



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 02, 2010

House Amendment 8301

PAG LIN

- 1 1 Amend House File 2481 as follows:
- 1 2 #1. By striking page 25, line 29, through page 27,
- 1 3 line 25.
- 1 4 #2. By renumbering as necessary.

SCHULTE of Linn
HF2481.1743 (2) 83
av/nh



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House Amendment 8302

PAG LIN

1 1 Amend the amendment, H=8270, to House File 2381 as
1 2 follows:
1 3 #1. Page 1, after line 31 by inserting:
1 4 <___. Page 1, after line 17 by inserting:
1 5 <Sec. ___. Section 123.49, subsection 2, paragraph
1 6 b, Code 2009, is amended to read as follows:
1 7 b. (1) Sell or dispense any alcoholic beverage or
1 8 beer on the premises covered by the license or permit,
1 9 or permit its consumption thereon between the hours
1 10 of two a.m. and six a.m. on a weekday, and between
1 11 the hours of two a.m. on Sunday and six a.m. on the
1 12 following Monday, ~~however~~. However, a holder of a
1 13 liquor control license or retail beer permit granted
1 14 the privilege of selling alcoholic liquor or beer on
1 15 Sunday may sell or dispense alcoholic liquor or beer
1 16 between the hours of eight a.m. on Sunday and two a.m.
1 17 on the following Monday.
1 18 (2) For a class "E" liquor control license issued
1 19 for a premises at which gasoline is sold, sell any
1 20 alcoholic liquor on the premises covered by the license
1 21 thereon between the hours of twelve a.m. and six a.m.
1 22 on a weekday, and between the hours of twelve a.m. on
1 23 Sunday and six a.m. on the following Monday. However,
1 24 a holder of a class "E" liquor control license issued
1 25 for a premises at which gasoline is sold and granted
1 26 the privilege of selling alcoholic liquor on Sunday may
1 27 sell alcoholic liquor between the hours of eight a.m. on
1 28 Sunday and twelve a.m. on the following Monday.>
1 29 ___. Page 1, line 21, by striking <allow> and
1 30 inserting <do any of the following:
1 31 (1) Allow>
1 32 ___. Page 1, after line 23 by inserting:
1 33 <(2) Permit the sale of alcoholic liquor in
1 34 containers of less than seven hundred fifty milliliters
1 35 except from a locked cabinet or from behind a sales
1 36 counter where the public is unable to reach the product
1 37 and where the public is not permitted.
1 38 (3) Permit the sale of alcoholic liquor in
1 39 containers of seven hundred fifty milliliters or more
1 40 except from a location that is in plain sight of the
1 41 sales counter of the licensed premises.
1 42 Sec. ___. SUBSTANCE ABUSE TREATMENT AND PREVENTION
1 43 FUNDING. It is the intent of the general assembly that
1 44 any increase in revenue generated from the proceeds
1 45 from class "E" liquor control licenses for premises
1 46 at which gasoline is sold pursuant to section 123.36,
1 47 subsection 9, as enacted by this Act, be appropriated
1 48 to the department of public health to be used for
1 49 substance abuse treatment and prevention. >>
1 50 #2. By renumbering as necessary.



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HF2381.1746 (3) 83
ec/sc



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House Amendment 8303

PAG LIN

1 1 Amend House File 2495 as follows:
1 2 #1. By striking everything after the enacting clause
1 3 and inserting:
1 4 <Section 1. SOLEMNIZATION OF MARRIAGES. In
1 5 addition to the individuals specified to solemnize
1 6 marriages pursuant to section 595.10, subsection 1,
1 7 a retired supreme court justice, a retired court of
1 8 appeals judge, a retired district court judge, or a
1 9 retired judicial magistrate may solemnize a marriage.
1 10 This section is repealed June 30, 2010.
1 11 Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being
1 12 deemed of immediate importance, takes effect upon
1 13 enactment.>
1 14 #2. Title page, line 2, after <date> by inserting
1 15 <and future repeal>

ANDERSON of Page

SWAIM of Davis
HF2495.1756 (4) 83
pf/rj



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House Amendment 8304

PAG LIN

1 1 Amend House File 2439 as follows:

1 2 #1. By striking everything after the enacting
1 3 clause and inserting:

1 4 <Section 1. Section 80A.13, Code 2009, is amended
1 5 to read as follows:

1 6 80A.13 Campus weapon requirements.

1 7 An individual employed by a college or university,
1 8 or by a private security business holding a contract
1 9 with a college or university, who performs private
1 10 security duties on a college or university campus and
1 11 who carries a weapon while performing these duties
1 12 shall ~~meet all of the following requirements:~~

1 13 1. ~~File with the sheriff of the county in which
1 14 the campus is located evidence that the individual has
1 15 successfully completed an approved firearms training
1 16 program under section 724.9. This requirement does not
1 17 apply to armored car personnel.~~

1 18 2. ~~Possess a permit to carry weapons issued by the
1 19 sheriff of the county in which the campus is located
1 20 under sections 724.6 through 724.11. This requirement
1 21 does not apply to armored car personnel.~~

1 22 3. File file with the sheriff of the county in
1 23 which the campus is located a sworn affidavit from
1 24 the employer outlining the nature of the duties to be
1 25 performed and justification of the need to go armed.

1 26 Sec. 2. Section 724.4, Code 2009, is amended to
1 27 read as follows:

1 28 724.4 Carrying weapons.

1 29 1. Except as otherwise provided in this section, a
1 30 person who goes armed with a dangerous weapon ~~concealed
1 31 on or about the person, or who, within the limits of
1 32 any city, goes armed with a pistol or revolver, or
1 33 any loaded firearm of any kind, whether concealed
1 34 or not, or who knowingly carries or transports in a
1 35 vehicle a pistol or revolver, commits an aggravated
1 36 misdemeanor with the intent to commit a crime of
1 37 violence commits a class "D" felony. This subsection
1 38 applies regardless of whether the dangerous weapon
1 39 is concealed or not concealed on or about the person
1 40 and regardless of whether the dangerous weapon is
1 41 transported in a vehicle. For purposes of this
1 42 subsection, "crime of violence" means a felony which
1 43 has, as an element of the offense, the use of physical
1 44 force by one person against another person.~~

1 45 2. A person who goes armed with a knife concealed
1 46 on or about the person, if the person uses the knife
1 47 in the commission of a crime, commits an aggravated
1 48 misdemeanor.

1 49 3. A person who goes armed with a knife concealed
1 50 on or about the person, if the person does not use the



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2 1 knife in the commission of a crime:

2 2 a. If the knife has a blade exceeding eight inches
2 3 in length, commits an aggravated misdemeanor.

2 4 b. If the knife has a blade exceeding five inches
2 5 but not exceeding eight inches in length, commits a
2 6 serious misdemeanor.

2 7 4. Subsections 1 through 3 do not apply to any of
2 8 the following:

2 9 a. A person who for any lawful purpose goes armed
2 10 with a dangerous weapon in the person's own dwelling
2 11 or place of business, or on land owned or possessed by
2 12 the person.

2 13 b. A peace officer, when the officer's duties
2 14 require the person to carry such weapons.

~~2 15 e. A member of the armed forces of the United
2 16 States or of the national guard or person in the
2 17 service of the United States, when the weapons are
2 18 carried in connection with the person's duties as such.~~

~~2 19 d. A correctional officer, when the officer's
2 20 duties require, serving under the authority of the Iowa
2 21 department of corrections.~~

2 22 e. c. A person who for any lawful purpose carries
2 23 an unloaded pistol, revolver, or other dangerous weapon
2 24 inside a closed and fastened container or securely
2 25 wrapped package which is too large to be concealed on
2 26 the person.

~~2 27 f. A person who for any lawful purpose carries or
2 28 transports an unloaded pistol or revolver in a vehicle
2 29 inside a closed and fastened container or securely
2 30 wrapped package which is too large to be concealed on
2 31 the person or inside a cargo or luggage compartment
2 32 where the pistol or revolver will not be readily
2 33 accessible to any person riding in the vehicle or
2 34 common carrier.~~

~~2 35 g. A person while the person is lawfully engaged in
2 36 target practice on a range designed for that purpose or
2 37 while actually engaged in lawful hunting.~~

2 38 h. d. A person who carries a knife used in hunting
2 39 or fishing, while actually engaged in lawful hunting
2 40 or fishing.

~~2 41 i. A person who has in the person's possession
2 42 and who displays to a peace officer on demand a valid
2 43 permit to carry weapons which has been issued to the
2 44 person, and whose conduct is within the limits of that
2 45 permit. A person shall not be convicted of a violation
2 46 of this section if the person produces at the person's
2 47 trial a permit to carry weapons which was valid at
2 48 the time of the alleged offense and which would have
2 49 brought the person's conduct within this exception if
2 50 the permit had been produced at the time of the alleged~~



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~~House Amendment 8304 continued~~

~~3 1 offense.~~
 3 2 ~~j.~~ e. A law enforcement officer from another state
 3 3 when the officer's duties require the officer to carry
 3 4 the weapon and the officer is in this state for any of
 3 5 the following reasons:
 3 6 (1) The extradition or other lawful removal of a
 3 7 prisoner from this state.
 3 8 (2) Pursuit of a suspect in compliance with chapter
 3 9 806.
 3 10 (3) Activities in the capacity of a law enforcement
 3 11 officer with the knowledge and consent of the chief
 3 12 of police of the city or the sheriff of the county in
 3 13 which the activities occur or of the commissioner of
 3 14 public safety.
 3 15 ~~k.~~ f. A person engaged in the business of
 3 16 transporting prisoners under a contract with the
 3 17 Iowa department of corrections or a county sheriff,
 3 18 a similar agency from another state, or the federal
 3 19 government.
 3 20 Sec. 3. Section 724.4B, subsection 2, paragraph a,
 3 21 Code 2009, is amended to read as follows:
 3 22 a. A person listed under section 724.4, subsection
 3 23 4, ~~paragraphs~~ paragraph "b" ~~through "f", "c", or~~
 3 24 ~~"j" "e".~~
 3 25 Sec. 4. Section 724.6, subsection 1, Code
 3 26 Supplement 2009, is amended to read as follows:
 3 27 1. A person ~~may be issued a permit to carry weapons~~
~~3 28 when the person's employment who is employed in a~~
 3 29 private investigation business or private security
 3 30 business licensed under chapter 80A, ~~or a person's~~
~~3 31 employment~~ as a peace officer, correctional officer,
 3 32 security guard, bank messenger or other person
 3 33 transporting property of a value requiring security, or
 3 34 in police work, whose employment reasonably justifies
 3 35 that person going armed, shall be issued a professional
 3 36 permit to carry weapons if the person applies for
~~3 37 the permit and meets the requirements of sections~~
~~3 38 724.8 through 724.10.~~ The permit shall be on a form
 3 39 prescribed and published by the commissioner of public
 3 40 safety, shall identify the holder, and shall state
 3 41 the nature of the employment requiring the holder to
 3 42 go armed. A permit so issued, other than to a peace
 3 43 officer, shall authorize the person to whom it is
 3 44 issued to go armed anywhere in the state, ~~only~~ while
 3 45 engaged in the employment, and while going to and from
 3 46 the place of the employment. A permit issued to a
 3 47 certified peace officer shall authorize that peace
 3 48 officer to go armed anywhere in the state at all times.
 3 49 Permits shall expire ~~twelve months~~ five years after the
 3 50 date when issued except that permits issued to peace



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4 1 officers and correctional officers are valid through
4 2 the officer's period of employment unless otherwise
4 3 canceled. When the employment is terminated, the
4 4 holder of the permit shall surrender it to the issuing
4 5 officer for cancellation.
4 6 Sec. 5. Section 724.7, Code 2009, is amended to
4 7 read as follows:
4 8 724.7 Nonprofessional permit to carry weapons.
4 9 ~~Any person who can reasonably justify going armed~~
~~4 10 may not otherwise prohibited from possessing or~~
~~4 11 transporting a firearm and who meets the requirements~~
4 12 in sections 724.8 through 724.10 shall be issued a
4 13 nonprofessional permit to carry weapons if the person
4 14 applies for such permit. Such permits shall be on a
4 15 form prescribed and published by the commissioner of
4 16 public safety, which shall be readily distinguishable
4 17 from the professional permit, and shall identify the
4 18 holder thereof, and state the reason for the issuance
4 19 of the permit, and the limits of the authority granted
~~4 20 by such permit. All permits so issued shall be for a~~
4 21 definite five-year period as established by the issuing
~~4 22 officer, but in no event shall exceed a period of~~
~~4 23 twelve months.~~
4 24 Sec. 6. Section 724.8, subsection 5, Code 2009, is
4 25 amended to read as follows:
4 26 5. ~~The issuing officer reasonably determines that~~
~~4 27 the applicant does not constitute a danger to any~~
~~4 28 person person is not otherwise prohibited by state or~~
4 29 federal law from possessing or transporting a firearm.
4 30 Sec. 7. Section 724.9, Code 2009, is amended to
4 31 read as follows:
4 32 724.9 Firearm training program.
4 33 A training program to qualify persons in the safe
4 34 use of firearms shall be provided by the issuing
4 35 officer of permits, as provided in section 724.11.
4 36 ~~The commissioner of public safety shall approve~~
~~4 37 the training program, and the county sheriff or~~
4 38 the commissioner of public safety conducting the
4 39 training program within their respective jurisdictions
4 40 may shall contract with a private organization or
~~4 41 use the services of other agencies, or may use a~~
~~4 42 combination of the two, to provide such training a~~
4 43 private individual or a professional organization who
4 44 shall conduct the training consistent with training
4 45 standards set forth by the national rifle association.
4 46 Any person eligible to be issued a permit to carry
4 47 weapons may enroll in such course. A fee sufficient
4 48 to cover the cost of the program may be charged each
4 49 person attending. Certificates of completion, on a
4 50 form prescribed and published by the commissioner



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5 1 of public safety, shall be issued to each person who
5 2 successfully completes the program. ~~No~~ A person shall
5 3 not be issued either a professional or nonprofessional
5 4 permit unless the person has received a certificate of
5 5 completion or is a certified peace officer. ~~No peace~~
~~5 6 officer or correctional officer, except a certified~~
~~5 7 peace officer, shall go armed with a pistol or revolver~~
~~5 8 unless the officer has received a certificate of~~
~~5 9 completion, provided that this requirement shall not~~
~~5 10 apply to persons who are employed in this state as~~
~~5 11 peace officers on January 1, 1978 until July 1, 1978,~~
~~5 12 or to peace officers of other jurisdictions exercising~~
~~5 13 their legal duties within this state.~~
5 14 Sec. 8. Section 724.11, Code 2009, is amended to
5 15 read as follows:
5 16 724.11 Issuance of permit to carry weapons.
5 17 ~~Applications for permits~~ An application for a
5 18 permit to carry weapons, if made, shall be made to the
5 19 sheriff of the county in which the applicant resides.
5 20 Applications from persons who are nonresidents of
5 21 the state, or whose need to go armed arises out
5 22 of employment by the state, shall be made to the
5 23 commissioner of public safety. In either case,
5 24 the issuance of the permit shall be by ~~and at the~~
~~5 25 discretion of the sheriff or commissioner, who~~
5 26 shall, before issuing the permit, determine that the
5 27 requirements of sections ~~724.6 to 724.8~~ through 724.10
5 28 have been satisfied and the person is not otherwise
5 29 prohibited by state or federal law from possessing or
~~5 30 transporting a firearm. However, the training program~~
~~5 31 requirements in section 724.9 may be waived for renewal~~
~~5 32 permits.~~ The issuing officer shall collect a fee
5 33 of ~~ten~~ fifty dollars, except from a duly appointed
5 34 peace officer or correctional officer, for each permit
5 35 issued. Renewal permits or duplicate permits shall be
5 36 issued for a fee of five dollars. The issuing officer
5 37 shall notify the commissioner of public safety of the
5 38 issuance of any permit at least monthly and forward to
5 39 the commissioner an amount equal to two dollars for
5 40 each permit issued and one dollar for each renewal
5 41 or duplicate permit issued. All such fees received
5 42 by the commissioner shall be paid to the treasurer
5 43 of state and deposited in the operating account of
5 44 the department of public safety to offset the cost of
5 45 administering this chapter. Any unspent balance as of
5 46 June 30 of each year shall revert to the general fund
5 47 as provided by section 8.33.
5 48 Sec. 9. NEW SECTION. 724.11A Reciprocity.
5 49 A person possessing a valid out-of-state permit to
5 50 carry a weapon shall be entitled to the privileges and



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6 1 subject to the restrictions prescribed by this chapter
6 2 provided the state that issued the license recognizes
6 3 weapons permits issued in Iowa and provided the person
6 4 possessing such permit is not otherwise prohibited from
6 5 possessing a firearm.
6 6 Sec. 10. REPEAL. Section 724.5, Code 2009, is
6 7 repealed.>

SORENSEN of Warren
HF2439.1737 (3) 83
rh/nh



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House Amendment 8305

PAG LIN

1 1 Amend House File 2451 as follows:

1 2 #1. By striking everything after the enacting clause
1 3 and inserting:

1 4 <Section 1. Section 135B.9, Code 2009, is amended
1 5 to read as follows:

1 6 135B.9 Inspections and qualifications for
1 7 hospital inspectors == protection and advocacy agency
1 8 investigations.

1 9 1. The department shall make or cause to be made
1 10 inspections as it deems necessary in order to determine
1 11 compliance with applicable rules. Hospital inspectors
1 12 shall meet the following qualifications:

1 13 a. Be free of conflicts of interest. A hospital
1 14 inspector shall not participate in an inspection or
1 15 complaint investigation of a hospital in which the
1 16 inspector or a member of the inspector's immediate
1 17 family works or has worked within the last two years.
1 18 For purposes of this paragraph, "immediate family
1 19 member" means a spouse; natural or adoptive parent,
1 20 child, or sibling; or stepparent, stepchild, or
1 21 stepsibling.

1 22 b. Complete a yearly conflict of interest
1 23 disclosure statement.

1 24 c. Biennially, complete a minimum of ten hours of
1 25 continuing education pertaining to hospital operations
1 26 including but not limited to quality and process
1 27 improvement standards, trauma system standards, and
1 28 regulatory requirements.

1 29 2. In the state resource centers and state mental
1 30 health institutes operated by the department of human
1 31 services, the designated protection and advocacy
1 32 agency as provided in section 135C.2, subsection 4,
1 33 shall have the authority to investigate all complaints
1 34 of abuse and neglect of persons with developmental
1 35 disabilities or mental illnesses if the complaints are
1 36 reported to the protection and advocacy agency or if
1 37 there is probable cause to believe that the abuse has
1 38 occurred. Such authority shall include the examination
1 39 of all records pertaining to the care provided to the
1 40 residents and contact or interview with any resident,
1 41 employee, or any other person who might have knowledge
1 42 about the operation of the institution.

1 43 Sec. 2. Section 235E.2, subsection 1, paragraph a,
1 44 Code Supplement 2009, is amended to read as follows:

1 45 a. The department shall receive and evaluate
1 46 reports of dependent adult abuse in facilities and
1 47 programs. The department shall inform the department
1 48 of human services of such evaluations and dispositions
1 49 for inclusion in and those individuals who should be
1 50 placed on the central registry for dependent adult



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2 1 abuse ~~information~~ pursuant to section ~~235B.5-~~ 235E.7.
2 2 If the department believes the situation involves
2 3 an immediate danger to the public health, safety,
2 4 or welfare requiring immediate agency action to
2 5 seek emergency placement on the central registry,
2 6 the department may utilize emergency adjudicative
2 7 proceedings pursuant to section 17A.18A.
2 8 Sec. 3. Section 235E.2, subsection 10, Code
2 9 Supplement 2009, is amended to read as follows:
2 10 10. The department shall adopt rules which require
2 11 facilities and programs to separate an alleged
2 12 dependent adult abuser from a victim following an
2 13 allegation of perpetration of dependent adult abuse
2 14 and prior to the completion of an investigation of
2 15 the allegation. Independent of the department's
2 16 investigation, the facility or program employing
2 17 the alleged dependent adult abuser shall conduct an
2 18 investigation of the alleged dependent adult abuse and
2 19 determine, what, if any, employment action should be
2 20 taken including but not limited to placing the alleged
2 21 dependent adult abuser on administrative leave or
2 22 reassigning or terminating the alleged dependent adult
2 23 abuser as a result of the department's investigation.
2 24 If the facility or program terminates the alleged
2 25 dependent adult abuser as a result of the department's
2 26 investigation, the alleged dependent adult abuser shall
2 27 disclose such termination to any prospective facility
2 28 or program employer.
2 29 Sec. 4. Section 235E.2, subsection 12, Code
2 30 Supplement 2009, is amended to read as follows:
2 31 12. An inspector of the department may enter any
2 32 facility or program without a warrant and may examine
2 33 all records pertaining to residents, employees, former
2 34 employees, and the alleged dependent adult abuser as
2 35 long as the inspector informs the person in charge
2 36 of the facility or program, or the person's designee,
2 37 that the inspector is investigating an alleged case of
2 38 dependent adult abuse. If upon entry, the inspector
2 39 has knowledge of or learns during the course of an
2 40 investigation that alleged dependent adult abuse is
2 41 suspected or is being investigated, the inspector
2 42 shall inform the person in charge that the inspector
2 43 is investigating an alleged case of dependent adult
2 44 abuse. An inspector of the department may contact or
2 45 interview any resident, employee, former employee, or
2 46 any other person who might have knowledge about the
2 47 alleged dependent adult abuse. Prior to the interview,
2 48 the department shall provide written notification to
2 49 the person under investigation for dependent adult
2 50 abuse that the person is under investigation for



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3 1 dependent adult abuse, the fact situation and the
3 2 nature of the abuse being investigated, the possible
3 3 civil consequences of founded abuse, the requirement
3 4 that the department forward a report to law enforcement
3 5 if the department's investigation reveals a potential
3 6 criminal offense, that the person has the right to
3 7 retain legal counsel at the person's expense and may
3 8 choose to have legal counsel, union representation,
3 9 or any other desired representative employed by
3 10 the facility present during the interview, and the
3 11 fact that the person has the right to decline to
3 12 be interviewed or to terminate an interview at any
3 13 time. The person under investigation shall inform the
3 14 department of the representatives desired to be present
3 15 during the interview and not unreasonably delay the
3 16 interview to organize their representatives' presence
3 17 at the interview. An inspector may take or cause to
3 18 be taken photographs of the dependent adult abuse
3 19 victim and the vicinity involved. The department shall
3 20 obtain consent from the dependent adult abuse victim
3 21 or guardian or other person with a power of attorney
3 22 over the dependent adult abuse victim prior to taking
3 23 photographs of the dependent adult abuse victim.
3 24 Sec. 5. NEW SECTION. 235E.6 Dependent adult abuse
3 25 finding == notification to employer and employee.
3 26 Upon a finding of founded dependent adult abuse
3 27 by a caretaker, the department shall provide written
3 28 notification of the department's findings to the
3 29 caretaker and the caretaker's employer. In addition,
3 30 the written notification shall detail the consequences
3 31 of the findings and placement on the dependent adult
3 32 abuse registry, the caretaker's appeal rights, and
3 33 include a separate appeal request form. The written
3 34 appeal request form shall clearly set forth that the
3 35 caretaker shall not be placed on the dependent adult
3 36 abuse registry until final agency action is taken if an
3 37 appeal is filed within fifteen days.
3 38 Sec. 6. NEW SECTION. 235E.7 Appeal process ==
3 39 dependent adult abuse.
3 40 1. Upon the department's finding of dependent adult
3 41 abuse, the caretaker shall file an appeal request with
3 42 the department within fifteen days of receiving the
3 43 notification of the finding of abuse. If a request
3 44 for an appeal is filed within fifteen days of the
3 45 notification of the finding, the department shall not
3 46 place the caretaker on the registry until final agency
3 47 action is taken. For a request for an appeal filed
3 48 within fifteen days of the notification of the finding,
3 49 the contested case hearing shall be held within sixty
3 50 days of the request. The caretaker may extend the



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4 1 hearing timeframe by thirty days one time. Additional
4 2 requests for an extension must be agreed upon by
4 3 all parties or for good cause. The department shall
4 4 issue a determination of final agency action within
4 5 forty-five days of the contested case hearing. Upon
4 6 final agency action, further appeal rights shall be
4 7 governed by chapter 17A.
4 8 2. If a caretaker fails to request an appeal within
4 9 fifteen days, the caretaker shall have an additional
4 10 forty-five days to file an appeal pursuant to chapter
4 11 17A. However, the caretaker's name shall be placed on
4 12 the registry pending the outcome of the appeal.
4 13 3. If the caretaker requests an appeal within
4 14 fifteen days, the caretaker may waive the expedited
4 15 hearing under subsection 1 to proceed under chapter
4 16 17A, but the caretaker's name shall be placed on the
4 17 registry pending the outcome of the appeal.
4 18 Sec. 7. STUDY. The legislative council is
4 19 requested to establish an interim study committee to
4 20 evaluate due process requirements relating to child
4 21 abuse and dependent adult abuse under Code chapters
4 22 235A and 235B. The committee shall issue a report of
4 23 its recommendations to the general assembly by January
4 24 15, 2011.>
4 25 #2. Title page, by striking lines 1 through 3 and
4 26 inserting: <An Act relating to health care facilities
4 27 and programs, including hospital inspector requirements
4 28 and dependent adult abuse.>

HUNTER of Polk
HF2451.1755 (3) 83
jr/nh



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House Amendment 8306

PAG LIN

1 1 Amend the amendment, H=8270, to House File 2381 as
1 2 follows:
1 3 #1. Page 1, line 6, by striking <thousand feet> and
1 4 inserting <mile>

ZIRKELBACH of Jones
HF2381.1770 (3) 83
ec/sc



Iowa General Assembly
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House Amendment 8307

PAG LIN

1 1 Amend House File 2481 as follows:
1 2 #1. Page 28, after line 15 by inserting:
1 3 <Sec. ____ . ECONOMIC IMPACT OF IOWA'S WHITETAIL
1 4 POPULATION ON THE STATE ECONOMY == JOINT STUDY. The
1 5 department of natural resources and the department
1 6 of transportation shall conduct a comprehensive
1 7 study regarding the impact of Iowa's whitetail deer
1 8 population on the state's economy during a typical
1 9 year.
1 10 1. In conducting the study, the departments shall
1 11 provide a cost=benefit analysis which accounts for all
1 12 relevant and available data concerning the economic
1 13 impacts associated with maintaining the current deer
1 14 population, including all of the following:
1 15 a. The estimated revenue generated by resident and
1 16 nonresident deer hunters, including revenue collected
1 17 by the state from license fees and indirect revenue
1 18 generated from persons who expend money in this state
1 19 as a result of hunting. The departments shall not
1 20 consider the economic revenue associated with hunting
1 21 preserves under chapter 484B.
1 22 b. The estimated costs incurred due to traffic
1 23 collisions caused by deer; damages to private land
1 24 including but not limited to crop damage; and damage to
1 25 public land, including damage to habitat.
1 26 2. The departments shall cooperate with local
1 27 governments and other state agencies, including but
1 28 not limited to the department of agriculture and land
1 29 stewardship, in conducting the study. The departments
1 30 may also cooperate with the United States department
1 31 of agriculture, the United States department of
1 32 transportation, the national highway traffic safety
1 33 administration, and private organizations, including
1 34 but not limited to the insurance institute for highway
1 35 safety, in conducting the study.
1 36 3. The departments shall prepare a joint report
1 37 including their findings. The report may include a
1 38 target whitetail deer population that achieves the best
1 39 economic value to the state. The departments shall
1 40 submit the joint report to the governor and general
1 41 assembly in an electronic format by January 10, 2011.
1 42 Sec. ____ . EFFECTIVE UPON ENACTMENT. The section of
1 43 this Act requiring a comprehensive study of the impact
1 44 of Iowa's whitetail deer population on the state's
1 45 economy, being deemed of immediate importance, takes
1 46 effect upon enactment.>
1 47 #2. Title page, line 3, by striking <and making
1 48 penalties applicable> and inserting <making penalties
1 49 applicable, and including effective date provisions>



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av/sc



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House Amendment 8308

PAG LIN

1 1 Amend Senate File 2224, as passed by the Senate, as
1 2 follows:
1 3 #1. Page 1, line 15, after <places.> by inserting
1 4 <Any action taken by a board of administration at a
1 5 meeting that is in violation of any of the provisions
1 6 of this subsection is not valid or enforceable.>

ISENHART of Dubuque
SF2224.1775 (2) 83
tm/nh



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House Amendment 8309

PAG LIN

1 1 Amend Senate File 2288, as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. Page 5, after line 7 by inserting:
1 4 <Sec. _____. Section 256C.4, subsection 1, paragraph
1 5 b, Code 2009, is amended to read as follows:
1 6 b. A school district approved to participate in
1 7 the preschool program may authorize expenditures
1 8 for the district's preschool programming from any of
1 9 the revenue sources available to the district from
1 10 the sources listed in chapter 298A, provided the
1 11 expenditures are within the uses permitted for the
1 12 revenue source. In addition, the use of the revenue
1 13 source for preschool or prekindergarten programming
1 14 must have been approved prior to any expenditure
1 15 from the revenue source for the district's approved
1 16 local program. Notwithstanding any provision of law
1 17 to the contrary, a school district shall not levy a
1 18 tax to raise an amount to restore state preschool
1 19 foundation aid funding reduced by a uniform reduction
1 20 in accordance with section 8.31.>
1 21 #2. By renumbering as necessary.

TYMESON of Madison
SF2288.1763 (3) 83
kh/jp



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House Amendment 8310

PAG LIN

1 1 Amend Senate File 2235, as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. Page 3, line 4, by striking <purposes> and
1 4 inserting <purposes, other than electricity or natural
1 5 gas sold by a public utility furnishing electricity or
1 6 natural gas to the public for consumption pursuant to
1 7 chapter 476>

REICHERT of Muscatine
SF2235.1758 (2) 83
rn/nh



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House Amendment 8311

PAG LIN

1 1 Amend the amendment, H=8282, to House File 2446 as
1 2 follows:
1 3 #1. Page 1, after line 17 by inserting:
1 4 <____. Page 1, line 15, after <stations.> by
1 5 inserting <The financial assurance instrument shall be
1 6 adequate enough to cover the cost of cleaning up and
1 7 removing the unprocessed solid waste.>>
1 8 #2. By renumbering as necessary.

HORBACH of Tama
HF2446.1793 (2) 83
tm/nh



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House Amendment 8312

PAG LIN

1 1 Amend Senate File 2317, as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. Page 2, line 5, after <authority.> by inserting
1 4 <A watershed management authority shall not acquire
1 5 property by eminent domain.>

COMMITTEE ON REBUILD IOWA AND DISASTER RECOVERY SCHUELLER of
Jackson, Chairperson
SF2317.1734 (3) 83
tm/nh



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House Amendment 8313

PAG LIN

1 1 Amend the amendment, H=8300, to House File 2481 as
1 2 follows:
1 3 #1. Page 1, by striking line 15 and inserting
1 4 <January 1, 2011.
1 5 Sec. _____. ECONOMIC IMPACT OF IOWA'S WHITETAIL
1 6 POPULATION ON THE STATE ECONOMY == JOINT STUDY. The
1 7 department of natural resources and the department
1 8 of transportation shall conduct a comprehensive
1 9 study regarding the impact of Iowa's whitetail deer
1 10 population on the state's economy during a typical
1 11 year.
1 12 1. In conducting the study, the departments shall
1 13 provide a cost=benefit analysis which accounts for all
1 14 relevant and available data concerning the economic
1 15 impacts associated with maintaining the current deer
1 16 population, including all of the following:
1 17 a. The estimated revenue generated by resident and
1 18 nonresident deer hunters, including revenue collected
1 19 by the state from license fees and indirect revenue
1 20 generated from persons who expend money in this state
1 21 as a result of hunting. The departments shall not
1 22 consider the economic revenue associated with hunting
1 23 preserves under chapter 484B.
1 24 b. The estimated costs incurred due to traffic
1 25 collisions caused by deer; damages to private land
1 26 including but not limited to crop damage; and damage to
1 27 public land, including damage to habitat.
1 28 2. The departments shall cooperate with local
1 29 governments and other state agencies, including but
1 30 not limited to the department of agriculture and land
1 31 stewardship, in conducting the study. The departments
1 32 may also cooperate with the United States department
1 33 of agriculture, the United States department of
1 34 transportation, the national highway traffic safety
1 35 administration, and private organizations, including
1 36 but not limited to the insurance institute for highway
1 37 safety, in conducting the study.
1 38 3. The departments shall prepare a joint report
1 39 including their findings. The report may include a
1 40 target whitetail deer population that achieves the best
1 41 economic value to the state. The departments shall
1 42 submit the joint report to the governor and general
1 43 assembly in an electronic format by January 10, 2011.
1 44 Sec. _____. EFFECTIVE UPON ENACTMENT. The section of
1 45 this Act requiring a comprehensive study of the impact
1 46 of Iowa's whitetail deer population on the state's
1 47 economy, being deemed of immediate importance, takes
1 48 effect upon enactment.>
1 49 _____. Title page, line 3, by striking <and making
1 50 penalties applicable> and inserting <making penalties



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House Amendment 8313 continued

2 1 applicable, and including effective date provisions>>

DE BOEF of Keokuk
HF2481.1790 (3) 83
av/sc



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House Amendment 8314

PAG LIN

1 1 Amend the amendment, H=8298, to House File 2494 as
1 2 follows:
1 3 #1. Page 1, by striking line 44.

L. MILLER of Scott
HF2494.1811 (3) 83
jr/nh



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House Amendment 8315

PAG LIN

- 1 1 Amend House File 2481 as follows:
- 1 2 #1. By striking page 19, line 4, through page 20,
- 1 3 line 13.
- 1 4 #2. By renumbering as necessary.

MAY of Dickinson
HF2481.1774 (4) 83
av/sc



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House Amendment 8316

PAG LIN

1 1 Amend Senate File 2200, as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. Page 2, line 26, by striking <If> and inserting
1 4 <Unless the child or guardian dies or other exceptional
1 5 circumstances arise, if>

COMMITTEE ON JUDICIARY SWAIM of Davis, Chairperson
SF2200.1804 (3) 83
jp/nh



Iowa General Assembly
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House Amendment 8317

PAG LIN

1 1 Amend the amendment, H=8298, to House File 2494 as
1 2 follows:
1 3 #1. Page 1, by striking lines 15 through 32 and
1 4 inserting <inserting <Applicants must specify that
1 5 the person graduated from a formal education program
1 6 in midwifery accredited by an agency recognized by
1 7 the United States department of education and has
1 8 successfully completed a national certification
1 9 examination in midwifery.
1 10 A nurse licensed pursuant to chapter 152, whose
1 11 license is disciplined in accordance with chapter 147,
1 12 152, or 272C, shall not be licensed as a lay midwife
1 13 pursuant to this chapter.
1 14 In reviewing applications, the board shall request,
1 15 at the applicant's expense, that the department of
1 16 public safety perform a criminal history check and
1 17 the department of human services perform child and
1 18 dependent adult abuse record checks of the applicant.
1 19 If an applicant has a criminal record or a record of
1 20 founded child or dependent adult abuse, the board shall
1 21 perform an evaluation to determine whether the record
1 22 warrants denial of licensure. >>

L. MILLER of Scott
HF2494.1810 (4) 83
jr/nh



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House Amendment 8318

PAG LIN

1 1 Amend the amendment, H=8298, to House File 2494 as
1 2 follows:
1 3 #1. By striking page 1, line 49, through page 2,
1 4 line 5, and inserting: <<
1 5 3. In establishing rules, the board shall reflect
1 6 the international confederation of midwives' definition
1 7 of a lay midwife by requiring successful completion of
1 8 a recognized midwifery educational program, acquisition
1 9 of the applicable legal requirements for practice,
1 10 evidence of meeting established midwifery competencies
1 11 that are in accord with a defined scope of practice
1 12 corresponding to the components and the extent of
1 13 coursework and supervised clinical education completed,
1 14 and successful completion of a national certification
1 15 examination in midwifery. >>

L. MILLER of Scott
HF2494.1812 (3) 83
jr/nh



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House Amendment 8319

PAG LIN

1 1 Amend House File 2494 as follows:
1 2 #1. Page 3, line 23, after <chapter.> by inserting
1 3 <As a condition of licensure a midwife shall file with
1 4 the board a copy of a current written arrangement with
1 5 an emergency health care facility to provide emergency
1 6 medical care if it is needed during delivery.>
1 7 #2. Page 4, line 19, after <education> by inserting
1 8 <or recertification>

L. MILLER of Scott
HF2494.1798 (3) 83
jr/nh



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House Amendment 8320

PAG LIN

1 1 Amend the amendment, H=8298, to House File 2494 as
1 2 follows:
1 3 #1. Page 1, by striking lines 15 through 23 and
1 4 inserting <inserting <Applicants must successfully
1 5 complete a formal education program in midwifery
1 6 accredited by an agency recognized by the United States
1 7 department of education, pass a national certification
1 8 examination in midwifery as specified by the board,
1 9 and meet the International confederation of midwives'
1 10 definition of an independent provider of health care
1 11 services to women and newborns. If an applicant
1 12 has been subject to prior revocation of a license to
1 13 practice medicine or nursing, the applicant is not
1 14 eligible for licensure under this chapter, unless the
1 15 applicant makes a satisfactory appeal to the board.>

L. MILLER of Scott
HF2494.1795 (6) 83
jr/nh



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House Amendment 8321

PAG LIN

1 1 Amend the amendment, H=8298, to House File 2494 as
1 2 follows:
1 3 #1. Page 1, by striking lines 10 and 11 and
1 4 inserting:
1 5 <____. Page 3, by striking lines 20 through 32 and
1 6 inserting:
1 7 <Sec. _____. NEW SECTION. 148F.2 Licensure == lay
1 8 midwifery.
1 9 1. Beginning July 1, 2012, every person practicing
1 10 lay midwifery in this state shall be licensed pursuant
1 11 to this chapter. The board shall adopt rules pursuant
1 12 to chapters 17A, 147, and 272C establishing procedures
1 13 for the licensing of new and practicing lay midwives.
1 14 Prior to obtaining licensure, an applicant shall
1 15 successfully graduate from an educational program
1 16 accredited by the midwifery education accreditation
1 17 council (MEAC) or successor organization and pass
1 18 a national recognized examination demonstrating
1 19 competencies. Additionally a licensed lay midwife
1 20 must show evidence of current adult and neonatal
1 21 resuscitation program certification. The board
1 22 of lay midwives shall consult with the board of
1 23 pharmacy to develop joint rules for administration
1 24 of pharmaceuticals to assure pharmacy education and
1 25 clinical experience with intravenous fluids.
1 26 2. Reciprocity shall be extended only to midwives
1 27 who have met the requirements for a formal education
1 28 program in midwifery accredited by an agency recognized
1 29 by the United States department of education and
1 30 provide evidence of meeting established midwifery
1 31 competencies that are in accord with a defined scope
1 32 of practice corresponding to the components and
1 33 extent of coursework and supervised clinical education
1 34 completed. >>
1 35 #2. By renumbering as necessary.

L. MILLER of Scott
HF2494.1805 (3) 83
jr/nh



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House Amendment 8322

PAG LIN

1 1 Amend House File 2481 as follows:
1 2 #1. Page 19, after line 3 by inserting:
1 3 <Sec. ____ . NEW SECTION. 456A.14A Law enforcement
1 4 bureau chief.
1 5 A person employed as the chief of the law
1 6 enforcement bureau of the department shall have
1 7 prior experience as a peace officer employed by the
1 8 department in the field enforcing the hunting and
1 9 fishing regulations of the state.>
1 10 #2. Page 28, after line 15 by inserting:
1 11 <Sec. ____ . EFFECTIVE UPON ENACTMENT. The provision
1 12 of this Act enacting section 456A.14A, being deemed of
1 13 immediate importance, takes effect upon enactment.>
1 14 #3. Title page, line 3, after <applicable> by
1 15 inserting <and including effective date provisions>
1 16 #4. By renumbering as necessary.

WINDSCHITL of Harrison
HF2481.1789 (4) 83
av/sc



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House Amendment 8323

PAG LIN

1 1 Amend House File 2322 as follows:
1 2 #1. By striking page 1, line 23, through page 3,
1 3 line 4.
1 4 #2. Title page, by striking lines 2 through 4
1 5 and inserting <certain duties and programs of the
1 6 authority.>

SCHUELLER of Jackson
HF2322.1820 (3) 83
md/sc



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House Amendment 8324

PAG LIN

1 1 Amend House File 2446 as follows:
1 2 #1. Page 1, line 15, after <stations.> by inserting
1 3 <The financial assurance instrument shall be adequate
1 4 enough to cover the cost of cleaning up and removing
1 5 the unprocessed solid waste.>
1 6 #2. By renumbering as necessary.

HORBACH of Tama
HF2446.1822 (3) 83
tm/sc



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House Amendment 8325

PAG LIN

1 1 Amend House File 2477 as follows:
 1 2 #1. Page 1, line 33, after <record> by inserting
 1 3 <who furnishes material or performs labor upon a
 1 4 building, erection, or other improvement and>
 1 5 #2. Page 2, line 32, after <owner,> by inserting
 1 6 <owner=builder,>
 1 7 #3. Page 7, line 19, after <2.> by inserting <a.>
 1 8 #4. Page 7, after line 22 by inserting:
 1 9 <b. Except for residential construction property
 1 10 owned by an owner=builder, a mechanic's lien perfected
 1 11 under this chapter is enforceable only to the extent
 1 12 of the balance due the general contractor at the time
 1 13 the owner actually receives the notice sent pursuant
 1 14 to subsection 3.
 1 15 c. In any action to enforce a mechanic's lien
 1 16 perfected under this chapter against the owner,
 1 17 the subcontractor bears the burden to prove by a
 1 18 preponderance of the evidence that the owner actually
 1 19 received notice pursuant to subsection 3.>
 1 20 #5. Page 7, line 25, after <rule> by inserting <,
 1 21 including the owner notice described in section 572.13,
 1 22 subsection 1>
 1 23 #6. Page 7, line 26, after <owner=builders.> by
 1 24 inserting <For purposes of satisfying the notice
 1 25 requirement in subsection 2, concerning actual receipt
 1 26 of such notice, a subcontractor may provide a separate
 1 27 notice directly to the owner.>
 1 28 #7. Page 10, line 24, after <dwelling> by inserting
 1 29 <residential construction>
 1 30 #8. Page 12, by striking lines 12 and 13 and
 1 31 inserting:
 1 32 <2. In a court action to challenge a mechanic's
 1 33 lien filed on ~~an owner-occupied dwelling~~ a residential
 1 34 construction property, if the person challenging>
 1 35 #9. Page 14, line 26, after <website.> by inserting
 1 36 <The authority shall not charge a filing fee for a
 1 37 preliminary notice required pursuant to this chapter
 1 38 that exceeds the cost of sending such notice by
 1 39 certified mail with restricted delivery and return
 1 40 receipt.>
 1 41 #10. Page 14, line 30, after <registry.> by
 1 42 inserting <The authority shall administer the registry
 1 43 on a revenue neutral basis and shall adjust fees on an
 1 44 annual basis to prevent the accumulation of surplus
 1 45 funds.>

PALMER of Mahaska
 HF2477.1327 (3) 83
 rh/nh



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House File 2512 - Introduced

HOUSE FILE
BY McCARTHY and PAULSEN

A BILL FOR

1 An Act concerning weight limits for certain commercial motor
2 vehicles on noninterstate highways.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 6261HH (1) 83
dea/nh



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House File 2512 - Introduced continued

PAG LIN

1 1 Section 1. Section 321.463, subsection 5, paragraph c, Code
 1 2 Supplement 2009, is amended to read as follows:
 1 3 c. (1) The maximum gross weight allowed to be carried on
 1 4 ~~a livestock or construction commercial motor vehicle, other~~
 1 5 than a special truck, on noninterstate highways, provided the
 1 6 vehicle is operated by a person with a commercial driver's
 1 7 license valid for the vehicle operated unless section 321.176A
 1 8 applies, is as follows:

1 9	NONINTERSTATE HIGHWAYS		
1 10	MAXIMUM GROSS WEIGHT TABLE		
1 11	LIVESTOCK OR CONSTRUCTION <u>COMMERCIAL MOTOR VEHICLE</u>		
1 12	Distance		
1 13	in feet	6 Axles	7 Axles \$YUL
1 15	44	80,500	80,500
1 16	45	81,000	81,500
1 17	46	81,500	82,500
1 18	47	82,000	83,500
1 19	48	83,000	84,000
1 20	49	83,500	85,000
1 21	50	84,000	86,000
1 22	51	84,500	87,000
1 23	52	85,000	88,000
1 24	53	86,000	88,500
1 25	54	86,500	89,500
1 26	55	87,000	90,500
1 27	56	87,500	91,500
1 28	57	88,000	92,000
1 29	58	89,000	93,000
1 30	59	89,500	94,000
1 31	60	90,000	95,000
1 32	61	95,500	
1 33	62	96,000	

1 34 (2) Notwithstanding any provision of this section to the
 1 35 contrary, the maximum gross weight allowed to be carried on a



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House File 2512 - Introduced continued

2 1 noninterstate highway by a livestock vehicle with five axles, a
2 2 minimum distance in feet between the centers of the first and
2 3 fifth axles of sixty-one feet, and a minimum distance between
2 4 the two rear axles of at least eight feet and one inch is
2 5 eighty-six thousand pounds.

2 6 EXPLANATION

2 7 This bill provides an exception to existing weight
2 8 restrictions for certain six and seven axle commercial motor
2 9 vehicles traveling on noninterstate highways. Currently, most
2 10 vehicles or combinations of vehicles are subject to a gross
2 11 weight limit of up to 80,000 pounds; however, the gross weight
2 12 limit for a livestock or construction vehicle with six or seven
2 13 axles ranges from 80,500 pounds to 90,000 pounds for six axles,
2 14 and up to 96,000 pounds for seven axles. The bill extends the
2 15 same weight limits that apply to livestock and construction
2 16 vehicles to all commercial vehicles of similar size.

2 17 The bill requires that a commercial motor vehicle traveling
2 18 under the relaxed weight restrictions must be operated by a
2 19 person with a commercial driver's license valid for the vehicle
2 20 operated, unless the operator is exempt from commercial driver
2 21 licensing requirements under existing law.

2 22 The provisions of the bill do not apply to vehicles operated
2 23 on interstate highways.

LSB 6261HH (1) 83

dea/nh



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House Resolution 119 - Introduced

PAG LIN

HOUSE RESOLUTION NO.

BY MASCHER, LENSING, and JACOBY

1 1 A Resolution honoring the life and work of Eliot
1 2 Keller.
1 3 WHEREAS, Mr. Eliot Keller was a journalist,
1 4 entrepreneur, and community activist == all at the same
1 5 time; and
1 6 WHEREAS, Mr. Keller advocated and advanced causes
1 7 especially for citizen involvement in the legislative
1 8 process, cohesive intergovernmental cooperation and
1 9 sharing, and passenger train travel; and
1 10 WHEREAS, in 1971, as a tireless promoter for the
1 11 Cedar Rapids=Iowa City area, Mr. Keller founded radio
1 12 station KRNA in Iowa City and continued as a "radio
1 13 man" for his entire, distinguished career with the KZIA
1 14 family of stations; and
1 15 WHEREAS, Mr. Keller's role as a passionate advocate
1 16 for railroads in Iowa and transportation in general,
1 17 and in initiating, advocating, and supporting
1 18 passenger train service, has strengthened the Midwest
1 19 transportation landscape and helped ensure that
1 20 passenger service will become a reality in Iowa's
1 21 future; and
1 22 WHEREAS, throughout a 40=year career Mr. Keller was
1 23 frequently recognized for his boundless vision and
1 24 public service, being named to the Iowa Broadcasters
1 25 Hall of Fame, and receiving the Russell Slade Lifetime
1 26 Service Award and the Iowa City Area Chamber of
1 27 Commerce's Volunteer of the Year award, just to name a
1 28 few of the many accolades honoring him; and



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House Resolution 119 - Introduced continued

2 1 WHEREAS, even though Mr. Keller has now succumbed to
2 2 Lou Gehrig's disease, even in death his contributions
2 3 to the community continue through memorials made to
2 4 a variety of community organizations and through the
2 5 ongoing Iowa Broadcast News Association Eliot A. Keller
2 6 Scholarship, funded by friends of Mr. Keller; NOW
2 7 THEREFORE,
2 8 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That
2 9 the House of Representatives pauses to note the passing
2 10 of a remarkable man, Eliot Keller, and to honor his
2 11 dedication to journalistic excellence, to community
2 12 service, and to his passionate advocacy over four
2 13 decades.

LSB 6253HH (1) 83

jr/rj



Iowa General Assembly
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House Study Bill 731

SENATE/HOUSE FILE
BY (PROPOSED COMMITTEE ON
APPROPRIATIONS BILL BY
JOINT APPROPRIATIONS
SUBCOMMITTEE ON
JUSTICE SYSTEM)

A BILL FOR

- 1 An Act relating to and making appropriations to the justice
- 2 system, and including effective date provisions.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5092JB (1) 83
jm/jp



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House Study Bill 731 continued

PAG LIN

1 1 Section 1. DEPARTMENT OF JUSTICE.

1 2 1. There is appropriated from the general fund of the state

1 3 to the department of justice for the fiscal year beginning July

1 4 1, 2010, and ending June 30, 2011, the following amounts, or

1 5 so much thereof as is necessary, to be used for the purposes

1 6 designated:

1 7 a. For the general office of attorney general for salaries,

1 8 support, maintenance, and miscellaneous purposes, including

1 9 the prosecuting attorneys training program, victim assistance

1 10 grants, office of drug control policy prosecuting attorney

1 11 program, and odometer fraud enforcement, and for not more than

1 12 the following full-time equivalent positions:

1 13	\$ 7,732,930
1 14	FTEs 232.50

1 15 It is the intent of the general assembly that as a condition

1 16 of receiving the appropriation provided in this lettered

1 17 paragraph, the department of justice shall maintain a record

1 18 of the estimated time incurred representing each agency or

1 19 department.

1 20 b. For victim assistance grants:

1 21	\$ 3,060,000
------------	--------------

1 22 The funds appropriated in this lettered paragraph shall be

1 23 used to provide grants to care providers providing services to

1 24 crime victims of domestic abuse or to crime victims of rape and

1 25 sexual assault.

1 26 The balance of the victim compensation fund established in

1 27 section 915.94 may be used to provide salary and support of not

1 28 more than 22 FTEs and to provide maintenance for the victim

1 29 compensation functions of the department of justice.

1 30 The department of justice may transfer moneys from the

1 31 victim compensation fund established in section 915.94 to the

1 32 victim assistance grant program.

1 33 c. For legal services for persons in poverty grants as

1 34 provided in section 13.34:

1 35	\$ 1,930,671
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House Study Bill 731 continued

2 1 2. a. The department of justice, in submitting budget
2 2 estimates for the fiscal year commencing July 1, 2011, pursuant
2 3 to section 8.23, shall include a report of funding from sources
2 4 other than amounts appropriated directly from the general fund
2 5 of the state to the department of justice or to the office of
2 6 consumer advocate. These funding sources shall include but
2 7 are not limited to reimbursements from other state agencies,
2 8 commissions, boards, or similar entities, and reimbursements
2 9 from special funds or internal accounts within the department
2 10 of justice. The department of justice shall also report actual
2 11 reimbursements for the fiscal year commencing July 1, 2009,
2 12 and actual and expected reimbursements for the fiscal year
2 13 commencing July 1, 2010.

2 14 b. The department of justice shall include the report
2 15 required under paragraph "a", as well as information regarding
2 16 any revisions occurring as a result of reimbursements actually
2 17 received or expected at a later date, in a report to the
2 18 co-chairpersons and ranking members of the joint appropriations
2 19 subcommittee on the justice system and the legislative services
2 20 agency. The department of justice shall submit the report on
2 21 or before January 15, 2011.

2 22 Sec. 2. OFFICE OF CONSUMER ADVOCATE. There is appropriated
2 23 from the department of commerce revolving fund created in
2 24 section 546.12 to the office of consumer advocate of the
2 25 department of justice for the fiscal year beginning July 1,
2 26 2010, and ending June 30, 2011, the following amount, or so
2 27 much thereof as is necessary, to be used for the purposes
2 28 designated:

2 29 For salaries, support, maintenance, miscellaneous purposes,
2 30 and for not more than the following full-time equivalent
2 31 positions:
2 32 \$ 3,336,344
2 33 FTEs 27.00

2 34 Sec. 3. DEPARTMENT OF CORRECTIONS == FACILITIES.
2 35 1. There is appropriated from the general fund of the state



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House Study Bill 731 continued

3 1 to the department of corrections for the fiscal year beginning
3 2 July 1, 2010, and ending June 30, 2011, the following amounts,
3 3 or so much thereof as is necessary, to be used for the purposes
3 4 designated:

3 5 For the operation of adult correctional institutions,
3 6 reimbursement of counties for certain confinement costs, and
3 7 federal prison reimbursement, to be allocated as follows:

3 8 a. For the operation of the Fort Madison correctional
3 9 facility, including salaries, support, maintenance, and
3 10 miscellaneous purposes:

3 11 \$ 39,991,374

3 12 As a condition of receiving an appropriation in this
3 13 lettered paragraph, the department of corrections shall operate
3 14 the John Bennett facility either as an institution of the
3 15 department or a community-based correctional facility.

3 16 b. For the operation of the Anamosa correctional facility,
3 17 including salaries, support, maintenance, and miscellaneous
3 18 purposes:

3 19 \$ 30,416,461

3 20 As a condition of receiving the appropriation in this
3 21 lettered paragraph, the department of corrections shall employ
3 22 two part-time registered nurses at the Luster Heights facility.

3 23 It is the intent of the general assembly that the department
3 24 of corrections fully operate the Luster Heights facility at the
3 25 facility's 88-bed capacity.

3 26 As a condition of the moneys appropriated in this lettered
3 27 paragraph, the department of corrections shall replace expired
3 28 federal funding by expending at least \$238,252 for continuation
3 29 of a treatment program that prepares offenders for ongoing
3 30 therapeutic treatment programs offered by the department and
3 31 maintaining at least 4.75 FTEs for the program.

3 32 Moneys appropriated in this lettered paragraph shall
3 33 provide for one full-time substance abuse counselor for the
3 34 Luster Heights facility for the purpose of certification of a
3 35 substance abuse program at that facility.



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4 1 c. For the operation of the Oakdale correctional facility,
 4 2 including salaries, support, maintenance, and miscellaneous
 4 3 purposes:
 4 4 \$ 55,755,246
 4 5 d. For the operation of the Newton correctional facility,
 4 6 including salaries, support, maintenance, and miscellaneous
 4 7 purposes:
 4 8 \$ 26,452,257
 4 9 e. For the operation of the Mt. Pleasant correctional
 4 10 facility, including salaries, support, maintenance, and
 4 11 miscellaneous purposes:
 4 12 \$ 26,265,257
 4 13 f. For the operation of the Rockwell City correctional
 4 14 facility, including salaries, support, maintenance, and
 4 15 miscellaneous purposes:
 4 16 \$ 9,324,565
 4 17 g. For the operation of the Clarinda correctional facility,
 4 18 including salaries, support, maintenance, and miscellaneous
 4 19 purposes:
 4 20 \$ 23,645,033
 4 21 Moneys received by the department of corrections as
 4 22 reimbursement for services provided to the Clarinda youth
 4 23 corporation are appropriated to the department and shall be
 4 24 used for the purpose of operating the Clarinda correctional
 4 25 facility.
 4 26 h. For the operation of the Mitchellville correctional
 4 27 facility, including salaries, support, maintenance, and
 4 28 miscellaneous purposes:
 4 29 \$ 15,486,586
 4 30 i. For the operation of the Fort Dodge correctional
 4 31 facility, including salaries, support, maintenance, and
 4 32 miscellaneous purposes:
 4 33 \$ 29,020,235
 4 34 j. For reimbursement of counties for temporary confinement
 4 35 of work release and parole violators, as provided in sections



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5 1 901.7, 904.908, and 906.17, and for offenders confined pursuant
5 2 to section 904.513:
5 3 \$ 775,092
5 4 k. For federal prison reimbursement, reimbursements for
5 5 out-of-state placements, and miscellaneous contracts:
5 6 \$ 239,411
5 7 2. The department of corrections shall use moneys
5 8 appropriated in subsection 1 to continue to contract for the
5 9 services of a Muslim imam.
5 10 Sec. 4. DEPARTMENT OF CORRECTIONS == ADMINISTRATION.
5 11 1. There is appropriated from the general fund of the state
5 12 to the department of corrections for the fiscal year beginning
5 13 July 1, 2010, and ending June 30, 2011, the following amounts,
5 14 or so much thereof as is necessary, to be used for the purposes
5 15 designated:
5 16 a. For general administration, including salaries, support,
5 17 maintenance, employment of an education director to administer
5 18 a centralized education program for the correctional system,
5 19 and miscellaneous purposes:
5 20 \$ 4,254,068
5 21 (1) It is the intent of the general assembly that as a
5 22 condition of receiving the appropriation provided in this
5 23 lettered paragraph the department of corrections shall not,
5 24 except as otherwise provided in subparagraph (3), enter
5 25 into a new contract, unless the contract is a renewal of an
5 26 existing contract, for the expenditure of moneys in excess of
5 27 \$100,000 during the fiscal year beginning July 1, 2010, for the
5 28 privatization of services performed by the department using
5 29 state employees as of July 1, 2010, or for the privatization
5 30 of new services by the department without prior consultation
5 31 with any applicable state employee organization affected
5 32 by the proposed new contract and prior notification of the
5 33 co-chairpersons and ranking members of the joint appropriations
5 34 subcommittee on the justice system.
5 35 (2) It is the intent of the general assembly that each



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6 1 lease negotiated by the department of corrections with a
6 2 private corporation for the purpose of providing private
6 3 industry employment of inmates in a correctional institution
6 4 shall prohibit the private corporation from utilizing inmate
6 5 labor for partisan political purposes for any person seeking
6 6 election to public office in this state and that a violation
6 7 of this requirement shall result in a termination of the lease
6 8 agreement.

6 9 (3) It is the intent of the general assembly that as a
6 10 condition of receiving the appropriation provided in this
6 11 lettered paragraph the department of corrections shall not
6 12 enter into a lease or contractual agreement pursuant to section
6 13 904.809 with a private corporation for the use of building
6 14 space for the purpose of providing inmate employment without
6 15 providing that the terms of the lease or contract establish
6 16 safeguards to restrict, to the greatest extent feasible, access
6 17 by inmates working for the private corporation to personal
6 18 identifying information of citizens.

6 19 b. For educational programs for inmates at state penal
6 20 institutions:

6 21 \$ 1,558,109

6 22 As a condition of receiving the appropriation in this
6 23 lettered paragraph, the department of corrections shall
6 24 transfer at least \$300,000 from the canteen operating funds
6 25 established pursuant to section 904.310 to be used for
6 26 correctional educational programs funded in this lettered
6 27 paragraph.

6 28 It is the intent of the general assembly that moneys
6 29 appropriated in this lettered paragraph shall be used solely
6 30 for the purpose indicated and that the moneys shall not be
6 31 transferred for any other purpose. In addition, it is the
6 32 intent of the general assembly that the department shall
6 33 consult with the community colleges in the areas in which the
6 34 institutions are located to utilize moneys appropriated in this
6 35 lettered paragraph to fund the high school completion, high



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7 1 school equivalency diploma, adult literacy, and adult basic
7 2 education programs in a manner so as to maintain these programs
7 3 at the institutions.

7 4 To maximize the funding for educational programs, the
7 5 department shall establish guidelines and procedures to
7 6 prioritize the availability of educational and vocational
7 7 training for inmates based upon the goal of facilitating an
7 8 inmate's successful release from the correctional institution.

7 9 The director of the department of corrections may transfer
7 10 moneys from Iowa prison industries for use in educational
7 11 programs for inmates.

7 12 Notwithstanding section 8.33, moneys appropriated in this
7 13 lettered paragraph that remain unobligated or unexpended at
7 14 the close of the fiscal year shall not revert but shall remain
7 15 available for expenditure only for the purpose designated in
7 16 this lettered paragraph until the close of the succeeding
7 17 fiscal year.

7 18 c. For the development of the Iowa corrections offender
7 19 network (ICON) data system:

7 20 \$ 424,364

7 21 d. For offender mental health and substance abuse
7 22 treatment:

7 23 \$ 22,319

7 24 e. For viral hepatitis prevention and treatment:

7 25 \$ 167,881

7 26 2. It is the intent of the general assembly that the
7 27 department of corrections shall continue to operate the
7 28 correctional farms under the control of the department at
7 29 the same or greater level of participation and involvement
7 30 as existed as of January 1, 2011; shall not enter into any
7 31 rental agreement or contract concerning any farmland under
7 32 the control of the department that is not subject to a rental
7 33 agreement or contract as of January 1, 2010, without prior
7 34 legislative approval; and shall further attempt to provide
7 35 job opportunities at the farms for inmates. The department



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8 1 shall attempt to provide job opportunities at the farms for
8 2 inmates by encouraging labor-intensive farming or gardening
8 3 where appropriate; using inmates to grow produce and meat for
8 4 institutional consumption; researching the possibility of
8 5 instituting food canning and cook-and-chill operations; and
8 6 exploring opportunities for organic farming and gardening,
8 7 livestock ventures, horticulture, and specialized crops.
8 8 3. The department of corrections shall provide a smoking
8 9 cessation program to offenders committed to the custody of the
8 10 director or who are otherwise detained by the department, that
8 11 complies with legislation enacted restricting or prohibiting
8 12 smoking on the grounds of correctional institutions.
8 13 4. As a condition of receiving the appropriations made
8 14 in this section, the department of corrections shall develop
8 15 and implement offender reentry programs in Black Hawk and
8 16 Polk counties to provide transitional planning and release
8 17 primarily for offenders released from the Iowa correctional
8 18 institution for women at Mitchellville and the Fort Dodge
8 19 correctional facility. Programming shall include minority
8 20 and gender-specific responsivity, employment, substance
8 21 abuse treatment, mental health services, housing, and family
8 22 reintegration. The department of corrections shall collaborate
8 23 with the first and fifth judicial district departments of
8 24 correctional services, the Iowa department of workforce
8 25 development, the department of human services, community-based
8 26 providers and faith-based organizations, and local law
8 27 enforcement.
8 28 5. The chief security officer position within the
8 29 department of corrections shall be eliminated by the effective
8 30 date of this subsection.
8 31 6. The department shall place inmates at the Luster Heights
8 32 facility who have been approved by the board of parole for
8 33 work release but who have been waiting for a bed to become
8 34 available at a community-based correctional facility, unless
8 35 the placement would dislodge an inmate receiving substance



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9 1 abuse treatment.
 9 2 7. The department of corrections shall seek volunteer
 9 3 medical personnel to serve at correctional facilities
 9 4 throughout the state under the direction of the department.
 9 5 Sec. 5. JUDICIAL DISTRICT DEPARTMENTS OF CORRECTIONAL
 9 6 SERVICES.
 9 7 1. There is appropriated from the general fund of the state
 9 8 to the department of corrections for the fiscal year beginning
 9 9 July 1, 2010, and ending June 30, 2011, for the treatment and
 9 10 supervision of probation and parole violators who have been
 9 11 released from the department of corrections violator program,
 9 12 the following amounts, or so much thereof as is necessary, to
 9 13 be allocated as follows:
 9 14 a. For the first judicial district department of
 9 15 correctional services:
 9 16 \$ 12,453,082
 9 17 As a condition of the moneys appropriated in this lettered
 9 18 paragraph, the department of corrections shall replace expired
 9 19 federal funding by expending at least \$140,000 for the dual
 9 20 diagnosis program and maintaining 1.25 FTEs for the program.
 9 21 b. For the second judicial district department of
 9 22 correctional services:
 9 23 \$ 10,770,616
 9 24 c. For the third judicial district department of
 9 25 correctional services:
 9 26 \$ 5,715,578
 9 27 d. For the fourth judicial district department of
 9 28 correctional services:
 9 29 \$ 5,522,416
 9 30 e. For the fifth judicial district department of
 9 31 correctional services, including funding for electronic
 9 32 monitoring devices for use on a statewide basis:
 9 33 \$ 18,938,081
 9 34 As a condition of receiving the appropriation in this
 9 35 lettered paragraph, the fifth judicial district department of



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10 1 correctional services shall reinstate 67 beds in buildings 65
 10 2 and 66 at the Fort Des Moines facility and resume operating the
 10 3 buildings, in addition to maintaining the 199 beds in buildings
 10 4 68 and 70 at the Fort Des Moines facility. The district
 10 5 department may use inmate labor to upgrade and renovate the
 10 6 buildings, if renovation and updating are required.
 10 7 f. For the sixth judicial district department of
 10 8 correctional services:
 10 9 \$ 13,030,356
 10 10 g. For the seventh judicial district department of
 10 11 correctional services:
 10 12 \$ 6,846,560
 10 13 h. For the eighth judicial district department of
 10 14 correctional services:
 10 15 \$ 6,935,622
 10 16 2. Each judicial district department of correctional
 10 17 services, within the funding available, shall continue programs
 10 18 and plans established within that district to provide for
 10 19 intensive supervision, sex offender treatment, diversion of
 10 20 low-risk offenders to the least restrictive sanction available,
 10 21 job development, and expanded use of intermediate criminal
 10 22 sanctions.
 10 23 3. Each judicial district department of correctional
 10 24 services shall provide alternatives to prison consistent with
 10 25 chapter 901B. The alternatives to prison shall ensure public
 10 26 safety while providing maximum rehabilitation to the offender.
 10 27 A judicial district department of correctional services may
 10 28 also establish a day program.
 10 29 4. The governor's office of drug control policy shall
 10 30 consider federal grants made to the department of corrections
 10 31 for the benefit of each of the eight judicial district
 10 32 departments of correctional services as local government
 10 33 grants, as defined pursuant to federal regulations.
 10 34 5. The department of corrections shall continue to contract
 10 35 with a judicial district department of correctional services to



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11 1 provide for the rental of electronic monitoring equipment which
11 2 shall be available statewide.

11 3 6. A judicial district department of correctional services
11 4 shall accept into the facilities of the district department,
11 5 offenders assigned from other judicial district departments of
11 6 correctional services.

11 7 Sec. 6. DEPARTMENT OF CORRECTIONS == REALLOCATION OF
11 8 APPROPRIATIONS. Notwithstanding section 8.39, within
11 9 the moneys appropriated in this Act to the department of
11 10 corrections, the department may reallocate the moneys
11 11 appropriated and allocated as necessary to best fulfill the
11 12 needs of the correctional institutions, administration of
11 13 the department, and the judicial district departments of
11 14 correctional services. However, in addition to complying with
11 15 the requirements of sections 904.116 and 905.8 and providing
11 16 notice to the legislative services agency, the department
11 17 of corrections shall also provide notice to the department
11 18 of management, prior to the effective date of the revision
11 19 or reallocation of an appropriation made pursuant to this
11 20 section. The department shall not reallocate an appropriation
11 21 or allocation for the purpose of eliminating any program.

11 22 Sec. 7. INTENT == REPORTS.

11 23 1. The department in cooperation with townships, the Iowa
11 24 cemetery associations, and other nonprofit or governmental
11 25 entities may use inmate labor during the fiscal year beginning
11 26 July 1, 2010, to restore or preserve rural cemeteries and
11 27 historical landmarks. The department in cooperation with the
11 28 counties may also use inmate labor to clean up roads, major
11 29 water sources, and other water sources around the state.

11 30 2. Each month the department shall provide a status report
11 31 regarding private-sector employment to the legislative services
11 32 agency beginning on July 1, 2010. The report shall include
11 33 the number of offenders employed in the private sector, the
11 34 combined number of hours worked by the offenders, and the
11 35 total amount of allowances, and the distribution of allowances



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12 1 pursuant to section 904.702, including any moneys deposited in
12 2 the general fund of the state.

12 3 Sec. 8. ELECTRONIC MONITORING REPORT. The department of
12 4 corrections shall submit a report on electronic monitoring to
12 5 the general assembly, to the co-chairpersons and the ranking
12 6 members of the joint appropriations subcommittee on the justice
12 7 system, and to the legislative services agency by January
12 8 15, 2011. The report shall specifically address the number
12 9 of persons being electronically monitored and break down the
12 10 number of persons being electronically monitored by offense
12 11 committed. The report shall also include a comparison of any
12 12 data from the prior fiscal year with the current year.

12 13 Sec. 9. STATE AGENCY PURCHASES FROM PRISON INDUSTRIES.

12 14 1. As used in this section, unless the context otherwise
12 15 requires, "state agency" means the government of the state
12 16 of Iowa, including but not limited to all executive branch
12 17 departments, agencies, boards, bureaus, and commissions, the
12 18 judicial branch, the general assembly and all legislative
12 19 agencies, institutions within the purview of the state board of
12 20 regents, and any corporation whose primary function is to act
12 21 as an instrumentality of the state.

12 22 2. State agencies are hereby encouraged to purchase
12 23 products from Iowa state industries, as defined in section
12 24 904.802, when purchases are required and the products are
12 25 available from Iowa state industries. State agencies shall
12 26 obtain bids from Iowa state industries for purchases of
12 27 office furniture during the fiscal year beginning July 1,
12 28 2010, exceeding \$5,000 or in accordance with applicable
12 29 administrative rules related to purchases for the agency.

12 30 Sec. 10. STATE PUBLIC DEFENDER. There is appropriated from
12 31 the general fund of the state to the office of the state public
12 32 defender of the department of inspections and appeals for the
12 33 fiscal year beginning July 1, 2010, and ending June 30, 2011,
12 34 the following amounts, or so much thereof as is necessary, to
12 35 be allocated as follows for the purposes designated:



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13 1 1. For salaries, support, maintenance, miscellaneous
 13 2 purposes, and for not more than the following full-time
 13 3 equivalent positions:
 13 4 \$ 21,743,182
 13 5 FTEs 203.00
 13 6 2. For the fees of court-appointed attorneys for indigent
 13 7 adults and juveniles, in accordance with section 232.141 and
 13 8 chapter 815:
 13 9 \$ 15,680,929
 13 10 Sec. 11. IOWA LAW ENFORCEMENT ACADEMY.
 13 11 1. There is appropriated from the general fund of the
 13 12 state to the Iowa law enforcement academy for the fiscal year
 13 13 beginning July 1, 2010, and ending June 30, 2011, the following
 13 14 amount, or so much thereof as is necessary, to be used for the
 13 15 purposes designated:
 13 16 For salaries, support, maintenance, miscellaneous purposes,
 13 17 including jailer training and technical assistance, and for not
 13 18 more than the following full-time equivalent positions:
 13 19 \$ 1,049,430
 13 20 FTEs 30.55
 13 21 It is the intent of the general assembly that the Iowa law
 13 22 enforcement academy may provide training of state and local
 13 23 law enforcement personnel concerning the recognition of and
 13 24 response to persons with Alzheimer's disease.
 13 25 The Iowa law enforcement academy may temporarily exceed and
 13 26 draw more than the amount appropriated and incur a negative
 13 27 cash balance as long as there are receivables equal to or
 13 28 greater than the negative balance and the amount appropriated
 13 29 in this subsection is not exceeded at the close of the fiscal
 13 30 year.
 13 31 2. The Iowa law enforcement academy may select at least
 13 32 five automobiles of the department of public safety, division
 13 33 of state patrol, prior to turning over the automobiles to
 13 34 the department of administrative services to be disposed
 13 35 of by public auction, and the Iowa law enforcement academy



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14 1 may exchange any automobile owned by the academy for each
 14 2 automobile selected if the selected automobile is used in
 14 3 training law enforcement officers at the academy. However, any
 14 4 automobile exchanged by the academy shall be substituted for
 14 5 the selected vehicle of the department of public safety and
 14 6 sold by public auction with the receipts being deposited in the
 14 7 depreciation fund to the credit of the department of public
 14 8 safety, division of state patrol.

14 9 Sec. 12. BOARD OF PAROLE. There is appropriated from the
 14 10 general fund of the state to the board of parole for the fiscal
 14 11 year beginning July 1, 2010, and ending June 30, 2011, the
 14 12 following amount, or so much thereof as is necessary, to be
 14 13 used for the purposes designated:

14 14 For salaries, support, maintenance, miscellaneous purposes,
 14 15 and for not more than the following full-time equivalent
 14 16 positions:

14 17	\$ 1,045,259
14 18	FTEs 13.50

14 19 Sec. 13. DEPARTMENT OF PUBLIC DEFENSE. There is
 14 20 appropriated from the general fund of the state to the
 14 21 department of public defense for the fiscal year beginning July
 14 22 1, 2010, and ending June 30, 2011, the following amounts, or
 14 23 so much thereof as is necessary, to be used for the purposes
 14 24 designated:

14 25 1. MILITARY DIVISION

14 26 For salaries, support, maintenance, miscellaneous purposes,
 14 27 and for not more than the following full-time equivalent
 14 28 positions:

14 29	\$ 6,249,201
14 30	FTEs 324.00

14 31 The military division may temporarily exceed and draw more
 14 32 than the amount appropriated and incur a negative cash balance
 14 33 as long as there are receivables of federal funds equal to or
 14 34 greater than the negative balance and the amount appropriated
 14 35 in this subsection is not exceeded at the close of the fiscal



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15 1 year.

15 2 2. HOMELAND SECURITY AND EMERGENCY MANAGEMENT DIVISION

15 3 For salaries, support, maintenance, miscellaneous purposes,
15 4 and for not more than the following full-time equivalent
15 5 positions:

15 6	\$	2,038,119
15 7	FTEs	33.00

15 8 The homeland security and emergency management division may
15 9 temporarily exceed and draw more than the amount appropriated
15 10 and incur a negative cash balance as long as there are
15 11 receivables of federal funds equal to or greater than the
15 12 negative balance and the amount appropriated in this subsection
15 13 is not exceeded at the close of the fiscal year.

15 14 It is the intent of the general assembly that the homeland
15 15 security and emergency management division work in conjunction
15 16 with the department of public safety, to the extent possible,
15 17 when gathering and analyzing information related to potential
15 18 domestic or foreign security threats, and when monitoring such
15 19 threats.

15 20 Sec. 14. DEPARTMENT OF PUBLIC SAFETY. There is appropriated
15 21 from the general fund of the state to the department of public
15 22 safety for the fiscal year beginning July 1, 2010, and ending
15 23 June 30, 2011, the following amounts, or so much thereof as is
15 24 necessary, to be used for the purposes designated:

15 25 1. For the department's administrative functions, including
15 26 the criminal justice information system, and for not more than
15 27 the following full-time equivalent positions:

15 28	\$	4,134,461
15 29	FTEs	36.00

15 30 2. For the division of criminal investigation, including
15 31 the state's contribution to the peace officers' retirement,
15 32 accident, and disability system provided in chapter 97A in the
15 33 amount of the state's normal contribution rate, as defined in
15 34 section 97A.8, multiplied by the salaries for which the funds
15 35 are appropriated, to meet federal fund matching requirements,



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16 1 and for not more than the following full-time equivalent
 16 2 positions:
 16 3 \$ 12,861,710
 16 4 FTEs 277.10
 16 5 If any of the Indian tribes fail to pay for 1.00 FTE pursuant
 16 6 to the agreements or compacts entered into between the state
 16 7 and the Indian tribes pursuant to section 10A.104, subsection
 16 8 10, the number of full-time equivalent positions authorized
 16 9 under this subsection is reduced by 1.00 FTE.
 16 10 The department shall employ one additional special agent and
 16 11 one additional criminalist for the purpose of investigating
 16 12 cold cases. Prior to employing the additional special agent
 16 13 and criminalist authorized in this paragraph, the department
 16 14 shall provide a written statement to prospective employees that
 16 15 states to the effect that the positions are being funded by a
 16 16 temporary federal grant and there are no assurances that funds
 16 17 from other sources will be available after the federal funding
 16 18 expires. If the federal funding for the additional positions
 16 19 expires during the fiscal year, the number of full-time
 16 20 equivalent positions authorized in this subsection is reduced
 16 21 by 2.00 FTEs.
 16 22 The department of public safety, with the approval of the
 16 23 department of management, may employ no more than two special
 16 24 agents and four gaming enforcement officers for each additional
 16 25 riverboat or gambling structure regulated after July 1, 2010,
 16 26 and one special agent for each racing facility which becomes
 16 27 operational during the fiscal year which begins July 1, 2010.
 16 28 One additional gaming enforcement officer, up to a total of
 16 29 four per riverboat or gambling structure, may be employed
 16 30 for each riverboat or gambling structure that has extended
 16 31 operations to 24 hours and has not previously operated with a
 16 32 24-hour schedule. Positions authorized in this paragraph are
 16 33 in addition to the full-time equivalent positions otherwise
 16 34 authorized in this subsection.
 16 35 3. For the criminalistics laboratory fund created in



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17 1 section 691.9:
 17 2 \$ 302,345
 17 3 4. a. For the division of narcotics enforcement, including
 17 4 the state's contribution to the peace officers' retirement,
 17 5 accident, and disability system provided in chapter 97A in the
 17 6 amount of the state's normal contribution rate, as defined in
 17 7 section 97A.8, multiplied by the salaries for which the funds
 17 8 are appropriated, to meet federal fund matching requirements,
 17 9 and for not more than the following full-time equivalent
 17 10 positions:
 17 11 \$ 6,507,048
 17 12 FTEs 75.00
 17 13 b. For the division of narcotics enforcement for undercover
 17 14 purchases:
 17 15 \$ 109,042
 17 16 5. For the division of state fire marshal, for fire
 17 17 protection services as provided through the state fire service
 17 18 and emergency response council as created in the department,
 17 19 and for the state's contribution to the peace officers'
 17 20 retirement, accident, and disability system provided in chapter
 17 21 97A in the amount of the state's normal contribution rate, as
 17 22 defined in section 97A.8, multiplied by the salaries for which
 17 23 the funds are appropriated, and for not more than the following
 17 24 full-time equivalent positions:
 17 25 \$ 4,343,896
 17 26 FTEs 57.00
 17 27 6. For the division of state patrol, for salaries, support,
 17 28 maintenance, workers' compensation costs, and miscellaneous
 17 29 purposes, including the state's contribution to the peace
 17 30 officers' retirement, accident, and disability system provided
 17 31 in chapter 97A in the amount of the state's normal contribution
 17 32 rate, as defined in section 97A.8, multiplied by the salaries
 17 33 for which the funds are appropriated, and for not more than the
 17 34 following full-time equivalent positions:
 17 35 \$ 48,984,147



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18 1 FTEs 503.00
 18 2 It is the intent of the general assembly that members of the
 18 3 state patrol be assigned to patrol the highways and roads in
 18 4 lieu of assignments for inspecting school buses for the school
 18 5 districts.
 18 6 7. For deposit in the sick leave benefits fund established
 18 7 under section 80.42 for all departmental employees eligible to
 18 8 receive benefits for accrued sick leave under the collective
 18 9 bargaining agreement:
 18 10 \$ 279,517
 18 11 8. For costs associated with the training and equipment
 18 12 needs of volunteer fire fighters:
 18 13 \$ 612,255
 18 14 Notwithstanding section 8.33, moneys appropriated in this
 18 15 subsection that remain unencumbered or unobligated at the
 18 16 close of the fiscal year shall not revert but shall remain
 18 17 available for expenditure only for the purpose designated in
 18 18 this subsection until the close of the succeeding fiscal year.
 18 19 Notwithstanding section 8.39, within the moneys appropriated
 18 20 in this section the department of public safety may reallocate
 18 21 moneys as necessary to best fulfill the needs provided for
 18 22 in the appropriation. However, the department shall not
 18 23 reallocate an appropriation made to the department in this
 18 24 section unless notice of the reallocation is given to the
 18 25 legislative services agency and the department of management
 18 26 prior to the effective date of the reallocation. The notice
 18 27 shall include information about the rationale for reallocating
 18 28 the appropriation. The department shall not reallocate
 18 29 an appropriation made in this section for the purpose of
 18 30 eliminating any program.
 18 31 Sec. 15. CIVIL RIGHTS COMMISSION. There is appropriated
 18 32 from the general fund of the state to the Iowa state civil
 18 33 rights commission for the fiscal year beginning July 1,
 18 34 2010, and ending June 30, 2011, the following amount, or so
 18 35 much thereof as is necessary, to be used for the purposes



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19 1 designated:

19 2 For salaries, support, maintenance, miscellaneous purposes,
19 3 and for not more than the following full-time equivalent
19 4 positions:

19 5	\$ 1,379,861
19 6	FTEs 29.50

19 7 The Iowa state civil rights commission may enter into
19 8 a contract with a nonprofit organization to provide legal
19 9 assistance to resolve civil rights complaints.

19 10 Sec. 16. Section 8A.302, subsection 1, Code 2009, is amended
19 11 to read as follows:

19 12 1. Providing a system of uniform standards and
19 13 specifications for purchasing. When the system is developed,
19 14 all items of general use shall be purchased by state
19 15 agencies through the department, except items used by
19 16 the state ~~department of transportation, board of regents~~
19 17 and institutions under the control of the state board of
19 18 regents. However, the department may authorize the department
19 19 of transportation, the department for the blind, and any other
19 20 agencies otherwise exempted by law from centralized purchasing,
19 21 to directly purchase items provided for under section 904.808
19 22 or used by those agencies without going through the department,
19 23 if the department of administrative services determines such
19 24 purchasing is in the best interests of the state. However,
19 25 items of general use may be purchased through the department by
19 26 any governmental entity.

19 27 Sec. 17. Section 99D.14, subsection 2, Code 2009, is amended
19 28 to read as follows:

19 29 2. a. A licensee shall pay a regulatory fee to be charged
19 30 as provided in this section. In determining the regulatory fee
19 31 to be charged as provided under this section, the commission
19 32 shall use the amount appropriated to the commission plus the
19 33 cost of salaries for no more than two special agents for each
19 34 racetrack that has not been issued a table games license under
19 35 chapter 99F or no more than three special agents for each



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20 1 racetrack that has been issued a table games license under
20 2 chapter 99F, plus any direct and indirect support costs for the
20 3 agents, for the division of criminal investigation's racetrack
20 4 activities, as the basis for determining the amount of revenue
20 5 to be raised from the regulatory fee.

20 6 b. Notwithstanding sections 8.60 and 99D.17, the portion of
20 7 the fee paid pursuant to paragraph "a" relating to the costs
20 8 of special agents plus any direct and indirect support costs
20 9 for the agents, for the division of criminal investigation's
20 10 racetrack activities, shall not be deposited in the general
20 11 fund of the state but instead are appropriated to supplement
20 12 appropriations made to the department of public safety to
20 13 be used for such activities by the division of criminal
20 14 investigation.

20 15 Sec. 18. Section 99F.10, subsection 4, Code 2009, is amended
20 16 to read as follows:

20 17 4. a. In determining the license fees and state regulatory
20 18 fees to be charged as provided under section 99F.4 and this
20 19 section, the commission shall use as the basis for determining
20 20 the amount of revenue to be raised from the license fees and
20 21 regulatory fees the amount appropriated to the commission
20 22 plus the cost of salaries for no more than two special agents
20 23 for each excursion gambling boat or gambling structure and no
20 24 more than four gaming enforcement officers for each excursion
20 25 gambling boat or gambling structure with a patron capacity of
20 26 less than two thousand persons or no more than five gaming
20 27 enforcement officers for each excursion gambling boat or
20 28 gambling structure with a patron capacity of at least two
20 29 thousand persons, plus any direct and indirect support costs
20 30 for the agents and officers, for the division of criminal
20 31 investigation's excursion gambling boat or gambling structure
20 32 activities.

20 33 b. Notwithstanding sections 8.60 and 99F.4, the portion of
20 34 the fee paid pursuant to paragraph "a" relating to the costs
20 35 of special agents and officers plus any direct and indirect



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21 1 support costs for the agents and officers, for the division of
21 2 criminal investigation's excursion gambling boat or gambling
21 3 structure activities, shall not be deposited in the general
21 4 fund of the state but instead are appropriated to supplement
21 5 appropriations made to the department of public safety to
21 6 be used for such activities by the division of criminal
21 7 investigation.

21 8 Sec. 19. Section 809A.17, Code 2009, is amended by adding
21 9 the following new subsection:

21 10 NEW SUBSECTION. 6. If the forfeited property is cash or
21 11 proceeds from the sale of real property the distribution of the
21 12 forfeited property shall be as follows:

21 13 a. The department of justice shall not retain more than
21 14 ten percent of the gross sale of any forfeited real property.
21 15 The balance of the proceeds shall be distributed to the
21 16 seizing agency for use by the agency or for division among
21 17 law enforcement agencies and county attorneys pursuant to any
21 18 agreement entered into by the seizing agency.

21 19 b. The department of justice shall not retain more than
21 20 ten percent of any forfeited cash. The balance shall be
21 21 distributed to the seizing agency for use by the agency or for
21 22 division among law enforcement agencies and county attorneys
21 23 pursuant to any agreement entered into by the seizing agency.

21 24 c. In the event of a cash forfeiture in excess of four
21 25 hundred thousand dollars the distribution of forfeited cash
21 26 shall be as follows:

21 27 (1) Forty=five percent shall be retained by the seizing
21 28 agency.

21 29 (2) Forty=five percent shall be distributed to other law
21 30 enforcement agencies within the region of the seizing agency.

21 31 (3) Ten percent shall be retained by the department of
21 32 justice.

21 33 Sec. 20. Section 904.315, subsection 2, Code Supplement
21 34 2009, is amended to read as follows:

21 35 2. A contract is not required for improvements at a state



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22 1 institution where the labor of inmates is to be used if the
22 2 contract is not for a construction, reconstruction, demolition,
22 3 or repair project or improvement with an estimated cost in
22 4 excess of ~~fifty~~ one hundred thousand dollars.

22 5 Sec. 21. Section 904A.4B, Code 2009, is amended to read as
22 6 follows:

22 7 904A.4B Executive director of the board of parole == duties.

22 8 1. The chief administrative officer of the board of
22 9 parole shall be the executive director, except as provided in
22 10 subsection 2. The executive director shall be appointed by the

22 11 chairperson, subject to the approval of the board and shall
22 12 serve at the pleasure of the board. The executive director
22 13 shall do all of the following:

22 14 ~~1.~~ a. Advise the board on matters relating to parole,
22 15 work release, and executive clemency, and advise the board on
22 16 matters involving automation and word processing.

22 17 ~~2.~~ b. Carry out all directives of the board.

22 18 ~~3.~~ c. Hire and supervise all of the board's staff pursuant
22 19 to the provisions of chapter 8A, subchapter IV.

22 20 ~~4.~~ d. Act as the board's liaison with the general assembly.

22 21 ~~5.~~ e. Prepare a budget for the board, subject to the
22 22 approval of the board, and prepare all other reports required
22 23 by law.

22 24 ~~6.~~ f. Develop long-range parole and work release planning,
22 25 in cooperation with the department of corrections.

22 26 2. If an executive director is not appointed as provided in
22 27 subsection 1, the chairperson shall serve as acting executive
22 28 director and perform the administrative duties under subsection
22 29 1.

22 30 Sec. 22. IOWA COMMUNICATIONS NETWORK. It is the
22 31 intent of the general assembly that the executive branch
22 32 agencies receiving an appropriation in this Act utilize
22 33 the Iowa communications network or secure other electronic
22 34 communications in lieu of traveling for the fiscal year
22 35 addressed by the appropriations.



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23 1 Sec. 23. HOMELAND SECURITY AND EMERGENCY MANAGEMENT
23 2 DIVISION. There is appropriated from the wireless E911
23 3 emergency communications fund created in section 34A.7A to the
23 4 administrator of the homeland security and emergency management
23 5 division of the department of public defense for the fiscal
23 6 year beginning July 1, 2010, and ending June 30, 2011, an
23 7 amount not exceeding \$200,000 to be used for implementation,
23 8 support, and maintenance of the functions of the administrator
23 9 and program manager under chapter 34A and to employ the auditor
23 10 of the state to perform an annual audit of the wireless E911
23 11 emergency communications fund.

23 12 Sec. 24. IOWA LAW ENFORCEMENT ACADEMY == FEES.
23 13 Notwithstanding section 80B.11B, the Iowa law enforcement
23 14 academy may charge more than one-half the cost of providing the
23 15 basic training course if a majority of the Iowa law enforcement
23 16 academy council authorizes charging more than one-half of the
23 17 cost of providing basic training. This section is repealed on
23 18 June 30, 2011.

23 19 Sec. 25. CORRECTIONAL OFFICER AND PEACE OFFICER ==
23 20 PRIORITY. As a condition of receiving an appropriation in
23 21 this Act, the department of corrections and the department of
23 22 public safety shall make every effort to preserve correctional
23 23 officer and peace officer positions through the reduction of
23 24 administrative and related overhead costs.

23 25 Sec. 26. EFFECTIVE UPON ENACTMENT. The provision of this
23 26 Act eliminating the chief security officer position within
23 27 the department of corrections, being deemed of immediate
23 28 importance, takes effect upon enactment.

23 29 EXPLANATION

23 30 This bill makes appropriations from the general fund of the
23 31 state for fiscal year 2010=2011 to the departments of justice,
23 32 corrections, public defense, and public safety, and the Iowa
23 33 law enforcement academy, office of the state public defender,
23 34 board of parole, and Iowa state civil rights commission.

23 35 The bill also appropriates moneys from the department of



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24 1 commerce revolving fund created in Code section 546.12 to the
24 2 office of consumer advocate of the department of justice.
24 3 The bill requires the department of corrections to employ
24 4 two part-time nurses at the Luster Heights correctional
24 5 facility.
24 6 The bill requires the department of corrections to place
24 7 inmates at the Luster Heights facility who have been approved
24 8 by the board of parole for work release but who have been
24 9 waiting for a bed to become available at a community-based
24 10 correctional facility, unless the placement dislodges an inmate
24 11 receiving substance abuse treatment.
24 12 The bill requires the department of corrections to seek
24 13 volunteer medical personnel to serve at correctional facilities
24 14 throughout the state.
24 15 Code section 8A.302 is amended to provide that the state
24 16 department of transportation, the department of blind, and any
24 17 other state agency other than the state board of regents, must
24 18 receive authorization from the department of administrative
24 19 services prior to making purchases of products provided for by
24 20 Iowa state industries under Code section 904.808.
24 21 Code sections 99D.14 and 99F.10 are amended to provide that
24 22 the portion of the regulatory fees collected for the regulatory
24 23 activities of special agents and gambling enforcement officers
24 24 of the department of public safety, division of criminal
24 25 investigation and associated costs, are appropriated to the
24 26 department of public safety to be used for such activities
24 27 instead of being credited to the general fund.
24 28 Code section 809A.17 is amended to provide that the
24 29 department of justice shall not retain more than 10 percent
24 30 of any cash forfeiture made by a law enforcement agency or 10
24 31 percent of the gross proceeds from the sale of any forfeited
24 32 real property. The bill requires the balance of any cash
24 33 forfeiture or the proceeds from the sale of forfeited real
24 34 property be distributed to the seizing agency for use by the
24 35 agency or for division among law enforcement agencies and



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25 1 county attorneys pursuant to any agreement entered into by the
25 2 seizing agency. In the event of a cash forfeiture in excess
25 3 of \$400,000, the distribution shall be as follows: 45 percent
25 4 shall be retained by the seizing agency; 45 percent shall be
25 5 distributed to other law enforcement agencies within the region
25 6 of the seizing agency; and 10 percent shall be retained by the
25 7 department of justice.

25 8 Code section 904.315 is amended to provide that a contract
25 9 is not required for improvements at a state institution where
25 10 the labor of inmates is used and the estimated cost of the
25 11 improvements does not exceed \$100,000. Currently, the contract
25 12 requirement threshold is \$50,000.

25 13 The bill amends Code section 904A.4B to provide that the
25 14 chairperson may act as executive director of the board of
25 15 parole, if the board does not appoint such a director. The
25 16 duties of the executive director are specified in Code section
25 17 904A.4B.

25 18 The bill eliminates the chief security officer position
25 19 within the department of corrections effective upon enactment.

LSB 5092JB (1) 83

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House Study Bill 732

SENATE/HOUSE FILE
BY (PROPOSED COMMITTEE ON
APPROPRIATIONS BILL BY
JOINT APPROPRIATIONS
SUBCOMMITTEE ON
JUSTICE SYSTEM)

A BILL FOR

- 1 An Act relating to and making appropriations to the judicial
- 2 branch.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:



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House Study Bill 732 continued

PAG LIN

1 1 Section 1. JUDICIAL BRANCH.

1 2 1. There is appropriated from the general fund of the state

1 3 to the judicial branch for the fiscal year beginning July 1,

1 4 2010, and ending June 30, 2011, the following amount, or so

1 5 much thereof as is necessary, to be used for the purposes

1 6 designated:

1 7 a. For salaries of supreme court justices, appellate court

1 8 judges, district court judges, district associate judges,

1 9 judicial magistrates and staff, state court administrator,

1 10 clerk of the supreme court, district court administrators,

1 11 clerks of the district court, juvenile court officers, board of

1 12 law examiners and board of examiners of shorthand reporters and

1 13 judicial qualifications commission; receipt and disbursement

1 14 of child support payments; reimbursement of the auditor

1 15 of state for expenses incurred in completing audits of the

1 16 offices of the clerks of the district court during the fiscal

1 17 year beginning July 1, 2010; and maintenance, equipment, and

1 18 miscellaneous purposes:

1 19 \$148,811,822

1 20 b. For deposit in the revolving fund created pursuant

1 21 to section 602.1302, subsection 3, for jury and witness

1 22 fees, mileage, costs related to summoning jurors, fees for

1 23 interpreters, and reimbursement of attorney fees paid by the

1 24 state public defender:

1 25 \$ 1,500,000

1 26 2. The judicial branch, except for purposes of internal

1 27 processing, shall use the current state budget system, the

1 28 state payroll system, and the Iowa finance and accounting

1 29 system in administration of programs and payments for services,

1 30 and shall not duplicate the state payroll, accounting, and

1 31 budgeting systems.

1 32 3. The judicial branch shall submit monthly financial

1 33 statements to the legislative services agency and the

1 34 department of management containing all appropriated accounts

1 35 in the same manner as provided in the monthly financial status



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2 1 reports and personal services usage reports of the department
2 2 of administrative services. The monthly financial statements
2 3 shall include a comparison of the dollars and percentage
2 4 spent of budgeted versus actual revenues and expenditures on
2 5 a cumulative basis for full-time equivalent positions and
2 6 dollars.
2 7 4. The judicial branch shall focus efforts upon the
2 8 collection of delinquent fines, penalties, court costs, fees,
2 9 surcharges, or similar amounts.
2 10 5. It is the intent of the general assembly that the offices
2 11 of the clerks of the district court operate in all 99 counties
2 12 and be accessible to the public as much as is reasonably
2 13 possible in order to address the relative needs of the citizens
2 14 of each county.
2 15 6. In addition to the requirements for transfers under
2 16 section 8.39, the judicial branch shall not change the
2 17 appropriations from the amounts appropriated to the judicial
2 18 branch in this Act, unless notice of the revisions is given
2 19 prior to their effective date to the legislative services
2 20 agency. The notice shall include information on the branch's
2 21 rationale for making the changes and details concerning the
2 22 workload and performance measures upon which the changes are
2 23 based.
2 24 7. The judicial branch shall submit a semiannual update
2 25 to the legislative services agency specifying the amounts of
2 26 fines, surcharges, and court costs collected using the Iowa
2 27 court information system since the last report. The judicial
2 28 branch shall continue to facilitate the sharing of vital
2 29 sentencing and other information with other state departments
2 30 and governmental agencies involved in the criminal justice
2 31 system through the Iowa court information system.
2 32 8. The judicial branch shall provide a report to the general
2 33 assembly by January 1, 2011, concerning the amounts received
2 34 and expended from the enhanced court collections fund created
2 35 in section 602.1304 and the court technology and modernization



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3 1 fund created in section 602.8108, subsection 7, during the
3 2 fiscal year beginning July 1, 2009, and ending June 30, 2010,
3 3 and the plans for expenditures from each fund during the fiscal
3 4 year beginning July 1, 2010, and ending June 30, 2011. A copy
3 5 of the report shall be provided to the legislative services
3 6 agency.

3 7 9. The judicial branch is encouraged to purchase products
3 8 from Iowa state industries, as defined in section 904.802, when
3 9 purchases are required and the products are available from Iowa
3 10 state industries. The judicial branch shall obtain bids from
3 11 Iowa state industries for purchases of office furniture during
3 12 the fiscal year beginning July 1, 2010, exceeding \$5,000.

3 13 Sec. 2. CIVIL TRIALS == LOCATION. Notwithstanding any
3 14 provision to the contrary, for the fiscal year beginning July
3 15 1, 2010, and ending June 30, 2011, if all parties in a case
3 16 agree, a civil trial including a jury trial may take place in a
3 17 county contiguous to the county with proper jurisdiction, even
3 18 if the contiguous county is located in an adjacent judicial
3 19 district or judicial election district. If the trial is moved
3 20 pursuant to this section, court personnel shall treat the case
3 21 as if a change of venue occurred. However, if a trial is moved
3 22 to an adjacent judicial district or judicial election district,
3 23 the judicial officers serving in the judicial district or
3 24 judicial election district receiving the case shall preside
3 25 over the case.

3 26 Sec. 3. TRAVEL REIMBURSEMENT. Notwithstanding section
3 27 602.1509, for the fiscal year beginning July 1, 2010, a
3 28 judicial officer may waive travel reimbursement for any travel
3 29 outside the judicial officer's county of residence to conduct
3 30 official judicial business.

3 31 Sec. 4. POSTING OF REPORTS IN ELECTRONIC FORMAT ==
3 32 LEGISLATIVE SERVICES AGENCY. All reports or copies of reports
3 33 required to be provided by the judicial branch for fiscal year
3 34 2010=2011 to the legislative services agency shall be provided
3 35 in an electronic format. The legislative services agency shall



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4 1 post the reports on its internet website and shall notify by
4 2 electronic means all the members of the joint appropriations
4 3 subcommittee on the justice system when a report is posted.
4 4 Upon request, copies of the reports may be mailed to members of
4 5 the joint appropriations subcommittee on the justice system.

4 6 Sec. 5. JUDICIAL OFFICER == UNPAID LEAVE. Notwithstanding
4 7 the annual salary rates for judicial officers established by
4 8 2008 Iowa Acts, chapter 1191, section 11, for the fiscal year
4 9 beginning July 1, 2010, and ending June 30, 2011, the supreme
4 10 court may by order place all judicial officers on unpaid leave
4 11 status on any day employees of the judicial branch are placed
4 12 on temporary layoff status. The biweekly pay of the judicial
4 13 officers shall be reduced accordingly for the pay period in
4 14 which the unpaid leave date occurred in the same manner as
4 15 for noncontract employees of the judicial branch. Through
4 16 the course of the fiscal year, the judicial branch may use an
4 17 amount equal to the aggregate amount of salary reductions due
4 18 to the judicial officer unpaid leave days for any purpose other
4 19 than for judicial salaries.

4 20 Sec. 6. IOWA COMMUNICATIONS NETWORK. It is the intent
4 21 of the general assembly that the judicial branch utilize
4 22 the Iowa communications network or other secure electronic
4 23 communications in lieu of traveling for the fiscal year
4 24 beginning July 1, 2010.

4 25 EXPLANATION

4 26 This bill appropriates from the general fund of the state for
4 27 FY 2010=2011 to the judicial branch for salaries, maintenance,
4 28 equipment, and miscellaneous purposes.

4 29 The bill appropriates \$1.5 million from the general fund
4 30 of the state to the revolving fund created in Code section
4 31 602.1302 for jury and witness fees, mileage, costs related to
4 32 summoning jurors, fees for interpreters, and certain attorney
4 33 fee reimbursement.

4 34 The bill provides that a civil trial including a jury trial
4 35 may take place in a county contiguous to the county with proper



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5 1 jurisdiction, even if the contiguous county is located in an
5 2 adjacent judicial district or judicial election district, if
5 3 all the parties in a case agree. If a trial is moved to another
5 4 county that is located in another judicial district or judicial
5 5 election district, the judicial officers serving the judicial
5 6 district or judicial election district receiving the case shall
5 7 preside over the case.

5 8 The bill permits a judicial officer to waive travel
5 9 reimbursement for any travel outside the judicial officer's
5 10 county of residence to conduct official business.

5 11 The bill allows a judicial officer to be placed on unpaid
5 12 leave for the fiscal year beginning July 1, 2010, and ending
5 13 June 30, 2011, on any day a court employee is required to
5 14 furlough. The bill provides that if a judicial officer is
5 15 placed on unpaid leave, the salary of the judicial officer
5 16 shall be reduced accordingly for the pay period in which the
5 17 unpaid leave occurred. Through the course of the fiscal year,
5 18 the bill provides that the judicial branch may use an amount
5 19 equal to the aggregate amount of the salary reductions due
5 20 to judicial officer unpaid leave for any purpose other than
5 21 judicial salaries.

5 22 A legislative intent section provides that the judicial
5 23 branch utilize the Iowa communications network or other secure
5 24 electronic communications in lieu of traveling.

LSB 5093JB (1) 83

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House Study Bill 733

SENATE/HOUSE FILE
BY (PROPOSED COMMITTEE ON
APPROPRIATIONS BILL BY
JOINT APPROPRIATIONS
SUBCOMMITTEE ON
AGRICULTURE AND
NATURAL RESOURCES)

A BILL FOR

1 An Act relating to and making appropriations involving state
2 government, by providing for agriculture, natural resources,
3 and environmental protection, and including effective date
4 provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5088JB (1) 83
da/jp



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House Study Bill 733 continued

2 1 miscellaneous purposes:
 2 2 \$ 305,516
 2 3 DESIGNATED APPROPRIATIONS == MOTOR FUEL
 2 4 Sec. 3. RENEWABLE FUEL INFRASTRUCTURE FUND == MOTOR
 2 5 FUEL INSPECTION. There is appropriated from the renewable
 2 6 fuel infrastructure fund created in section 15G.205 to the
 2 7 department of agriculture and land stewardship for the fiscal
 2 8 year beginning July 1, 2010, and ending June 30, 2011, the
 2 9 following amount, or so much thereof as is necessary, to be
 2 10 used for the purposes designated:
 2 11 For purposes of the inspection of motor fuel, including
 2 12 salaries, support, maintenance, and miscellaneous purposes:
 2 13 \$ 300,000
 2 14 The department shall establish and administer programs
 2 15 for the auditing of motor fuel including biofuel processing
 2 16 and production plants, for screening and testing motor fuel,
 2 17 including renewable fuel, and for the inspection of motor fuel
 2 18 sold by dealers including retail dealers who sell and dispense
 2 19 motor fuel from motor fuel pumps.
 2 20 DIVISION II
 2 21 DEPARTMENT OF NATURAL RESOURCES
 2 22 GENERAL APPROPRIATIONS
 2 23 Sec. 4. GENERAL FUND == DEPARTMENT. There is appropriated
 2 24 from the general fund of the state to the department of natural
 2 25 resources for the fiscal year beginning July 1, 2010, and
 2 26 ending June 30, 2011, the following amount, or so much thereof
 2 27 as is necessary, to be used for the purposes designated:
 2 28 1. For purposes of supporting the department, including its
 2 29 divisions, for administration, regulation, and programs; for
 2 30 salaries, support, maintenance, and miscellaneous purposes; and
 2 31 for not more than the following full-time equivalent positions:
 2 32 \$ 15,600,710
 2 33 FTEs 1,168.95
 2 34 2. The department shall submit a report each quarter of the
 2 35 fiscal year to the legislative services agency, the department



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3 1 of management, the members of the joint appropriations
3 2 subcommittee on agriculture and natural resources, and the
3 3 co=chairpersons and ranking members of the senate and house
3 4 committees on appropriations. The report shall describe in
3 5 detail the expenditure of moneys appropriated under this
3 6 section to support the department's administration, regulation,
3 7 and programs.

3 8 Sec. 5. REALIZED COST SAVINGS == PRIVATE BUILDINGS. During
3 9 the fiscal year beginning July 1, 2010, the department of
3 10 natural resources shall realize cost savings to every extent
3 11 legally possible by complying with executive order number
3 12 20 issued December 16, 2009, and as described in the Iowa
3 13 efficiency review report submitted by the public works limited
3 14 liability corporation, by providing staff office space for the
3 15 department in the Wallace building, and relinquishing any space
3 16 in a private building subject to an expired lease.

3 17 Sec. 6. REALIZED COST SAVINGS == VOLUNTEER AND INTERN
3 18 PROGRAMS AT STATE PARKS. During the fiscal year beginning July
3 19 1, 2010, the department of natural resources shall realize cost
3 20 savings to every extent possible by complying with executive
3 21 order number 20 issued December 16, 2009, and as described in
3 22 the Iowa efficiency review report submitted by the public works
3 23 limited liability corporation, by increasing the number of
3 24 volunteer and intern programs at state parks.

3 25 Sec. 7. STATE FISH AND GAME PROTECTION FUND == DIVISION OF
3 26 FISH AND WILDLIFE.

3 27 1. a. There is appropriated from the state fish and game
3 28 protection fund to the department of natural resources for the
3 29 fiscal year beginning July 1, 2010, and ending June 30, 2011,
3 30 the following amount, or so much thereof as is necessary, to be
3 31 used for the purposes designated:

3 32 For purposes of supporting the division of fish and
3 33 wildlife, including for administration, regulation, and
3 34 programs; and for salaries, support, maintenance, equipment,
3 35 and miscellaneous purposes:



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4 1 \$ 38,793,154
 4 2 b. Notwithstanding section 455A.10, the department may use
 4 3 the unappropriated balance remaining in the state fish and game
 4 4 protection fund to provide for the funding of health and life
 4 5 insurance premium payments from unused sick leave balances of
 4 6 conservation peace officers employed in a protection occupation
 4 7 who retire, pursuant to section 97B.49B.
 4 8 2. The department shall not expend more moneys from the
 4 9 state fish and game protection fund than provided in this
 4 10 section, unless the expenditure derives from contributions made
 4 11 by a private entity, or a grant or moneys received from the
 4 12 federal government, and is approved by the natural resource
 4 13 commission. The department of natural resources shall promptly
 4 14 notify the legislative services agency and the chairpersons and
 4 15 ranking members of the joint appropriations subcommittee on
 4 16 agriculture and natural resources concerning the commission's
 4 17 approval.
 4 18 Sec. 8. GROUNDWATER PROTECTION FUND == WATER QUALITY. There
 4 19 is appropriated from the groundwater protection fund created
 4 20 in section 455E.11 to the department of natural resources for
 4 21 the fiscal year beginning July 1, 2010, and ending June 30,
 4 22 2011, from those moneys which are not allocated pursuant to
 4 23 that section, the following amount, or so much thereof as is
 4 24 necessary, to be used for the purposes designated:
 4 25 For purposes of supporting the department's protection
 4 26 of the state's groundwater, including for administration,
 4 27 regulation, and programs, and for salaries, support,
 4 28 maintenance, equipment, and miscellaneous purposes:
 4 29 \$ 3,455,832
 4 30 DESIGNATED APPROPRIATIONS == MISCELLANEOUS
 4 31 Sec. 9. SPECIAL SNOWMOBILE FUND == SNOWMOBILE
 4 32 PROGRAM. There is appropriated from the special snowmobile
 4 33 fund created under section 321G.7 to the department of natural
 4 34 resources for the fiscal year beginning July 1, 2010, and
 4 35 ending June 30, 2011, the following amount, or so much thereof



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5 1 as is necessary, to be used for the purpose designated:
 5 2 For purposes of administering and enforcing the state
 5 3 snowmobile program:
 5 4 \$ 100,000
 5 5 Sec. 10. UNASSIGNED REVENUE FUND == UNDERGROUND STORAGE
 5 6 TANK SECTION EXPENSES. There is appropriated from the
 5 7 unassigned revenue fund administered by the Iowa comprehensive
 5 8 underground storage tank fund board to the department of
 5 9 natural resources for the fiscal year beginning July 1, 2010,
 5 10 and ending June 30, 2011, the following amount, or so much
 5 11 thereof as is necessary, to be used for the purpose designated:
 5 12 For purposes of paying for administration expenses of the
 5 13 department's underground storage tank section:
 5 14 \$ 200,000
 5 15 Sec. 11. STORM WATER DISCHARGE PERMIT FEES == SUPPORT FOR
 5 16 SPECIAL PURPOSES. Notwithstanding any contrary provision of
 5 17 state law, for the fiscal year beginning July 1, 2010, and
 5 18 ending June 30, 2011, the department of natural resources may
 5 19 use additional moneys available to the department collected
 5 20 from storm water discharge permit fees as provided in section
 5 21 455B.103A or 455B.197 for the staffing of the following
 5 22 additional full-time equivalent positions for the purposes
 5 23 designated:
 5 24 1. For purposes of reducing the department's floodplain
 5 25 permit backlog:
 5 26 FTEs 2.00
 5 27 2. For purposes of implementing the federal total maximum
 5 28 daily load program:
 5 29 FTEs 2.00
 5 30 Sec. 12. INTERIM STUDY OF PUBLIC LAND UNDER THE CONTROL
 5 31 OF THE DEPARTMENT OF NATURAL RESOURCES WHICH MAY BE USED FOR
 5 32 PUBLIC HUNTING. The department of natural resources shall
 5 33 conduct an interim study of public land under its control which
 5 34 may be used for public hunting. The department shall authorize
 5 35 public hunting on public land for which the department



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6 1 determines such activity is beneficial. The department shall
6 2 report the results of the interim study to the governor and
6 3 general assembly by January 10, 2011.

6 4 Sec. 13. ELIMINATION OF CHIEF AND ASSISTANT CHIEF OF THE LAW
6 5 ENFORCEMENT BUREAU OF THE DEPARTMENT OF NATURAL RESOURCES. The
6 6 positions of chief and assistant chief of the law enforcement
6 7 bureau of the department of natural resources are eliminated.

6 8 Sec. 14. EFFECTIVE UPON ENACTMENT. The section of this
6 9 division of this Act relating to the elimination of the
6 10 positions of chief and assistant chief of the law enforcement
6 11 bureau of the department of natural resources, being deemed of
6 12 immediate importance, takes effect upon enactment.

6 13 DIVISION III

6 14 IOWA STATE UNIVERSITY

6 15 Sec. 15. GENERAL FUND == VETERINARY DIAGNOSTIC LABORATORY.

6 16 1. There is appropriated from the general fund of the state
6 17 to Iowa state university of science and technology for the
6 18 fiscal year beginning July 1, 2010, and ending June 30, 2011,
6 19 the following amount, or so much thereof as is necessary, to be
6 20 used for the purposes designated:

6 21 For purposes of supporting the college of veterinary
6 22 medicine for the operation of the veterinary diagnostic
6 23 laboratory and for not more than the following full-time
6 24 equivalent positions:

6 25	\$	3,444,294
6 26	FTEs	44.00

6 27 2. a. Iowa state university of science and technology
6 28 shall not reduce the amount that it allocates to support the
6 29 college of veterinary medicine from any other source due to the
6 30 appropriation made in this section.

6 31 b. Paragraph "a" does not apply to a reduction made to
6 32 support the college of veterinary medicine, if the same
6 33 percentage of reduction imposed on the college of veterinary
6 34 medicine is also imposed on all of Iowa state university's
6 35 budget units.



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8 1 b. Not more than 10 percent of the moneys appropriated
8 2 in paragraph "a" may be used for costs of administration and
8 3 implementation of soil and water conservation practices.

8 4 2. WATERSHED PROTECTION

8 5 a. For continuation of a program that provides
8 6 multiobjective resource protections for flood control, water
8 7 quality, erosion control, and natural resource conservation:
8 8 \$ 1,500,000

8 9 b. Not more than 10 percent of the moneys appropriated
8 10 in paragraph "a" may be used for costs of administration and
8 11 implementation of soil and water conservation practices.

8 12 3. FARM MANAGEMENT DEMONSTRATION PROGRAM

8 13 a. For continuation of a statewide voluntary farm
8 14 management demonstration program to demonstrate the
8 15 effectiveness and adaptability of emerging practices in
8 16 agronomy that protect water resources and provide other
8 17 environmental benefits:
8 18 \$ 750,000

8 19 b. Not more than 10 percent of the moneys appropriated
8 20 in paragraph "a" may be used for costs of administration and
8 21 implementation of soil and water conservation practices.

8 22 c. Of the amount appropriated in paragraph "a", \$400,000
8 23 shall be allocated to an organization representing soybean
8 24 growers to provide for an agriculture and environment
8 25 performance program in order to carry out the purposes of this
8 26 subsection as specified in paragraph "a".

8 27 4. AGRICULTURE DRAINAGE WELL WATER QUALITY ASSISTANCE FUND

8 28 a. For deposit in the agricultural drainage well water
8 29 quality assistance fund created in section 460.303 to be used
8 30 for purposes of supporting the agricultural drainage well water
8 31 quality assistance program as provided in section 460.304:
8 32 \$ 1,250,000

8 33 b. Not more than 10 percent of the moneys appropriated
8 34 in paragraph "a" may be used for costs of administration and
8 35 implementation of soil and water conservation practices.



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9 1 5. SOIL AND WATER CONSERVATION == ADMINISTRATION
 9 2 For use by the department for costs of administration and
 9 3 implementation of soil and water conservation practices:
 9 4 \$ 1,050,000
 9 5 6. CONSERVATION RESERVE PROGRAM (CRP)
 9 6 a. To encourage and assist farmers in enrolling in and the
 9 7 implementation of the federal conservation program and to work
 9 8 with them to enhance their revegetation efforts to improve
 9 9 water quality and habitat:
 9 10 \$ 1,300,000
 9 11 b. Not more than 10 percent of the moneys appropriated
 9 12 in paragraph "a" may be used for costs of administration and
 9 13 implementation of soil and water conservation practices.
 9 14 7. LOESS HILLS DEVELOPMENT AND CONSERVATION FUND
 9 15 a. For deposit in the loess hills development and
 9 16 conservation fund created in section 161D.2:
 9 17 \$ 500,000
 9 18 b. (1) Of the amount appropriated in paragraph "a",
 9 19 \$323,000 shall be allocated to the fund's hungry canyons
 9 20 account.
 9 21 (2) Not more than 10 percent of the moneys allocated to the
 9 22 hungry canyons account as provided in subparagraph (1) may be
 9 23 used for administrative costs.
 9 24 c. (1) Of the amount appropriated in paragraph "a",
 9 25 \$177,000 shall be allocated to the fund's loess hills alliance
 9 26 account.
 9 27 (2) Not more than 10 percent of the moneys allocated to the
 9 28 loess hills alliance account as provided in subparagraph (1)
 9 29 may be used for administrative costs.
 9 30 8. SOUTHERN IOWA DEVELOPMENT AND CONSERVATION FUND
 9 31 a. For deposit in the southern Iowa development and
 9 32 conservation fund created in section 161D.12:
 9 33 \$ 250,000
 9 34 b. Not more than 10 percent of the moneys appropriated in
 9 35 paragraph "a" may be used for administrative costs.



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10 1 9. SOIL AND WATER CONSERVATION
 10 2 a. For use by the department in providing for soil and
 10 3 water conservation administration, the conservation of soil and
 10 4 water resources, or the support of soil and water conservation
 10 5 district commissioners:
 10 6 \$ 1,751,600
 10 7 b. The department may deposit any amount of the moneys into
 10 8 the Mississippi river basin healthy watersheds initiative fund
 10 9 as created in this Act.
 10 10 Sec. 18. DEPARTMENT OF NATURAL RESOURCES. There is
 10 11 appropriated from the environment first fund created in section
 10 12 8.57A to the department of natural resources for the fiscal
 10 13 year beginning July 1, 2010, and ending June 30, 2011, the
 10 14 following amounts, or so much thereof as is necessary, to be
 10 15 used for the purposes designated:
 10 16 1. KEEPERS OF THE LAND
 10 17 For statewide coordination of volunteer efforts under the
 10 18 water quality and keepers of the land programs:
 10 19 \$ 100,000
 10 20 2. STATE PARKS MAINTENANCE AND OPERATIONS
 10 21 For regular maintenance of state parks and staff time
 10 22 associated with these activities:
 10 23 \$ 2,470,000
 10 24 3. GEOGRAPHIC INFORMATION SYSTEM (GIS)
 10 25 To provide local watershed managers with geographic
 10 26 information system data for their use in developing,
 10 27 monitoring, and displaying results of their watershed work:
 10 28 \$ 195,000
 10 29 4. WATER QUALITY MONITORING
 10 30 For continuing the establishment and operation of water
 10 31 quality monitoring stations:
 10 32 \$ 2,955,000
 10 33 5. PUBLIC WATER SUPPLY SYSTEM ACCOUNT
 10 34 For deposit in the public water supply system account of the
 10 35 water quality protection fund created in section 455B.183A:



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11 1 \$ 500,000
 11 2 6. REGULATION OF ANIMAL FEEDING OPERATIONS
 11 3 For the regulation of animal feeding operations, including
 11 4 as provided for in chapters 459 and 459A:
 11 5 \$ 608,400
 11 6 7. AMBIENT AIR QUALITY
 11 7 For the abatement, control, and prevention of ambient
 11 8 air pollution in this state, including measures as necessary
 11 9 to assure attainment and maintenance of ambient air quality
 11 10 standards from particulate matter:
 11 11 \$ 425,000
 11 12 8. WATER QUANTITY REGULATION
 11 13 For regulating water quantity from surface and subsurface
 11 14 sources by providing for the allocation and use of water
 11 15 resources, the protection and management of water resources,
 11 16 and the preclusion of conflicts among users of water resources,
 11 17 including as provided in chapter 455B, division III, part 4:
 11 18 \$ 495,000
 11 19 9. RESOURCE CONSERVATION AND DEVELOPMENT (RCD)
 11 20 a. For resource conservation and development associated
 11 21 with the development of projects relating to natural
 11 22 resource-based business opportunities:
 11 23 \$ 150,000
 11 24 b. Local resource conservation and development groups
 11 25 sponsored by county governments or sponsored by soil and water
 11 26 conservation districts shall be eligible to receive moneys
 11 27 appropriated in paragraph "a" on the condition that such groups
 11 28 receive the moneys on a dollar-for-dollar matching basis.
 11 29 c. Not more than 5 percent of the moneys appropriated in
 11 30 paragraph "a" may be used for the costs of implementing and
 11 31 administering this subsection.
 11 32 10. STATE PARKS VOLUNTEER ACTIVITIES
 11 33 For supporting volunteer activities at state parks,
 11 34 including by providing volunteers with food, services, and
 11 35 items required to accomplish tasks associated with state park



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12 1 operations:
 12 2 \$ 250,000
 12 3 Sec. 19. REVERSION. Notwithstanding section 8.33, moneys
 12 4 appropriated for the fiscal year beginning July 1, 2010,
 12 5 in this division of this Act that remain unencumbered or
 12 6 unobligated at the close of the fiscal year shall not revert
 12 7 but shall remain available for the purposes designated until
 12 8 the close of the fiscal year beginning July 1, 2011, or until
 12 9 the project for which the appropriation was made is completed,
 12 10 whichever is earlier.

DIVISION V

ENVIRONMENT FIRST FUND == RESOURCES ENHANCEMENT
AND PROTECTION (REAP)

12 14 Sec. 20. IOWA RESOURCES ENHANCEMENT AND PROTECTION
 12 15 FUND. Notwithstanding the amount of the standing appropriation
 12 16 from the general fund of the state to the Iowa resources
 12 17 enhancement and protection fund as provided in section
 12 18 455A.18, there is appropriated from the environment first fund
 12 19 created in section 8.57A to the Iowa resources enhancement
 12 20 and protection fund, in lieu of the appropriation made in
 12 21 section 455A.18, for the fiscal year beginning July 1, 2010,
 12 22 and ending June 30, 2011, the following amount, to be allocated
 12 23 as provided in section 455A.19:

12 24 \$ 15,000,000

12 25 Sec. 21. FUTURE USE OF MONEYS IN THE IOWA RESOURCES
 12 26 ENHANCEMENT FUND. It is the intent of the general assembly
 12 27 that on and after July 1, 2011, moneys deposited in the Iowa
 12 28 resources enhancement and protection fund as provided in
 12 29 section 455A.18 shall not be used to pay for Honey creek park
 12 30 bond obligations.

DIVISION VI

MISSISSIPPI RIVER BASIN HEALTHY
WATERSHEDS INITIATIVE

12 34 Sec. 22. NEW SECTION. 161G.1 Definitions.
 12 35 1. "Department" means the department of agriculture and land



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13 1 stewardship.
13 2 2. "Fund" means the Mississippi river basin healthy
13 3 watersheds initiative fund created pursuant to section 161G.2.
13 4 Sec. 23. NEW SECTION. 161G.2 Mississippi river basin
13 5 healthy watersheds initiative fund.
13 6 1. A Mississippi river basin healthy watersheds initiative
13 7 fund is created within the department.
13 8 2. The fund is composed of money appropriated by the general
13 9 assembly to the fund, and moneys available to and obtained or
13 10 accepted by the department from the United States, the state,
13 11 or a private source for placement in the fund.
13 12 3. The fund shall be used by the department to support
13 13 the Mississippi river basin healthy watersheds initiative as
13 14 provided in section 161G.3.
13 15 4. The moneys in the fund are not subject to section 8.33
13 16 and shall not be transferred, used, obligated, appropriated,
13 17 or otherwise encumbered except as provided in this section.
13 18 Notwithstanding section 12C.7, subsection 2, interest or
13 19 earnings on moneys in the fund shall be credited to the fund.
13 20 Sec. 24. NEW SECTION. 161G.3 Mississippi river basin
13 21 healthy watersheds initiative.
13 22 1. The department shall implement a voluntary program to
13 23 assist in improving the health of the Mississippi river basin,
13 24 including water quality and wildlife habitat.
13 25 2. The department shall implement the program consistent
13 26 with requirements of the United States department of
13 27 agriculture in its administration of the Mississippi river
13 28 basin healthy watersheds initiative.
13 29 3. To the extent allowed by the United States department of
13 30 agriculture, the department of agriculture and land stewardship
13 31 may do all of the following:
13 32 a. Provide for conservation systems that manage and optimize
13 33 nitrogen and phosphorous within fields to minimize runoff and
13 34 reduce downstream nutrient loading.
13 35 b. Assist agricultural producers with a system of practices



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14 1 that will control soil erosion, improve soil quality, restore
14 2 and enhance wildlife habitat, and manage runoff and drainage
14 3 water for improved water quality.

14 4 c. Avoid, control, and trap nutrient runoff and maintain
14 5 agricultural productivity.

14 6 d. Partner with landowners to implement a range of
14 7 land stewardship practices, including but not limited to
14 8 conservation tillage, nutrient management, and other innovative
14 9 practices.

14 10 EXPLANATION

14 11 GENERAL. This bill relates to agriculture and natural
14 12 resources by making appropriations for the 2010=2011 fiscal
14 13 year to support related entities, including the department of
14 14 agriculture and land stewardship, the department of natural
14 15 resources, and Iowa state university.

14 16 The bill appropriates moneys to the department of
14 17 agriculture and land stewardship and the department of natural
14 18 resources. The appropriations are made to support those
14 19 departments for administration, regulation, and programs. The
14 20 bill requires the departments to submit quarterly reports to
14 21 the general assembly and department of management regarding the
14 22 expenditure of appropriated moneys. The bill also provides
14 23 moneys to support specific programs or projects administered by
14 24 those departments. The bill appropriates moneys from a number
14 25 of sources, including the general fund of the state, the state
14 26 fish and game protection fund, and the groundwater protection
14 27 fund. The bill is organized into divisions.

14 28 DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP. For the
14 29 department of agriculture and land stewardship, moneys are
14 30 appropriated in order to support its divisions.

14 31 The bill appropriates moneys from the general fund to
14 32 support designated programs, including horse and dog racing,
14 33 and motor fuel inspection.

14 34 DEPARTMENT OF NATURAL RESOURCES. For the department of
14 35 natural resources, moneys are appropriated from the general



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15 1 fund in order to support its divisions.
15 2 The bill makes appropriations from other funds. The bill
15 3 appropriates moneys to the department of natural resources from
15 4 the state fish and game protection fund to support programs
15 5 related to fish and wildlife. The bill appropriates moneys
15 6 from the groundwater protection fund to support groundwater
15 7 quality. The bill appropriates moneys from the snowmobile fund
15 8 to the department for snowmobile programs.
15 9 The bill includes miscellaneous provisions. An
15 10 appropriation is made from the unassigned revenue fund
15 11 administered by the Iowa comprehensive underground storage
15 12 tank fund board to the department of natural resources for
15 13 administration and expenses of the underground storage tank
15 14 section.
15 15 The bill provides that the department of natural
15 16 resources may use additional funds for staffing to reduce the
15 17 department's floodplain permit backlog and implementing the
15 18 federal maximum daily load program.
15 19 The bill requires the department of natural resources
15 20 to realize cost savings by relinquishing space at private
15 21 buildings and increasing the number of volunteer and interim
15 22 programs.
15 23 The bill requires the department of natural resources to
15 24 conduct an interim study of public land under its control which
15 25 may be used for public hunting.
15 26 The bill eliminates the positions of chief and assistant
15 27 chief of the law enforcement bureau of the department of
15 28 natural resources.
15 29 IOWA STATE UNIVERSITY. The bill appropriates moneys from
15 30 the general fund of the state for the operation of the Iowa
15 31 state university's veterinary diagnostic laboratory. It
15 32 includes provisions expressing legislative intent for a future
15 33 appropriation for the diagnostic laboratory.
15 34 ENVIRONMENT FIRST FUND == GENERAL APPROPRIATIONS. The
15 35 bill appropriates funding from the environment first fund



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16 1 to the department of agriculture and land stewardship and
16 2 the department of natural resources to support a number of
16 3 programs and projects. A nonreversion clause authorizes the
16 4 appropriations made in this division to be carried forward into
16 5 the succeeding fiscal year.

16 6 ENVIRONMENT FIRST FUND == RESOURCE ENHANCEMENT AND
16 7 PROTECTION. The bill appropriates moneys from the environment
16 8 first fund to the resources enhancement and protection fund
16 9 in lieu of the \$20 million appropriated by statute from the
16 10 general fund of the state.

16 11 The bill provides that the general assembly intends that
16 12 moneys deposited in the Iowa resources enhancement and
16 13 protection fund are not used to pay for Honey creek park bond
16 14 obligations.

16 15 MISSISSIPPI RIVER BASIN HEALTHY WATERSHEDS INITIATIVE. The
16 16 bill establishes a Mississippi river basin healthy watersheds
16 17 initiative fund to support the Mississippi river basin healthy
16 18 watersheds initiative. The initiative is a voluntary program
16 19 to assist in improving the health of the Mississippi river
16 20 basin, including water quality and wildlife habitat.

LSB 5088JB (1) 83

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House Study Bill 734

SENATE/HOUSE FILE
BY (PROPOSED COMMITTEE ON
APPROPRIATIONS BILL BY
JOINT APPROPRIATIONS
SUBCOMMITTEE ON
ECONOMIC DEVELOPMENT)

A BILL FOR

1 An Act relating to and making appropriations to the department
2 of cultural affairs, the department of economic development,
3 certain board of regents institutions, the department of
4 workforce development, and the public employment relations
5 board, and related matters and including effective date
6 provisions.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5089JB (1) 83
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1 1 Section 1. DEPARTMENT OF CULTURAL AFFAIRS. There is
 1 2 appropriated from the general fund of the state to the
 1 3 department of cultural affairs for the fiscal year beginning
 1 4 July 1, 2010, and ending June 30, 2011, the following amounts,
 1 5 or so much thereof as is necessary, to be used for the purposes
 1 6 designated:

1 7 1. ADMINISTRATION

1 8 For salaries, support, maintenance, miscellaneous purposes,
 1 9 and for not more than the following full-time equivalent
 1 10 positions for the department:

1 11	\$	212,069
1 12	FTEs	74.50

1 13 The department of cultural affairs shall coordinate
 1 14 activities with the tourism office of the department of
 1 15 economic development to promote attendance at the state
 1 16 historical building and at this state's historic sites.
 1 17 Full-time equivalent positions authorized under this
 1 18 subsection shall be funded, in full or in part, using moneys
 1 19 appropriated under this subsection and subsections 3 through 7.

1 20 2. COMMUNITY CULTURAL GRANTS

1 21 For planning and programming for the community cultural
 1 22 grants program established under section 303.3:

1 23	\$	273,500
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1 24 3. HISTORICAL DIVISION

1 25 For the support of the historical division:

1 26	\$	3,195,107
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1 27 4. HISTORIC SITES

1 28 For the administration and support of historic sites:

1 29	\$	493,060
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1 30 5. ARTS DIVISION

1 31 For the support of the arts division:

1 32	\$	1,023,712
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1 33 6. GREAT PLACES

1 34 For the great places program:

1 35	\$	214,869
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2 1 7. ARCHIVE IOWA GOVERNORS' RECORDS
 2 2 For archiving the records of Iowa governors:
 2 3 \$ 70,142
 2 4 8. RECORDS CENTER RENT
 2 5 For payment of rent for the state records center:
 2 6 \$ 227,243
 2 7 Sec. 2. GOALS AND ACCOUNTABILITY == ECONOMIC DEVELOPMENT.
 2 8 1. For the fiscal year beginning July 1, 2010, the goals for
 2 9 the department of economic development shall be to expand and
 2 10 stimulate the state economy, increase the wealth of Iowans, and
 2 11 increase the population of the state.
 2 12 2. To achieve the goals in subsection 1, the department
 2 13 of economic development shall do all of the following for the
 2 14 fiscal year beginning July 1, 2010:
 2 15 a. Concentrate its efforts on programs and activities that
 2 16 result in commercially viable products and services.
 2 17 b. Adopt practices and services consistent with free
 2 18 market, private sector philosophies.
 2 19 c. Ensure economic growth and development throughout the
 2 20 state.
 2 21 Sec. 3. DEPARTMENT OF ECONOMIC DEVELOPMENT. There is
 2 22 appropriated from the general fund of the state to the
 2 23 department of economic development for the fiscal year
 2 24 beginning July 1, 2010, and ending June 30, 2011, the following
 2 25 amounts, or so much thereof as is necessary, to be used for the
 2 26 purposes designated:
 2 27 1. ADMINISTRATION DIVISION
 2 28 a. For salaries, support, maintenance, miscellaneous
 2 29 purposes, and programs; for transfer to the Iowa state
 2 30 commission grant program; and for not more than the following
 2 31 full-time equivalent positions for the department's three
 2 32 divisions:
 2 33 \$ 1,976,046
 2 34 FTEs 149.00
 2 35 b. The department shall work with businesses and



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3 1 communities to continually improve the economic development
 3 2 climate along with the economic well-being and quality of life
 3 3 for Iowans. The administration division shall coordinate with
 3 4 other state agencies to ensure that all state departments are
 3 5 attentive to the needs of an entrepreneurial culture.
 3 6 c. Full-time equivalent positions authorized under this
 3 7 subsection shall be funded, in full or in part, using moneys
 3 8 appropriated under this subsection and subsections 2 and 3
 3 9 and by certain federal moneys or other moneys received by the
 3 10 department.
 3 11 d. Notwithstanding section 8.33, moneys appropriated in
 3 12 this subsection that remain unencumbered or unobligated at the
 3 13 close of the fiscal year shall not revert but shall remain
 3 14 available for expenditure for the purposes designated until the
 3 15 close of the succeeding fiscal year.
 3 16 2. BUSINESS DEVELOPMENT DIVISION
 3 17 a. For business development operations and programs, the
 3 18 film office, international trade, export assistance, workforce
 3 19 recruitment, and the partner state program; for transfer to the
 3 20 strategic investment fund; for transfer to the grow Iowa values
 3 21 fund; and for the support of the business development division:
 3 22 \$ 5,346,536
 3 23 b. The department shall establish a strong and aggressive
 3 24 marketing image to showcase Iowa's workforce, existing
 3 25 industry, and potential. A priority shall be placed on
 3 26 recruiting new businesses, business expansion, and retaining
 3 27 existing Iowa businesses. Emphasis shall also be placed on
 3 28 entrepreneurial development through helping to secure capital
 3 29 for entrepreneurs, and developing networks and a business
 3 30 climate conducive to entrepreneurs and small business.
 3 31 c. A business creating jobs with economic development
 3 32 assistance through moneys appropriated in this subsection shall
 3 33 be subject to contract provisions stating that new and retained
 3 34 jobs shall be filled by individuals who are citizens of the
 3 35 United States who reside within the United States or any person



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4 1 authorized to work in the United States pursuant to federal
4 2 law, including legal resident aliens in the United States. Any
4 3 vendor who receives such public moneys shall adhere to such
4 4 contract provisions and provide periodic assurances as the
4 5 state shall require that the jobs are filled solely by citizens
4 6 of the United States who reside within the United States or
4 7 any person authorized to work in the United States pursuant
4 8 to federal law, including legal resident aliens in the United
4 9 States. A business that receives financial assistance from
4 10 the department from moneys appropriated in this bill shall
4 11 only employ individuals legally authorized to work in this
4 12 state. In addition to all other applicable penalties provided
4 13 by current law, all or a portion of the assistance received
4 14 by a business which is found to knowingly employ individuals
4 15 not legally authorized to work in this state is subject to
4 16 recapture by the department.

4 17 d. From the moneys appropriated in this subsection, the
4 18 department may provide financial assistance in the form of a
4 19 grant to a community economic development entity for conducting
4 20 a local workforce recruitment effort designed to recruit former
4 21 citizens of the state and former students at colleges and
4 22 universities in the state to meet the needs of local employers.

4 23 e. From the moneys appropriated in this subsection, the
4 24 department may provide financial assistance to early-stage
4 25 industry companies being established by women entrepreneurs.

4 26 f. From the moneys appropriated in this subsection, the
4 27 department may provide financial assistance in the form of
4 28 grants, loans, or forgivable loans for advanced research and
4 29 commercialization projects involving value-added agriculture,
4 30 advanced technology, or biotechnology.

4 31 g. Notwithstanding section 8.33, moneys appropriated in
4 32 this subsection that remain unencumbered or unobligated at the
4 33 close of the fiscal year shall not revert but shall remain
4 34 available for expenditure for the purposes designated until the
4 35 close of the succeeding fiscal year.



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5 1 3. COMMUNITY DEVELOPMENT DIVISION

5 2 a. For support, maintenance, miscellaneous purposes,

5 3 community economic development programs, tourism operations,

5 4 community assistance, plans for Iowa green corps and summer

5 5 youth programs, the mainstreet and rural mainstreet programs,

5 6 the school-to-career program, the community development block

5 7 grant, and housing and shelter-related programs:

5 8 \$ 5,063,917

5 9 b. The department shall encourage development of

5 10 communities and quality of life to foster economic growth. The

5 11 department shall prepare communities for future growth and

5 12 development through development, expansion, and modernization

5 13 of infrastructure.

5 14 c. The department shall develop public-private partnerships

5 15 with Iowa businesses in the tourism industry, Iowa tour groups,

5 16 Iowa tourism organizations, and political subdivisions in this

5 17 state to assist in the development of advertising efforts.

5 18 The department shall, to the fullest extent possible, develop

5 19 cooperative efforts for advertising with contributions from

5 20 other sources.

5 21 d. Notwithstanding section 8.33, moneys appropriated in

5 22 this subsection that remain unencumbered or unobligated at the

5 23 close of the fiscal year shall not revert to any fund but shall

5 24 remain available for expenditure for the designated purposes

5 25 during the succeeding fiscal year.

5 26 4. For allocating moneys for the world food prize and

5 27 notwithstanding section 15.368, subsection 1:

5 28 \$ 650,000

5 29 5. For use as matching funds for the United States

5 30 department of housing and urban development's main street

5 31 challenge grants for historic building preservation:

5 32 \$ 165,775

5 33 Notwithstanding section 8.33, moneys appropriated in this

5 34 subsection that remain unencumbered or unobligated at the close

5 35 of the fiscal year shall not revert but shall remain available



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6 1 for expenditure for the purposes designated until the close of
 6 2 the succeeding fiscal year.

6 3 6. For allocation to the Iowa commission on volunteer
 6 4 service for the Iowa's promise and mentoring partnership
 6 5 program and for not more than the following full-time
 6 6 equivalent positions:

6 7	\$	112,500
6 8	FTEs	1.00

6 9 Notwithstanding section 8.33, moneys appropriated in this
 6 10 subsection that remain unencumbered or unobligated at the close
 6 11 of the fiscal year shall not revert but shall remain available
 6 12 for expenditure for the purposes designated until the close of
 6 13 the succeeding fiscal year.

6 14 Sec. 4. VISION IOWA PROGRAM == FTE AUTHORIZATION. For
 6 15 purposes of administrative duties associated with the vision
 6 16 Iowa program, the department of economic development is
 6 17 authorized an additional 2.25 FTEs above those otherwise
 6 18 authorized in this Act.

6 19 Sec. 5. INSURANCE ECONOMIC DEVELOPMENT. From the moneys
 6 20 collected by the division of insurance in excess of the
 6 21 anticipated gross revenues under section 505.7, subsection 3,
 6 22 during the fiscal year beginning July 1, 2010, \$100,000 shall
 6 23 be transferred to the department of economic development for
 6 24 insurance economic development and international insurance
 6 25 economic development.

6 26 Sec. 6. COMMUNITY DEVELOPMENT LOAN FUND. Notwithstanding
 6 27 section 15E.120, subsection 5, there is appropriated from the
 6 28 Iowa community development loan fund all the moneys available
 6 29 during the fiscal year beginning July 1, 2010, and ending June
 6 30 30, 2011, to the department of economic development for the
 6 31 community development program to be used by the department for
 6 32 the purposes of the program.

6 33 Sec. 7. WORKFORCE DEVELOPMENT FUND. There is appropriated
 6 34 from the workforce development fund account created in section
 6 35 15.342A to the workforce development fund created in section



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7 1 15.343 for the fiscal year beginning July 1, 2010, and ending
 7 2 June 30, 2011, the following amount, for the purposes of the
 7 3 workforce development fund, and for not more than the following
 7 4 full-time equivalent positions:
 7 5 \$ 4,000,000
 7 6 FTEs 4.00

7 7 Sec. 8. WORKFORCE DEVELOPMENT ADMINISTRATION. From moneys
 7 8 appropriated or transferred to or receipts credited to the
 7 9 workforce development fund created in section 15.343, up to
 7 10 \$400,000 for the fiscal year beginning July 1, 2010, and ending
 7 11 June 30, 2011, are appropriated to the department of economic
 7 12 development for the administration of workforce development
 7 13 activities including salaries, support, maintenance, and
 7 14 miscellaneous purposes, and for not more than the following
 7 15 full-time equivalent positions:

7 16 FTEs 4.00

7 17 Sec. 9. JOB TRAINING FUND. Notwithstanding section 15.251,
 7 18 all moneys in the job training fund on July 1, 2010, and any
 7 19 moneys appropriated or credited to the fund during the fiscal
 7 20 year beginning July 1, 2010, shall be transferred to the
 7 21 workforce development fund established pursuant to section
 7 22 15.343.

7 23 Sec. 10. IOWA STATE UNIVERSITY.

7 24 1. There is appropriated from the general fund of the state
 7 25 to Iowa state university of science and technology for the
 7 26 fiscal year beginning July 1, 2010, and ending June 30, 2011,
 7 27 the following amount, or so much thereof as is necessary, to
 7 28 be used for small business development centers, the science
 7 29 and technology research park, and the institute for physical
 7 30 research and technology, and for not more than the following
 7 31 full-time equivalent positions:

7 32 \$ 2,575,983
 7 33 FTEs 56.63

7 34 2. Of the moneys appropriated in subsection 1, Iowa state
 7 35 university of science and technology shall allocate at least



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8 1 \$1,076,234 for purposes of funding small business development
8 2 centers. Iowa state university of science and technology may
8 3 allocate moneys appropriated in subsection 1 to the various
8 4 small business development centers in any manner necessary to
8 5 achieve the purposes of this subsection.
8 6 3. Iowa state university of science and technology shall do
8 7 all of the following:
8 8 a. Direct expenditures for research toward projects that
8 9 will provide economic stimulus for Iowa.
8 10 b. Provide emphasis to providing services to Iowa-based
8 11 companies.
8 12 4. It is the intent of the general assembly that the
8 13 industrial incentive program focus on Iowa industrial
8 14 sectors and seek contributions and in-kind donations from
8 15 businesses, industrial foundations, and trade associations,
8 16 and that moneys for the institute for physical research and
8 17 technology industrial incentive program shall be allocated
8 18 only for projects which are matched by private sector moneys
8 19 for directed contract research or for nondirected research.
8 20 The match required of small businesses as defined in section
8 21 15.102, subsection 6, for directed contract research or for
8 22 nondirected research shall be \$1 for each \$3 of state funds.
8 23 The match required for other businesses for directed contract
8 24 research or for nondirected research shall be \$1 for each \$1 of
8 25 state funds. The match required of industrial foundations or
8 26 trade associations shall be \$1 for each \$1 of state funds.
8 27 Iowa state university of science and technology shall
8 28 report annually to the joint appropriations subcommittee on
8 29 economic development and the legislative services agency the
8 30 total amount of private contributions, the proportion of
8 31 contributions from small businesses and other businesses, and
8 32 the proportion for directed contract research and nondirected
8 33 research of benefit to Iowa businesses and industrial sectors.
8 34 5. Notwithstanding section 8.33, moneys appropriated in
8 35 this section that remain unencumbered or unobligated at the



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9 1 close of the fiscal year shall not revert but shall remain
9 2 available for expenditure for the purposes designated until the
9 3 close of the succeeding fiscal year.

9 4 Sec. 11. UNIVERSITY OF IOWA.

9 5 1. There is appropriated from the general fund of the state
9 6 to the state university of Iowa for the fiscal year beginning
9 7 July 1, 2010, and ending June 30, 2011, the following amount,
9 8 or so much thereof as is necessary, to be used for the state
9 9 university of Iowa research park and for the advanced drug
9 10 development program at the Oakdale research park, including
9 11 salaries, support, maintenance, equipment, miscellaneous
9 12 purposes, and for not more than the following full-time
9 13 equivalent positions:

9 14	\$	222,372
9 15	FTEs	6.00

9 16 2. The state university of Iowa shall do all of the
9 17 following:

9 18 a. Direct expenditures for research toward projects that
9 19 will provide economic stimulus for Iowa.

9 20 b. Provide emphasis to providing services to Iowa-based
9 21 companies.

9 22 3. Notwithstanding section 8.33, moneys appropriated in
9 23 this section that remain unencumbered or unobligated at the
9 24 close of the fiscal year shall not revert but shall remain
9 25 available for expenditure for the purposes designated until the
9 26 close of the succeeding fiscal year.

9 27 Sec. 12. UNIVERSITY OF NORTHERN IOWA.

9 28 1. There is appropriated from the general fund of the
9 29 state to the university of northern Iowa for the fiscal year
9 30 beginning July 1, 2010, and ending June 30, 2011, the following
9 31 amount, or so much thereof as is necessary, to be used for the
9 32 metal casting institute, the MyEntreNet internet application,
9 33 and the institute of decision making, including salaries,
9 34 support, maintenance, miscellaneous purposes, and for not more
9 35 than the following full-time equivalent positions:



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10 1 \$ 610,674
 10 2 FTEs 6.75
 10 3 Of the moneys appropriated pursuant to this subsection,
 10 4 the university of northern Iowa shall allocate not more than
 10 5 \$125,000 for purposes of expanded support of entrepreneurs
 10 6 through the university's regional business center.
 10 7 2. The university of northern Iowa shall do all of the
 10 8 following:
 10 9 a. Direct expenditures for research toward projects that
 10 10 will provide economic stimulus for Iowa.
 10 11 b. Provide emphasis to providing services to Iowa-based
 10 12 companies.
 10 13 3. Notwithstanding section 8.33, moneys appropriated in
 10 14 this section that remain unencumbered or unobligated at the
 10 15 close of the fiscal year shall not revert but shall remain
 10 16 available for expenditure for the purposes designated until the
 10 17 close of the succeeding fiscal year.
 10 18 Sec. 13. BOARD OF REGENTS REPORT. The state board of
 10 19 regents shall submit a report on the progress of regents
 10 20 institutions in meeting the strategic plan for technology
 10 21 transfer and economic development to the secretary of the
 10 22 senate, the chief clerk of the house of representatives, and
 10 23 the legislative services agency by January 15, 2011.
 10 24 Sec. 14. DEPARTMENT OF WORKFORCE DEVELOPMENT. There
 10 25 is appropriated from the general fund of the state to the
 10 26 department of workforce development for the fiscal year
 10 27 beginning July 1, 2010, and ending June 30, 2011, the following
 10 28 amounts, or so much thereof as is necessary, for the purposes
 10 29 designated:
 10 30 1. DIVISION OF LABOR SERVICES
 10 31 For the division of labor services, including salaries,
 10 32 support, maintenance, miscellaneous purposes, and for not more
 10 33 than the following full-time equivalent positions:
 10 34 \$ 3,495,440
 10 35 FTEs 64.00



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11 1 From the contractor registration fees, the division of labor
11 2 services shall reimburse the department of inspections and
11 3 appeals for all costs associated with hearings under chapter
11 4 91C, relating to contractor registration.

11 5 2. DIVISION OF WORKERS' COMPENSATION

11 6 For the division of workers' compensation, including
11 7 salaries, support, maintenance, miscellaneous purposes, and for
11 8 not more than the following full-time equivalent positions:

11 9	\$ 2,595,768
11 10	FTEs 30.00

11 11 The division of workers' compensation shall charge a \$100
11 12 filing fee for workers' compensation cases. The filing fee
11 13 shall be paid by the petitioner of a claim. However, the fee
11 14 can be taxed as a cost and paid by the losing party, except
11 15 in cases where it would impose an undue hardship or be unjust
11 16 under the circumstances. The moneys generated by the filing
11 17 fee allowed under this subsection are appropriated to the
11 18 department of workforce development to be used for purposes of
11 19 administering the division of workers' compensation.

11 20 3. WORKFORCE DEVELOPMENT OPERATIONS

11 21 For the operation of field offices, the workforce
11 22 development board, and new Iowans centers, and for not more
11 23 than the following full-time equivalent positions:

11 24	\$ 11,343,047
11 25	FTEs 88.28

11 26 Of the moneys appropriated in this subsection, the
11 27 department shall allocate \$11,110,137 for the operation of
11 28 field offices. The department shall not reduce the number of
11 29 field offices below the number of field offices being operated
11 30 as of January 1, 2009.

11 31 The department of workforce development shall make every
11 32 effort to maintain new Iowans centers that offer one-stop
11 33 services to deal with the multiple issues related to
11 34 immigration and employment. The centers shall be designed to
11 35 support workers, businesses, and communities with information,



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12 1 referrals, job placement assistance, translation, language
12 2 training, and resettlement, as well as technical and legal
12 3 assistance on such issues as forms and documentation. Through
12 4 the coordination of local, state, and federal service
12 5 providers, and through the development of partnerships with
12 6 public, private, and nonprofit entities with established
12 7 records of international service, these centers shall seek to
12 8 provide a seamless service delivery system for new Iowans.

12 9 4. OFFENDER REENTRY PROGRAM

12 10 For the development and administration of an offender
12 11 reentry program to provide offenders with employment skills,
12 12 and for not more than the following full-time equivalent
12 13 positions:

12 14	\$	322,261
12 15	FTEs	3.00

12 16 The department shall partner with the department of
12 17 corrections to provide staff within the correctional facilities
12 18 to improve offenders' abilities to find and retain productive
12 19 employment.

12 20 5. SECURITY EMPLOYEE TRAINING PROGRAM

12 21 For purposes of administration of a security employee
12 22 training program:

12 23	\$	13,033
-------------	----	--------

12 24 6. Notwithstanding section 8.33, moneys appropriated
12 25 in subsections 1 through 4 of this section that remain
12 26 unencumbered or unobligated at the close of the fiscal year
12 27 shall not revert but shall remain available for expenditure
12 28 for the purposes designated until the close of the succeeding
12 29 fiscal year.

12 30 Sec. 15. ACCOUNTABILITY == AUDIT. The auditor of state
12 31 shall annually conduct an audit of the department of workforce
12 32 development and shall report the findings of such annual
12 33 audit, including the accountability of programs of the
12 34 department, to the chairpersons and ranking members of the
12 35 joint appropriations subcommittee on economic development. The



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13 1 department shall pay for the costs associated with the audit.
 13 2 Sec. 16. EMPLOYMENT SECURITY CONTINGENCY FUND == DIVISION
 13 3 OF WORKERS' COMPENSATION. There is appropriated from the
 13 4 special employment security contingency fund to the department
 13 5 of workforce development for the fiscal year beginning July 1,
 13 6 2010, and ending June 30, 2011, the following amount, or so
 13 7 much thereof as is necessary, for the purposes designated:
 13 8 For the division of workers' compensation, salaries,
 13 9 support, maintenance, and miscellaneous purposes:
 13 10 \$ 471,000
 13 11 Any remaining additional penalty and interest revenue is
 13 12 appropriated to and may be allocated and used to accomplish the
 13 13 mission of the department.
 13 14 Sec. 17. WORKFORCE DEVELOPMENT == FIELD OFFICES. There is
 13 15 appropriated from the special employment security contingency
 13 16 fund to the department of workforce development for the fiscal
 13 17 year beginning July 1, 2010, and ending June 30, 2011, the
 13 18 following amount, or so much thereof as is necessary, to be
 13 19 used for the purposes designated:
 13 20 For field offices:
 13 21 \$ 662,427
 13 22 Sec. 18. UNEMPLOYMENT COMPENSATION RESERVE FUND.
 13 23 Notwithstanding section 96.9, subsection 8, paragraph "e",
 13 24 there is appropriated from interest earned on the unemployment
 13 25 compensation reserve fund to the department of workforce
 13 26 development for the fiscal year beginning July 1, 2010, and
 13 27 ending June 30, 2011, the following amount or so much thereof
 13 28 as is necessary, for the purposes designated:
 13 29 For the operation of field offices:
 13 30 \$ 6,500,000
 13 31 Sec. 19. EMPLOYEE MISCLASSIFICATION PROGRAM == GENERAL
 13 32 FUND. There is appropriated from the general fund of the state
 13 33 to the department of workforce development for the fiscal year
 13 34 beginning July 1, 2010, and ending June 30, 2011, the following
 13 35 amount, or so much thereof as is necessary, to be used for the



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14 1 purposes designated:
 14 2 For enhancing efforts to investigate employers that
 14 3 misclassify workers:
 14 4 \$ 450,000
 14 5 FTEs 8.10
 14 6 Sec. 20. PUBLIC EMPLOYMENT RELATIONS BOARD. There is
 14 7 appropriated from the general fund of the state to the public
 14 8 employment relations board for the fiscal year beginning July
 14 9 1, 2010, and ending June 30, 2011, the following amount, or so
 14 10 much thereof as is necessary, for the purposes designated:
 14 11 For salaries, support, maintenance, miscellaneous purposes,
 14 12 and for not more than the following full-time equivalent
 14 13 positions:
 14 14 \$ 1,101,903
 14 15 FTEs 10.00
 14 16 Of the moneys appropriated in this section, the board
 14 17 shall allocate \$15,000 for maintaining a website that allows
 14 18 searchable access to a database of collective bargaining
 14 19 information.
 14 20 Sec. 21. IOWA FINANCE AUTHORITY AUDIT. The auditor of state
 14 21 is requested to review the audit of the Iowa finance authority
 14 22 performed by the auditor hired by the authority.
 14 23 Sec. 22. UNEMPLOYMENT COMPENSATION PROGRAM. Notwithstanding
 14 24 section 96.9, subsection 4, paragraph "a", moneys credited to
 14 25 the state by the secretary of the treasury of the United
 14 26 States pursuant to section 903 of the Social Security
 14 27 Act are appropriated to the department of workforce
 14 28 development and shall be used by the department for the
 14 29 administration of the unemployment compensation program only.
 14 30 This appropriation shall not apply to any fiscal year
 14 31 beginning after December 31, 2009.
 14 32 Sec. 23. 2009 Iowa Acts, chapter 176, section 3, subsection
 14 33 5, is amended to read as follows:
 14 34 5. For use as matching funds for the United States
 14 35 department of housing and urban development's main street



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15 1 challenge grants for historic building preservation:
 15 2 \$ 184,195
 15 3 Notwithstanding section 8.33, moneys appropriated in this
 15 4 subsection that remain unencumbered or unobligated at the close
 15 5 of the fiscal year shall not revert but shall remain available
 15 6 for expenditure for the purposes designated until the close of
 15 7 the succeeding fiscal year.

15 8 Sec. 24. EFFECTIVE UPON ENACTMENT. The section of this Act
 15 9 amending 2009 Iowa Acts, chapter 176, being deemed of immediate
 15 10 importance, takes effect upon enactment.

EXPLANATION

15 11 This bill makes appropriations and transfers from the
 15 12 general fund of the state and other funds to the department
 15 13 of cultural affairs, the department of economic development,
 15 14 the university of Iowa, the university of northern Iowa, Iowa
 15 15 state university, the department of workforce development, and
 15 16 the public employment relations board for the 2010=2011 fiscal
 15 17 year.
 15 18 year.

15 19 The bill provides that the goals for the department of
 15 20 economic development shall be to expand and stimulate the
 15 21 state economy, increase the wealth of Iowans, and increase the
 15 22 population of the state.

15 23 The bill transfers moneys collected by the division of
 15 24 insurance in excess of the anticipated gross revenues to the
 15 25 department of economic development for purposes of insurance
 15 26 economic development and international insurance economic
 15 27 development.

15 28 The bill appropriates moneys from the Iowa community
 15 29 development loan fund to the department of economic development
 15 30 for purposes of the community development program.

15 31 The bill appropriates moneys from the workforce development
 15 32 fund account to the workforce development fund.

15 33 The bill provides that moneys appropriated or transferred
 15 34 to or receipts credited to the workforce development fund are
 15 35 appropriated to the department of economic development for



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16 1 administration of workforce development activities.
16 2 The bill provides that all moneys in the job training fund on
16 3 July 1, 2010, and any moneys appropriated or credited to the
16 4 fund during the fiscal year beginning July 1, 2010, shall be
16 5 transferred to the workforce development fund.
16 6 The bill requires the state board of regents to submit a
16 7 report on the progress of regents institutions in meeting
16 8 the strategic plan for technology transfer and economic
16 9 development.
16 10 The bill requires the auditor of state to conduct an audit of
16 11 the department of workforce development.
16 12 The bill appropriates moneys from the special employment
16 13 security contingency fund to the department of workforce
16 14 development for the division of workers' compensation and for
16 15 the operation of field offices.
16 16 The bill appropriates interest earned on the unemployment
16 17 compensation reserve fund to the department of workforce
16 18 development for the operation of field offices.
16 19 The bill appropriates moneys to the department of workforce
16 20 development for an employee misclassification program.
16 21 The bill requests the auditor of state to review the audit
16 22 of the Iowa finance authority performed by the auditor hired
16 23 by the authority.
16 24 The bill appropriates moneys from moneys credited to
16 25 the state by the secretary of the treasury of the United
16 26 States pursuant to the Social Security Act to the department
16 27 of workforce development for the administration of the
16 28 unemployment compensation program only.
16 29 The bill provides for the filing of surety bonds or qualified
16 30 statements by out-of-state contractors with the division of
16 31 labor services.
16 32 The bill amends 2009 Iowa Acts, chapter 176, to provide for
16 33 the nonrevision of moneys appropriated for purposes of matching
16 34 funds for main street challenge grants. The section amending
16 35 the 2009 Iowa Acts is effective upon enactment.

LSB 5089JB (1) 83

tw/tm



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Senate Amendment 5176

PAG LIN

1 1 Amend Senate File 2348 as follows:
1 2 #1. Page 6, line 13, by striking <four> and
1 3 inserting <two>
1 4 #2. Page 8, by striking lines 9 through 16 and
1 5 inserting <causes of action against the applicant. ~~The~~
1 6 1A. For applicants seeking to transact business as
1 7 a mortgage broker or mortgage banker, the bond shall be
1 8 conditioned upon the applicant's faithfully conforming
1 9 to and abiding by this chapter and any rules adopted
1 10 under this chapter and shall require that the surety
1 11 pay to the state and to any persons all moneys that
1 12 become due or owing to the state and to the persons
1 13 from the applicant by virtue of this chapter.>
1 14 #3. Page 8, line 17, by striking <1A.> and inserting
1 15 <1B.>

SWATI DANDEKAR
SF2348.1733 (3) 83
rn/nh



Iowa General Assembly
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Senate Amendment 5177

PAG LIN

1 1 Amend Senate File 2332 as follows:
1 2 #1. Page 1, after line 21 by inserting:
1 3 <Sec. ____ . IMPLEMENTATION. This Act shall be
1 4 implemented July 1, 2011.>
1 5 #2. Title page, line 3, after <disabilities> by
1 6 inserting <and providing for implementation>

AMANDA RAGAN
SF2332.1742 (3) 83
pf/rj



Iowa General Assembly
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Senate Amendment 5178

PAG LIN

1 1 Amend Senate File 2353 as follows:
1 2 #1. Page 2, by striking lines 19 and 20 and
1 3 inserting <designee, one person representing an
1 4 incumbent local exchange carrier with fewer than
1 5 fifty thousand access lines who provides Part III
1 6 connections, one person representing an incumbent local
1 7 exchange carrier with fifty thousand or more access
1 8 lines who provides Part III connections, one person who
1 9 is a>

WILLIAM HECKROTH

STEVEN SODDERS
SF2353.1773 (3) 83
rn/nh



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Senate Amendment 5179

PAG LIN

1 1 Amend House File 788, as amended, passed, and
1 2 reprinted by the House, as follows:
1 3 #1. Page 4, line 27, after <permit.> by inserting
1 4 <However, the absence of security personnel on the
1 5 licensed premises is insufficient, without additional
1 6 evidence, to prove that criminal activity occurring
1 7 on the licensed premises was knowingly permitted in
1 8 violation of this paragraph "j".>
1 9 #2. Page 4, line 29, after <to the> by inserting
1 10 <premises of a liquor licensee or permittee authorized
1 11 to sell alcoholic beverages for consumption on the>

COMMITTEE ON COMMERCE STEVE WARNSTADT, CHAIRPERSON
HF788.1731 (3) 83
ec/sc



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Senate Amendment 5180

PAG LIN

1 1 Amend Senate File 2335 as follows:
1 2 #1. By striking everything after the enacting clause
1 3 and inserting:
1 4 <Section 1. NEW SECTION. 8A.318 Building cleaning
1 5 and maintenance == environmentally preferable cleaning
1 6 products.
1 7 1. Findings and intent. The general assembly finds
1 8 that human beings are vulnerable to and may be severely
1 9 affected by exposure to chemicals, hazardous waste, and
1 10 other environmental hazards. The federal environmental
1 11 protection agency estimates that human exposure to
1 12 indoor air pollutants can be two to five times, and
1 13 up to one hundred times, higher than outdoor levels.
1 14 Children, teachers, janitors, and other staff members
1 15 spend a significant amount of time inside school
1 16 buildings. Likewise, state employees and citizens of
1 17 this state spend a significant amount of time inside
1 18 state buildings. These individuals are continuously
1 19 exposed to chemicals from cleaners, waxes, deodorizers,
1 20 and other maintenance products.
1 21 2. Definitions. As used in this section, unless
1 22 the context otherwise requires:
1 23 a. "Environmentally preferable cleaning and
1 24 maintenance products" includes but is not limited to
1 25 cleaning and maintenance products identified by the
1 26 department and posted on the department's internet
1 27 site.
1 28 b. "State building" means a public facility or
1 29 building owned by or leased by the state, or an agency
1 30 or department of the state.
1 31 3. Use of environmentally preferable cleaning and
1 32 maintenance products.
1 33 a. All school districts in this state, community
1 34 colleges, institutions under the control of the
1 35 state board of regents, and state agencies utilizing
1 36 state buildings, are encouraged to conform to an
1 37 environmentally preferable cleaning policy designed
1 38 to facilitate the purchase and use of environmentally
1 39 preferable cleaning and maintenance products for
1 40 purposes of public school, community college,
1 41 regents institution, and state building cleaning and
1 42 maintenance.
1 43 b. Each school district, community college,
1 44 institution under the control of the state board of
1 45 regents, or state agency utilizing public buildings
1 46 shall conduct an evaluation and assessment regarding
1 47 implementation of an environmentally preferable
1 48 cleaning policy pursuant to this section. On or
1 49 after July 1, 2012, all state agencies, and all school
1 50 districts, community colleges, and institutions under



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2 1 the control of the state board of regents which have
2 2 not opted out of compliance pursuant to paragraph "c",
2 3 shall purchase only cleaning and maintenance products
2 4 identified by the department or that meet nationally
2 5 recognized standards. School districts, community
2 6 colleges, institutions under the control of the state
2 7 board of regents, and state agencies procuring supplies
2 8 for schools and state buildings may deplete their
2 9 existing cleaning and maintenance supply stocks and
2 10 implement the new requirements in the procurement
2 11 cycle for the following year. This section shall not
2 12 be interpreted in a manner that prohibits the use of
2 13 disinfectants, disinfecting cleaners, sanitizers,
2 14 or any other antimicrobial product regulated by the
2 15 federal Insecticide, Fungicide, and Rodenticide Act, 7
2 16 U.S.C. { 136 et seq., when necessary to protect public
2 17 health and provided that the use of these products
2 18 is in accordance with responsible cleaning procedure
2 19 requirements.
2 20 c. A school district, community college, or
2 21 institution under the control of the state board of
2 22 regents may, based upon the evaluation and assessment
2 23 conducted pursuant to paragraph "b", opt out of
2 24 compliance with the requirements of this section,
2 25 upon the affirmative vote of a majority of the members
2 26 of the board of directors of the school district or
2 27 a determination by the president of the community
2 28 college or by the president or administrative officer
2 29 of the regents institution. A school district,
2 30 community college, or regents institution opting out of
2 31 compliance pursuant to this paragraph shall notify the
2 32 department of education, the state board for community
2 33 colleges, or the state board of regents, respectively,
2 34 of this decision.
2 35 4. Information requirements == department internet
2 36 site. The department shall provide information on the
2 37 department's internet site regarding environmentally
2 38 preferable cleaning and maintenance products used
2 39 by the department. The department may also provide
2 40 information regarding other cleaning and maintenance
2 41 products that the department is aware of that meet
2 42 nationally recognized standards. Information shall
2 43 also be provided, at the discretion of the department,
2 44 regarding the nationally recognized standards and the
2 45 entity establishing the standards.>
2 46 #2. Title page, by striking lines 1 through 3 and
2 47 inserting <An Act requiring public schools, community
2 48 colleges, institutions under the control of the state
2 49 board of regents, and state agencies to comply with an
2 50 environmentally preferable cleaning and maintenance



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3 1 policy unless specified conditions for noncompliance
3 2 are satisfied.>

AMANDA RAGAN
SF2335.1765 (3) 83
rn/nh



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Senate Amendment 5181

PAG LIN

1 1 Amend Senate File 2353 as follows:
1 2 #1. By striking everything after the enacting clause
1 3 and inserting:
1 4 <Section 1. SALE OR LEASE OF IOWA COMMUNICATIONS
1 5 NETWORK.
1 6 1. The Iowa telecommunications and technology
1 7 commission shall implement a request for proposals
1 8 process to sell or lease the Iowa communications
1 9 network. The request for proposals shall provide for
1 10 the sale to be concluded or the lease to commence
1 11 during the fiscal year beginning July 1, 2010. The
1 12 commission shall condition the sale or lease of the
1 13 Iowa communications network with terms that will allow
1 14 existing authorized users of the network to continue
1 15 such use at a lower overall long-term cost when
1 16 compared to the anticipated operation and maintenance
1 17 costs if state ownership and control were to continue.
1 18 The commission shall submit periodic status reports
1 19 to the general assembly at three-month intervals,
1 20 beginning on October 1, 2010, regarding progress made
1 21 toward selling or leasing the network.
1 22 2. Proceeds from the sale or lease of the network
1 23 pursuant to this section shall be deposited in the
1 24 rebuild Iowa infrastructure fund established in section
1 25 8.57.>
1 26 #2. Title page, by striking lines 2 and 3 and
1 27 inserting <communications network connection facilities
1 28 by providing for the sale or lease of the network.>

BRAD ZAUN

STEVE KETTERING

JERRY BEHN

JAMES A. SEYMOUR

NANCY J. BOETTGER

KIM REYNOLDS



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DAVID JOHNSON

LARRY NOBLE

PAT WARD

DAVID L. HARTSUCH

SHAWN HAMERLINCK

JAMES F. HAHN

RANDY FEENSTRA
SF2353.1767 (5) 83
rn/nh



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Senate Amendment 5182

PAG LIN

1 1 Amend Senate File 2353 as follows:
1 2 #1. Page 1, line 3, by striking <(1)>
1 3 #2. Page 1, line 19, by striking <(2)> and inserting
1 4 <b.>
1 5 #3. By striking page 1, line 22, through page 3,
1 6 line 25.

PAM JOCHUM
SF2353.1792 (4) 83
rn/nh



Iowa General Assembly
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Senate Resolution 106 - Introduced

PAG LIN

SENATE RESOLUTION NO.

BY WILHELM and REYNOLDS

1 1 A Resolution designating March 2010 as Iowa Women's
1 2 History Month.
1 3 WHEREAS, Iowa women of every race, class, and
1 4 ethnic background have made historic contributions
1 5 to the growth and strength of our state and nation
1 6 in countless recorded and unrecorded ways, including
1 7 through the struggle for women's rights; and
1 8 WHEREAS, Iowa women have played and continue to
1 9 play a critical economic, cultural, and social role
1 10 by constituting a significant portion of the labor
1 11 force working inside and outside the home despite being
1 12 underpaid; and
1 13 WHEREAS, Iowa women were particularly important in
1 14 the establishment of early charitable, philanthropic,
1 15 and cultural institutions in our state and nation; and
1 16 WHEREAS, Iowa women and men ratified the amendment
1 17 to the Iowa Constitution, declaring that "All men and
1 18 women are, by nature, free and equal, and have certain
1 19 inalienable rights"; and
1 20 WHEREAS, Iowa women have been leaders in the
1 21 abolitionist movement, the emancipation movement, the
1 22 industrial labor movement, the civil rights movement,
1 23 the peace movement, and the women's suffrage movement,
1 24 which created a more fair and just society for all
1 25 people; and
1 26 WHEREAS, despite these contributions, and those
1 27 of women throughout the world, the role of women
1 28 has been consistently overlooked and undervalued in



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Senate Resolution 106 - Introduced continued

2 1 the literature, teaching, and study of history; NOW
2 2 THEREFORE,
2 3 BE IT RESOLVED BY THE SENATE, That the Senate
2 4 designates the month of March 2010 as Iowa Women's
2 5 History Month and invites the citizens of Iowa to
2 6 continue to uncover, recognize, and honor the roles
2 7 women have played throughout history.

LSB 6219SS (1) 83

jr/nh



Iowa General Assembly
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Senate Study Bill 3244

SENATE/HOUSE FILE
BY (PROPOSED COMMITTEE ON
APPROPRIATIONS BILL BY
JOINT APPROPRIATIONS
SUBCOMMITTEE ON
ECONOMIC DEVELOPMENT)

A BILL FOR

1 An Act relating to and making appropriations to the department
2 of cultural affairs, the department of economic development,
3 certain board of regents institutions, the department of
4 workforce development, and the public employment relations
5 board, and related matters and including effective date
6 provisions.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5089JB (1) 83
tw/tm



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Senate Study Bill 3244 continued

PAG LIN

1 1 Section 1. DEPARTMENT OF CULTURAL AFFAIRS. There is
 1 2 appropriated from the general fund of the state to the
 1 3 department of cultural affairs for the fiscal year beginning
 1 4 July 1, 2010, and ending June 30, 2011, the following amounts,
 1 5 or so much thereof as is necessary, to be used for the purposes
 1 6 designated:

1 7 1. ADMINISTRATION

1 8 For salaries, support, maintenance, miscellaneous purposes,
 1 9 and for not more than the following full-time equivalent
 1 10 positions for the department:

1 11	\$	212,069
1 12	FTEs	74.50

1 13 The department of cultural affairs shall coordinate
 1 14 activities with the tourism office of the department of
 1 15 economic development to promote attendance at the state
 1 16 historical building and at this state's historic sites.
 1 17 Full-time equivalent positions authorized under this
 1 18 subsection shall be funded, in full or in part, using moneys
 1 19 appropriated under this subsection and subsections 3 through 7.

1 20 2. COMMUNITY CULTURAL GRANTS

1 21 For planning and programming for the community cultural
 1 22 grants program established under section 303.3:

1 23	\$	273,500
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1 24 3. HISTORICAL DIVISION

1 25 For the support of the historical division:

1 26	\$	3,195,107
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1 27 4. HISTORIC SITES

1 28 For the administration and support of historic sites:

1 29	\$	493,060
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1 30 5. ARTS DIVISION

1 31 For the support of the arts division:

1 32	\$	1,023,712
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1 33 6. GREAT PLACES

1 34 For the great places program:

1 35	\$	214,869
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Senate Study Bill 3244 continued

2 1 7. ARCHIVE IOWA GOVERNORS' RECORDS
 2 2 For archiving the records of Iowa governors:
 2 3 \$ 70,142
 2 4 8. RECORDS CENTER RENT
 2 5 For payment of rent for the state records center:
 2 6 \$ 227,243
 2 7 Sec. 2. GOALS AND ACCOUNTABILITY == ECONOMIC DEVELOPMENT.
 2 8 1. For the fiscal year beginning July 1, 2010, the goals for
 2 9 the department of economic development shall be to expand and
 2 10 stimulate the state economy, increase the wealth of Iowans, and
 2 11 increase the population of the state.
 2 12 2. To achieve the goals in subsection 1, the department
 2 13 of economic development shall do all of the following for the
 2 14 fiscal year beginning July 1, 2010:
 2 15 a. Concentrate its efforts on programs and activities that
 2 16 result in commercially viable products and services.
 2 17 b. Adopt practices and services consistent with free
 2 18 market, private sector philosophies.
 2 19 c. Ensure economic growth and development throughout the
 2 20 state.
 2 21 Sec. 3. DEPARTMENT OF ECONOMIC DEVELOPMENT. There is
 2 22 appropriated from the general fund of the state to the
 2 23 department of economic development for the fiscal year
 2 24 beginning July 1, 2010, and ending June 30, 2011, the following
 2 25 amounts, or so much thereof as is necessary, to be used for the
 2 26 purposes designated:
 2 27 1. ADMINISTRATION DIVISION
 2 28 a. For salaries, support, maintenance, miscellaneous
 2 29 purposes, and programs; for transfer to the Iowa state
 2 30 commission grant program; and for not more than the following
 2 31 full-time equivalent positions for the department's three
 2 32 divisions:
 2 33 \$ 1,976,046
 2 34 FTEs 149.00
 2 35 b. The department shall work with businesses and



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Senate Study Bill 3244 continued

3 1 communities to continually improve the economic development
 3 2 climate along with the economic well-being and quality of life
 3 3 for Iowans. The administration division shall coordinate with
 3 4 other state agencies to ensure that all state departments are
 3 5 attentive to the needs of an entrepreneurial culture.
 3 6 c. Full-time equivalent positions authorized under this
 3 7 subsection shall be funded, in full or in part, using moneys
 3 8 appropriated under this subsection and subsections 2 and 3
 3 9 and by certain federal moneys or other moneys received by the
 3 10 department.
 3 11 d. Notwithstanding section 8.33, moneys appropriated in
 3 12 this subsection that remain unencumbered or unobligated at the
 3 13 close of the fiscal year shall not revert but shall remain
 3 14 available for expenditure for the purposes designated until the
 3 15 close of the succeeding fiscal year.
 3 16 2. BUSINESS DEVELOPMENT DIVISION
 3 17 a. For business development operations and programs, the
 3 18 film office, international trade, export assistance, workforce
 3 19 recruitment, and the partner state program; for transfer to the
 3 20 strategic investment fund; for transfer to the grow Iowa values
 3 21 fund; and for the support of the business development division:
 3 22 \$ 5,346,536
 3 23 b. The department shall establish a strong and aggressive
 3 24 marketing image to showcase Iowa's workforce, existing
 3 25 industry, and potential. A priority shall be placed on
 3 26 recruiting new businesses, business expansion, and retaining
 3 27 existing Iowa businesses. Emphasis shall also be placed on
 3 28 entrepreneurial development through helping to secure capital
 3 29 for entrepreneurs, and developing networks and a business
 3 30 climate conducive to entrepreneurs and small business.
 3 31 c. A business creating jobs with economic development
 3 32 assistance through moneys appropriated in this subsection shall
 3 33 be subject to contract provisions stating that new and retained
 3 34 jobs shall be filled by individuals who are citizens of the
 3 35 United States who reside within the United States or any person



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Senate Study Bill 3244 continued

4 1 authorized to work in the United States pursuant to federal
4 2 law, including legal resident aliens in the United States. Any
4 3 vendor who receives such public moneys shall adhere to such
4 4 contract provisions and provide periodic assurances as the
4 5 state shall require that the jobs are filled solely by citizens
4 6 of the United States who reside within the United States or
4 7 any person authorized to work in the United States pursuant
4 8 to federal law, including legal resident aliens in the United
4 9 States. A business that receives financial assistance from
4 10 the department from moneys appropriated in this bill shall
4 11 only employ individuals legally authorized to work in this
4 12 state. In addition to all other applicable penalties provided
4 13 by current law, all or a portion of the assistance received
4 14 by a business which is found to knowingly employ individuals
4 15 not legally authorized to work in this state is subject to
4 16 recapture by the department.

4 17 d. From the moneys appropriated in this subsection, the
4 18 department may provide financial assistance in the form of a
4 19 grant to a community economic development entity for conducting
4 20 a local workforce recruitment effort designed to recruit former
4 21 citizens of the state and former students at colleges and
4 22 universities in the state to meet the needs of local employers.

4 23 e. From the moneys appropriated in this subsection, the
4 24 department may provide financial assistance to early-stage
4 25 industry companies being established by women entrepreneurs.

4 26 f. From the moneys appropriated in this subsection, the
4 27 department may provide financial assistance in the form of
4 28 grants, loans, or forgivable loans for advanced research and
4 29 commercialization projects involving value-added agriculture,
4 30 advanced technology, or biotechnology.

4 31 g. Notwithstanding section 8.33, moneys appropriated in
4 32 this subsection that remain unencumbered or unobligated at the
4 33 close of the fiscal year shall not revert but shall remain
4 34 available for expenditure for the purposes designated until the
4 35 close of the succeeding fiscal year.



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Senate Study Bill 3244 continued

5 1 3. COMMUNITY DEVELOPMENT DIVISION

5 2 a. For support, maintenance, miscellaneous purposes,

5 3 community economic development programs, tourism operations,

5 4 community assistance, plans for Iowa green corps and summer

5 5 youth programs, the mainstreet and rural mainstreet programs,

5 6 the school-to-career program, the community development block

5 7 grant, and housing and shelter-related programs:

5 8 \$ 5,063,917

5 9 b. The department shall encourage development of

5 10 communities and quality of life to foster economic growth. The

5 11 department shall prepare communities for future growth and

5 12 development through development, expansion, and modernization

5 13 of infrastructure.

5 14 c. The department shall develop public-private partnerships

5 15 with Iowa businesses in the tourism industry, Iowa tour groups,

5 16 Iowa tourism organizations, and political subdivisions in this

5 17 state to assist in the development of advertising efforts.

5 18 The department shall, to the fullest extent possible, develop

5 19 cooperative efforts for advertising with contributions from

5 20 other sources.

5 21 d. Notwithstanding section 8.33, moneys appropriated in

5 22 this subsection that remain unencumbered or unobligated at the

5 23 close of the fiscal year shall not revert to any fund but shall

5 24 remain available for expenditure for the designated purposes

5 25 during the succeeding fiscal year.

5 26 4. For allocating moneys for the world food prize and

5 27 notwithstanding section 15.368, subsection 1:

5 28 \$ 650,000

5 29 5. For use as matching funds for the United States

5 30 department of housing and urban development's main street

5 31 challenge grants for historic building preservation:

5 32 \$ 165,775

5 33 Notwithstanding section 8.33, moneys appropriated in this

5 34 subsection that remain unencumbered or unobligated at the close

5 35 of the fiscal year shall not revert but shall remain available



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6 1 for expenditure for the purposes designated until the close of
 6 2 the succeeding fiscal year.

6 3 6. For allocation to the Iowa commission on volunteer
 6 4 service for the Iowa's promise and mentoring partnership
 6 5 program and for not more than the following full-time
 6 6 equivalent positions:

6 7	\$	112,500
6 8	FTEs	1.00

6 9 Notwithstanding section 8.33, moneys appropriated in this
 6 10 subsection that remain unencumbered or unobligated at the close
 6 11 of the fiscal year shall not revert but shall remain available
 6 12 for expenditure for the purposes designated until the close of
 6 13 the succeeding fiscal year.

6 14 Sec. 4. VISION IOWA PROGRAM == FTE AUTHORIZATION. For
 6 15 purposes of administrative duties associated with the vision
 6 16 Iowa program, the department of economic development is
 6 17 authorized an additional 2.25 FTEs above those otherwise
 6 18 authorized in this Act.

6 19 Sec. 5. INSURANCE ECONOMIC DEVELOPMENT. From the moneys
 6 20 collected by the division of insurance in excess of the
 6 21 anticipated gross revenues under section 505.7, subsection 3,
 6 22 during the fiscal year beginning July 1, 2010, \$100,000 shall
 6 23 be transferred to the department of economic development for
 6 24 insurance economic development and international insurance
 6 25 economic development.

6 26 Sec. 6. COMMUNITY DEVELOPMENT LOAN FUND. Notwithstanding
 6 27 section 15E.120, subsection 5, there is appropriated from the
 6 28 Iowa community development loan fund all the moneys available
 6 29 during the fiscal year beginning July 1, 2010, and ending June
 6 30 30, 2011, to the department of economic development for the
 6 31 community development program to be used by the department for
 6 32 the purposes of the program.

6 33 Sec. 7. WORKFORCE DEVELOPMENT FUND. There is appropriated
 6 34 from the workforce development fund account created in section
 6 35 15.342A to the workforce development fund created in section



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Senate Study Bill 3244 continued

7 1 15.343 for the fiscal year beginning July 1, 2010, and ending
 7 2 June 30, 2011, the following amount, for the purposes of the
 7 3 workforce development fund, and for not more than the following
 7 4 full-time equivalent positions:
 7 5 \$ 4,000,000
 7 6 FTEs 4.00

7 7 Sec. 8. WORKFORCE DEVELOPMENT ADMINISTRATION. From moneys
 7 8 appropriated or transferred to or receipts credited to the
 7 9 workforce development fund created in section 15.343, up to
 7 10 \$400,000 for the fiscal year beginning July 1, 2010, and ending
 7 11 June 30, 2011, are appropriated to the department of economic
 7 12 development for the administration of workforce development
 7 13 activities including salaries, support, maintenance, and
 7 14 miscellaneous purposes, and for not more than the following
 7 15 full-time equivalent positions:

7 16 FTEs 4.00

7 17 Sec. 9. JOB TRAINING FUND. Notwithstanding section 15.251,
 7 18 all moneys in the job training fund on July 1, 2010, and any
 7 19 moneys appropriated or credited to the fund during the fiscal
 7 20 year beginning July 1, 2010, shall be transferred to the
 7 21 workforce development fund established pursuant to section
 7 22 15.343.

7 23 Sec. 10. IOWA STATE UNIVERSITY.

7 24 1. There is appropriated from the general fund of the state
 7 25 to Iowa state university of science and technology for the
 7 26 fiscal year beginning July 1, 2010, and ending June 30, 2011,
 7 27 the following amount, or so much thereof as is necessary, to
 7 28 be used for small business development centers, the science
 7 29 and technology research park, and the institute for physical
 7 30 research and technology, and for not more than the following
 7 31 full-time equivalent positions:

7 32 \$ 2,575,983
 7 33 FTEs 56.63

7 34 2. Of the moneys appropriated in subsection 1, Iowa state
 7 35 university of science and technology shall allocate at least



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8 1 \$1,076,234 for purposes of funding small business development
8 2 centers. Iowa state university of science and technology may
8 3 allocate moneys appropriated in subsection 1 to the various
8 4 small business development centers in any manner necessary to
8 5 achieve the purposes of this subsection.
8 6 3. Iowa state university of science and technology shall do
8 7 all of the following:
8 8 a. Direct expenditures for research toward projects that
8 9 will provide economic stimulus for Iowa.
8 10 b. Provide emphasis to providing services to Iowa-based
8 11 companies.
8 12 4. It is the intent of the general assembly that the
8 13 industrial incentive program focus on Iowa industrial
8 14 sectors and seek contributions and in-kind donations from
8 15 businesses, industrial foundations, and trade associations,
8 16 and that moneys for the institute for physical research and
8 17 technology industrial incentive program shall be allocated
8 18 only for projects which are matched by private sector moneys
8 19 for directed contract research or for nondirected research.
8 20 The match required of small businesses as defined in section
8 21 15.102, subsection 6, for directed contract research or for
8 22 nondirected research shall be \$1 for each \$3 of state funds.
8 23 The match required for other businesses for directed contract
8 24 research or for nondirected research shall be \$1 for each \$1 of
8 25 state funds. The match required of industrial foundations or
8 26 trade associations shall be \$1 for each \$1 of state funds.
8 27 Iowa state university of science and technology shall
8 28 report annually to the joint appropriations subcommittee on
8 29 economic development and the legislative services agency the
8 30 total amount of private contributions, the proportion of
8 31 contributions from small businesses and other businesses, and
8 32 the proportion for directed contract research and nondirected
8 33 research of benefit to Iowa businesses and industrial sectors.
8 34 5. Notwithstanding section 8.33, moneys appropriated in
8 35 this section that remain unencumbered or unobligated at the



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Senate Study Bill 3244 continued

9 1 close of the fiscal year shall not revert but shall remain
9 2 available for expenditure for the purposes designated until the
9 3 close of the succeeding fiscal year.

9 4 Sec. 11. UNIVERSITY OF IOWA.

9 5 1. There is appropriated from the general fund of the state
9 6 to the state university of Iowa for the fiscal year beginning
9 7 July 1, 2010, and ending June 30, 2011, the following amount,
9 8 or so much thereof as is necessary, to be used for the state
9 9 university of Iowa research park and for the advanced drug
9 10 development program at the Oakdale research park, including
9 11 salaries, support, maintenance, equipment, miscellaneous
9 12 purposes, and for not more than the following full-time
9 13 equivalent positions:

9 14	\$	222,372
9 15	FTEs	6.00

9 16 2. The state university of Iowa shall do all of the
9 17 following:

9 18 a. Direct expenditures for research toward projects that
9 19 will provide economic stimulus for Iowa.

9 20 b. Provide emphasis to providing services to Iowa-based
9 21 companies.

9 22 3. Notwithstanding section 8.33, moneys appropriated in
9 23 this section that remain unencumbered or unobligated at the
9 24 close of the fiscal year shall not revert but shall remain
9 25 available for expenditure for the purposes designated until the
9 26 close of the succeeding fiscal year.

9 27 Sec. 12. UNIVERSITY OF NORTHERN IOWA.

9 28 1. There is appropriated from the general fund of the
9 29 state to the university of northern Iowa for the fiscal year
9 30 beginning July 1, 2010, and ending June 30, 2011, the following
9 31 amount, or so much thereof as is necessary, to be used for the
9 32 metal casting institute, the MyEntreNet internet application,
9 33 and the institute of decision making, including salaries,
9 34 support, maintenance, miscellaneous purposes, and for not more
9 35 than the following full-time equivalent positions:



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Senate Study Bill 3244 continued

10	1	\$	610,674
10	2	FTEs	6.75

10 3 Of the moneys appropriated pursuant to this subsection,
10 4 the university of northern Iowa shall allocate not more than
10 5 \$125,000 for purposes of expanded support of entrepreneurs
10 6 through the university's regional business center.
10 7 2. The university of northern Iowa shall do all of the
10 8 following:
10 9 a. Direct expenditures for research toward projects that
10 10 will provide economic stimulus for Iowa.
10 11 b. Provide emphasis to providing services to Iowa-based
10 12 companies.
10 13 3. Notwithstanding section 8.33, moneys appropriated in
10 14 this section that remain unencumbered or unobligated at the
10 15 close of the fiscal year shall not revert but shall remain
10 16 available for expenditure for the purposes designated until the
10 17 close of the succeeding fiscal year.
10 18 Sec. 13. BOARD OF REGENTS REPORT. The state board of
10 19 regents shall submit a report on the progress of regents
10 20 institutions in meeting the strategic plan for technology
10 21 transfer and economic development to the secretary of the
10 22 senate, the chief clerk of the house of representatives, and
10 23 the legislative services agency by January 15, 2011.
10 24 Sec. 14. DEPARTMENT OF WORKFORCE DEVELOPMENT. There
10 25 is appropriated from the general fund of the state to the
10 26 department of workforce development for the fiscal year
10 27 beginning July 1, 2010, and ending June 30, 2011, the following
10 28 amounts, or so much thereof as is necessary, for the purposes
10 29 designated:
10 30 1. DIVISION OF LABOR SERVICES
10 31 For the division of labor services, including salaries,
10 32 support, maintenance, miscellaneous purposes, and for not more
10 33 than the following full-time equivalent positions:
10 34 \$ 3,495,440
10 35 FTEs 64.00



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11 1 From the contractor registration fees, the division of labor
11 2 services shall reimburse the department of inspections and
11 3 appeals for all costs associated with hearings under chapter
11 4 91C, relating to contractor registration.

11 5 2. DIVISION OF WORKERS' COMPENSATION

11 6 For the division of workers' compensation, including
11 7 salaries, support, maintenance, miscellaneous purposes, and for
11 8 not more than the following full-time equivalent positions:

11 9	\$ 2,595,768
11 10	FTEs 30.00

11 11 The division of workers' compensation shall charge a \$100
11 12 filing fee for workers' compensation cases. The filing fee
11 13 shall be paid by the petitioner of a claim. However, the fee
11 14 can be taxed as a cost and paid by the losing party, except
11 15 in cases where it would impose an undue hardship or be unjust
11 16 under the circumstances. The moneys generated by the filing
11 17 fee allowed under this subsection are appropriated to the
11 18 department of workforce development to be used for purposes of
11 19 administering the division of workers' compensation.

11 20 3. WORKFORCE DEVELOPMENT OPERATIONS

11 21 For the operation of field offices, the workforce
11 22 development board, and new Iowans centers, and for not more
11 23 than the following full-time equivalent positions:

11 24	\$ 11,343,047
11 25	FTEs 88.28

11 26 Of the moneys appropriated in this subsection, the
11 27 department shall allocate \$11,110,137 for the operation of
11 28 field offices. The department shall not reduce the number of
11 29 field offices below the number of field offices being operated
11 30 as of January 1, 2009.

11 31 The department of workforce development shall make every
11 32 effort to maintain new Iowans centers that offer one-stop
11 33 services to deal with the multiple issues related to
11 34 immigration and employment. The centers shall be designed to
11 35 support workers, businesses, and communities with information,



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12 1 referrals, job placement assistance, translation, language
 12 2 training, and resettlement, as well as technical and legal
 12 3 assistance on such issues as forms and documentation. Through
 12 4 the coordination of local, state, and federal service
 12 5 providers, and through the development of partnerships with
 12 6 public, private, and nonprofit entities with established
 12 7 records of international service, these centers shall seek to
 12 8 provide a seamless service delivery system for new Iowans.

12 9 4. OFFENDER REENTRY PROGRAM

12 10 For the development and administration of an offender
 12 11 reentry program to provide offenders with employment skills,
 12 12 and for not more than the following full-time equivalent
 12 13 positions:

12 14	\$	322,261
12 15	FTEs	3.00

12 16 The department shall partner with the department of
 12 17 corrections to provide staff within the correctional facilities
 12 18 to improve offenders' abilities to find and retain productive
 12 19 employment.

12 20 5. SECURITY EMPLOYEE TRAINING PROGRAM

12 21 For purposes of administration of a security employee
 12 22 training program:

12 23	\$	13,033
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12 24 6. Notwithstanding section 8.33, moneys appropriated
 12 25 in subsections 1 through 4 of this section that remain
 12 26 unencumbered or unobligated at the close of the fiscal year
 12 27 shall not revert but shall remain available for expenditure
 12 28 for the purposes designated until the close of the succeeding
 12 29 fiscal year.

12 30 Sec. 15. ACCOUNTABILITY == AUDIT. The auditor of state
 12 31 shall annually conduct an audit of the department of workforce
 12 32 development and shall report the findings of such annual
 12 33 audit, including the accountability of programs of the
 12 34 department, to the chairpersons and ranking members of the
 12 35 joint appropriations subcommittee on economic development. The



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13 1 department shall pay for the costs associated with the audit.
 13 2 Sec. 16. EMPLOYMENT SECURITY CONTINGENCY FUND == DIVISION
 13 3 OF WORKERS' COMPENSATION. There is appropriated from the
 13 4 special employment security contingency fund to the department
 13 5 of workforce development for the fiscal year beginning July 1,
 13 6 2010, and ending June 30, 2011, the following amount, or so
 13 7 much thereof as is necessary, for the purposes designated:
 13 8 For the division of workers' compensation, salaries,
 13 9 support, maintenance, and miscellaneous purposes:
 13 10 \$ 471,000
 13 11 Any remaining additional penalty and interest revenue is
 13 12 appropriated to and may be allocated and used to accomplish the
 13 13 mission of the department.
 13 14 Sec. 17. WORKFORCE DEVELOPMENT == FIELD OFFICES. There is
 13 15 appropriated from the special employment security contingency
 13 16 fund to the department of workforce development for the fiscal
 13 17 year beginning July 1, 2010, and ending June 30, 2011, the
 13 18 following amount, or so much thereof as is necessary, to be
 13 19 used for the purposes designated:
 13 20 For field offices:
 13 21 \$ 662,427
 13 22 Sec. 18. UNEMPLOYMENT COMPENSATION RESERVE FUND.
 13 23 Notwithstanding section 96.9, subsection 8, paragraph "e",
 13 24 there is appropriated from interest earned on the unemployment
 13 25 compensation reserve fund to the department of workforce
 13 26 development for the fiscal year beginning July 1, 2010, and
 13 27 ending June 30, 2011, the following amount or so much thereof
 13 28 as is necessary, for the purposes designated:
 13 29 For the operation of field offices:
 13 30 \$ 6,500,000
 13 31 Sec. 19. EMPLOYEE MISCLASSIFICATION PROGRAM == GENERAL
 13 32 FUND. There is appropriated from the general fund of the state
 13 33 to the department of workforce development for the fiscal year
 13 34 beginning July 1, 2010, and ending June 30, 2011, the following
 13 35 amount, or so much thereof as is necessary, to be used for the



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14 1 purposes designated:
 14 2 For enhancing efforts to investigate employers that
 14 3 misclassify workers:
 14 4 \$ 450,000
 14 5 FTEs 8.10
 14 6 Sec. 20. PUBLIC EMPLOYMENT RELATIONS BOARD. There is
 14 7 appropriated from the general fund of the state to the public
 14 8 employment relations board for the fiscal year beginning July
 14 9 1, 2010, and ending June 30, 2011, the following amount, or so
 14 10 much thereof as is necessary, for the purposes designated:
 14 11 For salaries, support, maintenance, miscellaneous purposes,
 14 12 and for not more than the following full-time equivalent
 14 13 positions:
 14 14 \$ 1,101,903
 14 15 FTEs 10.00
 14 16 Of the moneys appropriated in this section, the board
 14 17 shall allocate \$15,000 for maintaining a website that allows
 14 18 searchable access to a database of collective bargaining
 14 19 information.
 14 20 Sec. 21. IOWA FINANCE AUTHORITY AUDIT. The auditor of state
 14 21 is requested to review the audit of the Iowa finance authority
 14 22 performed by the auditor hired by the authority.
 14 23 Sec. 22. UNEMPLOYMENT COMPENSATION PROGRAM. Notwithstanding
 14 24 section 96.9, subsection 4, paragraph "a", moneys credited to
 14 25 the state by the secretary of the treasury of the United
 14 26 States pursuant to section 903 of the Social Security
 14 27 Act are appropriated to the department of workforce
 14 28 development and shall be used by the department for the
 14 29 administration of the unemployment compensation program only.
 14 30 This appropriation shall not apply to any fiscal year
 14 31 beginning after December 31, 2009.
 14 32 Sec. 23. 2009 Iowa Acts, chapter 176, section 3, subsection
 14 33 5, is amended to read as follows:
 14 34 5. For use as matching funds for the United States
 14 35 department of housing and urban development's main street



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15 1 challenge grants for historic building preservation:
 15 2 \$ 184,195
 15 3 Notwithstanding section 8.33, moneys appropriated in this
 15 4 subsection that remain unencumbered or unobligated at the close
 15 5 of the fiscal year shall not revert but shall remain available
 15 6 for expenditure for the purposes designated until the close of
 15 7 the succeeding fiscal year.

15 8 Sec. 24. EFFECTIVE UPON ENACTMENT. The section of this Act
 15 9 amending 2009 Iowa Acts, chapter 176, being deemed of immediate
 15 10 importance, takes effect upon enactment.

EXPLANATION

15 11 This bill makes appropriations and transfers from the
 15 12 general fund of the state and other funds to the department
 15 13 of cultural affairs, the department of economic development,
 15 14 the university of Iowa, the university of northern Iowa, Iowa
 15 15 state university, the department of workforce development, and
 15 16 the public employment relations board for the 2010=2011 fiscal
 15 17 year.
 15 18 year.

15 19 The bill provides that the goals for the department of
 15 20 economic development shall be to expand and stimulate the
 15 21 state economy, increase the wealth of Iowans, and increase the
 15 22 population of the state.

15 23 The bill transfers moneys collected by the division of
 15 24 insurance in excess of the anticipated gross revenues to the
 15 25 department of economic development for purposes of insurance
 15 26 economic development and international insurance economic
 15 27 development.

15 28 The bill appropriates moneys from the Iowa community
 15 29 development loan fund to the department of economic development
 15 30 for purposes of the community development program.

15 31 The bill appropriates moneys from the workforce development
 15 32 fund account to the workforce development fund.

15 33 The bill provides that moneys appropriated or transferred
 15 34 to or receipts credited to the workforce development fund are
 15 35 appropriated to the department of economic development for



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16 1 administration of workforce development activities.
16 2 The bill provides that all moneys in the job training fund on
16 3 July 1, 2010, and any moneys appropriated or credited to the
16 4 fund during the fiscal year beginning July 1, 2010, shall be
16 5 transferred to the workforce development fund.
16 6 The bill requires the state board of regents to submit a
16 7 report on the progress of regents institutions in meeting
16 8 the strategic plan for technology transfer and economic
16 9 development.
16 10 The bill requires the auditor of state to conduct an audit of
16 11 the department of workforce development.
16 12 The bill appropriates moneys from the special employment
16 13 security contingency fund to the department of workforce
16 14 development for the division of workers' compensation and for
16 15 the operation of field offices.
16 16 The bill appropriates interest earned on the unemployment
16 17 compensation reserve fund to the department of workforce
16 18 development for the operation of field offices.
16 19 The bill appropriates moneys to the department of workforce
16 20 development for an employee misclassification program.
16 21 The bill requests the auditor of state to review the audit
16 22 of the Iowa finance authority performed by the auditor hired
16 23 by the authority.
16 24 The bill appropriates moneys from moneys credited to
16 25 the state by the secretary of the treasury of the United
16 26 States pursuant to the Social Security Act to the department
16 27 of workforce development for the administration of the
16 28 unemployment compensation program only.
16 29 The bill provides for the filing of surety bonds or qualified
16 30 statements by out-of-state contractors with the division of
16 31 labor services.
16 32 The bill amends 2009 Iowa Acts, chapter 176, to provide for
16 33 the nonrevision of moneys appropriated for purposes of matching
16 34 funds for main street challenge grants. The section amending
16 35 the 2009 Iowa Acts is effective upon enactment.

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Senate Study Bill 3245

SENATE FILE
BY (PROPOSED COMMITTEE ON
WAYS AND MEANS BILL BY
CHAIRPERSON BOLKCOM)

A BILL FOR

1 An Act authorizing cities and counties to impose a fee on the
2 renting of certain lodging.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
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md/sc



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1 1 Section 1. Section 331.402, subsection 2, paragraph f, Code
1 2 Supplement 2009, is amended to read as follows:

1 3 f. Impose a hotel and motel tax, a lessor regulation fee, or
1 4 both, in accordance with chapter 423A.

1 5 Sec. 2. Section 331.427, subsection 1, unnumbered paragraph
1 6 1, Code Supplement 2009, is amended to read as follows:

1 7 Except as otherwise provided by state law, county revenues
1 8 from taxes and other sources for general county services shall
1 9 be credited to the general fund of the county, including
1 10 revenues received under sections 9I.11, 101A.3, 101A.7, 123.36,
1 11 123.143, 142D.9, 176A.8, 321.105, 321.152, 321G.7, 321I.8,
1 12 section 331.554, subsection 6, sections 341A.20, 364.3, 368.21,
1 13 423A.4A, 423A.7, 428A.8, 433.15, 434.19, 445.57, 453A.35,
1 14 458A.21, 483A.12, 533.329, 556B.1, 583.6, 602.8108, 904.908,
1 15 and 906.17, and the following:

1 16 Sec. 3. NEW SECTION. 423A.4A Local lodging regulation fee.

1 17 1. A city or county may impose by ordinance of the city
1 18 council or by resolution of the board of supervisors a lodging
1 19 regulation fee at a rate not to exceed one dollar and fifty
1 20 cents per night of lodging rental. The fee when imposed by a
1 21 city shall apply only within the corporate boundaries of that
1 22 city and when imposed by a county shall apply only outside the
1 23 incorporated areas within that county.

1 24 2. The fee shall be collected by the lessor of lodging from
1 25 the user of that lodging. The lessor shall add the fee to the
1 26 sales price of the lodging, and the fee shall be stated as a
1 27 distinct item, separate and apart from the sales price of the
1 28 lodging and taxes imposed, if any, under section 423A.3 or
1 29 423A.4.

1 30 3. Fees collected by a lessor shall be due and payable to
1 31 the city or county, as applicable, according to a schedule
1 32 specified in the ordinance. A lessor is liable for the payment
1 33 of fees to the city or county in the same manner as liability is
1 34 imposed on retailers for the payment of taxes under sections
1 35 421.26 and 421.28.



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2 1 4. Fees received by a city or county under this section
2 2 shall be deposited in a lodging regulation account within
2 3 the city's general fund or the county's general fund, as
2 4 applicable. All fees collected under this section are deemed
2 5 to be held in trust for the applicable city or county that is
2 6 imposing the fee.

2 7 5. a. Moneys in the lodging regulation account within the
2 8 city or county general fund shall be used for that city's or
2 9 county's costs related to the inspection, supervision, and
2 10 regulation of lessors within the applicable city or county
2 11 under chapter 137C.

2 12 b. Moneys in the lodging regulation account in excess of
2 13 the amounts necessary to inspect, supervise, or regulate the
2 14 lessors under paragraph "a" shall be expended for property tax
2 15 relief.

2 16 6. An ordinance imposing a fee under this section shall
2 17 designate an applicable city or county officer to receive
2 18 payments from lessors and to prescribe any forms necessary for
2 19 the collection, reporting, and payment of such fees.

2 20 Sec. 4. Section 423A.5, Code Supplement 2009, is amended by
2 21 adding the following new subsection:

2 22 NEW SUBSECTION. 3. All of the following are exempt from any
2 23 fee imposed under section 423A.4A:

2 24 a. The renting of lodging which is rented by the same person
2 25 for a period of more than thirty-one consecutive days.

2 26 b. The renting of sleeping rooms in dormitories and in the
2 27 memorial unions at all universities and colleges located in the
2 28 state of Iowa.

2 29 c. The lodging furnished to the guests of a religious
2 30 institution if the property is exempt under section 427.1,
2 31 subsection 8, and the purpose of renting is to provide a
2 32 place for a religious retreat or function and not a place for
2 33 transient guests generally.

2 34 EXPLANATION

2 35 This bill authorizes cities and counties to impose by



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3 1 ordinance of the city council or by resolution of the county
3 2 board of supervisors a lodging regulation fee at a rate not to
3 3 exceed \$1.50 per night of lodging rental. The fee when imposed
3 4 by a city applies only within the corporate boundaries of that
3 5 city and when imposed by a county applies only outside the
3 6 incorporated areas within that county.
3 7 The bill requires such fees to be collected by the lessor
3 8 of lodging from the user of the lodging. The fee is added to
3 9 the sales price of the lodging, and the fee must be stated as
3 10 a distinct item, separate from the sales price of the lodging
3 11 and other hotel and motel taxes imposed on the rental. The
3 12 fees collected by a lessor are paid to the city or county, as
3 13 applicable, according to a schedule specified by the city or
3 14 county. The bill imposes liability on a lessor for the payment
3 15 of fees to the city or county in the same manner as liability is
3 16 imposed on retailers for the payment of certain taxes.
3 17 The bill requires all lodging regulation fees received by a
3 18 city or county to be deposited in a lodging regulation account
3 19 within the city's general fund or the county's general fund,
3 20 as applicable. Moneys in the lodging regulation account must
3 21 first be used for that city's or county's costs related to the
3 22 inspection, supervision, and regulation of lessors within the
3 23 applicable city or county under Code chapter 137C. Moneys
3 24 in the lodging regulation account in excess of the amounts
3 25 necessary to inspect, supervise, or regulate the lessors, must
3 26 be expended for property tax relief.
3 27 The bill exempts certain lodging rental from the lodging
3 28 regulation fee. The exemptions in the bill are similar to the
3 29 exemptions currently applicable to state and local hotel and
3 30 motel taxes under Code chapter 423A.

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