be issued
3 17 by the department subject to the qualifying business securing
3 18 a commitment for financing from a financial institution. The
3 19 application procedures shall specify the process by which a
3 20 financial institution may obtain a final loan or credit
3 21 guarantee.
3 22 7. a. A disaster assistance loan and credit guarantee
3 23 fund is created and established as a separate and distinct
3 24 fund in the state treasury. Moneys in the fund shall only be
3 25 used for purposes provided in this section. The moneys in the
3 26 fund are appropriated to the department to be used for all of
3 27 the following purposes:
3 28 (1) Payment of claims pursuant to loan and credit
3 29 guarantee agreements entered into under this section.
3 30 (2) Payment of administrative costs of the department for
3 31 actual and necessary administrative expenses incurred by the
3 32 department in administering the disaster assistance loan and
3 33 credit guarantee program.
3 34 (3) Purchase or buyout of superior or prior liens,
3 35 mortgages, or security interests.



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4 1 (4) Purchase of insurance to cover the default of loans
4 2 made pursuant to the requirements of the disaster assistance
4 3 loan and credit guarantee program.
4 4 b. Moneys in the disaster assistance loan and credit
4 5 guarantee fund shall consist of all of the following:
4 6 (1) Moneys appropriated by the general assembly for that
4 7 purpose and any other moneys available to and obtained or
4 8 accepted by the department for placement in the fund.
4 9 (2) Proceeds from collateral assigned to the department,
4 10 fees for guarantees, gifts, and moneys from any grant made to
4 11 the fund by any federal agency.
4 12 c. Moneys in the fund are not subject to section 8.33.
4 13 Notwithstanding section 12C.7, interest or earnings on the
4 14 moneys in the fund shall be credited to the fund.
4 15 d. (1) The department shall only pledge moneys in the
4 16 disaster assistance loan and credit guarantee fund and not any
4 17 other moneys under the control of the department. In a fiscal
4 18 year, the department may pledge an amount not to exceed the
4 19 total amount appropriated to the fund for the same fiscal year
4 20 to assure the repayment of loan and credit guarantees or other
4 21 extensions of credit made to or on behalf of qualified
4 22 businesses for eligible project costs.
4 23 (2) The department shall not pledge the credit or taxing
4 24 power of this state or any political subdivision of this state
4 25 or make debts payable out of any moneys except for those in
4 26 the disaster assistance loan and credit guarantee fund.
4 27 8. For purposes of this section, "financial institution"
4 28 means a bank incorporated pursuant to chapter 524 or a credit
4 29 union organized pursuant to chapter 533.
4 30 Sec. 2. APPROPRIATION.
4 31 1. There is appropriated from any interest or earnings on
4 32 moneys in the federal economic stimulus and jobs holding fund
4 33 to the department of economic development for the fiscal year
4 34 beginning July 1, 2008, and ending June 30, 2009, the
4 35 following amount, or so much thereof as is necessary, for



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5 1 deposit in the disaster assistance loan and credit guarantee
5 2 fund created in this Act:
5 3 \$ 1,800,000

5 4 2. Notwithstanding section 8.33, moneys appropriated in
5 5 this section that remain unencumbered or unobligated at the
5 6 close of the fiscal year shall not revert but shall remain
5 7 available for expenditure for the purposes designated until
5 8 the close of the succeeding fiscal year.

5 9 Sec. 3. EFFECTIVE DATE. This Act, being deemed of
5 10 immediate importance, takes effect upon enactment.

EXPLANATION

5 11 This bill creates a disaster assistance loan and credit
5 12 guarantee program and fund to be administered by the
5 13 department of economic development. Under the program, loan
5 14 and credit guarantees are given to qualifying businesses.
5 15 Qualifying businesses include businesses directly impacted by
5 16 a natural disaster occurring after May 24, 2008, and before
5 17 August 14, 2008; businesses either locating an existing
5 18 business or starting a new business in a disaster-impacted
5 19 space in an area which was declared a disaster area by the
5 20 president of the United States due to a natural disaster
5 21 occurring after May 24, 2008, and before August 14, 2008; and
5 22 businesses filling a critical community need in conformance
5 23 with the comprehensive plan of the city.

5 24 The bill provides that a loan or credit guarantee under the
5 25 program shall not exceed 10 percent of the loan amount or
5 26 \$25,000, whichever is less. The bill provides that a loan or
5 27 credit guarantee provided under the program may stand alone or
5 28 may be used in conjunction with or to enhance other loan or
5 29 credit guarantees offered by a financial institution. The
5 30 bill allows the department to purchase insurance to cover
5 31 defaulted loans.

5 32 The bill provides that eligible project costs include
5 33 expenditures for productive equipment and machinery, land and
5 34 real estate, working capital for operations, research and
5 35



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6 1 development, marketing, engineering and architectural fees,
6 2 and such other costs as the department may so designate. The
6 3 bill prohibits the use of loan or credit guarantees for
6 4 purposes of debt refinancing.

6 5 The bill requires that each participating financial
6 6 institution shall identify and underwrite potential lending
6 7 opportunities with qualifying businesses. Upon a
6 8 determination that a qualifying business meets the
6 9 underwriting standards of the financial institutions, the
6 10 underwriting information and an application shall be submitted
6 11 to the department.

6 12 The bill specifies terms that must be included in a loan or
6 13 credit guarantee agreement between the department and a
6 14 participating financial institution. The bill allows a
6 15 nonrefundable application fee to be charged.

6 16 The bill allows the department to adopt procedures that
6 17 would allow a qualifying business to apply directly to the
6 18 department for a preliminary guarantee commitment.

6 19 The bill creates a disaster assistance loan and credit
6 20 guarantee fund. The bill provides that the department shall
6 21 only pledge moneys in the disaster assistance loan and credit
6 22 guarantee fund and not any other moneys under the control of
6 23 the department.

6 24 The bill appropriates \$1.8 million from any interest or
6 25 earnings on moneys in the federal economic stimulus and jobs
6 26 holding fund to the department of economic development for FY
6 27 2008=2009 for deposit in the disaster assistance loan and
6 28 credit guarantee fund.

6 29 The bill takes effect upon enactment.

6 30 LSB 1844SZ 83

6 31 tm/nh/8



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Senate Joint Resolution 8 - Introduced

SENATE JOINT RESOLUTION
BY GRONSTAL

(COMPANION TO LSB 2704HH
BY McCARTHY)

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

SENATE JOINT RESOLUTION

1 A Joint Resolution authorizing the temporary use and consumption
2 of wine and beer in the State Capitol, and the temporary
3 display of ceremonial banners, in conjunction with the awards
4 ceremony of the World Food Prize Foundation.
5 WHEREAS, the State of Iowa has the honor of being the home of
6 the World Food Prize Foundation which annually presents an
7 international award recognizing outstanding individual
8 achievement in improving the quality, quantity, or availability
9 of food in the world; and
10 WHEREAS, Iowa's unique State Capitol is an optimal location
11 for this awards ceremony of the World Food Prize Foundation and
12 previously served as the ceremony location; and
13 WHEREAS, the placement of ceremonial banners signifying the
14 awards ceremony is an appropriate way to announce and commemorate
15 the event; and
16 WHEREAS, wine and beer are customarily served as an
17 accompaniment to the food and entertainment provided at this type
18 of awards ceremony and were authorized to be served when the
19 ceremony was previously held at the State Capitol; and
20 WHEREAS, under 11 IAC 100.4(8), which prohibits the
21 consumption of alcoholic beverages on the State Capitol complex,
1 it is not possible to serve wine and beer at this type of awards
2 ceremony in the State Capitol; NOW THEREFORE,
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 2704SS 83
5 rn/rj/5



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Senate Joint Resolution 8 - Introduced continued

PAG LIN

1 1 Section 1. Notwithstanding 11 IAC 100.4(8) and any
1 2 contrary provisions of chapter 123, prohibiting the use and
1 3 consumption of alcoholic beverages in public places, wine and
1 4 beer may be used and consumed within the state capitol at an
1 5 awards ceremony, to be held on or around October 15, 2009,
1 6 hosted and organized in whole or in part by the world food
1 7 prize foundation if the person providing the food, wine, and
1 8 beer at the awards ceremony possesses an appropriate valid
1 9 liquor control license. For the purpose of this section and
1 10 section 123.95, the state capitol is a private place.

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

1 14 EXPLANATION

1 15 This joint resolution authorizes the world food prize
1 16 foundation to display three ceremonial banners and provide
1 17 wine and beer for use and consumption at an awards ceremony to
1 18 be held at the state capitol on or around October 15, 2009.
1 19 Current law and rules prohibit the use and consumption of
1 20 alcoholic beverages within the state capitol.

1 21 LSB 2704SS 83

1 22 rn/rj/5



Iowa General Assembly
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Senate Resolution 21 - Introduced

PAG LIN

S.R. _____ H.R. _____

1 1 SENATE RESOLUTION NO.
1 2 BY JOHNSON
1 3 A Resolution to honor the city of Everly, Iowa, on the
1 4 occasion of its quasiquicentennial.
1 5 WHEREAS, Everly, Iowa, nestled in the northwest
1 6 corner of Clay County, is home to almost 700 Iowans;
1 7 and
1 8 WHEREAS, Everly is believed to be named after a
1 9 Chicago, Milwaukee & St. Paul Railroad conductor or a
1 10 surveyor when it was surveyed and platted in 1884,
1 11 originally being called Clark; and
1 12 WHEREAS, Everly is the proud home of the 1939
1 13 Cattlefeeders state baseball champions and the 1966
1 14 Cattlefeeders state girls' basketball champions; and
1 15 WHEREAS, today Everly remains a bustling community
1 16 with a vibrant main street, manufacturing industry, a
1 17 library, school, parks, and all the amenities that
1 18 make small town life a pleasure; and
1 19 WHEREAS, on July 17, 18, and 19, 2009, Everly will
1 20 celebrate its quasiquicentennial, featuring a parade, a
1 21 rodeo, a band, a carnival, local tours, and numerous
1 22 events promising three days of fun; NOW THEREFORE,
1 23 BE IT RESOLVED BY THE SENATE, That the Senate
1 24 recognizes the city of Everly on the occasion of its
1 25 quasiquicentennial and invites all Iowans to make this
1 26 three-day celebration a part of their 2009 summer
1 27 plans.
1 28 LSB 2398SS 83
1 29 jr/nh/14.1



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Senate Study Bill 1328

SENATE/HOUSE FILE
BY (PROPOSED GOVERNOR'S
BUDGET BILL)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to the compensation and benefits for public
- 2 officials and employees, providing for related matters, and
- 3 making appropriations.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 1019XG 83
- 6 tm/jp/5



Iowa General Assembly
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Senate Study Bill 1328 continued

PAG LIN

1 1 Section 1. APPOINTED STATE OFFICERS.

1 2 1. The governor shall establish a salary for appointed
1 3 nonelected persons in the executive branch of state government
1 4 holding a position enumerated in the section of this Act that
1 5 addresses the salary ranges of state officers within the range
1 6 provided, by considering, among other items, the experience of
1 7 the individual in the position, changes in the duties of the
1 8 position, the incumbent's performance of assigned duties, and
1 9 subordinates' salaries. However, the attorney general shall
1 10 establish the salary for the consumer advocate, the chief
1 11 justice of the supreme court shall establish the salary for
1 12 the state court administrator, the ethics and campaign
1 13 disclosure board shall establish the salary of the executive
1 14 director, and the Iowa public broadcasting board shall
1 15 establish the salary of the administrator of the public
1 16 broadcasting division of the department of education, each
1 17 within the salary range provided in the section of this Act
1 18 that addresses the salary ranges of state officers.

1 19 2. The governor, in establishing salaries as provided in
1 20 the section of this Act that addresses the salary ranges of
1 21 state officers, shall take into consideration other employee
1 22 benefits which may be provided for an individual including but
1 23 not limited to housing.

1 24 3. A person whose salary is established pursuant to the
1 25 section of this Act that addresses the salary ranges of state
1 26 officers and who is a full-time, year-round employee of the
1 27 state shall not receive any other remuneration from the state
1 28 or from any other source for the performance of that person's
1 29 duties unless the additional remuneration is first approved by
1 30 the governor or authorized by law. However, this provision
1 31 does not exclude the reimbursement for necessary travel and
1 32 expenses incurred in the performance of duties or fringe
1 33 benefits normally provided to employees of the state.

1 34 Sec. 2. STATE OFFICERS == SALARY RANGE. The following
1 35 annual salary ranges are effective for the positions specified



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Senate Study Bill 1328 continued

2 1 in this section for the fiscal year beginning July 1, 2009,
2 2 and for subsequent fiscal years until otherwise provided by
2 3 the general assembly. The governor or other person designated
2 4 in the section of this Act relating to appointed state
2 5 officers shall determine the salary to be paid to the person
2 6 indicated at a rate within this salary range from funding
2 7 sources available for that purpose.

2 8 1. The following are salary ranges for appointed state
2 9 officers for the fiscal year beginning July 1, 2009, effective
2 10 with the pay period beginning June 26, 2009:

2 11 SALARY RANGE	<u>Minimum</u>	<u>Maximum</u>
2 12 a. Range 2	\$ 48,160	\$ 73,700
2 13 b. Range 3	\$ 55,380	\$ 84,750
2 14 c. Range 4	\$ 63,690	\$ 97,460
2 15 d. Range 5	\$ 73,250	\$112,070
2 16 e. Range 6	\$ 84,240	\$128,890
2 17 f. Range 7	\$100,840	\$154,300

2 18 2. The following are range 2 positions: administrator of
2 19 the arts division of the department of cultural affairs,
2 20 administrators of the division of persons with disabilities,
2 21 the division on the status of women, the division on the
2 22 status of Iowans of Asian and Pacific Islander heritage, the
2 23 division on the status of African-Americans, the division of
2 24 deaf services, and the division of Latino affairs of the
2 25 department of human rights.

2 26 3. The following are range 3 positions: administrator of
2 27 the division of criminal and juvenile justice planning of the
2 28 department of human rights, administrator of the division of
2 29 community action agencies of the department of human rights,
2 30 executive director of the department of veterans affairs, and
2 31 chairperson and members of the employment appeal board of the
2 32 department of inspections and appeals.

2 33 4. The following are range 4 positions: director of the
2 34 department of human rights, director of the Iowa state civil
2 35 rights commission, executive director of the college student



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Senate Study Bill 1328 continued

3 1 aid commission, director of the department for the blind,
3 2 executive director of the ethics and campaign disclosure
3 3 board, members of the public employment relations board, and
3 4 chairperson, vice chairperson, and members of the board of
3 5 parole.

3 6 5. The following are range 5 positions: administrator of
3 7 the division of homeland security and emergency management of
3 8 the department of public defense, state public defender, drug
3 9 policy coordinator, labor commissioner, workers' compensation
3 10 commissioner, director of the department of cultural affairs,
3 11 director of the department of elder affairs, director of the
3 12 law enforcement academy, and administrator of the historical
3 13 division of the department of cultural affairs.

3 14 6. The following are range 6 positions: director of the
3 15 office of energy independence, superintendent of banking,
3 16 superintendent of credit unions, administrator of the
3 17 alcoholic beverages division of the department of commerce,
3 18 director of the department of inspections and appeals,
3 19 commandant of the Iowa veterans home, commissioner of public
3 20 safety, commissioner of insurance, executive director of the
3 21 Iowa finance authority, director of the department of natural
3 22 resources, consumer advocate, and chairperson of the utilities
3 23 board. The other members of the utilities board shall receive
3 24 an annual salary within a range of not less than 90 percent
3 25 but not more than 95 percent of the annual salary of the
3 26 chairperson of the utilities board.

3 27 7. The following are range 7 positions: administrator of
3 28 the public broadcasting division of the department of
3 29 education, director of the department of corrections, director
3 30 of the department of education, director of human services,
3 31 director of the department of economic development, executive
3 32 director of the Iowa telecommunications and technology
3 33 commission, executive director of the state board of regents,
3 34 director of transportation, director of the department of
3 35 workforce development, director of revenue, director of public



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Senate Study Bill 1328 continued

4 1 health, state court administrator, director of the department
4 2 of management, and director of the department of
4 3 administrative services.
4 4 Sec. 3. COLLECTIVE BARGAINING AGREEMENTS FUNDED == GENERAL
4 5 FUND. The various state departments, boards, commissions,
4 6 councils, and agencies, including the state board of regents,
4 7 for the fiscal year beginning July 1, 2009, and ending June
4 8 30, 2010, shall provide from available sources pay
4 9 adjustments, expense reimbursements, and related benefits to
4 10 fully fund the following:
4 11 1. The collective bargaining agreement negotiated pursuant
4 12 to chapter 20 for employees in the blue collar bargaining
4 13 unit.
4 14 2. The collective bargaining agreement negotiated pursuant
4 15 to chapter 20 for employees in the public safety bargaining
4 16 unit.
4 17 3. The collective bargaining agreement negotiated pursuant
4 18 to chapter 20 for employees in the security bargaining unit.
4 19 4. The collective bargaining agreement negotiated pursuant
4 20 to chapter 20 for employees in the technical bargaining unit.
4 21 5. The collective bargaining agreement negotiated pursuant
4 22 to chapter 20 for employees in the professional fiscal and
4 23 staff bargaining unit.
4 24 6. The collective bargaining agreement negotiated pursuant
4 25 to chapter 20 for employees in the clerical bargaining unit.
4 26 7. The collective bargaining agreement negotiated pursuant
4 27 to chapter 20 for employees in the professional social
4 28 services bargaining unit.
4 29 8. The collective bargaining agreement negotiated pursuant
4 30 to chapter 20 for employees in the community-based corrections
4 31 bargaining unit.
4 32 9. The collective bargaining agreements negotiated
4 33 pursuant to chapter 20 for employees in the judicial branch of
4 34 government bargaining units.
4 35 10. The collective bargaining agreement negotiated



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5 1 pursuant to chapter 20 for employees in the patient care
5 2 bargaining unit.

5 3 11. The collective bargaining agreement negotiated
5 4 pursuant to chapter 20 for employees in the science bargaining
5 5 unit.

5 6 12. The collective bargaining agreement negotiated
5 7 pursuant to chapter 20 for employees in the university of
5 8 northern Iowa faculty bargaining unit.

5 9 13. The collective bargaining agreement negotiated
5 10 pursuant to chapter 20 for employees in the state university
5 11 of Iowa graduate student bargaining unit.

5 12 14. The collective bargaining agreement negotiated
5 13 pursuant to chapter 20 for employees in the state university
5 14 of Iowa hospital and clinics tertiary health care bargaining
5 15 unit.

5 16 15. The annual pay adjustments, related benefits, and
5 17 expense reimbursements referred to in the sections of this Act
5 18 addressing noncontract state and board of regents employees
5 19 who are not covered by a collective bargaining agreement.

5 20 Sec. 4. NONCONTRACT STATE EMPLOYEES == GENERAL.

5 21 1. a. For the fiscal year beginning July 1, 2009, the
5 22 maximum and minimum salary levels of all pay plans provided
5 23 for in section 8A.413, subsection 3, as they exist for the
5 24 fiscal year ending June 30, 2009, shall not increase.

5 25 b. For the fiscal year beginning July 1, 2009, employees
5 26 may receive a step increase or the equivalent of a step
5 27 increase.

5 28 c. The pay plan for noncontract judicial branch employees
5 29 shall not be increased.

5 30 2. The pay plans for state employees who are exempt from
5 31 chapter 8A, subchapter IV, and who are included in the
5 32 department of administrative services' centralized payroll
5 33 system shall not be increased, and any additional changes in
5 34 any executive branch pay plans shall be approved by the
5 35 governor.



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6 1 3. This section does not apply to members of the general
6 2 assembly, board members, commission members, persons whose
6 3 salaries are set by the general assembly pursuant to this Act
6 4 or are set by the governor, or other persons designated in the
6 5 section of this Act addressing appointed state officers,
6 6 employees designated under section 8A.412, subsection 5, and
6 7 employees covered by 11 IAC 53.6(3).

6 8 4. The pay plans for the bargaining eligible employees of
6 9 the state shall not be increased, and any additional changes
6 10 in such executive branch pay plans shall be approved by the
6 11 governor. As used in this section, "bargaining eligible
6 12 employee" means an employee who is eligible to organize under
6 13 chapter 20, but has not done so.

6 14 5. The policies for implementation of this section shall
6 15 be approved by the governor.

6 16 Sec. 5. STATE EMPLOYEES == STATE BOARD OF REGENTS. For
6 17 the fiscal year beginning July 1, 2009, and ending June 30,
6 18 2010, funds shall be provided from available sources of the
6 19 state board of regents for funding of collective bargaining
6 20 agreements for state board of regents employees covered by
6 21 such section of this Act and for state board of regents
6 22 employees not covered by a collective bargaining agreement as
6 23 follows:

6 24 1. For regents merit system employees and merit
6 25 supervisory employees.

6 26 2. For faculty members and professional and scientific
6 27 employees.

6 28 Sec. 6. APPROPRIATIONS FROM ROAD FUNDS.

6 29 1. There is appropriated from the road use tax fund to the
6 30 salary adjustment fund for the fiscal year beginning July 1,
6 31 2009, and ending June 30, 2010, the following amount, or so
6 32 much thereof as may be necessary, to be used for the purpose
6 33 designated:

6 34 To supplement other funds appropriated by the general
6 35 assembly:



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Senate Study Bill 1328 continued

7 1 \$ 1,143,782
 7 2 2. There is appropriated from the primary road fund to the
 7 3 salary adjustment fund, for the fiscal year beginning July 1,
 7 4 2009, and ending June 30, 2010, the following amount, or so
 7 5 much thereof as may be necessary, to be used for the purpose
 7 6 designated:
 7 7 To supplement other funds appropriated by the general
 7 8 assembly:
 7 9 \$ 5,706,101
 7 10 3. Except as otherwise provided in this Act, the amounts
 7 11 appropriated in subsections 1 and 2 shall be used to fund the
 7 12 annual pay adjustments, expense reimbursements, and related
 7 13 benefits for public employees as provided in this Act.
 7 14 Sec. 7. SPECIAL FUNDS == AUTHORIZATION. For the fiscal
 7 15 year beginning July 1, 2009, to departmental revolving, trust,
 7 16 or special funds, except for the primary road fund or the road
 7 17 use tax fund, for which the general assembly has established
 7 18 an operating budget, a supplemental expenditure authorization
 7 19 is provided, unless otherwise provided, in an amount necessary
 7 20 to fund salary adjustments as otherwise provided in this Act.
 7 21 Sec. 8. FEDERAL FUNDS APPROPRIATED. For the fiscal year
 7 22 beginning July 1, 2009, all federal grants to and the federal
 7 23 receipts of the agencies affected by this Act which are
 7 24 received and may be expended for purposes of this Act are
 7 25 appropriated for those purposes and as set forth in the
 7 26 federal grants or receipts.
 7 27 Sec. 9. STATE TROOPER MEAL ALLOWANCE. For the fiscal year
 7 28 beginning July 1, 2009, the sworn peace officers in the
 7 29 department of public safety who are not covered by a
 7 30 collective bargaining agreement negotiated pursuant to chapter
 7 31 20 shall receive the same per diem meal allowance as the sworn
 7 32 peace officers in the department of public safety who are
 7 33 covered by a collective bargaining agreement negotiated
 7 34 pursuant to chapter 20.
 7 35 Sec. 10. SALARY MODEL ADMINISTRATOR. The salary model



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Senate Study Bill 1328 continued

8 1 administrator shall work in conjunction with the legislative
8 2 services agency to maintain the state's salary model used for
8 3 analyzing, comparing, and projecting state employee salary and
8 4 benefit information, including information relating to
8 5 employees of the state board of regents. The department of
8 6 revenue, the department of administrative services, the five
8 7 institutions under the jurisdiction of the state board of
8 8 regents, the judicial district departments of correctional
8 9 services, and the state department of transportation shall
8 10 provide salary data to the department of management and the
8 11 legislative services agency to operate the state's salary
8 12 model. The format and frequency of provision of the salary
8 13 data shall be determined by the department of management and
8 14 the legislative services agency. The information shall be
8 15 used in collective bargaining processes under chapter 20 and
8 16 in calculating the funding needs contained within the annual
8 17 salary adjustment legislation. A state employee organization
8 18 as defined in section 20.3, subsection 4, may request
8 19 information produced by the model, but the information
8 20 provided shall not contain information attributable to
8 21 individual employees.

8 22 EXPLANATION

8 23 This bill relates to the funding for the fiscal year
8 24 beginning July 1, 2009, of salary increases for appointed
8 25 nonelected officers, employees subject to collective
8 26 bargaining agreements, certain noncontract employees, and
8 27 board of regents employees.

8 28 The maximum and minimum salary levels of all pay plans of
8 29 noncontract state employees are not increased and a step
8 30 increase or the equivalent of a step increase is authorized.

8 31 A supplemental authorization is provided to fund salaries
8 32 from trust, revolving, and special funds for which the general
8 33 assembly has established a budget.

8 34 The salary model administrator is required to work in
8 35 conjunction with the department of management and the



**Iowa General Assembly
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Senate Study Bill 1328 continued

- 9 1 legislative services agency to analyze, compare, and project
- 9 2 state salary and benefit information.
- 9 3 LSB 1019XG 83
- 9 4 tm/jp/5.1



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Senate Study Bill 1329

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

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to the issuance of bonds and making of
- 2 appropriations for capital and other essential purposes.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 2723XC 83
- 5 rh/rj/24



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Senate Study Bill 1329 continued

PAG LIN

1 1 Section 1. BONDING AND APPROPRIATIONS == INTENT. It is
1 2 the intent of the general assembly to authorize the issuance
1 3 of bonds, including appropriation bonds, and to appropriate
1 4 moneys from the proceeds of such bonds for capital projects
1 5 and other essential projects.

1 6 EXPLANATION

1 7 This bill expresses the intent of the general assembly to
1 8 authorize the issuance of bonds and to appropriate moneys from
1 9 the proceeds of such bonds for capital projects and other
1 10 essential projects.

1 11 LSB 2723XC 83

1 12 rh/rj/24



Iowa General Assembly
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Senate Study Bill 1330

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

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act 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
4 salaries and compensation of state employees, providing for
5 matters relating to tax credits, providing for fees and
6 penalties, and providing for properly related matters.
7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
8 TL5B 2724XC 83
9 tm/jp/24



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Senate Study Bill 1330 continued

PAG LIN

1 1 Section 1. STATE AND LOCAL FINANCES == INTENT. It is the
1 2 intent of the general assembly to provide for state and local
1 3 finances by providing for funding of property tax credits and
1 4 reimbursements, by making, increasing, and reducing
1 5 appropriations, providing for salaries and compensation of
1 6 state employees, providing for matters relating to tax
1 7 credits, providing for fees and penalties, and providing for
1 8 properly related matters.

1 9 EXPLANATION

1 10 This bill expresses the intent of the general assembly to
1 11 provide for state and local finances by providing for funding
1 12 of property tax credits and reimbursements, by making,
1 13 increasing, and reducing appropriations, providing for
1 14 salaries and compensation of state employees, providing for
1 15 matters relating to tax credits, providing for fees and
1 16 penalties, and providing for properly related matters.

1 17 LSB 2724XC 83

1 18 tm/jp/24



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Senate Study Bill 1331

SENATE/HOUSE FILE
BY (PROPOSED GOVERNOR'S
BUDGET BILL)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to state financial matters, providing for
- 2 properly related matters, and providing effective and
- 3 applicability date provisions.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 1700XG 83
- 6 tm/mg:jp/5



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Senate Study Bill 1331 continued

PAG LIN

1 1 DIVISION I
 1 2 FUND TRANSFERS
 1 3 Section 1. BUDGET PROCESS FOR FISCAL YEAR 2010=2011.
 1 4 1. For the budget process applicable to the fiscal year
 1 5 beginning July 1, 2010, on or before October 1, 2009, in lieu
 1 6 of the information specified in section 8.23, subsection 1,
 1 7 unnumbered paragraph 1, and paragraph "a", all departments and
 1 8 establishments of the government shall transmit to the
 1 9 director of the department of management, on blanks to be
 1 10 furnished by the director, estimates of their expenditure
 1 11 requirements, including every proposed expenditure, for the
 1 12 ensuing fiscal year, together with supporting data and
 1 13 explanations as called for by the director of the department
 1 14 of management after consultation with the legislative services
 1 15 agency.
 1 16 2. The estimates of expenditure requirements shall be in a
 1 17 form specified by the director of the department of
 1 18 management, and the expenditure requirements shall include all
 1 19 proposed expenditures and shall be prioritized by program or
 1 20 the results to be achieved. The estimates shall be
 1 21 accompanied by performance measures for evaluating the
 1 22 effectiveness of the programs or results.
 1 23 Sec. 2. LIMITATION OF STANDING APPROPRIATIONS.
 1 24 Notwithstanding the standing appropriations in the following
 1 25 designated sections for the fiscal year beginning July 1,
 1 26 2009, and ending June 30, 2010, the amounts appropriated from
 1 27 the general fund of the state pursuant to these sections for
 1 28 the following designated purposes shall not exceed the
 1 29 following amounts:
 1 30 1. For the state's share of the cost of the peace
 1 31 officers' retirement benefits under section 411.20:
 1 32 \$ 2,528,798
 1 33 2. For the world food prize award under section 15.368:
 1 34 \$ 920,975
 1 35 3. For the Iowa power fund under section 469.10,



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Senate Study Bill 1331 continued

2 1 subsection 1:
 2 2 \$ 23,024,375
 2 3 Sec. 3. CASH RESERVE FUND APPROPRIATION FOR FISCAL YEAR
 2 4 2009=2010. Notwithstanding section 8.56, subsection 4, there
 2 5 is appropriated from the cash reserve fund to the general fund
 2 6 of the state for the fiscal year beginning July 1, 2009, and
 2 7 ending June 30, 2010, the following amount:
 2 8 \$200,000,000
 2 9 Sec. 4. CASH RESERVE FUND STANDING APPROPRIATION FOR
 2 10 FISCAL YEAR 2009=2010 == TRANSFER. For the fiscal year
 2 11 beginning July 1, 2009, and ending June 30, 2010, the
 2 12 appropriation to the cash reserve fund provided in section
 2 13 8.57, subsection 1, paragraph "a", shall not be made.
 2 14 However, any surplus in the general fund of the state for the
 2 15 fiscal year beginning July 1, 2009, and ending June 30, 2010,
 2 16 shall be transferred to the cash reserve fund as provided in
 2 17 section 8.57, subsection 1, paragraph "b".
 2 18 Sec. 5. FEDERAL ECONOMIC STIMULUS AND JOBS HOLDING FUND.
 2 19 For the fiscal year beginning July 1, 2009, and ending June
 2 20 30, 2010, there is transferred from the federal economic
 2 21 stimulus and jobs holding fund established in 2004 Iowa Acts,
 2 22 First Extraordinary Session, chapter 1002, section 2,
 2 23 subsection 2 to the general fund of the state the following
 2 24 amount:
 2 25 \$ 10,000,000
 2 26 Sec. 6. PROPERTY TAX CREDIT FUND == PAYMENTS IN LIEU OF
 2 27 GENERAL FUND REIMBURSEMENT.
 2 28 1. a. There is appropriated from the general fund of the
 2 29 state to the property tax credit fund which shall be created
 2 30 in the office of the treasurer of state for the fiscal year
 2 31 beginning July 1, 2009, and ending June 30, 2010, the sum of
 2 32 \$106,173,400, to be used for the purposes of this section.
 2 33 b. Notwithstanding section 8.33, the surplus existing in
 2 34 the property tax credit fund created pursuant to 2008 Iowa
 2 35 Acts, chapter 1191, section 5, at the conclusion of the fiscal



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Senate Study Bill 1331 continued

3 1 year beginning July 1, 2008, and ending June 30, 2009, is
 3 2 transferred to the property tax credit fund created in
 3 3 paragraph "a".
 3 4 2. Notwithstanding the amount of the standing
 3 5 appropriation from the general fund of the state in the
 3 6 following designated sections and notwithstanding any
 3 7 conflicting provisions or voting requirements of section 8.56,
 3 8 there is appropriated from the property tax credit fund in
 3 9 lieu of the appropriations in the following designated
 3 10 sections for the fiscal year beginning July 1, 2009, and
 3 11 ending June 30, 2010, the following amounts for the following
 3 12 designated purposes:
 3 13 a. For reimbursement for the homestead property tax credit
 3 14 under section 425.1:
 3 15 \$ 49,348,103
 3 16 b. For reimbursement for the agricultural land and family
 3 17 farm tax credits under sections 425A.1 and 426.1:
 3 18 \$ 34,610,183
 3 19 c. For reimbursement for the military service tax credit
 3 20 under section 426A.1A:
 3 21 \$ 2,800,000
 3 22 d. For implementing the elderly and disabled tax credit
 3 23 and reimbursement pursuant to sections 425.16 through 425.40:
 3 24 \$ 23,204,000
 3 25 3. If the director of revenue determines that the amount
 3 26 of claims for credit for property taxes due pursuant to
 3 27 subsection 2, paragraphs "a", "b", "c", and "d", plus the
 3 28 amount of claims for reimbursement for rent constituting
 3 29 property taxes paid which are to be paid during the fiscal
 3 30 year may exceed the total amount appropriated, the director
 3 31 shall estimate the percentage of the credits and
 3 32 reimbursements which will be funded by the appropriation. The
 3 33 county treasurer shall notify the director of the amount of
 3 34 property tax credits claimed by June 8, 2009. The director
 3 35 shall estimate the percentage of the property tax credits and



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Senate Study Bill 1331 continued

4 1 rent reimbursement claims that will be funded by the
 4 2 appropriation and notify the county treasurer of the
 4 3 percentage estimate by June 15, 2009. The estimated
 4 4 percentage shall be used in computing for each claim the
 4 5 amount of property tax credit and reimbursement for rent
 4 6 constituting property taxes paid for that fiscal year. If the
 4 7 director overestimates the percentage of funding, claims for
 4 8 reimbursement for rent constituting property taxes paid shall
 4 9 be paid until they can no longer be paid at the estimated
 4 10 percentage of funding. Rent reimbursement claims filed after
 4 11 that point in time shall receive priority and shall be paid in
 4 12 the following fiscal year.

4 13 4. Notwithstanding the amount of the standing
 4 14 appropriations from the general fund of the state from the
 4 15 designated sections listed in subsection 2, unless otherwise
 4 16 provided by law, for the fiscal year beginning July 1, 2010,
 4 17 and ending June 30, 2011, the amounts of such standing
 4 18 appropriations shall be the same as provided in subsection 2.

4 19 Sec. 7. There is appropriated from the rebuild Iowa
 4 20 infrastructure fund for the fiscal year beginning July 1,
 4 21 2009, and ending June 30, 2010, to the department of
 4 22 transportation for deposit in the railroad revolving loan and
 4 23 grant fund created in section 327H.20A, notwithstanding
 4 24 section 8.57, subsection 6, paragraph "c":

4 25 \$ 3,000,000

4 26 Sec. 8. Section 12E.3A, subsection 2, as enacted in 2008
 4 27 Iowa Acts, chapter 1186, section 12, is amended to read as
 4 28 follows:

4 29 2. Any net proceeds from the sale of taxable bonds or
 4 30 tax-exempt bonds issued to provide funds for the purposes
 4 31 stated in section 12.65, Code 2007, and as reaffirmed and
 4 32 reenacted in subsection 1 shall continue to be used for such
 4 33 purposes, including but not limited to any such proceeds
 4 34 deposited in the endowment for Iowa's health account or
 4 35 transferred or otherwise credited to the ~~general fund of the~~



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~~5 1 state rebuild Iowa infrastructure fund established in section~~
~~5 2 8.57.~~

5 3 Sec. 9. 2004 Iowa Acts, First Extraordinary Session,
5 4 chapter 1002, section 2, subsection 1, paragraphs b, d, e, and
5 5 g, are amended to read as follows:

5 6 b. (1) To the department of economic development for
5 7 financial assistance and incentives to businesses under
5 8 programs currently existing which are administered by the
5 9 department:

5 10	\$ 61,045,652
5 11	<u>55,295,652</u>

5 12 (2) Of the amount appropriated in subparagraph (1),
5 13 \$36,915,343 shall be expended pursuant to contracts or
5 14 approved projects or activities validated in this division of
5 15 this Act.

5 16 (3) In addition to the amount appropriated in subparagraph
5 17 (1), \$700,000 of any interest or earnings on moneys in the
5 18 fund created in subsection 2 which are credited to the fund
5 19 shall be appropriated to the department for the purposes
5 20 specified in subparagraph (1).

5 21 d. (1) For deposit in the loan and credit guarantee fund
5 22 created in section 15E.227:

5 23	\$ 5,728,402
5 24	<u>3,091,250</u>

5 25 (2) Of the amount appropriated in subparagraph (1), \$1,785
5 26 shall be expended pursuant to contracts or approved projects
5 27 or activities validated in this division of this Act.

5 28 e. To the department of economic development for financial
5 29 assistance for institutions of higher learning under the
5 30 control of the board of regents and for accredited private
5 31 institutions pursuant to contracts or approved projects or
5 32 activities validated in this division of this Act:

5 33	\$ 10,058,162
5 34	<u>9,315,162</u>

5 35 g. To the department of economic development for deposit



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6 1 into the workforce training and economic development funds of
 6 2 the community colleges created in section 260C.18A for
 6 3 purposes of the job retention program pursuant to section
 6 4 260F.9:
 6 5 \$ 1,000,000
 6 6 0

6 7 Sec. 10. TOBACCO SETTLEMENT TRUST FUND == TRANSFER.
 6 8 Notwithstanding section 12E.12, subsection 1, paragraph "b",
 6 9 subparagraph (3), any moneys deposited in the endowment for
 6 10 Iowa's health account of the tobacco settlement trust fund
 6 11 during the fiscal year beginning July 1, 2008, and ending June
 6 12 30, 2009, are transferred to the general fund of the state.

6 13 Sec. 11. EFFECTIVE DATE.

6 14 1. The section of this division of this Act creating the
 6 15 property tax credit fund, being deemed of immediate
 6 16 importance, takes effect upon enactment.

6 17 2. The section of this division of this Act transferring
 6 18 moneys from the endowment for Iowa's health account of the
 6 19 tobacco trust fund to the state general fund, being deemed of
 6 20 immediate importance, takes effect upon enactment.

6 21 DIVISION II

6 22 TAX CREDITS

6 23 Sec. 12. NEW SECTION. 15.119 LIMITATION ON TAX CREDIT
 6 24 AWARDS.

6 25 1. In the fiscal year beginning July 1, 2009, and each
 6 26 fiscal year thereafter, notwithstanding sections 15.326
 6 27 through 15.336, 15.393, 15E.191 through 15E.197, 260E.5,
 6 28 403.19A, 422.11E, and 422.33, subsection 9, the department, in
 6 29 conjunction with the department of revenue, shall not award
 6 30 more than one hundred ninety-seven million dollars in tax
 6 31 credits during a fiscal year in aggregate under the following
 6 32 programs:

6 33 a. High quality job creation program provided in sections
 6 34 15.326 through 15.336.

6 35 b. Film, television, and video project promotion program



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7 1 established in section 15.393.

7 2 c. Enterprise zone program provided in sections 15E.191
7 3 through 15E.197.

7 4 d. Industrial new jobs training credit from withholding
7 5 provided in section 260E.5.

7 6 e. Targeted jobs withholding tax credit provided in
7 7 section 403.19A.

7 8 f. Assistive device tax credit provided in section 422.11E
7 9 and section 422.33, subsection 9.

7 10 2. The department shall establish the procedure for
7 11 allocating the one hundred ninety-seven million dollars of tax
7 12 credit awards for a fiscal year.

7 13 3. By August 15 of each year, the department shall submit
7 14 a report to the department of revenue regarding the allocation
7 15 of tax credits awarded during the previous fiscal year.

7 16 Sec. 13. Section 15.335A, subsection 1, paragraph a,
7 17 subparagraph (1), subparagraph division (c), Code 2009, is
7 18 amended to read as follows:

7 19 (c) At least five hundred thousand dollars, then the tax
7 20 incentives are the investment tax credit of up to one percent,
7 21 and the sales tax refund, ~~and the additional research and~~
7 22 ~~development tax credit.~~

7 23 Sec. 14. Section 15.335A, subsection 1, paragraph a,
7 24 subparagraph (2), subparagraph division (c), Code 2009, is
7 25 amended to read as follows:

7 26 (c) At least five hundred thousand dollars, then the tax
7 27 incentives are the investment tax credit of up to two percent,
7 28 and the sales tax refund, ~~and the additional research and~~
7 29 ~~development tax credit.~~

7 30 Sec. 15. Section 15.335A, subsection 1, paragraph a,
7 31 subparagraph (3), subparagraph division (c), Code 2009, is
7 32 amended to read as follows:

7 33 (c) At least five hundred thousand dollars, then the tax
7 34 incentives are the investment tax credit of up to three
7 35 percent, and the sales tax refund, ~~and the additional research~~



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~~8 1 and development tax credit.~~

8 2 Sec. 16. Section 15.335A, subsection 1, paragraph a,
8 3 subparagraph (4), subparagraph division (c), Code 2009, is
8 4 amended to read as follows:

8 5 (c) At least five hundred thousand dollars, then the tax
8 6 incentives are the investment tax credit of up to four
8 7 percent, and the sales tax refund, ~~and the additional research~~

~~8 8 and development tax credit.~~

8 9 Sec. 17. Section 15.335A, subsection 1, paragraph a,
8 10 subparagraph (5), subparagraph division (c), Code 2009, is
8 11 amended to read as follows:

8 12 (c) At least five hundred thousand dollars, then the tax
8 13 incentives are the investment tax credit of up to five
8 14 percent, and the sales tax refund, ~~and the additional research~~

~~8 15 and development tax credit.~~

8 16 Sec. 18. Section 15.335A, subsection 1, paragraph b, Code
8 17 2009, is amended to read as follows:

8 18 b. In lieu of paragraph "a", the number of new high
8 19 quality jobs created with an annual wage, including benefits,
8 20 equal to or greater than one hundred sixty percent of the
8 21 average county wage is one of the following:

8 22 (1) The number of jobs is twenty-one but not more than
8 23 thirty and the amount of the qualifying investment is at least
8 24 ten million dollars, then the tax incentives are the local
8 25 property tax exemption, the investment tax credit of up to six
8 26 percent, and the sales tax refund, ~~and the additional research~~

~~8 27 and development tax credit.~~

8 28 (2) The number of jobs is thirty-one but not more than
8 29 forty and the amount of the qualifying investment is at least
8 30 ten million dollars, then the tax incentives are the local
8 31 property tax exemption, the investment tax credit of up to
8 32 seven percent, and the sales tax refund, ~~and the additional~~

~~8 33 research and development tax credit.~~

8 34 (3) The number of jobs is forty-one but not more than
8 35 fifty and the amount of the qualifying investment is at least



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9 1 ten million dollars, then the tax incentives are the local
9 2 property tax exemption, the investment tax credit of up to
9 3 eight percent, and the sales tax refund, ~~and the additional~~
~~9 4 research and development tax credit.~~

9 5 (4) The number of jobs is fifty-one but not more than
9 6 sixty and the amount of the qualifying investment is at least
9 7 ten million dollars, then the tax incentives are the local
9 8 property tax exemption, the investment tax credit of up to
9 9 nine percent, and the sales tax refund, ~~and the additional~~
~~9 10 research and development tax credit.~~

9 11 (5) The number of jobs is at least sixty-one and the
9 12 amount of the qualifying investment is at least ten million
9 13 dollars, then the tax incentives are the local property tax
9 14 exemption, the investment tax credit of up to ten percent, and
9 15 the sales tax refund, ~~and the additional research and~~
~~9 16 development tax credit.~~

9 17 Sec. 19. Section 15.335A, subsection 2, paragraph a, Code
9 18 2009, is amended by striking the paragraph.

9 19 Sec. 20. Section 15A.9, subsection 8, Code 2009, is
9 20 amended by striking the subsection.

9 21 Sec. 21. Section 15E.192, subsection 3, Code 2009, is
9 22 amended to read as follows:

9 23 3. A city may create an economic development enterprise
9 24 zone as authorized in this division, subject to certification
9 25 by the department of economic development, by designating up
9 26 to four square miles of the city for that purpose. In order
9 27 for an enterprise zone to be certified pursuant to this
9 28 subsection, an enterprise zone shall meet the distress
9 29 criteria provided in section 15E.194, subsection 3. Section
9 30 15E.194, subsection 2, shall not apply to an enterprise zone
9 31 certified pursuant to this subsection. For the fiscal period
9 32 beginning July 1, 2007, and ending June 30, 2010, each fiscal
9 33 year a cumulative total of not more than twenty-five million
9 34 dollars worth of incentives and assistance under section
9 35 15E.196, subsections 1, 2, 3, ~~4~~, and 6, shall be awarded to



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10 1 eligible businesses that apply to an enterprise zone
10 2 commission for incentives and assistance during that fiscal
10 3 year and that are located in an enterprise zone certified
10 4 pursuant to this subsection. For purposes of this subsection
10 5 and section 15E.194, subsection 3, "city" means a city that
10 6 includes at least three census tracts, as determined in the
10 7 most recent federal census.

10 8 Sec. 22. Section 15E.196, subsection 4, Code 2009, is
10 9 amended by striking the subsection.

10 10 Sec. 23. Section 175.37, Code 2009, is amended by adding
10 11 the following new subsection:

10 12 NEW SUBSECTION. 10. In the fiscal year beginning July 1,
10 13 2009, and each fiscal year thereafter, the total amount of tax
10 14 credit certificates that may be issued during a fiscal year
10 15 shall not exceed three million dollars.

10 16 Sec. 24. Section 422.10, subsection 5, Code 2009, is
10 17 amended by striking the subsection.

10 18 Sec. 25. Section 422.33, subsection 5, paragraphs f and g,
10 19 Code 2009, are amended by striking the paragraphs.

10 20 Sec. 26. Sections 15.335, 422.120, 422.121, and 422.122,
10 21 Code 2009, are repealed.

10 22 Sec. 27. EFFECTIVE AND APPLICABILITY DATES.

10 23 1. The repeal of sections 422.120, 422.121, and 422.122,
10 24 being of immediate importance, takes effect upon enactment and
10 25 applies retroactively to November 1, 2008, for refund claims
10 26 filed on or after that date.

10 27 2. The sections of this division of this Act amending
10 28 sections 15.335A, 15A.9, 15E.192, 15E.196, 422.10, and 422.33,
10 29 and the repeal of section 15.335, apply to contracts entered
10 30 into on or after July 1, 2009.

10 31 DIVISION III

10 32 STATUTORY CHANGES

10 33 Sec. 28. Section 28.7, subsection 2, paragraph a, Code
10 34 2009, is amended to read as follows:

10 35 a. Designate one or more committees ~~for oversight of grant~~



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~~11 1 moneys awarded to advise the community empowerment area board.~~
11 2 Committees of the board shall not have decision-making
11 3 authority.

11 4 Sec. 29. Section 99D.28, subsection 1, Code 2009, is
11 5 amended to read as follows:

11 6 1. A licensee or a person acting on behalf of a licensee
11 7 shall be provided electronic access to the names of the
11 8 persons indebted to a claimant agency pursuant to the process
11 9 established pursuant to section 99D.7, subsection 23. The
11 10 electronic access provided by the claimant agency shall
11 11 include access to the names of the debtors, their social
11 12 security numbers, and any other information that assists the
11 13 licensee in identifying the debtors. If the name of a debtor
11 14 provided to the licensee through electronic access is
11 15 retrieved by the licensee ~~and the winnings are equal to or~~
~~11 16 greater than ten thousand dollars per occurrence~~, the
11 17 retrieval of such a name shall constitute a valid lien upon
11 18 and claim of lien against the winnings of the debtor whose
11 19 name is electronically retrieved from the claimant agency. If
11 20 a debtor's winnings are equal to or greater than ten thousand
~~11 21 dollars per occurrence~~ meet the minimum level for state income
11 22 tax withholding pursuant to section 422.16, subsection 1,
11 23 paragraph "d", the full amount of the debt shall be
11 24 collectible from any winnings due the debtor without regard to
11 25 limitations on the amounts that may be collectible in
11 26 increments through setoff or other proceedings.

11 27 Sec. 30. Section 99F.19, subsection 1, Code 2009, is
11 28 amended to read as follows:

11 29 1. A licensee or a person acting on behalf of a licensee
11 30 shall be provided electronic access to the names of the
11 31 persons indebted to a claimant agency pursuant to the process
11 32 established pursuant to section 99F.4, subsection 26. The
11 33 electronic access provided by the claimant agency shall
11 34 include access to the names of the debtors, their social
11 35 security numbers, and any other information that assists the



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12 1 licensee in identifying the debtors. If the name of a debtor
 12 2 provided to the licensee through electronic access is
 12 3 retrieved by the licensee ~~and the winnings are equal to or~~
~~12 4 greater than ten thousand dollars per occurrence, the~~
 12 5 retrieval of such a name shall constitute a valid lien upon
 12 6 and claim of lien against the winnings of the debtor whose
 12 7 name is electronically retrieved from the claimant agency. If
 12 8 a debtor's winnings ~~are equal to or greater than ten thousand~~
~~12 9 dollars per occurrence meet the minimum level for state income~~
~~12 10 tax withholding pursuant to section 422.16, subsection 1,~~
~~12 11 paragraph "d", the full amount of the debt shall be~~
 12 12 collectible from any winnings due the debtor without regard to
 12 13 limitations on the amounts that may be collectible in
 12 14 increments through setoff or other proceedings.

DIVISION IV

MISCELLANEOUS PROVISIONS

12 17 Sec. 31. 2008 Iowa Acts, chapter 1179, section 15,
 12 18 subsection 4, paragraph b, is amended to read as follows:
 12 19 b. To the public broadcasting division for the purchase
 12 20 and installation of generators at transmitter sites:
 12 21 \$ 1,602,437
 12 22 Notwithstanding section 8.57C or any other provision to the
~~12 23 contrary, \$210,477 of the amount appropriated in this~~
~~12 24 paragraph "b" is allocated for general operations of the~~
~~12 25 public broadcasting division.~~

12 26 Sec. 32. EFFECTIVE AND RETROACTIVE APPLICABILITY DATES.
 12 27 The section of this division of this Act amending 2008 Iowa
 12 28 Acts, chapter 1179, being deemed of immediate importance,
 12 29 takes effect upon enactment, and is retroactively applicable
 12 30 to July 1, 2008.

EXPLANATION

12 32 This bill relates to state financial matters and is
 12 33 organized into divisions.
 12 34 FUND TRANSFERS. This division addresses fund transfers and
 12 35 other budgetary matters.



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13 1 For the budget process applicable to FY 2010=2011, state
13 2 agencies are required to submit estimates and other
13 3 expenditure information as called for by the director of the
13 4 department of management after consultation with the director
13 5 of management instead of the information required under Code
13 6 section 8.23.
13 7 The division limits the standing unlimited appropriation
13 8 for FY 2009=2010 for the state share of peace officers'
13 9 retirement benefits. The division limits the standing limited
13 10 appropriation to the department of economic development for
13 11 the world food prize. The division limits the codified
13 12 appropriation for the Iowa power fund.
13 13 The division appropriates \$200 million from the cash
13 14 reserve fund to the general fund of the state for FY
13 15 2009=2010.
13 16 The contingent appropriation under Code section 8.5,
13 17 subsection 1, of up to 1 percent of the adjusted revenue
13 18 estimate for FY 2009=2010 from the general fund of the state
13 19 to the cash reserve fund in the event the FY 2008=2009 ending
13 20 balance distribution was insufficient to bring the fund to the
13 21 designated level shall not be made for FY 2009=2010.
13 22 The division transfers \$10 million from the federal
13 23 economic stimulus and jobs holding fund to the general fund of
13 24 the state for FY 2009=2010.
13 25 The division reduces appropriations made in 2004 from the
13 26 federal economic stimulus and jobs holding fund to the
13 27 department of economic development.
13 28 The division appropriates moneys from the rebuild Iowa
13 29 infrastructure fund to the department of transportation for FY
13 30 2009=2010 for deposit in the railroad revolving loan and grant
13 31 fund.
13 32 Currently, proceeds from bonds issued to provide moneys for
13 33 purposes of the healthy Iowans tobacco trust may be deposited
13 34 in the endowment for Iowa's health account or transferred to
13 35 the general fund of the state. The division changes the



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14 1 option for the general fund of the state to the rebuild Iowa
14 2 infrastructure fund.

14 3 For FY 2009=2010, the following property tax credits are
14 4 funded from the property tax credit fund created in the
14 5 division instead of entirely funded from the general fund of
14 6 the state: homestead, agricultural land and family farm,
14 7 military service, and elderly and disabled tax credit and
14 8 reimbursement. The provision provides that such
14 9 appropriations are also limited to the same amounts for FY
14 10 2010=2011. This section takes effect upon enactment.

14 11 The division transfers moneys deposited in the endowment
14 12 for Iowa's health account of the tobacco settlement trust fund
14 13 during FY 2008=2009 to the general fund of the state. This
14 14 provision takes effect upon enactment.

14 15 TAX CREDITS. This division of the bill limits the amount
14 16 of tax credits the department of economic development may
14 17 issue in a fiscal year to \$197 million from the following
14 18 programs and tax credits: the high quality job creation
14 19 program, the film, television, and video project promotion
14 20 program, the enterprise zone program, the industrial new jobs
14 21 training credit from withholding, the targeted jobs
14 22 withholding tax credit, and the assistive device tax credit.
14 23 The limitation begins in FY 2009=2010.

14 24 The division eliminates the additional research and
14 25 development tax credit under the high quality job creation Act
14 26 as it applies to contracts entered into on or after July 1,
14 27 2009.

14 28 The division eliminates the corporate tax research credit
14 29 in Code section 15A.9, subsection 8, as it applies to
14 30 contracts entered into on or after July 1, 2009.

14 31 The division eliminates the research activities tax credit
14 32 under the enterprise zone program as it applies to contracts
14 33 entered into on or after July 1, 2009.

14 34 The division limits the amount of agricultural assets
14 35 transfer tax credit certificates that may be issued during a



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15 1 fiscal year to \$3 million. The limitation begins in FY
15 2 2009=2010.

15 3 The division eliminates the livestock production tax
15 4 credit. The bill eliminates a standing limited appropriation
15 5 for refunds of the livestock production tax credit. These
15 6 provisions take effect upon enactment and apply retroactively
15 7 to November 1, 2008, for refund claims filed on or after that
15 8 date.

15 9 STATUTORY CHANGES. This division provides various
15 10 statutory changes.

15 11 The amendment to Code section 28.7 provides that community
15 12 empowerment area boards may designate one or more committees
15 13 to advise the community empowerment area board. The division
15 14 provides that such committees shall not have decision-making
15 15 authority. Currently, committees may be designated for
15 16 oversight of grant moneys awarded to the community empowerment
15 17 area.

15 18 The division changes the setoff provisions for gambling
15 19 winnings under Code chapters 99D and 99F. The division
15 20 provides that the retrieval of a debtor's name from a claimant
15 21 agency creates a lien on the debtor's winnings. Currently,
15 22 the debtor must also have winnings that are equal to or
15 23 greater than \$10,000 for a lien to be created. The division
15 24 also reduces the winnings threshold for a debt to be
15 25 collectible through setoff or other proceedings from winnings
15 26 that are equal to or greater than \$10,000 to winnings that
15 27 meet the minimum level for state income tax withholding for
15 28 winnings which presently is \$1,000.

15 29 MISCELLANEOUS PROVISIONS. This division of the bill
15 30 allocates moneys appropriated in 2008 Iowa Acts, chapter 1179,
15 31 from the technology reinvestment fund to the public
15 32 broadcasting division of the department of education for FY
15 33 2008=2009 to the division for general operations purposes.
15 34 The appropriation from which the moneys are allocated are
15 35 appropriated for the purchase and installation of generators



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16 1 at transmitter sites. This provision takes effect upon
16 2 enactment.
16 3 LSB 1700XG 83
16 4 tm/mg:jp/5.4