



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 22, 2010

House Amendment 8172

PAG LIN

1 1 Amend Senate File 431, as passed by the Senate, as
1 2 follows:
1 3 #1. Page 3, line 20, after <a> by inserting
1 4 <minimum>
1 5 #2. Page 10, line 10, after <Code> by inserting
1 6 <Supplement>
1 7 #3. Page 13, line 5, by striking <2009> and
1 8 inserting <2010>

COMMITTEE ON JUDICIARYSWAIM of Davis, Chairperson
SF431.1249 (2) 83
rh/nh



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House Amendment 8173

PAG LIN

- 1 1 Amend House File 2420 as follows:
1 2 #1. Page 1, by striking lines 8 through 10.
1 3 #2. Page 2, lines 7 and 8, by striking <For
1 4 executive branch employees, negotiations> and inserting
1 5 <Negotiations>
1 6 #3. Page 2, line 18, by striking <executive branch>
1 7 #4. Title page, lines 3 and 4, by striking
1 8 <executive branch> and inserting <public>
1 9 #5. By renumbering as necessary.

MASCHER of Johnson
HF2420.1312 (4) 83
ec/rj



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House Amendment 8174

PAG LIN

1 1 Amend House File 2456 as follows:
1 2 #1. Page 1, line 4, by striking <Text=messaging
1 3 while driving.> and inserting <Use of electronic
1 4 communication device while driving == text messaging.>
1 5 #2. Page 2, line 2, by striking <operator to
1 6 write, send, or read a text message.> and inserting
1 7 <operator.>
1 8 #3. Page 2, lines 5 and 6, by striking <operator to
1 9 write, send, or read a text message.> and inserting
1 10 <operator.>
1 11 #4. Title page, line 1, after <Act> by inserting
1 12 <concerning the use of electronic communication devices
1 13 while driving, including>
1 14 #5. By renumbering as necessary.

HANSON of Jefferson

TJEPKES of Webster
HF2456.1273 (2) 83
dea/nh



Iowa General Assembly
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House Amendment 8175

PAG LIN

1 1 Amend House File 2297 as follows:
1 2 #1. Page 2, line 17, by striking <is a practicing>
1 3 and inserting <as an obstetrician or>
1 4 #2. Page 2, by striking lines 23 through 25 and
1 5 inserting <midwives; and two members who shall
1 6 represent the general public and who are not licensed
1 7 as a midwife, physician, or nurse.>
1 8 #3. Page 3, line 8, after <periods> by inserting
1 9 <,including newborn care up to six weeks,>
1 10 #4. Page 3, line 22, by striking <2011> and
1 11 inserting <2012>
1 12 #5. Page 3, line 26, after <shall> by inserting
1 13 <meet minimum education requirements and>
1 14 #6. Page 3, line 32, after <resuscitation.> by
1 15 inserting <In reviewing applications, the board
1 16 may request, at the applicant's expense, that the
1 17 department of public safety perform a criminal history
1 18 check and the department of human services perform
1 19 child and dependent adult abuse record checks of the
1 20 applicant. If an applicant has a criminal record or a
1 21 record of founded child or dependent adult abuse, the
1 22 board shall perform an evaluation to determine whether
1 23 the record warrants denial of licensure.>
1 24 #7. Page 4, after line 3 by inserting:
1 25 <Sec. ____ . NEW SECTION. 148F.3A Insurance.
1 26 If the board determines that liability insurance is
1 27 available at an affordable price to licensed midwives,
1 28 the board may mandate such coverage by rule. Until
1 29 that time, a licensed midwife shall provide each
1 30 client with a disclosure statement indicating that the
1 31 midwife does not have liability insurance as provided
1 32 in section 148F.5.>
1 33 #8. Page 4, line 16, after <midwife,> by inserting
1 34 <as specified in section 148F.2,>
1 35 #9. Page 4, line 33, by striking <shall> and
1 36 inserting <may>
1 37 #10. Page 5, by striking lines 6 through 13 and
1 38 inserting:
1 39 <3. In establishing rules, the board shall reflect
1 40 the knowledge and skills identified by the north
1 41 American registry of midwives' current job description
1 42 for the profession and the standards of practice of
1 43 midwifery established by the national association
1 44 of certified professional midwives or a successor
1 45 organization.>
1 46 #11. Page 5, line 16, after <information> by
1 47 inserting <, in a manner determined by the board by
1 48 rule,>
1 49 #12. Page 6, line 4, by striking <2011> and
1 50 inserting <2012>



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House Amendment 8175 continued

- 2 1 #13. Page 6, line 15, by striking <2011> and
- 2 2 inserting <2012>
- 2 3 #14. Page 7, line 14, by striking <These> and
- 2 4 inserting <The>
- 2 5 #15. Page 7, line 16, by striking <2011> and
- 2 6 inserting <2012>
- 2 7 #16. By renumbering as necessary.

MASCHER of Johnson
HF2297.1306 (2) 83
jr/nh



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House Amendment 8176

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:
1 4 <NEW SUBSECTION. 31. a. To the extent permissible
1 5 by federal law, to subpoena certain records held by a
1 6 public or private utility company with respect to an
1 7 individual who has a debt or obligation placed with the
1 8 centralized collection unit of the department. The
1 9 subpoena authority granted in this subsection may be
1 10 used only after reasonable efforts have been made by
1 11 the centralized collection unit to identify and locate
1 12 the individual.
1 13 b. The department may subpoena customer records,
1 14 but shall not request or require the disclosure
1 15 of transaction information, account activity, or
1 16 proprietary information.>
1 17 #2. Page 1, by striking lines 18 through 20 and
1 18 inserting <frequently than quarterly.>
1 19 #3. Page 1, line 24, after <director.> by inserting
1 20 <In administering this subsection, the director and
1 21 the department shall comply with all applicable state
1 22 and federal laws pertaining to the confidentiality or
1 23 privacy of individuals or public or private utility
1 24 companies. The information and customer records
1 25 obtained by the department pursuant to this subsection
1 26 are confidential records and are not subject to
1 27 requests for examination pursuant to chapter 22.>
1 28 #4. Page 1, before line 34 by inserting:
1 29 <g. The department may adopt rules for the
1 30 administration of this subsection.>
1 31 #5. Page 1, line 35, by striking <2010> and
1 32 inserting <2011>
1 33 #6. Title page, by striking lines 2 and 3 and
1 34 inserting <customer records of individuals with a
1 35 debt placed with the centralized collection unit of
1 36 the department of revenue and including effective date
1 37 provisions.>
1 38 #7. By renumbering as necessary.

COMMITTEE ON WAYS AND MEANS
SHOMSHOR of Pottawattamie, Chairperson
HF816.676 (4) 83
tw/sc



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House Amendment 8177

PAG LIN

1 1 Amend House File 2382 as follows:
1 2 #1. Page 1, line 4, before <Cities> by inserting
1 3 <1.>
1 4 #2. Page 1, after line 28 by inserting:
1 5 <2. Notwithstanding subsection 1, a city may
1 6 make an application to the workers' compensation
1 7 commissioner requesting that the city be allowed to
1 8 choose the care for its members receiving hospital,
1 9 nursing, and medical attention pursuant to this
1 10 section. After hearing, the workers' compensation
1 11 commissioner shall grant the city's request upon a
1 12 finding, by a preponderance of the evidence, that the
1 13 city will experience unreasonable increased costs if
1 14 its members have the right to choose the care. The
1 15 workers' compensation commissioner shall by rule
1 16 define what constitutes unreasonable increased costs
1 17 and establish application and hearing procedures for
1 18 consideration of requests made by cities pursuant
1 19 to this subsection. The workers' compensation
1 20 commissioner's ruling on a city's request pursuant to
1 21 this subsection shall be considered final agency action
1 22 pursuant to chapter 17A.>

HUNTER of Polk
HF2382.1300 (2) 83
av/rj



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House Amendment 8178

PAG LIN

1 1 Amend House File 2408 as follows:
1 2 #1. Page 1, by striking lines 6 through 10 and
1 3 inserting <awarded by competitive bid in writing,
1 4 publicly invited and opened.>
1 5 #2. Page 1, by striking lines 14 through 18 and
1 6 inserting <job is awarded by competitive bid in
1 7 writing, publicly invited and opened.>

WHITEAD of Woodbury
HF2408.1299 (5) 83
md/sc



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House Amendment 8179

PAG LIN

1 1 Amend House File 2468 as follows:
1 2 #1. Title page, line 1, after <of> by inserting
1 3 <all=terrain vehicles and>

MAY of Dickinson
HF2468.1135 (2) 83
dea/nh



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House Amendment 8180

PAG LIN

1 1 Amend Senate File 153, as amended, passed, and
 1 2 reprinted by the Senate, as follows:
 1 3 #1. Page 1, before line 1 by inserting:
 1 4 <Sec. _____. Section 148C.3, Code 2009, is amended by
 1 5 adding the following new subsection:
 1 6 NEW SUBSECTION. 2A. a. A physician assistant
 1 7 shall notify the board of their participation in a
 1 8 business relationship pursuant to section 490A.1502
 1 9 or 496C.4, by supplying a copy of the articles of
 1 10 organization or incorporation and any amended articles.
 1 11 b. A physician assistant organized or incorporated
 1 12 pursuant to section 490A.1502 or 496C.4 shall not
 1 13 employ their supervising physician.
 1 14 c. The board shall adopt rules, in conjunction
 1 15 with the board of medicine and the board of nursing,
 1 16 to regulate the practice of physician assistants as a
 1 17 profession under chapters 490A and 496C, which allow
 1 18 medicine and surgery, osteopathic medicine and surgery,
 1 19 practice as a physician assistant, and practice as a
 1 20 nurse practitioner to be practiced as professions in
 1 21 combination by licensed individuals or a partnership of
 1 22 licensed individuals.
 1 23 d. Notwithstanding section 490A.1502 or 496C.4,
 1 24 or any other provision of law, a licensed physician
 1 25 assistant may be a member, shareholder, officer,
 1 26 director, or professional employee of a limited
 1 27 liability company or professional corporation so long
 1 28 as the sum of all membership interest or shares owned
 1 29 by licensed physician assistants or nurse practitioners
 1 30 in the company or corporation does not exceed
 1 31 forty-nine percent of the total interests or number of
 1 32 shares of the professional corporation when practicing
 1 33 their professions in combination with licensed
 1 34 individuals or a partnership of licensed individuals.>
 1 35 #2. Page 2, after line 3 by inserting:
 1 36 <3. A professional limited liability company formed
 1 37 solely by a physician assistant shall use the words
 1 38 "physician assistant" in its name.>
 1 39 #3. Page 4, after line 4 by inserting:
 1 40 <3. A professional corporation formed solely by
 1 41 a physician assistant shall use the words "physician
 1 42 assistant" in its name and shall not use the word
 1 43 "medicine" or "medical" in its name.>
 1 44 #4. By renumbering as necessary.

L. MILLER of Scott
 SF153.1376 (2) 83
 jr/nh



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House Amendment 8181

PAG LIN

1 1 Amend House File 2492 as follows:
1 2 #1. Page 5, after line 27 by inserting:
1 3 <Sec. _____. Section 257.17, Code 2009, is amended to
1 4 read as follows:
1 5 257.17 Aid reduction for early school starts.
1 6 State aid payments made pursuant to section
1 7 257.16 for a fiscal year shall be reduced by one
1 8 one-hundred-eightieth for each day of that fiscal year
1 9 for which the school district begins school before the
1 10 earliest starting date specified in section 279.10,
1 11 subsection 1. However, this section does not apply to
1 12 a school district that has received approval from the
1 13 ~~director of the department of education under section~~
~~1 14 279.10, subsection 4, to commence classes for regularly~~
~~1 15 established elementary and secondary schools in~~
~~1 16 advance of the starting date established in for a pilot~~
1 17 program for an innovative school year in accordance
1 18 with section 279.10, subsection 3.>
1 19 #2. Page 8, after line 25 by inserting:
1 20 <Sec. _____. Section 279.10, subsections 1 and 2,
1 21 Code 2009, are amended to read as follows:
1 22 1. The school year shall begin on the first day
1 23 of July and each regularly established elementary
1 24 and secondary school shall begin no sooner than a day
~~1 25 during the calendar week in which the first day of~~
~~1 26 September falls the fourth Monday in August but no~~
1 27 later than the first Monday in December. ~~However, if~~
~~1 28 the first day of September falls on a Sunday, school~~
~~1 29 may begin on a day during the calendar week which~~
~~1 30 immediately precedes the first day of September unless~~
1 31 the school district has received approval from the
1 32 department of education for a pilot program for an
1 33 innovative school year in accordance with subsection 3.
1 34 School shall continue for at least one hundred eighty
1 35 days, except as provided in subsection 3, and may be
1 36 maintained during the entire calendar year. However,
1 37 if the board of directors of a district extends the
1 38 school calendar because inclement weather caused the
1 39 district to temporarily close school during the regular
1 40 school calendar, the district may excuse a graduating
1 41 senior who has met district or school requirements for
1 42 graduation from attendance during the extended school
1 43 calendar. A school corporation may begin employment
1 44 of personnel for in-service training and development
1 45 purposes before the date to begin elementary and
1 46 secondary school.
1 47 2. The board of directors shall hold a public
1 48 hearing on any ~~proposal~~ request made pursuant to
1 49 subsection 3 prior to submitting it to the department
1 50 of education for approval.



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House Amendment 8181 continued

2 1 Sec. ____ . Section 179.10, subsection 4, Code 2009,
 2 2 is amended by striking the subsection.>
 2 3 #3. Page 9, line 20, by striking <subsection 2, Code
 2 4 2009, is> and inserting <subsections 1 and 2, Code
 2 5 2009, are>
 2 6 #4. Page 9, after line 21 by inserting:
 2 7 <1. The board of directors of each public
 2 8 school district and the authorities in charge of
 2 9 each nonpublic school shall prescribe the minimum
 2 10 educational program and an attendance policy which
 2 11 shall require each child to attend school for at least
 2 12 one hundred forty=eight days, to be met by attendance
 2 13 for at least thirty=seven days each school quarter,
 2 14 for the schools under their jurisdictions. Each public
 2 15 school and nonpublic school shall comply with the start
 2 16 date and school calendar requirements specified in
 2 17 section 279.10, subsection 1.>
 2 18 #5. Page 21, after line 7 by inserting:
 2 19 <Sec. ____ . EFFECTIVE DATES. The provisions of the
 2 20 sections of this Act amending section 257.17, section
 2 21 279.10, subsections 1 and 2, section 279.10, subsection
 2 22 4, and section 280.3, subsection 1, take effect July 1,
 2 23 2011, and are applicable for school years beginning on
 2 24 or after that date.
 2 25 #6. Title page, line 2, after <boards> by inserting
 2 26 <and including effective date and applicability
 2 27 provisions> #7. By renumbering as necessary.

MAY of Dickinson
 HF2492.1289 (2) 83
 kh/rj



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House Amendment 8182

PAG LIN

1 1 Amend House File 2436 as follows:
1 2 #1. Page 3, after line 9 by inserting:
1 3 <Sec. ____ . NEW SECTION. 321.180C Intermediate
1 4 driver's license == special procedure.
1 5 1. Teaching parent. As an alternative to the
1 6 driver education requirements under section 321.178,
1 7 a teaching parent may instruct a student in a driver
1 8 education course that meets the requirements of this
1 9 section and provide evidence that the requirements
1 10 under this section have been met.
1 11 2. Definitions. For purposes of this section:
1 12 a. "Approved course" means driver education
1 13 curriculum approved by the department pursuant to rules
1 14 adopted under chapter 17A. An approved course shall,
1 15 at a minimum, meet the requirements of subsection 3
1 16 and be appropriate for teaching=parent-directed driver
1 17 education and related street or highway instruction.
1 18 Driver education materials that meet or exceed
1 19 standards established by the department for an approved
1 20 course in driver education for a public or private
1 21 school shall be approved unless otherwise determined by
1 22 the department. The list of approved courses shall be
1 23 posted on the department's internet site.
1 24 b. "Student" means a person between the ages of
1 25 fourteen and twenty=one years who is within the custody
1 26 and control of the teaching parent and who satisfies
1 27 preliminary licensing requirements of the department.
1 28 c. "Teaching parent" means a parent, guardian,
1 29 or legal custodian of a student who is currently
1 30 providing competent private instruction to the student
1 31 pursuant to section 299A.2 or 299A.3 and who provided
1 32 such instruction to the student during the previous
1 33 year; who has a valid driver's license, other than a
1 34 motorized bicycle license or a temporary restricted
1 35 license, that permits unaccompanied driving; and who
1 36 has maintained a clear driving record for the previous
1 37 two years. For purposes of this paragraph, "clear
1 38 driving record" means the individual has not been
1 39 identified as a candidate for suspension of a driver's
1 40 license under the habitual offender provisions of the
1 41 department's regulations; is not subject to a driver's
1 42 license suspension, revocation, denial, cancellation,
1 43 disqualification, or bar; and has no record of a
1 44 conviction for a moving traffic violation determined to
1 45 be the cause of a motor vehicle accident.
1 46 3. Course of instruction.
1 47 a. An approved course administered by a teaching
1 48 parent shall consist of but not be limited to the
1 49 following:
1 50 (1) Thirty clock hours of classroom instruction.



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House Amendment 8182 continued

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



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House Amendment 8182 continued

3 1 5. Intermediate license. Any student who
3 2 successfully completes an approved course as
3 3 provided in this section, passes a driving test to
3 4 be administered by the department, and is otherwise
3 5 qualified under section 321.180B, subsection 2, shall
3 6 be eligible for an intermediate license pursuant
3 7 to section 321.180B. Twenty of the forty hours of
3 8 street or highway driving instruction required under
3 9 subsection 3, paragraph "a", subparagraph (2), may
3 10 be utilized to satisfy the requirement of section
3 11 321.180B, subsection 2.
3 12 6. Full license. A student must comply with
3 13 section 321.180B, subsection 4, to be eligible for a
3 14 full driver's license pursuant to section 321.180B.>
3 15 #2. By renumbering as necessary.

HAGENOW of Polk
HF2436.1384 (1) 83
dea/nh



Iowa General Assembly
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House Amendment 8183

PAG LIN

1 1 Amend House File 2420 as follows:
1 2 #1. Page 6, after line 13 by inserting:
1 3 <Sec. ____ . NEW SECTION. 20.33 MANDATORY
1 4 RENEGOTIATION = EXECUTIVE BRANCH PUBLIC EMPLOYEES.
1 5 A collective bargaining agreement between a public
1 6 employer and a certified employee organization
1 7 representing executive branch employees shall provide
1 8 the agreement to be renegotiated if the governor
1 9 applies a reduction in appropriations pursuant to
1 10 section 8.31, subsections 2 and 5. The board shall
1 11 adopt a negotiation schedule to ensure that the
1 12 renegotiation of the collective bargaining agreement is
1 13 completed in an expedited manner.>
1 14 #2. Page 6, line 17, after <services> by inserting
1 15 <and mandatory renegotiation of collective bargaining
1 16 agreements>
1 17 #3. Title page line 4, after <employees> by
1 18 inserting <and mandatory renegotiation of certain
1 19 collective bargaining agreements>
1 20 #4. By renumbering as necessary.

RAECKER of Polk
HF2420.1341 (4) 83
ec/rj



Iowa General Assembly
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House Amendment 8184

PAG LIN

1 1 Amend House File 2442 as follows: #1.
1 2 Page 3, after line 30 by inserting:
1 3 <Sec. _____. Section 633.20, subsection 3, Code 2009,
1 4 is amended to read as follows:
1 5 3. A person appointed as an associate probate
1 6 judge shall have jurisdiction to audit accounts of
1 7 fiduciaries and to perform ministerial duties as
1 8 a referee provided in this section and shall have
1 9 additional jurisdiction to perform the judicial
1 10 functions as the court prescribes provided in section
1 11 633.20D.
1 12 Sec. _____. NEW SECTION. 633.20D Associate probate
1 13 judge == jurisdiction == appeals.
1 14 1. An associate probate judge shall have
1 15 the same jurisdiction to conduct probate court
1 16 proceedings, to issue no-contact or protective orders,
1 17 injunctions, contempt orders for adults in probate
1 18 court proceedings, and to issue orders, findings, and
1 19 decisions as the judge of the probate court. However,
1 20 the chief judge may limit the exercise of probate court
1 21 jurisdiction by the associate probate judge.
1 22 2. The parties to a proceeding heard by an
1 23 associate probate judge are entitled to appeal the
1 24 order, finding, or decision of an associate probate
1 25 judge, in the manner of an appeal from orders,
1 26 findings, or decisions of district court judges. An
1 27 appeal does not automatically stay the order, finding,
1 28 or decision of an associate probate judge.>

HUSER of Polk
HF2442.1210 (3) 83
jm/rj



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House Amendment 8185

PAG LIN

1 1 Amend House File 2442 as follows:
1 2 #1. Page 1, after line 28 by inserting:
1 3 <Sec. _____. Section 236.4, Code 2009, is amended by
1 4 adding the following new subsection:
1 5 NEW SUBSECTION. 5A. Prior to the entry of a
1 6 temporary order under this section that involves a
1 7 child=custody determination as defined in section
1 8 598B.102, the plaintiff shall furnish information to
1 9 the court in compliance with section 598B.209.>
1 10 #2. Page 1, after line 34 by inserting:
1 11 <Sec. _____. Section 236.5, subsection 1, paragraph
1 12 b, subparagraph (4), Code Supplement 2009, is amended
1 13 by adding the following new subparagraph division:
1 14 NEW SUBPARAGRAPH DIVISION. (d) Prior to entry of
1 15 an order or agreement under this section that involves
1 16 a child=custody determination as defined in section
1 17 598B.102, the parties shall furnish information to the
1 18 court in compliance with section 598B.209.>
1 19 #3. By renumbering as necessary.

HUSER of Polk
HF2442.1288 (1) 83
jm/rj



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House Amendment 8186

PAG LIN

1 1 Amend House File 2461 as follows:
1 2 #1. By striking everything after the enacting clause
1 3 and inserting:
1 4 <Section 1. SCHOOL BUSINESS OFFICIALS TASK FORCE.
1 5 1. The department of education, in consultation
1 6 with the board of educational examiners, shall
1 7 convene a task force to determine the standards and
1 8 procedures, content, and processes of training programs
1 9 and renewal requirements for individuals who seek
1 10 licensure, certification, or authorization from the
1 11 board of educational examiners for employment as a
1 12 school business official responsible for the financial
1 13 operations of a school district. The task force shall
1 14 also review the tuition and fee costs to students and
1 15 applicants for the training program and for fulfillment
1 16 of continuing education requirements; review training
1 17 specifications including but not limited to the length
1 18 of time necessary for training and continuing education
1 19 purposes; identify who should receive training;
1 20 identify the costs to state agencies to administer and
1 21 implement licensure, certification or authorizations,
1 22 and to prescribe standards and procedures for the
1 23 approval of training programs; and identify the
1 24 appropriate level of licensure, certification, or
1 25 authorization based on an individual's position of
1 26 employment and educational background.
1 27 2. The task force shall be comprised of
1 28 representatives of the Iowa association of school
1 29 business officials, individuals holding financial
1 30 leadership roles in large, medium, and small school
1 31 districts, and a public member of the school budget
1 32 review committee. The task force shall review other
1 33 states professional organizations and programs
1 34 regarding authorization of school business officials,
1 35 determine the best practices for school district
1 36 business management training programs, and identify and
1 37 recommend the knowledge and skills necessary to obtain
1 38 a school business official authorization from the board
1 39 of educational examiners.
1 40 3. The task force shall submit its findings and
1 41 recommendations in a report to the state board of
1 42 education and the board of educational examiners by
1 43 December 31, 2010.>

COWNIE of Polk
HF2461.1390 (3) 83
kh/sc



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House Amendment 8187

PAG LIN

1 1 Amend Senate File 2250, as passed by the Senate, as
1 2 follows:
1 3 #1. By striking everything after the enacting clause
1 4 and inserting:
1 5 <Section 1. NEW SECTION. 714.3A Aggravated theft.
1 6 1. A person commits aggravated theft when the
1 7 person resists or obstructs another person attempting
1 8 to detain the person after the person has removed
1 9 property which has not been purchased from a store
1 10 or mercantile establishment, either on the premises
1 11 or outside the premises of the store or mercantile
1 12 establishment.
1 13 2. a. A person who commits aggravated theft is
1 14 guilty of an aggravated misdemeanor.
1 15 b. A person who commits aggravated theft, and who
1 16 has previously been convicted of an aggravated theft,
1 17 robbery in the first degree in violation of section
1 18 711.2, robbery in the second degree in violation of
1 19 section 711.3, or extortion in violation of section
1 20 711.4, is guilty of a class "D" felony.
1 21 3. In determining if a violation is a class "D"
1 22 felony offense the following shall apply:
1 23 a. A deferred judgment entered pursuant to section
1 24 907.3 for a violation of any offense specified in
1 25 subsection 2 shall be counted as a previous offense.
1 26 b. A conviction or the equivalent of a deferred
1 27 judgment for a violation in any other states under
1 28 statutes substantially corresponding to an offense
1 29 specified in subsection 2 shall be counted as a
1 30 previous offense. The courts shall judicially notice
1 31 the statutes of other states which define offenses
1 32 substantially equivalent to the offenses specified
1 33 in this section and can therefore be considered
1 34 corresponding statutes.>
1 35 #2. Title page, lines 1 and 2, by striking <robbery
1 36 in the third degree> and inserting <aggravated theft>

STRUYK of Pottawattamie
SF2250.1388 (4) 83
jm/rj



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House Amendment 8188

PAG LIN

1 1 Amend House File 2456 as follows:
1 2 #1. Page 1, line 25, by striking <write or send> and
1 3 inserting <write, send, or read>
1 4 #2. Page 1, lines 27 and 28, by striking <writing or
1 5 sending> and inserting <writing, sending, or reading>
1 6 #3. Title page line 1, by striking <writing or
1 7 sending>, and inserting: <writing, sending, or
1 8 reading>
1 9 #4. By renumbering as necessary.

HEATON of Henry
HF2456.1394 (1) 83
dea/nh



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House Amendment 8189

PAG LIN

1 1 Amend Senate File 2291, as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. Page 1, line 19, after <race> by inserting <,
1 4 gender,>

MAY of Dickinson

ABDUL=SAMAD of Polk
SF2291.1356 (3) 83
kh/nh



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House Amendment 8190

PAG LIN

1 1 Amend House File 2476 as follows:
1 2 #1. Page 1, line 33, after <efficiency> by inserting
1 3 <in a cost=effective manner>

SODERBERG of Plymouth
HF2476.1391 (4) 83
md/sc



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House Amendment 8191

PAG LIN

1 1 Amend House File 2456 as follows:
1 2 #1. Page 2, line 25, before <section> by inserting
1 3 <section 321.256, 321.257,>
1 4 #2. Title page, line 3, by striking <penalties.> and
1 5 inserting <penalties, including penalties for certain
1 6 traffic violations which result in death or serious
1 7 injury.>
1 8 #3. By renumbering as necessary.

WINDSCHITL of Harrison
HF2456.1395 (1) 83
dea/rj



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House Amendment 8192

PAG LIN

1 1 Amend House File 2437 as follows:
1 2 #1. Page 2, after line 14 by inserting:
1 3 <Sec. ____ Section 455B.172, subsection 11, Code
1 4 Supplement 2009, is amended by adding the following new
1 5 paragraph:
1 6 NEW PARAGRAPH. j. This subsection preempts any
1 7 city or county ordinance related to the inspection of
1 8 private sewage disposal systems in association with the
1 9 transfer of ownership of a building.>
1 10 #2. By renumbering as necessary.

HUSER of Polk
HF2437.1400 (3) 83
tm/rj



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House Amendment 8193

PAG LIN

1 1 Amend House File 2456 as follows:
1 2 #1. By striking everything after the enacting clause
1 3 and inserting:
1 4 <Section 1. NEW SECTION. 321.371A Common sense
1 5 required.
1 6 A person shall use common sense at all times when
1 7 the person is operating a motor vehicle.>
1 8 #2. Title page, by striking lines 1 through 3 and
1 9 inserting <An Act requiring the use of common sense by
1 10 the operator of a motor vehicle.>
1 11 #3. By renumbering as necessary.

RAECKER of Polk
HF2456.1401 (1) 83
dea/rj



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House Amendment 8194

PAG LIN

1 1 Amend House File 2229 as follows:
1 2 #1. Page 1, after line 21 by inserting:
1 3 <4. This section is applicable only to dental plans
1 4 issued pursuant to chapter 514.>

STRUYK of Pottawattamie
HF2229.440 (1) 83
av/rj



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House Amendment 8195

PAG LIN

1 1 Amend House File 2456 as follows:
1 2 #1. Page 2, after line 21 by inserting:
1 3 <Sec. _____. NEW SECTION. 321.296 Speed limit
1 4 enforcement in work zones == photo traffic enforcement.
1 5 The department of public safety, in cooperation with
1 6 the department of transportation, shall place photo
1 7 traffic enforcement devices in all road work zones on
1 8 primary highways to enforce violations of the posted
1 9 speed limits in the road work zones.
1 10 1. For purposes of this section, "photo traffic
1 11 enforcement device" means a device used primarily
1 12 for highway speed limit enforcement, substantially
1 13 consisting of a low-powered Doppler radar unit and
1 14 camera which automatically produces a photograph of a
1 15 vehicle, including the vehicle's registration plate,
1 16 traveling in excess of the legal speed limit, with the
1 17 vehicle's speed and the date, time of day, and location
1 18 of the violation printed on the photograph.
1 19 2. The department of transportation shall post
1 20 signs providing notice to motorists in every road work
1 21 zone where a photo traffic enforcement device is in
1 22 use.
1 23 3. If a peace officer of the department of public
1 24 safety determines from examination of the evidence
1 25 produced by a photo traffic enforcement device that
1 26 a speeding violation occurred in a road work zone,
1 27 the peace officer may initiate an investigation not
1 28 more than seven calendar days after the date of the
1 29 violation. The peace officer may request that the
1 30 owner of the vehicle supply information identifying
1 31 the driver of the vehicle in accordance with section
1 32 321.484, or in the case of a commercial motor vehicle,
1 33 the peace officer may request that the employer of the
1 34 driver provide information identifying the driver of
1 35 the vehicle.
1 36 a. If, from the investigation, the peace officer
1 37 is able to identify the driver of the vehicle and has
1 38 reasonable cause to believe a speeding violation has
1 39 occurred, the peace officer shall prepare a uniform
1 40 traffic citation for the violation and shall serve it
1 41 personally or by certified mail on the driver of the
1 42 vehicle.
1 43 b. If, from the investigation, the peace officer
1 44 has reasonable cause to believe that a speeding
1 45 violation occurred but is unable to identify the
1 46 driver, the peace officer shall serve a uniform traffic
1 47 citation for the violation on the owner of the motor
1 48 vehicle or, in the case of a commercial motor vehicle,
1 49 on the employer of the driver. Notwithstanding section
1 50 321.484, in a proceeding where the peace officer who



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House Amendment 8195 continued

2 1 conducted the investigation was not able to identify
2 2 the driver of the motor vehicle, proof that the motor
2 3 vehicle captured on camera and described in the uniform
2 4 traffic citation was used to commit the speeding
2 5 violation in a road work zone, together with proof that
2 6 the defendant named in the citation was the owner of
2 7 the motor vehicle or, in the case of a commercial motor
2 8 vehicle, the employer of the driver, at the time the
2 9 violation occurred, constitutes a permissible inference
2 10 that the owner or employer was the person who committed
2 11 the violation.

2 12 c. For purposes of this subsection, "owner" means a
2 13 person who holds the legal title to a motor vehicle;
2 14 however, if the motor vehicle is the subject of a
2 15 security agreement with a right of possession in
2 16 the debtor, the debtor shall be deemed the owner for
2 17 purposes of this subsection, or if the motor vehicle is
2 18 leased as defined in section 321.493, the lessee shall
2 19 be deemed the owner for purposes of this subsection.

2 20 4. A photograph that meets the requirements of
2 21 subsection 1 shall be accepted as prima facie evidence
2 22 of the speeding violation in any legal proceeding where
2 23 the speed of the motor vehicle is at issue.>

2 24 #2. Page 2, after line 34 by inserting:

2 25 <Sec. _____. Section 321.484, subsection 2, Code
2 26 2009, is amended to read as follows:

2 27 2. If a peace officer as defined in section 801.4
2 28 has reasonable cause to believe the driver of a motor
2 29 vehicle has violated section 321.261, 321.262, 321.264,
2 30 321.341, 321.342, 321.343, 321.344, or 321.372, or
2 31 has committed a violation recorded by a photo traffic
2 32 enforcement device under section 321.296, the officer
2 33 may request any owner of the motor vehicle to supply
2 34 information identifying the driver. When requested,
2 35 the owner of the vehicle shall identify the driver to
2 36 the best of the owner's ability. However, the owner of
2 37 the vehicle is not required to supply identification
2 38 information to the officer if the owner believes the
2 39 information is self-incriminating.>

2 40 #3. Title page, line 1, after <Act> by inserting
2 41 <relating to traffic safety by>

2 42 #4. Title page, line 2, by striking <vehicle> and
2 43 inserting <vehicle, providing for the use of photo
2 44 traffic enforcement in road work zones on primary
2 45 highways,>

2 46 #5. By renumbering as necessary.

WINDSCHITL of Harrison
HF2456.1398 (2) 83
dea/rj



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House File 2505 - Introduced

HOUSE FILE
BY COMMITTEE ON
ENVIRONMENTAL
PROTECTION

(SUCCESSOR TO HSB 703)

A BILL FOR

1 An Act providing for the application of pesticides by
2 commercial applicators using an aircraft, providing
3 penalties, and including effective date provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 6202HV (3) 83
da/nh



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House File 2505 - Introduced continued

PAG LIN

1 1 Section 1. Section 206.2, Code 2009, is amended by adding
1 2 the following new subsection:
1 3 NEW SUBSECTION. 2A. "Aircraft" means the same as defined
1 4 in section 328.1.
1 5 Sec. 2. Section 206.6, subsection 5, paragraph c, Code
1 6 Supplement 2009, is amended to read as follows:
1 7 c. The secretary shall issue a commercial applicator
1 8 license limited to the classifications for which the applicant
1 9 is qualified, which shall expire at the end of the calendar
1 10 year of issue unless it has been revoked or suspended by the
1 11 secretary for cause.
1 12 d. The secretary may limit the license of the applicant
1 13 to the use of certain pesticides, or to certain areas, or
1 14 to certain types of equipment if the applicant is only so
1 15 qualified. If a license is not issued as applied for, the
1 16 secretary shall inform the applicant in writing of the reasons.
1 17 e. The secretary shall revoke the license of a commercial
1 18 applicator who on more than two occasions applies pesticides
1 19 using an aircraft in a manner that causes personal injury in
1 20 violation of this chapter pursuant to section 206.19.
1 21 Sec. 3. NEW SECTION. 206.14A Personal injuries from
1 22 pesticides applied from an aircraft.
1 23 The department shall provide a special form for persons
1 24 to submit a statement claiming that they were injured by
1 25 pesticides applied by a commercial applicator using an
1 26 aircraft.
1 27 1. The special form may be part of the form provided in
1 28 section 206.14, so long as the special form complies with the
1 29 requirements of this section. The department may also require
1 30 that a claimant file a statement under this section in lieu of
1 31 section 206.14.
1 32 a. Except as otherwise provided in this section, the
1 33 department may require that the statement include the same
1 34 information, and be filed in the same manner and according to
1 35 the same procedures required for a statement filed pursuant to



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House File 2505 - Introduced continued

2 1 section 206.14.
2 2 b. The department shall make the form available in an
2 3 electronic format, including via the internet. The department
2 4 shall provide for authentication of statements filed with the
2 5 department, including electronic signatures as provided in
2 6 chapter 554D. The statement must be filed with the department
2 7 within sixty days after the date that injury is claimed to have
2 8 occurred. The statement may refer to evidence substantiating
2 9 the claim including information identifying the commercial
2 10 applicator or aircraft, medical documents indicating injuries
2 11 consistent with pesticide exposure, and media images or sounds
2 12 that record the exposure or the consequences of the exposure.
2 13 2. Upon receipt of a statement, the department shall notify
2 14 the commercial applicator. If warranted, the department shall
2 15 conduct an investigation to determine if the injuries were
2 16 caused by the application of a pesticide in violation of this
2 17 chapter. The department shall provide the results of the
2 18 investigation to the claimant and the commercial applicator.
2 19 The department may provide the results to any person entitled
2 20 to receive such results if the claim was also filed under
2 21 section 206.14.
2 22 3. A person's failure to file a report shall not affect any
2 23 of the following:
2 24 a. A legal action to obtain damages or injunctive relief.
2 25 b. Any limitations of actions provided in chapter 614.
2 26 c. An administrative, civil, or criminal action initiated
2 27 by the state.
2 28 4. The filing of a statement or the failure to file a
2 29 statement is not a violation of this chapter.
2 30 5. The department may postpone a contested case proceeding
2 31 until the department has conducted its investigation and
2 32 released the results.
2 33 6. As part of the department's investigation, the
2 34 claimant is not required to submit to a physical examination.
2 35 Notwithstanding section 206.14, a commercial applicator or a



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3 1 representative of a commercial applicator is not entitled to
3 2 enter the property where the claim arose.

3 3 7. The department may provide the results of its
3 4 investigation to the Iowa department of public health as a
3 5 reportable poisoning pursuant to section 139A.21.

3 6 Sec. 4. Section 206.19, subsection 5, paragraph b, Code
3 7 Supplement 2009, is amended to read as follows:

3 8 b. ~~The~~ Except as provided in paragraph "c", the amount of
3 9 the civil penalty shall not exceed five hundred dollars for
3 10 each offense.

3 11 c. A commercial applicator who operates an aircraft to apply
3 12 a pesticide shall be assessed an enhanced civil penalty for
3 13 each violation of this chapter that causes personal injury.

3 14 The amount of the enhanced civil penalty increases based
3 15 on whether the violation occurs during a first, second, or
3 16 subsequent occasion in which the commercial applicator operates
3 17 the aircraft.

3 18 (1) The amount of the enhanced civil penalty is as follows:

3 19 (a) For the first occasion, not more than one thousand
3 20 dollars per violation.

3 21 (b) For the second occasion, not more than one thousand five
3 22 hundred dollars per violation.

3 23 (c) For the third or subsequent occasion, not more than two
3 24 thousand dollars per violation.

3 25 (2) The department shall issue a written warning to a
3 26 commercial applicator who is subject to the enhanced civil
3 27 penalty. For a violation occurring during a first or second
3 28 occasion the department shall warn the commercial applicator of
3 29 the maximum enhanced civil penalty assessable for a violation
3 30 occurring during a subsequent occasion. For a violation
3 31 occurring during a second occasion, the department shall warn
3 32 the commercial applicator that the commercial applicator's
3 33 license will be revoked for a violation occurring during a
3 34 third occasion. The failure of the department to issue a
3 35 written notice to a commercial applicator is not grounds for



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4 1 contesting the department's decision.

4 2 Sec. 5. Section 206.22, Code 2009, is amended by adding the
4 3 following new subsection:

4 4 NEW SUBSECTION. 2A. A commercial applicator who
4 5 negligently applies pesticides by using an aircraft in a manner
4 6 that causes personal injury is guilty of a serious misdemeanor
4 7 for the first offense and an aggravated misdemeanor for each
4 8 subsequent offense.

4 9 Sec. 6. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
4 10 immediate importance, takes effect upon enactment.

4 11 EXPLANATION

4 12 GENERAL. This bill amends the Pesticide Act of Iowa codified
4 13 in Code chapter 206, by providing for personal injury caused
4 14 by a commercial applicator who applies pesticides using an
4 15 aircraft. The term "pesticide" is broadly defined to include
4 16 any substance intended for preventing, destroying, repelling,
4 17 or mitigating insects, rodents, nematodes, fungi, weeds, and
4 18 other forms of plant or animal life (Code section 206.2).

4 19 REPORTING. The bill requires that persons claiming an
4 20 injury caused by a commercial applicator's aerial application
4 21 of pesticides may file a statement with the department. The
4 22 department may model the statement's form and filing procedures
4 23 after a similar statement used for reporting damages to
4 24 property and especially crops caused by pesticide application
4 25 (Code section 206.14). The bill requires the department to
4 26 make such statements available on the internet. The statement
4 27 may be used by the department to conduct an investigation and
4 28 an enforcement action.

4 29 CIVIL PENALTIES. Generally, a person who violates a
4 30 provision of Code chapter 206 is subject to a civil penalty of
4 31 not more than \$500 (Code section 206.19). This bill creates
4 32 enhanced civil penalties for personal injury caused by a
4 33 commercial applicator's aerial application. The amount of the
4 34 enhanced civil penalty increases based on whether the violation
4 35 occurs during a first, second, or subsequent occasion in which



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5 1 the commercial applicator operates the aircraft. The maximum
5 2 amount of the enhanced civil penalty is \$1,000 per violation
5 3 for the first occasion, \$1,500 per violation for the second
5 4 occasion, and \$2,000 per violation for the third or subsequent
5 5 occasion. The bill also requires the department to issue
5 6 a written warning to the violator on each occasion stating
5 7 penalties applicable for the next violation.
5 8 LICENSE REVOCATION. The department is required to revoke
5 9 the license of a commercial applicator who on more than two
5 10 occasions applies pesticides using an aircraft that causes
5 11 personal injury.
5 12 CRIMINAL PENALTIES. The bill provides that a commercial
5 13 applicator who negligently applies pesticides by using an
5 14 aircraft in a manner that causes personal injury is guilty of
5 15 a serious misdemeanor for the first offense and an aggravated
5 16 misdemeanor for each subsequent offense (Code section 206.22).
5 17 A serious misdemeanor is punishable by confinement for no more
5 18 than one year and a fine of at least \$315 but not more than
5 19 \$1,875. An aggravated misdemeanor is punishable by confinement
5 20 for no more than two years and a fine of at least \$625 but not
5 21 more than \$6,250.
5 22 EFFECTIVE DATE. The bill takes effect upon enactment.
LSB 6202HV (3) 83
da/nh



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House File 2506 - Introduced

HOUSE FILE
BY ISENHART

A BILL FOR

1 An Act providing for the adoption and implementation of
2 complete streets policies applicable to certain highway
3 projects.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 6084YH (3) 83
dea/rj



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House File 2506 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 306E.1 Short title.
1 2 This chapter shall be known and may be cited as the "Iowa
1 3 Complete Streets Act".
1 4 Sec. 2. NEW SECTION. 306E.2 Definitions.
1 5 As used in this chapter, unless the context otherwise
1 6 requires:
1 7 1. "Agency" means the department, a regional or metropolitan
1 8 planning commission formed pursuant to chapter 28I, a county,
1 9 or a city.
1 10 2. "Complete street" means a roadway that accommodates all
1 11 users of the road including motorists, public transit users,
1 12 bicyclists, and pedestrians of all ages and abilities.
1 13 3. "Complete streets policy" means a resolution, ordinance,
1 14 statute, administrative rule, or statement of policy relating
1 15 to roads at the state, regional, or local level that ensures,
1 16 in all phases of highway project planning and development,
1 17 the adequate accommodation of all users of the road including
1 18 motorists, public transit users, bicyclists, and pedestrians of
1 19 all ages and abilities.
1 20 4. "Department" means the state department of
1 21 transportation.
1 22 5. "Director" means the director of transportation.
1 23 6. "Highway project" includes the planning, design, funding,
1 24 construction, reconstruction, resurfacing, maintenance, or
1 25 retrofitting of a highway or roadway.
1 26 Sec. 3. NEW SECTION. 306E.3 Complete streets policy ==
1 27 intent.
1 28 1. It is the intent of the general assembly that on or
1 29 before October 1, 2012, every agency having jurisdiction over
1 30 roads in the state or involved in planning for roads shall
1 31 develop and adopt a complete streets policy.
1 32 a. The policy of the department shall explicitly state
1 33 that all highway projects on primary roads shall ensure, in
1 34 all phases of project planning and development, the adequate
1 35 accommodation, safety, and convenience of all users of the road



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2 1 in accordance with complete streets principles.
2 2 b. The policy of an agency other than the state shall
2 3 explicitly state that, beginning on the effective date of
2 4 the policy, all highway projects on roads under the agency's
2 5 jurisdiction in urban areas or within one mile of the corporate
2 6 limits of a city shall ensure, in all phases of project
2 7 planning and development, the adequate accommodation, safety,
2 8 and convenience of all users of the road in accordance with
2 9 complete streets principles.
2 10 2. A complete streets policy shall delineate a clear
2 11 procedure by which an agency may exempt a highway project from
2 12 the requirements of a policy adopted under subsection 1 for any
2 13 of the following reasons:
2 14 a. The project is on a road where nonmotorized travel is
2 15 prohibited by law.
2 16 b. The cost to achieve compliance with complete streets
2 17 policy would be excessively disproportionate to the need for or
2 18 probable use of the particular road as a complete street.
2 19 c. The director or the governing body recognizes that due
2 20 to very low population density or remote location, there is
2 21 an absence of present or future need for the development of a
2 22 complete street.
2 23 d. The purposes of the agency's complete streets policy
2 24 are adequately met by a network of complete streets already in
2 25 place in proximity to the road on which the highway project
2 26 will take place, if the existing network provides a route for
2 27 all users of the road that reasonably substitutes for the route
2 28 followed by the exempt road.
2 29 Sec. 4. NEW SECTION. 306E.4 Research, technical guidance,
2 30 and implementation assistance.
2 31 1. The department shall conduct ongoing research regarding
2 32 complete streets to assist regional and metropolitan planning
2 33 commissions, counties, and cities to develop, adopt, and
2 34 implement complete streets policies. On or before October 1,
2 35 2011, the director shall prepare and make available to all



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3 1 regional and metropolitan planning commissions, counties, and
3 2 cities a report that describes the best practices by which
3 3 transportation agencies throughout the United States have
3 4 implemented complete streets principles. The director shall
3 5 update the report periodically as new, relevant information
3 6 becomes available, as determined by the department.

3 7 2. The department shall provide guidance to regional
3 8 or metropolitan planning commissions, counties, and cities
3 9 requesting assistance with the development or implementation
3 10 of a complete streets policy or the incorporation of complete
3 11 streets principles in community development and transportation
3 12 planning and highway projects.

3 13 Sec. 5. NEW SECTION. 306E.5 Complete streets fund.

3 14 A complete streets fund is created in the state treasury
3 15 under the control of the department. The fund shall consist of
3 16 any moneys appropriated by the general assembly and any other
3 17 moneys available to and obtained or accepted by the department
3 18 from the federal government or private sources for placement in
3 19 the fund. Section 8.33 does not apply to moneys in the fund.
3 20 Notwithstanding section 12C.7, interest or earnings on moneys
3 21 in the fund shall be credited to the fund. Moneys in the fund
3 22 are appropriated to the department to be used to facilitate
3 23 complete streets projects on secondary roads and municipal
3 24 streets throughout the state.

3 25 EXPLANATION

3 26 This bill provides a mechanism for the implementation of
3 27 "complete streets" principles in highway projects undertaken
3 28 on Iowa roads.

3 29 The bill defines "complete street" as a roadway that
3 30 accommodates all users of the road including motorists, public
3 31 transit users, bicyclists, and pedestrians of all ages and
3 32 abilities.

3 33 The bill expresses the general assembly's intent that every
3 34 agency having jurisdiction over roads or involved in planning
3 35 for roads shall develop and adopt a complete streets policy



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4 1 on or before October 1, 2012. Affected agencies include
4 2 the department of transportation, regional and metropolitan
4 3 planning commissions, counties, and cities. The complete
4 4 streets policy for the state shall apply to all highway
4 5 projects on primary roads, and the policies of other agencies
4 6 shall focus on roads in urban areas or within one mile of the
4 7 corporate limits of a city. All complete streets policies
4 8 shall contain a procedure by which an agency may exempt a
4 9 highway project from the agency's complete streets policy for
4 10 specific reasons stated in the bill.

4 11 The department of transportation is directed to provide
4 12 guidance to local agencies and conduct ongoing research
4 13 regarding complete streets to assist agencies formulating
4 14 complete streets policies. The director of transportation
4 15 is required to issue by October 1, 2011, and periodically
4 16 update, a report describing best practices of transportation
4 17 agencies in other states that have implemented complete streets
4 18 principles.

4 19 The bill creates a complete streets fund for deposit of any
4 20 federal, state, or private moneys available for purposes of
4 21 complete streets. Moneys in the fund are appropriated to the
4 22 department of transportation to be used to facilitate complete
4 23 streets projects on secondary roads and municipal streets.

LSB 6084YH (3) 83

dea/rj



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House File 2507 - Introduced

HOUSE FILE
BY COMMITTEE ON
AGRICULTURE

(SUCCESSOR TO HSB 696)

A BILL FOR

1 An Act providing for purse agreements for races of standardbred
2 horses at county fairs.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 6110HV (2) 83
ec/sc



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House File 2507 - Introduced continued

PAG LIN

1 1 Section 1. Section 99F.6, subsection 4, paragraph a, Code
1 2 2009, is amended to read as follows:

1 3 a. (1) Before a license is granted, the division of
1 4 criminal investigation of the department of public safety
1 5 shall conduct a thorough background investigation of the
1 6 applicant for a license to operate a gambling game operation
1 7 on an excursion gambling boat. The applicant shall provide
1 8 information on a form as required by the division of criminal
1 9 investigation.

1 10 (2) A qualified sponsoring organization licensed to operate
1 11 gambling games under this chapter shall distribute the receipts
1 12 of all gambling games, less reasonable expenses, charges,
1 13 taxes, fees, and deductions allowed under this chapter, as
1 14 winnings to players or participants or shall distribute the
1 15 receipts for educational, civic, public, charitable, patriotic,
1 16 or religious uses as defined in section 99B.7, subsection 3,
1 17 paragraph "b". However, a licensee to conduct gambling games
1 18 under this chapter shall, unless an operating agreement for an
1 19 excursion gambling boat otherwise provides, distribute at least
1 20 three percent of the adjusted gross receipts for each license
1 21 year for educational, civic, public, charitable, patriotic,
1 22 or religious uses as defined in section 99B.7, subsection 3,
1 23 paragraph "b". However, if a licensee who is also licensed to
1 24 conduct pari-mutuel wagering at a horse racetrack has unpaid
1 25 debt from the pari-mutuel racetrack operations, the first
1 26 receipts of the gambling games operated within the racetrack
1 27 enclosure less reasonable operating expenses, taxes, and fees
1 28 allowed under this chapter shall be first used to pay the
1 29 annual indebtedness.

1 30 (3) The commission shall authorize, subject to the debt
1 31 payments for horse racetracks and the provisions of paragraph
1 32 "b" for dog racetracks, a licensee who is also licensed to
1 33 conduct pari-mutuel dog or horse racing to use receipts from
1 34 gambling games within the racetrack enclosure to supplement
1 35 purses for races particularly for Iowa-bred horses pursuant to



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House File 2507 - Introduced continued

2 1 an agreement which shall be negotiated between the licensee and
2 2 representatives of the dog or horse owners. For agreements
2 3 subject to commission approval concerning purses for horse
2 4 racing beginning on or after January 1, 2006, and ending
2 5 before January 1, 2021, the agreements shall provide that
2 6 total annual purses for all horse racing shall be no less than
2 7 eleven percent of the first two hundred million dollars of net
2 8 receipts, and six percent of net receipts above two hundred
2 9 million dollars. In addition, for agreements concerning horse
2 10 racing between the licensee operating the horse racetrack
2 11 in Polk county and representatives of standardbred horse
2 12 owners, the agreement shall include a supplemental amount
2 13 for standardbred horse races held at county fair racetracks
2 14 in the state, and the supplemental amount shall be included
2 15 in determining the total annual purses for all horse racing
2 16 that is required to be paid as provided by this paragraph
2 17 "a". Agreements that are subject to commission approval
2 18 concerning horse purses for a particular period of time
2 19 beginning on or after January 1, 2006, and ending before
2 20 January 1, 2021, shall be jointly submitted to the commission
2 21 for approval.

2 22 (4) A qualified sponsoring organization shall not make a
2 23 contribution to a candidate, political committee, candidate's
2 24 committee, state statutory political committee, county
2 25 statutory political committee, national political party, or
2 26 fund-raising event as these terms are defined in section
2 27 68A.102. The membership of the board of directors of a
2 28 qualified sponsoring organization shall represent a broad
2 29 interest of the communities.

2 30 (5) For purposes of this paragraph "a", "net receipts" means
2 31 the annual adjusted gross receipts from all gambling games less
2 32 the annual amount of money pledged by the owner of the facility
2 33 to fund a project approved to receive vision Iowa funds as of
2 34 July 1, 2004.

2 35

EXPLANATION



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3 1 This bill concerns horse racing by providing for purse
3 2 agreements for races of standardbred horses at county fairs.
3 3 Code section 99F.6 is amended to provide that agreements
3 4 concerning horse racing between the horse racetrack in Polk
3 5 county and representatives of standardbred horses shall include
3 6 a supplemental amount for standardbred races held at county
3 7 fairs which amount shall be included in determining the total
3 8 amount of horse purses that is required to be paid.

LSB 6110HV (2) 83

ec/sc



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House File 2508 - Introduced

HOUSE FILE
BY COMMITTEE ON COMMERCE

(SUCCESSOR TO HF 2062)

A BILL FOR

1 An Act relating to the adoption of local requirements for
2 certain fire suppression systems and including effective
3 date provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TL5B 5380HV (3) 83
md/sc



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House File 2508 - Introduced continued

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1 1 Section 1. Section 331.304, subsection 3, Code 2009, is
1 2 amended by adding the following new paragraph:
1 3 NEW PARAGRAPH. c. If a county adopts a building code by
1 4 reference or amends an ordinance that adopts a building code
1 5 by reference, the board shall vote separately on any provision
1 6 of that code requiring the installation of fire sprinklers or
1 7 a related fire suppression system in a one-family dwelling, a
1 8 two-family dwelling, or a residential building containing less
1 9 than five dwelling units.
1 10 Sec. 2. Section 364.17, Code Supplement 2009, is amended by
1 11 adding the following new subsection:
1 12 NEW SUBSECTION. 2A. If a city adopts a building code by
1 13 reference or amends an ordinance that adopts a building code by
1 14 reference, the council shall vote separately on any provision
1 15 of that code requiring the installation of fire sprinklers or
1 16 a related fire suppression system in a one-family dwelling, a
1 17 two-family dwelling, or a residential building containing less
1 18 than five dwelling units.
1 19 Sec. 3. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
1 20 immediate importance, takes effect upon enactment.
1 21 EXPLANATION
1 22 This bill provides that if a county or a city adopts a
1 23 building code by reference or amends an ordinance that adopts a
1 24 building code by reference, the board of supervisors or city
1 25 council, as applicable, shall vote separately on any provision
1 26 of that code requiring the installation of fire sprinklers or
1 27 a related fire suppression system in a one-family dwelling, a
1 28 two-family dwelling, or a residential building containing less
1 29 than five dwelling units.
1 30 The bill takes effect upon enactment.
LSB 5380HV (3) 83
md/sc



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House Resolution 114 - Introduced

PAG LIN

HOUSE RESOLUTION NO.

BY FORD

1 1 A Resolution to encourage the members of Iowa's
1 2 congressional delegation to support Project 2020.
1 3 WHEREAS, Project 2020 has been introduced in the
1 4 United States Congress as Senate Resolution 1257 and
1 5 House Resolution 2852; and
1 6 WHEREAS, Project 2020 will provide the resources
1 7 to implement consumer-centered and cost-effective
1 8 long-term care strategies and empower the aging
1 9 services network to implement these strategies through
1 10 a three-part program; and
1 11 WHEREAS, this legislation will provide three types
1 12 of projects nationwide, including: single-entry
1 13 points for information, evidence-based health promotion
1 14 and disease prevention, and nursing home diversion
1 15 services; NOW THEREFORE,
1 16 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That
1 17 the House of Representatives respectfully requests that
1 18 the members of Iowa's congressional delegation work
1 19 together to enact the provisions of Project 2020.
LSB 6067HH (2) 83
jr/nh



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House Study Bill 728

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

A BILL FOR

1 An Act relating to state and local financial matters by
2 revising certain appropriations and appropriating federal
3 funds made available from federal block grants, the federal
4 American Recovery and Reinvestment Act of 2009, and other
5 nonstate sources, allocating portions of federal block
6 grants, and providing procedures if federal funds are more
7 or less than anticipated or if federal block grants are more
8 or less than anticipated, and including effective date and
9 retroactive applicability provisions.
10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5603XG (14) 83
jp/tm



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House Study Bill 728 continued

2 1 under such federal law being provided by religious and other
2 2 nongovernmental organizations.
2 3 Sec. 2. COMMUNITY MENTAL HEALTH SERVICES APPROPRIATION.
2 4 1. a. There is appropriated from the fund created by
2 5 section 8.41 to the department of human services for the
2 6 federal fiscal year beginning October 1, 2010, and ending
2 7 September 30, 2011, the following amount:
2 8 \$ 3,368,868
2 9 b. Funds appropriated in this subsection are the
2 10 anticipated funds to be received from the federal government
2 11 for the designated federal fiscal year under 42 U.S.C., ch.
2 12 6A, subch. XVII, part B, subpart i, which provides for the
2 13 community mental health services block grant. The department
2 14 shall expend the funds appropriated in this subsection as
2 15 provided in the federal law making the funds available and in
2 16 conformance with chapter 17A.
2 17 c. The department shall allocate not less than 95 percent
2 18 of the amount of the block grant to eligible community mental
2 19 health services providers for carrying out the plan submitted
2 20 to and approved by the federal substance abuse and mental
2 21 health services administration for the fiscal year involved.
2 22 d. Of the amount allocated to eligible services providers
2 23 under paragraph "c", 70 percent shall be distributed to
2 24 the state's accredited community mental health centers
2 25 established or designated by counties in accordance with law
2 26 or administrative rule. If a county has not established
2 27 or designated a community mental health center and has
2 28 received a waiver from the mental health, mental retardation,
2 29 developmental disabilities, and brain injury commission,
2 30 the mental health services provider designated by that
2 31 county is eligible to receive funding distributed pursuant
2 32 to this paragraph in lieu of a community mental health
2 33 center. The funding distributed shall be used by recipients
2 34 of the funding for the purpose of developing and providing
2 35 evidence-based practices and emergency services to adults with



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3 1 a serious mental illness and children with a serious emotional
3 2 disturbance. The distribution amounts shall be announced at
3 3 the beginning of the federal fiscal year and distributed on
3 4 a quarterly basis according to the formulas used in previous
3 5 fiscal years. Recipients shall submit quarterly reports
3 6 containing data consistent with the performance measures
3 7 approved by the federal substance abuse and mental health
3 8 services administration.

3 9 2. An amount not exceeding 5 percent of the funds
3 10 appropriated in subsection 1 shall be used by the department
3 11 of human services for administrative expenses. From the
3 12 funds set aside by this subsection for administrative
3 13 expenses, the department shall pay to the auditor of state
3 14 an amount sufficient to pay the cost of auditing the use
3 15 and administration of the state's portion of the funds
3 16 appropriated in subsection 1. The auditor of state shall bill
3 17 the department for the costs of the audits.

3 18 Sec. 3. MATERNAL AND CHILD HEALTH SERVICES APPROPRIATIONS.

3 19 1. There is appropriated from the fund created by section
3 20 8.41 to the department of public health for the federal fiscal
3 21 year beginning October 1, 2010, and ending September 30, 2011,
3 22 the following amount:

3 23 \$ 1,412,862

3 24 a. The funds appropriated in this subsection are the funds
3 25 anticipated to be received from the federal government for
3 26 the designated federal fiscal year under 42 U.S.C., ch. 7,
3 27 subch. V, which provides for the maternal and child health
3 28 services block grant. The department shall expend the funds
3 29 appropriated in this subsection as provided in the federal law
3 30 making the funds available and in conformance with chapter 17A.

3 31 b. Funds appropriated in this subsection shall not be used
3 32 by the university of Iowa hospitals and clinics for indirect
3 33 costs.

3 34 2. An amount not exceeding 10 percent of the funds
3 35 appropriated in subsection 1 shall be used by the department of



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4 1 public health for administrative expenses.
4 2 3. The departments of public health, human services, and
4 3 education and the university of Iowa's mobile and regional
4 4 child health specialty clinics shall continue to pursue to the
4 5 maximum extent feasible the coordination and integration of
4 6 services to women and children.
4 7 4. a. Sixty=three percent of the remaining funds
4 8 appropriated in subsection 1 shall be allocated to supplement
4 9 appropriations for maternal and child health programs within
4 10 the department of public health. Of these funds, \$300,291
4 11 shall be set aside for the statewide perinatal care program.
4 12 b. Thirty=seven percent of the remaining funds appropriated
4 13 in subsection 1 shall be allocated to the university of Iowa
4 14 hospitals and clinics under the control of the state board
4 15 of regents for mobile and regional child health specialty
4 16 clinics. The university of Iowa hospitals and clinics shall
4 17 not receive an allocation for indirect costs from the funds for
4 18 this program. Priority shall be given to establishment and
4 19 maintenance of a statewide system of mobile and regional child
4 20 health specialty clinics.
4 21 5. The department of public health shall administer the
4 22 statewide maternal and child health program and the disabled
4 23 children's program by conducting mobile and regional child
4 24 health specialty clinics and conducting other activities to
4 25 improve the health of low=income women and children and to
4 26 promote the welfare of children with actual or potential
4 27 handicapping conditions and chronic illnesses in accordance
4 28 with the requirements of Tit. V of the federal Social Security
4 29 Act.
4 30 Sec. 4. PREVENTIVE HEALTH AND HEALTH SERVICES
4 31 APPROPRIATIONS.
4 32 1. There is appropriated from the fund created by section
4 33 8.41 to the department of public health for the federal fiscal
4 34 year beginning October 1, 2010, and ending September 30, 2011,
4 35 the following amount:



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5 1 \$ 1,114,623
5 2 Funds appropriated in this subsection are the funds
5 3 anticipated to be received from the federal government for
5 4 the designated federal fiscal year under 42 U.S.C., ch. 6A,
5 5 subch. XVII, part A, which provides for the preventive health
5 6 and health services block grant. The department shall expend
5 7 the funds appropriated in this subsection as provided in the
5 8 federal law making the funds available and in conformance with
5 9 chapter 17A.
5 10 2. Of the funds appropriated in subsection 1, an amount
5 11 not more than 10 percent shall be used by the department for
5 12 administrative expenses.
5 13 3. Of the funds appropriated in subsection 1, the specific
5 14 amount of funds stipulated by the notice of the block grant
5 15 award shall be allocated for services to victims of sex
5 16 offenses and for rape prevention education.
5 17 4. After deducting the funds allocated in subsections 2 and
5 18 3, the remaining funds appropriated in subsection 1 may be used
5 19 by the department for healthy people 2011/healthy Iowans 2011
5 20 program objectives, preventive health advisory committee, and
5 21 risk reduction services, including nutrition programs, health
5 22 incentive programs, chronic disease services, emergency medical
5 23 services, monitoring of the fluoridation program and start-up
5 24 fluoridation grants, and acquired immune deficiency syndrome
5 25 services. The moneys specified in this subsection shall not be
5 26 used by the university of Iowa hospitals and clinics or by the
5 27 state hygienic laboratory for the funding of indirect costs.
5 28 Sec. 5. STOP VIOLENCE AGAINST WOMEN GRANT PROGRAM
5 29 APPROPRIATION.
5 30 1. There is appropriated from the fund created by section
5 31 8.41 to the department of justice for the federal fiscal year
5 32 beginning October 1, 2010, and ending September 30, 2011, the
5 33 following amount:
5 34 \$ 1,482,096
5 35 Funds appropriated in this subsection are the anticipated



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6 1 funds to be received from the federal government for the
6 2 designated fiscal year under 42 U.S.C., ch. 46, { 3796gg=1,
6 3 which provides for grants to combat violent crimes against
6 4 women. The department of justice shall expend the funds
6 5 appropriated in this subsection as provided in the federal law
6 6 making the funds available and in conformance with chapter 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 of
6 9 justice for administrative expenses. From the funds set aside
6 10 by this subsection for administrative expenses, the department
6 11 shall pay to the auditor of state an amount sufficient to pay
6 12 the cost of auditing the use and administration of the state's
6 13 portion of the funds appropriated in subsection 1.

6 14 Sec. 6. RESIDENTIAL SUBSTANCE ABUSE TREATMENT FOR STATE
6 15 PRISONERS FORMULA GRANT PROGRAM. There is appropriated from
6 16 the fund created by section 8.41 to the governor's office of
6 17 drug control policy for the federal fiscal year beginning
6 18 October 1, 2010, and ending September 30, 2011, the following
6 19 amount:

6 20 \$ 250,000

6 21 Funds appropriated in this section are the funds anticipated
6 22 to be received from the federal government for the designated
6 23 fiscal year under 42 U.S.C., ch. 46, subch. XII=G, which
6 24 provides grants for substance abuse treatment programs in state
6 25 and local correctional facilities. The drug policy coordinator
6 26 shall expend the funds appropriated in this section as provided
6 27 in federal law making the funds available and in conformance
6 28 with chapter 17A.

6 29 Sec. 7. EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT
6 30 PROGRAM APPROPRIATION.

6 31 1. There is appropriated from the fund created by section
6 32 8.41 to the governor's office of drug control policy for the
6 33 federal fiscal year beginning October 1, 2010, and ending
6 34 September 30, 2011, the following amount:

6 35 \$ 3,000,000



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7 1 Funds appropriated in this subsection are the anticipated
7 2 funds to be received from the federal government for the
7 3 designated fiscal year under 42 U.S.C., ch. 46, subch. V, which
7 4 provides for the Edward Byrne memorial justice assistance grant
7 5 program. The drug policy coordinator shall expend the funds
7 6 appropriated in this subsection as provided in the federal law
7 7 making the funds available and in conformance with chapter 17A.

7 8 2. An amount not exceeding 10 percent of the funds
7 9 appropriated in subsection 1 shall be used by the drug policy
7 10 coordinator for administrative expenses. From the funds set
7 11 aside by this subsection for administrative expenses, the
7 12 drug policy coordinator shall pay to the auditor of state an
7 13 amount sufficient to pay the cost of auditing the use and
7 14 administration of the state's portion of the funds appropriated
7 15 in subsection 1.

7 16 Sec. 8. COMMUNITY SERVICES APPROPRIATIONS.

7 17 1. a. There is appropriated from the fund created by
7 18 section 8.41 to the division of community action agencies of
7 19 the department of human rights for the federal fiscal year
7 20 beginning October 1, 2010, and ending September 30, 2011, the
7 21 following amount:

7 22 \$ 7,530,822

7 23 Funds appropriated in this subsection are the funds
7 24 anticipated to be received from the federal government for the
7 25 designated federal fiscal year under 42 U.S.C., ch. 106, which
7 26 provides for the community services block grant. The division
7 27 of community action agencies of the department of human rights
7 28 shall expend the funds appropriated in this subsection as
7 29 provided in the federal law making the funds available and in
7 30 conformance with chapter 17A.

7 31 b. The administrator of the division of community action
7 32 agencies of the department of human rights shall allocate
7 33 not less than 96 percent of the amount of the block grant to
7 34 eligible community action agencies for programs benefiting
7 35 low-income persons. Each eligible agency shall receive a



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

8 8 2. An amount not exceeding 4 percent of the funds
8 9 appropriated in subsection 1 shall be used by the division of
8 10 community action agencies of the department of human rights
8 11 for administrative expenses. From the funds set aside by
8 12 this subsection for administrative expenses, the division of
8 13 community action agencies of the department of human rights
8 14 shall pay to the auditor of state an amount sufficient to pay
8 15 the cost of auditing the use and administration of the state's
8 16 portion of the funds appropriated in subsection 1. The auditor
8 17 of state shall bill the division of community action agencies
8 18 for the costs of the audits.

8 19 Sec. 9. COMMUNITY DEVELOPMENT APPROPRIATIONS.

8 20 1. There is appropriated from the fund created by section
8 21 8.41 to the department of economic development for the federal
8 22 fiscal year beginning October 1, 2010, and ending September 30,
8 23 2011, the following amount:

8 24 \$ 26,240,724

8 25 Funds appropriated in this subsection are the funds
8 26 anticipated to be received from the federal government for
8 27 the designated federal fiscal year under 42 U.S.C., ch. 69,
8 28 which provides for community development block grants. The
8 29 department of economic development shall expend the funds
8 30 appropriated in this subsection as provided in the federal law
8 31 making the funds available and in conformance with chapter 17A.

8 32 2. An amount not exceeding \$1,149,628 for the federal fiscal
8 33 year beginning October 1, 2010, shall be used by the department
8 34 of economic development for administrative expenses for the
8 35 community development block grant. The total amount used for



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9 1 administrative expenses includes \$624,814 for the federal
 9 2 fiscal year beginning October 1, 2010, of funds appropriated
 9 3 in subsection 1 and a matching contribution from the state
 9 4 equal to \$524,814 from the appropriation of state funds for the
 9 5 community development block grant and state appropriations for
 9 6 related activities of the department of economic development.
 9 7 From the funds set aside for administrative expenses by this
 9 8 subsection, the department of economic development shall pay
 9 9 to the auditor of state an amount sufficient to pay the cost of
 9 10 auditing the use and administration of the state's portion of
 9 11 the funds appropriated in subsection 1. The auditor of state
 9 12 shall bill the department for the costs of the audit.

9 13 Sec. 10. LOW-INCOME HOME ENERGY ASSISTANCE APPROPRIATIONS.

9 14 1. There is appropriated from the fund created by section
 9 15 8.41 to the division of community action agencies of the
 9 16 department of human rights for the federal fiscal year
 9 17 beginning October 1, 2010, and ending September 30, 2011, the
 9 18 following amount:

9 19 \$ 67,802,538

9 20 The funds appropriated in this subsection are the funds
 9 21 anticipated to be received from the federal government for the
 9 22 designated federal fiscal year under 42 U.S.C., ch. 94, subch.
 9 23 II, which provides for the low-income home energy assistance
 9 24 block grants. The division of community action agencies of the
 9 25 department of human rights shall expend the funds appropriated
 9 26 in this subsection as provided in the federal law making the
 9 27 funds available and in conformance with chapter 17A.

9 28 2. Up to 15 percent of the amount appropriated in this
 9 29 section that is actually received shall be used for residential
 9 30 weatherization or other related home repairs for low-income
 9 31 households. Of this allocation amount, not more than 10
 9 32 percent may be used for administrative expenses.

9 33 3. After subtracting the allocation in subsection 2, up to
 9 34 10 percent of the remainder is allocated for administrative
 9 35 expenses of the low-income home energy assistance program of



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10 1 which \$377,000 is allocated for administrative expenses of the
10 2 division. The costs of auditing the use and administration
10 3 of the portion of the appropriation in this section that is
10 4 retained by the state shall be paid from the amount allocated
10 5 in this subsection to the division. The auditor of state shall
10 6 bill the division for the audit costs.

10 7 4. The remainder of the appropriation in this section
10 8 following the allocations made in subsections 2 and 3, shall be
10 9 used to help eligible households as defined in 42 U.S.C., ch.
10 10 94, subch. II, to meet home energy costs.

10 11 5. Not more than 10 percent of the amount appropriated in
10 12 this section that is actually received may be carried forward
10 13 for use in the succeeding federal fiscal year.

10 14 6. Expenditures for assessment and resolution of
10 15 energy problems shall be limited to 5 percent of the amount
10 16 appropriated in this section that is actually received.

10 17 Sec. 11. SOCIAL SERVICES APPROPRIATIONS.

10 18 1. There is appropriated from the fund created by section
10 19 8.41 to the department of human services for the federal fiscal
10 20 year beginning October 1, 2010, and ending September 30, 2011,
10 21 the following amount:

10 22 \$ 16,747,274

10 23 Funds appropriated in this subsection are the funds
10 24 anticipated to be received from the federal government for
10 25 the designated federal fiscal year under 42 U.S.C., ch.
10 26 7, subch. XX, which provides for the social services block
10 27 grant. The department of human services shall expend the funds
10 28 appropriated in this subsection as provided in the federal law
10 29 making the funds available and in conformance with chapter 17A.

10 30 2. Not more than \$1,069,342 of the funds appropriated in
10 31 subsection 1 shall be used by the department of human services
10 32 for general administration. From the funds set aside in this
10 33 subsection for general administration, the department of human
10 34 services shall pay to the auditor of state an amount sufficient
10 35 to pay the cost of auditing the use and administration of the



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11 1 state's portion of the funds appropriated in subsection 1.
 11 2 3. In addition to the allocation for general administration
 11 3 in subsection 2, the remaining funds appropriated in subsection
 11 4 1 shall be allocated in the following amounts to supplement
 11 5 appropriations for the federal fiscal year beginning October
 11 6 1, 2010, for the following programs within the department of
 11 7 human services:

11 8	a. Field operations:		
11 9	.....	\$	6,395,856
11 10	b. Child and family services:		
11 11	.....	\$	958,310
11 12	c. Local administrative costs and other local services:		
11 13	.....	\$	678,298
11 14	d. Volunteers:		
11 15	.....	\$	74,261
11 16	e. MH/MR/DD/BI community services (local purchase):		
11 17	.....	\$	7,571,207

11 18 Sec. 12. SOCIAL SERVICES BLOCK GRANT PLAN. The department
 11 19 of human services during each state fiscal year shall develop a
 11 20 plan for the use of federal social services block grant funds
 11 21 for the subsequent state fiscal year.
 11 22 The proposed plan shall include all programs and services
 11 23 at the state level which the department proposes to fund with
 11 24 federal social services block grant funds, and shall identify
 11 25 state and other funds which the department proposes to use to
 11 26 fund the state programs and services.
 11 27 The proposed plan shall also include all local programs and
 11 28 services which are eligible to be funded with federal social
 11 29 services block grant funds, the total amount of federal social
 11 30 services block grant funds available for the local programs and
 11 31 services, and the manner of distribution of the federal social
 11 32 services block grant funds to the counties. The proposed plan
 11 33 shall identify state and local funds which will be used to fund
 11 34 the local programs and services.
 11 35 The proposed plan shall be submitted with the department's



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12 1 budget requests to the governor and the general assembly.
12 2 Sec. 13. PROJECTS FOR ASSISTANCE IN TRANSITION FROM
12 3 HOMELESSNESS.
12 4 1. Upon receipt of the minimum formula grant from
12 5 the federal substance abuse and mental health services
12 6 administration to provide mental health services for the
12 7 homeless, for the federal fiscal year beginning October 1,
12 8 2010, and ending September 30, 2011, the department of human
12 9 services shall assure that a project which receives funds under
12 10 the formula grant shall do all of the following:
12 11 a. Provide outreach and engagement to homeless individuals
12 12 at risk of homelessness and assesses those individuals for
12 13 serious mental illness.
12 14 b. Enroll those individuals with serious mental illness who
12 15 are willing to accept services through the project.
12 16 c. Provide case management to homeless persons.
12 17 d. Provide appropriate training to persons who provide
12 18 services to persons targeted by the grant.
12 19 e. Assure a local match share of 25 percent.
12 20 f. Refer homeless individuals and individuals at risk of
12 21 homelessness to primary health care, job training, educational
12 22 services, and relevant housing services.
12 23 2. A project may expend funds for community mental health
12 24 services, diagnostic services, crisis intervention services,
12 25 habilitation and rehabilitation services, substance abuse
12 26 services, supportive and supervisory services to homeless
12 27 persons living in residential settings that are not otherwise
12 28 supported, and housing services including minor renovation,
12 29 expansion, and repair of housing, security deposits, planning
12 30 of housing, technical assistance in applying for housing,
12 31 improving the coordination of housing services, the costs
12 32 associated with matching eligible homeless individuals with
12 33 appropriate housing, and one-time rental payments to prevent
12 34 eviction.
12 35 Sec. 14. CHILD CARE AND DEVELOPMENT APPROPRIATION. There



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13 1 is appropriated from the fund created by section 8.41 to the
 13 2 department of human services for the federal fiscal year
 13 3 beginning October 1, 2010, and ending September 30, 2011, the
 13 4 following amount:
 13 5 \$ 43,635,455
 13 6 Funds appropriated in this section are the funds anticipated
 13 7 to be received from the federal government under 42 U.S.C.,
 13 8 ch. 105, subch. II=B, which provides for the child care and
 13 9 development block grant. The department shall expend the funds
 13 10 appropriated in this section as provided in the federal law
 13 11 making the funds available and in conformance with chapter 17A.
 13 12 Moneys appropriated in this section that remain unencumbered
 13 13 or unobligated at the close of the fiscal year shall revert to
 13 14 be available for appropriation for purposes of the child care
 13 15 and development block grant in the succeeding fiscal year.
 13 16 Sec. 15. PROCEDURE FOR REDUCED FEDERAL FUNDS.
 13 17 1. If the funds received from the federal government for the
 13 18 block grants specified in this Act are less than the amounts
 13 19 appropriated, the funds actually received shall be prorated
 13 20 by the governor for the various programs, other than for the
 13 21 services to victims of sex offenses and for rape prevention
 13 22 education under section 4, subsection 3, of this Act, for which
 13 23 each block grant is available according to the percentages that
 13 24 each program is to receive as specified in this Act. However,
 13 25 if the governor determines that the funds allocated by the
 13 26 percentages will not be sufficient to accomplish the purposes
 13 27 of a particular program, or if the appropriation is not
 13 28 allocated by percentage, the governor may allocate the funds in
 13 29 a manner which will accomplish to the greatest extent possible
 13 30 the purposes of the various programs for which the block grants
 13 31 are available.
 13 32 2. Before the governor implements the actions provided for
 13 33 in subsection 1, the following procedures shall be taken:
 13 34 a. The chairpersons and ranking members of the senate and
 13 35 house standing committees on appropriations, the appropriate



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14 1 chairpersons and ranking members of subcommittees of those
14 2 committees, and the director of the legislative services agency
14 3 shall be notified of the proposed action.

14 4 b. The notice shall include the proposed allocations,
14 5 and information on the reasons why particular percentages or
14 6 amounts of funds are allocated to the individual programs,
14 7 the departments and programs affected, and other information
14 8 deemed useful. Chairpersons and ranking members notified shall
14 9 be allowed at least two weeks to review and comment on the
14 10 proposed action before the action is taken.

14 11 Sec. 16. PROCEDURE FOR INCREASED FEDERAL FUNDS.

14 12 1. If funds received from the federal government in the form
14 13 of block grants exceed the amounts appropriated in sections 1,
14 14 2, 3, 4, 7, 9, and 11 of this Act, the excess shall be prorated
14 15 to the appropriate programs according to the percentages
14 16 specified in those sections, except additional funds shall not
14 17 be prorated for administrative expenses.

14 18 2. If actual funds received from the federal government
14 19 from block grants exceed the amount appropriated in section 10
14 20 of this Act for the low-income home energy assistance program,
14 21 not more than 10 percent of the excess may be allocated to the
14 22 low-income residential weatherization program and not more than
14 23 15 percent of the excess may be used for administrative costs.

14 24 3. If funds received from the federal government from
14 25 community services block grants exceed the amount appropriated
14 26 in section 8 of this Act, 100 percent of the excess is
14 27 allocated to the community services block grant program.

14 28 Sec. 17. PROCEDURE FOR EXPENDITURE OF ADDITIONAL FEDERAL
14 29 FUNDS. If other federal grants, receipts, and funds and other
14 30 nonstate grants, receipts, and funds become available or are
14 31 awarded which are not available or awarded during the period
14 32 in which the general assembly is in session, but which require
14 33 expenditure by the applicable department or agency prior
14 34 to March 15 of the fiscal year beginning July 1, 2010, and
14 35 ending June 30, 2011, these grants, receipts, and funds are



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15 1 appropriated to the extent necessary, provided that the fiscal
15 2 committee of the legislative council is notified within thirty
15 3 days of receipt of the grants, receipts, or funds and the
15 4 fiscal committee of the legislative council has an opportunity
15 5 to comment on the expenditure of the grants, receipts, or
15 6 funds.

15 7 Sec. 18. OTHER GRANTS, RECEIPTS, AND FUNDS. Federal grants,
15 8 receipts, and funds and other nonstate grants, receipts,
15 9 and funds, available in whole or in part of the fiscal
15 10 year beginning July 1, 2010, and ending June 30, 2011, are
15 11 appropriated to the following departments and agencies that are
15 12 designated by and for the purposes set forth in the grants,
15 13 receipts, or conditions accompanying the receipt of the funds,
15 14 unless otherwise provided by law:

- 15 15 1. Department of administrative services.
- 15 16 2. Department on aging.
- 15 17 3. Department of agriculture and land stewardship.
- 15 18 4. Office of auditor of state.
- 15 19 5. Department for the blind.
- 15 20 6. Iowa state civil rights commission.
- 15 21 7. College student aid commission.
- 15 22 8. Department of commerce.
- 15 23 9. Department of corrections.
- 15 24 10. Department of cultural affairs.
- 15 25 11. Department of economic development.
- 15 26 12. Department of education.
- 15 27 13. Office of energy independence.
- 15 28 14. Iowa ethics and campaign disclosure board.
- 15 29 15. Iowa finance authority.
- 15 30 16. Offices of the governor and lieutenant governor.
- 15 31 17. Governor's office of drug control policy.
- 15 32 18. Department of human rights.
- 15 33 19. Department of human services.
- 15 34 20. Department of inspections and appeals.
- 15 35 21. Judicial branch.



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- 16 1 22. Department of justice.
- 16 2 23. Iowa law enforcement academy.
- 16 3 24. Department of management.
- 16 4 25. Department of natural resources.
- 16 5 26. Board of parole.
- 16 6 27. Department of public defense.
- 16 7 28. Public employment relations board.
- 16 8 29. Department of public health.
- 16 9 30. Department of public safety.
- 16 10 31. State board of regents.
- 16 11 32. Department of revenue.
- 16 12 33. Office of secretary of state.
- 16 13 34. Iowa state fair authority.
- 16 14 35. Office for state=federal relations.
- 16 15 36. Iowa telecommunications and technology commission.
- 16 16 37. Office of treasurer of state.
- 16 17 38. Department of transportation.
- 16 18 39. Department of veterans affairs.
- 16 19 40. Department of workforce development.

DIVISION II

FEDERAL AMERICAN RECOVERY AND
REINVESTMENT ACT OF 2009 FUNDING

16 23 Sec. 19. APPLICABILITY OF APPROPRIATIONS == TRANSFERS ==
16 24 UNANTICIPATED FUNDS.

16 25 1. a. The appropriations of available federal grants,
16 26 receipts, and funds made to the departments and agencies
16 27 in division I of this Act do not apply to the federal
16 28 funding available through the federal American Recovery and
16 29 Reinvestment Act of 2009 for the fiscal years addressed by
16 30 the federal Act or to additional, unanticipated funding from
16 31 federal law enacted after the effective date of this division
16 32 of this Act.

16 33 b. However, if it is determined by the department of
16 34 management, with the written consent of the governor, that
16 35 federal grants, receipts, and funds available through the



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17 1 federal American Recovery and Reinvestment Act of 2009 are
17 2 needed and are available without any match requirement and
17 3 have not been appropriated in this division of this Act or
17 4 are provided through federal match of state or local funds
17 5 that have been appropriated, the appropriations described in
17 6 paragraph "a" shall apply.

17 7 2. The department of management, with the written consent
17 8 and approval of the governor, may exercise the transfer
17 9 authority authorized in section 8.39, to transfer any of
17 10 the appropriations made in this division of this Act to
17 11 appropriations made from the general fund of the state for the
17 12 fiscal year beginning July 1, 2010, provided the transfer is
17 13 made within the same fiscal year. Any such transfer is subject
17 14 to the notice provisions of section 8.39, subsection 3.

17 15 Sec. 20. FEDERAL RECOVERY AND REINVESTMENT FUND
17 16 APPROPRIATIONS == FY 2010=2011. There is appropriated from
17 17 the federal recovery and reinvestment fund created in section
17 18 8.41A, to the department of management for the fiscal year
17 19 beginning July 1, 2010, and ending June 30, 2011, the following
17 20 amounts, or so much thereof as is necessary, to be used for the
17 21 purposes designated:

17 22 1. From funding designated for education stabilization:

17 23 For state foundation aid to schools, to be used as provided
17 24 in this subsection for state foundation aid to schools in
17 25 accordance with section 257.16, subsection 1:

17 26 \$ 25,343,000

17 27 a. The appropriation made in this subsection is in lieu of
17 28 an equal amount of the appropriation made from the general fund
17 29 of the state for the fiscal year beginning July 1, 2010, and
17 30 ending June 30, 2011, pursuant to section 257.16, and shall be
17 31 used to pay that part of state foundation aid which represents
17 32 the allowable growth amounts for all school districts under
17 33 section 257.8, subsection 1.

17 34 b. For purposes of distributing the appropriation made in
17 35 this subsection to school districts, the distribution amount



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18 1 shall be calculated equally in the monthly payment to each
18 2 school district in the same ratio that the weighted enrollment,
18 3 determined in accordance with section 257.6, subsection 5, of
18 4 the school district for the budget year beginning July 1, 2010,
18 5 bears to the total weighted enrollment of all school districts
18 6 in the state for that budget year.

18 7 2. From funding designated for government stabilization:

18 8 For state foundation aid to schools, to be used as provided
18 9 in this subsection for state foundation aid to schools in
18 10 accordance with section 257.16, subsection 1:

18 11 \$ 22,604,797

18 12 a. The appropriation made in this subsection is in lieu of
18 13 an equal amount of the appropriation made from the general fund
18 14 of the state for the fiscal year beginning July 1, 2010, and
18 15 ending June 30, 2011, pursuant to section 257.16, and shall be
18 16 used to pay that part of state foundation aid which represents
18 17 the allowable growth amounts for all school districts under
18 18 section 257.8, subsection 1.

18 19 b. For purposes of distributing the appropriation made in
18 20 this subsection to school districts, the distribution amount
18 21 shall be calculated equally in the monthly payment to each
18 22 school district in the same ratio that the weighted enrollment,
18 23 determined in accordance with section 257.6, subsection 5, of
18 24 the school district for the budget year beginning July 1, 2010,
18 25 bears to the total weighted enrollment of all school districts
18 26 in the state for that budget year.

18 27 Sec. 21. COMMUNITY DEVELOPMENT BLOCK GRANT == AMERICAN
18 28 RECOVERY AND REINVESTMENT ACT.

18 29 1. There is appropriated from the fund created by section
18 30 8.41A to the department of economic development for the federal
18 31 fiscal year beginning October 1, 2008, and ending September 30,
18 32 2009, the following amount:

18 33 \$ 7,014,352

18 34 2. The funds appropriated in this section are federal
18 35 community development block grant funds awarded to the state



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19 1 under the federal American Recovery and Reinvestment Act of
 19 2 2009, Pub. L. No. 111=5.
 19 3 3. The department of economic development shall expend
 19 4 the funds appropriated in this section for infrastructure
 19 5 improvements that modernize infrastructure, improve energy
 19 6 efficiency, and expand educational opportunities and access to
 19 7 health care, as provided in the federal law and in conformance
 19 8 with chapter 17A. An amount not to exceed 6 percent of the
 19 9 funds appropriated in this section shall be used by the
 19 10 department for administrative expenses. From the funds set
 19 11 aside for administrative expenses, the department shall pay to
 19 12 the auditor of state an amount sufficient to pay the cost of
 19 13 auditing the use and administration of the state's portion of
 19 14 the funds appropriated in this section.
 19 15 4. This section is retroactively applicable to October 1,
 19 16 2008.
 19 17 Sec. 22. COMMUNITY DEVELOPMENT BLOCK GRANT == DISASTER
 19 18 RELIEF.
 19 19 1. There is appropriated from the fund created by section
 19 20 8.41 to the department of economic development for the federal
 19 21 fiscal year beginning October 1, 2007, and ending September 30,
 19 22 2008, the following amount:
 19 23 \$516,713,868
 19 24 2. The funds appropriated in this section are federal
 19 25 community development block grant funds awarded to the state
 19 26 under the federal Consolidated Security, Disaster Assistance,
 19 27 and Continuing Appropriations Act, 2009, Pub. L. No. 110=329.
 19 28 3. The department of economic development shall expend
 19 29 the funds appropriated in this section for disaster relief,
 19 30 long-term recovery, and restoration of infrastructure as
 19 31 provided in the federal law making the funds available and
 19 32 in conformance with chapter 17A. An amount not to exceed 3
 19 33 percent of the funds appropriated in this section shall be used
 19 34 by the department for administrative expenses. From the funds
 19 35 set aside for administrative expenses, the department shall pay



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20 1 to the auditor of state an amount sufficient to pay the cost of
20 2 auditing the use and administration of the state's portion of
20 3 the funds appropriated in this section.

20 4 4. If the actual federal funding received is less than
20 5 or greater than the amount appropriated in this section, the
20 6 procedures specified in 2007 Iowa Acts, chapter 204, section 16
20 7 or 17, are applicable.

20 8 5. This section is retroactively applicable to October 1,
20 9 2007.

20 10 Sec. 23. EFFECTIVE UPON ENACTMENT. This division of this
20 11 Act, being deemed of immediate importance, takes effect upon
20 12 enactment.

20 13 EXPLANATION

20 14 This bill appropriates for the 2010=2011 federal fiscal year
20 15 which begins October 1, 2010, block grants available from the
20 16 federal government and provides procedures for increasing or
20 17 decreasing the appropriations if the block grants are increased
20 18 or decreased.

20 19 The bill is organized into two divisions. The first division
20 20 makes appropriations for federal and state fiscal years
20 21 2010=2011 of recurring federal block grants and other nonstate
20 22 funds other than the federal funding available through the
20 23 federal American Recovery and Reinvestment Act of 2009 (ARRA).

20 24 Division II appropriates ARRA funding available for state
20 25 fiscal year 2010=2011.

20 26 Two provisions make appropriations relating to federal
20 27 community development block grant funding. The first provision
20 28 applies to federal FY 2008=2009 and the funding source is ARRA.
20 29 The second provision applies to federal FY 2007=2008 and the
20 30 funding source is the federal consolidated security, disaster
20 31 assistance, and continuing appropriation Act, 2009. Both of
20 32 the provisions are retroactively applicable.

20 33 The division takes effect upon enactment.

LSB 5603XG (14) 83

jp/tm



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Senate Amendment 5098

PAG LIN

- 1 1 Amend Senate File 2234 as follows:
- 1 2 #1. Page 1, by striking lines 1 through 6.
- 1 3 #2. Page 1, line 18, after <of> by inserting <the>
- 1 4 #3. By renumbering as necessary.

SWATI DANDEKAR
SF2234.1239 (3) 83
rn/nh



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Senate Amendment 5099

PAG LIN

1 1 Amend Senate File 2336 as follows:
1 2 #1. Page 1, line 14, after <gravel> by inserting
1 3 <for the purposes of flood control>
1 4 #2. Page 1, line 17, after <thousand.> by inserting
1 5 <This subsection is repealed on June 30, 2015.>

SWATI DANDEKAR

WALLY E. HORN
SF2336.1319 (1) 83
av/sc



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Senate Amendment 5100

PAG LIN

1 1 Amend Senate File 2365 as follows:
 1 2 #1. By striking page 1, line 1, through page 17,
 1 3 line 34, and inserting:
 1 4 <Section 1. Section 162.1, Code 2009, is amended to
 1 5 read as follows:
 1 6 162.1 ~~Policy~~ Purpose and scope.
 1 7 1. The purpose of this chapter is to accomplish all
 1 8 of the following:
 1 9 ~~1. a. To insure~~ Insure that all dogs and
 1 10 cats handled by ~~boarding kennels, commercial~~
 1 11 ~~kennels, commercial breeders, dealers, and public~~
 1 12 ~~auctions~~ commercial establishments are provided with
 1 13 humane care and treatment ~~by regulating.~~
 1 14 b. Regulate the transportation, sale,
 1 15 purchase, housing, care, handling, and treatment
 1 16 of ~~such animals~~ dogs and cats by persons ~~or~~
 1 17 ~~organizations~~ engaged in transporting, buying, or
 1 18 selling them ~~and to provide.~~
 1 19 c. Provide that all vertebrate animals consigned
 1 20 to pet shops are provided humane care and treatment by
 1 21 regulating the transportation, sale, purchase, housing,
 1 22 care, handling, and treatment of such animals by pet
 1 23 shops.
 1 24 ~~2. d. To authorize~~ Authorize the sale, trade, or
 1 25 adoption of only those animals which appear to be free
 1 26 of infectious or communicable disease.
 1 27 ~~3. e. To protect~~ Protect the public from zoonotic
 1 28 disease.
 1 29 2. This chapter does not apply to livestock as
 1 30 defined in section 717.1 or any other agricultural
 1 31 animal used in agricultural production as provided in
 1 32 chapter 717A.
 1 33 Sec. 2. Section 162.2, Code Supplement 2009, is
 1 34 amended by adding the following new subsections:
 1 35 NEW SUBSECTION. 4A. "Animal Welfare Act" means
 1 36 the federal Animal Welfare Act, 7 U.S.C. ch. 54, and
 1 37 regulations promulgated by the United States department
 1 38 of agriculture and published in 9 C.F.R. ch. 1.
 1 39 NEW SUBSECTION. 4B. "Authorization" means a
 1 40 state license, certificate of registration, or permit
 1 41 issued or renewed by the department to a commercial
 1 42 establishment as provided in section 162.2A.
 1 43 NEW SUBSECTION. 6A. "Commercial establishment"
 1 44 or "establishment" means an animal shelter, boarding
 1 45 kennel, commercial breeder, commercial kennel, dealer,
 1 46 pet shop, pound, public auction, or research facility.
 1 47 NEW SUBSECTION. 8A. "Department" means the
 1 48 department of agriculture and land stewardship.
 1 49 NEW SUBSECTION. 9A. "Federal license" means a
 1 50 license issued by the United States department of



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2 1 agriculture to a person classified as a dealer or
2 2 exhibitor pursuant to the federal Animal Welfare Act.
2 3 NEW SUBSECTION. 9B. "Federal licensee" means
2 4 a person to whom a federal license as a dealer or
2 5 exhibitor is issued.
2 6 NEW SUBSECTION. 10A. "Permittee" means a
2 7 commercial breeder, dealer, or public auction to whom
2 8 a permit is issued by the department as a federal
2 9 licensee pursuant to section 162.2A.
2 10 NEW SUBSECTION. 15A. "Registrant" means a pound,
2 11 animal shelter, or research facility to whom a
2 12 certificate of registration is issued by the department
2 13 pursuant to section 162.2A.
2 14 NEW SUBSECTION. 16A. "State fiscal year" means the
2 15 fiscal year described in section 3.12.
2 16 NEW SUBSECTION. 16B. "State licensee" means any of
2 17 the following:
2 18 a. A boarding kennel, commercial kennel, or
2 19 pet shop to whom a state license is issued by the
2 20 department pursuant to section 162.2A.
2 21 b. A commercial breeder, dealer, or public auction
2 22 to whom a state license is issued in lieu of a permit
2 23 by the department pursuant to section 162.2A.
2 24 Sec. 3. Section 162.2, subsections 6 and 13, Code
2 25 Supplement 2009, are amended to read as follows:
2 26 6. "Commercial breeder" means a person, engaged
2 27 in the business of breeding dogs or cats, who sells,
2 28 exchanges, or leases dogs or cats in return for
2 29 consideration, or who offers to do so, whether or
2 30 not the animals are raised, trained, groomed, or
2 31 boarded by the person. A person who owns or harbors
2 32 three or fewer breeding males or females is not a
2 33 commercial breeder. However, a person who breeds ~~or~~
~~harbors more than three~~ any number of breeding male or
2 35 female greyhounds for the purposes of using them for
2 36 pari-mutuel ~~racine~~ wagering at a racetrack as provided
in chapter 99D shall be considered a commercial breeder
2 38 irrespective of whether the person sells, leases, or
2 39 exchanges the greyhounds for consideration or offers
2 40 to do so.
2 41 13. "Pound" ~~or "dog pound"~~ means a facility for the
2 42 prevention of cruelty to animals operated by the state,
2 43 a municipal corporation, or other political subdivision
2 44 of the state for the purpose of impounding or harboring
2 45 seized stray, homeless, abandoned or unwanted dogs,
2 46 cats or other animals; or a facility operated for
2 47 such a purpose under a contract with any municipal
2 48 corporation or incorporated society.
2 49 Sec. 4. NEW SECTION. 162.2A Application, issuance,
2 50 and renewal of authorizations.



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3 1 1. The department shall provide for the operation
3 2 of a commercial establishment by issuing or renewing an
3 3 authorization, including any of the following:
3 4 a. A certificate of registration for a pound,
3 5 animal, shelter, or research facility.
3 6 b. A state license for a boarding kennel,
3 7 commercial kennel, or pet shop.
3 8 c. A state license or permit for a commercial
3 9 breeder, dealer, or public auction. A federal licensee
3 10 must apply for and be issued either a permit or a state
3 11 license in lieu of a permit.
3 12 2. A person must be issued a separate state
3 13 license, certificate of registration, or permit for
3 14 each commercial establishment owned or operated by the
3 15 person.
3 16 3. A person must apply for the issuance or
3 17 renewal of an authorization on forms and according to
3 18 procedures required by rules adopted by the department.
3 19 The application shall contain information required by
3 20 the department, including but not limited to all of the
3 21 following:
3 22 a. The person's name.
3 23 b. The person's principal office or place of
3 24 business.
3 25 c. The name, address, and type of establishment
3 26 covered by the authorization.
3 27 d. The person's identification number.
3 28 Notwithstanding chapter 22, the department shall keep
3 29 the person's tax identification number confidential
3 30 except for purposes of tax administration by the
3 31 department of revenue, including as provided in section
3 32 421.18.
3 33 4. The authorization expires on an annual basis
3 34 as provided by the department, and must be renewed by
3 35 the commercial establishment on an annual basis on or
3 36 before the authorization's expiration date.
3 37 5. a. A commercial establishment applying for
3 38 the issuance or renewal of a permit shall provide the
3 39 department with proof that the person is a federal
3 40 licensee.
3 41 b. The department shall not require that it must
3 42 enter onto the premises of a commercial establishment
3 43 in order to issue a permit. The department shall
3 44 not require that it must enter onto the premises
3 45 of a commercial establishment in order to renew a
3 46 permit, unless it has reasonable cause to monitor
3 47 the commercial establishment as provided in section
3 48 162.10C.
3 49 Sec. 5. NEW SECTION. 162.2B Fees.
3 50 The department shall establish, assess, and collect



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4 1 fees as provided in this section.
4 2 1. A commercial establishment shall pay
4 3 authorization fees to the department for the issuance
4 4 or renewal of a certificate of registration, state
4 5 license, or permit.
4 6 a. For the issuance or renewal of a certificate of
4 7 registration, seventy-five dollars.
4 8 b. For the issuance or renewal of a state license
4 9 or permit, one hundred seventy-five dollars. However,
4 10 a commercial breeder who owns, keeps, breeds, or
4 11 transports a greyhound dog for pari-mutuel wagering
4 12 at a racetrack as provided in chapter 99D shall pay a
4 13 different fee for the issuance or renewal of a state
4 14 license as provided in rules adopted by the department.
4 15 2. The department shall retain all fees that it
4 16 collects under this section for the exclusive purpose
4 17 of administering and enforcing the provisions of
4 18 this chapter. The fees shall be considered repayment
4 19 receipts as defined in section 8.2. The general
4 20 assembly shall appropriate moneys to the department
4 21 each state fiscal year necessary for the administration
4 22 and enforcement of this chapter.
4 23 Sec. 6. Section 162.3, Code 2009, is amended by
4 24 striking the section and inserting in lieu thereof the
4 25 following:
4 26 162.3 Operation of a pound == certificate of
4 27 registration.
4 28 A pound shall only operate pursuant to a certificate
4 29 of registration issued or renewed by the department
4 30 as provided in section 162.2A. A pound may sell dogs
4 31 or cats under its control, if sales are allowed by
4 32 the department. The pound shall maintain records as
4 33 required by the department in order for the department
4 34 to ensure the pound's compliance with the provisions
4 35 of this chapter.
4 36 Sec. 7. Section 162.4, Code 2009, is amended by
4 37 striking the section and inserting in lieu thereof the
4 38 following:
4 39 162.4 Operation of an animal shelter == certificate
4 40 of registration.
4 41 An animal shelter shall only operate pursuant to a
4 42 certificate of registration issued or renewed by the
4 43 department as provided in section 162.2A. An animal
4 44 shelter may sell dogs or cats if sales are allowed
4 45 by the department. The animal shelter facility shall
4 46 maintain records as required by the department in order
4 47 for the department to ensure the animal shelter's
4 48 compliance with the provisions of this chapter.
4 49 Sec. 8. NEW SECTION. 162.4A Operation of a
4 50 research facility == certificate of registration.



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5 1 A research facility shall only operate pursuant to a
5 2 certificate of registration issued by the department
5 3 as provided in section 162.2A. The research facility
5 4 shall maintain records as required by the department
5 5 in order for the department to ensure the research
5 6 facility's compliance with the provisions of this
5 7 chapter. A research facility shall not purchase a dog
5 8 or cat from a commercial establishment that does not
5 9 have a valid authorization issued or renewed under this
5 10 chapter or a similar authorization issued or renewed
5 11 by another state.

5 12 Sec. 9. Section 162.5, Code 2009, is amended by
5 13 striking the section and inserting in lieu thereof the
5 14 following:

5 15 162.5 Operation of a pet shop == state license.

5 16 A pet shop shall only operate pursuant to a state
5 17 license issued or renewed by the department pursuant to
5 18 section 162.2A. The pet shop shall maintain records as
5 19 required by the department in order for the department
5 20 to ensure the pet shop's compliance with the provisions
5 21 of this chapter. A pet shop shall not purchase a dog
5 22 or cat from a commercial establishment that does not
5 23 have a valid authorization issued or renewed under this
5 24 chapter or a similar authorization issued or renewed
5 25 by another state.

5 26 Sec. 10. NEW SECTION. 162.5A Operation of a
5 27 boarding kennel == state license.

5 28 A boarding kennel shall only operate pursuant to
5 29 a state license issued by the department as provided
5 30 in section 162.2A. The boarding kennel shall maintain
5 31 records as required by the department in order for the
5 32 department to ensure the boarding kennel's compliance
5 33 with the provisions of this chapter. A boarding kennel
5 34 shall not purchase a dog or cat from a commercial
5 35 establishment that does not have a valid authorization
5 36 issued or renewed under this chapter or a similar
5 37 authorization issued or renewed by another state.

5 38 Sec. 11. Section 162.6, Code 2009, is amended by
5 39 striking the section and inserting in lieu thereof the
5 40 following:

5 41 162.6 Operation of a commercial kennel == state
5 42 license.

5 43 A commercial kennel shall only operate pursuant to a
5 44 state license issued or renewed by the department as
5 45 provided in section 162.2A. A commercial kennel shall
5 46 maintain records as required by the department in order
5 47 for the department to ensure the commercial kennel's
5 48 compliance with the provisions of this chapter. A
5 49 commercial kennel shall not purchase a dog or cat from
5 50 a commercial establishment that does not have a valid



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6 1 authorization issued or renewed under this chapter or
6 2 a similar authorization issued or renewed by another
6 3 state.
6 4 Sec. 12. Section 162.7, Code 2009, is amended by
6 5 striking the section and inserting in lieu thereof the
6 6 following:
6 7 162.7 Operation of a dealer == state license or
6 8 permit.
6 9 A dealer shall only operate pursuant to a state
6 10 license, or a permit, issued or renewed by the
6 11 department as provided in section 162.2A. A dealer who
6 12 is a state licensee shall maintain records as required
6 13 by the department in order for the department to ensure
6 14 compliance with the provisions of this chapter. A
6 15 dealer who is a permittee may, but is not required to
6 16 maintain records. A dealer shall not purchase a dog
6 17 or cat from a commercial establishment that does not
6 18 have a valid authorization issued or renewed under this
6 19 chapter or a similar authorization issued or renewed
6 20 by another state.
6 21 Sec. 13. Section 162.8, Code 2009, is amended by
6 22 striking the section and inserting in lieu thereof the
6 23 following:
6 24 162.8 Operation of a commercial breeder == state
6 25 license or permit.
6 26 A commercial breeder shall only operate pursuant
6 27 to a state license, or a permit, issued or renewed
6 28 by the department as provided in section 162.2A. A
6 29 commercial breeder who is a state licensee shall
6 30 maintain records as required by the department in order
6 31 for the department to ensure the commercial breeder's
6 32 compliance with the provisions of this chapter. A
6 33 commercial breeder who is a permittee may but is not
6 34 required to maintain records. A commercial breeder
6 35 shall not purchase a dog or cat from a commercial
6 36 establishment that does not have a valid authorization
6 37 issued or renewed under this chapter or a similar
6 38 authorization issued or renewed by another state.
6 39 Sec. 14. NEW SECTION. 162.9A Operation of a public
6 40 auction == state license or permit.
6 41 A public auction shall only operate pursuant to a
6 42 state license, or a permit, issued or renewed by the
6 43 department as provided in section 162.2A. A public
6 44 auction which is a state licensee shall maintain
6 45 records as required by the department in order for the
6 46 department to ensure the public auction's compliance
6 47 with the provisions of this chapter. A public auction
6 48 which is a permittee may but is not required to
6 49 maintain records. A public auction shall not purchase
6 50 a dog or cat from a commercial establishment that does



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7 1 not have a valid authorization issued or renewed under
7 2 this chapter or a similar authorization issued or
7 3 renewed by another state.
7 4 Sec. 15. NEW SECTION. 162.10A Commercial
7 5 establishments == standard of care.
7 6 1. a. A commercial establishment shall provide for
7 7 a standard of care that ensures that an animal in its
7 8 possession or under its control is not lacking any of
7 9 the following:
7 10 (1) Adequate feed, adequate water, housing
7 11 facilities, sanitary control, or grooming practices, if
7 12 such lack causes adverse health or suffering.
7 13 (2) Veterinary care.
7 14 b. A commercial establishment, other than a
7 15 research facility or pet shop, shall provide for the
7 16 standard of care for dogs and cats in its possession or
7 17 under its control, and a research facility or pet shop
7 18 shall provide for the standard of care for vertebrate
7 19 animals in its possession or under its control.
7 20 2. a. Except as provided in paragraph "b" or "c",
7 21 a commercial establishment shall comply with rules that
7 22 the department adopts to implement subsection 1. A
7 23 commercial establishment shall be regulated under this
7 24 paragraph "a" unless the person is a state licensee as
7 25 provided in paragraph "b" or a permittee as provided in
7 26 paragraph "c".
7 27 b. A state licensee who is a commercial breeder
7 28 owning, breeding, transporting, or keeping a greyhound
7 29 dog for pari-mutuel wagering at a racetrack as provided
7 30 in chapter 99D may be required to comply with different
7 31 rules adopted by the department.
7 32 c. A permittee is not required to comply with rules
7 33 that the department adopts to implement a standard of
7 34 care as provided in subsection 1 for state licensees
7 35 and registrants. The department may adopt rules
7 36 regulating a standard of care for a permittee, so long
7 37 as the rules are not more restrictive than required for
7 38 a permittee under the Animal Welfare Act. However, the
7 39 department may adopt prescriptive rules relating to the
7 40 standard of care. Regardless of whether the department
7 41 adopts such rules, a permittee meets the standard
7 42 of care required in subsection 1, if it voluntarily
7 43 complies with rules applicable to state licensees or
7 44 registrants. A finding by the United States department
7 45 of agriculture that a permittee complies with the
7 46 Animal Welfare Act is not conclusive when determining
7 47 that the permittee provides a standard of care required
7 48 in subsection 1.
7 49 3. A commercial establishment fails to provide for
7 50 a standard of care as provided in subsection 1, if the



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8 1 commercial establishment commits abuse as described in
8 2 section 717B.2, neglect as described in section 717B.3,
8 3 or torture as provided in section 717B.3A.
8 4 Sec. 16. NEW SECTION. 162.10B Commercial
8 5 establishments == inspecting state licensees and
8 6 registrants.
8 7 The department may inspect the commercial
8 8 establishment of a registrant or state licensee
8 9 by entering onto its business premises at any time
8 10 during normal working hours. The department may
8 11 inspect records required to be maintained by the state
8 12 licensee or registrant as provided in this chapter.
8 13 If the owner or person in charge of the commercial
8 14 establishment refuses admittance, the department may
8 15 obtain an administrative search warrant issued under
8 16 section 808.14.
8 17 Sec. 17. NEW SECTION. 162.10C Commercial
8 18 establishments == monitoring permittees.
8 19 1. The department may monitor the commercial
8 20 establishment of a permittee by entering onto its
8 21 business premises at any time during normal working
8 22 hours. The department shall monitor the commercial
8 23 establishment for the limited purpose of determining
8 24 whether the permittee is providing for a standard of
8 25 care required for permittees under section 162.10A.
8 26 If the owner or person in charge of the commercial
8 27 establishment refuses admittance, the department may
8 28 obtain an administrative search warrant issued under
8 29 section 808.14.
8 30 2. In order to enter onto the business premises
8 31 of a permittee's commercial establishment, the
8 32 department must have reasonable cause to suspect that
8 33 the permittee is not providing for the standard of
8 34 care required for permittees under section 162.10A.
8 35 Reasonable cause must be supported by any of the
8 36 following:
8 37 a. An oral or written complaint received by the
8 38 department by a person. The complainant must provide
8 39 the complainant's name and address and telephone
8 40 number. Notwithstanding chapter 22, the department's
8 41 record of a complaint is confidential, unless any of
8 42 the following apply:
8 43 (1) The results of the monitoring are used in a
8 44 contested case proceeding as provided in chapter 17A or
8 45 in a judicial proceeding.
8 46 (2) The record is sought in discovery in any
8 47 administrative, civil, or criminal case.
8 48 (3) The department's record of a complaint is filed
8 49 by a person other than an individual.
8 50 b. A report prepared by a person employed by the



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9 1 United States department of agriculture that requires a
9 2 permittee to take action necessary to correct a breach
9 3 of standard of care required of federal licensees by
9 4 the Animal Welfare Act or of permittees by section
9 5 162.10A. The department is not required to dedicate
9 6 any number of hours to viewing or analyzing such
9 7 reports.

9 8 3. When carrying out this section, the department
9 9 may cooperate with the United States department of
9 10 agriculture. The department shall report any findings
9 11 resulting in an enforcement action under section
9 12 162.10D to the United States department of agriculture.

9 13 Sec. 18. NEW SECTION. 162.10D Commercial
9 14 establishments == disciplinary actions.

9 15 1. The department may take disciplinary action
9 16 against a person by suspending or revoking the person's
9 17 authorization for violating a provision of this chapter
9 18 or chapter 717B, or who commits an unlawful practice
9 19 under section 714.16.

9 20 2. The department may require that an owner,
9 21 operator, or employee of a commercial establishment
9 22 subject to disciplinary action under subsection 1 to
9 23 complete a continuing education program as a condition
9 24 for retaining an authorization. This section does not
9 25 prevent a person from voluntarily participating in a
9 26 continuing education program.

9 27 3. The department shall administer the continuing
9 28 education program by either providing direct
9 29 instruction or selecting persons to provide such
9 30 instruction. The department is not required to
9 31 compensate persons for providing the instruction, and
9 32 may require attendees to pay reasonable fees necessary
9 33 to compensate the department providing the instruction
9 34 or a person selected by the department to provide the
9 35 instruction. The department shall, to every extent
9 36 possible, select persons to provide the instruction by
9 37 consulting with organizations that represent commercial
9 38 establishments, including but not limited to the Iowa
9 39 pet breeders association.

9 40 4. The department shall establish the criteria for
9 41 a continuing education program which shall include
9 42 at least three and not more than eight hours of
9 43 instruction. The department shall provide for the
9 44 program's beginning and ending dates. However, a
9 45 person must complete the program in twelve months or
9 46 less.

9 47 Sec. 19. Section 162.11, subsections 1 and 3, Code
9 48 2009, are amended by striking the subsections.

9 49 Sec. 20. Section 162.11, subsection 2, Code 2009,
9 50 is amended by striking the subsection and inserting in



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10 1 lieu thereof the following:

10 2 2. This chapter does not apply to a federal
10 3 licensee except as provided in the following:

10 4 a. Section 162.1, subsection 2, and sections 162.2,
10 5 162.2A, 162.2B, 162.7, 162.8, 162.9A, 162.10A, 162.10C,
10 6 162.10D, 162.12A, and 162.13.

10 7 b. Section 162.1, subsection 1, but only to the
10 8 extent required to implement sections described in
10 9 paragraph "a".

10 10 c. Section 162.16 but only to the extent required
10 11 to implement sections described in paragraph "a".

10 12 Sec. 21. Section 162.12, Code 2009, is amended to
10 13 read as follows:

10 14 162.12 Denial or revocation of license or
10 15 registration.

10 16 A certificate of registration may be denied to any
10 17 animal shelter, pound, or animal shelter research
10 18 facility and a state license ~~or certificate of~~

~~10 19 registration~~ may be denied to any public auction,
10 20 boarding kennel, commercial kennel, ~~research~~

~~10 21 facility~~, pet shop, commercial breeder, or dealer,
10 22 or an existing certificate of registration or

10 23 state license may be revoked by the secretary if, after
10 24 public hearing, it is determined that the housing

10 25 facilities or primary enclosures are inadequate under
10 26 this chapter or if the feeding, watering, cleaning,

10 27 and housing practices at the pound, animal shelter,
10 28 public auction, pet shop, boarding kennel, commercial

10 29 kennel, research facility, or those practices by the
10 30 commercial breeder or dealer, are not in compliance

10 31 with this chapter or with the rules adopted pursuant
10 32 to this chapter. The premises of each registrant or

10 33 state licensee or certificate holder shall be open for
10 34 inspection during normal business hours.

10 35 Sec. 22. NEW SECTION. 162.12A Civil penalties.

10 36 The department shall establish, impose, and assess
10 37 civil penalties for violations of this chapter. The

10 38 department may by rule establish a schedule of civil
10 39 penalties for violations of this chapter. All civil

10 40 penalties collected under this section shall be
10 41 deposited into the general fund of the state.

10 42 1. a. A commercial establishment that operates
10 43 pursuant to an authorization issued or renewed under

10 44 this chapter is subject to a civil penalty of not more
10 45 than five hundred dollars, regardless of the number

10 46 of animals possessed or controlled by the commercial
10 47 establishment, for violating this chapter. Except as

10 48 provided in paragraph "b", each day that a violation
10 49 continues shall be deemed a separate offense.

10 50 b. This paragraph applies to a commercial



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11 1 establishment that violates a standard of care
11 2 involving housing as provided in section 162.10A. The
11 3 departmental official who makes a determination that a
11 4 violation exists shall provide a corrective plan to the
11 5 commercial establishment describing how the violation
11 6 will be corrected within a compliance period of not
11 7 more than fifteen days from the date of approval by the
11 8 official of the corrective plan. The civil penalty
11 9 shall not exceed five hundred dollars for the first
11 10 day of the violation. After that day, the department
11 11 shall not impose a civil penalty for the violation
11 12 during the compliance period. The department shall
11 13 not impose an additional civil penalty, unless the
11 14 commercial establishment fails to correct the violation
11 15 by the end of the compliance period. If the commercial
11 16 establishment fails to correct the violation by the end
11 17 of the compliance period, each day that the violation
11 18 continues shall be deemed a separate offense.

11 19 2. A commercial establishment that does not operate
11 20 pursuant to an authorization issued or renewed under
11 21 this chapter is subject to a civil penalty of not more
11 22 than one thousand dollars, regardless of the number
11 23 of animals possessed or controlled by the commercial
11 24 establishment, for violating this chapter. Each day
11 25 that a violation continues shall be deemed a separate
11 26 offense.

11 27 Sec. 23. Section 162.13, Code 2009, is amended to
11 28 read as follows:

11 29 162.13 ~~Penalties~~ Criminal penalties == confiscation.

11 30 1. Operation of a pound, animal shelter, pet shop,
~~11 31 boarding kennel, commercial kennel, research facility,~~
~~11 32 or public auction, or dealing in dogs or cats, or~~
~~11 33 both, either as a dealer or a commercial breeder,~~
~~11 34 without a currently valid license or a certificate of~~
~~11 35 registration is~~ A person who operates a commercial
11 36 establishment without an authorization issued or
11 37 renewed by the department as required in section 162.2A
11 38 is guilty of a simple misdemeanor and each day of
11 39 operation is a separate offense.

11 40 2. The failure of any pound, research facility,
~~11 41 animal shelter, pet shop, boarding kennel, commercial~~
~~11 42 kennel, commercial breeder, public auction, or dealer,~~
~~11 43 to adequately house, feed, or water dogs, cats, or~~
~~11 44 vertebrate animals in the person's or facility's~~
~~11 45 possession or custody~~ a person who owns or operates a
11 46 commercial establishment to meet the standard of care
11 47 required in section 162.10A, subsection 1, is a simple
11 48 misdemeanor. The animals are subject to seizure and
11 49 impoundment and may be sold or destroyed as provided by
11 50 rules which shall be adopted by the department pursuant



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12 1 to chapter 17A. The rules shall provide for the
12 2 destruction of an animal by a humane method, including
12 3 by euthanasia.

12 4 3. The failure of a person who owns or operates
12 5 a commercial establishment to meet the requirements
12 6 of this section is also cause for the suspension
12 7 or revocation or suspension of license or registration
12 8 after public hearing of the person's authorization as
12 9 provided in section 162.10D. The commission of an
12 10 act declared to be an unlawful practice under section
12 11 714.16 or prohibited under chapter 717 or 717B, by a
12 12 person licensed or registered under this chapter is
12 13 cause for revocation or suspension of the license or
12 14 registration certificate.

12 15 4. Dogs, cats, and other vertebrates vertebrate
12 16 animals upon which euthanasia is permitted by law may
12 17 be destroyed by a person subject to this chapter or
12 18 chapter 169, by a humane method, including euthanasia,
12 19 as provided by rules which shall be adopted by the
12 20 department pursuant to chapter 17A.

12 21 5. It is unlawful for a dealer to knowingly
12 22 ship a diseased animal. A dealer violating this
12 23 paragraph subsection is subject to a fine not exceeding
12 24 one hundred dollars. Each diseased animal shipped in
12 25 violation of this paragraph subsection is a separate
12 26 offense.

12 27 Sec. 24. Section 162.16, Code 2009, is amended by
12 28 striking the section and inserting in lieu thereof the
12 29 following:

12 30 162.16 Rules.

12 31 The department shall adopt rules and promulgate
12 32 forms necessary to administer and enforce the
12 33 provisions of this chapter.

12 34 Sec. 25. Section 717B.1, Code 2009, is amended by
12 35 adding the following new subsection:

12 36 NEW SUBSECTION. 3A. "Department" means the
12 37 department of agriculture and land stewardship.

12 38 Sec. 26. REPEAL. Sections 162.9, 162.10, and
12 39 162.18, Code 2009, are repealed.

12 40 Sec. 27. CURRENT DEPARTMENTAL RULES. This Act
12 41 does not diminish the authority of the department of
12 42 agriculture and land stewardship to regulate different
12 43 types of commercial establishments as provided in 21
12 44 IAC ch. 67.

12 45 Sec. 28. ISSUANCE OF PERMITS. This Act does not
12 46 require a commercial establishment that has been issued
12 47 or renewed a certificate of registration to be issued
12 48 a permit earlier than required in section 162.2A for
12 49 the renewal of a permit. The person shall hold the
12 50 certificate of registration in the same manner as a



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13 1 permit pursuant to this Act.
13 2 Sec. 29. EFFECTIVE UPON ENACTMENT. This Act, being
13 3 deemed of immediate importance, takes effect upon
13 4 enactment.>
13 5 #2. Title page, by striking lines 1 through 5 and
13 6 inserting <An Act providing for the treatment of
13 7 animals other than agricultural animals, by providing
13 8 for regulation of commercial establishments, providing
13 9 for fees, providing penalties, and including effective
13 10 date provisions.>

MATT McCOY
SF2365.1353 (2) 83
da/rj



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Senate Amendment 5101

PAG LIN

1 1 Amend Senate File 2235 as follows:
1 2 #1. By striking everything after the enacting clause
1 3 and inserting:
1 4 <Section 1. NEW SECTION. 216A.105 Deliverable
1 5 fuels == mandatory delivery == penalties and remedies.
1 6 1. A deliverable fuel vendor engaged in the
1 7 business of providing deliverable fuel to customers in
1 8 this state shall not withhold the sale or delivery of
1 9 deliverable fuel to a customer from November 1 through
1 10 April 1 annually if either of the following apply:
1 11 a. The customer documents that they are able to
1 12 make a cash payment in an amount corresponding to
1 13 the current statewide average delivery order price
1 14 per gallon for the deliverable fuel, as determined by
1 15 the office of energy independence, multiplied by two
1 16 hundred fifty.
1 17 b. The customer is certified as eligible for the
1 18 federal low-income home energy assistance program.
1 19 2. A deliverable fuel vendor is not prohibited from
1 20 withholding the sale or delivery of deliverable fuel
1 21 to a customer who is certified as eligible for the
1 22 federal low-income home energy assistance program and
1 23 has received the maximum amount of annual assistance
1 24 pursuant to the program, and who cannot otherwise
1 25 document the ability to make a cash payment for
1 26 deliverable fuel pursuant to subsection 1, paragraph
1 27 "a".
1 28 3. A deliverable fuel vendor providing deliverable
1 29 fuel to a customer described in subsection 1, paragraph
1 30 "a", may apply the customer's cash payment as follows:
1 31 a. Seventy-five percent toward the current
1 32 deliverable fuel sale or delivery.
1 33 b. Twenty-five percent toward any unpaid balance.
1 34 4. a. A customer shall be responsible for the
1 35 reasonable cost of system safety checks conducted
1 36 by a deliverable fuel vendor, unless the customer
1 37 is certified as eligible for the federal low-income
1 38 home energy assistance program and the cost is paid
1 39 for with program funds. System safety check payments
1 40 shall be in addition to, and shall not reduce, the
1 41 cash payment otherwise available for deliverable fuel
1 42 sale or delivery pursuant to subsection 1, paragraph
1 43 "a". A deliverable fuel vendor of propane conducting a
1 44 system safety check shall inform customers certified
1 45 as eligible for the low-income home energy assistance
1 46 program of the existence of programs and projects
1 47 developed by the Iowa propane education and research
1 48 council to provide assistance to persons certified as
1 49 eligible for the program, if applicable based upon the
1 50 results of the safety check. A deliverable fuel vendor



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2 1 shall not be required to make or complete a delivery
2 2 of deliverable fuel if a system safety check reveals
2 3 mechanical problems or defects with the system which
2 4 constitute a safety hazard or concern.
2 5 b. A customer shall be responsible for the
2 6 reasonable cost of delivering the deliverable fuel to
2 7 the customer, as determined by the deliverable fuel
2 8 vendor, unless the customer is certified as eligible
2 9 for the federal low-income home energy assistance
2 10 program and the cost is paid for with program funds.
2 11 Delivery fees or charges shall be in addition to, and
2 12 shall not reduce, the cash payment otherwise available
2 13 for deliverable fuel sale or delivery pursuant to
2 14 subsection 1, paragraph "a".
2 15 5. The division shall adopt rules specifying
2 16 procedures to implement the requirements of this
2 17 section.
2 18 6. A violation of this section is an unlawful
2 19 practice pursuant to section 714.16 and a prohibited
2 20 practice pursuant to chapter 714H.
2 21 7. For the purposes of this section, unless the
2 22 context otherwise requires:
2 23 a. "Customer" means an existing customer of a
2 24 deliverable fuel vendor or a prospective customer
2 25 who submits an application or otherwise applies for
2 26 the purchase or delivery of deliverable fuel from a
2 27 deliverable fuel vendor serving the general geographic
2 28 area or vicinity where the fuel will be delivered.
2 29 b. "Deliverable fuel" means propane or any other
2 30 heating fuel sold or delivered in this state for home
2 31 heating purposes.
2 32 c. "Deliverable fuel vendor" means a retail propane
2 33 marketer or a retail dispenser or marketer of a
2 34 deliverable fuel other than propane.
2 35 d. "Propane" and "retail propane marketer" mean the
2 36 same as defined in section 101C.2.>
2 37 #2. Title page, line 2, after <circumstances,> by
2 38 inserting <providing penalties,>
2 39 #3. By renumbering as necessary.

STEVEN SODDERS
SF2235.1322 (2) 83
rn/nh



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Senate Amendment 5102

PAG LIN

1 1 Amend Senate Joint Resolution 2007 as follows:
1 2 #1. Page 1, by striking lines 2 and 3 and inserting
1 3 <supports the assignment of the USS Iowa as a permanent
1 4 naval museum to an appropriate location in California.>

JOHN P. KIBBIE
SJR2007.1371 (1) 83
jr/rj



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Senate Amendment 5103

PAG LIN

1 1 Amend Senate File 2200 as follows:
 1 2 #1. Page 2, by striking lines 5 through 7 and
 1 3 inserting:
 1 4 <Sec. _____. Section 633.675, Code 2009, is amended
 1 5 by adding the following new subsection:
 1 6 NEW SUBSECTION. 5. Notwithstanding subsections 1
 1 7 through 4, if the court appointed a
 1 8 #2. Page 2, before line 16 by inserting:
 1 9 <Sec. _____. Section 633.679, Code 2009, is amended
 1 10 to read as follows:
 1 11 633.679 Petition to terminate == cases transferred
 1 12 from juvenile court == request for voting rights
 1 13 reinstatement.
 1 14 1. ~~At~~ Except as otherwise provided in subsection
 1 15 2, at any time after the appointment of a guardian
 1 16 or conservator, the person under guardianship or
 1 17 conservatorship may apply to the court by petition,
 1 18 alleging that the person is no longer a proper
 1 19 subject thereof, and asking that the guardianship or
 1 20 conservatorship be terminated.
 1 21 2. If the court has appointed a guardian for a
 1 22 minor child for whom the court's jurisdiction over
 1 23 the child's guardianship was established pursuant to
 1 24 transfer of the child's case in accordance with section
 1 25 232.104, a petition shall not be filed asking that the
 1 26 guardianship be terminated or modified until at least
 1 27 six months has elapsed from the date the order was
 1 28 entered appointing the guardian.
 1 29 3. A person under an order appointing a guardian
 1 30 which order found the person incompetent to vote
 1 31 may include a request for reinstatement of the
 1 32 person's voting rights in a petition to terminate the
 1 33 guardianship or by filing a separate petition for
 1 34 modification of this determination.>
 1 35 #3. By renumbering as necessary.

KEITH A. KREIMAN
 SF2200.1318 (1) 83
 jp/nh



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Senate Amendment 5104

PAG LIN

1 1 Amend Senate File 2246 as follows:

1 2 #1. Page 1, after line 17 by inserting:

1 3 <Sec. _____. Section 321.109, subsection 1, paragraph
1 4 b, Code 2009, is amended to read as follows:

1 5 b. The annual registration fee shall be sixty
1 6 dollars for a vehicle, ~~otherwise subject to paragraph~~
1 7 ~~"a",~~ with permanently installed equipment manufactured
1 8 for and necessary to assist a person with a disability
1 9 who is either the owner or lessee of the vehicle or a
1 10 member of the owner's or lessee's household in entry
1 11 and exit of the vehicle or ~~for such a vehicle~~ if the
1 12 ~~vehicle's~~ owner or lessee of the vehicle or a member
1 13 of the ~~vehicle~~ owner's or lessee's household uses a
1 14 wheelchair as the only means of mobility ~~shall be sixty~~
1 15 ~~dollars. This paragraph applies only to vehicles~~
1 16 that are otherwise subject to paragraph "a" and to
1 17 motor trucks with an unladen weight of ten thousand
1 18 pounds or less that are otherwise subject to section
1 19 321.122. For purposes of this paragraph, "uses a
1 20 wheelchair" does not include use of a wheelchair due to
1 21 a temporary injury or medical condition.

1 22 Sec. _____. Section 321H.3, subsection 4, Code
1 23 Supplement 2009, is amended to read as follows:

1 24 4. Storing more than six vehicles not currently
1 25 registered or storing damaged vehicles except where
1 26 such storing of damaged vehicles is incidental to the
1 27 primary purpose of the repair of ~~motor~~ vehicles for
1 28 others.

1 29 Sec. _____. Section 321H.6, subsection 3, Code
1 30 Supplement 2009, is amended to read as follows:

1 31 3. The licensee has been convicted of a
1 32 fraudulent practice or any ~~other~~ indictable offense
1 33 in connection with selling or other activity relating
1 34 to ~~motor~~ vehicles, in this state or any other state,
1 35 or has been convicted of three or more violations of
1 36 section 321.92, subsection 2, or section 321.99.

1 37 Sec. _____. Section 321H.6, Code Supplement 2009, is
1 38 amended by adding the following new subsection:

1 39 NEW SUBSECTION. 6. The licensee has been
1 40 determined in a final judgment of a court of competent
1 41 jurisdiction to have violated section 714.16 in
1 42 connection with selling or other activity relating to
1 43 vehicles.

1 44 Sec. _____. Section 321H.8, subsection 2, Code
1 45 Supplement 2009, is amended to read as follows:

1 46 2. A person who has been convicted of a fraudulent
1 47 practice ~~or~~, has been convicted of three or more
1 48 violations of section 321.92, subsection 2, or section
1 49 321.99, or has been convicted of any ~~other~~ indictable
1 50 offense in connection with selling or other activity



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2 1 relating to ~~motor~~ vehicles, in this state or any
2 2 other state, shall not for a period of five years
2 3 from the date of conviction be an owner, salesperson,
2 4 employee, officer of a corporation, or representative
2 5 of a ~~licensed motor~~ an authorized vehicle recycler
2 6 or represent themselves as an owner, salesperson,
2 7 employee, officer of a corporation, or representative
2 8 of a ~~licensed motor~~ an authorized vehicle recycler.>

2 9 #2. Page 2, after line 12 by inserting:

2 10 <Sec. _____. Section 322.3, subsection 12, Code
2 11 Supplement 2009, is amended to read as follows:

2 12 12. A person who has been convicted of a fraudulent
2 13 practice ~~or~~, has been convicted of three or more
2 14 violations of section 321.92, subsection 2, or section
2 15 321.99, or has been convicted of any other indictable
2 16 offense in connection with selling or other activity
2 17 relating to motor vehicles, in this state or any other
2 18 state, shall not for a period of five years from the
2 19 date of conviction be an owner, salesperson, employee,
2 20 officer of a corporation, or representative of a
2 21 licensed motor vehicle dealer or represent themselves
2 22 as an owner, salesperson, employee, officer of a
2 23 corporation, or representative of a licensed motor
2 24 vehicle dealer.

2 25 Sec. _____. Section 322.6, subsection 1, paragraph d,
2 26 Code Supplement 2009, is amended to read as follows:

2 27 d. The applicant has been convicted of a fraudulent
2 28 practice or any indictable offense in connection
2 29 with selling or other activity relating to motor
2 30 vehicles, in this state or any other state, or has
2 31 been convicted of three or more violations of section
2 32 321.92, subsection 2, or section 321.99.

2 33 Sec. _____. Section 322.6, subsection 1, paragraph
2 34 i, Code Supplement 2009, is amended by striking the
2 35 paragraph and inserting in lieu thereof the following:

2 36 i. The applicant has been determined in a final
2 37 judgment of a court of competent jurisdiction to have
2 38 violated section 714.16 in connection with selling
2 39 or other activity relating to motor vehicles and the
2 40 department determines that the applicant should not
2 41 therefore be engaged in the business of selling motor
2 42 vehicles.

2 43 Sec. _____. Section 325A.2, subsection 2, Code 2009,
2 44 is amended to read as follows:

2 45 2. A local authority, as defined in section 321.1,
2 46 shall not impose any regulations, including special
2 47 registration or inspection requirements, upon the
2 48 operation of motor carriers that are more restrictive
2 49 than any of the provisions of this chapter, or section
2 50 321.449 or 321.450. This subsection does not, however,



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3 1 prohibit a local authority from exercising the home
3 2 rule power of the local authority to impose additional
3 3 or more restrictive regulations or requirements upon
3 4 the operation of taxicabs or limousines engaged in
3 5 nonfixed route transportation for hire.>
3 6 #3. Title page, line 2, by striking <clarification>,
3 7 and inserting <modification>
3 8 #4. Title page, line 3, by striking <truck and>
3 9 and inserting <truck, provisions concerning licensing
3 10 sanctions and penalties for vehicle recyclers and motor
3 11 vehicle dealers, annual registration fees for certain
3 12 vehicles equipped for a person with a disability or
3 13 used by a person who relies on a wheelchair,>
3 14 #5. Title page, line 5, by striking <permits.> and
3 15 inserting <permits, and provisions for the operation of
3 16 certain taxicabs and limousines.>
3 17 #6. By renumbering as necessary.

THOMAS RIELLY
SF2246.1350 (2) 83
dea/nh



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Senate Amendment 5105

PAG LIN

1 1 Amend Senate File 2343 as follows:
1 2 #1. Page 1, line 4, after <for> by inserting <up to
1 3 one hundred eighty days for>
1 4 #2. Page 1, line 11, after <for> by inserting <up to
1 5 one hundred eighty days for>
1 6 #3. Page 1, line 19, after <for> by inserting <up to
1 7 one hundred eighty days for>

KEITH A. KREIMAN
SF2343.1366 (1) 83
jm/rj



Iowa General Assembly
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Senate Amendment 5106

PAG LIN

1 1 Amend Senate File 2321 as follows:
1 2 #1. By striking everything after the enacting clause
1 3 and inserting:
1 4 <Section 1. NEW SECTION. 321.371A Common sense
1 5 required.
1 6 A person shall use common sense at all times when
1 7 the person is operating a motor vehicle.>
1 8 #2. Title page, by striking lines 1 through 3 and
1 9 inserting <An Act requiring the use of common sense by
1 10 the operator of a motor vehicle.>
1 11 #3. By renumbering as necessary.

BRAD ZAUN

SHAWN HAMERLINCK

JAMES F. HAHN

RANDY FEENSTRA

JAMES A. SEYMOUR

JERRY BEHN

PAUL MCKINLEY
SF2321.1362 (3) 83
dea/nh



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Senate Amendment 5107

PAG LIN

1 1 Amend Senate File 2295 as follows:

1 2 #1. Page 1, line 4, after <affairs> by inserting

1 3 <and the department of workforce development>

1 4 #2. Page 1, by striking lines 9 through 12 and

1 5 inserting <veterans affairs, the department of

1 6 education, the department of workforce development, the

1 7 United States department of veterans affairs, and the

1 8 United States department of labor, the following:

1 9 (a) Programs to inform disabled veterans returning

1 10 to the state after active federal service about

1 11 federally funded job training opportunities in state

1 12 government, pursuant to 38 U.S.C. ch. 31.

1 13 (b) State government job training programs for

1 14 disabled veterans that qualify for federal funding from

1 15 the United States department of veterans affairs.

1 16 (c) A noncompetitive hiring program for disabled

1 17 veterans who satisfactorily complete a federally

1 18 funded job training program approved by the United

1 19 States department of veterans affairs. The disabled

1 20 veteran shall have trained in the class of positions

1 21 for which the disabled veteran is to be noncompetitively

1 22 appointed.>

1 23 #3. By renumbering as necessary.

DARYL BEALL

SF2295.1386 (1) 83

jr/nh



Iowa General Assembly
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Senate Amendment 5108

PAG LIN

1 1 Amend Senate File 2192 as follows:
1 2 #1. Page 2, by striking lines 17 through 19 and
1 3 inserting <or otherwise. Any lien purporting to secure
1 4 the payment of a transfer fee under a transfer fee
1 5 covenant is void and unenforceable.
1 6 Sec. _____. EFFECTIVE UPON ENACTMENT AND
1 7 APPLICABILITY. This Act, being deemed of immediate
1 8 importance, takes effect upon enactment and applies to
1 9 any lien purporting to secure the payment of a transfer
1 10 fee under a transfer fee covenant which is filed in
1 11 this state on or after the effective date of this Act.>
1 12 #2. Title page, line 2, after <property> by
1 13 inserting <and including effective date and
1 14 applicability provisions>
1 15 #3. By renumbering as necessary.

ROGER STEWART

KIM REYNOLDS

JOHN P. KIBBIE
SF2192.1372 (1) 83
rn/nh



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Senate Amendment 5109

PAG LIN

1 1 Amend Senate File 2289 as follows:
1 2 #1. Page 3, after line 17 by inserting:
1 3 <Sec. _____. DEPARTMENT OF EDUCATION == AUTHORIZING
1 4 FUND TRANSFERS == VALIDATION AND RETROACTIVE
1 5 APPLICABILITY.
1 6 1. a. Notwithstanding any other statute or rule
1 7 of law to the contrary, if a school district whose
1 8 accreditation was removed by action of the state board
1 9 of education effective July 1, 2008, had a negative
1 10 fund balance in its general fund at the end of the
1 11 school budget year beginning July 1, 2007, the director
1 12 of the department of education is authorized to and
1 13 shall approve by August 1, 2010, the transfer of any
1 14 positive balance from one or more funds of the school
1 15 district to the school district's general fund for the
1 16 school budget year beginning July 1, 2007, and the
1 17 transfer made is hereby validated and to that extent,
1 18 this Act applies retroactively to July 1, 2007.
1 19 b. On the date on which the director of the
1 20 department of education approves the transfer of funds
1 21 pursuant to this subsection, the department shall
1 22 provide notice of the approval of the funds transferred
1 23 pursuant to this subsection to the boards of directors
1 24 of the school districts to which the former school
1 25 district's territory was merged and shall transmit to
1 26 the state board of education a record of the approval
1 27 of the funds transferred pursuant to this subsection.
1 28 2. The board of directors of a school district to
1 29 which the former school district's territory was merged
1 30 shall be exempted from any liability resulting from
1 31 the action taken by the director of the department of
1 32 education pursuant to subsection 1 if the school board,
1 33 within 30 days of the date on which the director of
1 34 the department of education took action pursuant to
1 35 subsection 1, adopts a resolution to accept the action
1 36 taken by the director pursuant to subsection 1.
1 37 Sec. _____. EFFECTIVE UPON ENACTMENT. The section of
1 38 this Act providing for authorization and validation of
1 39 fund transfers by the department of education, being
1 40 deemed of immediate importance, takes effect upon
1 41 enactment.>
1 42 #2. Title page, line 2, after <education> by
1 43 inserting <and to the disposition of certain former
1 44 school district funds, and including effective date,
1 45 validation, and retroactive applicability provisions>
1 46 #3. By renumbering as necessary.

BRIAN SCHOENJAHN
SF2289.1171 (1) 83
kh/sc



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Senate Amendment 5110

PAG LIN

1 1 Amend Senate File 2335 as follows:
1 2 #1. By striking page 1, line 24, through page 2,
1 3 line 12, and inserting:
1 4 <3. Use of environmentally preferable cleaning
1 5 products. All state agencies utilizing state
1 6 buildings, are encouraged to voluntarily conform to an
1 7 environmentally preferable cleaning policy designed
1 8 to facilitate the purchase and use of environmentally
1 9 preferable cleaning products for purposes of state
1 10 building cleaning and maintenance. The policy shall
1 11 apply to state agencies on a mandatory basis beginning
1 12 July 1, 2012, subject to the exemption provisions
1 13 contained in this subsection. State agencies procuring
1 14 supplies for state buildings may deplete their existing
1 15 cleaning and maintenance supply stocks and implement
1 16 the new requirements in the procurement cycle for the
1 17 following year. On or after July 1, 2012, a state
1 18 agency is exempt from the requirements of this section
1 19 if the state agency submits written documentation to
1 20 the department on an annual basis that adoption of the
1 21 policy would result in a significant increase in annual
1 22 cleaning and maintenance product and supply costs.
1 23 4. Policy guidelines and specifications.
1 24 a. The department shall establish by rule and
1 25 update on a semiannual basis thereafter guidelines
1 26 and specifications for the use of environmentally
1 27 preferable cleaning and maintenance products in state
1 28 buildings.>
1 29 #2. Page 3, by striking lines 8 through 11 and
1 30 inserting <criteria. The completed guidelines and
1 31 specifications shall be posted and updated on the
1 32 department's internet site.>
1 33 #3. Page 3, by striking lines 12 and 22.
1 34 #4. Title page, by striking lines 2 through 3 and
1 35 inserting <cleaning and maintenance products in state
1 36 buildings.>

DAVID JOHNSON
SF2335.1385 (3) 83
rn/nh



Iowa General Assembly
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Senate Amendment 5111

PAG LIN

1 1 Amend Senate File 2243 as follows:
1 2 #1. Page 3, after line 1 by inserting:
1 3 <Sec. ____ DEER LICENSE STUDY.
1 4 1. The legislative services agency shall prepare a
1 5 study to determine the economic impact of increasing
1 6 the number of antlered and antlerless licenses
1 7 available for sale to nonresidents who own Iowa
1 8 farmland.
1 9 2. To the extent practicable the study shall
1 10 estimate the potential revenue to the state by
1 11 increasing the number of licenses and shall estimate
1 12 the impact on the deer population.
1 13 3. The legislative services agency shall submit
1 14 the results of the study to the legislative council by
1 15 January 1, 2011.>
1 16 #2. By renumbering as necessary.

DENNIS H. BLACK

DAVID JOHNSON
SF2243.1374 (2) 83
rn/rj



Iowa General Assembly
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Senate Amendment 5112

PAG LIN

1 1 Amend Senate File 2288 as follows:
1 2 #1. Page 1, before line 1 by inserting:
1 3 <DIVISION I
1 4 GENERAL PROVISIONS>
1 5 #2. Page 21, after line 7 by inserting:
1 6 <DIVISION ____
1 7 SUSPENSION OF CERTAIN SCHOOL
1 8 DISTRICT FINANCIAL MANDATES
1 9 AND RESTRICTIONS
1 10 Sec. _____. FUNDING FOR TEACHER LIBRARIANS, GUIDANCE
1 11 COUNSELORS, AND SCHOOL NURSES. Notwithstanding any
1 12 provision of a collective bargaining agreement entered
1 13 into pursuant to chapter 20, and any provision of
1 14 section 256.11, subsections 9, 9A, and 9B, to the
1 15 contrary, school districts are not required to have a
1 16 teacher librarian, guidance counselor, or school nurse
1 17 for any school budget year commencing during the fiscal
1 18 period beginning July 1, 2009, and ending June 30,
1 19 2012. Any funds not expended due to this section may
1 20 be expended for school district general fund purposes.
1 21 Sec. _____. FUNDING FOR EXPANDED PHYSICAL
1 22 EDUCATION PROGRAMS AND CARDIOPULMONARY RESUSCITATION
1 23 CERTIFICATION COURSES. Notwithstanding any provision
1 24 of section 256.11, subsection 6, to the contrary,
1 25 school districts may suspend expanded physical
1 26 education programs and cardiopulmonary resuscitation
1 27 certification courses for any school budget year
1 28 commencing during the fiscal period beginning July 1,
1 29 2009, and ending June 30, 2012.
1 30 Sec. _____. FUNDING FOR THE STATEWIDE PRESCHOOL
1 31 PROGRAM. Notwithstanding any provision of chapter
1 32 256C to the contrary, preschool foundation aid
1 33 payments under chapter 256C shall be distributed to all
1 34 school districts based on a school district's budget
1 35 enrollment compared to the statewide total budget
1 36 enrollment for the school budget year beginning July
1 37 1, 2009, for any school budget year commencing during
1 38 the fiscal period beginning July 1, 2009, and ending
1 39 June 30, 2012, to be used for chapter 256C purposes, if
1 40 applicable, or school district general fund purposes.
1 41 Sec. _____. FUNDING FOR TEACHER SALARY SUPPLEMENT.
1 42 Notwithstanding any provision of a collective
1 43 bargaining agreement entered into pursuant to chapter
1 44 20 and any provision of section 257.10, subsection 9,
1 45 to the contrary, school districts may expend teacher
1 46 salary supplement funding for school district general
1 47 fund purposes for any school budget year commencing
1 48 during the fiscal period beginning July 1, 2009, and
1 49 ending June 30, 2012.
1 50 Sec. _____. FUNDING FOR THE PROFESSIONAL DEVELOPMENT



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Senate Amendment 5112 continued

2 1 SUPPLEMENT. Notwithstanding any provision of a
2 2 collective bargaining agreement entered into pursuant
2 3 to chapter 20 and any provision of section 257.10,
2 4 subsection 10, to the contrary, school districts may
2 5 expend professional development supplement funding
2 6 for school district general fund purposes for any
2 7 school budget year commencing during the fiscal period
2 8 beginning July 1, 2009, and ending June 30, 2012.
2 9 Sec. _____. FUNDING FOR THE EARLY INTERVENTION
2 10 SUPPLEMENT. Notwithstanding any provision of a
2 11 collective bargaining agreement entered into pursuant
2 12 to chapter 20 and any provision of section 257.10,
2 13 subsection 11, to the contrary, school districts may
2 14 expend early intervention supplement funding for school
2 15 district general fund purposes for any school budget
2 16 year commencing during the fiscal period beginning July
2 17 1, 2009, and ending June 30, 2012.
2 18 Sec. _____. FUNDING FOR INSTRUCTIONAL
2 19 SUPPORT. Notwithstanding any provision of section
2 20 257.19, to the contrary, school districts may
2 21 additionally expend instructional support funds for
2 22 funding purposes under sections 257.41 and 257.46 for
2 23 any school budget year commencing during the fiscal
2 24 period beginning July 1, 2009, and ending June 30,
2 25 2012.
2 26 Sec. _____. EFFECTIVE UPON ENACTMENT AND
2 27 APPLICABILITY. This division of this Act, being deemed
2 28 of immediate importance, takes effect upon enactment
2 29 and applies to the expenditure of funds by school
2 30 districts on and after that date.>
2 31 #3. Title page, line 2, after <boards> by inserting
2 32 <, suspending certain financial mandates and
2 33 restrictions for school districts for certain budget
2 34 years, and including effective date and applicability
2 35 provisions>

PAUL MCKINLEY
SF2288.1365 (2) 83
kh/sc



Iowa General Assembly
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Senate Amendment 5113

PAG LIN

1 1 Amend Senate File 2288 as follows:

1 2 #1. Page 5, after line 27 by inserting:

1 3 <Sec. ____ . Section 257.6, subsection 1, paragraph
1 4 a, subparagraph (5), Code Supplement 2009, is amended
1 5 to read as follows:

1 6 (5) Resident pupils receiving competent private
1 7 instruction from a licensed practitioner provided
1 8 through a public school district pursuant to chapter
1 9 299A shall be counted as three-tenths of one pupil.
1 10 Revenues received by a school district attributed to a
1 11 school district's weighted enrollment pursuant to this
1 12 paragraph shall be expended for the purpose for which
1 13 the weighting was assigned under this paragraph. If
1 14 the school district determines that the expenditures
1 15 associated with providing competent private instruction
1 16 pursuant to chapter 299A are in excess of the
1 17 revenue attributed to the school district's weighted
1 18 enrollment for such instruction in accordance with this
1 19 subparagraph, the school district may submit a request
1 20 to the school budget review committee for modified
1 21 allowable growth in accordance with section 257.31,
1 22 subsection 5, paragraph "n". ~~A home school assistance~~
~~1 23 program shall not provide moneys~~ Moneys received
1 24 pursuant to this subparagraph, ~~nor resources paid for~~
~~1 25 with moneys received pursuant to this subparagraph, to~~
~~1 26 parents or students utilizing the program shall be used~~
1 27 as provided in section 299A.12.>

1 28 #2. Page 17, after line 35 by inserting:

1 29 <Sec. ____ . NEW SECTION. 299A.12 Home school
1 30 assistance program.

1 31 1. The board of directors of a school district
1 32 may expend moneys received pursuant to section 257.6,
1 33 subsection 1, paragraph "a", subparagraph (5), for
1 34 purposes of providing a home school assistance program
1 35 to provide instruction outside the basic educational
1 36 program provided to regularly enrolled students by the
1 37 school district.

1 38 2. Purposes for which a school district may expend
1 39 funds received pursuant to section 257.6, subsection 1,
1 40 paragraph "a", subparagraph (5), shall include but not
1 41 be limited to the following:

1 42 a. Instruction and assisting parents with
1 43 instruction.

1 44 b. Student and teaching=parent support services and
1 45 staff support services.

1 46 c. Salary and benefits for the supervising teacher
1 47 of the home school assistance program students. If the
1 48 teacher is a part=time home school assistance program
1 49 teacher and a part=time regular classroom teacher,
1 50 funds received pursuant to section 257.6, subsection



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Senate Amendment 5113 continued

2 1 1, paragraph "a", subparagraph (5), may be used only
2 2 for the portion of time in which the teacher is a home
2 3 school assistance program teacher.
2 4 d. Salary and benefits for clerical, office, and
2 5 administrative staff of the home school assistance
2 6 program. If the staff members are shared with other
2 7 programs or functions within the district, funds
2 8 received pursuant to section 257.6, subsection 1,
2 9 paragraph "a", subparagraph (5), shall only be expended
2 10 for the portion of time spent providing the home school
2 11 assistance program services.
2 12 e. Staff development for the home school assistance
2 13 program teacher.
2 14 f. Travel for the home school assistance program
2 15 teacher.
2 16 g. Resources, materials, software, and supplies,
2 17 and purchased services that meet the following
2 18 criteria:
2 19 (1) Are necessary to provide the services of home
2 20 school assistance.
2 21 (2) Are retained as the possessions of the school
2 22 district for its prekindergarten through grade twelve
2 23 home school assistance program.
2 24 3. Purposes for which a school district shall
2 25 not expend funds received pursuant to section 257.6,
2 26 subsection 1, paragraph "a", subparagraph (5) include
2 27 but are not limited to the following:
2 28 a. Indirect costs or use charges.
2 29 b. Operational or maintenance costs in addition to
2 30 the cost of maintaining school district facilities.
2 31 c. Capital expenditures other than equipment or
2 32 facility acquisition or lease expenditures.
2 33 d. Student transportation except in cases of home
2 34 school assistance program=approved field trips or other
2 35 educational activities.
2 36 e. Administrative costs other than the cost
2 37 of employing an administrator for the home school
2 38 assistance program.
2 39 f. Dual enrollment program costs and postsecondary
2 40 enrollment options program costs.
2 41 g. Any other expenditures not directly related to
2 42 providing the home school assistance program. A home
2 43 school assistance program shall not provide moneys to
2 44 parents or students utilizing the program.>

NANCY J. BOETTGER
SF2288.1363 (3) 83
kh/sc



Iowa General Assembly
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Senate Amendment 5114

PAG LIN

1 1 Amend Senate Joint Resolution 2002 as follows:
1 2 #1. Page 1, line 2, by striking <Samuel Kirkwood>
1 3 and inserting <James Harlan>
1 4 #2. Page 1, line 6, by striking <Samuel Kirkwood>
1 5 and inserting <James Harlan>
1 6 #3. Page 1, line 29, by striking <Kirkwood> and
1 7 inserting <Harlan>

MARY JO WILHELM
SJR2002.1392 (1) 83
jr/rj



Iowa General Assembly
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Senate Amendment 5115

PAG LIN

1 1 Amend Senate File 2288 as follows:
1 2 #1. Page 5, after line 27 by inserting:
1 3 <Sec. _____. Section 257.17, Code 2009, is amended to
1 4 read as follows:
1 5 257.17 Aid reduction for early school starts.
1 6 State aid payments made pursuant to section
1 7 257.16 for a fiscal year shall be reduced by one
1 8 one-hundred-eightieth for each day of that fiscal year
1 9 for which the school district begins school before the
1 10 earliest starting date specified in section 279.10,
1 11 subsection 1. However, this section does not apply to
1 12 a school district that has received approval from the
1 13 ~~director of the department of education under section~~
~~1 14 279.10, subsection 4, to commence classes for regularly~~
~~1 15 established elementary and secondary schools in~~
~~1 16 advance of the starting date established in for a pilot~~
1 17 program for an innovative school year in accordance
1 18 with section 279.10, subsection 3.
1 19 #2. Page 8, after line 25 by inserting:
1 20 <Sec. _____. Section 279.10, subsections 1 and 2,
1 21 Code 2009, are amended to read as follows:
1 22 1. The school year shall begin on the first day
1 23 of July and each regularly established elementary
1 24 and secondary school shall begin no sooner than a day
~~1 25 during the calendar week in which the first day of~~
~~1 26 September falls the fourth Monday in August but no~~
1 27 later than the first Monday in December. ~~However, if~~
~~1 28 the first day of September falls on a Sunday, school~~
~~1 29 may begin on a day during the calendar week which~~
~~1 30 immediately precedes the first day of September unless~~
1 31 the school district has received approval from the
1 32 department of education for a pilot program for an
1 33 innovative school year in accordance with subsection 3.
1 34 School shall continue for at least one hundred eighty
1 35 days, except as provided in subsection 3, and may be
1 36 maintained during the entire calendar year. However,
1 37 if the board of directors of a district extends the
1 38 school calendar because inclement weather caused the
1 39 district to temporarily close school during the regular
1 40 school calendar, the district may excuse a graduating
1 41 senior who has met district or school requirements for
1 42 graduation from attendance during the extended school
1 43 calendar. A school corporation may begin employment
1 44 of personnel for in-service training and development
1 45 purposes before the date to begin elementary and
1 46 secondary school. The earliest starting date specified
1 47 in this subsection shall not apply to a school district
1 48 which maintains a year around three semester school
1 49 year.
1 50 2. The board of directors shall hold a public



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Senate Amendment 5115 continued

2 1 hearing on any ~~proposal~~ request made pursuant to
2 2 subsection 3 prior to submitting it to the department
2 3 of education for approval.
2 4 Sec. _____. Section 279.10, subsection 4, Code 2009,
2 5 is amended by striking the subsection.>
2 6 #3. Page 9, line 20, by striking <subsection 2, Code
2 7 2009, is> and inserting <subsections 1 and 2, Code
2 8 2009, are>
2 9 #4. Page 9, after line 21 by inserting:
2 10 <1. The board of directors of each public
2 11 school district and the authorities in charge of
2 12 each nonpublic school shall prescribe the minimum
2 13 educational program and an attendance policy which
2 14 shall require each child to attend school for at least
2 15 one hundred forty=eight days, to be met by attendance
2 16 for at least thirty=seven days each school quarter, for
2 17 the schools under their jurisdictions. Each public
2 18 school and non public school shall comply with the
2 19 start date and school calendar requirements specified
2 20 in section 279.10, subsection 1.>
2 21 #5. Page 21, after line 7 by inserting:
2 22 <Sec. _____. EFFECTIVE DATE. The sections of
2 23 this Act amending section 257.17, section 279.10,
2 24 subsections 1 and 2, and section 280.3, subsection 1,
2 25 and striking section 279.10, subsection 4, take effect
2 26 July 1, 2011, and are applicable for school years
2 27 beginning on or after that date.>
2 28 #6. Title page, line 2, after <boards> by inserting
2 29 <and including effective date provisions>

DAVID JOHNSON
SF2288.1364 (2) 83
kh/sc



Iowa General Assembly
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Senate File 2366 - Introduced

SENATE FILE
BY COMMITTEE ON
APPROPRIATIONS

(SUCCESSOR TO SSB
3197)

A BILL FOR

1 An Act making, reducing, and supplementing appropriations for
2 expenditures in the fiscal year beginning July 1, 2009, and
3 including effective date provisions.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5876SV (3) 83

jp/tm



Iowa General Assembly
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Senate File 2366 - Introduced continued

PAG LIN

1 1 DIVISION I
1 2 ADMINISTRATION AND REGULATION
1 3 Section 1. Section 8A.504, subsection 2, Code 2009, is
1 4 amended by adding the following new paragraph:
1 5 NEW PARAGRAPH. k. If the alleged liability is owing and
1 6 payable to a community college and setoff pursuant to this
1 7 section is sought, both of the following shall apply:
1 8 (1) In addition to satisfying other applicable setoff
1 9 procedures established under this subsection, the community
1 10 college shall prescribe procedures to permit a person to
1 11 contest the amount of the person's liability to the community
1 12 college. Such procedures shall be consistent with and ensure
1 13 the protection of the person's right of due process under Iowa
1 14 law.
1 15 (2) The collection entity shall, except for the procedures
1 16 prescribed pursuant to subparagraph (1), prescribe any other
1 17 applicable procedures concerning setoff as provided in this
1 18 subsection.
1 19 Sec. 2. FORMER MERCY CAPITOL FACILITIES. The department
1 20 of administrative services may sell fixtures, equipment, or
1 21 other items remaining at the former Mercy capitol facilities
1 22 that the department has determined will not be retained for
1 23 use by the state. Any proceeds realized from the sale of the
1 24 fixtures, equipment, or other items are appropriated to the
1 25 department to be used for the costs of occupying and operating
1 26 the facilities.
1 27 DIVISION II
1 28 JUSTICE SYSTEM
1 29 Sec. 3. DEPARTMENT OF CORRECTIONS. After applying the
1 30 reduction made pursuant to executive order number 19 issued
1 31 October 8, 2009, to the appropriations made for the following
1 32 designated purposes, and the transfers made to and from the
1 33 appropriations pursuant to the authority in section 8.39
1 34 and addressed in the notice of appropriation transfer from
1 35 the department of management dated December 23, 2009, there



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Senate File 2366 - Introduced continued

2 1 is appropriated from the general fund of the state to the
 2 2 department of corrections for the fiscal year beginning July 1,
 2 3 2009, and ending June 30, 2010, the following amounts, or so
 2 4 much thereof as is necessary, to supplement the appropriations
 2 5 made for the following designated purposes:

2 6 1. For the operation of adult correctional institutions in
 2 7 2009 Iowa Acts, chapter 178, section 3, subsection 1, to be
 2 8 allocated as follows:

2 9 a. For the operation of the Fort Madison correctional
 2 10 facility in 2009 Iowa Acts, chapter 178, section 3, subsection
 2 11 1, paragraph "a":
 2 12 \$ 864,048

2 13 b. For the operation of the Anamosa correctional facility in
 2 14 2009 Iowa Acts, chapter 178, section 3, subsection 1, paragraph
 2 15 "b":
 2 16 \$ 343,179

2 17 c. For the operation of the Oakdale correctional facility in
 2 18 2009 Iowa Acts, chapter 178, section 3, subsection 1, paragraph
 2 19 "c":
 2 20 \$ 2,750,762

2 21 d. For the operation of the Newton correctional facility in
 2 22 2009 Iowa Acts, chapter 178, section 3, subsection 1, paragraph
 2 23 "d":
 2 24 \$ 526,181

2 25 e. For the operation of the Mt. Pleasant correctional
 2 26 facility in 2009 Iowa Acts, chapter 178, section 3, subsection
 2 27 1, paragraph "e":
 2 28 \$ 415,980

2 29 f. For the operation of the Rockwell City correctional
 2 30 facility in 2009 Iowa Acts, chapter 178, section 3, subsection
 2 31 1, paragraph "f":
 2 32 \$ 108,833

2 33 g. For the operation of the Clarinda correctional facility
 2 34 in 2009 Iowa Acts, chapter 178, section 3, subsection 1,
 2 35 paragraph "g":



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Senate File 2366 - Introduced continued

3	1	\$	451,752
3	2	h. For the operation of the Mitchellville correctional		
3	3	facility in 2009 Iowa Acts, chapter 178, section 3, subsection		
3	4	1, paragraph "h":		
3	5	.....	\$	169,416
3	6	i. For the operation of the Fort Dodge correctional facility		
3	7	in 2009 Iowa Acts, chapter 178, section 3, subsection 1,		
3	8	paragraph "i":		
3	9	.....	\$	200,000
3	10	2. For the judicial district departments of correctional		
3	11	services in 2009 Iowa Acts, chapter 178, section 5, subsection		
3	12	1, to be allocated as follows:		
3	13	a. For the first judicial district department of		
3	14	correctional services in 2009 Iowa Acts, chapter 178, section		
3	15	5, subsection 1, paragraph "a":		
3	16	.....	\$	110,275
3	17	b. For the second judicial district department of		
3	18	correctional services in 2009 Iowa Acts, chapter 178, section		
3	19	5, subsection 1, paragraph "b":		
3	20	.....	\$	308,214
3	21	c. For the third judicial district department of		
3	22	correctional services in 2009 Iowa Acts, chapter 178, section		
3	23	5, subsection 1, paragraph "c":		
3	24	.....	\$	18,010
3	25	d. For the fourth judicial district department of		
3	26	correctional services in 2009 Iowa Acts, chapter 178, section		
3	27	5, subsection 1, paragraph "d":		
3	28	.....	\$	76,117
3	29	e. For the fifth judicial district department of		
3	30	correctional services in 2009 Iowa Acts, chapter 178, section		
3	31	5, subsection 1, paragraph "e":		
3	32	.....	\$	790,020
3	33	f. For the sixth judicial district department of		
3	34	correctional services in 2009 Iowa Acts, chapter 178, section		
3	35	5, subsection 1, paragraph "f":		



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4 1 \$ 302,810
 4 2 g. For the seventh judicial district department of
 4 3 correctional services in 2009 Iowa Acts, chapter 178, section
 4 4 5, subsection 1, paragraph "g":
 4 5 \$ 24,923
 4 6 h. For the eighth judicial district department of
 4 7 correctional services in 2009 Iowa Acts, chapter 178, section
 4 8 5, subsection 1, paragraph "h":
 4 9 \$ 400,850
 4 10 Sec. 4. STATE PUBLIC DEFENDER. After applying the reduction
 4 11 made pursuant to executive order number 19 issued October 8,
 4 12 2009, to the appropriation made for the following designated
 4 13 purposes, there is appropriated from the general fund of
 4 14 the state to the office of the state public defender of the
 4 15 department of inspections and appeals for the fiscal year
 4 16 beginning July 1, 2009, and ending June 30, 2010, the following
 4 17 amount, or so much thereof as is necessary, to supplement the
 4 18 appropriations made for the following designated purposes:
 4 19 For the fees of court-appointed attorneys for indigent
 4 20 adults and juveniles, in accordance with section 232.141 and
 4 21 chapter 815, in 2009 Iowa Acts, chapter 178, section 10,
 4 22 subsection 2:
 4 23 \$ 10,900,000
 4 24 Sec. 5. DEPARTMENT OF PUBLIC DEFENSE. After applying
 4 25 the reduction made pursuant to executive order number 19
 4 26 issued October 8, 2009, to the appropriations made for the
 4 27 following designated purposes, and the transfers made from
 4 28 the appropriations pursuant to the authority in section 8.39
 4 29 and addressed in the notice of appropriation transfer from
 4 30 the department of management dated December 23, 2009, there
 4 31 is appropriated from the general fund of the state to the
 4 32 department of public defense for the fiscal year beginning July
 4 33 1, 2009, and ending June 30, 2010, the following amounts, or so
 4 34 much thereof as is necessary, to supplement the appropriations
 4 35 made for the following designated purposes:



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5 1 1. MILITARY DIVISION
5 2 For salaries, support, maintenance, and miscellaneous
5 3 purposes, in 2009 Iowa Acts, chapter 178, section 13,
5 4 subsection 1:
5 5 \$ 526,202
5 6 2. HOMELAND SECURITY AND EMERGENCY MANAGEMENT DIVISION
5 7 For salaries, support, maintenance, and miscellaneous
5 8 purposes in 2009 Iowa Acts, chapter 178, section 13, subsection
5 9 2:
5 10 \$ 61,614
5 11 Sec. 6. 2009 Iowa Acts, chapter 172, section 1, subsection
5 12 1, as amended by 2009 Iowa Acts, chapter 179, section 66, is
5 13 amended to read as follows:
5 14 1. There is appropriated from the general fund of the state
5 15 to the judicial branch for the fiscal year beginning July 1,
5 16 2009, and ending June 30, 2010, the following amount, or so
5 17 much thereof as is necessary, to be used for the purposes
5 18 designated:
5 19 For salaries of supreme court justices, appellate court
5 20 judges, district court judges, district associate judges,
5 21 judicial magistrates and staff, state court administrator,
5 22 clerk of the supreme court, district court administrators,
5 23 clerks of the district court, juvenile court officers, board of
5 24 law examiners and board of examiners of shorthand reporters and
5 25 judicial qualifications commission; receipt and disbursement
5 26 of child support payments; reimbursement of the auditor
5 27 of state for expenses incurred in completing audits of the
5 28 offices of the clerks of the district court during the fiscal
5 29 year beginning July 1, 2009; and maintenance, equipment, and
5 30 miscellaneous purposes:
5 31 ~~\$160,184,957~~
5 32 148,811,822
5 33 As a condition of receiving an increase to the appropriation
5 34 made in this section, the judicial branch shall allocate
5 35 the first \$5,400,000 of the increased amount as follows:



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6 1 \$4,800,000 for the state's required contribution under section
6 2 602.9104 to the judicial retirement fund, \$350,000 for court
6 3 debt collection, and \$250,000 for judicial officer and court
6 4 employee travel reimbursement for civil trials.

6 5 Sec. 7. REVERSION. Notwithstanding section 8.33, moneys
6 6 appropriated in this division of this Act to the department
6 7 of corrections that remain unencumbered or unobligated at the
6 8 close of the fiscal year shall not revert but shall remain
6 9 available for expenditure for the purposes designated until the
6 10 close of the succeeding fiscal year.

DIVISION III
EDUCATION

6 13 Sec. 8. DEPARTMENT OF EDUCATION. After applying the
6 14 reduction made pursuant to executive order number 19 issued
6 15 October 8, 2009, to the appropriations made for the following
6 16 designated purposes, and the transfers made to and from the
6 17 appropriations pursuant to the authority in section 8.39 and
6 18 addressed in the notices of appropriation transfer from the
6 19 department of management dated December 15, 2009, and December
6 20 23, 2009, there is appropriated from the general fund of the
6 21 state to the department of education for the fiscal year
6 22 beginning July 1, 2009, and ending June 30, 2010, the following
6 23 amounts, or so much thereof as is necessary, to supplement the
6 24 appropriations made for the following designated purposes:

6 25 1. STATE LIBRARY == ENRICH IOWA PROGRAM
6 26 For the enrich Iowa program established under section
6 27 256.57, in 2009 Iowa Acts, chapter 177, section 6, subsection
6 28 4, paragraph "b":
6 29 \$ 179,608

6 30 2. IOWA EMPOWERMENT FUND == PRESCHOOL TUITION ASSISTANCE
6 31 For deposit in the school ready children grants account of
6 32 the Iowa empowerment fund created in section 28.9, in 2009 Iowa
6 33 Acts, chapter 177, section 6, subsection 11, paragraph "a":
6 34 \$ 877,215

6 35 3. FOUR=YEAR=OLD PRESCHOOL PROGRAM



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7 1 For allocation to eligible school districts for the
 7 2 four-year-old preschool program under chapter 256C, in 2009
 7 3 Iowa Acts, chapter 177, section 6, subsection 14:
 7 4 \$ 1,194,569
 7 5 4. TEXTBOOKS OF NONPUBLIC SCHOOL PUPILS
 7 6 To provide moneys for costs of providing textbooks to each
 7 7 resident pupil who attends a nonpublic school as authorized
 7 8 by section 301.1, in 2009 Iowa Acts, chapter 177, section 6,
 7 9 subsection 15:
 7 10 \$ 62,563
 7 11 5. CORE CURRICULUM AND CAREER INFORMATION AND
 7 12 DECISION-MAKING SYSTEM
 7 13 For purposes of implementing the statewide core curriculum
 7 14 for school districts and accredited nonpublic schools and a
 7 15 state-designated career information and decision-making system
 7 16 in 2009 Iowa Acts, chapter 177, section 6, subsection 17:
 7 17 \$ 197,954
 7 18 6. STUDENT ACHIEVEMENT AND TEACHER QUALITY PROGRAM
 7 19 For purposes of the student achievement and teacher quality
 7 20 program established pursuant to chapter 284, in 2009 Iowa Acts,
 7 21 chapter 177, section 6, subsection 18:
 7 22 \$ 892,428
 7 23 7. COMMUNITY COLLEGES
 7 24 For general state financial aid to merged areas as defined
 7 25 in section 260C.2 in accordance with chapters 258 and 260C, in
 7 26 2009 Iowa Acts, chapter 177, section 6, subsection 19:
 7 27 \$ 5,943,581
 7 28 The appropriation made in this subsection shall be allocated
 7 29 to the merged areas in the same proportion as the allocations
 7 30 made to the merged areas in accordance with 2009 Iowa Acts,
 7 31 chapter 177, section 6, subsection 19, bear to the amount
 7 32 appropriated.
 7 33 8. PROGRAMS FOR AT-RISK CHILDREN
 7 34 For programs for at-risk children in section 279.51, as
 7 35 limited by 2009 Iowa Acts, chapter 179, section 4, subsection



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8 1 9:
8 2 \$ 1,149,389
8 3 9. K=12 MANAGEMENT INFORMATION SYSTEM
8 4 For the kindergarten to grade twelve management information
8 5 system in 2009 Iowa Acts, chapter 179, section 156, subsection
8 6 3, paragraph "b":
8 7 \$ 23,000
8 8 10. IOWA SENIOR YEAR PLUS PROGRAM
8 9 For purposes of implementing the senior year plus program
8 10 established pursuant to section 261E.1, in 2008 Iowa Acts,
8 11 chapter 1181, section 5, subsection 17:
8 12 \$ 140,556
8 13 Sec. 9. STATE BOARD OF REGENTS. After applying the
8 14 reduction made pursuant to executive order number 19 issued
8 15 October 8, 2009, to the appropriations made for the following
8 16 designated purposes, and the transfers made to and from the
8 17 appropriations pursuant to the authority in section 8.39 and
8 18 addressed in the notice of appropriation transfer from the
8 19 department of management dated December 23, 2009, there is
8 20 appropriated from the general fund of the state to the state
8 21 board of regents for the fiscal year beginning July 1, 2009,
8 22 and ending June 30, 2010, the following amounts, or so much
8 23 thereof as is necessary, to supplement the appropriations made
8 24 for the following designated purposes:
8 25 1. STATE UNIVERSITY OF IOWA
8 26 For the general university, including lakeside laboratory
8 27 in 2009 Iowa Acts, chapter 177, section 10, subsection 2,
8 28 paragraph "a":
8 29 \$ 14,371,621
8 30 2. IOWA STATE UNIVERSITY OF SCIENCE AND TECHNOLOGY
8 31 For the general university in 2009 Iowa Acts, chapter 177,
8 32 section 10, subsection 3, paragraph "a":
8 33 \$ 10,839,521
8 34 3. UNIVERSITY OF NORTHERN IOWA
8 35 For the general university in 2009 Iowa Acts, chapter 177,



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9 1 section 10, subsection 4, paragraph "a":
 9 2 \$ 5,227,665
 9 3 4. STATE SCHOOL FOR THE DEAF
 9 4 For the state school for the deaf in 2009 Iowa Acts, chapter
 9 5 177, section 10, subsection 5:
 9 6 \$ 583,902

9 7 5. IOWA BRAILLE AND SIGHT SAVING SCHOOL
 9 8 For the Iowa braille and sight saving school in 2009 Iowa
 9 9 Acts, chapter 177, section 10, subsection 6:
 9 10 \$ 337,791

9 11 Sec. 10. NONREVERSION. Notwithstanding section 8.33,
 9 12 moneys appropriated in this division of this Act to the
 9 13 department of education for community colleges and to the state
 9 14 board of regents for institutions under the control of the
 9 15 board that remain unencumbered or unobligated at the close of
 9 16 the fiscal year shall not revert but shall remain available for
 9 17 expenditure for the purposes designated until the close of the
 9 18 succeeding fiscal year.

DIVISION IV

GENERAL ASSEMBLY AND MISCELLANEOUS

9 21 Sec. 11. 2009 Iowa Acts, chapter 179, section 3, subsection
 9 22 1, is amended to read as follows:

9 23 1. The appropriations made pursuant to section 2.12 for the
 9 24 expenses of the general assembly and legislative agencies for
 9 25 the fiscal year beginning July 1, 2009, and ending June 30,
 9 26 2010, are reduced by the following amount:
 9 27 \$ ~~4,439,653~~
 9 28 7,780,064

9 29 Sec. 12. 2009 Iowa Acts, chapter 181, section 10, subsection
 9 30 5, is amended to read as follows:

9 31 5. STATE=FEDERAL RELATIONS
 9 32 For salaries, support, maintenance, and miscellaneous
 9 33 purposes for the office for state=federal relations, and for
 9 34 not more than the following full=time equivalent positions:
 9 35 \$ 46,620



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10	1 FTEs	1.00
10	2		<u>2.00</u>
10	3	DIVISION v	
10	4	HEALTH	
10	5	Sec. 13. DEPARTMENT OF PUBLIC HEALTH. After applying the	
10	6	reduction made pursuant to executive order number 19 issued	
10	7	October 8, 2009, to the appropriations made for the following	
10	8	designated purposes, and any transfers made to and from the	
10	9	appropriations pursuant to the authority in section 8.39	
10	10	and addressed in the notice of appropriation transfer from	
10	11	the department of management dated December 23, 2009, there	
10	12	is appropriated from the general fund of the state to the	
10	13	department of public health for the fiscal year beginning July	
10	14	1, 2009, and ending June 30, 2010, the following amounts, or so	
10	15	much thereof as is necessary, to supplement the appropriations	
10	16	made for the following designated purposes:	
10	17	1. ADDICTIVE DISORDERS	
10	18	For reducing the prevalence of use of tobacco, alcohol, and	
10	19	other drugs, and treating individuals affected by addictive	
10	20	behaviors, including gambling, in 2009 Iowa Acts, chapter 182,	
10	21	section 2, subsection 1:	
10	22	..... \$	2,627,532
10	23	2. HEALTHY CHILDREN AND FAMILIES	
10	24	For promoting the optimum health status for children,	
10	25	adolescents from birth through 21 years of age, and families,	
10	26	in 2009 Iowa Acts, chapter 182, section 2, subsection 2:	
10	27	..... \$	329,267
10	28	3. CHRONIC CONDITIONS	
10	29	For serving individuals identified as having chronic	
10	30	conditions or special health care needs in 2009 Iowa Acts,	
10	31	chapter 182, section 2, subsection 3:	
10	32	..... \$	321,643
10	33	4. COMMUNITY CAPACITY	
10	34	For strengthening the health care delivery system at	
10	35	the local level in 2009 Iowa Acts, chapter 182, section 2,	



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11 1 subsection 4:
 11 2 \$ 23,000
 11 3 5. ELDERLY WELLNESS
 11 4 For promotion of healthy aging and optimization of the
 11 5 health of older adults in 2009 Iowa Acts, chapter 182, section
 11 6 2, subsection 5:
 11 7 \$ 834,578
 11 8 6. ENVIRONMENTAL HAZARDS
 11 9 For reducing the public's exposure to hazards in the
 11 10 environment, in 2009 Iowa Acts, chapter 182, section 2,
 11 11 subsection 6:
 11 12 \$ 65,598
 11 13 7. INFECTIOUS DISEASES
 11 14 For reducing the incidence and prevalence of communicable
 11 15 diseases, in 2009 Iowa Acts, chapter 182, section 2, subsection
 11 16 7:
 11 17 \$ 138,372
 11 18 8. PUBLIC PROTECTION
 11 19 For protecting the health and safety of the public through
 11 20 establishing standards and enforcing regulations, in 2009 Iowa
 11 21 Acts, chapter 182, section 2, subsection 8:
 11 22 \$ 23,248
 11 23 9. CENTER FOR CONGENITAL AND INHERITED DISORDERS CENTRAL
 11 24 REGISTRY
 11 25 For the center for congenital and inherited disorders
 11 26 central registry to supplement the amount appropriated pursuant
 11 27 to section 144.13A, subsection 4, paragraph "a":
 11 28 \$ 20,684
 11 29 DIVISION Vi
 11 30 HUMAN SERVICES
 11 31 Sec. 14. DEPARTMENT OF HUMAN SERVICES == STATE CASES. After
 11 32 applying the reduction made pursuant to executive order number
 11 33 19 issued October 8, 2009, to the appropriation made for the
 11 34 following designated purposes, there is appropriated from the
 11 35 general fund of the state to the department of human services



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12 1 for the fiscal year beginning July 1, 2009, and ending June 30,
12 2 2010, the following amount, or so much thereof as is necessary,
12 3 to supplement the appropriation made for the following
12 4 designated purposes:

12 5 For distribution to counties for state case services
12 6 for persons with mental illness, mental retardation, and
12 7 developmental disabilities in accordance with section 331.440,
12 8 in 2009 Iowa Acts, chapter 182, section 24, subsection 1:

12 9 \$ 100,163
12 10 Sec. 15. 2009 Iowa Acts, chapter 182, section 19, is amended

12 11 to read as follows:

12 12 SEC. 19. JUVENILE DETENTION HOME FUND. Moneys deposited
12 13 in the juvenile detention home fund created in section 232.142
12 14 during the fiscal year beginning July 1, 2009, and ending June
12 15 30, 2010, are appropriated to the department of human services
12 16 for the fiscal year beginning July 1, 2009, and ending June 30,
12 17 2010, to be allocated as follows:

12 18 1. For funding of core department of human services'
12 19 juvenile delinquent graduated sanction services and to replace
12 20 a reduction in state funding of such services made pursuant to
12 21 executive order number 19 issued October 8, 2009:

12 22 \$ 1,000,000

12 23 2. The remainder for distribution of an amount equal to
12 24 a percentage of the costs of the establishment, improvement,
12 25 operation, and maintenance of county or multicounty juvenile
12 26 detention homes in the fiscal year beginning July 1,
12 27 2008. Moneys ~~appropriated~~ allocated for distribution in
12 28 accordance with this ~~section~~ subsection shall be allocated
12 29 among eligible detention homes, prorated on the basis of an
12 30 eligible detention home's proportion of the costs of all
12 31 eligible detention homes in the fiscal year beginning July
12 32 1, 2008. The percentage figure shall be determined by the
12 33 department based on the amount available for distribution for
12 34 the fund. Notwithstanding section 232.142, subsection 3, the
12 35 financial aid payable by the state under that provision for



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13 1 the fiscal year beginning July 1, 2009, shall be limited to
 13 2 the amount ~~appropriated~~ allocated for the purposes of this
 13 3 ~~section~~ subsection.
 13 4 Notwithstanding section 232.188, or any other provision of
 13 5 law to the contrary, the first \$1,000,000 of moneys designated
 13 6 for decategorization funding projects for the fiscal year
 13 7 beginning July 1, 2009, remaining unencumbered or unobligated
 13 8 at the close of the fiscal year shall not be used as carryover
 13 9 funding but shall instead be transferred to the juvenile
 13 10 detention home fund and shall be allocated to county and
 13 11 multicounty juvenile detention homes to restore the amount
 13 12 diverted pursuant to subsection 1.

13 13 DIVISION vii

13 14 INFRASTRUCTURE APPROPRIATIONS

13 15 Sec. 16. 2007 Iowa Acts, chapter 219, section 1, subsection
 13 16 3, paragraph d, is amended to read as follows:

13 17 d. For the lease payment under the lease-purchase agreement
 13 18 to connect the electrical system supporting the special needs
 13 19 unit at Fort Madison:

13 20	\$ 333,168
13 21	<u>305,404</u>

13 22 Sec. 17. 2007 Iowa Acts, chapter 219, section 1, subsection
 13 23 7, is amended to read as follows:

13 24 7. DEPARTMENT OF HUMAN SERVICES

13 25 For the renovation and construction of certain nursing
 13 26 facilities, consistent with the provisions of chapter 249K, as
 13 27 enacted in this Act:

13 28	\$ 1,000,000
13 29 <u>200,000</u>	

13 30 Sec. 18. 2008 Iowa Acts, chapter 1179, section 1, subsection
 13 31 1, paragraph d, is amended to read as follows:

13 32 d. For costs associated with developing the request for
 13 33 proposals necessary for the procurement and implementation
 13 34 of a human resources module associated with the integrated
 13 35 information for Iowa system, notwithstanding section 8.57,



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14 1 subsection 6, paragraph "c":
 14 2 \$ 200,000
 14 3 0
 14 4 Sec. 19. 2008 Iowa Acts, chapter 1179, section 1, subsection
 14 5 3, paragraph c, is amended to read as follows:
 14 6 c. For a study related to the fifth judicial district
 14 7 department of correctional services, notwithstanding section
 14 8 8.57, subsection 6, paragraph "c":
 14 9 \$ 200,000
 14 10 96,654
 14 11 Sec. 20. 2008 Iowa Acts, chapter 1179, section 1, subsection
 14 12 4, paragraph d, is amended to read as follows:
 14 13 d. For repairs to the historic Kimball organ located in
 14 14 Clermont, Iowa, notwithstanding section 8.57, subsection 6,
 14 15 paragraph "c":
 14 16 \$ 80,000
 14 17 55,000
 14 18 Sec. 21. 2008 Iowa Acts, chapter 1179, section 1, subsection
 14 19 7, paragraphs a and b, are amended to read as follows:
 14 20 a. For the renovation and construction of certain nursing
 14 21 facilities, consistent with the provisions of chapter 249K:
 14 22 \$ 600,000
 14 23 0
 14 24 b. For a study of ways to enhance access to health insurance
 14 25 by registered child development home providers in accordance
 14 26 with this section, notwithstanding section 8.57, subsection 6,
 14 27 paragraph "c":
 14 28 \$ 50,000
 14 29 0
 14 30 Sec. 22. 2008 Iowa Acts, chapter 1179, section 1, subsection
 14 31 9, paragraph c, is amended to read as follows:
 14 32 c. For a grant to a city with a population of more
 14 33 than 30,500 but less than 31,500, according to the 2006
 14 34 estimate issued by the United States bureau of the census,
 14 35 notwithstanding section 8.57, subsection 6, paragraph "c":



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15 1 \$ ~~150,000~~

15 2 135,000

15 3 Sec. 23. 2009 Iowa Acts, chapter 184, section 5, is amended
15 4 to read as follows:

15 5 SEC. 5. Notwithstanding the amount of the standing
15 6 appropriation from the rebuild Iowa infrastructure fund
15 7 as provided in section 15G.110, subsection 2, there is
15 8 appropriated from the rebuild Iowa infrastructure fund to
15 9 the department of economic development for deposit into the
15 10 grow Iowa values fund, in lieu of the appropriation made in
15 11 section 15G.110, subsection 2, for the fiscal year beginning
15 12 July 1, 2009, and ending June 30, 2010, the following amount,
15 13 notwithstanding section 8.57, subsection 6, paragraph "c":

15 14 \$ ~~45,000,000~~

15 15 27,500,000

15 16 Sec. 24. 2009 Iowa Acts, chapter 184, section 7, is amended
15 17 to read as follows:

15 18 SEC. 7. REDUCTION OF THE GROW IOWA VALUES FUND APPROPRIATION
15 19 TO THE DEPARTMENT OF ECONOMIC DEVELOPMENT. In lieu of the
15 20 fifty million dollars appropriated for the fiscal year
15 21 beginning July 1, 2009, and ending June 30, 2010, from the grow
15 22 Iowa values fund to the department of economic development
15 23 pursuant to section 15G.111, subsection 3, if enacted by 2009
15 24 Iowa Acts, Senate File 344, section 2, there is appropriated
15 25 from the grow Iowa values fund to the department of economic
15 26 development for the fiscal year beginning July 1, 2009, and
15 27 ending June 30, 2010, ~~forty-five~~ twenty-seven million five
15 28 hundred thousand dollars for purposes of making expenditures
15 29 pursuant to chapter 15G.

15 30 Sec. 25. 2009 Iowa Acts, chapter 184, section 8, unnumbered
15 31 paragraph 1, is amended to read as follows:

15 32 In lieu of the amounts allocated pursuant to section
15 33 15G.111, subsections 4 through 10, if enacted by 2009
15 34 Iowa Acts, Senate File 344, section 2, for the fiscal year
15 35 beginning July 1, 2009, and ending June 30, 2010, of the



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16 1 ~~forty-five~~ twenty-seven million five hundred thousand dollars
16 2 appropriated to the department of economic development pursuant
16 3 to this division of this Act, the department shall allocate the
16 4 following amounts for the following purposes as described in
16 5 section 15G.111, subsections 4 through 10, if enacted by 2009
16 6 Iowa Acts, Senate File 344, section 2:

16 7 Sec. 26. 2009 Iowa Acts, chapter 184, section 8, subsection
16 8 1, is amended to read as follows:

16 9 1. For departmental purposes, ~~twenty-eight~~ eleven million
16 10 ~~eight~~ three hundred thousand dollars. Of the moneys
16 11 allocated pursuant to this subsection and in lieu of the two
16 12 million dollars allocated for deposit in the renewable fuel
16 13 infrastructure fund under section 15G.111, subsection 4,
16 14 paragraph "h", if enacted by 2009 Iowa Acts, Senate File 344,
16 15 section 2, the department shall allocate one million eight
16 16 hundred thousand dollars for deposit in the renewable fuel
16 17 infrastructure fund.

16 18 DIVISION viii

16 19 EFFECTIVE DATE

16 20 Sec. 27. EFFECTIVE UPON ENACTMENT. Unless provided
16 21 otherwise, this Act, being deemed of immediate importance,
16 22 takes effect upon enactment.

16 23 EXPLANATION

16 24 This bill makes, reduces, and supplements appropriations
16 25 for expenditures in FY 2009=2010. The bill is organized into
16 26 divisions.

16 27 DIVISION I == ADMINISTRATION AND REGULATION. This division
16 28 addresses certain provisions involving the department of
16 29 administrative services.

16 30 Code section 8A.504, relating to setoff of debts owed by a
16 31 person to the state or agencies of the state from claims owed
16 32 to the person by a state agency, is amended to authorize such
16 33 setoff for liabilities owed to community colleges.

16 34 The division allows the department to sell fixtures,
16 35 equipment, or other items remaining at the former Mercy capitol



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17 1 facilities that the department has determined will not be
17 2 retained for use by the state and appropriates the proceeds
17 3 to be used for the costs of occupying and operating the
17 4 facilities.

17 5 DIVISION II == JUSTICE SYSTEM. This division supplements
17 6 the amounts of appropriations made for the justice system in
17 7 2009 Iowa Acts, chapter 178, to the following departments
17 8 and agencies: department of corrections institutions and
17 9 community-based corrections, public defender, and department
17 10 of public defense. In addition, certain appropriations made
17 11 to the judicial branch in 2009 Iowa Acts, chapter 172, are
17 12 reduced.

17 13 Language is included clarifying that the supplemental
17 14 appropriations are made after the governor's uniform reduction
17 15 made pursuant to executive order number 19 issued October 8,
17 16 2009, and various transfers to and from appropriations.

17 17 Authorization is provided for the moneys from the
17 18 supplemental appropriations made in the division to the
17 19 department of corrections for correctional facilities and
17 20 judicial district departments of correctional services that
17 21 remain unencumbered or unobligated at the close of the fiscal
17 22 year to carry forward to the succeeding fiscal year.

17 23 DIVISION III == EDUCATION. This division supplements
17 24 certain appropriations made for education.

17 25 Appropriations made in 2009 Iowa Acts, chapter 177, to
17 26 the department of education for the following purposes
17 27 are supplemented: enrich Iowa program, preschool tuition
17 28 assistance, four-year-old preschool program, textbooks of
17 29 nonpublic school pupils, core curriculum and career information
17 30 and decision-making system, student achievement and teacher
17 31 quality program, and community colleges. The appropriation
17 32 made for the senior year plus program in 2008 Iowa Acts,
17 33 chapter 1181, is also supplemented. Code section 261E.13
17 34 allowed the unexpended portion of the appropriation to remain
17 35 available for FY 2009=2010. Appropriations made in 2009



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18 1 Iowa Acts, chapter 179, for the following purposes are also
18 2 addressed: the standing appropriation for at-risk children
18 3 that was limited is supplemented to restore the limited amount
18 4 and an appropriation for management information system is
18 5 restored. The appropriations to the state board of regents
18 6 for the following purposes are supplemented: state university
18 7 of Iowa, Iowa state university of science and technology,
18 8 university of northern Iowa, state school for the deaf, and
18 9 Iowa braille and sight saving school.

18 10 Language is included clarifying that the supplemental
18 11 appropriations are made after the governor's uniform reduction
18 12 made pursuant to executive order number 19 issued October 8,
18 13 2009, and various transfers to and from appropriations.

18 14 Authorization is provided for the moneys from the
18 15 supplemental appropriations made in the division to the
18 16 department of education for community colleges and to the state
18 17 board of regents that remain unencumbered or unobligated at the
18 18 close of the fiscal year to carry forward to the succeeding
18 19 fiscal year.

18 20 DIVISION IV == GENERAL ASSEMBLY AND MISCELLANEOUS. This
18 21 division addresses appropriations for the expenses of the
18 22 general assembly and other purposes. A reduction to the amount
18 23 of the standing appropriation made for the expenses of the
18 24 general assembly in 2009 Iowa Acts, chapter 179, is increased.
18 25 The number of full-time equivalent positions authorized for the
18 26 office of state-federal relations under the governor's office
18 27 in 2009 Iowa Acts, chapter 181, are increased.

18 28 DIVISION V == HEALTH. This division revises certain
18 29 appropriations made for health programs in 2009 Iowa Acts,
18 30 chapter 182. The following appropriations are supplemented:
18 31 addictive disorders, healthy children and families, chronic
18 32 conditions, community capacity, elderly wellness, environmental
18 33 hazards, infectious diseases, public protection, and center for
18 34 congenital and inherited disorders.

18 35 Language is included clarifying that the supplemental



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19 1 appropriations are made after the governor's uniform reduction
19 2 made pursuant to executive order number 19 issued October 8,
19 3 2009, and various transfers to and from appropriations.
19 4 DIVISION VI == HUMAN SERVICES. This division makes a
19 5 supplemental appropriation to the department of human services
19 6 for state case services for distribution to counties for
19 7 state case services for persons with mental illness, mental
19 8 retardation, and developmental disabilities.
19 9 The appropriation to the department from the juvenile
19 10 detention home fund in 2009 Iowa Acts, chapter 182, section
19 11 19, is revised to divert \$1 million for funding of core
19 12 departmental juvenile delinquent graduated sanctions services
19 13 and to replace a reduction for the funding of such services
19 14 due to the governor's order applying a uniform reduction. The
19 15 first \$1 million of moneys designated for the decategorization
19 16 of child welfare and juvenile justice funding initiative under
19 17 Code section 232.188, that would otherwise be used as carryover
19 18 funding, is instead transferred to the juvenile detention home
19 19 fund to restore the amount diverted.
19 20 Language is included clarifying that the supplemental
19 21 appropriations are made after the governor's uniform reduction
19 22 made pursuant to executive order number 19 issued October 8,
19 23 2009, and various transfers to and from appropriations.
19 24 DIVISION VII == INFRASTRUCTURE APPROPRIATIONS. This
19 25 division revises various infrastructure appropriations.
19 26 Appropriations from the rebuild Iowa infrastructure fund
19 27 in 2007 Iowa Acts, chapter 219, for the following purposes
19 28 are reduced: to the department of corrections for electrical
19 29 systems costs at the Fort Madison facility and to the
19 30 department of human services for renovation and construction
19 31 of certain nursing facilities.
19 32 Appropriations from the rebuild Iowa infrastructure fund in
19 33 2008 Iowa Acts, chapter 1179, for the following purposes are
19 34 reduced or eliminated: to the department of administrative
19 35 services for information technology, to the department of



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Senate File 2366 - Introduced continued

20 1 corrections for a study related to the fifth judicial district
20 2 department of correctional services, to the department of
20 3 cultural affairs for repairs to a historic Kimball organ,
20 4 to the department of human services for renovation and
20 5 construction of certain nursing facilities and a study of ways
20 6 to enhance access to health insurance by certain child care
20 7 providers, and to the department of natural resources for a
20 8 grant to a city with a certain population level.

20 9 A reduction in the standing appropriation from \$50 million
20 10 to \$45 million made from the rebuild Iowa infrastructure
20 11 fund to the grow Iowa values fund in 2009 Iowa Acts, chapter
20 12 184, is further reduced to \$27.5 million. The allocation of
20 13 this funding for the programs of the department of economic
20 14 development is reduced accordingly.

20 15 DIVISION VIII == EFFECTIVE DATE. This division provides
20 16 that the bill takes effect upon enactment unless otherwise
20 17 provided.

LSB 5876SV (3) 83

jp/tm



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Senate Study Bill 3235

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

A BILL FOR

1 An Act relating to and making appropriations for health and
2 human services and including other related provisions and
3 appropriations, and providing effective, retroactive, and
4 applicability date provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5100XG (32) 83
pf/jp



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PAG LIN

1 1 DIVISION I
 1 2 GENERAL FUND AND BLOCK GRANT APPROPRIATIONS
 1 3 ELDER AFFAIRS
 1 4 Section 1. DEPARTMENT ON AGING. There is appropriated from
 1 5 the general fund of the state to the department on aging for
 1 6 the fiscal year beginning July 1, 2010, and ending June 30,
 1 7 2011, the following amount, or so much thereof as is necessary,
 1 8 to be used for the purposes designated:
 1 9 For aging programs for the department on aging and area
 1 10 agencies on aging to provide citizens of Iowa who are 60 years
 1 11 of age and older with case management for the frail elderly,
 1 12 resident advocate committee coordination, employment, and other
 1 13 services which may include but are not limited to adult day
 1 14 services, respite care, chore services, telephone reassurance,
 1 15 information and assistance, and home repair services, and
 1 16 for the construction of entrance ramps which make residences
 1 17 accessible to the physically handicapped, and for salaries,
 1 18 support, administration, maintenance, and miscellaneous
 1 19 purposes:
 1 20 \$ 4,462,407
 1 21 1. Funds appropriated in this section may be used to
 1 22 supplement federal funds under federal regulations. To
 1 23 receive funds appropriated in this section, a local area
 1 24 agency on aging shall match the funds with moneys from other
 1 25 sources according to rules adopted by the department. Funds
 1 26 appropriated in this section may be used for elderly services
 1 27 not specifically enumerated in this section only if approved
 1 28 by an area agency on aging for provision of the service within
 1 29 the area.
 1 30 2. Of the funds appropriated in this section, \$1,246,514
 1 31 shall be transferred to the department of human services in
 1 32 equal amounts on a quarterly basis for reimbursement of case
 1 33 management services provided under the medical assistance
 1 34 elderly waiver.
 1 35 3. Of the funds appropriated in this section, \$179,961 shall



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2 1 be transferred to the department of economic development for
2 2 the Iowa commission on volunteer services to be used for the
2 3 retired and senior volunteer program.

2 4 DIVISION II
2 5 HEALTH

2 6 Sec. 2. DEPARTMENT OF PUBLIC HEALTH. The allocations
2 7 made in this section may include amounts carried forward from
2 8 appropriations and allocations made for the same purposes in
2 9 the previous fiscal year. There is appropriated from the
2 10 general fund of the state to the department of public health
2 11 for the fiscal year beginning July 1, 2010, and ending June
2 12 30, 2011, the following amounts, or so much thereof as is
2 13 necessary, to be used for the purposes designated:

2 14 1. ADDICTIVE DISORDERS

2 15 For reducing the prevalence of use of tobacco, alcohol, and
2 16 other drugs, and treating individuals affected by addictive
2 17 behaviors, including gambling:

2 18 \$ 28,414,782

2 19 a. Of the funds appropriated in this subsection, \$6,675,393
2 20 shall be used for the tobacco use prevention and control
2 21 initiative, including efforts at the state and local levels, as
2 22 provided in chapter 142A.

2 23 (1) The director of public health shall dedicate sufficient
2 24 resources to promote and ensure retailer compliance with
2 25 tobacco laws and ordinances relating to persons under 18
2 26 years of age, and shall prioritize the state's compliance in
2 27 the allocation of available funds to comply with 42 U.S.C.
2 28 { 300x=26 and section 453A.2.

2 29 (2) The director of public health shall provide for
2 30 enforcement of tobacco laws, regulations, and ordinances
2 31 under a chapter 28D agreement entered into between the Iowa
2 32 department of public health and the alcoholic beverages
2 33 division of the department of commerce.

2 34 b. Of the funds appropriated in this subsection,
2 35 \$17,661,354 shall be used for substance abuse treatment and



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3 1 prevention.

3 2 It is the intent of the general assembly that from the moneys

3 3 allocated in this lettered paragraph persons with a dual

3 4 diagnosis of substance abuse and gambling addictions shall be

3 5 given priority in treatment services.

3 6 c. Of the funds appropriated in this subsection, \$4,078,035

3 7 shall be used for funding of gambling treatment, including

3 8 administrative costs and to provide programs which may include

3 9 but are not limited to outpatient and follow-up treatment

3 10 for persons affected by problem gambling, rehabilitation and

3 11 residential treatment programs, information and referral

3 12 services, education and preventive services, and financial

3 13 management services.

3 14 2. HEALTHY CHILDREN AND FAMILIES

3 15 For promoting the optimum health status for children,

3 16 adolescents from birth through 21 years of age, and families:

3 17 \$ 2,353,517

3 18 3. CHRONIC CONDITIONS

3 19 For serving individuals identified as having chronic

3 20 conditions or special health care needs:

3 21 \$ 2,802,255

3 22 4. COMMUNITY CAPACITY

3 23 For strengthening the health care delivery system at the

3 24 local level:

3 25 \$ 3,728,162

3 26 a. Of the funds appropriated in this subsection, \$63,592

3 27 is allocated for a child vision screening program implemented

3 28 through the university of Iowa hospitals and clinics in

3 29 collaboration with community empowerment areas.

3 30 b. Of the funds appropriated in this subsection, \$129,741 is

3 31 allocated for continuation of an initiative implemented at the

3 32 university of Iowa and \$117,142 is allocated for continuation

3 33 of an initiative at the state mental health institute at

3 34 Cherokee to expand and improve the workforce engaged in

3 35 mental health treatment and services. The initiatives shall



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4 1 receive input from the university of Iowa, the department
 4 2 of human services, the department of public health, and the
 4 3 mental health, mental retardation, developmental disabilities,
 4 4 and brain injury commission to address the focus of the
 4 5 initiatives.

4 6 c. Of the funds appropriated in this subsection, \$1,264,812
 4 7 shall be used for essential public health services that promote
 4 8 healthy aging throughout the lifespan, contracted through a
 4 9 formula for local boards of health, to enhance health promotion
 4 10 and disease prevention services.

4 11 d. Of the funds appropriated in this subsection, \$75,000
 4 12 shall be deposited in the governmental public health system
 4 13 fund created in section 135A.8 to be used for the purposes of
 4 14 the fund.

4 15 5. ELDERLY WELLNESS
 4 16 For promotion of healthy aging and optimization of the
 4 17 health of older adults:
 4 18 \$ 8,345,779

4 19 6. ENVIRONMENTAL HAZARDS
 4 20 For reducing the public's exposure to hazards in the
 4 21 environment, primarily chemical hazards:
 4 22 \$ 965,950

4 23 7. INFECTIOUS DISEASES
 4 24 For reducing the incidence and prevalence of communicable
 4 25 diseases:
 4 26 \$ 1,605,967

4 27 8. PUBLIC PROTECTION
 4 28 For protecting the health and safety of the public through
 4 29 establishing standards and enforcing regulations:
 4 30 \$ 3,236,235

4 31 Of the funds appropriated in this subsection, not more than
 4 32 \$471,690 shall be credited to the emergency medical services
 4 33 fund created in section 135.25. Moneys in the emergency
 4 34 medical services fund are appropriated to the department to be
 4 35 used for the purposes of the fund.



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6 1 VETERANS
6 2 For provision of educational assistance pursuant to section
6 3 35.9:
6 4 \$ 12,731
6 5 Sec. 4. LIMITATION OF COUNTY COMMISSION OF VETERANS AFFAIRS
6 6 FUND STANDING APPROPRIATIONS. Notwithstanding the standing
6 7 appropriation in the following designated section for the
6 8 fiscal year beginning July 1, 2010, and ending June 30, 2011,
6 9 the amounts appropriated from the general fund of the state
6 10 pursuant to that section for the following designated purposes
6 11 shall not exceed the following amount:
6 12 For the county commissions of veterans affairs fund under
6 13 section 35A.16:
6 14 \$ 900,000
6 15 DIVISION IV
6 16 HUMAN SERVICES
6 17 Sec. 5. TEMPORARY ASSISTANCE FOR NEEDY FAMILIES BLOCK
6 18 GRANT. There is appropriated from the fund created in section
6 19 8.41 to the department of human services for the fiscal year
6 20 beginning July 1, 2010, and ending June 30, 2011, from moneys
6 21 received under the federal temporary assistance for needy
6 22 families (TANF) block grant pursuant to the federal Personal
6 23 Responsibility and Work Opportunity Reconciliation Act of 1996,
6 24 Pub. L. No. 104=193, and successor legislation, and from moneys
6 25 received under the emergency contingency fund for temporary
6 26 assistance for needy families state program established
6 27 pursuant to the federal American Recovery and Reinvestment Act
6 28 of 2009, Pub. L. No. 111=5, { 2101, the following amounts, or
6 29 so much thereof as is necessary, to be used for the purposes
6 30 designated:
6 31 1. To be credited to the family investment program account
6 32 and used for assistance under the family investment program
6 33 under chapter 239B:
6 34 \$ 36,761,953
6 35 2. To be credited to the family investment program account



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7 1 and used for the job opportunities and basic skills (JOBS)
 7 2 program and implementing family investment agreements in
 7 3 accordance with chapter 239B:
 7 4 \$ 13,084,528
 7 5 3. To be used for the family development and
 7 6 self-sufficiency grant program in accordance with section
 7 7 216A.107:
 7 8 \$ 2,448,980
 7 9 4. For field operations:
 7 10 \$ 21,694,894
 7 11 5. For general administration:
 7 12 \$ 3,744,000
 7 13 6. For local administrative costs:
 7 14 \$ 1,094,915
 7 15 7. For state child care assistance:
 7 16 \$ 12,382,687
 7 17 a. Of the funds appropriated in this subsection,
 7 18 \$12,382,687 shall be transferred to the child care and
 7 19 development block grant appropriation made by the Eighty-third
 7 20 General Assembly, 2010 Session, for the federal fiscal
 7 21 year beginning October 1, 2010, and ending September 30,
 7 22 2011. Of this amount, \$200,000 shall be used for provision
 7 23 of educational opportunities to registered child care home
 7 24 providers in order to improve services and programs offered
 7 25 by this category of providers and to increase the number of
 7 26 providers. The department may contract with institutions
 7 27 of higher education or child care resource and referral
 7 28 centers to provide the educational opportunities. Allowable
 7 29 administrative costs under the contracts shall not exceed 5
 7 30 percent. The application for a grant shall not exceed two
 7 31 pages in length.
 7 32 b. If the moneys received under the federal temporary
 7 33 assistance for needy families (TANF) block grant pursuant
 7 34 to the federal Personal Responsibility and Work Opportunity
 7 35 Reconciliation Act of 1996, Pub. L. No. 104-193 and successor



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8 1 legislation, and from moneys received under the emergency
 8 2 contingency fund for temporary assistance for needy families
 8 3 state program established pursuant to the federal American
 8 4 Recovery and Reinvestment Act of 2009, Pub. L. No. 111=5 { 2101
 8 5 are determined to exceed the needs of the family investment
 8 6 program and other appropriations made in this section, the
 8 7 department may use such funds as may be available for state
 8 8 child care assistance payments for individuals enrolled in the
 8 9 family investment program.

8 10 8. For mental health and developmental disabilities
 8 11 community services:
 8 12 \$ 4,894,052
 8 13 9. For child and family services:
 8 14 \$ 32,084,430
 8 15 10. For child abuse prevention grants:
 8 16 \$ 125,000
 8 17 11. For pregnancy prevention grants on the condition that
 8 18 family planning services are funded:
 8 19 \$ 1,327,878

8 20 Pregnancy prevention grants shall be awarded to programs
 8 21 in existence on or before July 1, 2010, if the programs are
 8 22 comprehensive in scope and have demonstrated positive outcomes.
 8 23 Grants shall be awarded to pregnancy prevention programs
 8 24 which are developed after July 1, 2010, if the programs are
 8 25 comprehensive in scope and are based on existing models that
 8 26 have demonstrated positive outcomes. Grants shall comply with
 8 27 the requirements provided in 1997 Iowa Acts, chapter 208,
 8 28 section 14, subsections 1 and 2, including the requirement that
 8 29 grant programs must emphasize sexual abstinence. Priority in
 8 30 the awarding of grants shall be given to programs that serve
 8 31 areas of the state which demonstrate the highest percentage of
 8 32 unplanned pregnancies of females of childbearing age within the
 8 33 geographic area to be served by the grant.

8 34 12. For technology needs and other resources necessary
 8 35 to meet federal welfare reform reporting, tracking, and case



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9 1 management requirements:
 9 2 \$ 1,037,186
 9 3 13. To be credited to the state child care assistance
 9 4 appropriation made in this section to be used for funding of
 9 5 community-based early childhood programs targeted to children
 9 6 from birth through five years of age developed by community
 9 7 empowerment areas as provided in section 28.9:
 9 8 \$ 6,850,000
 9 9 a. The department shall transfer TANF block grant funding
 9 10 appropriated and allocated in this subsection to the child care
 9 11 and development block grant appropriation in accordance with
 9 12 federal law as necessary to comply with the provisions of this
 9 13 subsection.
 9 14 b. Of the amounts appropriated in this section, \$12,962,008
 9 15 for the fiscal year beginning July 1, 2010, shall be
 9 16 transferred to the appropriation of the federal social services
 9 17 block grant made for that fiscal year.
 9 18 c. The department may transfer funds allocated in this
 9 19 section to the appropriations made in this Act for general
 9 20 administration and field operations for resources necessary to
 9 21 implement and operate the services referred to in this section
 9 22 and those funded in the appropriation made in this division of
 9 23 this Act for the family investment program from the general
 9 24 fund of the state.
 9 25 14. Notwithstanding any provision to the contrary,
 9 26 including but not limited to requirements in section 8.41 or
 9 27 provisions in 2009 or 2010 Iowa Acts regarding the receipt
 9 28 and appropriation of federal block grants, federal funds
 9 29 from the emergency contingency fund for temporary assistance
 9 30 for needy families state program established pursuant to the
 9 31 federal American Recovery and Reinvestment Act of 2009, Pub.
 9 32 L. No. 111=5 { 2101, received by the state during the fiscal
 9 33 year beginning July 1, 2009, and ending June 30, 2010, not
 9 34 otherwise appropriated in this section and remaining available
 9 35 as of July 1, 2010, and received by the state during the fiscal



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10 1 year beginning July 1, 2010, and ending June 30, 2011, are
10 2 appropriated to the extent as may be necessary to fully fund
10 3 the family investment program during the fiscal year beginning
10 4 July 1, 2010, and ending June 30, 2011.
10 5 a. The federal funds appropriated in this subsection
10 6 shall be expended only after all other funds appropriated in
10 7 subsection 1 for assistance under the family investment program
10 8 under chapter 239B have been expended.
10 9 b. The department shall, on a quarterly basis, advise the
10 10 legislative services agency and department of management of
10 11 the amount of funds appropriated in this subsection that was
10 12 expended in the prior quarter.
10 13 Sec. 6. FAMILY INVESTMENT PROGRAM ACCOUNT.
10 14 1. Moneys credited to the family investment program (FIP)
10 15 account for the fiscal year beginning July 1, 2010, and
10 16 ending June 30, 2011, shall be used to provide assistance in
10 17 accordance with chapter 239B.
10 18 2. The department may use a portion of the moneys credited
10 19 to the FIP account under this section as necessary for
10 20 salaries, support, maintenance, and miscellaneous purposes.
10 21 3. The department may transfer funds allocated in
10 22 this section to the appropriations in this Act for general
10 23 administration and field operations for resources necessary to
10 24 implement and operate the services referred to in this section
10 25 and those funded in the appropriation made in this division of
10 26 this Act for the family investment program from the general
10 27 fund of the state.
10 28 4. Moneys appropriated in this division of this Act and
10 29 credited to the FIP account for the fiscal year beginning July
10 30 1, 2010, and ending June 30, 2011, are allocated as follows:
10 31 a. To be retained by the department of human services to
10 32 be used for coordinating with the department of human rights
10 33 to more effectively serve participants in the FIP program and
10 34 other shared clients and to meet federal reporting requirements
10 35 under the federal temporary assistance for needy families block



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11 1 grant:
 11 2 \$ 20,000
 11 3 b. To the department of human rights for staffing,
 11 4 administration, and implementation of the family development
 11 5 and self=sufficiency grant program in accordance with section
 11 6 216A.107:
 11 7 \$ 4,947,251
 11 8 (1) Of the funds allocated for the family development and
 11 9 self=sufficiency grant program in this lettered paragraph,
 11 10 not more than 5 percent of the funds shall be used for the
 11 11 administration of the grant program.
 11 12 (2) The department of human rights may continue to implement
 11 13 the family development and self=sufficiency grant program
 11 14 statewide during fiscal year 2010=2011.
 11 15 c. For the diversion subaccount of the FIP account:
 11 16 \$ 1,698,400
 11 17 A portion of the moneys allocated for the subaccount may
 11 18 be used for field operations salaries, data management system
 11 19 development, and implementation costs and support deemed
 11 20 necessary by the director of human services in order to
 11 21 administer the FIP diversion program.
 11 22 d. For the food stamp employment and training program:
 11 23 \$ 68,059
 11 24 The department shall amend the food stamp employment and
 11 25 training state plan in order to maximize to the fullest extent
 11 26 permitted by federal law the use of the fifty=fifty match
 11 27 provisions for the claiming of allowable federal matching funds
 11 28 from the United States department of agriculture pursuant
 11 29 to the federal food stamp employment and training program
 11 30 for providing education, employment, and training services
 11 31 for eligible food assistance program participants, including
 11 32 but not limited to related dependent care and transportation
 11 33 expenses.
 11 34 e. For the JOBS program:
 11 35 \$ 21,325,993



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12 1 5. Of the child support collections assigned under FIP,
12 2 an amount equal to the federal share of support collections
12 3 shall be credited to the child support recovery appropriation
12 4 made in this division of this Act. Of the remainder of the
12 5 assigned child support collections received by the child
12 6 support recovery unit, a portion shall be credited to the FIP
12 7 account, a portion may be used to increase recoveries, and a
12 8 portion may be used to sustain cash flow in the child support
12 9 payments account. If as a consequence of the appropriations
12 10 and allocations made in this section the resulting amounts
12 11 are insufficient to sustain cash assistance payments and meet
12 12 federal maintenance of effort requirements, the department
12 13 shall seek supplemental funding. If child support collections
12 14 assigned under FIP are greater than estimated or are otherwise
12 15 determined not to be required for maintenance of effort, the
12 16 state share of either amount may be transferred to or retained
12 17 in the child support payment account.

12 18 6. The department may adopt emergency rules for the family
12 19 investment, JOBS, food stamp, and medical assistance programs
12 20 if necessary to comply with federal requirements.

12 21 Sec. 7. FAMILY INVESTMENT PROGRAM GENERAL FUND. There
12 22 is appropriated from the general fund of the state to the
12 23 department of human services for the fiscal year beginning July
12 24 1, 2010, and ending June 30, 2011, the following amount, or
12 25 so much thereof as is necessary, to be used for the purpose
12 26 designated:

12 27 To be credited to the family investment program (FIP)
12 28 account and used for family investment program assistance under
12 29 chapter 239B:

12 30 \$ 31,735,539

12 31 1. Of the funds appropriated in this section, \$8,241,465 is
12 32 allocated for the JOBS program.

12 33 2. Of the funds appropriated in this section, \$2,518,271 is
12 34 allocated for the family development and self-sufficiency grant
12 35 program.



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13 1 3. a. Of the funds appropriated in this section, \$112,331
13 2 shall be used for continuation of a grant to an Iowa-based
13 3 nonprofit organization with a history of providing tax
13 4 preparation assistance to low-income Iowans in order to expand
13 5 the usage of the earned income tax credit. The purpose of the
13 6 grant is to supply this assistance to underserved areas of the
13 7 state. The grant shall be provided to an organization that
13 8 has existing national foundation support for supplying such
13 9 assistance that can also secure local charitable match funding.

13 10 b. The general assembly supports efforts by the
13 11 organization receiving funding under this subsection to create
13 12 a statewide earned income tax credit coalition to expand the
13 13 usage of the tax credit through new and enhanced outreach and
13 14 marketing strategies, as well as identify new local sites and
13 15 human and financial resources.

13 16 4. Of the funds appropriated in this section, \$602,109 shall
13 17 be used for pregnancy prevention grants in accordance with
13 18 the appropriation of federal temporary assistance for needy
13 19 families funding for purposes of the grants in this division
13 20 of this Act.

13 21 5. Notwithstanding section 8.39, for the fiscal year
13 22 beginning July 1, 2010, if necessary to meet federal
13 23 maintenance of effort requirements or to transfer federal
13 24 temporary assistance for needy families block grant funding
13 25 to be used for purposes of the federal social services block
13 26 grant or to meet cash flow needs resulting from delays in
13 27 receiving federal funding or to implement, in accordance with
13 28 this division of this Act, activities currently funded with
13 29 juvenile court services, county, or community moneys and state
13 30 moneys used in combination with such moneys, the department
13 31 of human services may transfer funds within or between any
13 32 of the appropriations made in this division of this Act and
13 33 appropriations in law for the federal social services block
13 34 grant to the department for the following purposes, provided
13 35 that the combined amount of state and federal temporary



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14 1 assistance for needy families block grant funding for each
 14 2 appropriation remains the same before and after the transfer:
 14 3 a. For the family investment program.
 14 4 b. For child care assistance.
 14 5 c. For child and family services.
 14 6 d. For field operations.
 14 7 e. For general administration.
 14 8 f. MH/MR/DD/BI community services (local purchase).
 14 9 This subsection shall not be construed to prohibit the use
 14 10 of existing state transfer authority for other purposes. The
 14 11 department shall report any transfers made pursuant to this
 14 12 subsection to the legislative services agency.
 14 13 Sec. 8. CHILD SUPPORT RECOVERY. There is appropriated
 14 14 from the general fund of the state to the department of human
 14 15 services for the fiscal year beginning July 1, 2010, and ending
 14 16 June 30, 2011, the following amount, or so much thereof as is
 14 17 necessary, to be used for the purposes designated:
 14 18 For child support recovery, including salaries, support,
 14 19 maintenance, and miscellaneous purposes:
 14 20 \$ 12,078,414
 14 21 1. The department shall expend up to \$24,329, including
 14 22 federal financial participation, for the fiscal year beginning
 14 23 July 1, 2010, for a child support public awareness campaign.
 14 24 The department and the office of the attorney general shall
 14 25 cooperate in continuation of the campaign. The public
 14 26 awareness campaign shall emphasize, through a variety of
 14 27 media activities, the importance of maximum involvement of
 14 28 both parents in the lives of their children as well as the
 14 29 importance of payment of child support obligations.
 14 30 2. Federal access and visitation grant moneys shall be
 14 31 issued directly to private not-for-profit agencies that provide
 14 32 services designed to increase compliance with the child access
 14 33 provisions of court orders, including but not limited to
 14 34 neutral visitation sites and mediation services.
 14 35 3. The appropriation made to the department for child



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15 1 support recovery may be used throughout the fiscal year in the
15 2 manner necessary for purposes of cash flow management, and for
15 3 cash flow management purposes the department may temporarily
15 4 draw more than the amount appropriated, provided the amount
15 5 appropriated is not exceeded at the close of the fiscal year.

15 6 4. With the exception of the funding amount specified,
15 7 the requirements established under 2001 Iowa Acts, chapter
15 8 191, section 3, subsection 5, paragraph "c", subparagraph (3),
15 9 shall be applicable to parental obligation pilot projects for
15 10 the fiscal year beginning July 1, 2010, and ending June 30,
15 11 2011. Notwithstanding 441 IAC 100.8, as in effect on June 30,
15 12 2009, providing for termination of rules relating to the pilot
15 13 projects the earlier of October 1, 2006, or when legislative
15 14 authority is discontinued, the rules relating to the pilot
15 15 projects, as in effect on June 30, 2009, shall remain in effect
15 16 until June 30, 2011.

15 17 Sec. 9. MEDICAL ASSISTANCE. There is appropriated from the
15 18 general fund of the state to the department of human services
15 19 for the fiscal year beginning July 1, 2010, and ending June 30,
15 20 2011, the following amount, or so much thereof as is necessary,
15 21 to be used for the purpose designated:

15 22 For medical assistance reimbursement and associated costs
15 23 as specifically provided in the reimbursement methodologies
15 24 in effect on June 30, 2010, except as otherwise expressly
15 25 authorized by law, including reimbursement for abortion
15 26 services which shall be available under the medical assistance
15 27 program only for those abortions which are medically necessary:
15 28 \$790,982,609

15 29 1. Medically necessary abortions are those performed under
15 30 any of the following conditions:

15 31 a. The attending physician certifies that continuing the
15 32 pregnancy would endanger the life of the pregnant woman.

15 33 b. The attending physician certifies that the fetus is
15 34 physically deformed, mentally deficient, or afflicted with a
15 35 congenital illness.



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16 1 c. The pregnancy is the result of a rape which is reported
16 2 within 45 days of the incident to a law enforcement agency or
16 3 public or private health agency which may include a family
16 4 physician.

16 5 d. The pregnancy is the result of incest which is reported
16 6 within 150 days of the incident to a law enforcement agency
16 7 or public or private health agency which may include a family
16 8 physician.

16 9 e. Any spontaneous abortion, commonly known as a
16 10 miscarriage, if not all of the products of conception are
16 11 expelled.

16 12 2. The department shall utilize not more than \$60,000 of
16 13 the funds appropriated in this section to continue the AIDS/HIV
16 14 health insurance premium payment program as established in 1992
16 15 Iowa Acts, Second Extraordinary Session, chapter 1001, section
16 16 409, subsection 6. Of the funds allocated in this subsection,
16 17 not more than \$5,000 may be expended for administrative
16 18 purposes.

16 19 3. Of the funds appropriated in this Act to the department
16 20 of public health for addictive disorders, \$950,000 for the
16 21 fiscal year beginning July 1, 2010, shall be transferred to
16 22 the department of human services for an integrated substance
16 23 abuse managed care system. The department shall not assume
16 24 management of the substance abuse system in place of the
16 25 managed care contractor unless such a change in approach is
16 26 specifically authorized in law. The departments of human
16 27 services and public health shall work together to maintain
16 28 the level of mental health and substance abuse services
16 29 provided by the managed care contractor through the Iowa plan
16 30 for behavioral health. Each department shall take the steps
16 31 necessary to continue the federal waivers as necessary to
16 32 maintain the level of services.

16 33 4. a. The department shall aggressively pursue options for
16 34 providing medical assistance or other assistance to individuals
16 35 with special needs who become ineligible to continue receiving



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17 1 services under the early and periodic screening, diagnosis, and
17 2 treatment program under the medical assistance program due to
17 3 becoming 21 years of age who have been approved for additional
17 4 assistance through the department's exception to policy
17 5 provisions, but who have health care needs in excess of the
17 6 funding available through the exception to policy provisions.

17 7 b. Of the funds appropriated in this section, \$100,000
17 8 shall be used for participation in one or more pilot projects
17 9 operated by a private provider to allow the individual or
17 10 individuals to receive service in the community in accordance
17 11 with principles established in *Olmstead v. L.C.*, 527 U.S. 581
17 12 (1999), for the purpose of providing medical assistance or
17 13 other assistance to individuals with special needs who become
17 14 ineligible to continue receiving services under the early and
17 15 periodic screening, diagnosis, and treatment program under
17 16 the medical assistance program due to becoming 21 years of
17 17 age who have been approved for additional assistance through
17 18 the department's exception to policy provisions, but who have
17 19 health care needs in excess of the funding available through
17 20 the exception to the policy provisions.

17 21 5. Of the funds appropriated in this section, up to
17 22 \$3,050,082 may be transferred to the field operations
17 23 or general administration appropriations in this Act for
17 24 operational costs associated with Part D of the federal
17 25 Medicare Prescription Drug, Improvement, and Modernization Act
17 26 of 2003, Pub. L. No. 108-173.

17 27 6. Of the funds appropriated in this section, not more
17 28 than \$166,600 shall be used to enhance outreach efforts. The
17 29 department may transfer funds allocated in this subsection to
17 30 the appropriations in this division of this Act for general
17 31 administration, the state children's health insurance program,
17 32 or medical contracts, as necessary, to implement the outreach
17 33 efforts.

17 34 7. Of the funds appropriated in this section, up to \$442,100
17 35 may be transferred to the appropriation in this Act for medical



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18 1 contracts to be used for clinical assessment services related
 18 2 to remedial services in accordance with federal law.
 18 3 8. A portion of the funds appropriated in this section may
 18 4 be transferred to the appropriations in this division of this
 18 5 Act for general administration, medical contracts, the state
 18 6 children's health insurance program, or field operations to be
 18 7 used for the state match cost to comply with the payment error
 18 8 rate measurement (PERM) program for both the medical assistance
 18 9 and state children's health insurance programs as developed by
 18 10 the centers for Medicare and Medicaid services of the United
 18 11 States department of health and human services to comply with
 18 12 the federal Improper Payments Information Act of 2002, Pub. L.
 18 13 No. 107=300.

18 14 9. It is the intent of the general assembly that the
 18 15 department continue to implement the recommendations of
 18 16 the assuring better child health and development initiative
 18 17 II (ABCDII) clinical panel to the Iowa early and periodic
 18 18 screening, diagnostic, and treatment services healthy mental
 18 19 development collaborative board regarding changes to billing
 18 20 procedures, codes, and eligible service providers.

18 21 10. Of the funds appropriated in this section, a sufficient
 18 22 amount is allocated to supplement the incomes of residents of
 18 23 nursing facilities, intermediate care facilities for persons
 18 24 with mental illness, and intermediate care facilities for
 18 25 persons with mental retardation, with incomes of less than \$50
 18 26 in the amount necessary for the residents to receive a personal
 18 27 needs allowance of \$50 per month pursuant to section 249A.30A.

18 28 11. Of the funds appropriated in this section, the following
 18 29 amounts shall be transferred to appropriations made in this
 18 30 division of this Act to the state mental health institutes:

- 18 31 a. Cherokee mental health institute \$ 9,098,425
- 18 32 b. Clarinda mental health institute \$ 1,977,305
- 18 33 c. Independence mental health institute \$ 9,045,894
- 18 34 d. Mount Pleasant mental health institute \$ 5,752,587

18 35 12. a. Of the funds appropriated in this section,



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19 1 \$7,108,069 is allocated for state match for disproportionate
19 2 share hospital payment of \$19,133,430 to hospitals that meet
19 3 both of the following conditions:
19 4 (1) The hospital qualifies for disproportionate share and
19 5 graduate medical education payments.
19 6 (2) The hospital is an Iowa state-owned hospital with more
19 7 than 500 beds and eight or more distinct residency specialty
19 8 or subspecialty programs recognized by the American college of
19 9 graduate medical education.
19 10 b. Distribution of the disproportionate share payment
19 11 shall be made on a monthly basis. The total amount of
19 12 disproportionate share payments including graduate medical
19 13 education, enhanced disproportionate share, and Iowa
19 14 state-owned teaching hospital payments shall not exceed the
19 15 amount of the state's allotment under Pub. L. No. 102=234.
19 16 In addition, the total amount of all disproportionate
19 17 share payments shall not exceed the hospital-specific
19 18 disproportionate share limits under Pub. L. No. 103=66.
19 19 13. Of the funds appropriated in this section, up to
19 20 \$4,601,848 may be transferred to the IowaCare account created
19 21 in section 249J.24.
19 22 14. Of the funds appropriated in this section, \$200,000
19 23 shall be used for the Iowa chronic care consortium pursuant to
19 24 2003 Iowa Acts, chapter 112, section 12, as amended by 2003
19 25 Iowa Acts, chapter 179, sections 166 and 167.
19 26 15. One hundred percent of the nonfederal share of payments
19 27 to area education agencies that are medical assistance
19 28 providers for medical assistance-covered services provided to
19 29 medical assistance-covered children, shall be made from the
19 30 appropriation made in this section.
19 31 16. Any new or renewed contract entered into by the
19 32 department with a third party to administer behavioral health
19 33 services under the medical assistance program shall provide
19 34 that any interest earned on payments from the state during
19 35 the state fiscal year shall be remitted to the department



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20 1 and treated as recoveries to offset the costs of the medical
 20 2 assistance program.

20 3 17. The department shall continue to implement the
 20 4 provisions in 2007 Iowa Acts, chapter 218, section 124 and
 20 5 section 126, as amended by 2008 Iowa Acts, chapter 1188,
 20 6 section 55, relating to eligibility for certain persons with
 20 7 disabilities under the medical assistance program in accordance
 20 8 with the federal Family Opportunity Act.

20 9 18. A portion of the funds appropriated in this section
 20 10 may be transferred to the appropriation in this division of
 20 11 this Act for medical contracts to be used for administrative
 20 12 activities associated with the money follows the person
 20 13 demonstration project.

20 14 Sec. 10. HEALTH INSURANCE PREMIUM PAYMENT PROGRAM. There
 20 15 is appropriated from the general fund of the state to the
 20 16 department of human services for the fiscal year beginning July
 20 17 1, 2010, and ending June 30, 2011, the following amount, or
 20 18 so much thereof as is necessary, to be used for the purpose
 20 19 designated:

20 20 For administration of the health insurance premium payment
 20 21 program, including salaries, support, maintenance, and
 20 22 miscellaneous purposes:
 20 23 \$ 457,210

20 24 Sec. 11. MEDICAL CONTRACTS. There is appropriated from the
 20 25 general fund of the state to the department of human services
 20 26 for the fiscal year beginning July 1, 2010, and ending June 30,
 20 27 2011, the following amount, or so much thereof as is necessary,
 20 28 to be used for the purpose designated:

20 29 For medical contracts, including salaries, support,
 20 30 maintenance, and miscellaneous purposes:
 20 31 \$ 10,413,090

20 32 Sec. 12. STATE SUPPLEMENTARY ASSISTANCE.

20 33 1. There is appropriated from the general fund of the
 20 34 state to the department of human services for the fiscal year
 20 35 beginning July 1, 2010, and ending June 30, 2011, the following



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21 1 amount, or so much thereof as is necessary, to be used for the
21 2 purpose designated:

21 3 For the state supplementary assistance program:

21 4 \$ 18,259,235

21 5 2. The department shall increase the personal needs
21 6 allowance for residents of residential care facilities by the
21 7 same percentage and at the same time as federal supplemental
21 8 security income and federal social security benefits are
21 9 increased due to a recognized increase in the cost of living.
21 10 The department may adopt emergency rules to implement this
21 11 subsection.

21 12 3. If during the fiscal year beginning July 1, 2010,
21 13 the department projects that state supplementary assistance
21 14 expenditures for a calendar year will not meet the federal
21 15 pass-through requirement specified in Title XVI of the
21 16 federal Social Security Act, section 1618, as codified in 42
21 17 U.S.C. { 1382g, the department may take actions including but
21 18 not limited to increasing the personal needs allowance for
21 19 residential care facility residents and making programmatic
21 20 adjustments or upward adjustments of the residential care
21 21 facility or in-home health-related care reimbursement rates
21 22 prescribed in this division of this Act to ensure that federal
21 23 requirements are met. In addition, the department may make
21 24 other programmatic and rate adjustments necessary to remain
21 25 within the amount appropriated in this section while ensuring
21 26 compliance with federal requirements. The department may adopt
21 27 emergency rules to implement the provisions of this subsection.

21 28 Sec. 13. CHILDREN'S HEALTH INSURANCE PROGRAM.

21 29 1. There is appropriated from the general fund of the
21 30 state to the department of human services for the fiscal year
21 31 beginning July 1, 2010, and ending June 30, 2011, the following
21 32 amount, or so much thereof as is necessary, to be used for the
21 33 purpose designated:

21 34 For maintenance of the healthy and well kids in Iowa (hawk=i)
21 35 program pursuant to chapter 514I for receipt of federal



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22 1 financial participation under Title XXI of the federal Social
 22 2 Security Act, which creates the children's health insurance
 22 3 program:
 22 4 \$ 23,637,040
 22 5 2. Of the funds appropriated in this section, \$128,950 is
 22 6 allocated for continuation of the contract for advertising and
 22 7 outreach with the department of public health and \$90,050 is
 22 8 allocated for other advertising and outreach.
 22 9 Sec. 14. CHILD CARE ASSISTANCE. There is appropriated
 22 10 from the general fund of the state to the department of human
 22 11 services for the fiscal year beginning July 1, 2010, and ending
 22 12 June 30, 2011, the following amount, or so much thereof as is
 22 13 necessary, to be used for the purpose designated:
 22 14 For child care programs:
 22 15 \$ 32,768,964
 22 16 1. Of the funds appropriated in this section, \$30,956,537
 22 17 shall be used for state child care assistance in accordance
 22 18 with section 237A.13. It is the intent of the general assembly
 22 19 to appropriate sufficient funding for the state child care
 22 20 assistance program for the fiscal year beginning July 1, 2010,
 22 21 in order to avoid establishment of waiting list requirements
 22 22 by the department in the preceding fiscal year in anticipation
 22 23 that enhanced funding under the federal American Recovery and
 22 24 Reinvestment Act of 2009 will not be replaced for the fiscal
 22 25 year beginning July 1, 2010.
 22 26 2. Nothing in this section shall be construed or is
 22 27 intended as or shall imply a grant of entitlement for services
 22 28 to persons who are eligible for assistance due to an income
 22 29 level consistent with the waiting list requirements of section
 22 30 237A.13. Any state obligation to provide services pursuant to
 22 31 this section is limited to the extent of the funds appropriated
 22 32 in this section.
 22 33 3. Of the funds appropriated in this section, \$432,453 is
 22 34 allocated for the statewide program for child care resource
 22 35 and referral services under section 237A.26. A list of the



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23 1 registered and licensed child care facilities operating in the
23 2 area served by a child care resource and referral service shall
23 3 be made available to the families receiving state child care
23 4 assistance in that area.

23 5 4. Of the funds appropriated in this section, \$936,974
23 6 is allocated for child care quality improvement initiatives
23 7 including but not limited to the voluntary quality rating
23 8 system in accordance with section 237A.30.

23 9 5. The department may use any of the funds appropriated
23 10 in this section as a match to obtain federal funds for use in
23 11 expanding child care assistance and related programs. For
23 12 the purpose of expenditures of state and federal child care
23 13 funding, funds shall be considered obligated at the time
23 14 expenditures are projected or are allocated to the department's
23 15 service areas. Projections shall be based on current and
23 16 projected caseload growth, current and projected provider
23 17 rates, staffing requirements for eligibility determination
23 18 and management of program requirements including data systems
23 19 management, staffing requirements for administration of the
23 20 program, contractual and grant obligations and any transfers
23 21 to other state agencies, and obligations for decategorization
23 22 or innovation projects.

23 23 6. A portion of the state match for the federal child care
23 24 and development block grant shall be provided as necessary to
23 25 meet federal matching funds requirements through the state
23 26 general fund appropriation made for child development grants
23 27 and other programs for at-risk children in section 279.51.

23 28 7. Of the funds appropriated in this section, \$350,000 shall
23 29 be allocated to a county with a population of more than 300,000
23 30 to be used for continuation of a grant to support child care
23 31 center services provided to children with mental, physical, or
23 32 emotional challenges in order for the children to remain in a
23 33 home or family setting.

23 34 8. Of the amount allocated in subsection 1, \$93,000 shall
23 35 be used for the public purpose of providing a grant to a



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24 1 neighborhood affordable housing and services organization
24 2 established in a county with a population of more than 350,000,
24 3 that provides at least 300 apartment units to house more
24 4 than 1,000 residents, of which more than 80 percent belong
24 5 to a minority population and at least 95 percent are headed
24 6 by a single parent and have an income below federal poverty
24 7 guidelines, to be used for child development programming for
24 8 children residing in the housing.

24 9 9. Notwithstanding section 8.33, moneys appropriated in
24 10 this section or received from the federal appropriations made
24 11 for the purposes of this section that remain unencumbered or
24 12 unobligated at the close of the fiscal year shall not revert
24 13 to any fund but shall remain available for expenditure for the
24 14 purposes designated until the close of the succeeding fiscal
24 15 year.

24 16 Sec. 15. JUVENILE INSTITUTIONS. There is appropriated
24 17 from the general fund of the state to the department of human
24 18 services for the fiscal year beginning July 1, 2010, and ending
24 19 June 30, 2011, the following amounts, or so much thereof as is
24 20 necessary, to be used for the purposes designated:

24 21 1. For operation of the Iowa juvenile home at Toledo,
24 22 including salaries, support, maintenance, and miscellaneous
24 23 purposes:

24 24 \$ 6,189,283

24 25 2. For operation of the state training school at Eldora,
24 26 including salaries, support, maintenance, and miscellaneous
24 27 purposes:

24 28 \$ 9,536,008

24 29 3. A portion of the moneys appropriated in this section
24 30 shall be used by the state training school and by the Iowa
24 31 juvenile home for grants for adolescent pregnancy prevention
24 32 activities at the institutions in the fiscal year beginning
24 33 July 1, 2010.

24 34 Sec. 16. CHILD AND FAMILY SERVICES.

24 35 1. There is appropriated from the general fund of the



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25 1 state to the department of human services for the fiscal year
25 2 beginning July 1, 2010, and ending June 30, 2011, the following
25 3 amount, or so much thereof as is necessary, to be used for the
25 4 purpose designated:

25 5 For child and family services:
25 6 \$ 80,425,523

25 7 2. In order to address a reduction of \$5,200,000 from the
25 8 amount allocated under the appropriation made for the purposes
25 9 of this section in prior years for purposes of juvenile
25 10 delinquent graduated sanction services, up to \$5,200,000 of the
25 11 amount of federal temporary assistance for needy families block
25 12 grant funding appropriated in this division of this Act for
25 13 child and family services shall be made available for purposes
25 14 of juvenile delinquent graduated sanction services.

25 15 3. The department may transfer funds appropriated in this
25 16 section as necessary to pay the nonfederal costs of services
25 17 reimbursed under the medical assistance program, state child
25 18 care assistance program, or the family investment program which
25 19 are provided to children who would otherwise receive services
25 20 paid under the appropriation in this section. The department
25 21 may transfer funds appropriated in this section to the
25 22 appropriations made in this division of this Act for general
25 23 administration and for field operations for resources necessary
25 24 to implement and operate the services funded in this section.

25 25 4. a. Of the funds appropriated in this section, up to
25 26 \$29,204,611 is allocated as the statewide expenditure target
25 27 under section 232.143 for group foster care maintenance and
25 28 services. If the department projects that such expenditures
25 29 for the fiscal year will be less than the target amount
25 30 allocated in this lettered paragraph, the department may
25 31 reallocate the excess to provide additional funding for shelter
25 32 care or the child welfare emergency services addressed with the
25 33 allocation for shelter care.

25 34 b. If at any time after September 30, 2010, annualization
25 35 of a service area's current expenditures indicates a service



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26 1 area is at risk of exceeding its group foster care expenditure
26 2 target under section 232.143 by more than 5 percent, the
26 3 department and juvenile court services shall examine all
26 4 group foster care placements in that service area in order to
26 5 identify those which might be appropriate for termination.
26 6 In addition, any aftercare services believed to be needed
26 7 for the children whose placements may be terminated shall be
26 8 identified. The department and juvenile court services shall
26 9 initiate action to set dispositional review hearings for the
26 10 placements identified. In such a dispositional review hearing,
26 11 the juvenile court shall determine whether needed aftercare
26 12 services are available and whether termination of the placement
26 13 is in the best interest of the child and the community.

26 14 5. In accordance with the provisions of section 232.188,
26 15 the department shall continue the child welfare and juvenile
26 16 justice funding initiative during fiscal year 2010=2011. Of
26 17 the funds appropriated in this section, \$1,717,753 is allocated
26 18 specifically for expenditure for fiscal year 2010=2011 through
26 19 the decategorization service funding pools and governance
26 20 boards established pursuant to section 232.188.

26 21 6. A portion of the funds appropriated in this section
26 22 may be used for emergency family assistance to provide other
26 23 resources required for a family participating in a family
26 24 preservation or reunification project or successor project to
26 25 stay together or to be reunified.

26 26 7. Notwithstanding section 234.35 or any other provision of
26 27 law to the contrary, state funding for shelter care shall be
26 28 limited to \$8,394,147. The department may continue or amend
26 29 shelter care provider contracts to include the child welfare
26 30 emergency services for children who might otherwise be served
26 31 in shelter care that were implemented pursuant to 2008 Iowa
26 32 Acts, chapter 1187, section 16, subsection 7.

26 33 8. Except for federal funds provided by the federal American
26 34 Recovery and Reinvestment Act of 2009, federal funds received
26 35 by the state during the fiscal year beginning July 1, 2010,



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27 1 as the result of the expenditure of state funds appropriated
27 2 during a previous state fiscal year for a service or activity
27 3 funded under this section are appropriated to the department
27 4 to be used as additional funding for services and purposes
27 5 provided for under this section. Notwithstanding section 8.33,
27 6 moneys received in accordance with this subsection that remain
27 7 unencumbered or unobligated at the close of the fiscal year
27 8 shall not revert to any fund but shall remain available for the
27 9 purposes designated until the close of the succeeding fiscal
27 10 year.

27 11 9. Of the funds appropriated in this section, at least
27 12 \$3,696,285 shall be used for protective child care assistance.

27 13 10. a. Of the funds appropriated in this section, up to
27 14 \$2,062,488 is allocated for the payment of the expenses of
27 15 court-ordered services provided to juveniles who are under the
27 16 supervision of juvenile court services, which expenses are a
27 17 charge upon the state pursuant to section 232.141, subsection
27 18 4. Of the amount allocated in this lettered paragraph, up to
27 19 \$1,556,287 shall be made available to provide school-based
27 20 supervision of children adjudicated under chapter 232, of which
27 21 not more than \$15,000 may be used for the purpose of training.
27 22 A portion of the cost of each school-based liaison officer
27 23 shall be paid by the school district or other funding source as
27 24 approved by the chief juvenile court officer.

27 25 b. Of the funds appropriated in this section, up to \$748,985
27 26 is allocated for the payment of the expenses of court-ordered
27 27 services provided to children who are under the supervision
27 28 of the department, which expenses are a charge upon the state
27 29 pursuant to section 232.141, subsection 4.

27 30 c. Notwithstanding section 232.141 or any other provision
27 31 of law to the contrary, the amounts allocated in this
27 32 subsection shall be distributed to the judicial districts
27 33 as determined by the state court administrator and to the
27 34 department's service areas as determined by the administrator
27 35 of the department's division of child and family services. The



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28 1 state court administrator and the division administrator shall
28 2 make the determination of the distribution amounts on or before
28 3 June 15, 2010.

28 4 d. Notwithstanding chapter 232 or any other provision of
28 5 law to the contrary, a district or juvenile court shall not
28 6 order any service which is a charge upon the state pursuant
28 7 to section 232.141 if there are insufficient court-ordered
28 8 services funds available in the district court or departmental
28 9 service area distribution amounts to pay for the service. The
28 10 chief juvenile court officer and the departmental service area
28 11 manager shall encourage use of the funds allocated in this
28 12 subsection such that there are sufficient funds to pay for
28 13 all court-related services during the entire year. The chief
28 14 juvenile court officers and departmental service area managers
28 15 shall attempt to anticipate potential surpluses and shortfalls
28 16 in the distribution amounts and shall cooperatively request the
28 17 state court administrator or division administrator to transfer
28 18 funds between the judicial districts' or departmental service
28 19 areas' distribution amounts as prudent.

28 20 e. Notwithstanding any provision of law to the contrary,
28 21 a district or juvenile court shall not order a county to pay
28 22 for any service provided to a juvenile pursuant to an order
28 23 entered under chapter 232 which is a charge upon the state
28 24 under section 232.141, subsection 4.

28 25 f. Of the funds allocated in this subsection, not more than
28 26 \$100,000 may be used by the judicial branch for administration
28 27 of the requirements under this subsection.

28 28 11. Of the funds appropriated in this section, \$988,285
28 29 shall be transferred to the department of public health to
28 30 be used for the child protection center grant program in
28 31 accordance with section 135.118.

28 32 12. If the department receives federal approval to
28 33 implement a waiver under Title IV-E of the federal Social
28 34 Security Act to enable providers to serve children who remain
28 35 in the children's families and communities, for purposes of



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29 1 eligibility under the medical assistance program, children who
 29 2 participate in the waiver shall be considered to be placed in
 29 3 foster care.

29 4 13. Of the funds appropriated in this section, \$2,875,281 is
 29 5 allocated for the preparation for adult living program pursuant
 29 6 to section 234.46.

29 7 14. Of the funds appropriated in this section, \$520,150
 29 8 shall be used for juvenile drug courts. The amount allocated
 29 9 in this subsection shall be distributed as follows:

29 10 To the judicial branch for salaries to assist with the
 29 11 operation of juvenile drug court programs operated in the
 29 12 following jurisdictions:

29 13 a. Marshall county:	
29 14	\$ 62,708
29 15 b. Woodbury county:	
29 16	\$ 125,682
29 17 c. Polk county:	
29 18	\$ 195,892
29 19 d. The third judicial district:	
29 20	\$ 67,934
29 21 e. The eighth judicial district:	
29 22	\$ 67,934

29 23 15. Of the funds appropriated in this section, \$227,306
 29 24 shall be used for the public purpose of providing a grant to
 29 25 a nonprofit human services organization providing services to
 29 26 individuals and families in multiple locations in southwest
 29 27 Iowa and Nebraska for support of a project providing immediate,
 29 28 sensitive support and forensic interviews, medical exams, needs
 29 29 assessments, and referrals for victims of child abuse and their
 29 30 nonoffending family members.

29 31 16. Of the funds appropriated in this section, \$125,590
 29 32 is allocated for the elevate approach of providing a support
 29 33 network to children placed in foster care.

29 34 17. Of the funds appropriated in this section, \$202,000 is
 29 35 allocated for use pursuant to section 235A.1 for continuation



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30 1 of the initiative to address child sexual abuse implemented
30 2 pursuant to 2007 Iowa Acts, chapter 218, section 18, subsection
30 3 21.

30 4 18. Of the funds appropriated in this section, \$630,240 is
30 5 allocated for the community partnership for child protection
30 6 sites.

30 7 19. Of the funds appropriated in this section, \$371,250
30 8 is allocated for the department's minority youth and family
30 9 projects under the redesign of the child welfare system.

30 10 20. Of the funds appropriated in this section, \$300,000
30 11 is allocated for funding of the state match for the federal
30 12 substance abuse and mental health services administration
30 13 (SAMHSA) system of care grant.

30 14 21. Of the funds appropriated in this section, \$80,000 shall
30 15 be transferred to the appropriation made in this division of
30 16 this Act for the family support subsidy program to supplement
30 17 that appropriation.

30 18 Sec. 17. ADOPTION SUBSIDY.

30 19 1. There is appropriated from the general fund of the
30 20 state to the department of human services for the fiscal year
30 21 beginning July 1, 2010, and ending June 30, 2011, the following
30 22 amount, or so much thereof as is necessary, to be used for the
30 23 purpose designated:

30 24 For adoption subsidy payments and services:
30 25 \$ 34,202,696

30 26 2. The department may transfer funds appropriated in this
30 27 section to the appropriation made in this Act for general
30 28 administration for costs paid from the appropriation relating
30 29 to adoption subsidy.

30 30 3. Except for federal funds provided by the federal American
30 31 Recovery and Reinvestment Act of 2009, federal funds received
30 32 by the state during the fiscal year beginning July 1, 2010, as
30 33 the result of the expenditure of state funds during a previous
30 34 state fiscal year for a service or activity funded under this
30 35 section are appropriated to the department to be used as



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31 1 additional funding for the services and activities funded under
31 2 this section. Notwithstanding section 8.33, moneys received
31 3 in accordance with this subsection that remain unencumbered or
31 4 unobligated at the close of the fiscal year shall not revert
31 5 to any fund but shall remain available for expenditure for the
31 6 purposes designated until the close of the succeeding fiscal
31 7 year.

31 8 Sec. 18. JUVENILE DETENTION HOME FUND. Moneys deposited
31 9 in the juvenile detention home fund created in section 232.142
31 10 during the fiscal year beginning July 1, 2010, and ending June
31 11 30, 2011, are appropriated to the department of human services
31 12 for the fiscal year beginning July 1, 2010, and ending June 30,
31 13 2011, for distribution as follows:

31 14 1. For funding core department of human services' juvenile
31 15 delinquent graduated sanction services:
31 16 \$ 1,000,000

31 17 2. The remainder, for distribution to county or multicounty
31 18 juvenile detention homes in an amount equal to a percentage of
31 19 the costs of the establishment, improvement, operation, and
31 20 maintenance of county or multicounty juvenile detention homes
31 21 in the fiscal year beginning July 1, 2009. Moneys designated
31 22 for distribution in accordance with this subsection shall be
31 23 allocated among eligible detention homes, prorated on the basis
31 24 of an eligible detention home's proportion of the costs of all
31 25 eligible detention homes in the fiscal year beginning July
31 26 1, 2009. The percentage figure shall be determined by the
31 27 department based on the amount available for distribution for
31 28 the fund. Notwithstanding section 232.142, subsection 3, the
31 29 financial aid payable by the state under that provision for the
31 30 fiscal year beginning July 1, 2010, shall be limited to the
31 31 amount distributed for the purposes of this subsection.

31 32 Sec. 19. FAMILY SUPPORT SUBSIDY PROGRAM.

31 33 1. There is appropriated from the general fund of the
31 34 state to the department of human services for the fiscal year
31 35 beginning July 1, 2010, and ending June 30, 2011, the following



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32 1 amount, or so much thereof as is necessary, to be used for the
32 2 purpose designated:

32 3 For the family support subsidy program:
32 4 \$ 1,522,998

32 5 2. The department shall use at least \$342,215 of the moneys
32 6 appropriated in this section for the family support center
32 7 component of the comprehensive family support program under
32 8 section 225C.47. Not more than \$25,000 of the amount allocated
32 9 in this subsection shall be used for administrative costs.

32 10 3. If at any time during the fiscal year, the amount of
32 11 funding available for the family support subsidy program
32 12 is reduced from the amount initially used to establish the
32 13 figure for the number of family members for whom a subsidy
32 14 is to be provided at any one time during the fiscal year,
32 15 notwithstanding section 225C.38, subsection 2, the department
32 16 shall revise the figure as necessary to conform to the amount
32 17 of funding available.

32 18 Sec. 20. CONNER DECREE. There is appropriated from the
32 19 general fund of the state to the department of human services
32 20 for the fiscal year beginning July 1, 2010, and ending June 30,
32 21 2011, the following amount, or so much thereof as is necessary,
32 22 to be used for the purpose designated:

32 23 For building community capacity through the coordination
32 24 and provision of training opportunities in accordance with the
32 25 consent decree of Conner v. Branstad, No. 4=86=CV=30871(S.D.
32 26 Iowa, July 14, 1994):
32 27 \$ 33,622

32 28 Sec. 21. MENTAL HEALTH INSTITUTES. There is appropriated
32 29 from the general fund of the state to the department of human
32 30 services for the fiscal year beginning July 1, 2010, and ending
32 31 June 30, 2011, the following amounts, or so much thereof as is
32 32 necessary, to be used for the purposes designated:

32 33 1. For the state mental health institute at Cherokee for
32 34 salaries, support, maintenance, and miscellaneous purposes:
32 35 \$ 4,892,468



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33 1 2. For the state mental health institute at Clarinda for
 33 2 salaries, support, maintenance, and miscellaneous purposes:
 33 3 \$ 5,604,601
 33 4 3. For the state mental health institute at Independence for
 33 5 salaries, support, maintenance, and miscellaneous purposes:
 33 6 \$ 8,553,210
 33 7 4. For the state mental health institute at Mount Pleasant
 33 8 for salaries, support, maintenance, and miscellaneous purposes:
 33 9 \$ 1,614,663
 33 10 Sec. 22. STATE RESOURCE CENTERS.
 33 11 1. There is appropriated from the general fund of the
 33 12 state to the department of human services for the fiscal year
 33 13 beginning July 1, 2010, and ending June 30, 2011, the following
 33 14 amounts, or so much thereof as is necessary, to be used for the
 33 15 purposes designated:
 33 16 a. For the state resource center at Glenwood for salaries,
 33 17 support, maintenance, and miscellaneous purposes:
 33 18 \$ 15,489,063
 33 19 b. For the state resource center at Woodward for salaries,
 33 20 support, maintenance, and miscellaneous purposes:
 33 21 \$ 9,703,456
 33 22 2. The department may continue to bill for state resource
 33 23 center services utilizing a scope of services approach used for
 33 24 private providers of ICFMR services, in a manner which does not
 33 25 shift costs between the medical assistance program, counties,
 33 26 or other sources of funding for the state resource centers.
 33 27 3. The state resource centers may expand the time-limited
 33 28 assessment and respite services during the fiscal year.
 33 29 4. If the department's administration and the department
 33 30 of management concur with a finding by a state resource
 33 31 center's superintendent that projected revenues can reasonably
 33 32 be expected to pay the salary and support costs for a new
 33 33 employee position, or that such costs for adding a particular
 33 34 number of new positions for the fiscal year would be less
 33 35 than the overtime costs if new positions would not be added,



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34 1 the superintendent may add the new position or positions. If
 34 2 the vacant positions available to a resource center do not
 34 3 include the position classification desired to be filled, the
 34 4 state resource center's superintendent may reclassify any
 34 5 vacant position as necessary to fill the desired position. The
 34 6 superintendents of the state resource centers may, by mutual
 34 7 agreement, pool vacant positions and position classifications
 34 8 during the course of the fiscal year in order to assist one
 34 9 another in filling necessary positions.

34 10 5. If existing capacity limitations are reached in
 34 11 operating units, a waiting list is in effect for a service or
 34 12 a special need for which a payment source or other funding
 34 13 is available for the service or to address the special need,
 34 14 and facilities for the service or to address the special need
 34 15 can be provided within the available payment source or other
 34 16 funding, the superintendent of a state resource center may
 34 17 authorize opening not more than two units or other facilities
 34 18 and begin implementing the service or addressing the special
 34 19 need during fiscal year 2010=2011.

34 20 Sec. 23. MI/MR/DD STATE CASES.

34 21 1. There is appropriated from the general fund of the
 34 22 state to the department of human services for the fiscal year
 34 23 beginning July 1, 2010, and ending June 30, 2011, the following
 34 24 amount, or so much thereof as is necessary, to be used for the
 34 25 purpose designated:

34 26 For distribution to counties for state case services
 34 27 for persons with mental illness, mental retardation, and
 34 28 developmental disabilities in accordance with section 331.440:
 34 29 \$ 10,295,207

34 30 2. For the fiscal year beginning July 1, 2010, and ending
 34 31 June 30, 2011, \$200,000 is allocated for state case services
 34 32 from the amounts appropriated from the fund created in section
 34 33 8.41 to the department of human services from moneys received
 34 34 from the federal government under 42 U.S.C. ch. 6A, subch.
 34 35 XVII, part B, subpart. i, relating to the community mental



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35 1 health center block grant, for the federal fiscal years
 35 2 beginning October 1, 2009, and ending September 30, 2010,
 35 3 beginning October 1, 2010, and ending September 30, 2011, and
 35 4 beginning October 1, 2011, and ending September 30, 2012. The
 35 5 allocation made in this subsection shall be made prior to any
 35 6 other allocation of the appropriated federal funds.
 35 7 3. For the fiscal year beginning July 1, 2010, to the
 35 8 extent the appropriation made in this section and other funding
 35 9 provided for state case services and other support, as defined
 35 10 in section 331.440, and the other funding available in the
 35 11 county's services fund under section 331.424A are insufficient
 35 12 to pay the costs of such services and other support, a county
 35 13 of residence may implement a waiting list or other measures to
 35 14 maintain expenditures within the available funding.
 35 15 4. Notwithstanding section 8.33, moneys appropriated in
 35 16 this section that remain unencumbered or unobligated at the
 35 17 close of the fiscal year shall not revert but shall remain
 35 18 available for expenditure for the purposes designated until the
 35 19 close of the succeeding fiscal year.
 35 20 Sec. 24. MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES ==
 35 21 COMMUNITY SERVICES FUND. There is appropriated from
 35 22 the general fund of the state to the mental health and
 35 23 developmental disabilities community services fund created in
 35 24 section 225C.7 for the fiscal year beginning July 1, 2010, and
 35 25 ending June 30, 2011, the following amount, or so much thereof
 35 26 as is necessary, to be used for the purpose designated:
 35 27 For mental health and developmental disabilities community
 35 28 services in accordance with this division of this Act:
 35 29 \$ 14,211,100
 35 30 1. Of the funds appropriated in this section, \$14,187,556
 35 31 shall be allocated to counties for funding of community-based
 35 32 mental health and developmental disabilities services. The
 35 33 moneys shall be allocated to a county as follows:
 35 34 a. Fifty percent based upon the county's proportion of the
 35 35 state's population of persons with an annual income which is



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36 1 equal to or less than the poverty guideline established by the
36 2 federal office of management and budget.

36 3 b. Fifty percent based upon the county's proportion of the
36 4 state's general population.

36 5 2. a. A county shall utilize the funding the county
36 6 receives pursuant to subsection 1 for services provided to
36 7 persons with a disability, as defined in section 225C.2.
36 8 However, no more than 50 percent of the funding shall be used
36 9 for services provided to any one of the service populations.

36 10 b. A county shall use at least 50 percent of the funding the
36 11 county receives under subsection 1 for contemporary services
36 12 provided to persons with a disability, as described in rules
36 13 adopted by the department.

36 14 3. Of the funds appropriated in this section, \$23,544
36 15 shall be used to support the Iowa compass program providing
36 16 computerized information and referral services for Iowans with
36 17 disabilities and their families.

36 18 4. a. Funding appropriated for purposes of the federal
36 19 social services block grant is allocated for distribution
36 20 to counties for local purchase of services for persons with
36 21 mental illness or mental retardation or other developmental
36 22 disability.

36 23 b. The funds allocated in this subsection shall be expended
36 24 by counties in accordance with the county's county management
36 25 plan approved by the board of supervisors. A county without
36 26 an approved county management plan shall not receive allocated
36 27 funds until the county's management plan is approved.

36 28 c. The funds provided by this subsection shall be allocated
36 29 to each county as follows:

36 30 (1) Fifty percent based upon the county's proportion of the
36 31 state's population of persons with an annual income which is
36 32 equal to or less than the poverty guideline established by the
36 33 federal office of management and budget.

36 34 (2) Fifty percent based upon the amount provided to the
36 35 county for local purchase of services in the preceding fiscal



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37 1 year.

37 2 5. A county is eligible for funds under this section if the

37 3 county qualifies for a state payment as described in section

37 4 331.439.

37 5 6. The most recent population estimates issued by the United

37 6 States bureau of the census shall be applied for the population

37 7 factors utilized in this section.

37 8 Sec. 25. SEXUALLY VIOLENT PREDATORS.

37 9 1. There is appropriated from the general fund of the

37 10 state to the department of human services for the fiscal year

37 11 beginning July 1, 2010, and ending June 30, 2011, the following

37 12 amount, or so much thereof as is necessary, to be used for the

37 13 purpose designated:

37 14 For costs associated with the commitment and treatment of

37 15 sexually violent predators in the unit located at the state

37 16 mental health institute at Cherokee, including costs of legal

37 17 services and other associated costs, including salaries,

37 18 support, maintenance, and miscellaneous purposes:

37 19 \$ 6,174,184

37 20 2. Unless specifically prohibited by law, if the amount

37 21 charged provides for recoupment of at least the entire amount

37 22 of direct and indirect costs, the department of human services

37 23 may contract with other states to provide care and treatment

37 24 of persons placed by the other states at the unit for sexually

37 25 violent predators at Cherokee. The moneys received under

37 26 such a contract shall be considered to be repayment receipts

37 27 and used for the purposes of the appropriation made in this

37 28 section.

37 29 Sec. 26. FIELD OPERATIONS. There is appropriated from the

37 30 general fund of the state to the department of human services

37 31 for the fiscal year beginning July 1, 2010, and ending June 30,

37 32 2011, the following amount, or so much thereof as is necessary,

37 33 to be used for the purposes designated:

37 34 For field operations, including salaries, support,

37 35 maintenance, and miscellaneous purposes:



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38 1 \$ 56,729,548
 38 2 Priority in filling full-time equivalent positions shall be
 38 3 given to those positions related to child protection services
 38 4 and eligibility determination for low-income families.
 38 5 Sec. 27. GENERAL ADMINISTRATION. There is appropriated
 38 6 from the general fund of the state to the department of human
 38 7 services for the fiscal year beginning July 1, 2010, and ending
 38 8 June 30, 2011, the following amount, or so much thereof as is
 38 9 necessary, to be used for the purpose designated:
 38 10 For general administration, including salaries, support,
 38 11 maintenance, and miscellaneous purposes:
 38 12 \$ 13,727,271
 38 13 1. Of the funds appropriated in this section, \$43,700 is
 38 14 allocated for the prevention of disabilities policy council
 38 15 established in section 225B.3.
 38 16 2. The department shall report at least monthly to the
 38 17 legislative services agency concerning the department's
 38 18 operational and program expenditures.
 38 19 Sec. 28. VOLUNTEERS. There is appropriated from the general
 38 20 fund of the state to the department of human services for the
 38 21 fiscal year beginning July 1, 2010, and ending June 30, 2011,
 38 22 the following amount, or so much thereof as is necessary, to be
 38 23 used for the purpose designated:
 38 24 For development and coordination of volunteer services:
 38 25 \$ 84,660
 38 26 Sec. 29. PREGNANCY COUNSELING AND SUPPORT SERVICES PROGRAM ==
 38 27 APPROPRIATION. There is appropriated from the general fund
 38 28 of the state to the department of human services for the fiscal
 38 29 year beginning July 1, 2010, and ending June 30, 2011, the
 38 30 following amount, or so much thereof as is necessary, for the
 38 31 purpose designated:
 38 32 For a pregnancy counseling and support services program as
 38 33 specified in this section:
 38 34 \$ 71,688
 38 35 The department of human services shall continue the



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39 1 pregnancy counseling and support services program to provide
39 2 core services consisting of information, education, counseling,
39 3 and support services to women who experience unplanned
39 4 pregnancies by supporting childbirth, assisting pregnant women
39 5 in remaining healthy and maintaining a healthy pregnancy
39 6 while deciding whether to keep the child or place the child
39 7 for adoption, and assisting women after the birth of a child
39 8 that was implemented pursuant to 2008 Iowa Acts, chapter 1187,
39 9 section 30.

39 10 Sec. 30. MEDICAL ASSISTANCE, STATE SUPPLEMENTARY
39 11 ASSISTANCE, AND SOCIAL SERVICE PROVIDERS REIMBURSED UNDER THE
39 12 DEPARTMENT OF HUMAN SERVICES.

39 13 1. a. (1) For the fiscal year beginning July 1, 2010,
39 14 the total state funding amount for the nursing facility budget
39 15 shall not exceed \$152,840,140.

39 16 (2) The department, in cooperation with nursing facility
39 17 representatives, shall review projections for state funding
39 18 expenditures for reimbursement of nursing facilities on a
39 19 quarterly basis and the department shall determine if an
39 20 adjustment to the medical assistance reimbursement rate is
39 21 necessary in order to provide reimbursement within the state
39 22 funding amount. Any temporary enhanced federal financial
39 23 participation that may become available to the Iowa medical
39 24 assistance program during the fiscal year shall not be used
39 25 in projecting the nursing facility budget. Notwithstanding
39 26 2001 Iowa Acts, chapter 192, section 4, subsection 2, paragraph
39 27 "c", and subsection 3, paragraph "a", subparagraph (2),
39 28 if the state funding expenditures for the nursing facility
39 29 budget for the fiscal year beginning July 1, 2010, are
39 30 projected to exceed the amount specified in subparagraph (1),
39 31 the department shall adjust the reimbursement for nursing
39 32 facilities reimbursed under the case-mix reimbursement system
39 33 to maintain expenditures of the nursing facility budget
39 34 within the specified amount. The department shall revise
39 35 such reimbursement as necessary to adjust the annual nursing



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40 1 facility pay-for-performance payments in accordance with 2001
40 2 Iowa Acts, chapter 192, section 4, subsection 4, as amended
40 3 by 2008 Iowa Acts, chapter 1187, section 33, and as amended
40 4 by 2009 Iowa Acts, chapter 182, section 33, to implement a
40 5 pay-for-performance payment.
40 6 b. For the fiscal year beginning July 1, 2010, the
40 7 department shall reimburse pharmacy dispensing fees using a
40 8 single rate of \$4.34 per prescription or the pharmacy's usual
40 9 and customary fee, whichever is lower.
40 10 c. (1) For the fiscal year beginning July 1, 2010,
40 11 reimbursement rates for outpatient hospital services shall
40 12 remain at the rates in effect on June 30, 2010.
40 13 (2) For the fiscal year beginning July 1, 2010,
40 14 reimbursement rates for inpatient hospital services shall
40 15 remain at the rates in effect on June 30, 2010. The Iowa
40 16 hospital association shall submit information to the general
40 17 assembly's standing committees on government oversight during
40 18 the 2011 session of the general assembly regarding actions
40 19 taken to increase compensation and other costs of employment
40 20 for hospital staff who provide direct care to patients.
40 21 (3) For the fiscal year beginning July 1, 2010, the graduate
40 22 medical education and disproportionate share hospital fund
40 23 shall remain at the amount in effect on June 30, 2010.
40 24 (4) In order to ensure the efficient use of limited state
40 25 funds in procuring health care services for low-income Iowans,
40 26 funds appropriated in this Act for hospital services shall
40 27 not be used for activities which would be excluded from a
40 28 determination of reasonable costs under the federal Medicare
40 29 program pursuant to 42 U.S.C. { 1395X(v)(1)(N).
40 30 d. For the fiscal year beginning July 1, 2010, reimbursement
40 31 rates for rural health clinics, hospices, independent
40 32 laboratories, rehabilitation agencies, and acute mental
40 33 hospitals shall be increased in accordance with increases under
40 34 the federal Medicare program or as supported by their Medicare
40 35 audited costs.



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41 1 e. For the fiscal year beginning July 1, 2010, reimbursement
41 2 rates for home health agencies shall remain at the rates in
41 3 effect on June 30, 2010, not to exceed a home health agency's
41 4 actual allowable cost.

41 5 f. For the fiscal year beginning July 1, 2010, federally
41 6 qualified health centers shall receive cost-based reimbursement
41 7 for 100 percent of the reasonable costs for the provision of
41 8 services to recipients of medical assistance.

41 9 g. For the fiscal year beginning July 1, 2010, the
41 10 reimbursement rates for dental services shall remain at the
41 11 rates in effect on June 30, 2010.

41 12 h. For the fiscal year beginning July 1, 2010, the maximum
41 13 reimbursement rates for nonstate-operated psychiatric medical
41 14 institutions for children shall remain at the rate in effect
41 15 on June 30, 2010.

41 16 i. For the fiscal year beginning July 1, 2010, unless
41 17 otherwise specified in this Act, all noninstitutional medical
41 18 assistance provider reimbursement rates shall remain at the
41 19 rates in effect on June 30, 2010, except for area education
41 20 agencies, local education agencies, infant and toddler services
41 21 providers, and those providers whose rates are required to be
41 22 determined pursuant to section 249A.20.

41 23 j. Notwithstanding any provision to the contrary, for the
41 24 fiscal year beginning July 1, 2010, the reimbursement rate for
41 25 anesthesiologists shall remain at the rate in effect on June
41 26 30, 2010.

41 27 k. Notwithstanding section 249A.20, for the fiscal year
41 28 beginning July 1, 2010, the average reimbursement rate for
41 29 health care providers eligible for use of the federal Medicare
41 30 resource-based relative value scale reimbursement methodology
41 31 under that section shall remain at the rate in effect on June
41 32 30, 2010; however, this rate shall not exceed the maximum level
41 33 authorized by the federal government.

41 34 l. For the fiscal year beginning July 1, 2010, the
41 35 reimbursement rate for residential care facilities shall not



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42 1 be less than the minimum payment level as established by the
42 2 federal government to meet the federally mandated maintenance
42 3 of effort requirement. The flat reimbursement rate for
42 4 facilities electing not to file semiannual cost reports shall
42 5 not be less than the minimum payment level as established
42 6 by the federal government to meet the federally mandated
42 7 maintenance of effort requirement.

42 8 m. For the fiscal year beginning July 1, 2010, inpatient
42 9 mental health services provided at hospitals shall be
42 10 reimbursed at the cost of the services, subject to Medicaid
42 11 program upper payment limit rules; community mental health
42 12 centers and providers of mental health services to county
42 13 residents pursuant to a waiver approved under section 225C.7,
42 14 subsection 3, shall be reimbursed at 100 percent of the
42 15 reasonable costs for the provision of services to recipients of
42 16 medical assistance; and psychiatrists shall be reimbursed at
42 17 the medical assistance program fee for service rate. However,
42 18 the rates shall not exceed the rates in effect on June 30,
42 19 2010.

42 20 n. For the fiscal year beginning July 1, 2010, the
42 21 reimbursement rate for consumer-directed attendant care shall
42 22 remain at the rates in effect on June 30, 2010.

42 23 o. For the fiscal year beginning July 1, 2010, the
42 24 reimbursement rate for providers of family planning services
42 25 that are eligible to receive a 90 percent federal match shall
42 26 remain at the rates in effect on June 30, 2010.

42 27 p. The department shall continue the reduction in payments
42 28 to medical assistance program providers for the fiscal year
42 29 beginning July 1, 2010, and ending June 30, 2011, in the
42 30 percentage amount applicable to the respective provider as
42 31 specified under Executive Order 19.

42 32 2. For the fiscal year beginning July 1, 2010, the
42 33 reimbursement rate for providers reimbursed under the
42 34 in-home-related care program shall not be less than the minimum
42 35 payment level as established by the federal government to meet



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43 1 the federally mandated maintenance of effort requirement.

43 2 3. Unless otherwise directed in this section, when the
43 3 department's reimbursement methodology for any provider
43 4 reimbursed in accordance with this section includes an
43 5 inflation factor, this factor shall not exceed the amount
43 6 by which the consumer price index for all urban consumers
43 7 increased during the calendar year ending December 31, 2002.

43 8 4. For the fiscal year beginning July 1, 2010,
43 9 notwithstanding section 234.38, the foster family basic daily
43 10 maintenance rate and the maximum adoption subsidy rate for
43 11 children ages 0 through 5 years shall be \$15.54, the rate for
43 12 children ages 6 through 11 years shall be \$16.16, the rate for
43 13 children ages 12 through 15 years shall be \$17.69, and the
43 14 rate for children and young adults ages 16 and older shall be
43 15 \$17.93. The maximum supervised apartment living foster care
43 16 rate and the preparation for adult living program maintenance
43 17 rate for children and young adults ages 16 and older shall be
43 18 \$18.87.

43 19 5. For the fiscal year beginning July 1, 2010, the maximum
43 20 reimbursement rates for social services providers reimbursed
43 21 under a purchase of social services contract shall remain at
43 22 the rates in effect on June 30, 2010, or the provider's actual
43 23 and allowable cost plus inflation for each service, whichever
43 24 is less. However, the rates may be adjusted under any of the
43 25 following circumstances:

43 26 a. If a new service was added after June 30, 2010, the
43 27 initial reimbursement rate for the service shall be based upon
43 28 actual and allowable costs.

43 29 b. If a social service provider loses a source of income
43 30 used to determine the reimbursement rate for the provider,
43 31 the provider's reimbursement rate may be adjusted to reflect
43 32 the loss of income, provided that the lost income was used to
43 33 support actual and allowable costs of a service purchased under
43 34 a purchase of service contract.

43 35 6. For the fiscal year beginning July 1, 2010, the



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44 1 reimbursement rates for family-centered service providers,
44 2 family foster care service providers, group foster care service
44 3 providers, and the resource family recruitment and retention
44 4 contractor shall remain at the rates in effect on June 30,
44 5 2010.

44 6 7. The group foster care reimbursement rates paid for
44 7 placement of children out of state shall be calculated
44 8 according to the same rate-setting principles as those used for
44 9 in-state providers, unless the director of human services or
44 10 the director's designee determines that appropriate care cannot
44 11 be provided within the state. The payment of the daily rate
44 12 shall be based on the number of days in the calendar month in
44 13 which service is provided.

44 14 8. For the fiscal year beginning July 1, 2010, remedial
44 15 service providers shall receive the same level of reimbursement
44 16 under the same methodology in effect on June 30, 2010.

44 17 9. a. For the fiscal year beginning July 1, 2010,
44 18 the combined service and maintenance components of the
44 19 reimbursement rate paid for shelter care services and
44 20 alternative child welfare emergency services purchased under
44 21 a contract shall be based on the financial and statistical
44 22 report submitted to the department. The maximum reimbursement
44 23 rate shall be \$87.74 per day. The department shall reimburse
44 24 a shelter care provider at the provider's actual and
44 25 allowable unit cost, plus inflation, not to exceed the maximum
44 26 reimbursement rate.

44 27 b. Notwithstanding section 232.141, subsection 8, for the
44 28 fiscal year beginning July 1, 2010, the amount of the statewide
44 29 average of the actual and allowable rates for reimbursement of
44 30 juvenile shelter care homes that is utilized for the limitation
44 31 on recovery of unpaid costs shall remain at the amount in
44 32 effect for this purpose in the preceding fiscal year.

44 33 10. For the fiscal year beginning July 1, 2010, the
44 34 department shall calculate reimbursement rates for intermediate
44 35 care facilities for persons with mental retardation at the



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45 1 80th percentile. Beginning July 1, 2010, the rate calculation
45 2 methodology shall utilize the consumer price index inflation
45 3 factor applicable to the fiscal year beginning July 1, 2010.
45 4 11. For the fiscal year beginning July 1, 2010, for child
45 5 care providers reimbursed under the state child care assistance
45 6 program, the department shall set provider reimbursement
45 7 rates based on the rate reimbursement survey completed in
45 8 December 2004. Effective July 1, 2010, the child care provider
45 9 reimbursement rates shall remain at the rates in effect on June
45 10 30, 2010. The department shall set rates in a manner so as
45 11 to provide incentives for a nonregistered provider to become
45 12 registered by applying the increase only to registered and
45 13 licensed providers.
45 14 12. For the fiscal year beginning July 1, 2010,
45 15 reimbursements for providers reimbursed by the department of
45 16 human services may be modified if appropriated funding is
45 17 allocated for that purpose from the senior living trust fund
45 18 created in section 249H.4.
45 19 13. The department may adopt emergency rules to implement
45 20 this section.
45 21 Sec. 31. EMERGENCY RULES.
45 22 1. If specifically authorized by a provision of this
45 23 division of this Act, the department of human services or the
45 24 mental health, mental retardation, developmental disabilities,
45 25 and brain injury commission may adopt administrative rules
45 26 under section 17A.4, subsection 3, and section 17A.5,
45 27 subsection 2, paragraph "b", to implement the provisions and
45 28 the rules shall become effective immediately upon filing or
45 29 on a later effective date specified in the rules, unless the
45 30 effective date is delayed by the administrative rules review
45 31 committee. Any rules adopted in accordance with this section
45 32 shall not take effect before the rules are reviewed by the
45 33 administrative rules review committee. The delay authority
45 34 provided to the administrative rules review committee under
45 35 section 17A.4, subsection 7, and section 17A.8, subsection 9,



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46 1 shall be applicable to a delay imposed under this section,
46 2 notwithstanding a provision in those sections making them
46 3 inapplicable to section 17A.5, subsection 2, paragraph "b".
46 4 Any rules adopted in accordance with the provisions of this
46 5 section shall also be published as notice of intended action
46 6 as provided in section 17A.4.

46 7 2. If during the fiscal year beginning July 1, 2010, the
46 8 department of human services is adopting rules in accordance
46 9 with this section or as otherwise directed or authorized by
46 10 state law, and the rules will result in an expenditure increase
46 11 beyond the amount anticipated in the budget process or if the
46 12 expenditure was not addressed in the budget process for the
46 13 fiscal year, the department shall notify the persons designated
46 14 by this division of this Act for submission of reports,
46 15 the chairpersons and ranking members of the committees on
46 16 appropriations, and the department of management concerning the
46 17 rules and the expenditure increase. The notification shall be
46 18 provided at least 30 calendar days prior to the date notice of
46 19 the rules is submitted to the administrative rules coordinator
46 20 and the administrative code editor.

46 21 Sec. 32. REPORTS. Any reports or information required to be
46 22 compiled and submitted under this Act shall be submitted to the
46 23 chairpersons and ranking members of the joint appropriations
46 24 subcommittee on health and human services, the legislative
46 25 services agency, and the legislative caucus staffs on or
46 26 before the dates specified for submission of the reports or
46 27 information.

46 28 Sec. 33. EFFECTIVE DATE. The following provisions of this
46 29 division of this Act, being deemed of immediate importance,
46 30 take effect upon enactment:

46 31 The provision under the appropriation for child and family
46 32 services, relating to requirements of section 232.143 for
46 33 representatives of the department of human services and
46 34 juvenile court services to establish a plan for continuing
46 35 group foster care expenditures for fiscal year 2010=2011.



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48 1 Sec. 36. IOWA FINANCE AUTHORITY. There is appropriated
 48 2 from the senior living trust fund created in section 249H.4 to
 48 3 the Iowa finance authority for the fiscal year beginning July
 48 4 1, 2010, and ending June 30, 2011, the following amount, or
 48 5 so much thereof as is necessary, to be used for the purposes
 48 6 designated:

48 7 For the rent subsidy program, to provide reimbursement for
 48 8 rent expenses to eligible persons:

48 9 \$ 700,000

48 10 Participation in the rent subsidy program shall be limited
 48 11 to only those persons who meet the requirements for the nursing
 48 12 facility level of care for home and community-based services
 48 13 waiver services as in effect on July 1, 2010, and to those
 48 14 individuals who are eligible for the federal money follows the
 48 15 person grant program under the medical assistance program. Of
 48 16 the funds appropriated in this section, not more than \$35,000
 48 17 may be used for administrative costs.

48 18 Sec. 37. DEPARTMENT OF HUMAN SERVICES. Any funds remaining
 48 19 in the senior living trust fund created in section 249H.4
 48 20 following the appropriations from the senior living trust
 48 21 fund made in this division of this Act to the department on
 48 22 aging, the department of inspections and appeals, and the Iowa
 48 23 finance authority, for the fiscal year beginning July 1, 2010,
 48 24 and ending June 30, 2011, are appropriated to the department
 48 25 of human services to supplement the medical assistance
 48 26 program appropriations made in this Act, including program
 48 27 administration and costs associated with implementation. In
 48 28 order to carry out the purposes of this section, the department
 48 29 may transfer funds appropriated in this section to supplement
 48 30 other appropriations made to the department of human services.

48 31 Sec. 38. PHARMACEUTICAL SETTLEMENT ACCOUNT. There is
 48 32 appropriated from the pharmaceutical settlement account created
 48 33 in section 249A.33 to the department of human services for the
 48 34 fiscal year beginning July 1, 2010, and ending June 30, 2011,
 48 35 the following amount, or so much thereof as is necessary, to be



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49 1 used for the purpose designated:
 49 2 To supplement the appropriations made for medical contracts
 49 3 under the medical assistance program:
 49 4 \$ 3,298,191
 49 5 Sec. 39. APPROPRIATIONS FROM IOWACARE ACCOUNT.
 49 6 1. There is appropriated from the IowaCare account
 49 7 created in section 249J.24 to the state board of regents for
 49 8 distribution to the university of Iowa hospitals and clinics
 49 9 for the fiscal year beginning July 1, 2010, and ending June 30,
 49 10 2011, the following amount, or so much thereof as is necessary,
 49 11 to be used for the purposes designated:
 49 12 For salaries, support, maintenance, equipment, and
 49 13 miscellaneous purposes, for the provision of medical and
 49 14 surgical treatment of indigent patients, for provision of
 49 15 services to members of the expansion population pursuant to
 49 16 chapter 249J, and for medical education:
 49 17 \$ 27,284,584
 49 18 a. Funds appropriated in this subsection shall not be used
 49 19 to perform abortions except medically necessary abortions, and
 49 20 shall not be used to operate the early termination of pregnancy
 49 21 clinic except for the performance of medically necessary
 49 22 abortions. For the purpose of this subsection, an abortion is
 49 23 the purposeful interruption of pregnancy with the intention
 49 24 other than to produce a live-born infant or to remove a dead
 49 25 fetus, and a medically necessary abortion is one performed
 49 26 under one of the following conditions:
 49 27 (1) The attending physician certifies that continuing the
 49 28 pregnancy would endanger the life of the pregnant woman.
 49 29 (2) The attending physician certifies that the fetus is
 49 30 physically deformed, mentally deficient, or afflicted with a
 49 31 congenital illness.
 49 32 (3) The pregnancy is the result of a rape which is reported
 49 33 within 45 days of the incident to a law enforcement agency or
 49 34 public or private health agency which may include a family
 49 35 physician.



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50 1 (4) The pregnancy is the result of incest which is reported
50 2 within 150 days of the incident to a law enforcement agency
50 3 or public or private health agency which may include a family
50 4 physician.

50 5 (5) The abortion is a spontaneous abortion, commonly known
50 6 as a miscarriage, wherein not all of the products of conception
50 7 are expelled.

50 8 b. Notwithstanding any provision of law to the contrary, the
50 9 amount appropriated in this subsection shall be allocated in
50 10 twelve equal monthly payments as provided in section 249J.24.

50 11 2. There is appropriated from the IowaCare account
50 12 created in section 249J.24 to the state board of regents for
50 13 distribution to the university of Iowa hospitals and clinics
50 14 for the fiscal year beginning July 1, 2010, and ending June 30,
50 15 2011, the following amount, or so much thereof as is necessary,
50 16 to be used for the purposes designated:

50 17 For salaries, support, maintenance, equipment, and
50 18 miscellaneous purposes, for the provision of medical and
50 19 surgical treatment of indigent patients, for provision of
50 20 services to members of the expansion population pursuant to
50 21 chapter 249J, and for medical education:
50 22 \$ 47,020,131

50 23 The amount appropriated in this subsection shall be
50 24 distributed only if expansion population claims adjudicated
50 25 and paid by the Iowa Medicaid enterprise exceed the amount
50 26 of the appropriation made to the state board of regents for
50 27 distribution to the university of Iowa hospitals and clinics
50 28 in subsection 1. The amount appropriated in this subsection
50 29 shall be distributed monthly for expansion population claims
50 30 adjudicated and approved for payment by the Iowa Medicaid
50 31 enterprise using medical assistance program reimbursement
50 32 rates.

50 33 3. There is appropriated from the IowaCare account created
50 34 in section 249J.24 to the department of human services for the
50 35 fiscal year beginning July 1, 2010, and ending June 30, 2011,



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51 1 the following amount, or so much thereof as is necessary, to be
51 2 used for the purposes designated:

51 3 For distribution to a publicly owned acute care teaching
51 4 hospital located in a county with a population over 350,000 for
51 5 the provision of medical and surgical treatment of indigent
51 6 patients, for provision of services to members of the expansion
51 7 population pursuant to chapter 249J, and for medical education:
51 8 \$ 46,000,000

51 9 a. Notwithstanding any provision of law to the contrary,
51 10 the amount appropriated in this subsection shall be allocated
51 11 in twelve equal monthly payments as provided in section
51 12 249J.24. Any amount appropriated in this subsection in excess
51 13 of \$41,000,000 shall be allocated only if federal funds are
51 14 available to match the amount allocated.

51 15 b. Notwithstanding the total amount of proceeds distributed
51 16 pursuant to section 249J.24, subsection 6, paragraph "a",
51 17 unnumbered paragraph 1, for the fiscal year beginning July
51 18 1, 2010, and ending June 30, 2011, the county treasurer of a
51 19 county with a population of over 350,000 in which a publicly
51 20 owned acute care teaching hospital is located shall distribute
51 21 the proceeds collected pursuant to section 347.7 in a total
51 22 amount of \$38,000,000, which would otherwise be distributed to
51 23 the county hospital, to the treasurer of state for deposit in
51 24 the IowaCare account.

51 25 c. (1) Notwithstanding the amount collected and
51 26 distributed for deposit in the IowaCare account pursuant to
51 27 section 249J.24, subsection 6, paragraph "a", subparagraph
51 28 (1), the first \$19,000,000 in proceeds collected pursuant to
51 29 section 347.7 between July 1, 2010, and December 31, 2010,
51 30 shall be distributed to the treasurer of state for deposit in
51 31 the IowaCare account and collections during this time period in
51 32 excess of \$19,000,000 shall be distributed to the acute care
51 33 teaching hospital identified in this subsection.

51 34 (2) Notwithstanding the amount collected and distributed
51 35 for deposit in the IowaCare account pursuant to section



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52 1 249J.24, subsection 6, paragraph "a", subparagraph (2),
 52 2 the first \$19,000,000 in collections pursuant to section
 52 3 347.7 between January 1, 2011, and June 30, 2011, shall be
 52 4 distributed to the treasurer of state for deposit in the
 52 5 IowaCare account and collections during this time period in
 52 6 excess of \$19,000,000 shall be distributed to the acute care
 52 7 teaching hospital identified in this subsection.
 52 8 Sec. 40. APPROPRIATIONS FROM ACCOUNT FOR HEALTH CARE
 52 9 TRANSFORMATION == DEPARTMENT OF HUMAN SERVICES.
 52 10 Notwithstanding any provision to the contrary, there is
 52 11 appropriated from the account for health care transformation
 52 12 created in section 249J.23 to the department of human services
 52 13 for the fiscal year beginning July 1, 2010, and ending June
 52 14 30, 2011, the following amounts, or so much thereof as is
 52 15 necessary, to be used for the purposes designated:
 52 16 1. For the costs of medical examinations and development of
 52 17 personal health improvement plans for the expansion population
 52 18 pursuant to section 249J.6:
 52 19 \$ 556,800
 52 20 2. For the provision of a medical information hotline for
 52 21 the expansion population as provided in section 249J.6:
 52 22 \$ 100,000
 52 23 3. For other health promotion partnership activities
 52 24 pursuant to section 249J.14:
 52 25 \$ 600,000
 52 26 4. For the costs related to audits, performance
 52 27 evaluations, and studies required pursuant to chapter 249J:
 52 28 \$ 125,000
 52 29 5. For administrative costs associated with chapter 249J:
 52 30 \$ 1,132,412
 52 31 6. For planning and development, in cooperation with the
 52 32 department of public health, of a phased-in program to provide
 52 33 a dental home for children in accordance with section 249J.14,
 52 34 subsection 7:
 52 35 \$ 1,000,000



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53 1 7. For continuation of the establishment of the tuition
53 2 assistance for individuals serving individuals with
53 3 disabilities pilot program, as enacted in 2008 Iowa Acts,
53 4 chapter 1187, section 130:
53 5 \$ 50,000
53 6 8. For medical contracts:
53 7 \$ 1,300,000
53 8 9. For payment to the publicly owned acute care teaching
53 9 hospital located in a county with a population of over 350,000
53 10 that is a participating provider pursuant to chapter 249J:
53 11 \$ 290,000
53 12 Disbursements under this subsection shall be made monthly.
53 13 The hospital shall submit a report following the close of the
53 14 fiscal year regarding use of the funds appropriated in this
53 15 subsection to the persons specified in this Act to receive
53 16 reports.
53 17 Notwithstanding section 8.39, subsection 1, without the
53 18 prior written consent and approval of the governor and the
53 19 director of the department of management, the director of human
53 20 services may transfer funds among the appropriations made in
53 21 this section as necessary to carry out the purposes of the
53 22 account for health care transformation. The department shall
53 23 report any transfers made pursuant to this section to the
53 24 legislative services agency.
53 25 Sec. 41. MEDICAL ASSISTANCE PROGRAM == NONREVERSION FOR
53 26 FY 2011=2012. Notwithstanding any section 8.33, if moneys
53 27 appropriated for purposes of the medical assistance program for
53 28 the fiscal year beginning July 1, 2010, and ending June 30,
53 29 2011, from the general fund of the state, the senior living
53 30 trust fund, the health care trust fund, and the property
53 31 tax relief fund are in excess of actual expenditures for
53 32 the medical assistance program and remain unencumbered or
53 33 unobligated at the close of the fiscal year, the excess moneys
53 34 shall not revert but shall remain available for expenditure for
53 35 the purposes of the medical assistance program until the close



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54 1 of the succeeding fiscal year.

54 2 DIVISION VI

54 3 MH/MR/DD SERVICES

54 4 ALLOWED GROWTH FUNDING

54 5 FY 2010=2011

54 6 Sec. 42. 2009 Iowa Acts, chapter 179, section 1, is amended
54 7 to read as follows:

54 8 SECTION 1. COUNTY MENTAL HEALTH, MENTAL RETARDATION, AND
54 9 DEVELOPMENTAL DISABILITIES ALLOWED GROWTH APPROPRIATION AND
54 10 ALLOCATIONS == FISCAL YEAR 2010=2011.

54 11 ~~1.~~ There is appropriated from the general fund of the
54 12 state to the department of human services for the fiscal year
54 13 beginning July 1, 2010, and ending June 30, 2011, the following
54 14 amount, or so much thereof as is necessary, to be used for the
54 15 purpose designated:

54 16 For distribution to counties of the county mental health,
54 17 mental retardation, and developmental disabilities allowed
54 18 growth factor adjustment for fiscal year 2010=2011 as provided
54 19 in this section in lieu of the allowed growth factor provisions
54 20 of section 331.438, subsection 2, and section 331.439,
54 21 subsection 3, and chapter 426B:

54 22	\$ 62,157,491
54 23	<u>48,697,893</u>

54 24 ~~2. The amount appropriated in this section shall be~~
~~54 25 allocated as provided in a later enactment of the general~~
~~54 26 assembly.~~

54 27 Sec. 43. 2009 Iowa Acts, chapter 179, section 1, as
54 28 amended by this division of this Act, is amended by adding the
54 29 following new subsections:

54 30 NEW SUBSECTION. 1. Of the amount appropriated in this
54 31 section, \$146,750 shall be used for assistance to the counties
54 32 with limited county mental health, mental retardation, and
54 33 developmental disabilities services fund balances which were
54 34 selected in accordance with 2000 Iowa Acts, chapter 1221,
54 35 section 3, to receive such assistance, in the same amount



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55 1 provided during the fiscal year beginning July 1, 2000,
55 2 and ending June 30, 2001, to pay reimbursement increases in
55 3 accordance with 2000 Iowa Acts, chapter 1221, section 3.
55 4 NEW SUBSECTION. 2. Of the amount appropriated in this
55 5 section, \$12,000,000 shall be distributed as provided in this
55 6 subsection.
55 7 a. To be eligible to receive a distribution under this
55 8 subsection, a county must meet the following requirements:
55 9 (1) The county is levying for the maximum amount allowed
55 10 for the county's mental health, mental retardation, and
55 11 developmental disabilities services fund under section 331.424A
55 12 for taxes due and payable in the fiscal year beginning July 1,
55 13 2010, or the county is levying for at least 90 percent of the
55 14 maximum amount allowed for the county's services fund and that
55 15 levy rate is more than \$2 per \$1,000 of the assessed value of
55 16 all taxable property in the county.
55 17 (2) In the fiscal year beginning July 1, 2008, the
55 18 county's mental health, mental retardation, and developmental
55 19 disabilities services fund ending balance under generally
55 20 accepted accounting principles was equal to or less than 15
55 21 percent of the county's actual gross expenditures for that
55 22 fiscal year.
55 23 b. A county's allocation of the amount appropriated in
55 24 this subsection shall be determined based upon the county's
55 25 proportion of the general population of the counties eligible
55 26 to receive an allocation under this subsection. The most
55 27 recent population estimates issued by the United States bureau
55 28 of the census shall be applied in determining population for
55 29 the purposes of this paragraph.
55 30 c. The allocations made pursuant to this subsection
55 31 are subject to the distribution provisions and withholding
55 32 requirements established in this section for the county mental
55 33 health, mental retardation, and developmental disabilities
55 34 allowed growth factor adjustment for the fiscal year beginning
55 35 July 1, 2010.



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56 1 NEW SUBSECTION. 3. The following amount of the funding
56 2 appropriated in this section is the allowed growth factor
56 3 adjustment for fiscal year 2010=2011, and shall be credited to
56 4 the allowed growth funding pool created in the property tax
56 5 relief fund and for distribution in accordance with section
56 6 426B.5, subsection 1:
56 7 \$ 36,551,143
56 8 NEW SUBSECTION. 4. The following formula amounts shall be
56 9 utilized only to calculate preliminary distribution amounts for
56 10 the allowed growth factor adjustment for fiscal year 2010=2011
56 11 under this section by applying the indicated formula provisions
56 12 to the formula amounts and producing a preliminary distribution
56 13 total for each county:
56 14 a. For calculation of a distribution amount for eligible
56 15 counties from the allowed growth funding pool created in the
56 16 property tax relief fund in accordance with the requirements in
56 17 section 426B.5, subsection 1:
56 18 \$ 49,626,596
56 19 b. For calculation of a distribution amount for counties
56 20 from the mental health and developmental disabilities (MH/DD)
56 21 community services fund in accordance with the formula provided
56 22 in the appropriation made for the MH/DD community services fund
56 23 for the fiscal year beginning July 1, 2010:
56 24 \$ 14,187,556
56 25 NEW SUBSECTION. 5. After applying the applicable statutory
56 26 distribution formulas to the amounts indicated in subsection
56 27 4 for purposes of producing preliminary distribution totals,
56 28 the department of human services shall apply a withholding
56 29 factor to adjust an eligible individual county's preliminary
56 30 distribution total. In order to be eligible for a distribution
56 31 under this section, a county must be levying 90 percent or more
56 32 of the maximum amount allowed for the county's mental health,
56 33 mental retardation, and developmental disabilities services
56 34 fund under section 331.424A for taxes due and payable in the
56 35 fiscal year for which the distribution is payable. An ending



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57 1 balance percentage for each county shall be determined by
57 2 expressing the county's ending balance on a modified accrual
57 3 basis under generally accepted accounting principles for the
57 4 fiscal year beginning July 1, 2008, in the county's mental
57 5 health, mental retardation, and developmental disabilities
57 6 services fund created under section 331.424A, as a percentage
57 7 of the county's gross expenditures from that fund for that
57 8 fiscal year. If a county borrowed moneys for purposes of
57 9 providing services from the county's services fund on or
57 10 before July 1, 2008, and the county's services fund ending
57 11 balance for that fiscal year includes the loan proceeds or an
57 12 amount designated in the county budget to service the loan for
57 13 the borrowed moneys, those amounts shall not be considered
57 14 to be part of the county's ending balance for purposes of
57 15 calculating an ending balance percentage under this subsection.
57 16 The withholding factor for a county shall be the following
57 17 applicable percent:

57 18 a. For an ending balance percentage of less than 5 percent,
57 19 a withholding factor of 0 percent. In addition, a county
57 20 that is subject to this lettered paragraph shall receive
57 21 an inflation adjustment equal to 3 percent of the gross
57 22 expenditures reported for the county's services fund for the
57 23 fiscal year.

57 24 b. For an ending balance percentage of 5 percent or more but
57 25 less than 10 percent, a withholding factor of 0 percent. In
57 26 addition, a county that is subject to this lettered paragraph
57 27 shall receive an inflation adjustment equal to 2 percent of the
57 28 gross expenditures reported for the county's services fund for
57 29 the fiscal year.

57 30 c. For an ending balance percentage of 10 percent or more
57 31 but less than 25 percent, a withholding factor of 25 percent.
57 32 However, for counties with an ending balance percentage of 10
57 33 percent or more but less than 15 percent, the amount withheld
57 34 shall be limited to the amount by which the county's ending
57 35 balance was in excess of the ending balance percentage of 10



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58 1 percent.
 58 2 d. For an ending balance percentage of 25 percent or more,
 58 3 a withholding percentage of 100 percent.
 58 4 NEW SUBSECTION. 6. The total withholding amounts applied
 58 5 pursuant to subsection 5 shall be equal to a withholding target
 58 6 amount of \$13,675,453. If the department of human services
 58 7 determines that the amount to be withheld in accordance with
 58 8 subsection 6 is not equal to the target withholding amount,
 58 9 the department shall adjust the withholding factors listed in
 58 10 subsection 6 as necessary to achieve the target withholding
 58 11 amount. However, in making such adjustments to the withholding
 58 12 factors, the department shall strive to minimize changes to
 58 13 the withholding factors for those ending balance percentage
 58 14 ranges that are lower than others and shall not adjust the
 58 15 zero withholding factor or the inflation adjustment percentage
 58 16 specified in subsection 5, paragraph "a".

DIVISION VII

HEALTH CARE TRUST FUND APPROPRIATIONS ==

HEALTH CARE ACTIVITIES

58 20 Sec. 44. DEPARTMENT OF PUBLIC HEALTH. In addition to
 58 21 any other appropriation made in this Act for the purposes
 58 22 designated, there is appropriated from the health care trust
 58 23 fund created in section 453A.35A to the department of public
 58 24 health for the fiscal year beginning July 1, 2010, and ending
 58 25 June 30, 2011, the following amounts, or so much thereof as is
 58 26 necessary, for the purposes designated:

58 27 1. ADDICTIVE DISORDERS
 58 28 \$ 2,473,823
 58 29 a. Of the funds appropriated in this subsection, \$1,437,890
 58 30 shall be used for tobacco use prevention, cessation, and
 58 31 treatment. The department shall utilize the funds to provide
 58 32 for a variety of activities related to tobacco use prevention,
 58 33 cessation, and treatment including to support Quitline
 58 34 Iowa, QuitNet cessation counseling and education, grants to
 58 35 school districts and community organizations to support Just



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59 1 Eliminate Lies youth chapters and youth tobacco prevention
 59 2 activities, the Just Eliminate Lies tobacco prevention media
 59 3 campaign, nicotine replacement therapy, and other prevention
 59 4 and cessation materials and media promotion. Of the funds
 59 5 allocated in this lettered paragraph, not more than \$148,262
 59 6 may be utilized by the department for administrative purposes.
 59 7 b. Of the funds appropriated in this subsection, \$1,035,933
 59 8 shall be used for substance abuse treatment activities.
 59 9 2. HEALTHY CHILDREN AND FAMILIES
 59 10 \$ 444,217
 59 11 a. Of the funds appropriated in this subsection, \$159,057
 59 12 shall be used to address the healthy mental development of
 59 13 children from birth through five years of age through local
 59 14 evidence-based strategies that engage both the public and
 59 15 private sectors in promoting healthy development, prevention,
 59 16 and treatment for children.
 59 17 b. Of the funds appropriated in this subsection, \$129,279
 59 18 shall be used for childhood obesity prevention.
 59 19 c. Of the funds appropriated in this subsection, \$155,881
 59 20 shall be used to provide audiological services and hearing
 59 21 aids for children. The department may enter into a contract
 59 22 to administer this paragraph.
 59 23 3. CHRONIC CONDITIONS
 59 24 \$ 899,297
 59 25 a. Of the funds appropriated in this subsection, \$344,944
 59 26 shall be used for child health specialty clinics.
 59 27 b. Of the funds appropriated in this subsection, \$554,353
 59 28 shall be used for the comprehensive cancer control program to
 59 29 reduce the burden of cancer in Iowa through prevention, early
 59 30 detection, effective treatment, and ensuring quality of life.
 59 31 The department shall utilize one of the full-time equivalent
 59 32 positions authorized in this subsection for administration of
 59 33 the activities related to the comprehensive cancer control
 59 34 program.
 59 35 4. COMMUNITY CAPACITY



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60 1 \$ 2,448,456
60 2 a. Of the funds appropriated in this subsection, \$55,215
60 3 shall be deposited in the governmental public health system
60 4 fund created in section 135A.8 to be used for the purposes of
60 5 the fund.
60 6 b. Of the funds appropriated in this subsection, \$143,150
60 7 shall be used for the mental health professional shortage area
60 8 program implemented pursuant to section 135.80.
60 9 c. Of the funds appropriated in this subsection,
60 10 \$40,900 shall be used for a grant to a statewide association
60 11 of psychologists that is affiliated with the American
60 12 psychological association to be used for continuation of a
60 13 program to rotate intern psychologists in placements in urban
60 14 and rural mental health professional shortage areas, as defined
60 15 in section 135.80.
60 16 d. Of the funds appropriated in this subsection, \$1,203,608
60 17 shall be allocated to the Iowa collaborative safety net
60 18 provider network established pursuant to section 135.153.
60 19 e. Of the funds appropriated in this subsection, \$450,000
60 20 shall be used to continue funding for the community health
60 21 center incubation grant program. Funds shall be utilized by
60 22 the recipient of the grant in the previous fiscal year to
60 23 ensure continuation of affordable primary and preventive health
60 24 care services to the uninsured and underserved in northwest
60 25 Iowa.
60 26 f. (1) Of the funds appropriated in this subsection,
60 27 \$555,583 shall be used for continued implementation of
60 28 the recommendations of the direct care worker task force
60 29 established pursuant to 2005 Iowa Acts, chapter 88, based upon
60 30 the report submitted to the governor and the general assembly
60 31 in December 2006.
60 32 (2) The funds appropriated in this subsection shall also
60 33 be used for allocation to an independent statewide direct
60 34 care worker association for education, outreach, leadership
60 35 development, mentoring, scholarships, and other initiatives



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61 1 intended to enhance the recruitment and retention of direct
61 2 care workers in health and long-term care.

61 3 Sec. 45. DEPARTMENT OF HUMAN SERVICES. In addition to
61 4 any other appropriation made in this Act for the purposes
61 5 designated, there is appropriated from the health care trust
61 6 fund created in section 453A.35A to the department of human
61 7 services for the fiscal year beginning July 1, 2010, and ending
61 8 June 30, 2011, the following amount, or so much thereof as is
61 9 necessary, for the purpose designated:

61 10 MEDICAL ASSISTANCE
61 11 \$100,650,740

61 12 Sec. 46. Section 453A.35, subsection 1, Code Supplement
61 13 2009, is amended to read as follows:

61 14 1. The proceeds derived from the sale of stamps and the
61 15 payment of taxes, fees, and penalties provided for under this
61 16 chapter, and the permit fees received from all permits issued
61 17 by the department, shall be credited to the general fund of
61 18 the state. However, of the revenues generated from the tax on
61 19 cigarettes pursuant to section 453A.6, subsection 1, and from
61 20 the tax on tobacco products as specified in section 453A.43,
61 21 subsections 1, 2, 3, and 4, and credited to the general fund
61 22 of the state under this subsection, there is appropriated,
61 23 annually, to the health care trust fund created in section
61 24 453A.35A, the first one hundred ~~seventeen~~ six million ~~seven~~
~~61 25 hundred ninety-six~~ sixteen thousand four hundred dollars.

DIVISION VIII

PRIOR APPROPRIATION CHANGES

61 28 Sec. 47. 2008 Iowa Acts, chapter 1188, section 16, as
61 29 amended by 2009 Iowa Acts, chapter 182, section 84, is amended
61 30 to read as follows:

61 31 SEC. 16. MEDICAL ASSISTANCE, HAWK=I, AND HAWK=I EXPANSION
61 32 PROGRAMS == COVERING CHILDREN == APPROPRIATION. There
61 33 is appropriated from the general fund of the state to the
61 34 department of human services for the designated fiscal years,
61 35 the following amounts, or so much thereof as is necessary, for



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62 1 the purpose designated:

62 2 To cover children as provided in this Act under the medical
62 3 assistance, hawk=i, and hawk=i expansion programs and outreach
62 4 under the current structure of the programs:

62 5	FY 2008=2009	\$ 4,800,000
62 6	FY 2009=2010	\$ 4,207,001
62 7	FY 2010=2011	\$ 24,800,000
62 8	<u>10,049,532</u>	

TEMPORARY ASSISTANCE FOR NEEDY
FAMILIES BLOCK GRANT

62 11 Sec. 48. 2009 Iowa Acts, chapter 182, section 5, is amended
62 12 by adding the following new subsection:

62 13 NEW SUBSECTION. 15. Notwithstanding section 8.33, moneys
62 14 appropriated in this section that remain unencumbered or
62 15 unobligated at the close of the fiscal year shall not revert
62 16 but shall remain available for expenditure for the family
62 17 investment program until the close of the succeeding fiscal
62 18 year.

BEHAVIORAL HEALTH SERVICES

ACCOUNT == MEDICAL ASSISTANCE

62 21 Sec. 49. 2009 Iowa Acts, chapter 182, section 9, subsection
62 22 16, paragraph b, is amended to read as follows:

62 23 b. The department shall continue to maintain a separate
62 24 account within the medical assistance budget for the deposit
62 25 of all funds remitted pursuant to a contract with a third
62 26 party to administer behavioral health services under the
62 27 medical assistance program established pursuant to 2008 Iowa
62 28 Acts, chapter 1187, section 9, subsection 20. Notwithstanding
62 29 section 8.33, other than funds remaining from the appropriation
62 30 allocations made for implementation of the emergency mental
62 31 health crisis services and system and for implementation of
62 32 the mental health services system for children and youth,
62 33 in 2008 Iowa Acts, chapter 1187, section 9, subsection 20,
62 34 paragraph "c", subparagraphs (1) and (2), as authorized in 2009
62 35 Iowa Acts, chapter 182, section 72, funds remaining in the



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63 1 account that remain unencumbered or unobligated at the end of
 63 2 ~~any~~ the fiscal year shall not revert but shall remain available
 63 3 in succeeding fiscal years and ~~shall be used only in accordance~~
~~63 4 with appropriations from the account for health and human~~
~~63 5 services-related purposes~~ are appropriated to the department to
 63 6 be used for the medical assistance program.

63 7 Sec. 50. EFFECTIVE UPON ENACTMENT. This division of this
 63 8 Act, being deemed of immediate importance, takes effect upon
 63 9 enactment.

DIVISION IX
 STANDING APPROPRIATIONS == RELATED
 CHANGES

63 10 Sec. 51. LIMITATION OF STANDING APPROPRIATIONS.

63 11 Notwithstanding the standing appropriations in the following
 63 12 designated sections for the fiscal year beginning July 1,
 63 13 2010, and ending June 30, 2011, the amounts appropriated from
 63 14 the general fund of the state or the mental health property
 63 15 tax relief fund pursuant to these sections for the following
 63 16 designated purposes shall not exceed the following amounts:

- 63 17 1. For the center for congenital and inherited disorders
 63 18 central registry under section 144.13A, subsection 4, paragraph
 63 19 "a":
 63 20 \$ 182,044
- 63 21 2. For primary and secondary child abuse prevention
 63 22 programs under section 144.13A, subsection 4, paragraph "a":
 63 23 \$ 217,772
- 63 24 3. For the property tax relief fund in section 426B.1,
 63 25 subsection 2:
 63 26 \$ 58,399,911
- 63 27 4. For the appropriation made from the property tax relief
 63 28 fund to supplement the medical assistance program in section
 63 29 426B.1, subsection 3:
 63 30 \$ 3,271,911

63 31 Sec. 52. MENTAL HEALTH PROPERTY TAX RELIEF FUND == CASH
 63 32 RESERVE APPROPRIATION. There is appropriated from the cash



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64 1 reserve fund created in section 8.56 to the property tax relief
64 2 fund created in section 426B.1 for the fiscal year beginning
64 3 July 1, 2010, and ending June 30, 2011, the following amount
64 4 or so much thereof as is necessary to be used for the purposes
64 5 designated:

64 6 In lieu of an equal amount of the appropriation made from the
64 7 general fund of the state to the property tax relief fund for
64 8 the fiscal year in section 426B.1, subsection 2:
64 9 \$ 22,792,000

DIVISION X

AREA EDUCATION AGENCIES == MEDICAL
ASSISTANCE PROGRAM

64 13 Sec. 53. Section 256B.15, subsection 7, Code 2009, is
64 14 amended to read as follows:

64 15 7. The area education agencies shall transfer to the
64 16 department of ~~education~~ human services an amount equal to
64 17 ~~eighty-four percent~~ the nonfederal share of the payments to
64 18 be received from the medical assistance program provided
64 19 pursuant to chapter 249A. The nonfederal share amount shall
64 20 be transferred to the medical assistance program account prior
64 21 to payment of claims. This requirement does not apply to
64 22 medical assistance reimbursement for services provided by an
64 23 area education agency under part C of the federal Individuals
64 24 With Disabilities Education Act. Funds received under this
64 25 section shall not be considered or included as part of the area
64 26 education agencies' budgets when calculating funds that are to
64 27 be received by area education agencies during a fiscal year.

EXPLANATION

64 29 This bill relates to and makes appropriations for health
64 30 and human services for fiscal year 2010=2011 to the department
64 31 of veterans affairs, the Iowa veterans home, the department on
64 32 aging, the department of public health, Iowa finance authority,
64 33 state board of regents, department of inspections and appeals,
64 34 and the department of human services.

64 35 GENERAL FUND AND BLOCK GRANT APPROPRIATIONS. This division



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65 1 appropriates funding from the general fund of the state for the
65 2 department on aging, the department of public health, and the
65 3 department of veterans affairs.

65 4 The division appropriates funding from the general fund
65 5 of the state and the federal temporary assistance for needy
65 6 families block grant to the department of human services. The
65 7 allocation for the family development and self-sufficiency
65 8 grant program is made directly to the department of human
65 9 rights.

65 10 The reimbursement section addresses reimbursement for
65 11 providers reimbursed by the department of human services.

65 12 SENIOR LIVING TRUST FUND, PHARMACEUTICAL SETTLEMENT ACCOUNT,
65 13 IOWACARE ACCOUNT, HEALTH CARE TRANSFORMATION ACCOUNT, AND
65 14 PROPERTY TAX RELIEF FUND. This division makes appropriations
65 15 for fiscal year 2009=2010 from the senior living trust fund to
65 16 the department on aging, the department of human services, the
65 17 department of inspections and appeals, and the Iowa finance
65 18 authority.

65 19 The division makes an appropriation from the pharmaceutical
65 20 settlement account to the department of human services to
65 21 supplement the medical contracts appropriation.

65 22 The division makes appropriations from the IowaCare
65 23 account to the state board of regents for distribution to the
65 24 university of Iowa hospitals and clinics and to the department
65 25 of human services for distribution to a publicly owned acute
65 26 care teaching hospital in a county with a population over
65 27 350,000 related to the IowaCare program and indigent care. The
65 28 division makes an appropriation to the department of human
65 29 services from the health care transformation account for
65 30 various health care reform initiatives.

65 31 The division provides that if the total amount appropriated
65 32 from all sources for the medical assistance program for fiscal
65 33 year 2009=2010 exceeds the amount needed, the excess remains
65 34 available to be used for the program in the succeeding fiscal
65 35 year.



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66 1 MH/MR/DD SERVICES ALLOWED GROWTH FUNDING == FISCAL YEAR
66 2 2010=2011. This division allocates the appropriation made in
66 3 2009 Iowa Acts, chapter 179, for distribution to counties for
66 4 adult mental illness, mental retardation, and developmental
66 5 disabilities services allowed growth for FY 2010=2011.
66 6 HEALTH CARE TRUST FUND. This division includes provisions
66 7 relating to health care and makes appropriations from the
66 8 health care trust fund.
66 9 Appropriations are made from the health care trust fund
66 10 to the department of public health for addictive disorders,
66 11 healthy children and families, chronic conditions, and
66 12 community capacity.
66 13 Funds are appropriated from the health care trust fund to
66 14 the department of human services for the medical assistance
66 15 program.
66 16 Code section 453A.35 is amended to reduce the amount of
66 17 tobacco-related revenue appropriated to the health care trust
66 18 fund.
66 19 PRIOR APPROPRIATIONS == CHANGES. This division amends
66 20 appropriations made in prior years.
66 21 The final year of a multiyear appropriation made for
66 22 covering children in 2008 Acts, chapter 1188, is reduced. If
66 23 moneys from the appropriations of federal temporary assistance
66 24 for needy families block grant made in 2009 Iowa Acts, chapter
66 25 182, section 5, remain unexpended, they do not revert but
66 26 remain available for expenditure for the family investment
66 27 program for the succeeding fiscal year.
66 28 Moneys remaining available in the account created for funds
66 29 relating to the contract for behavioral health services under
66 30 the Medicaid program are appropriated for the Medicaid program
66 31 instead of remaining available for future appropriation as
66 32 originally provided in 2009 Iowa Acts, chapter 182, section
66 33 9. An exception is included for the allocations made from
66 34 the account for implementation of the emergency mental health
66 35 crisis services system and for implementation of the mental



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67 1 health services system for children and youth, which under 2009
67 2 Iowa Acts, chapter 182, section 72, do not revert until the
67 3 close of FY 2010=2011.

67 4 This division takes effect upon enactment.

67 5 STANDING APPROPRIATION == RELATED CHANGES. The standing
67 6 appropriations made for the following purposes are reduced
67 7 to specified amounts: center for congenital and inherited
67 8 disorders central registry, primary and secondary child
67 9 abuse prevention programs, property tax relief fund, and from
67 10 the property tax relief fund for the Medicaid program. In
67 11 addition, an appropriation is made from the cash reserve fund
67 12 in lieu of a portion of the general fund appropriation for the
67 13 property tax relief fund.

67 14 AREA EDUCATION AGENCIES == MEDICAL ASSISTANCE PROGRAM. This
67 15 division amends Code section 256B.15 to require area education
67 16 agencies to transfer an amount equal to the nonfederal share,
67 17 prior to payment of claims, to the department of human services
67 18 instead of the department of education.

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