



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 10, 2010

House Amendment 8397

PAG LIN

1 1 Amend the Senate amendment, H=8380, to House File
1 2 2284, as passed by the House, as follows:
1 3 #1. Page 1, by striking lines 16 through 21 and
1 4 inserting:
1 5 <___. Page 5, after line 21 by inserting:
1 6 <a. A school shall have a minimum number of
1 7 licensed instructors on duty during school hours
1 8 for the following number of students: one licensed
1 9 instructor for up to fifteen students; two licensed
1 10 instructors for sixteen through thirty students; three
1 11 licensed instructors for thirty-one through forty-five
1 12 students; four licensed instructors for forty-six
1 13 through sixty students; five licensed instructors for
1 14 sixty-one through seventy-five students; six licensed
1 15 instructors for seventy-six through ninety students;
1 16 and seven licensed instructors for ninety-one through
1 17 one hundred five students.>
1 18 ___. Page 5, line 22, by striking <a.> and
1 19 inserting <a. b.>
1 20 ___. Page 5, line 34, by striking <b.> and
1 21 inserting <b. c. >>
1 22 #2. By renumbering as necessary.

THEDE of Scott
HF2284.2014 (4) 83
jr/rj/mb



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House Amendment 8398

PAG LIN

1 1 Amend House File 2522 as follows:
1 2 #1. Page 8, line 1, by striking <\$1,076,234> and
1 3 inserting <\$994,929>
1 4 #2. Page 8, line 2, after <centers.> by inserting
1 5 <If moneys allocated pursuant to this subsection exceed
1 6 the amount allocated for small business centers in 2009
1 7 Iowa Acts, chapter 176, section 11, subsection 2, at
1 8 least \$100,000 of the moneys allocated pursuant to this
1 9 subsection shall be used to increase the assistance
1 10 to small businesses for providing one-on-one business
1 11 planning and marketing counseling.>
1 12 #3. By renumbering as necessary.

THOMAS of Clayton
HF2522.2056 (2) 83
tw/sc



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House Amendment 8399

PAG LIN

1 1 Amend Senate File 2366, as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. Page 19, after line 2 by inserting:
1 4 <Sec. _____. 2009 Iowa Acts, chapter 179, section
1 5 10, is amended by adding the following new unnumbered
1 6 paragraph:
1 7 NEW UNNUMBERED PARAGRAPH Of the amount
1 8 appropriated in this section, \$883,628 shall be used
1 9 for storm damage repair at the state training school
1 10 in Eldora. Notwithstanding section 8.33, moneys
1 11 allocated in this paragraph that remain unencumbered
1 12 or unobligated at the close of the fiscal year shall
1 13 not revert but shall remain available for expenditure
1 14 for the purposes designated until the close of the
1 15 succeeding fiscal year.>
1 16 #2. By renumbering as necessary.

OLDSON of Polk
SF2366.2072 (2) 83
jp/tm



Iowa General Assembly
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House Amendment 8400

PAG LIN

1 1 Amend House File 2518 as follows:
1 2 #1. Page 8, line 24, after <applies.> by inserting
1 3 <However, the applicable amount for each adjustment
1 4 occurring on or after July 1, 2010, as provided by this
1 5 section, shall not be less than the applicable amount
1 6 for the adjustment for the previous July 1.>
1 7 #2. Page 15, lines 33 and 34, by striking <, for a
1 8 member in a protection occupation,>
1 9 #3. Page 24, line 5, by striking <five> and
1 10 inserting <seven>
1 11 #4. Page 24, by striking line 7 and inserting:
1 12 <a. Two fire fighters, one who is an active member
1 13 and one who is a retired member>
1 14 #5. Page 24, line 8, by striking <fighter> and
1 15 inserting <fighters>
1 16 #6. Page 24, by striking line 11 and inserting:
1 17 <b. Two police officers, one who is an active
1 18 member and one who is a retired>
1 19 #7. Page 24, line 12, by striking <officer> and
1 20 inserting <officers>
1 21 #8. Page 25, line 25, by striking <Administrative
1 22 support.>

FREVERT of Palo Alto
HF2518.2049 (4) 83
ec/sc



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House Amendment 8401

PAG LIN

1 1 Amend House File 2522 as follows:
1 2 #1. Page 15, by striking lines 25 through 28 and
1 3 inserting:
1 4 <Sec. _____. USE OF FURLOUGH DAYS BY STATE EMPLOYEES.
1 5 1. The moneys appropriated to the department of
1 6 workforce development pursuant to this Act shall not
1 7 be expended until the department has developed rules
1 8 for the use of furlough days by employees of state
1 9 agencies.
1 10 2. The rules shall prohibit employees of state
1 11 agencies from taking two or more furlough days
1 12 consecutively. The rules shall apply to all employees
1 13 of state agencies required to take furlough days in the
1 14 fiscal year beginning July 1, 2009.
1 15 Sec. _____. EFFECTIVE UPON ENACTMENT.
1 16 1. The section of this Act amending 2009 Iowa Acts,
1 17 chapter 176, and the sections amending section 303.17,
1 18 being deemed of immediate importance, take effect upon
1 19 enactment.
1 20 2. The section of this Act making certain
1 21 appropriations to the department of workforce
1 22 development contingent upon the development of rules
1 23 for the use of furlough days by employees of state
1 24 agencies, being deemed of immediate importance, takes
1 25 effect upon enactment.>
1 26 #2. By renumbering as necessary.

SODERBERG of Plymouth
HF2522.2053 (4) 83
tw/sc



Iowa General Assembly
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House Amendment 8402

PAG LIN

1 1 Amend House File 2522 as follows:
1 2 #1. Page 5, before line 21 by inserting:
1 3 <Od. The moneys appropriated to the community
1 4 development division pursuant to this subsection
1 5 shall not be used for purposes of providing financial
1 6 assistance for the Iowa green streets pilot project
1 7 or for any other program or project that involves the
1 8 implementation of geothermal systems for melting snow
1 9 and ice from streets or sidewalks.>
1 10 #2. By renumbering as necessary.

SODERBERG of Plymouth
HF2522.2054 (2) 83
tw/sc



Iowa General Assembly
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House Amendment 8403

PAG LIN

1 1 Amend Senate File 2333, as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. Page 2, by striking line 27 and inserting <the
1 4 investigation by the facility or program. If the
1 5 facility or program>
1 6 #2. Page 2, by striking line 29 and inserting <the
1 7 investigation by the facility or program or the alleged
1 8 dependent adult abuser resigns, the alleged dependent
1 9 adult>
1 10 #3. Page 2, line 30, after <termination> by
1 11 inserting <or investigation>
1 12 #4. Page 2, line 31, after <employer.> by inserting
1 13 <An alleged dependent adult abuser who fails to
1 14 disclose such termination or investigation is guilty
1 15 of a simple misdemeanor.>
1 16 #5. Page 3, by striking lines 2 through 10 and
1 17 inserting <the alleged dependent adult abuser. If upon
1 18 entry, the inspector has knowledge of or learns during
1 19 the course of an investigation that alleged dependent
1 20 adult abuse is suspected or is being investigated, the
1 21 inspector shall inform the facility or program that the
1 22 inspector is investigating an alleged case of dependent
1 23 adult abuse. An inspector of the department>
1 24 #6. Page 3, line 16, by striking <the fact>
1 25 #7. Page 3, line 17, by striking <situation and>
1 26 #8. Page 3, line 18, after <civil> by inserting
1 27 <administrative>
1 28 #9. Page 3, by striking lines 29 and 30 and
1 29 inserting <and not delay the interview by more than
1 30 five working days to make arrangements for the person's
1 31 representatives to be present at the interview. Any
1 32 employer representative shall be informed of the
1 33 requirement to maintain strict confidentiality and
1 34 of the prohibition against redissemination of such
1 35 information pursuant to chapter 235B. At the interview,
1 36 the department shall request and the alleged dependent
1 37 adult abuser shall provide the alleged dependent adult
1 38 abuser's most current contact information to facilitate
1 39 provision of the findings to the alleged dependent
1 40 adult abuser. An inspector>
1 41 #10. Page 4, by striking line 8 and inserting <the
1 42 consequences of placement on the central>
1 43 #11. Page 4, line 9, by striking <adult>
1 44 #12. Page 4, line 12, by striking <dependent adult>
1 45 and inserting <central>
1 46 #13. Page 4, by striking lines 17 through 22 and
1 47 inserting:
1 48 <1. If a request for an appeal is filed within
1 49 fifteen days of the issuance of the written
1 50 notification of a finding of dependent adult abuse, the



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House Amendment 8403 continued

2 1 department shall not place the caretaker on the central
2 2 abuse registry until final>
2 3 #14. Page 4, by striking line 24 and inserting
2 4 <within fifteen days of the issuance of the written
2 5 notification of the finding, the>
2 6 #15. Page 4, by striking lines 29 and 30 and
2 7 inserting <administrative law judge's proposed decision
2 8 shall be issued within thirty days of the contested
2 9 case hearing. If further review of the decision is
2 10 not requested before the proposed decision becomes
2 11 final, the proposed decision shall be deemed final
2 12 agency action. If further review is requested, the
2 13 department's final agency action shall occur within
2 14 thirty days of the issuance of the administrative law
2 15 judge's proposed decision. Upon>
2 16 #16. Page 4, by striking lines 34 and 35 and
2 17 inserting <days, the caretaker shall have sixty days
2 18 from the issuance of the written notification of the
2 19 abuse findings to file an appeal pursuant to chapter
2 20 17A. However, the>
2 21 #17. Page 5, line 6, after <on the> by inserting
2 22 <central abuse>
2 23 #18. Title page, line 3, after <abuse> by inserting
2 24 <and providing penalties>
2 25 #19. By renumbering as necessary.

HUNTER of Polk
SF2333.2064 (3) 83
rh/rj



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House Amendment 8404

PAG LIN

1 1 Amend the amendment, H=8381, to Senate File 2357,
1 2 as amended, passed, and reprinted by the Senate, as
1 3 follows:
1 4 #1. Page 1, by striking lines 3 and 4 and inserting:
1 5 <___. Page 1, after line 18 by inserting:>
1 6 #2. Page 1, line 5, by striking <Section> and
1 7 inserting <Sec.>
1 8 #3. Page 1, after line 40 by inserting:
1 9 <___. Page 1, after line 25 by inserting:>
1 10 #4. Page 2, after line 19 by inserting:
1 11 <___. Page 3, after line 23 by inserting:>
1 12 #5. Page 2, by striking lines 38 through 41 and
1 13 inserting:
1 14 <___. Title page, line 5, after <weapons> by
1 15 inserting <, including the provision of physical
1 16 defense training and providing for a sales tax
1 17 refund,>>

WINDSCHITL of Harrison
SF2357.2096 (4) 83
rh/rj



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House Amendment 8405

PAG LIN

1 1 Amend the amendment, H=8356, to Senate File 2352, as
1 2 passed by the Senate, as follows:
1 3 #1. Page 1, by striking lines 23 through 33 and
1 4 inserting <inserting <is sooner dismissed by a
1 5 magistrate. The facility or hospital may provide>
1 6 #2. Page 1, after line 36 by inserting:
1 7 <__. Page 3, line 28, after <person.> by inserting
1 8 <The law enforcement agency shall retrieve the person
1 9 no later than six hours after notification from the
1 10 facility or hospital but in no circumstances shall
1 11 the detention of the person exceed the period of time
1 12 prescribed for detention by this subsection.>>
1 13 #3. Page 1, by striking lines 38 through 40 and
1 14 inserting <inserting <immediately detained, or if>
1 15 #4. Page 1, line 42, after <section,> by inserting
1 16 <and>
1 17 #5. Page 1, line 44, by striking <within> and
1 18 inserting <no later than>
1 19 #6. Page 1, line 45, by striking <of> and inserting
1 20 <after>

MERTZ of Kossuth

KAUFMANN of Cedar

GRASSLEY of Butler

T. OLSON of Linn
SF2352.2068 (5) 83
jm/rj



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House Amendment 8406

PAG LIN

1 1 Amend House File 2522 as follows:
1 2 #1. Page 2, by striking lines 4 through 6 and
1 3 inserting:
1 4 <Sec. ____ . STATE RECORDS STORAGE. The department
1 5 of cultural affairs shall, within six months of the
1 6 effective date of this Act, find new storage space for
1 7 the storage of state records.>
1 8 #2. By renumbering as necessary.

COWNIE of Polk
HF2522.2052 (4) 83
tw/sc



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House Amendment 8407

PAG LIN

1 1 Amend House File 2481 as follows:
1 2 #1. Page 27, after line 27 by inserting:
1 3 <Sec. ____ Section 483A.24, Code 2009, is amended
1 4 by adding the following new subsection:
1 5 NEW SUBSECTION. 17. An antlered or any sex or
1 6 antlerless deer hunting license that is issued to
1 7 a resident owner or tenant of a farm unit pursuant
1 8 to subsection 2 may be transferred by that owner or
1 9 tenant to a nonresident who is a close relative of the
1 10 owner or tenant of the farm unit. The deer hunting
1 11 licenses transferred shall be valid for use only on the
1 12 farm unit for which the applicant applies pursuant to
1 13 subsection 2. The deer hunting licenses transferred
1 14 pursuant to this subsection shall be in addition to the
1 15 number of nonresident deer hunting licenses authorized
1 16 pursuant to section 483A.8. For the purposes of this
1 17 subsection, a close relative is a lineal descendent of
1 18 the owner or tenant or the owner or tenant's spouse, a
1 19 child of a sibling of the owner or tenant or the owner
1 20 or tenant's spouse, or a sibling of the owner or tenant
1 21 or the owner or tenant's spouse.>
1 22 #2. By renumbering as necessary.

PETTENGILL of Benton
HF2481.2098 (5) 83
av/sc



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House File 2520 - Introduced

HOUSE FILE
BY COMMITTEE ON WAYS AND
MEANS

(SUCCESSOR TO HF 2305)
(SUCCESSOR TO HSB 593)

A BILL FOR

1 An Act providing a definition of a rehabilitated building
2 as used in the operation of a data center business, and
3 including effective date provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5406HZ (1) 83
rn/sc



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House File 2520 - Introduced continued

PAG LIN

1 1 Section 1. Section 423.3, subsection 95, paragraph e,
1 2 Code Supplement 2009, is amended by adding the following new
1 3 subparagraph:
1 4 NEW SUBPARAGRAPH. (3) "Rehabilitated" means a process
1 5 of substantial repair, remodeling, or alteration, which may
1 6 include but is not limited to upgrading mechanical systems,
1 7 plumbing, roofing, wiring, windows, heating and cooling
1 8 systems, and performing significant interior or exterior
1 9 structural modification. Although they may be included as part
1 10 of an overall rehabilitation project, singular actions such
1 11 as the installation of a new information system or cosmetic
1 12 changes to the interior or exterior appearance of a building do
1 13 not, in and of themselves, constitute a rehabilitated building.
1 14 Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
1 15 immediate importance, takes effect upon enactment.

1 16 EXPLANATION

1 17 This bill relates to the definition of a rehabilitated
1 18 building used in the operation of a data center business.
1 19 Code section 423.3, subsection 95, paragraph "e", defines a
1 20 "data center" to mean a building rehabilitated or constructed
1 21 for specified purposes. Currently, "rehabilitated" is
1 22 undefined. The bill defines "rehabilitated" to mean a process
1 23 of substantial repair, remodeling, or alteration, which may
1 24 include but is not limited to upgrading mechanical systems,
1 25 plumbing, roofing, wiring, windows, heating and cooling
1 26 systems, and performing significant interior or exterior
1 27 structural modification. The bill states that singular
1 28 actions such as the installation of a new information system or
1 29 cosmetic changes to the interior or exterior appearance of a
1 30 building shall not constitute a rehabilitated building.
1 31 The bill takes effect upon enactment.

LSB 5406HZ (1) 83

rn/sc



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House File 2521 - Introduced

HOUSE FILE
BY COMMITTEE ON
APPROPRIATIONS

(SUCCESSOR TO HSB 732)

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 File 2521 - Introduced 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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House File 2521 - Introduced continued

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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House File 2521 - Introduced continued

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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House File 2521 - Introduced continued

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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House File 2521 - Introduced continued

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 5093HV (1) 83

jm/jp



Iowa General Assembly
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House File 2522 - Introduced

HOUSE FILE
BY COMMITTEE ON
APPROPRIATIONS

(SUCCESSOR TO HSB 734)

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 5089HV (1) 83

tw/tm



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House File 2522 - Introduced continued

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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
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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. Section 303.17, subsection 4, paragraphs b and c,
 14 33 Code 2009, are amended to read as follows:
 14 34 b. Submit, for school years ending on or before June 30,
 14 35 ~~2009~~ 2012, an annual status report on the utilization of the



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15 1 Iowa studies professional development plan in Iowa's school
 15 2 districts and accredited nonpublic schools to the chairpersons
 15 3 and ranking members of the senate and house committees on
 15 4 education by January 15. The annual report shall include the
 15 5 number of schools utilizing the plan.
 15 6 c. Submit its findings and recommendations in a final
 15 7 report based upon the evaluation data compiled in accordance
 15 8 with subsection 3 to the chairpersons and ranking members of
 15 9 the senate and house committees on education by January 15,
 15 10 ~~2010~~ 2013.
 15 11 Sec. 24. Section 303.17, subsection 5, Code 2009, is amended
 15 12 to read as follows:
 15 13 5. This section is repealed effective July 1, ~~2010~~ 2013.
 15 14 Sec. 25. 2009 Iowa Acts, chapter 176, section 3, subsection
 15 15 5, is amended to read as follows:
 15 16 5. For use as matching funds for the United States
 15 17 department of housing and urban development's main street
 15 18 challenge grants for historic building preservation:
 15 19 \$ 184,195
 15 20 Notwithstanding section 8.33, moneys appropriated in this
 15 21 subsection that remain unencumbered or unobligated at the close
 15 22 of the fiscal year shall not revert but shall remain available
 15 23 for expenditure for the purposes designated until the close of
 15 24 the succeeding fiscal year.
 15 25 Sec. 26. EFFECTIVE UPON ENACTMENT. The section of this Act
 15 26 amending 2009 Iowa Acts, chapter 176, and the sections amending
 15 27 section 303.17, being deemed of immediate importance, take
 15 28 effect upon enactment.
 15 29 EXPLANATION
 15 30 This bill makes appropriations and transfers from the
 15 31 general fund of the state and other funds to the department
 15 32 of cultural affairs, the department of economic development,
 15 33 the university of Iowa, the university of northern Iowa, Iowa
 15 34 state university, the department of workforce development, and
 15 35 the public employment relations board for the 2010=2011 fiscal



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16 1 year.

16 2 The bill provides that the goals for the department of
16 3 economic development shall be to expand and stimulate the
16 4 state economy, increase the wealth of Iowans, and increase the
16 5 population of the state.

16 6 The bill transfers moneys collected by the division of
16 7 insurance in excess of the anticipated gross revenues to the
16 8 department of economic development for purposes of insurance
16 9 economic development and international insurance economic
16 10 development.

16 11 The bill appropriates moneys from the Iowa community
16 12 development loan fund to the department of economic development
16 13 for purposes of the community development program.

16 14 The bill appropriates moneys from the workforce development
16 15 fund account to the workforce development fund.

16 16 The bill provides that moneys appropriated or transferred
16 17 to or receipts credited to the workforce development fund are
16 18 appropriated to the department of economic development for
16 19 administration of workforce development activities.

16 20 The bill provides that all moneys in the job training fund on
16 21 July 1, 2010, and any moneys appropriated or credited to the
16 22 fund during the fiscal year beginning July 1, 2010, shall be
16 23 transferred to the workforce development fund.

16 24 The bill requires the state board of regents to submit a
16 25 report on the progress of regents institutions in meeting
16 26 the strategic plan for technology transfer and economic
16 27 development.

16 28 The bill requires the auditor of state to conduct an audit of
16 29 the department of workforce development.

16 30 The bill appropriates moneys from the special employment
16 31 security contingency fund to the department of workforce
16 32 development for the division of workers' compensation and for
16 33 the operation of field offices.

16 34 The bill appropriates interest earned on the unemployment
16 35 compensation reserve fund to the department of workforce



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17 1 development for the operation of field offices.
17 2 The bill appropriates moneys to the department of workforce
17 3 development for an employee misclassification program.
17 4 The bill requests the auditor of state to review the audit
17 5 of the Iowa finance authority performed by the auditor hired
17 6 by the authority.
17 7 The bill appropriates moneys from moneys credited to
17 8 the state by the secretary of the treasury of the United
17 9 States pursuant to the Social Security Act to the department
17 10 of workforce development for the administration of the
17 11 unemployment compensation program only.
17 12 The bill provides for the filing of surety bonds or qualified
17 13 statements by out-of-state contractors with the division of
17 14 labor services.
17 15 The bill amends 2009 Iowa Acts, chapter 176, to provide for
17 16 the nonrevision of moneys appropriated for purposes of matching
17 17 funds for main street challenge grants. The section amending
17 18 the 2009 Iowa Acts is effective upon enactment.
17 19 Current law requires the Iowa studies committee to submit
17 20 an annual status report on the utilization of the Iowa studies
17 21 professional development plan. The report is required until
17 22 June 30, 2009. The bill requires the report until June 30,
17 23 2012.
17 24 Current law also requires the Iowa studies committee to
17 25 submit findings and recommendations in a final report due
17 26 by January 15, 2010. The bill requires the final report on
17 27 January 15, 2013. The bill also provides for the future repeal
17 28 of the Iowa studies professional development plan and related
17 29 provisions on July 1, 2013. The changes to the reports due by
17 30 the Iowa studies committee take effect upon enactment.

LSB 5089HV (1) 83

tw/tm



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HOUSE FILE
BY COMMITTEE ON
APPROPRIATIONS

(SUCCESSOR TO HSB 731)

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 5092HV (1) 83
jm/jp



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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
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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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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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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 and shall seek volunteer licensed medical personnel to serve at
3 24 the facility.

3 25 It is the intent of the general assembly that the department
3 26 of corrections fully operate the Luster Heights facility at the
3 27 facility's 88-bed capacity.

3 28 As a condition of the moneys appropriated in this lettered
3 29 paragraph, the department of corrections shall replace expired
3 30 federal funding by expending at least \$238,252 for continuation
3 31 of a treatment program that prepares offenders for ongoing
3 32 therapeutic treatment programs offered by the department and
3 33 maintaining at least 4.75 FTEs for the program.

3 34 Moneys appropriated in this lettered paragraph shall
3 35 provide for one full-time substance abuse counselor for the



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



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5 1 j. For reimbursement of counties for temporary confinement
5 2 of work release and parole violators, as provided in sections
5 3 901.7, 904.908, and 906.17, and for offenders confined pursuant
5 4 to section 904.513:

5 5 \$ 775,092

5 6 k. For federal prison reimbursement, reimbursements for
5 7 out-of-state placements, and miscellaneous contracts:

5 8 \$ 239,411

5 9 2. The department of corrections shall use moneys
5 10 appropriated in subsection 1 to continue to contract for the
5 11 services of a Muslim imam.

5 12 Sec. 4. DEPARTMENT OF CORRECTIONS == ADMINISTRATION.

5 13 1. There is appropriated from the general fund of the state
5 14 to the department of corrections for the fiscal year beginning
5 15 July 1, 2010, and ending June 30, 2011, the following amounts,
5 16 or so much thereof as is necessary, to be used for the purposes
5 17 designated:

5 18 a. For general administration, including salaries, support,
5 19 maintenance, employment of an education director to administer
5 20 a centralized education program for the correctional system,
5 21 and miscellaneous purposes:

5 22 \$ 4,254,068

5 23 (1) It is the intent of the general assembly that as a
5 24 condition of receiving the appropriation provided in this
5 25 lettered paragraph the department of corrections shall not,
5 26 except as otherwise provided in subparagraph (3), enter
5 27 into a new contract, unless the contract is a renewal of an
5 28 existing contract, for the expenditure of moneys in excess of
5 29 \$100,000 during the fiscal year beginning July 1, 2010, for the
5 30 privatization of services performed by the department using
5 31 state employees as of July 1, 2010, or for the privatization
5 32 of new services by the department without prior consultation
5 33 with any applicable state employee organization affected
5 34 by the proposed new contract and prior notification of the
5 35 co-chairpersons and ranking members of the joint appropriations



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6 1 subcommittee on the justice system.

6 2 (2) It is the intent of the general assembly that each
6 3 lease negotiated by the department of corrections with a
6 4 private corporation for the purpose of providing private
6 5 industry employment of inmates in a correctional institution
6 6 shall prohibit the private corporation from utilizing inmate
6 7 labor for partisan political purposes for any person seeking
6 8 election to public office in this state and that a violation
6 9 of this requirement shall result in a termination of the lease
6 10 agreement.

6 11 (3) It is the intent of the general assembly that as a
6 12 condition of receiving the appropriation provided in this
6 13 lettered paragraph the department of corrections shall not
6 14 enter into a lease or contractual agreement pursuant to section
6 15 904.809 with a private corporation for the use of building
6 16 space for the purpose of providing inmate employment without
6 17 providing that the terms of the lease or contract establish
6 18 safeguards to restrict, to the greatest extent feasible, access
6 19 by inmates working for the private corporation to personal
6 20 identifying information of citizens.

6 21 b. For educational programs for inmates at state penal
6 22 institutions:

6 23 \$ 1,558,109

6 24 As a condition of receiving the appropriation in this
6 25 lettered paragraph, the department of corrections shall
6 26 transfer at least \$300,000 from the canteen operating funds
6 27 established pursuant to section 904.310 to be used for
6 28 correctional educational programs funded in this lettered
6 29 paragraph.

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



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7 1 institutions are located to utilize moneys appropriated in this
7 2 lettered paragraph to fund the high school completion, high
7 3 school equivalency diploma, adult literacy, and adult basic
7 4 education programs in a manner so as to maintain these programs
7 5 at the institutions.

7 6 To maximize the funding for educational programs, the
7 7 department shall establish guidelines and procedures to
7 8 prioritize the availability of educational and vocational
7 9 training for inmates based upon the goal of facilitating an
7 10 inmate's successful release from the correctional institution.

7 11 The director of the department of corrections may transfer
7 12 moneys from Iowa prison industries for use in educational
7 13 programs for inmates.

7 14 Notwithstanding section 8.33, moneys appropriated in this
7 15 lettered paragraph that remain unobligated or unexpended at
7 16 the close of the fiscal year shall not revert but shall remain
7 17 available for expenditure only for the purpose designated in
7 18 this lettered paragraph until the close of the succeeding
7 19 fiscal year.

7 20 c. For the development of the Iowa corrections offender
7 21 network (ICON) data system:

7 22 \$ 424,364

7 23 d. For offender mental health and substance abuse
7 24 treatment:

7 25 \$ 22,319

7 26 e. For viral hepatitis prevention and treatment:

7 27 \$ 167,881

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



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



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9 1 for at least four months for a bed to become available at a
 9 2 community-based correctional facility, unless the placement
 9 3 would dislodge an inmate receiving substance abuse treatment.
 9 4 Sec. 5. JUDICIAL DISTRICT DEPARTMENTS OF CORRECTIONAL
 9 5 SERVICES.
 9 6 1. There is appropriated from the general fund of the state
 9 7 to the department of corrections for the fiscal year beginning
 9 8 July 1, 2010, and ending June 30, 2011, for the treatment and
 9 9 supervision of probation and parole violators who have been
 9 10 released from the department of corrections violator program,
 9 11 the following amounts, or so much thereof as is necessary, to
 9 12 be allocated as follows:
 9 13 a. For the first judicial district department of
 9 14 correctional services:
 9 15 \$ 12,453,082
 9 16 As a condition of the moneys appropriated in this lettered
 9 17 paragraph, the department of corrections shall replace expired
 9 18 federal funding by expending at least \$140,000 for the dual
 9 19 diagnosis program and maintaining 1.25 FTEs for the program.
 9 20 b. For the second judicial district department of
 9 21 correctional services:
 9 22 \$ 10,770,616
 9 23 c. For the third judicial district department of
 9 24 correctional services:
 9 25 \$ 5,715,578
 9 26 d. For the fourth judicial district department of
 9 27 correctional services:
 9 28 \$ 5,522,416
 9 29 e. For the fifth judicial district department of
 9 30 correctional services, including funding for electronic
 9 31 monitoring devices for use on a statewide basis:
 9 32 \$ 18,938,081
 9 33 As a condition of receiving the appropriation in this
 9 34 lettered paragraph, the fifth judicial district department of
 9 35 correctional services shall reinstate 67 beds in buildings 65



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10 1 and 66 at the Fort Des Moines facility and resume operating the
10 2 buildings, in addition to maintaining the 199 beds in buildings
10 3 68 and 70 at the Fort Des Moines facility. The district
10 4 department may use inmate labor to upgrade and renovate the
10 5 buildings, if renovation and updating are required.

10 6 f. For the sixth judicial district department of
10 7 correctional services:
10 8 \$ 13,030,356

10 9 g. For the seventh judicial district department of
10 10 correctional services:
10 11 \$ 6,846,560

10 12 h. For the eighth judicial district department of
10 13 correctional services:
10 14 \$ 6,935,622

10 15 2. Each judicial district department of correctional
10 16 services, within the funding available, shall continue programs
10 17 and plans established within that district to provide for
10 18 intensive supervision, sex offender treatment, diversion of
10 19 low-risk offenders to the least restrictive sanction available,
10 20 job development, and expanded use of intermediate criminal
10 21 sanctions.

10 22 3. Each judicial district department of correctional
10 23 services shall provide alternatives to prison consistent with
10 24 chapter 901B. The alternatives to prison shall ensure public
10 25 safety while providing maximum rehabilitation to the offender.
10 26 A judicial district department of correctional services may
10 27 also establish a day program.

10 28 4. The governor's office of drug control policy shall
10 29 consider federal grants made to the department of corrections
10 30 for the benefit of each of the eight judicial district
10 31 departments of correctional services as local government
10 32 grants, as defined pursuant to federal regulations.

10 33 5. The department of corrections shall continue to contract
10 34 with a judicial district department of correctional services to
10 35 provide for the rental of electronic monitoring equipment which



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11 1 shall be available statewide.
11 2 6. A judicial district department of correctional services
11 3 shall accept into the facilities of the district department,
11 4 offenders assigned from other judicial district departments of
11 5 correctional services.
11 6 Sec. 6. DEPARTMENT OF CORRECTIONS == REALLOCATION OF
11 7 APPROPRIATIONS. Notwithstanding section 8.39, within
11 8 the moneys appropriated in this Act to the department of
11 9 corrections, the department may reallocate the moneys
11 10 appropriated and allocated as necessary to best fulfill the
11 11 needs of the correctional institutions, administration of
11 12 the department, and the judicial district departments of
11 13 correctional services. However, in addition to complying with
11 14 the requirements of sections 904.116 and 905.8 and providing
11 15 notice to the legislative services agency, the department
11 16 of corrections shall also provide notice to the department
11 17 of management, prior to the effective date of the revision
11 18 or reallocation of an appropriation made pursuant to this
11 19 section. The department shall not reallocate an appropriation
11 20 or allocation for the purpose of eliminating any program.
11 21 Sec. 7. INTENT == REPORTS.
11 22 1. The department in cooperation with townships, the Iowa
11 23 cemetery associations, and other nonprofit or governmental
11 24 entities may use inmate labor during the fiscal year beginning
11 25 July 1, 2010, to restore or preserve rural cemeteries and
11 26 historical landmarks. The department in cooperation with the
11 27 counties may also use inmate labor to clean up roads, major
11 28 water sources, and other water sources around the state.
11 29 2. Each month the department shall provide a status report
11 30 regarding private-sector employment to the legislative services
11 31 agency beginning on July 1, 2010. The report shall include
11 32 the number of offenders employed in the private sector, the
11 33 combined number of hours worked by the offenders, and the
11 34 total amount of allowances, and the distribution of allowances
11 35 pursuant to section 904.702, including any moneys deposited in



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12 1 the general fund of the state.
12 2 Sec. 8. ELECTRONIC MONITORING REPORT. The department of
12 3 corrections shall submit a report on electronic monitoring to
12 4 the general assembly, to the co=chairpersons and the ranking
12 5 members of the joint appropriations subcommittee on the justice
12 6 system, and to the legislative services agency by January
12 7 15, 2011. The report shall specifically address the number
12 8 of persons being electronically monitored and break down the
12 9 number of persons being electronically monitored by offense
12 10 committed. The report shall also include a comparison of any
12 11 data from the prior fiscal year with the current year.
12 12 Sec. 9. STATE AGENCY PURCHASES FROM PRISON INDUSTRIES.
12 13 1. As used in this section, unless the context otherwise
12 14 requires, "state agency" means the government of the state
12 15 of Iowa, including but not limited to all executive branch
12 16 departments, agencies, boards, bureaus, and commissions, the
12 17 judicial branch, the general assembly and all legislative
12 18 agencies, institutions within the purview of the state board of
12 19 regents, and any corporation whose primary function is to act
12 20 as an instrumentality of the state.
12 21 2. State agencies are hereby encouraged to purchase
12 22 products from Iowa state industries, as defined in section
12 23 904.802, when purchases are required and the products are
12 24 available from Iowa state industries. State agencies shall
12 25 obtain bids from Iowa state industries for purchases of
12 26 office furniture during the fiscal year beginning July 1,
12 27 2010, exceeding \$5,000 or in accordance with applicable
12 28 administrative rules related to purchases for the agency.
12 29 Sec. 10. STATE PUBLIC DEFENDER. There is appropriated from
12 30 the general fund of the state to the office of the state public
12 31 defender of the department of inspections and appeals for the
12 32 fiscal year beginning July 1, 2010, and ending June 30, 2011,
12 33 the following amounts, or so much thereof as is necessary, to
12 34 be allocated as follows for the purposes designated:
12 35 1. For salaries, support, maintenance, miscellaneous



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



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

14 8 Sec. 12. BOARD OF PAROLE. There is appropriated from the
 14 9 general fund of the state to the board of parole for the fiscal
 14 10 year beginning July 1, 2010, and ending June 30, 2011, the
 14 11 following amount, or so much thereof as is necessary, to be
 14 12 used for the purposes designated:

14 13 For salaries, support, maintenance, miscellaneous purposes,
 14 14 and for not more than the following full-time equivalent
 14 15 positions:
 14 16 \$ 1,045,259
 14 17 FTEs 13.50

14 18 Sec. 13. DEPARTMENT OF PUBLIC DEFENSE. There is
 14 19 appropriated from the general fund of the state to the
 14 20 department of public defense for the fiscal year beginning July
 14 21 1, 2010, and ending June 30, 2011, the following amounts, or
 14 22 so much thereof as is necessary, to be used for the purposes
 14 23 designated:

14 24 1. MILITARY DIVISION
 14 25 For salaries, support, maintenance, miscellaneous purposes,
 14 26 and for not more than the following full-time equivalent
 14 27 positions:
 14 28 \$ 6,249,201
 14 29 FTEs 324.00

14 30 The military division may temporarily exceed and draw more
 14 31 than the amount appropriated and incur a negative cash balance
 14 32 as long as there are receivables of federal funds equal to or
 14 33 greater than the negative balance and the amount appropriated
 14 34 in this subsection is not exceeded at the close of the fiscal
 14 35 year.



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15 1 2. HOMELAND SECURITY AND EMERGENCY MANAGEMENT DIVISION
 15 2 For salaries, support, maintenance, miscellaneous purposes,
 15 3 and for not more than the following full-time equivalent
 15 4 positions:
 15 5 \$ 2,038,119
 15 6 FTEs 33.00
 15 7 The homeland security and emergency management division may
 15 8 temporarily exceed and draw more than the amount appropriated
 15 9 and incur a negative cash balance as long as there are
 15 10 receivables of federal funds equal to or greater than the
 15 11 negative balance and the amount appropriated in this subsection
 15 12 is not exceeded at the close of the fiscal year.
 15 13 It is the intent of the general assembly that the homeland
 15 14 security and emergency management division work in conjunction
 15 15 with the department of public safety, to the extent possible,
 15 16 when gathering and analyzing information related to potential
 15 17 domestic or foreign security threats, and when monitoring such
 15 18 threats.
 15 19 Sec. 14. DEPARTMENT OF PUBLIC SAFETY. There is appropriated
 15 20 from the general fund of the state to the department of public
 15 21 safety for the fiscal year beginning July 1, 2010, and ending
 15 22 June 30, 2011, the following amounts, or so much thereof as is
 15 23 necessary, to be used for the purposes designated:
 15 24 1. For the department's administrative functions, including
 15 25 the criminal justice information system, and for not more than
 15 26 the following full-time equivalent positions:
 15 27 \$ 4,134,461
 15 28 FTEs 36.00
 15 29 2. For the division of criminal investigation, including
 15 30 the state's contribution to the peace officers' retirement,
 15 31 accident, and disability system provided in chapter 97A in the
 15 32 amount of the state's normal contribution rate, as defined in
 15 33 section 97A.8, multiplied by the salaries for which the funds
 15 34 are appropriated, to meet federal fund matching requirements,
 15 35 and for not more than the following full-time equivalent



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16 1 positions:
 16 2 \$ 12,861,710
 16 3 FTEs 277.10
 16 4 If any of the Indian tribes fail to pay for 1.00 FTE pursuant
 16 5 to the agreements or compacts entered into between the state
 16 6 and the Indian tribes pursuant to section 10A.104, subsection
 16 7 10, the number of full-time equivalent positions authorized
 16 8 under this subsection is reduced by 1.00 FTE.
 16 9 The department shall employ one additional special agent and
 16 10 one additional criminalist for the purpose of investigating
 16 11 cold cases. Prior to employing the additional special agent
 16 12 and criminalist authorized in this paragraph, the department
 16 13 shall provide a written statement to prospective employees that
 16 14 states to the effect that the positions are being funded by a
 16 15 temporary federal grant and there are no assurances that funds
 16 16 from other sources will be available after the federal funding
 16 17 expires. If the federal funding for the additional positions
 16 18 expires during the fiscal year, the number of full-time
 16 19 equivalent positions authorized in this subsection is reduced
 16 20 by 2.00 FTEs.
 16 21 The appropriation made from the gaming enforcement fund
 16 22 established by this Act in section 80.43 shall be used to
 16 23 provide salary and support for not more than 115.00 full-time
 16 24 equivalent positions, unless as otherwise provided by law.
 16 25 The department of public safety, with the approval of the
 16 26 department of management, may employ no more than two special
 16 27 agents and four gaming enforcement officers for each additional
 16 28 riverboat or gambling structure regulated after July 1, 2010,
 16 29 and one special agent for each racing facility which becomes
 16 30 operational during the fiscal year which begins July 1, 2010.
 16 31 One additional gaming enforcement officer, up to a total of
 16 32 four per riverboat or gambling structure, may be employed
 16 33 for each riverboat or gambling structure that has extended
 16 34 operations to 24 hours and has not previously operated with a
 16 35 24-hour schedule. Positions authorized in this paragraph are



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



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18 1 for which the funds are appropriated, and for not more than the
 18 2 following full-time equivalent positions:
 18 3 \$ 48,984,147
 18 4 FTEs 503.00
 18 5 It is the intent of the general assembly that members of the
 18 6 state patrol be assigned to patrol the highways and roads in
 18 7 lieu of assignments for inspecting school buses for the school
 18 8 districts.
 18 9 7. For deposit in the sick leave benefits fund established
 18 10 under section 80.42 for all departmental employees eligible to
 18 11 receive benefits for accrued sick leave under the collective
 18 12 bargaining agreement:
 18 13 \$ 279,517
 18 14 8. For costs associated with the training and equipment
 18 15 needs of volunteer fire fighters:
 18 16 \$ 612,255
 18 17 Notwithstanding section 8.33, moneys appropriated in this
 18 18 subsection that remain unencumbered or unobligated at the
 18 19 close of the fiscal year shall not revert but shall remain
 18 20 available for expenditure only for the purpose designated in
 18 21 this subsection until the close of the succeeding fiscal year.
 18 22 Notwithstanding section 8.39, within the moneys appropriated
 18 23 in this section the department of public safety may reallocate
 18 24 moneys as necessary to best fulfill the needs provided for
 18 25 in the appropriation. However, the department shall not
 18 26 reallocate an appropriation made to the department in this
 18 27 section unless notice of the reallocation is given to the
 18 28 legislative services agency and the department of management
 18 29 prior to the effective date of the reallocation. The notice
 18 30 shall include information about the rationale for reallocating
 18 31 the appropriation. The department shall not reallocate
 18 32 an appropriation made in this section for the purpose of
 18 33 eliminating any program.
 18 34 Sec. 15. CIVIL RIGHTS COMMISSION. There is appropriated
 18 35 from the general fund of the state to the Iowa state civil



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19 1 rights commission for the fiscal year beginning July 1,
 19 2 2010, and ending June 30, 2011, the following amount, or so
 19 3 much thereof as is necessary, to be used for the purposes
 19 4 designated:
 19 5 For salaries, support, maintenance, miscellaneous purposes,
 19 6 and for not more than the following full-time equivalent
 19 7 positions:
 19 8 \$ 1,379,861
 19 9 FTEs 29.50
 19 10 The Iowa state civil rights commission may enter into
 19 11 a contract with a nonprofit organization to provide legal
 19 12 assistance to resolve civil rights complaints.
 19 13 Sec. 16. Section 8A.302, subsection 1, as amended by 2010
 19 14 Iowa Acts, Senate File 2088, section 71, if enacted, is amended
 19 15 to read as follows:
 19 16 1. Providing a system of uniform standards and
 19 17 specifications for purchasing. When the system is developed,
 19 18 all items of general use shall be purchased by state agencies
 19 19 through the department, except items provided for under
 19 20 section 904.808 or items used by the state board of regents
 19 21 and institutions under the control of the state board of
 19 22 regents. However, the department may authorize the department
 19 23 of transportation, the department for the blind, and any other
 19 24 agencies otherwise exempted by law from centralized purchasing,
 19 25 to directly purchase items used by those agencies without going
 19 26 through the department, if the department of administrative
 19 27 services determines such purchasing is in the best interests
 19 28 of the state. However, items of general use may be purchased
 19 29 through the department by any governmental entity.
 19 30 Sec. 17. NEW SECTION. 80.43 Gaming enforcement ==
 19 31 revolving fund.
 19 32 1. A gaming enforcement revolving fund is created in the
 19 33 state treasury under the control of the department. The fund
 19 34 shall consist of fees collected and deposited into the fund
 19 35 paid by licensees pursuant to section 99D.14, subsection 2,



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20 1 paragraph "b", and fees paid by licensees pursuant to section
20 2 99F.10, subsection 4, paragraph "b". The amounts deposited into
20 3 the fund for a fiscal year are appropriated to the department
20 4 to be used exclusively to pay the costs for agents and officers
20 5 plus any direct and indirect support costs for such agents and
20 6 officers of the division of criminal investigation's racetrack,
20 7 excursion boat, or gambling structure enforcement activities.
20 8 2. To meet the department's cash flow needs, the department
20 9 may temporarily use funds from the general fund of the state
20 10 to pay expenses in excess of moneys available in the revolving
20 11 fund if those additional expenditures are fully reimbursable
20 12 and the department reimburses the general fund of the state
20 13 and ensures all moneys are repaid in full by the close of the
20 14 fiscal year. Because any general fund moneys used shall be
20 15 fully reimbursed, such temporary use of funds from the general
20 16 fund of the state shall not constitute an appropriation for
20 17 purposes of calculating the state general fund expenditure
20 18 limitation pursuant to section 8.54.
20 19 3. Section 8.33 does not apply to any moneys credited or
20 20 appropriated to the revolving fund from any other fund and,
20 21 notwithstanding section 12C.7, subsection 2, earnings or
20 22 interest on moneys deposited in the revolving fund shall be
20 23 credited to the revolving fund.
20 24 Sec. 18. Section 99D.14, subsection 2, Code 2009, is amended
20 25 to read as follows:
20 26 2. a. A licensee shall pay a regulatory fee to be charged
20 27 as provided in this section. In determining the regulatory fee
20 28 to be charged as provided under this section, the commission
20 29 shall use the amount appropriated to the commission plus the
20 30 cost of salaries for no more than two special agents for each
20 31 racetrack that has not been issued a table games license under
20 32 chapter 99F or no more than three special agents for each
20 33 racetrack that has been issued a table games license under
20 34 chapter 99F, plus any direct and indirect support costs for the
20 35 agents, for the division of criminal investigation's racetrack



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21 1 activities, as the basis for determining the amount of revenue
21 2 to be raised from the regulatory fee.
21 3 b. Notwithstanding sections 8.60 and 99D.17, the portion of
21 4 the fee paid pursuant to paragraph "a" relating to the costs
21 5 of special agents plus any direct and indirect support costs
21 6 for the agents, for the division of criminal investigation's
21 7 racetrack activities, shall not be deposited in the general
21 8 fund of the state but instead shall be deposited into the
21 9 gaming enforcement revolving fund established in section 80.43.

21 10 Sec. 19. Section 99F.10, subsection 4, Code 2009, is amended
21 11 to read as follows:

21 12 4. a. In determining the license fees and state regulatory
21 13 fees to be charged as provided under section 99F.4 and this
21 14 section, the commission shall use as the basis for determining
21 15 the amount of revenue to be raised from the license fees and
21 16 regulatory fees the amount appropriated to the commission
21 17 plus the cost of salaries for no more than two special agents
21 18 for each excursion gambling boat or gambling structure and no
21 19 more than four gaming enforcement officers for each excursion
21 20 gambling boat or gambling structure with a patron capacity of
21 21 less than two thousand persons or no more than five gaming
21 22 enforcement officers for each excursion gambling boat or
21 23 gambling structure with a patron capacity of at least two
21 24 thousand persons, plus any direct and indirect support costs
21 25 for the agents and officers, for the division of criminal
21 26 investigation's excursion gambling boat or gambling structure
21 27 activities.

21 28 b. Notwithstanding sections 8.60 and 99F.4, the portion of
21 29 the fee paid pursuant to paragraph "a" relating to the costs
21 30 of special agents and officers plus any direct and indirect
21 31 support costs for the agents and officers, for the division of
21 32 criminal investigation's excursion gambling boat or gambling
21 33 structure activities, shall not be deposited in the general
21 34 fund of the state but instead shall be deposited into the
21 35 gaming enforcement revolving fund established in section 80.43.



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22 1 Sec. 20. Section 809A.17, subsection 5, Code 2009, is
22 2 amended by adding the following new paragraph:
22 3 NEW PARAGRAPH. e. If the forfeited property is cash or
22 4 proceeds from the sale of real property the distribution of the
22 5 forfeited property shall be as follows:
22 6 (1) The department of justice shall not retain more than
22 7 ten percent of the gross sale of any forfeited real property.
22 8 The balance of the proceeds shall be distributed to the
22 9 seizing agency for use by the agency or for division among
22 10 law enforcement agencies and county attorneys pursuant to any
22 11 agreement entered into by the seizing agency.
22 12 (2) The department of justice shall not retain more than
22 13 ten percent of any forfeited cash. The balance shall be
22 14 distributed to the seizing agency for use by the agency or for
22 15 division among law enforcement agencies and county attorneys
22 16 pursuant to any agreement entered into by the seizing agency.
22 17 (3) In the event of a cash forfeiture in excess of four
22 18 hundred thousand dollars the distribution of forfeited cash
22 19 shall be as follows:
22 20 (a) Forty=five percent shall be retained by the seizing
22 21 agency.
22 22 (b) Forty=five percent shall be distributed to other law
22 23 enforcement agencies within the region of the seizing agency.
22 24 (c) Ten percent shall be retained by the department of
22 25 justice.
22 26 Sec. 21. Section 904.315, subsection 2, Code Supplement
22 27 2009, is amended to read as follows:
22 28 2. A contract is not required for improvements at a state
22 29 institution where the labor of inmates is to be used if the
22 30 contract is not for a construction, reconstruction, demolition,
22 31 or repair project or improvement with an estimated cost in
22 32 excess of ~~fifty~~ one hundred thousand dollars.
22 33 Sec. 22. Section 904A.4B, Code 2009, is amended to read as
22 34 follows:
22 35 904A.4B Executive director of the board of parole == duties.



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23 1 1. The chief administrative officer of the board of
23 2 parole shall be the executive director, except as provided in
23 3 subsection 2. The executive director shall be appointed by the
23 4 chairperson, subject to the approval of the board and shall
23 5 serve at the pleasure of the board. The executive director
23 6 shall do all of the following:
23 7 ~~1.~~ a. Advise the board on matters relating to parole,
23 8 work release, and executive clemency, and advise the board on
23 9 matters involving automation and word processing.
23 10 ~~2.~~ b. Carry out all directives of the board.
23 11 ~~3.~~ c. Hire and supervise all of the board's staff pursuant
23 12 to the provisions of chapter 8A, subchapter IV.
23 13 ~~4.~~ d. Act as the board's liaison with the general assembly.
23 14 ~~5.~~ e. Prepare a budget for the board, subject to the
23 15 approval of the board, and prepare all other reports required
23 16 by law.
23 17 ~~6.~~ f. Develop long-range parole and work release planning,
23 18 in cooperation with the department of corrections.
23 19 2. If an executive director is not appointed as provided in
23 20 subsection 1, the chairperson shall serve as acting executive
23 21 director and perform the administrative duties under subsection
23 22 1.

23 23 Sec. 23. IOWA COMMUNICATIONS NETWORK. It is the
23 24 intent of the general assembly that the executive branch
23 25 agencies receiving an appropriation in this Act utilize
23 26 the Iowa communications network or secure other electronic
23 27 communications in lieu of traveling for the fiscal year
23 28 addressed by the appropriations.
23 29 Sec. 24. HOMELAND SECURITY AND EMERGENCY MANAGEMENT
23 30 DIVISION. There is appropriated from the wireless E911
23 31 emergency communications fund created in section 34A.7A to the
23 32 administrator of the homeland security and emergency management
23 33 division of the department of public defense for the fiscal
23 34 year beginning July 1, 2010, and ending June 30, 2011, an
23 35 amount not exceeding \$200,000 to be used for implementation,



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24 1 support, and maintenance of the functions of the administrator
24 2 and program manager under chapter 34A and to employ the auditor
24 3 of the state to perform an annual audit of the wireless E911
24 4 emergency communications fund.

24 5 Sec. 25. CORRECTIONAL OFFICER AND PEACE OFFICER ==
24 6 PRIORITY. As a condition of receiving an appropriation in
24 7 this Act, the department of corrections and the department of
24 8 public safety shall make every effort to preserve correctional
24 9 officer and peace officer positions through the reduction of
24 10 administrative and related overhead costs.

24 11 Sec. 26. EFFECTIVE UPON ENACTMENT. The provision of this
24 12 Act eliminating the chief security officer position within
24 13 the department of corrections, being deemed of immediate
24 14 importance, takes effect upon enactment.

24 15 EXPLANATION

24 16 This bill makes appropriations from the general fund of the
24 17 state for fiscal year 2010=2011 to the departments of justice,
24 18 corrections, public defense, and public safety, and the Iowa
24 19 law enforcement academy, office of the state public defender,
24 20 board of parole, and Iowa state civil rights commission.

24 21 The bill also appropriates moneys from the department of
24 22 commerce revolving fund created in Code section 546.12 to the
24 23 office of consumer advocate of the department of justice.

24 24 The bill requires the department of corrections to employ
24 25 two part-time nurses at the Luster Heights correctional
24 26 facility, and seek volunteer licensed medical personnel to
24 27 serve at the facility.

24 28 The bill requires the department of corrections to place
24 29 inmates at the Luster Heights facility who have been approved
24 30 by the board of parole for work release but who are expected
24 31 to be waiting in prison for a bed to become available at a
24 32 community-based correctional facility for at least four months,
24 33 unless the placement dislodges an inmate receiving substance
24 34 abuse treatment.

24 35 The bill requires the department of corrections to seek



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25 1 volunteer medical personnel to serve at correctional facilities
25 2 throughout the state.

25 3 The bill amends Code section 8A.302 as amended by the 2010
25 4 Iowa Acts, Senate File 2088, to provide that items of a general
25 5 use provided by Iowa state (prison) industries to other state
25 6 agencies under Code section 904.808 are exempt from being
25 7 purchased through the department of administrative services.

25 8 The bill creates the gaming enforcement revolving fund in
25 9 new Code section 80.43.

25 10 Code sections 99D.14 and 99F.10 are amended to provide
25 11 that the portion of the regulatory fee collected from gaming
25 12 interests to pay for special agents and gaming enforcement
25 13 officers plus any direct and indirect support costs for
25 14 such agents and officers for the division of criminal
25 15 investigation's gaming enforcement activities, shall be
25 16 deposited into the gaming enforcement revolving fund.

25 17 The bill creates a standing appropriation from the gaming
25 18 enforcement revolving fund to the department of public safety
25 19 to pay for the special agents and gaming enforcement officers
25 20 and any related gaming enforcement activities of such agents
25 21 or officers.

25 22 The bill provides that the appropriation from the gaming
25 23 enforcement revolving fund shall be used to provide salary and
25 24 support for not more than 115 full-time equivalent positions,
25 25 unless as otherwise provided by law.

25 26 Code section 809A.17 is amended to provide that the
25 27 department of justice shall not retain more than 10 percent
25 28 of any cash forfeiture made by a law enforcement agency or 10
25 29 percent of the gross proceeds from the sale of any forfeited
25 30 real property. The bill requires the balance of any cash
25 31 forfeiture or the proceeds from the sale of forfeited real
25 32 property be distributed to the seizing agency for use by the
25 33 agency or for division among law enforcement agencies and
25 34 county attorneys pursuant to any agreement entered into by the
25 35 seizing agency. In the event of a cash forfeiture in excess



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26 1 of \$400,000, the distribution shall be as follows: 45 percent
26 2 shall be retained by the seizing agency; 45 percent shall be
26 3 distributed to other law enforcement agencies within the region
26 4 of the seizing agency; and 10 percent shall be retained by the
26 5 department of justice.

26 6 Code section 904.315 is amended to provide that a contract
26 7 is not required for improvements at a state institution where
26 8 the labor of inmates is used and the estimated cost of the
26 9 improvements does not exceed \$100,000. Currently, the contract
26 10 requirement threshold is \$50,000.

26 11 The bill amends Code section 904A.4B to provide that the
26 12 chairperson may act as executive director of the board of
26 13 parole, if the board does not appoint such a director. The
26 14 duties of the executive director are specified in Code section
26 15 904A.4B.

26 16 The bill eliminates the chief security officer position
26 17 within the department of corrections effective upon enactment.

LSB 5092HV (1) 83

jm/jp



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HOUSE FILE
BY COMMITTEE ON WAYS AND
MEANS

(SUCCESSOR TO HSB 730)

A BILL FOR

1 An Act relating to the administration of the sales and use
2 taxes under the streamlined sales tax agreement and
3 including effective date provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 6159HV (1) 83
tw/sc



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1 1 Section 1. Section 321.105A, subsection 2, paragraph a,
1 2 unnumbered paragraph 1, Code Supplement 2009, is amended to
1 3 read as follows:
1 4 For purposes of this subsection, "purchase price" applies to
1 5 the measure subject to the fee for new registration. "Purchase
1 6 price" shall be determined in the same manner as "sales price"
1 7 is determined for purposes of computing the tax imposed upon
1 8 the sales price of tangible personal property under chapter
1 9 423, pursuant to the definition of sales price in section
1 10 423.1, ~~subsection 47~~, subject to the following exemptions:
1 11 Sec. 2. Section 423.1, Code 2009, is amended by adding the
1 12 following new subsection:
1 13 NEW SUBSECTION. 0A. "Affiliate" means any entity to which
1 14 any of the following applies:
1 15 a. Directly, indirectly, or constructively controls another
1 16 entity.
1 17 b. Is directly, indirectly, or constructively controlled by
1 18 another entity.
1 19 c. Is subject to the control of a common entity. A common
1 20 entity is one which owns directly or individually more than ten
1 21 percent of the voting securities of the entity.
1 22 Sec. 3. Section 423.1, subsections 27, 28, and 29, Code
1 23 2009, are amended to read as follows:
1 24 27. "Model 1 seller" is a seller registered under the
1 25 agreement that has selected a certified service provider as its
1 26 agent to perform all the seller's sales and use tax functions,
1 27 other than the seller's obligation to remit tax on its own
1 28 purchases.
1 29 28. "Model 2 seller" is a seller registered under the
1 30 agreement that has selected a certified automated system to
1 31 perform part of its sales and use tax functions, but retains
1 32 responsibility for remitting the tax.
1 33 29. "Model 3 seller" is a seller registered under the
1 34 agreement that has sales in at least five member states,
1 35 has total annual sales revenue of at least five hundred



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2 1 million dollars, has a proprietary system that calculates the
2 2 amount of tax due each jurisdiction, and has entered into a
2 3 performance agreement with the member states that establishes
2 4 a tax performance standard for the seller. As used in this
2 5 definition, a "seller" includes an affiliated group of sellers
2 6 using the same proprietary system.

2 7 Sec. 4. Section 423.1, Code 2009, is amended by adding the
2 8 following new subsection:

2 9 NEW SUBSECTION. 29A. "Model 4 seller" is a seller
2 10 registered under the agreement that is not a model 1, model 2,
2 11 or model 3 seller.

2 12 Sec. 5. Section 423.1, subsection 47, paragraph a,
2 13 subparagraph (6), Code 2009, is amended by striking the
2 14 subparagraph.

2 15 Sec. 6. Section 423.1, subsection 47, paragraph c, Code
2 16 2009, is amended to read as follows:

2 17 c. The sales price does not include and the sales tax shall
2 18 not apply to amounts received for charges included in paragraph
2 19 "a", subparagraphs (3) through ~~(7)~~ (6), if they are separately
2 20 contracted for, separately stated on the invoice, billing,
2 21 or similar document given to the purchaser, and the amounts
2 22 represent charges which are not the sales price of a taxable
2 23 sale or of the furnishing of a taxable service.

2 24 Sec. 7. Section 423.1, Code 2009, is amended by adding the
2 25 following new subsections:

2 26 NEW SUBSECTION. 52A. "State agency" means an authority,
2 27 board, commission, department, instrumentality, or other
2 28 administrative office or unit of this state, or any other state
2 29 entity reported in the Iowa comprehensive annual financial
2 30 report, including public institutions of higher education.

2 31 NEW SUBSECTION. 62. "Voting security" means a security to
2 32 which any of the following applies:

2 33 a. Confers upon the holder the right to vote for the
2 34 election of members of the board of directors or similar
2 35 governing body of the entity.



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3 1 b. Is convertible into, or entitles the holder to receive
3 2 upon its exercise, a security that confers such a right to
3 3 vote.

3 4 c. Is a general partnership interest.

3 5 Sec. 8. Section 423.2, subsection 1, paragraph a, Code 2009,
3 6 is amended to read as follows:

3 7 a. For the purposes of this subchapter, sales of the
3 8 following services are treated as if they were sales of
3 9 tangible personal property:

3 10 (1) Sales of engraving, photography, retouching, printing,
3 11 and binding services.

3 12 (2) Sales of vulcanizing, recapping, and retreading
3 13 services.

3 14 (3) Sales of prepaid telephone calling cards and
~~3 15 prepaid services that use an authorization numbers code.~~

3 16 (4) Sales of optional service or warranty contracts, except
3 17 residential service contracts regulated under chapter 523C,
3 18 which provide for the furnishing of labor and materials and
3 19 require the furnishing of any taxable service enumerated under
3 20 this section. The sales price is subject to tax even if some of
3 21 the services furnished are not enumerated under this section.
3 22 Additional sales, services, or use taxes shall not be levied
3 23 on services, parts, or labor provided under optional service
3 24 or warranty contracts which are subject to tax under this
3 25 subsection.

~~3 26 If the optional service or warranty contract is a computer
3 27 software maintenance or support service contract and there is
3 28 no separately stated fee for the taxable personal property
3 29 or for the nontaxable service, the tax imposed by this
3 30 subsection shall be imposed on fifty percent of the sales price
3 31 from the sale of such contract. If the contract provides for
3 32 technical support services only, no tax shall be imposed under
3 33 this subsection. The provisions of this subparagraph (4) also
3 34 apply to the use tax.~~

3 35 (5) Sales of optional service or warranty contracts for



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4 1 computer software maintenance or support services.
4 2 (a) If a service or warranty contract does not specify a fee
4 3 amount for nontaxable services or taxable personal property,
4 4 the tax imposed pursuant to this section shall be imposed upon
4 5 an amount equal to one-half of the sales price of the contract.
4 6 (b) If a service or warranty contract provides only for
4 7 technical support services, no tax shall be imposed pursuant to
4 8 this section.
4 9 (6) Subparagraphs (4) and (5) shall also apply to the use
4 10 tax imposed under section 423.5.
4 11 Sec. 9. Section 423.2, subsection 10, Code 2009, is amended
4 12 to read as follows:
4 13 10. a. Any person or that person's affiliate, which is
4 14 a retailer in this state or a retailer maintaining a place
4 15 of business in this state under this chapter, that enters into
4 16 a contract with an agency of this state must register, collect,
4 17 and remit Iowa sales tax under this chapter on all sales of
4 18 tangible personal property and enumerated services.
4 19 b. Every bid submitted and each contract executed by a
4 20 state agency shall contain a certification by the bidder or
4 21 contractor stating that the bidder or contractor is registered
4 22 with the department and will collect and remit Iowa sales tax
4 23 due under this chapter. In the certification, the bidder or
4 24 contractor shall also acknowledge that the state agency may
4 25 declare the contract or bid void if the certification is false.
4 26 Fraudulent certification, by act or omission, may result in
4 27 the state agency or its representative filing for damages for
4 28 breach of contract.
4 29 For the purposes of this subsection, the following
~~4 30 definitions apply:~~
4 31 a. "Affiliate" means any entity to which any of the
~~4 32 following applies:~~
4 33 (1) Directly, indirectly, or constructively controls
~~4 34 another entity.~~
4 35 (2) Is directly, indirectly, or constructively controlled



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~~5 1 by another entity.~~
5 2 ~~(3) Is subject to the control of a common entity. A common~~
~~5 3 entity is one which owns directly or individually more than ten~~
~~5 4 percent of the voting securities of the entity.~~
5 5 ~~b. "State agency" means an authority, board, commission,~~
~~5 6 department, instrumentality, or other administrative office or~~
~~5 7 unit of this state, or any other state entity reported in the~~
~~5 8 Iowa comprehensive annual financial report, including public~~
~~5 9 institutions of higher education.~~
5 10 ~~e. "Voting security" means a security to which any of the~~
~~5 11 following applies:~~
5 12 ~~(1) Confers upon the holder the right to vote for the~~
~~5 13 election of members of the board of directors or similar~~
~~5 14 governing body of the entity.~~
5 15 ~~(2) Is convertible into, or entitles the holder to receive~~
~~5 16 upon its exercise, a security that confers such a right to~~
~~5 17 vote.~~
5 18 ~~(3) Is a general partnership interest.~~
5 19 Sec. 10. Section 423.5, subsection 8, Code 2009, is amended
5 20 to read as follows:
5 21 8. Any person or that person's affiliate, which is a
5 22 retailer in this state or a retailer maintaining a place
5 23 of business in this state under this chapter, that enters
5 24 into a contract with an agency of this state must register,
5 25 collect, and remit Iowa use tax under this chapter on all sales
5 26 of tangible personal property and enumerated services. Every
5 27 bid submitted and each contract executed by a state agency
5 28 shall contain a certification by the bidder or contractor
5 29 stating that the bidder or contractor is registered with the
5 30 department and will collect and remit Iowa use tax due under
5 31 this chapter. In the certification, the bidder or contractor
5 32 shall also acknowledge that the state agency may declare the
5 33 contract or bid void if the certification is false. Fraudulent
5 34 certification, by act or omission, may result in the state
5 35 agency or its representative filing for damages for breach of



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6 1 contract.

6 2 For the purposes of this subsection, "affiliate", "state
~~6 3 agency", and "voting security" mean the same as defined in~~
~~6 4 section 423.2, subsection 10.~~

6 5 Sec. 11. Section 423.46, Code 2009, is amended to read as
6 6 follows:

6 7 423.46 Rate and base changes == liability for failure to
6 8 collect.

6 9 1. The department shall make a reasonable effort to provide
6 10 sellers with as much advance notice as practicable of a rate
6 11 change and to notify sellers of legislative changes in the tax
6 12 base and amendments to sales and use tax rules. ~~Failure of a~~
~~6 13 seller to receive notice or failure of this state to provide~~
~~6 14 notice or limit the effective date of a rate change shall not~~
~~6 15 relieve the seller of its obligation to collect sales or use~~
~~6 16 taxes for this state~~ Except as provided in subsection 2, a
6 17 seller shall not be relieved of the obligation to collect sales
6 18 or use taxes for this state by either a failure to receive such
6 19 notice or by a failure of the state to provide notice.

6 20 2. A seller will be relieved of liability for failing to
6 21 collect sales or use taxes for this state at the new rate under
6 22 all of the following conditions and to the following extent:

6 23 a. The department fails to provide for at least thirty
6 24 days between the enactment of the statute providing for a rate
6 25 change and the effective date of such rate change.

6 26 b. The seller continues to collect sales or use taxes at the
6 27 rate in effect immediately prior to the rate change.

6 28 c. The erroneous collection described in paragraph "b" does
6 29 not continue for more than thirty days after the effective date
6 30 of the rate change.

6 31 3. The relief from the obligation to collect sales or use
6 32 taxes described in subsection 2 shall not apply if a seller
6 33 knowingly or fraudulently fails to collect tax at the new rate
6 34 or if a seller has solicited purchasers on the basis of the
6 35 rate in effect immediately prior to the rate change.



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7 1 Sec. 12. Section 423.48, subsection 2, Code 2009, is amended
7 2 by adding the following new paragraph:

7 3 NEW PARAGRAPH. h. Upon the registration of a seller,
7 4 the department shall provide to the seller information
7 5 regarding the options available for the filing of returns and
7 6 remittances. Such information shall include information on
7 7 the requirements of filing simplified electronic returns and
7 8 remittances.

7 9 Sec. 13. Section 423.48, subsection 3, Code 2009, is amended
7 10 by adding the following new paragraph:

7 11 NEW PARAGRAPH. d. A model 2, model 3, or model 4 seller
7 12 making no sales sourced in the state in the preceding twelve
7 13 months may elect to be registered in the state as a seller that
7 14 anticipates making no sales sourced in the state. Making such
7 15 an election shall not relieve the seller of the obligation to
7 16 collect and remit sales or use taxes on sales sourced in the
7 17 state.

7 18 Sec. 14. Section 423.48, Code 2009, is amended by adding the
7 19 following new subsection:

7 20 NEW SUBSECTION. 4. The provisions of this section shall not
7 21 be construed to relieve a seller of the obligation to register
7 22 in the state if required to do so, and to collect and remit
7 23 sales or use taxes for at least thirty-six months and to meet
7 24 any other requirements necessary for amnesty in Iowa under the
7 25 terms of an agreement as provided in section 423.54.

7 26 Sec. 15. Section 423.49, Code 2009, is amended by striking
7 27 the section and inserting in lieu thereof the following:

7 28 423.49 Return requirements == electronic filing.

7 29 1. Except as provided in subsection 7, all sellers
7 30 registered under the agreement shall file a single return per
7 31 month for the state and all taxing jurisdictions within this
7 32 state.

7 33 2. The director shall by rule determine the date on which
7 34 returns shall be filed. The date shall not be earlier than the
7 35 twentieth day of the following month.



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8 1 3. The department shall provide to all registered and
8 2 unregistered sellers, except sellers of products qualifying for
8 3 exclusion from the provisions of section 308 of the agreement,
8 4 a simplified return that can be filed electronically.
8 5 a. The simplified return shall be provided in a form
8 6 approved by the governing board and shall not contain a field
8 7 unless that field has been approved by the governing board.
8 8 b. The simplified return shall contain two parts. The
8 9 first part shall contain information relating to remittances
8 10 and allocations. The second part shall contain information
8 11 relating to exempt sales.
8 12 c. The department shall notify the governing board if
8 13 the submission of the second part of the return is no longer
8 14 necessary.
8 15 d. The department shall not require a model 4 seller to
8 16 submit the second part of the simplified return but may provide
8 17 for another means of collecting the information contained in
8 18 the second part of the return as described in subsection 4,
8 19 paragraph "e".
8 20 4. a. A certified service provider shall file a simplified
8 21 return electronically on behalf of a model 1 seller and shall
8 22 file audit reports for the seller as provided for in article V
8 23 of the rules and procedures of the agreement.
8 24 b. A certified service provider shall file the first part of
8 25 the simplified return, as described in subsection 3, once per
8 26 month, as required pursuant to subsection 1.
8 27 c. A model 1 seller may file both the first and second parts
8 28 of the simplified return. Model 1 sellers filing both parts
8 29 shall also file audit reports as described in paragraph "a".
8 30 d. A model 4 seller may elect to file a simplified return.
8 31 Model 4 sellers electing to do so shall file the first part of
8 32 the return each month.
8 33 e. A model 4 seller required to register in the state may
8 34 submit the information collected in the second part of the
8 35 return in one of the following ways:



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9 1 (1) By filing monthly both the first and second parts
9 2 electronically on a simplified return as described in
9 3 subsection 3.
9 4 (2) By filing the second part together with the required
9 5 December filing of the first part. A seller filing the second
9 6 part of a return pursuant to this subparagraph shall include
9 7 information for all months of that calendar year and shall
9 8 report the information in an annual rather than a monthly
9 9 fashion.
9 10 (3) The department shall notify the governing board prior to
9 11 requiring the submission of the second part of the simplified
9 12 return pursuant to this paragraph "e".
9 13 5. The department shall adopt rules for the filing of
9 14 returns by a model 4 seller electing not to file a simplified
9 15 return pursuant to this section.
9 16 6. A seller which has previously elected to file a
9 17 simplified return shall provide at least three months' notice
9 18 of an intent to discontinue the filing of such returns.
9 19 7. a. A seller making the election under section 423.48,
9 20 subsection 3, paragraph "d", is exempt from the requirements of
9 21 this section and shall not be required to file a return.
9 22 b. The exemption allowed under paragraph "a" is only
9 23 applicable as long as a seller makes no taxable sales in this
9 24 state. If a seller makes a taxable sale in this state, the
9 25 seller shall file a return the month after such a sale is made.
9 26 8. A seller may file a return for more than one legal entity
9 27 at the same time only if such entities are affiliated.
9 28 9. The department shall adopt a standardized process for the
9 29 transmission and receipt of returns and related information.
9 30 The adoption of a procedure pursuant to this subsection is
9 31 subject to the approval of the governing board.
9 32 10. a. The department shall notify a seller registered
9 33 under the agreement that has no obligation to register in
9 34 this state of a failure to file a return required under this
9 35 section and allow the seller at least thirty days after such



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11 1 clarifies certain language relating to service and warranty
11 2 contracts.

11 3 The bill requires the department of revenue to make
11 4 reasonable efforts to notify sellers after sales tax rate
11 5 changes and provides a safe harbor under certain circumstances
11 6 to sellers who do not receive such notice.

11 7 The bill clarifies that the changes made in the bill do not
11 8 affect a seller's obligation to register in the state or to
11 9 meet certain requirements for amnesty under the agreement.

11 10 The bill allows certain sellers to register in the state as
11 11 sellers who do not anticipate making any sales here.

11 12 The bill provides for the electronic filing of simplified
11 13 returns and remittances, in accordance with the terms of the
11 14 agreement.

11 15 The bill eliminates the requirement in Code section 423.49
11 16 that a remote seller file a return in the following month if it
11 17 accumulates more than \$1,000 of state and local sales taxes in
11 18 the preceding month.

11 19 The bill directs the department to adopt a standardized
11 20 process for the remittance of sales tax payments.

11 21 The bill takes effect upon enactment.

LSB 6159HV (1) 83

tw/sc



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HOUSE FILE
BY COMMITTEE ON
APPROPRIATIONS

(SUCCESSOR TO hsb 733)

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 5088HV (1) 83

da/jp



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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 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 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. AGRICULTURAL 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 any other 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 5088HV (1) 83

da/jp



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House Study Bill 736

SENATE/HOUSE FILE

BY (PROPOSED COMMITTEE ON
APPROPRIATIONS BILL BY
JOINT APPROPRIATIONS
SUBCOMMITTEE ON HEALTH
AND HUMAN SERVICES)

A BILL FOR

1 An Act relating to and making appropriations for health and
2 human services and including other related provisions and
3 appropriations, and providing effective, retroactive, and
4 applicability date provisions.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5091JB (1) 83

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2 1 rules for case management services provided under the medical
2 2 assistance elderly waiver in consultation with the department
2 3 on aging.
2 4 b. The department of human services shall review
2 5 projections for state funding expenditures for reimbursement
2 6 of case management services under the medical assistance
2 7 elderly waiver on a quarterly basis and shall determine if an
2 8 adjustment to the medical assistance reimbursement rates are
2 9 necessary to provide reimbursement within the state funding
2 10 amounts budgeted under the appropriations made for the fiscal
2 11 year for the medical assistance program. Any temporary
2 12 enhanced federal financial participation that may become
2 13 available for the medical assistance program during the fiscal
2 14 year shall not be used in projecting the medical assistance
2 15 elderly waiver case management budget. The department of human
2 16 services shall revise such reimbursement rates as necessary to
2 17 maintain expenditures for medical assistance elderly waiver
2 18 case management services within the state funding amounts
2 19 budgeted under the appropriations made for the fiscal year for
2 20 the medical assistance program.

2 21 3. Of the funds appropriated in this section, \$129,961 shall
2 22 be transferred to the department of economic development for
2 23 the Iowa commission on volunteer services to be used for the
2 24 retired and senior volunteer program.

2 25

DIVISION II

2 26

DEPARTMENT OF PUBLIC HEALTH

2 27

2 28 Sec. 2. DEPARTMENT OF PUBLIC HEALTH. The allocations
2 29 made in this section may include amounts carried forward from
2 30 appropriations and allocations made for the same purposes in
2 31 the previous fiscal year. There is appropriated from the
2 32 general fund of the state to the department of public health
2 33 for the fiscal year beginning July 1, 2010, and ending June
2 34 30, 2011, the following amounts, or so much thereof as is
2 35 necessary, to be used for the purposes designated:

2 35

1. ADDICTIVE DISORDERS



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3 1 For reducing the prevalence of use of tobacco, alcohol, and
 3 2 other drugs, and treating individuals affected by addictive
 3 3 behaviors, including gambling, and for not more than the
 3 4 following full-time equivalent positions:
 3 5 \$ 28,974,840
 3 6 FTEs 17.50
 3 7 a. Of the funds appropriated in this subsection, \$7,595,782
 3 8 shall be used for the tobacco use prevention and control
 3 9 initiative, including efforts at the state and local levels, as
 3 10 provided in chapter 142A.
 3 11 (1) The director of public health shall dedicate sufficient
 3 12 resources to promote and ensure retailer compliance with
 3 13 tobacco laws and ordinances relating to persons under 18
 3 14 years of age, and shall prioritize the state's compliance in
 3 15 the allocation of available funds to comply with 42 U.S.C.
 3 16 { 300x=26 and section 453A.2.
 3 17 (2) Of the full-time equivalent positions authorized in
 3 18 this subsection, 2.00 full-time equivalent positions shall
 3 19 be utilized to provide for enforcement of tobacco laws,
 3 20 regulations, and ordinances under a chapter 28D agreement
 3 21 entered into between the Iowa department of public health and
 3 22 the alcoholic beverages division of the department of commerce.
 3 23 (3) Of the funds allocated in this lettered paragraph,
 3 24 \$1,796,508 shall be used for youth programs designed to
 3 25 achieve the goals of the initiative, that are directed by youth
 3 26 participants for youth pursuant to section 142A.9.
 3 27 b. Of the funds appropriated in this subsection,
 3 28 \$17,677,258 shall be used for substance abuse treatment and
 3 29 prevention.
 3 30 (1) Of the funds allocated in this lettered paragraph,
 3 31 \$943,813 shall be used for the public purpose of a grant
 3 32 program to provide substance abuse prevention programming for
 3 33 children.
 3 34 (a) Of the funds allocated in this subparagraph, \$449,445
 3 35 shall be utilized for the public purpose of providing grant



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4 1 funding for organizations that provide programming for children
4 2 by utilizing mentors. Programs approved for such grants
4 3 shall be certified or will be certified within six months of
4 4 receiving the grant award by the Iowa commission on volunteer
4 5 services as utilizing the standards for effective practice for
4 6 mentoring programs.

4 7 (b) Of the funds allocated in this subparagraph, \$449,445
4 8 shall be utilized for the public purpose of providing grant
4 9 funding for organizations that provide programming that
4 10 includes youth development and leadership. The programs shall
4 11 also be recognized as being programs that are scientifically
4 12 based with evidence of their effectiveness in reducing
4 13 substance abuse in children.

4 14 (c) The Iowa department of public health shall utilize a
4 15 request for proposals process to implement the grant program.

4 16 (d) All grant recipients shall participate in a program
4 17 evaluation as a requirement for receiving grant funds.

4 18 (e) Of the funds allocated for the grant program, \$44,923
4 19 shall be used to administer substance abuse prevention grants
4 20 and for program evaluations.

4 21 (2) It is the intent of the general assembly that from the
4 22 moneys allocated in this lettered paragraph persons with a dual
4 23 diagnosis of substance abuse and gambling addictions shall be
4 24 given priority in treatment services.

4 25 c. Of the funds appropriated in this subsection, \$300,320
4 26 shall be used for culturally competent substance abuse
4 27 treatment pilot projects.

4 28 (1) The department shall utilize the amount allocated
4 29 in this lettered paragraph for at least three pilot projects
4 30 to provide culturally competent substance abuse treatment in
4 31 various areas of the state. Each pilot project shall target
4 32 a particular ethnic minority population. The populations
4 33 targeted shall include but are not limited to African-American,
4 34 Asian, and Latino.

4 35 (2) The pilot project requirements shall provide for



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5 1 documentation or other means to ensure access to the cultural
5 2 competence approach used by a pilot project so that such
5 3 approach can be replicated and improved upon in successor
5 4 programs.
5 5 d. The amount of the appropriation made in this subsection
5 6 reflects savings to be realized by the department as a result
5 7 of merging the bureau of substance abuse prevention and
5 8 treatment and the division of tobacco use prevention and
5 9 control. The department shall complete the merger during the
5 10 fiscal year beginning July 1, 2010.
5 11 e. (1) Of the funds appropriated in this subsection,
5 12 \$3,716,530 shall be used for funding of gambling treatment,
5 13 including administrative costs and to provide programs
5 14 which may include but are not limited to outpatient and
5 15 follow-up treatment for persons affected by problem gambling,
5 16 rehabilitation and residential treatment programs, information
5 17 and referral services, education and preventive services, and
5 18 financial management services. Of the amount allocated in
5 19 this lettered paragraph, up to \$100,000 may be used for the
5 20 licensing of gambling treatment programs as provided in section
5 21 135.150.
5 22 (2) (a) Notwithstanding any provision to the contrary,
5 23 to standardize the availability, delivery, cost of
5 24 delivery, and accountability of gambling and substance abuse
5 25 treatment services statewide, the department shall continue
5 26 implementation of a process to create a system for delivery
5 27 of the treatment services in accordance with the requirements
5 28 specified in 2008 Iowa Acts, chapter 1187, section 3,
5 29 subsection 4. To ensure the system provides a continuum of
5 30 treatment services that best meets the needs of Iowans, the
5 31 gambling and substance abuse treatment services in an area may
5 32 be provided either by a single agency or by separate agencies
5 33 submitting a joint proposal.
5 34 (b) From the amounts designated for gambling and substance
5 35 abuse treatment, the department may use up to \$100,000 for



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6 1 administrative costs to continue developing and implementing
 6 2 the process in accordance with subparagraph division (a).
 6 3 (3) The requirement of section 123.53, subsection 3, is
 6 4 met by the appropriations and allocations made in this Act for
 6 5 purposes of substance abuse treatment and addictive disorders
 6 6 for the fiscal year beginning July 1, 2010.
 6 7 2. HEALTHY CHILDREN AND FAMILIES
 6 8 For promoting the optimum health status for children,
 6 9 adolescents from birth through 21 years of age, and families,
 6 10 and for not more than the following full-time equivalent
 6 11 positions:
 6 12 \$ 2,963,467
 6 13 FTEs 14.00
 6 14 a. Of the funds appropriated in this subsection, not more
 6 15 than \$738,203 shall be used for the healthy opportunities to
 6 16 experience success (HOPES)=healthy families Iowa (HFI) program
 6 17 established pursuant to section 135.106. The funding shall
 6 18 be distributed to renew the grants that were provided to the
 6 19 grantees that operated the program during the fiscal year
 6 20 ending June 30, 2010.
 6 21 b. Of the funds appropriated in this subsection, \$311,459
 6 22 shall be used to continue to address the healthy mental
 6 23 development of children from birth through five years of age
 6 24 through local evidence-based strategies that engage both the
 6 25 public and private sectors in promoting healthy development,
 6 26 prevention, and treatment for children.
 6 27 c. Of the funds appropriated in this subsection, \$31,597
 6 28 shall be distributed to a statewide dental carrier to provide
 6 29 funds to continue the donated dental services program patterned
 6 30 after the projects developed by the national foundation of
 6 31 dentistry for the handicapped to provide dental services to
 6 32 indigent elderly and disabled individuals.
 6 33 d. Of the funds appropriated in this subsection, \$129,279
 6 34 shall be used for childhood obesity prevention.
 6 35 e. Of the funds appropriated in this subsection, \$171,295



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7 1 shall be used to provide audiological services and hearing
 7 2 aids for children. The department may enter into a contract
 7 3 to administer this paragraph.
 7 4 f. It is the intent of the general assembly that the
 7 5 department of public health shall implement the recommendations
 7 6 of the postnatal tissue and fluid bank task force created in
 7 7 2007 Iowa Acts, chapter 147, based upon the report submitted
 7 8 to the general assembly in November 2007, as funding becomes
 7 9 available. The department shall notify the Iowa Code editor
 7 10 and the persons specified in this Act to receive reports when
 7 11 such funding becomes available.
 7 12 3. CHRONIC CONDITIONS
 7 13 For serving individuals identified as having chronic
 7 14 conditions or special health care needs, and for not more than
 7 15 the following full-time equivalent positions:
 7 16 \$ 3,434,908
 7 17 FTEs 4.50
 7 18 a. Of the funds appropriated in this subsection, \$160,582
 7 19 shall be used for grants to individual patients who have
 7 20 phenylketonuria (PKU) to assist with the costs of necessary
 7 21 special foods.
 7 22 b. Of the funds appropriated in this subsection, \$416,682
 7 23 is allocated for continuation of the contracts for resource
 7 24 facilitator services in accordance with section 135.22B,
 7 25 subsection 9, and for brain injury training services and
 7 26 recruiting of service providers to increase the capacity within
 7 27 this state to address the needs of individuals with brain
 7 28 injuries and such individuals' families.
 7 29 c. Of the funds appropriated in this subsection, \$235,085
 7 30 shall be used as additional funding to leverage federal funding
 7 31 through the federal Ryan White Care Act, Tit. II, AIDS drug
 7 32 assistance program supplemental drug treatment grants.
 7 33 d. Of the funds appropriated in this subsection, \$57,013
 7 34 shall be used for the public purpose of providing a grant to an
 7 35 existing national-affiliated organization to provide education,



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8 1 client-centered programs, and client and family support for
8 2 people living with epilepsy and their families.

8 3 e. Of the funds appropriated in this subsection, \$344,944
8 4 shall be used for child health specialty clinics.

8 5 f. Of the funds appropriated in this subsection, \$408,802
8 6 shall be used for the comprehensive cancer control program to
8 7 reduce the burden of cancer in Iowa through prevention, early
8 8 detection, effective treatment, and ensuring quality of life.
8 9 The department shall utilize one of the full-time equivalent
8 10 positions authorized in this subsection for administration of
8 11 the activities related to the comprehensive cancer control
8 12 program.

8 13 g. Of the funds appropriated in this subsection, \$145,550
8 14 shall be used for cervical and colon cancer screening.

8 15 4. COMMUNITY CAPACITY

8 16 For strengthening the health care delivery system at the
8 17 local level, and for not more than the following full-time
8 18 equivalent positions:

8 19	\$ 5,503,037
8 20	FTEs 21.00

8 21 a. Of the funds appropriated in this subsection, \$63,592
8 22 is allocated for a child vision screening program implemented
8 23 through the university of Iowa hospitals and clinics in
8 24 collaboration with community empowerment areas.

8 25 b. Of the funds appropriated in this subsection, \$129,741 is
8 26 allocated for continuation of an initiative implemented at the
8 27 university of Iowa and \$117,142 is allocated for continuation
8 28 of an initiative at the state mental health institute at
8 29 Cherokee to expand and improve the workforce engaged in
8 30 mental health treatment and services. The initiatives shall
8 31 receive input from the university of Iowa, the department
8 32 of human services, the department of public health, and the
8 33 mental health, mental retardation, developmental disabilities,
8 34 and brain injury commission to address the focus of the
8 35 initiatives.



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9 1 c. Of the funds appropriated in this subsection, \$1,264,812
9 2 shall be used for essential public health services that promote
9 3 healthy aging throughout the lifespan, contracted through a
9 4 formula for local boards of health, to enhance health promotion
9 5 and disease prevention services.

9 6 d. Of the funds appropriated in this section, \$130,214 shall
9 7 be deposited in the governmental public health system fund
9 8 created in section 135A.8 to be used for the purposes of the
9 9 fund.

9 10 e. Of the funds appropriated in this subsection, \$143,150
9 11 shall be used for the mental health professional shortage area
9 12 program implemented pursuant to section 135.80.

9 13 f. Of the funds appropriated in this subsection,
9 14 \$40,900 shall be used for a grant to a statewide association
9 15 of psychologists that is affiliated with the American
9 16 psychological association to be used for continuation of a
9 17 program to rotate intern psychologists in placements in urban
9 18 and rural mental health professional shortage areas, as defined
9 19 in section 135.80.

9 20 g. Of the funds appropriated in this subsection, the
9 21 following amounts shall be allocated to the Iowa collaborative
9 22 safety net provider network established pursuant to section
9 23 135.153 to be used for the purposes designated:

9 24 (1) For distribution to the Iowa=Nebraska primary
9 25 care association for statewide coordination of the Iowa
9 26 collaborative safety net provider network:
9 27 \$ 73,620

9 28 (2) For distribution to the Iowa family planning network
9 29 agencies for necessary infrastructure, statewide coordination,
9 30 provider recruitment, service delivery, and provision of
9 31 assistance to patients in determining an appropriate medical
9 32 home:
9 33 \$ 74,517

9 34 (3) For distribution to the local boards of health that
9 35 provide direct services for pilot programs in three counties to



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10 1 assist patients in determining an appropriate medical home:
10 2 \$ 74,517
10 3 (4) For distribution to maternal and child health centers
10 4 for pilot programs in three counties to assist patients in
10 5 determining an appropriate medical home:
10 6 \$ 74,517
10 7 (5) For distribution to free clinics for necessary
10 8 infrastructure, statewide coordination, provider recruitment,
10 9 service delivery, and provision of assistance to patients in
10 10 determining an appropriate medical home:
10 11 \$ 184,050
10 12 (6) For distribution to rural health clinics for necessary
10 13 infrastructure, statewide coordination, provider recruitment,
10 14 service delivery, and provision of assistance to patients in
10 15 determining an appropriate medical home:
10 16 \$ 110,430
10 17 (7) For continuation of the safety net provider patient
10 18 access to specialty health care initiative as described in 2007
10 19 Iowa Acts, chapter 218, section 109:
10 20 \$ 294,480
10 21 (8) For continuation of the pharmaceutical infrastructure
10 22 for safety net providers as described in 2007 Iowa Acts,
10 23 chapter 218, section 108:
10 24 \$ 294,480
10 25 The Iowa collaborative safety net provider network may
10 26 continue to distribute funds allocated pursuant to this
10 27 lettered paragraph through existing contracts or renewal of
10 28 existing contracts.
10 29 h. (1) Of the funds appropriated in this subsection,
10 30 \$180,000 shall be used for continued implementation of
10 31 the recommendations of the direct care worker task force
10 32 established pursuant to 2005 Iowa Acts, chapter 88, based upon
10 33 the report submitted to the governor and the general assembly
10 34 in December 2006. The department may use a portion of the
10 35 funds allocated in this paragraph for an additional position



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11 1 to assist in the continued implementation. The focus of the
11 2 implementation shall be researching and establishing a system
11 3 to collect and maintain accurate data on the direct care
11 4 workforce; beginning the groundwork to establish a board of
11 5 direct care workers within the department of public health by
11 6 July 1, 2014; and other recommendations of the task force that
11 7 result in the development of a state infrastructure to provide
11 8 stability to the direct care workforce.

11 9 (2) The department of public health shall report to the
11 10 persons designated in this Act for submission of reports
11 11 regarding use of the funds allocated in this lettered
11 12 paragraph, on or before January 15, 2011.

11 13 i. (1) Of the funds appropriated in this subsection,
11 14 \$135,000 shall be used for allocation to an independent
11 15 statewide direct care worker association for education,
11 16 outreach, leadership development, mentoring, and other
11 17 initiatives intended to enhance the recruitment and retention
11 18 of direct care workers in health and long-term care.

11 19 (2) Of the funds appropriated in this subsection, \$63,000
11 20 shall be used to provide conference scholarships to direct care
11 21 workers.

11 22 (3) The association specified in this lettered paragraph
11 23 shall report to the persons designated in this Act for
11 24 submission of reports on or before January 1, 2011, the use of
11 25 the funds allocated in this lettered paragraph, any progress
11 26 made regarding the initiatives specified and in expanding the
11 27 association statewide, and the number of scholarships provided,
11 28 and shall include in the report a copy of the association's
11 29 internal revenue service form 990.

11 30 j. The department may utilize one of the full-time
11 31 equivalent positions authorized in this subsection for
11 32 administration of the activities related to the Iowa
11 33 collaborative safety net provider network.

11 34 k. The department may utilize one of the full-time
11 35 equivalent positions authorized in this subsection for



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12 1 administration of the volunteer health care provider program
 12 2 pursuant to section 135.24.
 12 3 5. HEALTHY AGING
 12 4 To provide public health services that reduce risks and
 12 5 invest in promoting and protecting good health over the
 12 6 course of a lifetime with a priority given to older Iowans and
 12 7 vulnerable populations:
 12 8 \$ 8,045,779
 12 9 a. Of the funds appropriated in this subsection, \$2,209,696
 12 10 shall be used for local public health nursing services.
 12 11 b. Of the funds appropriated in this subsection, \$5,836,083
 12 12 shall be used for home care aide services.
 12 13 6. ENVIRONMENTAL HAZARDS
 12 14 For reducing the public's exposure to hazards in the
 12 15 environment, primarily chemical hazards, and for not more than
 12 16 the following full-time equivalent positions:
 12 17 \$ 900,352
 12 18 FTEs 4.50
 12 19 a. Of the funds appropriated in this subsection, \$536,033
 12 20 shall be used for childhood lead poisoning provisions.
 12 21 b. Of the funds appropriated in this subsection, not more
 12 22 than \$253,135 shall be used for the development of scientific
 12 23 and medical expertise in environmental epidemiology.
 12 24 7. INFECTIOUS DISEASES
 12 25 For reducing the incidence and prevalence of communicable
 12 26 diseases, and for not more than the following full-time
 12 27 equivalent positions:
 12 28 \$ 1,475,095
 12 29 FTEs 5.00
 12 30 8. PUBLIC PROTECTION
 12 31 For protecting the health and safety of the public through
 12 32 establishing standards and enforcing regulations, and for not
 12 33 more than the following full-time equivalent positions:
 12 34 \$ 3,212,987
 12 35 FTEs 130.20



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13 1 a. Of the funds appropriated in this subsection, not more
13 2 than \$471,690 shall be credited to the emergency medical
13 3 services fund created in section 135.25. Moneys in the
13 4 emergency medical services fund are appropriated to the
13 5 department to be used for the purposes of the fund.

13 6 b. Of the funds appropriated in this subsection, \$209,229
13 7 shall be used for sexual violence prevention programming
13 8 through a statewide organization representing programs serving
13 9 victims of sexual violence through the department's sexual
13 10 violence prevention program. The amount allocated in this
13 11 lettered paragraph shall not be used to supplant funding
13 12 administered for other sexual violence prevention or victims
13 13 assistance programs.

13 14 c. Of the funds appropriated in this subsection, not more
13 15 than \$485,520 shall be used for the state poison control
13 16 center.

13 17 9. RESOURCE MANAGEMENT

13 18 For establishing and sustaining the overall ability of the
13 19 department to deliver services to the public, and for not more
13 20 than the following full-time equivalent positions:

13 21	\$	956,265
13 22	FTEs	10.00

13 23 The university of Iowa hospitals and clinics under the
13 24 control of the state board of regents shall not receive
13 25 indirect costs from the funds appropriated in this section.
13 26 The university of Iowa hospitals and clinics billings to the
13 27 department shall be on at least a quarterly basis.

13 28 DIVISION III
13 29 DEPARTMENT OF VETERANS AFFAIRS

13 30 Sec. 3. DEPARTMENT OF VETERANS AFFAIRS. There is
13 31 appropriated from the general fund of the state to the
13 32 department of veterans affairs for the fiscal year beginning
13 33 July 1, 2010, and ending June 30, 2011, the following amounts,
13 34 or so much thereof as is necessary, to be used for the purposes
13 35 designated:



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14 1 1. DEPARTMENT OF VETERANS AFFAIRS ADMINISTRATION
 14 2 For salaries, support, maintenance, and miscellaneous
 14 3 purposes, including the war orphans educational assistance fund
 14 4 created in section 35.8, and for not more than the following
 14 5 full-time equivalent positions:
 14 6 \$ 960,453
 14 7 FTEs 15.20
 14 8 2. IOWA VETERANS HOME
 14 9 For salaries, support, maintenance, and miscellaneous
 14 10 purposes:
 14 11 \$ 9,630,846
 14 12 a. The Iowa veterans home billings involving the department
 14 13 of human services shall be submitted to the department on at
 14 14 least a monthly basis.
 14 15 b. If there is a change in the employer of employees
 14 16 providing services at the Iowa veterans home under a collective
 14 17 bargaining agreement, such employees and the agreement shall
 14 18 be continued by the successor employer as though there had not
 14 19 been a change in employer.
 14 20 3. STATE EDUCATIONAL ASSISTANCE == CHILDREN OF DECEASED
 14 21 VETERANS
 14 22 For provision of educational assistance pursuant to section
 14 23 35.9:
 14 24 \$ 12,731
 14 25 Sec. 4. LIMITATION OF COUNTY COMMISSION OF VETERANS AFFAIRS
 14 26 FUND STANDING APPROPRIATIONS. Notwithstanding the standing
 14 27 appropriation in the following designated section for the
 14 28 fiscal year beginning July 1, 2010, and ending June 30, 2011,
 14 29 the amounts appropriated from the general fund of the state
 14 30 pursuant to that section for the following designated purposes
 14 31 shall not exceed the following amount:
 14 32 For the county commissions of veterans affairs fund under
 14 33 section 35A.16:
 14 34 \$ 900,000
 14 35 Sec. 5. MERCHANT MARINE BONUS FUND == COUNTY GRANTS. There



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15 1 is appropriated from the merchant marine bonus fund created in
 15 2 section 35A.8 to the department of veterans affairs for the
 15 3 fiscal year beginning July 1, 2010, and ending June 30, 2011,
 15 4 the following amount, or so much thereof as is necessary, to be
 15 5 used for the purposes designated:

15 6 For the county commissions of veterans affairs fund under
 15 7 section 35A.16:
 15 8 \$ 90,000

15 9 DIVISION IV
 15 10 DEPARTMENT OF HUMAN SERVICES

15 11 Sec. 6. TEMPORARY ASSISTANCE FOR NEEDY FAMILIES BLOCK
 15 12 GRANT. There is appropriated from the fund created in section
 15 13 8.41 to the department of human services for the fiscal year
 15 14 beginning July 1, 2010, and ending June 30, 2011, from moneys
 15 15 received under the federal temporary assistance for needy
 15 16 families (TANF) block grant pursuant to the federal Personal
 15 17 Responsibility and Work Opportunity Reconciliation Act of 1996,
 15 18 Pub. L. No. 104=193, and successor legislation, and from moneys
 15 19 received under the emergency contingency fund for temporary
 15 20 assistance for needy families state program established
 15 21 pursuant to the federal American Recovery and Reinvestment
 15 22 Act of 2009, Pub. L. No. 111=5 { 2101, which are federally
 15 23 appropriated for the federal fiscal years beginning October 1,
 15 24 2009, and ending September 30, 2010, and beginning October 1,
 15 25 2010, and ending September 30, 2011, the following amounts, or
 15 26 so much thereof as is necessary, to be used for the purposes
 15 27 designated:

15 28 1. To be credited to the family investment program account
 15 29 and used for assistance under the family investment program
 15 30 under chapter 239B:
 15 31 \$ 36,733,711

15 32 2. To be credited to the family investment program account
 15 33 and used for the job opportunities and basic skills (JOBS)
 15 34 program and implementing family investment agreements in
 15 35 accordance with chapter 239B:



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16 1 \$ 12,411,528
 16 2 Notwithstanding section 8.33, not more than 5 percent of
 16 3 the moneys designated in this subsection that are allocated
 16 4 by the department for contracted services, other than
 16 5 family self=sufficiency grant services allocated under this
 16 6 subsection, that remain unencumbered or unobligated at the
 16 7 close of the fiscal year shall not revert but shall remain
 16 8 available for expenditure for the purposes designated until
 16 9 the close of the succeeding fiscal year. However, unless such
 16 10 moneys are encumbered or obligated on or before September 30,
 16 11 2011, the moneys shall revert.
 16 12 3. To be used for the family development and
 16 13 self=sufficiency grant program in accordance with section
 16 14 216A.107:
 16 15 \$ 2,898,980
 16 16 Notwithstanding section 8.33, moneys appropriated in this
 16 17 subsection that remain unencumbered or unobligated at the close
 16 18 of the fiscal year shall not revert but shall remain available
 16 19 for expenditure for the purposes designated until the close of
 16 20 the succeeding fiscal year. However, unless such moneys are
 16 21 encumbered or obligated on or before September 30, 2011, the
 16 22 moneys shall revert.
 16 23 4. For field operations:
 16 24 \$ 23,760,474
 16 25 5. For general administration:
 16 26 \$ 3,744,000
 16 27 6. For state child care assistance:
 16 28 \$ 12,382,687
 16 29 a. Of the funds appropriated in this subsection,
 16 30 \$12,382,687 shall be transferred to the child care and
 16 31 development block grant appropriation made by the Eighty=third
 16 32 General Assembly, 2010 Session, for the federal fiscal
 16 33 year beginning October 1, 2010, and ending September 30,
 16 34 2011. Of this amount, \$200,000 shall be used for provision
 16 35 of educational opportunities to registered child care home



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17 1 providers in order to improve services and programs offered
 17 2 by this category of providers and to increase the number of
 17 3 providers. The department may contract with institutions
 17 4 of higher education or child care resource and referral
 17 5 centers to provide the educational opportunities. Allowable
 17 6 administrative costs under the contracts shall not exceed 5
 17 7 percent. The application for a grant shall not exceed two
 17 8 pages in length.

17 9 b. Any funds appropriated in this subsection remaining
 17 10 unallocated shall be used for state child care assistance
 17 11 payments for individuals enrolled in the family investment
 17 12 program who are employed.

17 13 7. For mental health and developmental disabilities
 17 14 community services:

17 15 \$ 4,894,052

17 16 8. For child and family services:

17 17 \$ 32,084,430

17 18 9. For child abuse prevention grants:

17 19 \$ 125,000

17 20 10. For pregnancy prevention grants on the condition that
 17 21 family planning services are funded:

17 22 \$ 1,327,878

17 23 Pregnancy prevention grants shall be awarded to programs
 17 24 in existence on or before July 1, 2010, if the programs are
 17 25 comprehensive in scope and have demonstrated positive outcomes.
 17 26 Grants shall be awarded to pregnancy prevention programs
 17 27 which are developed after July 1, 2010, if the programs are
 17 28 comprehensive in scope and are based on existing models that
 17 29 have demonstrated positive outcomes. Grants shall comply with
 17 30 the requirements provided in 1997 Iowa Acts, chapter 208,
 17 31 section 14, subsections 1 and 2, including the requirement that
 17 32 grant programs must emphasize sexual abstinence. Priority in
 17 33 the awarding of grants shall be given to programs that serve
 17 34 areas of the state which demonstrate the highest percentage of
 17 35 unplanned pregnancies of females of childbearing age within the



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18 1 geographic area to be served by the grant.
 18 2 11. For technology needs and other resources necessary
 18 3 to meet federal welfare reform reporting, tracking, and case
 18 4 management requirements:
 18 5 \$ 1,037,186
 18 6 12. To be credited to the state child care assistance
 18 7 appropriation made in this section to be used for funding of
 18 8 community-based early childhood programs targeted to children
 18 9 from birth through five years of age developed by community
 18 10 empowerment areas as provided in section 28.9:
 18 11 \$ 6,350,000
 18 12 The department shall transfer TANF block grant funding
 18 13 appropriated and allocated in this subsection to the child care
 18 14 and development block grant appropriation in accordance with
 18 15 federal law as necessary to comply with the provisions of this
 18 16 subsection.
 18 17 13. Notwithstanding any provision to the contrary,
 18 18 including but not limited to requirements in section 8.41 or
 18 19 provisions in 2009 or 2010 Iowa Acts regarding the receipt
 18 20 and appropriation of federal block grants, federal funds
 18 21 from the emergency contingency fund for temporary assistance
 18 22 for needy families state program established pursuant to the
 18 23 federal American Recovery and Reinvestment Act of 2009, Pub.
 18 24 L. No. 111=5 { 2101, received by the state during the fiscal
 18 25 year beginning July 1, 2009, and ending June 30, 2010, not
 18 26 otherwise appropriated in this section and remaining available
 18 27 as of July 1, 2010, and received by the state during the fiscal
 18 28 year beginning July 1, 2010, and ending June 30, 2011, are
 18 29 appropriated to the extent as may be necessary to fully fund
 18 30 the family investment program during the fiscal year beginning
 18 31 July 1, 2010, and ending June 30, 2011.
 18 32 a. The federal funds appropriated in this subsection
 18 33 shall be expended only after all other funds appropriated in
 18 34 subsection 1 for assistance under the family investment program
 18 35 under chapter 239B have been expended.



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19 1 b. The department shall, on a quarterly basis, advise the
19 2 legislative services agency and department of management of
19 3 the amount of funds appropriated in this subsection that was
19 4 expended in the prior quarter.

19 5 14. Of the amounts appropriated in this section,
19 6 \$12,962,008 for the fiscal year beginning July 1, 2010, shall
19 7 be transferred to the appropriation of the federal social
19 8 services block grant made for that fiscal year.

19 9 15. The department may transfer funds allocated in this
19 10 section to the appropriations made in this Act for general
19 11 administration and field operations for resources necessary to
19 12 implement and operate the services referred to in this section
19 13 and those funded in the appropriation made in this division of
19 14 this Act for the family investment program from the general
19 15 fund of the state.

19 16 Sec. 7. FAMILY INVESTMENT PROGRAM ACCOUNT.

19 17 1. Moneys credited to the family investment program (FIP)
19 18 account for the fiscal year beginning July 1, 2010, and
19 19 ending June 30, 2011, shall be used to provide assistance in
19 20 accordance with chapter 239B.

19 21 2. The department may use a portion of the moneys credited
19 22 to the FIP account under this section as necessary for
19 23 salaries, support, maintenance, and miscellaneous purposes.

19 24 3. The department may transfer funds allocated in
19 25 this section to the appropriations in this Act for general
19 26 administration and field operations for resources necessary to
19 27 implement and operate the services referred to in this section
19 28 and those funded in the appropriation made in this division of
19 29 this Act for the family investment program from the general
19 30 fund of the state.

19 31 4. Moneys appropriated in this division of this Act and
19 32 credited to the FIP account for the fiscal year beginning July
19 33 1, 2010, and ending June 30, 2011, are allocated as follows:

19 34 a. To be retained by the department of human services to
19 35 be used for coordinating with the department of human rights



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20 1 to more effectively serve participants in the FIP program and
20 2 other shared clients and to meet federal reporting requirements
20 3 under the federal temporary assistance for needy families block
20 4 grant:

20 5 \$ 20,000

20 6 b. To the department of human rights for staffing,
20 7 administration, and implementation of the family development
20 8 and self-sufficiency grant program in accordance with section
20 9 216A.107:

20 10 \$ 5,397,251

20 11 (1) Of the funds allocated for the family development and
20 12 self-sufficiency grant program in this lettered paragraph,
20 13 not more than 5 percent of the funds shall be used for the
20 14 administration of the grant program.

20 15 (2) The department of human rights may continue to implement
20 16 the family development and self-sufficiency grant program
20 17 statewide during fiscal year 2010=2011.

20 18 c. For the diversion subaccount of the FIP account:

20 19 \$ 1,634,400

20 20 A portion of the moneys allocated for the subaccount may
20 21 be used for field operations salaries, data management system
20 22 development, and implementation costs and support deemed
20 23 necessary by the director of human services in order to
20 24 administer the FIP diversion program.

20 25 d. For the food stamp employment and training program:

20 26 \$ 68,059

20 27 (1) The department shall amend the food stamp employment and
20 28 training state plan in order to maximize to the fullest extent
20 29 permitted by federal law the use of the 50=50 match provisions
20 30 for the claiming of allowable federal matching funds from the
20 31 United States department of agriculture pursuant to the federal
20 32 food stamp employment and training program for providing
20 33 education, employment, and training services for eligible food
20 34 assistance program participants, including but not limited to
20 35 related dependent care and transportation expenses.



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21 1 (2) The department shall implement measures to expand usage
21 2 of the federal food assistance programs administered by the
21 3 department and to appropriately determine eligibility for the
21 4 programs by raising the income limit to the extent allowed
21 5 under federal requirements and eliminating the asset test. The
21 6 eligibility determination measures shall include but are not
21 7 limited to checking applications to identify persons convicted
21 8 of crimes who are incarcerated in correctional facilities and
21 9 jails or are otherwise ineligible for food assistance programs
21 10 under federal requirements for having committed a crime.

21 11 e. For the JOBS program:
21 12 \$ 20,652,993

21 13 5. Of the child support collections assigned under FIP,
21 14 an amount equal to the federal share of support collections
21 15 shall be credited to the child support recovery appropriation
21 16 made in this division of this Act. Of the remainder of the
21 17 assigned child support collections received by the child
21 18 support recovery unit, a portion shall be credited to the FIP
21 19 account, a portion may be used to increase recoveries, and a
21 20 portion may be used to sustain cash flow in the child support
21 21 payments account. If as a consequence of the appropriations
21 22 and allocations made in this section the resulting amounts
21 23 are insufficient to sustain cash assistance payments and meet
21 24 federal maintenance of effort requirements, the department
21 25 shall seek supplemental funding. If child support collections
21 26 assigned under FIP are greater than estimated or are otherwise
21 27 determined not to be required for maintenance of effort, the
21 28 state share of either amount may be transferred to or retained
21 29 in the child support payment account.

21 30 6. The department may adopt emergency rules for the family
21 31 investment, JOBS, food stamp, and medical assistance programs
21 32 if necessary to comply with federal requirements.

21 33 Sec. 8. FAMILY INVESTMENT PROGRAM GENERAL FUND. There
21 34 is appropriated from the general fund of the state to the
21 35 department of human services for the fiscal year beginning July



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22 1 1, 2010, and ending June 30, 2011, the following amount, or
22 2 so much thereof as is necessary, to be used for the purpose
22 3 designated:
22 4 To be credited to the family investment program (FIP)
22 5 account and used for family investment program assistance under
22 6 chapter 239B:
22 7 \$ 31,735,539
22 8 1. Of the funds appropriated in this section, \$8,241,465 is
22 9 allocated for the JOBS program.
22 10 2. Of the funds appropriated in this section, \$2,518,271 is
22 11 allocated for the family development and self-sufficiency grant
22 12 program.
22 13 3. Notwithstanding section 8.39, for the fiscal year
22 14 beginning July 1, 2010, if necessary to meet federal
22 15 maintenance of effort requirements or to transfer federal
22 16 temporary assistance for needy families block grant funding
22 17 to be used for purposes of the federal social services block
22 18 grant or to meet cash flow needs resulting from delays in
22 19 receiving federal funding or to implement, in accordance with
22 20 this division of this Act, activities currently funded with
22 21 juvenile court services, county, or community moneys and state
22 22 moneys used in combination with such moneys, the department
22 23 of human services may transfer funds within or between any
22 24 of the appropriations made in this division of this Act and
22 25 appropriations in law for the federal social services block
22 26 grant to the department for the following purposes, provided
22 27 that the combined amount of state and federal temporary
22 28 assistance for needy families block grant funding for each
22 29 appropriation remains the same before and after the transfer:
22 30 a. For the family investment program.
22 31 b. For child care assistance.
22 32 c. For child and family services.
22 33 d. For field operations.
22 34 e. For general administration.
22 35 f. MH/MR/DD/BI community services (local purchase).



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23 1 This subsection shall not be construed to prohibit the use
 23 2 of existing state transfer authority for other purposes. The
 23 3 department shall report any transfers made pursuant to this
 23 4 subsection to the legislative services agency.

23 5 Sec. 9. CHILD SUPPORT RECOVERY. There is appropriated
 23 6 from the general fund of the state to the department of human
 23 7 services for the fiscal year beginning July 1, 2010, and ending
 23 8 June 30, 2011, the following amount, or so much thereof as is
 23 9 necessary, to be used for the purposes designated:

23 10 For child support recovery, including salaries, support,
 23 11 maintenance, and miscellaneous purposes, and for not more than
 23 12 the following full-time equivalent positions:

23 13	\$ 11,827,414
23 14	FTEs 520.00

23 15 1. The department shall expend up to \$24,329, including
 23 16 federal financial participation, for the fiscal year beginning
 23 17 July 1, 2010, for a child support public awareness campaign.
 23 18 The department and the office of the attorney general shall
 23 19 cooperate in continuation of the campaign. The public
 23 20 awareness campaign shall emphasize, through a variety of
 23 21 media activities, the importance of maximum involvement of
 23 22 both parents in the lives of their children as well as the
 23 23 importance of payment of child support obligations.

23 24 2. Federal access and visitation grant moneys shall be
 23 25 issued directly to private not-for-profit agencies that provide
 23 26 services designed to increase compliance with the child access
 23 27 provisions of court orders, including but not limited to
 23 28 neutral visitation sites and mediation services.

23 29 3. The appropriation made to the department for child
 23 30 support recovery may be used throughout the fiscal year in the
 23 31 manner necessary for purposes of cash flow management, and for
 23 32 cash flow management purposes the department may temporarily
 23 33 draw more than the amount appropriated, provided the amount
 23 34 appropriated is not exceeded at the close of the fiscal year.

23 35 4. With the exception of the funding amount specified,



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24 1 the requirements established under 2001 Iowa Acts, chapter
24 2 191, section 3, subsection 5, paragraph "c", subparagraph (3),
24 3 shall be applicable to parental obligation pilot projects for
24 4 the fiscal year beginning July 1, 2010, and ending June 30,
24 5 2011. Notwithstanding 441 IAC 100.8, as in effect on June 30,
24 6 2009, providing for termination of rules relating to the pilot
24 7 projects the earlier of October 1, 2006, or when legislative
24 8 authority is discontinued, the rules relating to the pilot
24 9 projects, as in effect on June 30, 2009, shall remain in effect
24 10 until June 30, 2011.

24 11 Sec. 10. HEALTH CARE TRUST FUND == MEDICAL ASSISTANCE. In
24 12 addition to any other appropriation made in this Act for
24 13 the purposes of the medical assistance program, there is
24 14 appropriated from the health care trust fund created in section
24 15 453A.35A to the department of human services for the fiscal
24 16 year beginning July 1, 2010, and ending June 30, 2011, the
24 17 following amount, or so much thereof as is necessary, for the
24 18 purpose designated:

24 19 For medical assistance reimbursement and associated costs:
24 20 \$106,916,532

24 21 Sec. 11. MEDICAL ASSISTANCE. There is appropriated from the
24 22 general fund of the state to the department of human services
24 23 for the fiscal year beginning July 1, 2010, and ending June 30,
24 24 2011, the following amount, or so much thereof as is necessary,
24 25 to be used for the purpose designated:

24 26 For medical assistance reimbursement and associated costs
24 27 as specifically provided in the reimbursement methodologies
24 28 in effect on June 30, 2010, except as otherwise expressly
24 29 authorized by law, including reimbursement for abortion
24 30 services which shall be available under the medical assistance
24 31 program only for those abortions which are medically necessary:
24 32 \$421,959,417

24 33 1. Medically necessary abortions are those performed under
24 34 any of the following conditions:
24 35 a. The attending physician certifies that continuing the



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25 1 pregnancy would endanger the life of the pregnant woman.
25 2 b. The attending physician certifies that the fetus is
25 3 physically deformed, mentally deficient, or afflicted with a
25 4 congenital illness.
25 5 c. The pregnancy is the result of a rape which is reported
25 6 within 45 days of the incident to a law enforcement agency or
25 7 public or private health agency which may include a family
25 8 physician.
25 9 d. The pregnancy is the result of incest which is reported
25 10 within 150 days of the incident to a law enforcement agency
25 11 or public or private health agency which may include a family
25 12 physician.
25 13 e. Any spontaneous abortion, commonly known as a
25 14 miscarriage, if not all of the products of conception are
25 15 expelled.
25 16 2. The department shall utilize not more than \$60,000 of
25 17 the funds appropriated in this section to continue the AIDS/HIV
25 18 health insurance premium payment program as established in 1992
25 19 Iowa Acts, Second Extraordinary Session, chapter 1001, section
25 20 409, subsection 6. Of the funds allocated in this subsection,
25 21 not more than \$5,000 may be expended for administrative
25 22 purposes.
25 23 3. Of the funds appropriated in this Act to the department
25 24 of public health for addictive disorders, \$950,000 for the
25 25 fiscal year beginning July 1, 2010, shall be transferred to
25 26 the department of human services for an integrated substance
25 27 abuse managed care system. The department shall not assume
25 28 management of the substance abuse system in place of the
25 29 managed care contractor unless such a change in approach is
25 30 specifically authorized in law. The departments of human
25 31 services and public health shall work together to maintain
25 32 the level of mental health and substance abuse services
25 33 provided by the managed care contractor through the Iowa plan
25 34 for behavioral health. Each department shall take the steps
25 35 necessary to continue the federal waivers as necessary to



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26 1 maintain the level of services.
26 2 4. a. The department shall aggressively pursue options for
26 3 providing medical assistance or other assistance to individuals
26 4 with special needs who become ineligible to continue receiving
26 5 services under the early and periodic screening, diagnosis, and
26 6 treatment program under the medical assistance program due to
26 7 becoming 21 years of age who have been approved for additional
26 8 assistance through the department's exception to policy
26 9 provisions, but who have health care needs in excess of the
26 10 funding available through the exception to policy provisions.
26 11 b. Of the funds appropriated in this section, \$100,000
26 12 shall be used for participation in one or more pilot projects
26 13 operated by a private provider to allow the individual or
26 14 individuals to receive service in the community in accordance
26 15 with principles established in *Olmstead v. L.C.*, 527 U.S. 581
26 16 (1999), for the purpose of providing medical assistance or
26 17 other assistance to individuals with special needs who become
26 18 ineligible to continue receiving services under the early and
26 19 periodic screening, diagnosis, and treatment program under
26 20 the medical assistance program due to becoming 21 years of
26 21 age who have been approved for additional assistance through
26 22 the department's exception to policy provisions, but who have
26 23 health care needs in excess of the funding available through
26 24 the exception to the policy provisions.
26 25 5. Of the funds appropriated in this section, up to
26 26 \$3,050,082 may be transferred to the field operations
26 27 or general administration appropriations in this Act for
26 28 operational costs associated with Part D of the federal
26 29 Medicare Prescription Drug Improvement and Modernization Act
26 30 of 2003, Pub. L. No. 108=173.
26 31 6. Of the funds appropriated in this section, not more
26 32 than \$166,600 shall be used to enhance outreach efforts. The
26 33 department may transfer funds allocated in this subsection to
26 34 the appropriations in this division of this Act for general
26 35 administration, the children's health insurance program, or



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27 1 medical contracts, as necessary, to implement the outreach
27 2 efforts.
27 3 7. Of the funds appropriated in this section, up to \$442,100
27 4 may be transferred to the appropriation in this Act for medical
27 5 contracts to be used for clinical assessment services related
27 6 to remedial services in accordance with federal law.
27 7 8. A portion of the funds appropriated in this section
27 8 may be transferred to the appropriations in this division of
27 9 this Act for general administration, medical contracts, the
27 10 children's health insurance program, or field operations to be
27 11 used for the state match cost to comply with the payment error
27 12 rate measurement (PERM) program for both the medical assistance
27 13 and children's health insurance programs as developed by the
27 14 centers for Medicare and Medicaid services of the United States
27 15 department of health and human services to comply with the
27 16 federal Improper Payments Information Act of 2002, Pub. L. No.
27 17 107=300.
27 18 9. It is the intent of the general assembly that the
27 19 department continue to implement the recommendations of
27 20 the assuring better child health and development initiative
27 21 II (ABCDII) clinical panel to the Iowa early and periodic
27 22 screening, diagnostic, and treatment services healthy mental
27 23 development collaborative board regarding changes to billing
27 24 procedures, codes, and eligible service providers.
27 25 10. Of the funds appropriated in this section, a sufficient
27 26 amount is allocated to supplement the incomes of residents of
27 27 nursing facilities, intermediate care facilities for persons
27 28 with mental illness, and intermediate care facilities for
27 29 persons with mental retardation, with incomes of less than \$50
27 30 in the amount necessary for the residents to receive a personal
27 31 needs allowance of \$50 per month pursuant to section 249A.30A.
27 32 11. Of the funds appropriated in this section, the following
27 33 amounts shall be transferred to the appropriations made in this
27 34 division of this Act for the state mental health institutes:
27 35 a. Cherokee mental health institute \$ 9,098,425



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28 1 b. Clarinda mental health institute \$ 1,977,305
28 2 c. Independence mental health institute \$ 9,045,894
28 3 d. Mount Pleasant mental health institute \$ 5,752,587
28 4 12. a. Of the funds appropriated in this section,
28 5 \$7,108,069 is allocated for state match for disproportionate
28 6 share hospital payment of \$19,133,430 to hospitals that meet
28 7 both of the following conditions:
28 8 (1) The hospital qualifies for disproportionate share and
28 9 graduate medical education payments.
28 10 (2) The hospital is an Iowa state-owned hospital with more
28 11 than 500 beds and eight or more distinct residency specialty
28 12 or subspecialty programs recognized by the American college of
28 13 graduate medical education.
28 14 b. Distribution of the disproportionate share payment
28 15 shall be made on a monthly basis. The total amount of
28 16 disproportionate share payments including graduate medical
28 17 education, enhanced disproportionate share, and Iowa
28 18 state-owned teaching hospital payments shall not exceed the
28 19 amount of the state's allotment under Pub. L. No. 102=234.
28 20 In addition, the total amount of all disproportionate
28 21 share payments shall not exceed the hospital-specific
28 22 disproportionate share limits under Pub. L. No. 103=66.
28 23 13. Of the funds appropriated in this section, up to
28 24 \$4,601,848 may be transferred to the IowaCare account created
28 25 in section 249J.24.
28 26 14. Of the funds appropriated in this section, \$200,000
28 27 shall be used for the Iowa chronic care consortium pursuant to
28 28 2003 Iowa Acts, chapter 112, section 12, as amended by 2003
28 29 Iowa Acts, chapter 179, sections 166 and 167.
28 30 15. One hundred percent of the nonfederal share of payments
28 31 to area education agencies that are medical assistance
28 32 providers for medical assistance-covered services provided to
28 33 medical assistance-covered children, shall be made from the
28 34 appropriation made in this section.
28 35 16. Any new or renewed contract entered into by the



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29 1 department with a third party to administer behavioral health
29 2 services under the medical assistance program shall provide
29 3 that any interest earned on payments from the state during
29 4 the state fiscal year shall be remitted to the department
29 5 and treated as recoveries to offset the costs of the medical
29 6 assistance program.

29 7 17. The department shall continue to implement the
29 8 provisions in 2007 Iowa Acts, chapter 218, section 124 and
29 9 section 126, as amended by 2008 Iowa Acts, chapter 1188,
29 10 section 55, relating to eligibility for certain persons with
29 11 disabilities under the medical assistance program in accordance
29 12 with the federal family opportunity Act.

29 13 18. A portion of the funds appropriated in this section
29 14 may be transferred to the appropriation in this division of
29 15 this Act for medical contracts to be used for administrative
29 16 activities associated with the money follows the person
29 17 demonstration project.

29 18 19. Notwithstanding section 8.33, the portion of the
29 19 funds appropriated in this section that is the result of the
29 20 application of the increased federal medical assistance match
29 21 percentage under the federal American Recovery and Reinvestment
29 22 Act of 2009, to the amount the state pays the federal
29 23 government as required under the federal Medicare Prescription
29 24 Drug Improvement and Modernization Act of 2003, known as
29 25 clawback payments, for the period October 1, 2008, through
29 26 December 31, 2010, that remains unobligated or unencumbered at
29 27 the close of the fiscal year, shall not revert to any fund but
29 28 shall remain available for expenditure for the purposes of the
29 29 medical assistance program until the close of the succeeding
29 30 fiscal year.

29 31 20. The department may transfer any savings generated
29 32 due to medical assistance program cost containment efforts
29 33 initiated pursuant to 2010 Iowa Acts, Senate File 2088, if
29 34 enacted, or executive order 20, issued December 16, 2009, to
29 35 the medical contracts appropriation made in this division of



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30 1 this Act to defray the increased contract costs associated with
30 2 implementing such efforts.

30 3 Sec. 12. HEALTH INSURANCE PREMIUM PAYMENT PROGRAM. There
30 4 is appropriated from the general fund of the state to the
30 5 department of human services for the fiscal year beginning July
30 6 1, 2010, and ending June 30, 2011, the following amount, or
30 7 so much thereof as is necessary, to be used for the purpose
30 8 designated:

30 9 For administration of the health insurance premium payment
30 10 program, including salaries, support, maintenance, and
30 11 miscellaneous purposes, and for not more than the following
30 12 full-time equivalent positions:

30 13	\$	457,210
30 14	FTEs	17.00

30 15 Sec. 13. MEDICAL CONTRACTS. There is appropriated from the
30 16 general fund of the state to the department of human services
30 17 for the fiscal year beginning July 1, 2010, and ending June 30,
30 18 2011, the following amount, or so much thereof as is necessary,
30 19 to be used for the purpose designated:

30 20 For medical contracts, including salaries, support,
30 21 maintenance, and miscellaneous purposes, and for not more than
30 22 the following full-time equivalent positions:

30 23	\$	10,413,090
30 24	FTEs	6.00

30 25 The department of inspections and appeals shall provide all
30 26 state matching funds for survey and certification activities
30 27 performed by the department of inspections and appeals.
30 28 The department of human services is solely responsible for
30 29 distributing the federal matching funds for such activities.

30 30 Sec. 14. STATE SUPPLEMENTARY ASSISTANCE.

30 31 1. There is appropriated from the general fund of the
30 32 state to the department of human services for the fiscal year
30 33 beginning July 1, 2010, and ending June 30, 2011, the following
30 34 amount, or so much thereof as is necessary, to be used for the
30 35 purpose designated:



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31 1 For the state supplementary assistance program:
 31 2 \$ 18,259,235
 31 3 2. The department shall increase the personal needs
 31 4 allowance for residents of residential care facilities by the
 31 5 same percentage and at the same time as federal supplemental
 31 6 security income and federal social security benefits are
 31 7 increased due to a recognized increase in the cost of living.
 31 8 The department may adopt emergency rules to implement this
 31 9 subsection.
 31 10 3. If during the fiscal year beginning July 1, 2010,
 31 11 the department projects that state supplementary assistance
 31 12 expenditures for a calendar year will not meet the federal
 31 13 pass-through requirement specified in Tit. XVI of the federal
 31 14 Social Security Act, section 1618, as codified in 42 U.S.C.
 31 15 { 1382g, the department may take actions including but not
 31 16 limited to increasing the personal needs allowance for
 31 17 residential care facility residents and making programmatic
 31 18 adjustments or upward adjustments of the residential care
 31 19 facility or in-home health-related care reimbursement rates
 31 20 prescribed in this division of this Act to ensure that federal
 31 21 requirements are met. In addition, the department may make
 31 22 other programmatic and rate adjustments necessary to remain
 31 23 within the amount appropriated in this section while ensuring
 31 24 compliance with federal requirements. The department may adopt
 31 25 emergency rules to implement the provisions of this subsection.
 31 26 Sec. 15. CHILDREN'S HEALTH INSURANCE PROGRAM.
 31 27 1. There is appropriated from the general fund of the
 31 28 state to the department of human services for the fiscal year
 31 29 beginning July 1, 2010, and ending June 30, 2011, the following
 31 30 amount, or so much thereof as is necessary, to be used for the
 31 31 purpose designated:
 31 32 For maintenance of the healthy and well kids in Iowa (hawk=i)
 31 33 program pursuant to chapter 514I, including supplemental dental
 31 34 services, for receipt of federal financial participation under
 31 35 Tit. XXI of the federal Social Security Act, which creates the



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32 1 children's health insurance program:
 32 2 \$ 23,637,040
 32 3 2. Of the funds appropriated in this section, \$128,950 is
 32 4 allocated for continuation of the contract for advertising and
 32 5 outreach with the department of public health and \$90,050 is
 32 6 allocated for other advertising and outreach.
 32 7 3. If the funds appropriated in this section are
 32 8 insufficient to cover the costs of both full coverage services
 32 9 and supplemental dental services, priority in expenditure of
 32 10 funds shall be given to covering the costs of full coverage
 32 11 services.
 32 12 Sec. 16. CHILD CARE ASSISTANCE. There is appropriated
 32 13 from the general fund of the state to the department of human
 32 14 services for the fiscal year beginning July 1, 2010, and ending
 32 15 June 30, 2011, the following amount, or so much thereof as is
 32 16 necessary, to be used for the purpose designated:
 32 17 For child care programs:
 32 18 \$ 32,325,964
 32 19 1. Of the funds appropriated in this section, \$30,956,537
 32 20 shall be used for state child care assistance in accordance
 32 21 with section 237A.13. It is the intent of the general assembly
 32 22 to appropriate sufficient funding for the state child care
 32 23 assistance program for the fiscal year beginning July 1, 2010,
 32 24 in order to avoid establishment of waiting list requirements
 32 25 by the department in the preceding fiscal year in anticipation
 32 26 that enhanced funding under the federal American Recovery and
 32 27 Reinvestment Act of 2009 will not be replaced for the fiscal
 32 28 year beginning July 1, 2010.
 32 29 2. Nothing in this section shall be construed or is
 32 30 intended as or shall imply a grant of entitlement for services
 32 31 to persons who are eligible for assistance due to an income
 32 32 level consistent with the waiting list requirements of section
 32 33 237A.13. Any state obligation to provide services pursuant to
 32 34 this section is limited to the extent of the funds appropriated
 32 35 in this section.



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33 1 3. Of the funds appropriated in this section, \$432,453 is
33 2 allocated for the statewide program for child care resource
33 3 and referral services under section 237A.26. A list of the
33 4 registered and licensed child care facilities operating in the
33 5 area served by a child care resource and referral service shall
33 6 be made available to the families receiving state child care
33 7 assistance in that area.

33 8 4. Of the funds appropriated in this section, \$936,974
33 9 is allocated for child care quality improvement initiatives
33 10 including but not limited to the voluntary quality rating
33 11 system in accordance with section 237A.30.

33 12 5. The department may use any of the funds appropriated
33 13 in this section as a match to obtain federal funds for use in
33 14 expanding child care assistance and related programs. For
33 15 the purpose of expenditures of state and federal child care
33 16 funding, funds shall be considered obligated at the time
33 17 expenditures are projected or are allocated to the department's
33 18 service areas. Projections shall be based on current and
33 19 projected caseload growth, current and projected provider
33 20 rates, staffing requirements for eligibility determination
33 21 and management of program requirements including data systems
33 22 management, staffing requirements for administration of the
33 23 program, contractual and grant obligations and any transfers
33 24 to other state agencies, and obligations for decategorization
33 25 or innovation projects.

33 26 6. A portion of the state match for the federal child care
33 27 and development block grant shall be provided as necessary to
33 28 meet federal matching funds requirements through the state
33 29 general fund appropriation made for child development grants
33 30 and other programs for at-risk children in section 279.51.

33 31 7. If a uniform reduction ordered by the governor under
33 32 section 8.31 or other operation of law, transfer, or federal
33 33 funding reduction reduces the appropriation made in this
33 34 section for the fiscal year, the percentage reduction in the
33 35 amount paid out to or on behalf of the families participating



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34 1 in the state child care assistance program shall be equal to or
 34 2 less than the percentage reduction made for any other purpose
 34 3 payable from the appropriation made in this section and the
 34 4 federal funding relating to it. If there is an unanticipated
 34 5 increase in federal funding provided for state child care
 34 6 assistance, the entire amount of the increase shall be used for
 34 7 state child care assistance payments. If the appropriations
 34 8 made for purposes of the state child care assistance program
 34 9 for the fiscal year are determined to be insufficient, it is
 34 10 the intent of the general assembly to appropriate sufficient
 34 11 funding for the fiscal year in order to avoid establishment of
 34 12 waiting list requirements.

34 13 8. Notwithstanding section 8.33, moneys appropriated in
 34 14 this section or received from the federal appropriations made
 34 15 for the purposes of this section that remain unencumbered or
 34 16 unobligated at the close of the fiscal year shall not revert
 34 17 to any fund but shall remain available for expenditure for the
 34 18 purposes designated until the close of the succeeding fiscal
 34 19 year.

34 20 Sec. 17. JUVENILE INSTITUTIONS. There is appropriated
 34 21 from the general fund of the state to the department of human
 34 22 services for the fiscal year beginning July 1, 2010, and ending
 34 23 June 30, 2011, the following amounts, or so much thereof as is
 34 24 necessary, to be used for the purposes designated:

34 25 1. For operation of the Iowa juvenile home at Toledo and for
 34 26 salaries, support, maintenance, and miscellaneous purposes, and
 34 27 for not more than the following full-time equivalent positions:
 34 28 \$ 6,137,599
 34 29 FTEs 112.10

34 30 2. For operation of the state training school at Eldora and
 34 31 for salaries, support, maintenance, and miscellaneous purposes,
 34 32 and for not more than the following full-time equivalent
 34 33 positions:
 34 34 \$ 9,451,062
 34 35 FTEs 188.90



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35 1 3. A portion of the moneys appropriated in this section
35 2 shall be used by the state training school and by the Iowa
35 3 juvenile home for grants for adolescent pregnancy prevention
35 4 activities at the institutions in the fiscal year beginning
35 5 July 1, 2010.

35 6 Sec. 18. CHILD AND FAMILY SERVICES.

35 7 1. There is appropriated from the general fund of the
35 8 state to the department of human services for the fiscal year
35 9 beginning July 1, 2010, and ending June 30, 2011, the following
35 10 amount, or so much thereof as is necessary, to be used for the
35 11 purpose designated:

35 12 For child and family services:

35 13 \$ 79,593,023

35 14 2. In order to address a reduction of \$5,200,000 from the
35 15 amount allocated under the appropriation made for the purposes
35 16 of this section in prior years for purposes of juvenile
35 17 delinquent graduated sanction services, up to \$5,200,000 of the
35 18 amount of federal temporary assistance for needy families block
35 19 grant funding appropriated in this division of this Act for
35 20 child and family services shall be made available for purposes
35 21 of juvenile delinquent graduated sanction services.

35 22 3. The department may transfer funds appropriated in this
35 23 section as necessary to pay the nonfederal costs of services
35 24 reimbursed under the medical assistance program, state child
35 25 care assistance program, or the family investment program which
35 26 are provided to children who would otherwise receive services
35 27 paid under the appropriation in this section. The department
35 28 may transfer funds appropriated in this section to the
35 29 appropriations made in this division of this Act for general
35 30 administration and for field operations for resources necessary
35 31 to implement and operate the services funded in this section.

35 32 4. a. Of the funds appropriated in this section, up to
35 33 \$29,233,006 is allocated as the statewide expenditure target
35 34 under section 232.143 for group foster care maintenance and
35 35 services. If the department projects that such expenditures



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36 1 for the fiscal year will be less than the target amount
36 2 allocated in this lettered paragraph, the department may
36 3 reallocate the excess to provide additional funding for shelter
36 4 care or the child welfare emergency services addressed with the
36 5 allocation for shelter care.

36 6 b. If at any time after September 30, 2010, annualization
36 7 of a service area's current expenditures indicates a service
36 8 area is at risk of exceeding its group foster care expenditure
36 9 target under section 232.143 by more than 5 percent, the
36 10 department and juvenile court services shall examine all
36 11 group foster care placements in that service area in order to
36 12 identify those which might be appropriate for termination.
36 13 In addition, any aftercare services believed to be needed
36 14 for the children whose placements may be terminated shall be
36 15 identified. The department and juvenile court services shall
36 16 initiate action to set dispositional review hearings for the
36 17 placements identified. In such a dispositional review hearing,
36 18 the juvenile court shall determine whether needed aftercare
36 19 services are available and whether termination of the placement
36 20 is in the best interest of the child and the community.

36 21 5. In accordance with the provisions of section 232.188,
36 22 the department shall continue the child welfare and juvenile
36 23 justice funding initiative during fiscal year 2010=2011. Of
36 24 the funds appropriated in this section, \$1,717,753 is allocated
36 25 specifically for expenditure for fiscal year 2010=2011 through
36 26 the decategorization service funding pools and governance
36 27 boards established pursuant to section 232.188.

36 28 6. A portion of the funds appropriated in this section
36 29 may be used for emergency family assistance to provide other
36 30 resources required for a family participating in a family
36 31 preservation or reunification project or successor project to
36 32 stay together or to be reunified.

36 33 7. a. Notwithstanding section 234.35 or any other provision
36 34 of law to the contrary, state funding for shelter care shall be
36 35 limited to \$7,894,147. The department may continue or amend



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37 1 shelter care provider contracts to include the child welfare
37 2 emergency services for children who might otherwise be served
37 3 in shelter care that were implemented pursuant to 2008 Iowa
37 4 Acts, chapter 1187, section 16, subsection 7.
37 5 b. Of the amount allocated for shelter care services, not
37 6 more than \$200,000 shall be used for the costs of transporting
37 7 juveniles needing shelter care services from a local area where
37 8 there is not a bed available to a location in which a bed is
37 9 available. In addition, an appropriate amount may be used
37 10 for wraparound and emergency services to prevent the need for
37 11 shelter care services, including such services for children
37 12 who have an immediate need for shelter care services but are
37 13 ineligible due to income, status, or other requirement. The
37 14 department shall dispense the funding in a manner that does not
37 15 impinge upon the availability of beds for eligible children.
37 16 8. Except for federal funds provided by the federal American
37 17 Recovery and Reinvestment Act of 2009, federal funds received
37 18 by the state during the fiscal year beginning July 1, 2010,
37 19 as the result of the expenditure of state funds appropriated
37 20 during a previous state fiscal year for a service or activity
37 21 funded under this section are appropriated to the department
37 22 to be used as additional funding for services and purposes
37 23 provided for under this section. Notwithstanding section 8.33,
37 24 moneys received in accordance with this subsection that remain
37 25 unencumbered or unobligated at the close of the fiscal year
37 26 shall not revert to any fund but shall remain available for the
37 27 purposes designated until the close of the succeeding fiscal
37 28 year.
37 29 9. Of the funds appropriated in this section, at least
37 30 \$3,696,285 shall be used for protective child care assistance.
37 31 10. a. Of the funds appropriated in this section, up to
37 32 \$2,062,488 is allocated for the payment of the expenses of
37 33 court-ordered services provided to juveniles who are under the
37 34 supervision of juvenile court services, which expenses are a
37 35 charge upon the state pursuant to section 232.141, subsection



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38 1 4. Of the amount allocated in this lettered paragraph, up to
38 2 \$1,556,287 shall be made available to provide school-based
38 3 supervision of children adjudicated under chapter 232, of which
38 4 not more than \$15,000 may be used for the purpose of training.
38 5 A portion of the cost of each school-based liaison officer
38 6 shall be paid by the school district or other funding source as
38 7 approved by the chief juvenile court officer.

38 8 b. Of the funds appropriated in this section, up to \$748,985
38 9 is allocated for the payment of the expenses of court-ordered
38 10 services provided to children who are under the supervision
38 11 of the department, which expenses are a charge upon the state
38 12 pursuant to section 232.141, subsection 4.

38 13 c. Notwithstanding section 232.141 or any other provision
38 14 of law to the contrary, the amounts allocated in this
38 15 subsection shall be distributed to the judicial districts
38 16 as determined by the state court administrator and to the
38 17 department's service areas as determined by the administrator
38 18 of the department's division of child and family services. The
38 19 state court administrator and the division administrator shall
38 20 make the determination of the distribution amounts on or before
38 21 June 15, 2010.

38 22 d. Notwithstanding chapter 232 or any other provision of
38 23 law to the contrary, a district or juvenile court shall not
38 24 order any service which is a charge upon the state pursuant
38 25 to section 232.141 if there are insufficient court-ordered
38 26 services funds available in the district court or departmental
38 27 service area distribution amounts to pay for the service. The
38 28 chief juvenile court officer and the departmental service area
38 29 manager shall encourage use of the funds allocated in this
38 30 subsection such that there are sufficient funds to pay for
38 31 all court-related services during the entire year. The chief
38 32 juvenile court officers and departmental service area managers
38 33 shall attempt to anticipate potential surpluses and shortfalls
38 34 in the distribution amounts and shall cooperatively request the
38 35 state court administrator or division administrator to transfer



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39 1 funds between the judicial districts' or departmental service
39 2 areas' distribution amounts as prudent.
39 3 e. Notwithstanding any provision of law to the contrary,
39 4 a district or juvenile court shall not order a county to pay
39 5 for any service provided to a juvenile pursuant to an order
39 6 entered under chapter 232 which is a charge upon the state
39 7 under section 232.141, subsection 4.
39 8 f. Of the funds allocated in this subsection, not more than
39 9 \$83,000 may be used by the judicial branch for administration
39 10 of the requirements under this subsection.
39 11 g. Of the funds allocated in this subsection, \$17,000
39 12 shall be used by the department of human services to support
39 13 the interstate commission for juveniles in accordance with
39 14 the interstate compact for juveniles as provided in section
39 15 232.173, as enacted by this Act.
39 16 11. Of the funds appropriated in this section, \$4,522,602 is
39 17 allocated for juvenile delinquent graduated sanctions services.
39 18 Any state funds saved as a result of efforts by juvenile court
39 19 services to earn federal Tit. IV=E match for juvenile court
39 20 services administration may be used for the juvenile delinquent
39 21 graduated sanctions services.
39 22 12. Of the funds appropriated in this section, \$988,285
39 23 shall be transferred to the department of public health to
39 24 be used for the child protection center grant program in
39 25 accordance with section 135.118.
39 26 13. If the department receives federal approval to
39 27 implement a waiver under Tit. IV=E of the federal Social
39 28 Security Act to enable providers to serve children who remain
39 29 in the children's families and communities, for purposes of
39 30 eligibility under the medical assistance program, children who
39 31 participate in the waiver shall be considered to be placed in
39 32 foster care.
39 33 14. Of the funds appropriated in this section, \$2,875,281 is
39 34 allocated for the preparation for adult living program pursuant
39 35 to section 234.46.



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40 1 15. Of the funds appropriated in this section, \$520,150
40 2 shall be used for juvenile drug courts. The amount allocated
40 3 in this subsection shall be distributed as follows:
40 4 To the judicial branch for salaries to assist with the
40 5 operation of juvenile drug court programs operated in the
40 6 following jurisdictions:
40 7 a. Marshall county:
40 8 \$ 62,708
40 9 b. Woodbury county:
40 10 \$ 125,682
40 11 c. Polk county:
40 12 \$ 195,892
40 13 d. The third judicial district:
40 14 \$ 67,934
40 15 e. The eighth judicial district:
40 16 \$ 67,934
40 17 16. Of the funds appropriated in this section, \$227,306
40 18 shall be used for the public purpose of providing a grant to
40 19 a nonprofit human services organization providing services to
40 20 individuals and families in multiple locations in southwest
40 21 Iowa and Nebraska for support of a project providing immediate,
40 22 sensitive support and forensic interviews, medical exams, needs
40 23 assessments, and referrals for victims of child abuse and their
40 24 nonoffending family members.
40 25 17. Of the funds appropriated in this section, \$125,590
40 26 is allocated for the elevate approach of providing a support
40 27 network to children placed in foster care.
40 28 18. Of the funds appropriated in this section, \$202,000 is
40 29 allocated for use pursuant to section 235A.1 for continuation
40 30 of the initiative to address child sexual abuse implemented
40 31 pursuant to 2007 Iowa Acts, chapter 218, section 18, subsection
40 32 21.
40 33 19. Of the funds appropriated in this section, \$630,240 is
40 34 allocated for the community partnership for child protection
40 35 sites.



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41 1 20. Of the funds appropriated in this section, \$371,250
41 2 is allocated for the department's minority youth and family
41 3 projects under the redesign of the child welfare system.

41 4 21. Of the funds appropriated in this section, \$300,000
41 5 is allocated for funding of the state match for the federal
41 6 substance abuse and mental health services administration
41 7 (SAMHSA) system of care grant.

41 8 Sec. 19. ADOPTION SUBSIDY.

41 9 1. There is appropriated from the general fund of the
41 10 state to the department of human services for the fiscal year
41 11 beginning July 1, 2010, and ending June 30, 2011, the following
41 12 amount, or so much thereof as is necessary, to be used for the
41 13 purpose designated:

41 14 For adoption subsidy payments and services:

41 15 \$ 32,256,896

41 16 2. The department may transfer funds appropriated in this
41 17 section to the appropriation made in this Act for general
41 18 administration for costs paid from the appropriation relating
41 19 to adoption subsidy.

41 20 3. Except for federal funds provided by the federal American
41 21 Recovery and Reinvestment Act of 2009, federal funds received
41 22 by the state during the fiscal year beginning July 1, 2010, as
41 23 the result of the expenditure of state funds during a previous
41 24 state fiscal year for a service or activity funded under this
41 25 section are appropriated to the department to be used as
41 26 additional funding for the services and activities funded under
41 27 this section. Notwithstanding section 8.33, moneys received
41 28 in accordance with this subsection that remain unencumbered or
41 29 unobligated at the close of the fiscal year shall not revert
41 30 to any fund but shall remain available for expenditure for the
41 31 purposes designated until the close of the succeeding fiscal
41 32 year.

41 33 Sec. 20. JUVENILE DETENTION HOME FUND. Moneys deposited
41 34 in the juvenile detention home fund created in section 232.142
41 35 during the fiscal year beginning July 1, 2010, and ending June



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42 1 30, 2011, are appropriated to the department of human services
42 2 for the fiscal year beginning July 1, 2010, and ending June 30,
42 3 2011, for distribution of an amount equal to a percentage of
42 4 the costs of the establishment, improvement, operation, and
42 5 maintenance of county or multicounty juvenile detention homes
42 6 in the fiscal year beginning July 1, 2009. Moneys appropriated
42 7 for distribution in accordance with this section shall be
42 8 allocated among eligible detention homes, prorated on the basis
42 9 of an eligible detention home's proportion of the costs of all
42 10 eligible detention homes in the fiscal year beginning July
42 11 1, 2009. The percentage figure shall be determined by the
42 12 department based on the amount available for distribution for
42 13 the fund. Notwithstanding section 232.142, subsection 3, the
42 14 financial aid payable by the state under that provision for the
42 15 fiscal year beginning July 1, 2010, shall be limited to the
42 16 amount appropriated for the purposes of this section.

42 17 Sec. 21. FAMILY SUPPORT SUBSIDY PROGRAM.

42 18 1. There is appropriated from the general fund of the
42 19 state to the department of human services for the fiscal year
42 20 beginning July 1, 2010, and ending June 30, 2011, the following
42 21 amount, or so much thereof as is necessary, to be used for the
42 22 purpose designated:

42 23 For the family support subsidy program:

42 24 \$ 1,167,998

42 25 2. The department shall use at least \$289,444 of the moneys
42 26 appropriated in this section for the family support center
42 27 component of the comprehensive family support program under
42 28 section 225C.47. Not more than \$25,000 of the amount allocated
42 29 in this subsection shall be used for administrative costs.

42 30 3. If at any time during the fiscal year, the amount of
42 31 funding available for the family support subsidy program
42 32 is reduced from the amount initially used to establish the
42 33 figure for the number of family members for whom a subsidy
42 34 is to be provided at any one time during the fiscal year,
42 35 notwithstanding section 225C.38, subsection 2, the department



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43 1 shall revise the figure as necessary to conform to the amount
43 2 of funding available.
43 3 Sec. 22. CONNER DECREE. There is appropriated from the
43 4 general fund of the state to the department of human services
43 5 for the fiscal year beginning July 1, 2010, and ending June 30,
43 6 2011, the following amount, or so much thereof as is necessary,
43 7 to be used for the purpose designated:

43 8 For building community capacity through the coordination
43 9 and provision of training opportunities in accordance with the
43 10 consent decree of Conner v. Branstad, No. 4=86=CV=30871(S.D.
43 11 Iowa, July 14, 1994):
43 12 \$ 33,622

43 13 Sec. 23. MENTAL HEALTH INSTITUTES.

43 14 1. There is appropriated from the general fund of the
43 15 state to the department of human services for the fiscal year
43 16 beginning July 1, 2010, and ending June 30, 2011, the following
43 17 amounts, or so much thereof as is necessary, to be used for the
43 18 purposes designated:

43 19 a. For the state mental health institute at Cherokee for
43 20 salaries, support, maintenance, and miscellaneous purposes, and
43 21 for not more than the following full-time equivalent positions:
43 22 \$ 4,796,979
43 23 FTEs 202.66

43 24 b. For the state mental health institute at Clarinda for
43 25 salaries, support, maintenance, and miscellaneous purposes, and
43 26 for not more than the following full-time equivalent positions:
43 27 \$ 5,554,698
43 28 FTEs 106.73

43 29 c. For the state mental health institute at Independence for
43 30 salaries, support, maintenance, and miscellaneous purposes, and
43 31 for not more than the following full-time equivalent positions:
43 32 \$ 8,425,653
43 33 FTEs 265.47

43 34 d. For the state mental health institute at Mount Pleasant
43 35 for salaries, support, maintenance, and miscellaneous purposes,



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44 1 and for not more than the following full-time equivalent
 44 2 positions:
 44 3 \$ 1,563,175
 44 4 FTEs 111.64
 44 5 2. The department, as part of efforts to develop and
 44 6 implement the comprehensive mental health and disability
 44 7 services plan as provided in section 225C.6B, shall review
 44 8 services provided by or offered at the state mental health
 44 9 institutes and may modify such services to further the plan and
 44 10 provide cost-effective and necessary services.
 44 11 Sec. 24. STATE RESOURCE CENTERS.
 44 12 1. There is appropriated from the general fund of the
 44 13 state to the department of human services for the fiscal year
 44 14 beginning July 1, 2010, and ending June 30, 2011, the following
 44 15 amounts, or so much thereof as is necessary, to be used for the
 44 16 purposes designated:
 44 17 a. For the state resource center at Glenwood for salaries,
 44 18 support, maintenance, and miscellaneous purposes:
 44 19 \$ 14,982,839
 44 20 b. For the state resource center at Woodward for salaries,
 44 21 support, maintenance, and miscellaneous purposes:
 44 22 \$ 9,312,271
 44 23 2. The department may continue to bill for state resource
 44 24 center services utilizing a scope of services approach used for
 44 25 private providers of ICFMR services, in a manner which does not
 44 26 shift costs between the medical assistance program, counties,
 44 27 or other sources of funding for the state resource centers.
 44 28 3. The state resource centers may expand the time-limited
 44 29 assessment and respite services during the fiscal year.
 44 30 4. If the department's administration and the department
 44 31 of management concur with a finding by a state resource
 44 32 center's superintendent that projected revenues can reasonably
 44 33 be expected to pay the salary and support costs for a new
 44 34 employee position, or that such costs for adding a particular
 44 35 number of new positions for the fiscal year would be less



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45 1 than the overtime costs if new positions would not be added,
 45 2 the superintendent may add the new position or positions. If
 45 3 the vacant positions available to a resource center do not
 45 4 include the position classification desired to be filled, the
 45 5 state resource center's superintendent may reclassify any
 45 6 vacant position as necessary to fill the desired position. The
 45 7 superintendents of the state resource centers may, by mutual
 45 8 agreement, pool vacant positions and position classifications
 45 9 during the course of the fiscal year in order to assist one
 45 10 another in filling necessary positions.

45 11 5. If existing capacity limitations are reached in
 45 12 operating units, a waiting list is in effect for a service or
 45 13 a special need for which a payment source or other funding
 45 14 is available for the service or to address the special need,
 45 15 and facilities for the service or to address the special need
 45 16 can be provided within the available payment source or other
 45 17 funding, the superintendent of a state resource center may
 45 18 authorize opening not more than two units or other facilities
 45 19 and begin implementing the service or addressing the special
 45 20 need during fiscal year 2010=2011.

45 21 Sec. 25. MI/MR/DD STATE CASES.

45 22 1. There is appropriated from the general fund of the
 45 23 state to the department of human services for the fiscal year
 45 24 beginning July 1, 2010, and ending June 30, 2011, the following
 45 25 amount, or so much thereof as is necessary, to be used for the
 45 26 purpose designated:

45 27 For distribution to counties for state case services
 45 28 for persons with mental illness, mental retardation, and
 45 29 developmental disabilities in accordance with section 331.440:
 45 30 \$ 10,295,207

45 31 2. For the fiscal year beginning July 1, 2010, and ending
 45 32 June 30, 2011, \$200,000 is allocated for state case services
 45 33 from the amounts appropriated from the fund created in section
 45 34 8.41 to the department of human services from the funds
 45 35 received from the federal government under 42 U.S.C. ch. 6A,



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46 1 subch. XVII, relating to the community mental health center
 46 2 block grant, for the federal fiscal years beginning October
 46 3 1, 2008, and ending September 30, 2009, beginning October 1,
 46 4 2009, and ending September 30, 2010, and beginning October 1,
 46 5 2010, and ending September 30, 2011. The allocation made in
 46 6 this subsection shall be made prior to any other distribution
 46 7 allocation of the appropriated federal funds.
 46 8 3. Notwithstanding section 8.33, moneys appropriated in
 46 9 this section that remain unencumbered or unobligated at the
 46 10 close of the fiscal year shall not revert but shall remain
 46 11 available for expenditure for the purposes designated until the
 46 12 close of the succeeding fiscal year.
 46 13 Sec. 26. MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES ==
 46 14 COMMUNITY SERVICES FUND. There is appropriated from
 46 15 the general fund of the state to the mental health and
 46 16 developmental disabilities community services fund created in
 46 17 section 225C.7 for the fiscal year beginning July 1, 2010, and
 46 18 ending June 30, 2011, the following amount, or so much thereof
 46 19 as is necessary, to be used for the purpose designated:
 46 20 For mental health and developmental disabilities community
 46 21 services in accordance with this division of this Act:
 46 22 \$ 14,211,100
 46 23 1. Of the funds appropriated in this section, \$14,187,556
 46 24 shall be allocated to counties for funding of community-based
 46 25 mental health and developmental disabilities services. The
 46 26 moneys shall be allocated to a county as follows:
 46 27 a. Fifty percent based upon the county's proportion of the
 46 28 state's population of persons with an annual income which is
 46 29 equal to or less than the poverty guideline established by the
 46 30 federal office of management and budget.
 46 31 b. Fifty percent based upon the county's proportion of the
 46 32 state's general population.
 46 33 2. a. A county shall utilize the funding the county
 46 34 receives pursuant to subsection 1 for services provided to
 46 35 persons with a disability, as defined in section 225C.2.



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47 1 However, no more than 50 percent of the funding shall be used
47 2 for services provided to any one of the service populations.
47 3 b. A county shall use at least 50 percent of the funding the
47 4 county receives under subsection 1 for contemporary services
47 5 provided to persons with a disability, as described in rules
47 6 adopted by the department.
47 7 3. Of the funds appropriated in this section, \$23,544
47 8 shall be used to support the Iowa compass program providing
47 9 computerized information and referral services for Iowans with
47 10 disabilities and their families.
47 11 4. a. Funding appropriated for purposes of the federal
47 12 social services block grant is allocated for distribution
47 13 to counties for local purchase of services for persons with
47 14 mental illness or mental retardation or other developmental
47 15 disability.
47 16 b. The funds allocated in this subsection shall be expended
47 17 by counties in accordance with the county's county management
47 18 plan approved by the board of supervisors. A county without
47 19 an approved county management plan shall not receive allocated
47 20 funds until the county's management plan is approved.
47 21 c. The funds provided by this subsection shall be allocated
47 22 to each county as follows:
47 23 (1) Fifty percent based upon the county's proportion of the
47 24 state's population of persons with an annual income which is
47 25 equal to or less than the poverty guideline established by the
47 26 federal office of management and budget.
47 27 (2) Fifty percent based upon the amount provided to the
47 28 county for local purchase of services in the preceding fiscal
47 29 year.
47 30 5. A county is eligible for funds under this section if the
47 31 county qualifies for a state payment as described in section
47 32 331.439.
47 33 6. The most recent population estimates issued by the United
47 34 States bureau of the census shall be applied for the population
47 35 factors utilized in this section.



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48 1 Sec. 27. SEXUALLY VIOLENT PREDATORS.
48 2 1. There is appropriated from the general fund of the
48 3 state to the department of human services for the fiscal year
48 4 beginning July 1, 2010, and ending June 30, 2011, the following
48 5 amount, or so much thereof as is necessary, to be used for the
48 6 purpose designated:
48 7 For costs associated with the commitment and treatment of
48 8 sexually violent predators in the unit located at the state
48 9 mental health institute at Cherokee, including costs of legal
48 10 services and other associated costs, including salaries,
48 11 support, maintenance, and miscellaneous purposes, and for not
48 12 more than the following full-time equivalent positions:
48 13 \$ 6,632,660
48 14 FTEs 75.14
48 15 2. Unless specifically prohibited by law, if the amount
48 16 charged provides for recoupment of at least the entire amount
48 17 of direct and indirect costs, the department of human services
48 18 may contract with other states to provide care and treatment
48 19 of persons placed by the other states at the unit for sexually
48 20 violent predators at Cherokee. The moneys received under
48 21 such a contract shall be considered to be repayment receipts
48 22 and used for the purposes of the appropriation made in this
48 23 section.
48 24 Sec. 28. FIELD OPERATIONS. There is appropriated from the
48 25 general fund of the state to the department of human services
48 26 for the fiscal year beginning July 1, 2010, and ending June 30,
48 27 2011, the following amount, or so much thereof as is necessary,
48 28 to be used for the purposes designated:
48 29 For field operations, including salaries, support,
48 30 maintenance, and miscellaneous purposes, and for not more than
48 31 the following full-time equivalent positions:
48 32 \$ 54,784,129
48 33 FTEs 2,772.60
48 34 Priority in filling full-time equivalent positions shall be
48 35 given to those positions related to child protection services



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49 1 and eligibility determination for low-income families.
 49 2 Sec. 29. GENERAL ADMINISTRATION. There is appropriated
 49 3 from the general fund of the state to the department of human
 49 4 services for the fiscal year beginning July 1, 2010, and ending
 49 5 June 30, 2011, the following amount, or so much thereof as is
 49 6 necessary, to be used for the purpose designated:
 49 7 For general administration, including salaries, support,
 49 8 maintenance, and miscellaneous purposes, and for not more than
 49 9 the following full-time equivalent positions:
 49 10 \$ 14,227,271
 49 11 FTEs 363.00
 49 12 1. Of the funds appropriated in this section, \$43,700
 49 13 allocated for the prevention of disabilities policy council
 49 14 established in section 225B.3.
 49 15 2. The department shall report at least monthly to the
 49 16 legislative services agency concerning the department's
 49 17 operational and program expenditures.
 49 18 Sec. 30. CHILDREN'S MENTAL HEALTH AND CHILD WELFARE
 49 19 SERVICES.
 49 20 1. It is the intent of the general assembly to improve
 49 21 coordination and integration of mental health services and
 49 22 outcomes for children, as well as alignment of the services
 49 23 and outcomes with the child welfare system. The department
 49 24 of human services, in collaboration with providers, shall
 49 25 develop a plan for transitioning administration of the remedial
 49 26 services program from fee-for-service approach to the Iowa
 49 27 plan, behavioral health managed care plan. The transition
 49 28 plan shall address specific strategies for improving service
 49 29 coordination for children and adults; establish vendor
 49 30 performance standards; provide a process for ongoing monitoring
 49 31 of quality of care, performance, and quality improvement
 49 32 technical assistance for providers; identify methods and
 49 33 standards for credentialing remedial providers; and provide
 49 34 implementation timeframes.
 49 35 2. The department shall establish a transition committee



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50 1 that includes representatives from departmental staff for
 50 2 Medicaid, child welfare, field, and mental health services,
 50 3 the director of the Iowa plan, the executive director of an
 50 4 organization representing the majority of remedial services
 50 5 providers, and three remedial services providers designated
 50 6 by the executive director of the provider organization. The
 50 7 committee shall develop the plan and manage the transition,
 50 8 if the plan is implemented. The plan shall be developed
 50 9 by December 31, 2010. The department may proceed with
 50 10 implementing the plan over the six month period following
 50 11 December 31, 2010, if the department determines that the plan
 50 12 meets the legislative intent identified in subsection 1.

50 13 Sec. 31. VOLUNTEERS. There is appropriated from the general
 50 14 fund of the state to the department of human services for the
 50 15 fiscal year beginning July 1, 2010, and ending June 30, 2011,
 50 16 the following amount, or so much thereof as is necessary, to be
 50 17 used for the purpose designated:

50 18 For development and coordination of volunteer services:
 50 19 \$ 84,660

50 20 Sec. 32. MEDICAL ASSISTANCE, STATE SUPPLEMENTARY
 50 21 ASSISTANCE, AND SOCIAL SERVICE PROVIDERS REIMBURSED UNDER THE
 50 22 DEPARTMENT OF HUMAN SERVICES.

50 23 1. a. (1) For the fiscal year beginning July 1, 2010,
 50 24 the total state funding amount for the nursing facility budget
 50 25 shall not exceed \$153,126,081.

50 26 (2) The department, in cooperation with nursing facility
 50 27 representatives, shall review projections for state funding
 50 28 expenditures for reimbursement of nursing facilities on a
 50 29 quarterly basis and the department shall determine if an
 50 30 adjustment to the medical assistance reimbursement rate is
 50 31 necessary in order to provide reimbursement within the state
 50 32 funding amount. Any temporary enhanced federal financial
 50 33 participation that may become available to the Iowa medical
 50 34 assistance program during the fiscal year shall not be used
 50 35 in projecting the nursing facility budget. Notwithstanding



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51 1 2001 Iowa Acts, chapter 192, section 4, subsection 2, paragraph
51 2 "c", and subsection 3, paragraph "a", subparagraph (2),
51 3 if the state funding expenditures for the nursing facility
51 4 budget for the fiscal year beginning July 1, 2010, are
51 5 projected to exceed the amount specified in subparagraph (1),
51 6 the department shall adjust the reimbursement for nursing
51 7 facilities reimbursed under the case-mix reimbursement system
51 8 to maintain expenditures of the nursing facility budget
51 9 within the specified amount. The department shall revise such
51 10 reimbursement as necessary to adjust the annual accountability
51 11 measures payment in accordance with 2001 Iowa Acts, chapter
51 12 192, section 4, subsection 4, as amended by 2008 Iowa Acts,
51 13 chapter 1187, section 33, and as amended by 2009 Iowa Acts,
51 14 chapter 182, section 33, to implement a pay-for-performance
51 15 payment.

51 16 (3) For the fiscal year beginning July 1, 2010, special
51 17 population nursing facilities shall be reimbursed at the rates
51 18 in effect on November 30, 2009.

51 19 b. For the fiscal year beginning July 1, 2010, the
51 20 department shall reimburse pharmacy dispensing fees using a
51 21 single rate of \$4.34 per prescription or the pharmacy's usual
51 22 and customary fee, whichever is lower.

51 23 c. (1) For the fiscal year beginning July 1, 2010,
51 24 reimbursement rates for outpatient hospital services shall
51 25 remain at the rates in effect on June 30, 2010.

51 26 (2) For the fiscal year beginning July 1, 2010,
51 27 reimbursement rates for inpatient hospital services shall
51 28 remain at the rates in effect on June 30, 2010. The Iowa
51 29 hospital association shall submit information to the general
51 30 assembly's standing committees on government oversight during
51 31 the 2011 session of the general assembly regarding actions
51 32 taken to increase compensation and other costs of employment
51 33 for hospital staff who provide direct care to patients.

51 34 (3) For the fiscal year beginning July 1, 2010, the graduate
51 35 medical education and disproportionate share hospital fund



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52 1 shall remain at the amount in effect on June 30, 2010.
52 2 (4) In order to ensure the efficient use of limited state
52 3 funds in procuring health care services for low-income Iowans,
52 4 funds appropriated in this Act for hospital services shall
52 5 not be used for activities which would be excluded from a
52 6 determination of reasonable costs under the federal Medicare
52 7 program pursuant to 42 U.S.C. { 1395X(v)(1)(N).
52 8 d. For the fiscal year beginning July 1, 2010, reimbursement
52 9 rates for rural health clinics, hospices, independent
52 10 laboratories, rehabilitation agencies, and acute mental
52 11 hospitals shall be increased in accordance with increases under
52 12 the federal Medicare program or as supported by their Medicare
52 13 audited costs.
52 14 e. For the fiscal year beginning July 1, 2010, reimbursement
52 15 rates for home health agencies shall remain at the rates in
52 16 effect on June 30, 2010, not to exceed a home health agency's
52 17 actual allowable cost.
52 18 f. For the fiscal year beginning July 1, 2010, federally
52 19 qualified health centers shall receive cost-based reimbursement
52 20 for 100 percent of the reasonable costs for the provision of
52 21 services to recipients of medical assistance.
52 22 g. For the fiscal year beginning July 1, 2010, the
52 23 reimbursement rates for dental services shall remain at the
52 24 rates in effect on June 30, 2010.
52 25 h. For the fiscal year beginning July 1, 2010, state-owned
52 26 psychiatric medical institutions for children shall receive
52 27 cost-based reimbursement for 100 percent of the actual and
52 28 allowable costs for the provision of services to recipients of
52 29 medical assistance. For nonstate-owned psychiatric medical
52 30 institutions for children, reimbursement shall be determined in
52 31 accordance with section 249A.31.
52 32 i. For the fiscal year beginning July 1, 2010, unless
52 33 otherwise specified in this Act, all noninstitutional medical
52 34 assistance provider reimbursement rates shall remain at the
52 35 rates in effect on June 30, 2010, except for area education



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53 1 agencies, local education agencies, infant and toddler services
53 2 providers, targeted case management, and those providers
53 3 whose rates are required to be determined pursuant to section
53 4 249A.20.

53 5 j. Notwithstanding any provision to the contrary, for the
53 6 fiscal year beginning July 1, 2010, the reimbursement rate for
53 7 anesthesiologists shall remain at the rate in effect on June
53 8 30, 2010.

53 9 k. Notwithstanding section 249A.20, for the fiscal year
53 10 beginning July 1, 2010, the average reimbursement rate for
53 11 health care providers eligible for use of the federal Medicare
53 12 resource-based relative value scale reimbursement methodology
53 13 under that section shall remain at the rate in effect on June
53 14 30, 2010; however, this rate shall not exceed the maximum level
53 15 authorized by the federal government.

53 16 l. For the fiscal year beginning July 1, 2010, the
53 17 reimbursement rate for residential care facilities shall not
53 18 be less than the minimum payment level as established by the
53 19 federal government to meet the federally mandated maintenance
53 20 of effort requirement. The flat reimbursement rate for
53 21 facilities electing not to file semiannual cost reports shall
53 22 not be less than the minimum payment level as established
53 23 by the federal government to meet the federally mandated
53 24 maintenance of effort requirement.

53 25 m. For the fiscal year beginning July 1, 2010, inpatient
53 26 mental health services provided at hospitals shall remain at
53 27 the rates in effect on June 30, 2010, subject to Medicaid
53 28 program upper payment limit rules; community mental health
53 29 centers and providers of mental health services to county
53 30 residents pursuant to a waiver approved under section 225C.7,
53 31 subsection 3, shall be reimbursed at 100 percent of the
53 32 reasonable costs for the provision of services to recipients of
53 33 medical assistance; and psychiatrists shall be reimbursed at
53 34 the medical assistance program fee for service rate.

53 35 n. For the fiscal year beginning July 1, 2010, the



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54 1 reimbursement rate for consumer-directed attendant care shall
54 2 remain at the rates in effect on June 30, 2010.
54 3 o. For the fiscal year beginning July 1, 2010, the
54 4 reimbursement rate for providers of family planning services
54 5 that are eligible to receive a 90 percent federal match shall
54 6 remain at the rates in effect on January 31, 2010.
54 7 p. Unless otherwise provided in this section, the
54 8 department shall continue the reduction in payments to medical
54 9 assistance program providers for the fiscal year beginning
54 10 July 1, 2010, and ending June 30, 2011, in the percentage
54 11 amount applicable to the respective provider as specified under
54 12 Executive Order 19.
54 13 2. For the fiscal year beginning July 1, 2010, the
54 14 reimbursement rate for providers reimbursed under the
54 15 in-home-related care program shall not be less than the minimum
54 16 payment level as established by the federal government to meet
54 17 the federally mandated maintenance of effort requirement.
54 18 3. Unless otherwise directed in this section, when the
54 19 department's reimbursement methodology for any provider
54 20 reimbursed in accordance with this section includes an
54 21 inflation factor, this factor shall not exceed the amount
54 22 by which the consumer price index for all urban consumers
54 23 increased during the calendar year ending December 31, 2002.
54 24 4. For the fiscal year beginning July 1, 2010,
54 25 notwithstanding section 234.38, the foster family basic daily
54 26 maintenance rate, the maximum adoption subsidy rate, and the
54 27 maximum supervised apartment living foster care rate, and the
54 28 preparation for adult living program maintenance rate for
54 29 children ages 0 through 5 years shall be \$15.54, the rate for
54 30 children ages 6 through 11 years shall be \$16.16, the rate for
54 31 children ages 12 through 15 years shall be \$17.69, and the
54 32 rate for children and young adults ages 16 and older shall be
54 33 \$18.87.
54 34 5. For the fiscal year beginning July 1, 2010, the maximum
54 35 reimbursement rates for social services providers reimbursed



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55 1 under a purchase of social services contract shall remain at
55 2 the rates in effect on June 30, 2010, or the provider's actual
55 3 and allowable cost plus inflation for each service, whichever
55 4 is less. However, the rates may be adjusted under any of the
55 5 following circumstances:

55 6 a. If a new service was added after June 30, 2010, the
55 7 initial reimbursement rate for the service shall be based upon
55 8 actual and allowable costs.

55 9 b. If a social service provider loses a source of income
55 10 used to determine the reimbursement rate for the provider,
55 11 the provider's reimbursement rate may be adjusted to reflect
55 12 the loss of income, provided that the lost income was used to
55 13 support actual and allowable costs of a service purchased under
55 14 a purchase of service contract.

55 15 6. For the fiscal year beginning July 1, 2010, the
55 16 reimbursement rates for family-centered service providers,
55 17 family foster care service providers, group foster care service
55 18 providers, and the resource family recruitment and retention
55 19 contractor shall remain at the rates in effect on June 30,
55 20 2010.

55 21 7. The group foster care reimbursement rates paid for
55 22 placement of children out of state shall be calculated
55 23 according to the same rate-setting principles as those used for
55 24 in-state providers, unless the director of human services or
55 25 the director's designee determines that appropriate care cannot
55 26 be provided within the state. The payment of the daily rate
55 27 shall be based on the number of days in the calendar month in
55 28 which service is provided.

55 29 8. For the fiscal year beginning July 1, 2010, remedial
55 30 service providers shall receive the same level of reimbursement
55 31 under the same methodology in effect on June 30, 2010.

55 32 9. a. For the fiscal year beginning July 1, 2010,
55 33 the combined service and maintenance components of the
55 34 reimbursement rate paid for shelter care services and
55 35 alternative child welfare emergency services purchased under



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56 1 a contract shall be based on the financial and statistical
56 2 report submitted to the department. The maximum reimbursement
56 3 rate shall be \$92.36 per day. The department shall reimburse
56 4 a shelter care provider at the provider's actual and
56 5 allowable unit cost, plus inflation, not to exceed the maximum
56 6 reimbursement rate.

56 7 b. Notwithstanding section 232.141, subsection 8, for the
56 8 fiscal year beginning July 1, 2010, the amount of the statewide
56 9 average of the actual and allowable rates for reimbursement of
56 10 juvenile shelter care homes that is utilized for the limitation
56 11 on recovery of unpaid costs shall remain at the amount in
56 12 effect for this purpose in the preceding fiscal year.

56 13 10. For the fiscal year beginning July 1, 2010, the
56 14 department shall calculate reimbursement rates for intermediate
56 15 care facilities for persons with mental retardation at the
56 16 80th percentile. Beginning July 1, 2010, the rate calculation
56 17 methodology shall utilize the consumer price index inflation
56 18 factor applicable to the fiscal year beginning July 1, 2010.

56 19 11. For the fiscal year beginning July 1, 2010, for child
56 20 care providers reimbursed under the state child care assistance
56 21 program, the department shall set provider reimbursement
56 22 rates based on the rate reimbursement survey completed in
56 23 December 2004. Effective July 1, 2010, the child care provider
56 24 reimbursement rates shall remain at the rates in effect on June
56 25 30, 2010. The department shall set rates in a manner so as
56 26 to provide incentives for a nonregistered provider to become
56 27 registered by applying the increase only to registered and
56 28 licensed providers.

56 29 12. For the fiscal year beginning July 1, 2010,
56 30 reimbursements for providers reimbursed by the department of
56 31 human services may be modified if appropriated funding is
56 32 allocated for that purpose from the senior living trust fund
56 33 created in section 249H.4.

56 34 13. The department may adopt emergency rules to implement
56 35 this section.



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57 1 Sec. 33. EMERGENCY RULES.

57 2 1. If specifically authorized by a provision of this
57 3 division of this Act, the department of human services or the
57 4 mental health, mental retardation, developmental disabilities,
57 5 and brain injury commission may adopt administrative rules
57 6 under section 17A.4, subsection 3, and section 17A.5,
57 7 subsection 2, paragraph "b", to implement the provisions and
57 8 the rules shall become effective immediately upon filing or
57 9 on a later effective date specified in the rules, unless the
57 10 effective date is delayed by the administrative rules review
57 11 committee. Any rules adopted in accordance with this section
57 12 shall not take effect before the rules are reviewed by the
57 13 administrative rules review committee. The delay authority
57 14 provided to the administrative rules review committee under
57 15 section 17A.4, subsection 7, and section 17A.8, subsection 9,
57 16 shall be applicable to a delay imposed under this section,
57 17 notwithstanding a provision in those sections making them
57 18 inapplicable to section 17A.5, subsection 2, paragraph "b".
57 19 Any rules adopted in accordance with the provisions of this
57 20 section shall also be published as notice of intended action
57 21 as provided in section 17A.4.

57 22 2. If during the fiscal year beginning July 1, 2010, the
57 23 department of human services is adopting rules in accordance
57 24 with this section or as otherwise directed or authorized by
57 25 state law, and the rules will result in an expenditure increase
57 26 beyond the amount anticipated in the budget process or if the
57 27 expenditure was not addressed in the budget process for the
57 28 fiscal year, the department shall notify the persons designated
57 29 by this division of this Act for submission of reports,
57 30 the chairpersons and ranking members of the committees on
57 31 appropriations, and the department of management concerning the
57 32 rules and the expenditure increase. The notification shall be
57 33 provided at least 30 calendar days prior to the date notice of
57 34 the rules is submitted to the administrative rules coordinator
57 35 and the administrative code editor.



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58 1 Sec. 34. REPORTS. Any reports or information required to be
58 2 compiled and submitted under this Act shall be submitted to the
58 3 chairpersons and ranking members of the joint appropriations
58 4 subcommittee on health and human services, the legislative
58 5 services agency, and the legislative caucus staffs on or
58 6 before the dates specified for submission of the reports or
58 7 information.

58 8 Sec. 35. EFFECTIVE DATE. The following provisions of this
58 9 division of this Act, being deemed of immediate importance,
58 10 take effect upon enactment:

58 11 The provision under the appropriation for child and family
58 12 services, relating to requirements of section 232.143 for
58 13 representatives of the department of human services and
58 14 juvenile court services to establish a plan for continuing
58 15 group foster care expenditures for fiscal year 2010=2011.

DIVISION V

SENIOR LIVING TRUST FUND,
PHARMACEUTICAL SETTLEMENT ACCOUNT,
IOWACARE ACCOUNT, AND HEALTH CARE
TRANSFORMATION ACCOUNT

58 21 Sec. 36. DEPARTMENT ON AGING. There is appropriated from
58 22 the senior living trust fund created in section 249H.4 to the
58 23 department on aging for the fiscal year beginning July 1, 2010,
58 24 and ending June 30, 2011, the following amount, or so much
58 25 thereof as is necessary, to be used for the purpose designated:

58 26 For the development and implementation of a comprehensive
58 27 senior living program, including case management and
58 28 including program administration and costs associated with
58 29 implementation:

58 30 \$ 8,486,698

58 31 1. a. Of the funds appropriated in this section, \$1,010,000
58 32 shall be transferred to the department of human services in
58 33 equal amounts on a quarterly basis for reimbursement of case
58 34 management services provided under the medical assistance
58 35 elderly waiver.



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59 1 b. The department of human services shall review
59 2 projections for state funding expenditures for reimbursement
59 3 of case management services under the medical assistance
59 4 elderly waiver on a quarterly basis and shall determine if an
59 5 adjustment to the medical assistance reimbursement rates are
59 6 necessary to provide reimbursement within the state funding
59 7 amounts budgeted under the appropriations made for the fiscal
59 8 year for the medical assistance program. Any temporary
59 9 enhanced federal financial participation that may become
59 10 available for the medical assistance program during the fiscal
59 11 year shall not be used in projecting the medical assistance
59 12 elderly waiver case management budget. The department of human
59 13 services shall revise such reimbursement rates as necessary to
59 14 maintain expenditures for medical assistance elderly waiver
59 15 case management services within the state funding amounts
59 16 budgeted under the appropriations made for the fiscal year for
59 17 the medical assistance program.
59 18 2. Notwithstanding section 249H.7, the department on aging
59 19 shall distribute funds appropriated in this section in a
59 20 manner that will supplement and maximize federal funds under
59 21 the federal Older Americans Act and shall not use the amount
59 22 distributed for any administrative purposes of either the
59 23 department on aging or the area agencies on aging.
59 24 3. Of the funds appropriated in this section, \$60,000
59 25 shall be used to provide dementia-specific education to
59 26 direct care workers and other providers of long-term care
59 27 to enhance existing or scheduled efforts through the Iowa
59 28 caregivers association, the Alzheimer's association, and other
59 29 organizations identified as appropriate by the department.
59 30 4. Of the funds appropriated in this section, \$51,000 shall
59 31 be used to provide funding for the legal hotline for older
59 32 Iowans.
59 33 5. Of the funds appropriated in this section, \$193,000
59 34 shall be used to provide state matching funds for the senior
59 35 community services employment program.



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60 1 Sec. 37. DEPARTMENT OF INSPECTIONS AND APPEALS. There
60 2 is appropriated from the senior living trust fund created in
60 3 section 249H.4 to the department of inspections and appeals for
60 4 the fiscal year beginning July 1, 2010, and ending June 30,
60 5 2011, the following amount, or so much thereof as is necessary,
60 6 to be used for the purpose designated:

60 7 For the inspection and certification of assisted living
60 8 facilities and adult day care services, including program
60 9 administration and costs associated with implementation:
60 10 \$ 1,339,527

60 11 Sec. 38. IOWA FINANCE AUTHORITY. There is appropriated
60 12 from the senior living trust fund created in section 249H.4 to
60 13 the Iowa finance authority for the fiscal year beginning July
60 14 1, 2010, and ending June 30, 2011, the following amount, or
60 15 so much thereof as is necessary, to be used for the purposes
60 16 designated:

60 17 For the rent subsidy program, to provide reimbursement for
60 18 rent expenses to eligible persons:
60 19 \$ 700,000

60 20 Participation in the rent subsidy program shall be limited
60 21 to only those persons who meet the requirements for the nursing
60 22 facility level of care for home and community-based services
60 23 waiver services as in effect on July 1, 2010, and to those
60 24 individuals who are eligible for the federal money follows the
60 25 person grant program under the medical assistance program. Of
60 26 the funds appropriated in this section, not more than \$35,000
60 27 may be used for administrative costs.

60 28 Sec. 39. DEPARTMENT OF HUMAN SERVICES. Any funds remaining
60 29 in the senior living trust fund created in section 249H.4
60 30 following the appropriations from the senior living trust
60 31 fund made in this division of this Act to the department on
60 32 aging, the department of inspections and appeals, and the Iowa
60 33 finance authority, for the fiscal year beginning July 1, 2010,
60 34 and ending June 30, 2011, are appropriated to the department
60 35 of human services to supplement the medical assistance



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61 1 program appropriations made in this Act, including program
61 2 administration and costs associated with implementation. In
61 3 order to carry out the purposes of this section, the department
61 4 may transfer funds appropriated in this section to supplement
61 5 other appropriations made to the department of human services.

61 6 Sec. 40. PHARMACEUTICAL SETTLEMENT ACCOUNT. There is
61 7 appropriated from the pharmaceutical settlement account created
61 8 in section 249A.33 to the department of human services for the
61 9 fiscal year beginning July 1, 2010, and ending June 30, 2011,
61 10 the following amount, or so much thereof as is necessary, to be
61 11 used for the purpose designated:

61 12 To supplement the appropriations made for medical contracts
61 13 under the medical assistance program:
61 14 \$ 3,298,191

61 15 Sec. 41. APPROPRIATIONS FROM IOWACARE ACCOUNT.

61 16 1. There is appropriated from the IowaCare account
61 17 created in section 249J.24 to the state board of regents for
61 18 distribution to the university of Iowa hospitals and clinics
61 19 for the fiscal year beginning July 1, 2010, and ending June 30,
61 20 2011, the following amount, or so much thereof as is necessary,
61 21 to be used for the purposes designated:

61 22 For salaries, support, maintenance, equipment, and
61 23 miscellaneous purposes, for the provision of medical and
61 24 surgical treatment of indigent patients, for provision of
61 25 services to members of the expansion population pursuant to
61 26 chapter 249J, and for medical education:
61 27 \$ 27,284,584

61 28 a. Funds appropriated in this subsection shall not be used
61 29 to perform abortions except medically necessary abortions, and
61 30 shall not be used to operate the early termination of pregnancy
61 31 clinic except for the performance of medically necessary
61 32 abortions. For the purpose of this subsection, an abortion is
61 33 the purposeful interruption of pregnancy with the intention
61 34 other than to produce a live-born infant or to remove a dead
61 35 fetus, and a medically necessary abortion is one performed



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62 1 under one of the following conditions:

62 2 (1) The attending physician certifies that continuing the
62 3 pregnancy would endanger the life of the pregnant woman.

62 4 (2) The attending physician certifies that the fetus is
62 5 physically deformed, mentally deficient, or afflicted with a
62 6 congenital illness.

62 7 (3) The pregnancy is the result of a rape which is reported
62 8 within 45 days of the incident to a law enforcement agency or
62 9 public or private health agency which may include a family
62 10 physician.

62 11 (4) The pregnancy is the result of incest which is reported
62 12 within 150 days of the incident to a law enforcement agency
62 13 or public or private health agency which may include a family
62 14 physician.

62 15 (5) The abortion is a spontaneous abortion, commonly known
62 16 as a miscarriage, wherein not all of the products of conception
62 17 are expelled.

62 18 b. Notwithstanding any provision of law to the contrary, the
62 19 amount appropriated in this subsection shall be allocated in
62 20 twelve equal monthly payments as provided in section 249J.24.

62 21 2. There is appropriated from the IowaCare account
62 22 created in section 249J.24 to the state board of regents for
62 23 distribution to the university of Iowa hospitals and clinics
62 24 for the fiscal year beginning July 1, 2010, and ending June 30,
62 25 2011, the following amount, or so much thereof as is necessary,
62 26 to be used for the purposes designated:

62 27 For salaries, support, maintenance, equipment, and
62 28 miscellaneous purposes, for the provision of medical and
62 29 surgical treatment of indigent patients, for provision of
62 30 services to members of the expansion population pursuant to
62 31 chapter 249J, and for medical education:
62 32 \$ 49,020,031

62 33 Notwithstanding any provision of law to the contrary, the
62 34 amount appropriated in this subsection shall be distributed
62 35 based on claims submitted, adjudicated, and paid by the Iowa



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63 1 Medicaid enterprise.
 63 2 3. There is appropriated from the IowaCare account created
 63 3 in section 249J.24 to the department of human services for the
 63 4 fiscal year beginning July 1, 2010, and ending June 30, 2011,
 63 5 the following amount, or so much thereof as is necessary, to be
 63 6 used for the purposes designated:
 63 7 For distribution to a publicly owned acute care teaching
 63 8 hospital located in a county with a population over 350,000 for
 63 9 the provision of medical and surgical treatment of indigent
 63 10 patients, for provision of services to members of the expansion
 63 11 population pursuant to chapter 249J, and for medical education:
 63 12 \$ 51,000,000
 63 13 a. Notwithstanding any provision of law to the contrary,
 63 14 the amount appropriated in this subsection shall be distributed
 63 15 based on claims submitted, adjudicated, and paid by the Iowa
 63 16 Medicaid enterprise plus a monthly disproportionate share
 63 17 hospital payment. Any amount appropriated in this subsection
 63 18 in excess of \$48,000,000 shall be distributed only if the sum
 63 19 of the expansion population claims adjudicated and paid by the
 63 20 Iowa Medicaid enterprise plus the estimated disproportionate
 63 21 share hospital payments exceeds \$48,000,000. The amount paid
 63 22 in excess of \$48,000,000 shall not adjust the original monthly
 63 23 payment amount but shall be distributed monthly based on actual
 63 24 claims adjudicated and paid by the Iowa Medicaid enterprise
 63 25 plus the estimated disproportionate share hospital amount. Any
 63 26 amount appropriated in this subsection in excess of \$48,000,000
 63 27 shall be allocated only if federal funds are available to match
 63 28 the amount allocated.
 63 29 b. Notwithstanding the total amount of proceeds distributed
 63 30 pursuant to section 249J.24, subsection 6, paragraph "a",
 63 31 unnumbered paragraph 1, for the fiscal year beginning July
 63 32 1, 2010, and ending June 30, 2011, the county treasurer of a
 63 33 county with a population of over 350,000 in which a publicly
 63 34 owned acute care teaching hospital is located shall distribute
 63 35 the proceeds collected pursuant to section 347.7 in a total



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64 1 amount of \$38,000,000, which would otherwise be distributed to
64 2 the county hospital, to the treasurer of state for deposit in
64 3 the IowaCare account.
64 4 c. (1) Notwithstanding the amount collected and
64 5 distributed for deposit in the IowaCare account pursuant to
64 6 section 249J.24, subsection 6, paragraph "a", subparagraph
64 7 (1), the first \$19,000,000 in proceeds collected pursuant to
64 8 section 347.7 between July 1, 2010, and December 31, 2010,
64 9 shall be distributed to the treasurer of state for deposit in
64 10 the IowaCare account and collections during this time period in
64 11 excess of \$19,000,000 shall be distributed to the acute care
64 12 teaching hospital identified in this subsection.
64 13 (2) Notwithstanding the amount collected and distributed
64 14 for deposit in the IowaCare account pursuant to section
64 15 249J.24, subsection 6, paragraph "a", subparagraph (2),
64 16 the first \$19,000,000 in collections pursuant to section
64 17 347.7 between January 1, 2011, and June 30, 2011, shall be
64 18 distributed to the treasurer of state for deposit in the
64 19 IowaCare account and collections during this time period in
64 20 excess of \$19,000,000 shall be distributed to the acute care
64 21 teaching hospital identified in this subsection.
64 22 Sec. 42. APPROPRIATIONS FROM ACCOUNT FOR HEALTH CARE
64 23 TRANSFORMATION == DEPARTMENT OF HUMAN SERVICES.
64 24 Notwithstanding any provision to the contrary, there is
64 25 appropriated from the account for health care transformation
64 26 created in section 249J.23 to the department of human services
64 27 for the fiscal year beginning July 1, 2010, and ending June
64 28 30, 2011, the following amounts, or so much thereof as is
64 29 necessary, to be used for the purposes designated:
64 30 1. For the costs of medical examinations for the expansion
64 31 population pursuant to section 249J.6:
64 32 \$ 556,800
64 33 2. For the provision of an IowaCare nurse helpline for the
64 34 expansion population as provided in section 249J.6:
64 35 \$ 100,000



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65 1 3. For other health promotion partnership activities
65 2 pursuant to section 249J.14:
65 3 \$ 600,000
65 4 4. For the costs related to audits, performance
65 5 evaluations, and studies required pursuant to chapter 249J:
65 6 \$ 125,000
65 7 5. For administrative costs associated with chapter 249J:
65 8 \$ 1,132,412
65 9 6. For planning and development, in cooperation with the
65 10 department of public health, of a phased-in program to provide
65 11 a dental home for children in accordance with section 249J.14:
65 12 \$ 1,000,000
65 13 7. For continuation of the establishment of the tuition
65 14 assistance for individuals serving individuals with
65 15 disabilities pilot program, as enacted in 2008 Iowa Acts,
65 16 chapter 1187, section 130:
65 17 \$ 50,000
65 18 8. For medical contracts:
65 19 \$ 1,300,000
65 20 9. For payment to the publicly owned acute care teaching
65 21 hospital located in a county with a population of over 350,000
65 22 that is a participating provider pursuant to chapter 249J:
65 23 \$ 290,000
65 24 Disbursements under this subsection shall be made monthly.
65 25 The hospital shall submit a report following the close of the
65 26 fiscal year regarding use of the funds appropriated in this
65 27 subsection to the persons specified in this Act to receive
65 28 reports.
65 29 Notwithstanding section 8.39, subsection 1, without the
65 30 prior written consent and approval of the governor and the
65 31 director of the department of management, the director of human
65 32 services may transfer funds among the appropriations made in
65 33 this section as necessary to carry out the purposes of the
65 34 account for health care transformation. The department shall
65 35 report any transfers made pursuant to this section to the



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66 1 legislative services agency.
 66 2 Sec. 43. MEDICAL ASSISTANCE PROGRAM == NONREVERSION FOR
 66 3 FY 2011=2012. Notwithstanding any section 8.33, if moneys
 66 4 appropriated for purposes of the medical assistance program for
 66 5 the fiscal year beginning July 1, 2010, and ending June 30,
 66 6 2011, from the general fund of the state, the senior living
 66 7 trust fund, and the health care trust fund, are in excess of
 66 8 actual expenditures for the medical assistance program and
 66 9 remain unencumbered or unobligated at the close of the fiscal
 66 10 year, the excess moneys shall not revert but shall remain
 66 11 available for expenditure for the purposes of the medical
 66 12 assistance program until the close of the succeeding fiscal
 66 13 year.

DIVISION VI
 MH/MR/DD SERVICES
 ALLOWED GROWTH FUNDING
 FY 2010=2011

66 14 Sec. 44. 2009 Iowa Acts, chapter 179, section 1, is amended
 66 15 to read as follows:

66 16 SECTION 1. COUNTY MENTAL HEALTH, MENTAL RETARDATION, AND
 66 17 DEVELOPMENTAL DISABILITIES ALLOWED GROWTH APPROPRIATION AND
 66 18 ALLOCATIONS == FISCAL YEAR 2010=2011.

66 19 ~~1-~~ There is appropriated from the general fund of the
 66 20 state to the department of human services for the fiscal year
 66 21 beginning July 1, 2010, and ending June 30, 2011, the following
 66 22 amount, or so much thereof as is necessary, to be used for the
 66 23 purpose designated:

66 24 For distribution to counties of the county mental health,
 66 25 mental retardation, and developmental disabilities allowed
 66 26 growth factor adjustment for fiscal year 2010=2011 as provided
 66 27 in this section in lieu of the allowed growth factor provisions
 66 28 of section 331.438, subsection 2, and section 331.439,
 66 29 subsection 3, and chapter 426B:

66 30	\$ 62,157,491
66 31	<u>48,697,893</u>
66 32	
66 33	
66 34	
66 35	



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~~67 1 2. The amount appropriated in this section shall be
67 2 allocated as provided in a later enactment of the general
67 3 assembly.~~

67 4 Sec. 45. 2009 Iowa Acts, chapter 179, section 1, as
67 5 amended by this division of this Act, is amended by adding the
67 6 following new subsections:

67 7 NEW SUBSECTION. 1. Of the amount appropriated in this
67 8 section, \$146,750 shall be used for assistance to the counties
67 9 with limited county mental health, mental retardation, and
67 10 developmental disabilities services fund balances which were
67 11 selected in accordance with 2000 Iowa Acts, chapter 1221,
67 12 section 3, to receive such assistance, in the same amount
67 13 provided during the fiscal year beginning July 1, 2000,
67 14 and ending June 30, 2001, to pay reimbursement increases in
67 15 accordance with 2000 Iowa Acts, chapter 1221, section 3.

67 16 NEW SUBSECTION. 2. Of the amount appropriated in this
67 17 section, \$12,000,000 shall be distributed as provided in this
67 18 subsection.

67 19 a. To be eligible to receive a distribution under this
67 20 subsection, a county must meet the following requirements:

67 21 (1) The county is levying for the maximum amount allowed
67 22 for the county's mental health, mental retardation, and
67 23 developmental disabilities services fund under section 331.424A
67 24 for taxes due and payable in the fiscal year beginning July 1,
67 25 2010, or the county is levying for at least 90 percent of the
67 26 maximum amount allowed for the county's services fund and that
67 27 levy rate is more than \$2 per \$1,000 of the assessed value of
67 28 all taxable property in the county.

67 29 (2) In the fiscal year beginning July 1, 2008, the
67 30 county's mental health, mental retardation, and developmental
67 31 disabilities services fund ending balance under generally
67 32 accepted accounting principles was equal to or less than 15
67 33 percent of the county's actual gross expenditures for that
67 34 fiscal year.

67 35 b. A county's allocation of the amount appropriated in



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68 1 this subsection shall be determined based upon the county's
68 2 proportion of the general population of the counties eligible
68 3 to receive an allocation under this subsection. The most
68 4 recent population estimates issued by the United States bureau
68 5 of the census shall be applied in determining population for
68 6 the purposes of this paragraph.

68 7 c. The allocations made pursuant to this subsection
68 8 are subject to the distribution provisions and withholding
68 9 requirements established in this section for the county mental
68 10 health, mental retardation, and developmental disabilities
68 11 allowed growth factor adjustment for the fiscal year beginning
68 12 July 1, 2010.

68 13 NEW SUBSECTION. 3. The following amount of the funding
68 14 appropriated in this section is the allowed growth factor
68 15 adjustment for fiscal year 2010=2011, and shall be credited to
68 16 the allowed growth funding pool created in the property tax
68 17 relief fund and for distribution in accordance with section
68 18 426B.5, subsection 1:

68 19 \$ 36,551,143

68 20 NEW SUBSECTION. 4. The following formula amounts shall be
68 21 utilized only to calculate preliminary distribution amounts for
68 22 the allowed growth factor adjustment for fiscal year 2010=2011
68 23 under this section by applying the indicated formula provisions
68 24 to the formula amounts and producing a preliminary distribution
68 25 total for each county:

68 26 a. For calculation of a distribution amount for eligible
68 27 counties from the allowed growth funding pool created in the
68 28 property tax relief fund in accordance with the requirements in
68 29 section 426B.5, subsection 1:

68 30 \$ 49,626,596

68 31 b. For calculation of a distribution amount for counties
68 32 from the mental health and developmental disabilities (MH/DD)
68 33 community services fund in accordance with the formula provided
68 34 in the appropriation made for the MH/DD community services fund
68 35 for the fiscal year beginning July 1, 2010:



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69 1 \$ 14,187,556
69 2 NEW SUBSECTION. 5. a. After applying the applicable
69 3 statutory distribution formulas to the amounts indicated in
69 4 subsection 4 for purposes of producing preliminary distribution
69 5 totals, the department of human services shall apply a
69 6 withholding factor to adjust an eligible individual county's
69 7 preliminary distribution total. In order to be eligible for
69 8 a distribution under this section, a county must be levying
69 9 90 percent or more of the maximum amount allowed for the
69 10 county's mental health, mental retardation, and developmental
69 11 disabilities services fund under section 331.424A for taxes due
69 12 and payable in the fiscal year for which the distribution is
69 13 payable.
69 14 b. An ending balance percentage for each county shall
69 15 be determined by expressing the county's ending balance on a
69 16 modified accrual basis under generally accepted accounting
69 17 principles for the fiscal year beginning July 1, 2008, in the
69 18 county's mental health, mental retardation, and developmental
69 19 disabilities services fund created under section 331.424A, as a
69 20 percentage of the county's gross expenditures from that fund
69 21 for that fiscal year. If a county borrowed moneys for purposes
69 22 of providing services from the county's services fund on or
69 23 before July 1, 2008, and the county's services fund ending
69 24 balance for that fiscal year includes the loan proceeds or an
69 25 amount designated in the county budget to service the loan for
69 26 the borrowed moneys, those amounts shall not be considered
69 27 to be part of the county's ending balance for purposes of
69 28 calculating an ending balance percentage under this subsection.
69 29 c. For purposes of calculating withholding factors and for
69 30 ending balance amounts used for other purposes under law, the
69 31 county ending balances shall be adjusted, using forms developed
69 32 for this purpose by the county finance committee, to disregard
69 33 the temporary funding increase provided to the counties for
69 34 the fiscal year through the federal American Recovery and
69 35 Reinvestment Act of 2009, Pub. L. No. 111=5. In addition,



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70 1 a county may adjust the ending balance amount by rebating to
70 2 the department all or a portion of the allowed growth and
70 3 MH/DD services fund moneys the county received for the fiscal
70 4 year beginning July 1, 2009, in accordance with 2008 Iowa
70 5 Acts, chapter 1191, as amended by 2009 Iowa Acts, chapter 182,
70 6 section 55, or from any other services fund moneys available
70 7 to the county. The rebate must be remitted to the department
70 8 on or before June 1, 2009, in order to be counted. The amount
70 9 rebated by a county shall be subtracted dollar-for-dollar
70 10 from the county's ending balance amount for the fiscal year
70 11 beginning July 1, 2008, for purposes of calculating the
70 12 withholding factor and for other ending balance purposes for
70 13 the fiscal year beginning July 1, 2010. The rebates received
70 14 by the department shall be credited to the risk pool in the
70 15 property tax relief fund.
70 16 d. The withholding factor for a county shall be the
70 17 following applicable percent:
70 18 (1) For an ending balance percentage of less than 5
70 19 percent, a withholding factor of 0 percent. In addition,
70 20 a county that is subject to this lettered paragraph shall
70 21 receive an inflation adjustment equal to 3 percent of the gross
70 22 expenditures reported for the county's services fund for the
70 23 fiscal year.
70 24 (2) For an ending balance percentage of 5 percent or more
70 25 but less than 10 percent, a withholding factor of 0 percent.
70 26 In addition, a county that is subject to this lettered
70 27 paragraph shall receive an inflation adjustment equal to 2
70 28 percent of the gross expenditures reported for the county's
70 29 services fund for the fiscal year.
70 30 (3) For an ending balance percentage of 10 percent or more
70 31 but less than 25 percent, a withholding factor of 25 percent.
70 32 However, for counties with an ending balance percentage of 10
70 33 percent or more but less than 15 percent, the amount withheld
70 34 shall be limited to the amount by which the county's ending
70 35 balance was in excess of the ending balance percentage of 10



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71 1 percent.

71 2 (4) For an ending balance percentage of 25 percent or more,
71 3 a withholding percentage of 100 percent.

71 4 NEW SUBSECTION. 6. The total withholding amounts applied
71 5 pursuant to subsection 5 shall be equal to a withholding target
71 6 amount of \$13,075,453. If the department of human services
71 7 determines that the amount to be withheld in accordance with
71 8 subsection 6 is not equal to the target withholding amount,
71 9 the department shall adjust the withholding factors listed in
71 10 subsection 6 as necessary to achieve the target withholding
71 11 amount. However, in making such adjustments to the withholding
71 12 factors, the department shall strive to minimize changes to
71 13 the withholding factors for those ending balance percentage
71 14 ranges that are lower than others and shall not adjust the
71 15 zero withholding factor or the inflation adjustment percentage
71 16 specified in subsection 5, paragraph "a".

71 17

DIVISION VII

71 18

PRIOR APPROPRIATIONS AND

71 19

RELATED CHANGES

71 20

CERTIFIED RETIREMENT COMMUNITIES

71 21 Sec. 46. Section 231.24, subsection 9, Code Supplement
71 22 2009, is amended to read as follows:

71 23

71 24 9. Program administration deferral. ~~If in the fiscal~~
~~71 24 year beginning July 1, 2009, the department on aging's~~
~~71 25 appropriations or authorized full-time equivalent positions are~~
~~71 26 reduced, the~~ The department may defer the implementation of
71 27 the certified retirement communities program until such time
71 28 as the department has the resources to administer the program,
71 29 as determined by the director.

71 30

AREA AGENCY ON AGING

71 31

BOARD TRAINING

71 32

71 33 Sec. 47. Section 231.33, subsection 19, Code Supplement

71 34

71 35

71 35 Sec. 48. 2008 Iowa Acts, chapter 1040, section 3, is amended



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72 1 to read as follows:

72 2 SEC. 3. IMPLEMENTATION == CONTINGENCY. The department
72 3 ~~of elder affairs on aging~~ shall implement ~~on or before July~~
72 4 ~~1, 2010,~~ the initial provisions for expanding and improving
72 5 training and education of those who regularly deal with persons
72 6 with Alzheimer's disease and similar forms of irreversible
72 7 dementia and for providing funding for public awareness efforts
72 8 and educational efforts in accordance with section 231.62,
72 9 as enacted by this Act, contingent upon the availability of
72 10 funding as determined by the director.

72 11 REGIONAL SERVICE NETWORK

72 12 PILOT PROJECT

72 13 Sec. 49. 2008 Iowa Acts, chapter 1187, section 59,
72 14 subsection 9, paragraph a, is amended to read as follows:

72 15 a. The department of human services may implement a pilot
72 16 project for a regional service network established for mental
72 17 health, mental retardation, and developmental disabilities
72 18 services paid from the services funds under section 331.424A.
72 19 The initial term of the pilot project is limited to the
72 20 ~~two-year~~ period beginning July 1, 2008, and ending June 30,
72 21 ~~2010~~ 2011.

72 22 HEALTH CARE COVERAGE

72 23 EXPANSION

72 24 Sec. 50. 2008 Iowa Acts, chapter 1188, section 16, as
72 25 amended by 2009 Iowa Acts, chapter 182, section 84, is amended
72 26 to read as follows:

72 27 SEC. 16. MEDICAL ASSISTANCE, HAWK=I, AND HAWK=I EXPANSION
72 28 PROGRAMS == COVERING CHILDREN == APPROPRIATION. There
72 29 is appropriated from the general fund of the state to the
72 30 department of human services for the designated fiscal years,
72 31 the following amounts, or so much thereof as is necessary, for
72 32 the purpose designated:

72 33 To cover children as provided in this Act under the medical
72 34 assistance, hawk=i, and hawk=i expansion programs and outreach
72 35 under the current structure of the programs:



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73	1	FY 2008=2009	\$ 4,800,000
73	2	FY 2009=2010	\$ 4,207,001
73	3	FY 2010=2011	\$ 24,800,000
73	4	<u>10,049,532</u>	

PATIENT DECISION

MAKING == PILOT PROJECT

73 7 Sec. 51. 2008 Iowa Acts, chapter 1188, section 36,
73 8 subsection 1, is amended to read as follows:

73 9 1. The department of public health shall establish a
73 10 ~~two-year~~ community coalition for patient treatment wishes
73 11 across the health care continuum pilot project, beginning
73 12 July 1, 2008, and ending June 30, ~~2010~~ 2011, in a county
73 13 with a population of between fifty thousand and one hundred
73 14 thousand. The pilot project shall utilize the process based
73 15 upon the national physicians orders for life sustaining
73 16 treatment program initiative, including use of a standardized
73 17 physician order for scope of treatment form. The process
73 18 shall require validation of the physician order for scope of
73 19 treatment form by the signature of an individual other than
73 20 the patient or the patient's legal representative who is not
73 21 an employee of the patient's physician. The pilot project may
73 22 include applicability to chronically ill, frail, and elderly or
73 23 terminally ill individuals in hospitals licensed pursuant to
73 24 chapter 135B, nursing facilities or residential care facilities
73 25 licensed pursuant to chapter 135C, or hospice programs as
73 26 defined in section 135J.1.

MEDICAID PROGRAMS == PROCESS

REQUIREMENTS

73 29 Sec. 52. 2009 Iowa Acts, chapter 118, section 38, subsection
73 30 3, is amended by striking the subsection.

IOWA VETERANS HOME

73 32 Sec. 53. 2009 Iowa Acts, chapter 182, section 3, subsection
73 33 2, is amended by adding the following new paragraph:

73 34 NEW PARAGRAPH. d. The funds appropriated in this subsection
73 35 to the Iowa veterans home that remain available for expenditure



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74 1 for the succeeding fiscal year pursuant to section 35D.18,
74 2 subsection 5, shall be distributed to be used in the succeeding
74 3 fiscal year in accordance with this lettered paragraph. The
74 4 first \$500,000 shall remain available to be used for the
74 5 purposes of the Iowa veterans home. On or before October 15,
74 6 2010, the department of management shall transfer not more than
74 7 \$1,000,000 to the appropriation to the department of human
74 8 services for field operations. Any remaining funding shall be
74 9 used for purposes of the Iowa veterans home.

74 10 TEMPORARY ASSISTANCE FOR NEEDY
74 11 FAMILIES BLOCK GRANT

74 12 Sec. 54. 2009 Iowa Acts, chapter 182, section 5, is amended
74 13 by adding the following new subsection:

74 14 NEW SUBSECTION. 15. Notwithstanding section 8.33, moneys
74 15 appropriated in this section that remain unencumbered or
74 16 unobligated at the close of the fiscal year shall not revert
74 17 but shall remain available for expenditure for the family
74 18 investment program until the close of the succeeding fiscal
74 19 year.

74 20 BEHAVIORAL HEALTH SERVICES
74 21 ACCOUNT == MEDICAL ASSISTANCE

74 22 Sec. 55. 2009 Iowa Acts, chapter 182, section 9, subsection
74 23 16, paragraph b, is amended to read as follows:

74 24 b. The department shall continue to maintain a separate
74 25 account within the medical assistance budget for the deposit
74 26 of all funds remitted pursuant to a contract with a third
74 27 party to administer behavioral health services under the
74 28 medical assistance program established pursuant to 2008 Iowa
74 29 Acts, chapter 1187, section 9, subsection 20. Notwithstanding
74 30 section 8.33, other than funds remaining from the appropriation
74 31 allocations made for implementation of the emergency mental
74 32 health crisis services and system, for implementation of the
74 33 mental health services system for children and youth, and
74 34 for training of child welfare services providers in 2008
74 35 Iowa Acts, chapter 1187, section 9, subsection 20, paragraph



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75 1 "c", subparagraphs (1), (2), and (6), as authorized in 2009
75 2 Iowa Acts, chapter 182, section 72, funds remaining in the
75 3 account that remain unencumbered or unobligated at the end of
75 4 ~~any~~ the fiscal year shall not revert but shall remain available
75 5 in succeeding fiscal years and ~~shall be used only in accordance~~
~~75 6 with appropriations from the account for health and human~~
~~75 7 services-related purposes~~ are appropriated to the department to
75 8 be used for the medical assistance program.

75 9 STATE SUPPLEMENTARY
75 10 ASSISTANCE PROGRAM

75 11 Sec. 56. 2009 Iowa Acts, chapter 182, section 12, is amended
75 12 by adding the following new subsection:

75 13 NEW SUBSECTION. 4. Notwithstanding section 8.33, moneys
75 14 appropriated in this section that remain unencumbered or
75 15 unobligated at the close of the fiscal year shall remain
75 16 available for expenditure for the purposes designated until the
75 17 close of the succeeding fiscal year.

75 18 INTELLECTUAL DISABILITIES WAIVER

75 19 Sec. 57. INTELLECTUAL DISABILITIES WAIVER == STATEWIDE
75 20 METHODOLOGY. In administering the medical assistance home
75 21 and community-based services intellectual disability waiver,
75 22 the total number of openings at any one time shall be limited
75 23 to the number approved for the waiver by the secretary of the
75 24 United States department of health and human services and
75 25 available funding. Beginning July 1, 2010, the department
75 26 shall implement a statewide method of allocating waiver slots
75 27 and shall design a methodology for prioritizing the allocation
75 28 of slots, subject to federal approval. The department
75 29 shall convene a workgroup to develop criteria to prioritize
75 30 individuals on the waiting list, subject to federal approval.

75 31 Sec. 58. EFFECTIVE UPON ENACTMENT. This division of this
75 32 Act, being deemed of immediate importance, takes effect upon
75 33 enactment.

75 34 DIVISION VIII
75 35 INTERSTATE COMPACT FOR JUVENILES



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76 1 Sec. 59. Section 232.2, subsection 29, Code Supplement
76 2 2009, is amended to read as follows:
76 3 29. "Juvenile" means the same as "child". However, in
76 4 the interstate compact ~~on~~ for juveniles, ~~sections 232.171 and~~
~~76 5 232.172~~ section 232.173, "juvenile" means a person defined as a
76 6 juvenile in the law of a state which is a party to the compact.
76 7 Sec. 60. Section 232.172, Code 2009, is amended to read as
76 8 follows:
76 9 232.172 Confinement of delinquent juvenile.
76 10 1. For a juvenile under the jurisdiction of this state
76 11 who is subject to the interstate compact for juveniles
76 12 under section 232.173, the confinement of the juvenile in an
76 13 institution located within another compacting state shall be
76 14 as provided under the compact.
76 15 2. This subsection applies to the confinement of a
76 16 delinquent juvenile under the jurisdiction of this state in an
76 17 institution located within a noncompacting state, as defined
76 18 in section 232.173, that entered into the interstate compact
76 19 on juveniles under section 232.171, Code 2009. In addition
76 20 to any institution in which the authorities of this state may
76 21 otherwise confine or order the confinement of a the delinquent
76 22 juvenile, such authorities may, pursuant to the out-of-state
76 23 confinement amendment to the interstate compact on juveniles in
76 24 section 232.171, Code 2009, confine or order the confinement
76 25 of a the delinquent juvenile in a compact institution within
76 26 another party state.
76 27 Sec. 61. NEW SECTION. 232.173 Interstate compact for
76 28 juveniles.
76 29 1. Article I == Purpose.
76 30 a. The compacting states to this interstate compact
76 31 recognize that each state is responsible for the proper
76 32 supervision or return of juveniles, delinquents, and status
76 33 offenders who are on probation or parole and who have
76 34 absconded, escaped, or run away from supervision and control
76 35 and in so doing have endangered their own safety and the safety



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77 1 of others. The compacting states also recognize that each
77 2 state is responsible for the safe return of juveniles who have
77 3 run away from home and in doing so have left their state of
77 4 residence. The compacting states also recognize that Congress,
77 5 by enacting the Crime Control Act, 4 U.S.C. { 112 (1965), has
77 6 authorized and encouraged compacts for cooperative efforts and
77 7 mutual assistance in the prevention of crime.
77 8 b. It is the purpose of this compact, through means of joint
77 9 and cooperative action among the compacting states to:
77 10 (1) Ensure that the adjudicated juveniles and status
77 11 offenders subject to this compact are provided adequate
77 12 supervision and services in the receiving state as ordered
77 13 by the adjudicating judge or parole authority in the sending
77 14 state.
77 15 (2) Ensure that the public safety interests of the citizens,
77 16 including the victims of juvenile offenders, in both the
77 17 sending and receiving states are adequately protected.
77 18 (3) Return juveniles who have run away, absconded, or
77 19 escaped from supervision or control or have been accused of an
77 20 offense to the state requesting their return.
77 21 (4) Make contracts for the cooperative institutionalization
77 22 in public facilities in member states for delinquent youth
77 23 needing special services.
77 24 (5) Provide for the effective tracking and supervision of
77 25 juveniles.
77 26 (6) Equitably allocate the costs, benefits, and obligations
77 27 of the compacting states.
77 28 (7) Establish procedures to manage the movement between
77 29 states of juvenile offenders released to the community under
77 30 the jurisdiction of courts, juvenile departments, or any other
77 31 criminal or juvenile justice agency which has jurisdiction over
77 32 juvenile offenders.
77 33 (8) Insure immediate notice to jurisdictions where defined
77 34 offenders are authorized to travel or to relocate across state
77 35 lines.



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78 1 (9) Establish procedures to resolve pending charges
78 2 (detainers) against juvenile offenders prior to transfer or
78 3 release to the community under the terms of this compact.
78 4 (10) Establish a system of uniform data collection on
78 5 information pertaining to juveniles subject to this compact
78 6 that allows access by authorized juvenile justice and criminal
78 7 justice officials, and regular reporting of compact activities
78 8 to heads of state executive, judicial, and legislative branches
78 9 and juvenile and criminal justice administrators.
78 10 (11) Monitor compliance with rules governing interstate
78 11 movement of juveniles and initiate interventions to address and
78 12 correct noncompliance.
78 13 (12) Coordinate training and education regarding the
78 14 regulation of interstate movement of juveniles for officials
78 15 involved in such activity.
78 16 (13) Coordinate the implementation and operation of
78 17 the compact with the interstate compact for the placement
78 18 of children, the interstate compact for adult offender
78 19 supervision, and other compacts affecting juveniles
78 20 particularly in those cases where concurrent or overlapping
78 21 supervision issues arise.
78 22 c. It is the policy of the compacting states that the
78 23 activities conducted by the interstate commission created in
78 24 this compact are the formation of public policies and therefore
78 25 are public business. Furthermore, the compacting states shall
78 26 cooperate and observe their individual and collective duties
78 27 and responsibilities for the prompt return and acceptance of
78 28 juveniles subject to the provisions of this compact. The
78 29 provisions of this compact shall be reasonably and liberally
78 30 construed to accomplish the purposes and policies of the
78 31 compact.
78 32 2. Article II == Definitions. As used in this compact,
78 33 unless the context clearly requires a different construction:
78 34 a. "Bylaws" means those bylaws established by the interstate
78 35 commission for its governance, or for directing or controlling



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- 79 1 its actions or conduct.
- 79 2 b. "Compact administrator" means the individual in each
79 3 compacting state appointed pursuant to the terms of this
79 4 compact, responsible for the administration and management of
79 5 the state's supervision and transfer of juveniles subject to
79 6 the terms of this compact, the rules adopted by the interstate
79 7 commission, and policies adopted by the state council under
79 8 this compact.
- 79 9 c. "Compacting state" means any state which has enacted the
79 10 enabling legislation for this compact.
- 79 11 d. "Commissioner" means the voting representative of each
79 12 compacting state appointed pursuant to article III of this
79 13 compact.
- 79 14 e. "Court" means any court having jurisdiction over
79 15 delinquent, neglected, or dependent children.
- 79 16 f. "Deputy compact administrator" means the individual,
79 17 if any, in each compacting state appointed to act on behalf
79 18 of a compact administrator pursuant to the terms of this
79 19 compact responsible for the administration and management of
79 20 the state's supervision and transfer of juveniles subject to
79 21 the terms of this compact, the rules adopted by the interstate
79 22 commission, and policies adopted by the state council under
79 23 this compact.
- 79 24 g. "Interstate commission" means the interstate commission
79 25 for juveniles created by article III of this compact.
- 79 26 h. "Juvenile" means any person defined as a juvenile in
79 27 any member state or by the rules of the interstate commission,
79 28 including persons who are any of the following:
- 79 29 (1) An accused delinquent, meaning a person charged with
79 30 an offense that, if committed by an adult, would be a criminal
79 31 offense.
- 79 32 (2) An adjudicated delinquent, meaning a person found to
79 33 have committed an offense that, if committed by an adult, would
79 34 be a criminal offense.
- 79 35 (3) An accused status offender, meaning a person charged



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80 1 with an offense that would not be a criminal offense if
80 2 committed by an adult.
80 3 (4) An adjudicated status offender, meaning a person found
80 4 to have committed an offense that would not be a criminal
80 5 offense if committed by an adult.
80 6 (5) A nonoffender, meaning a person in need of supervision
80 7 who has not been accused or adjudicated a status offender or
80 8 delinquent.
80 9 i. "Noncompacting state" means any state which has not
80 10 enacted the enabling legislation for this compact.
80 11 j. "Probation or parole" means any kind of supervision or
80 12 conditional release of juveniles authorized under the laws of
80 13 the compacting states.
80 14 k. "Rule" means a written statement by the interstate
80 15 commission promulgated pursuant to article VI of this compact
80 16 that is of general applicability, implements, interprets
80 17 or prescribes a policy or provision of the compact, or an
80 18 organizational, procedural, or practice requirement of the
80 19 commission, and has the force and effect of statutory law in
80 20 a compacting state, and includes the amendment, repeal, or
80 21 suspension of an existing rule.
80 22 l. "State" means a state of the United States, the District
80 23 of Columbia or its designee, the Commonwealth of Puerto Rico,
80 24 the United States Virgin Islands, Guam, American Samoa, and the
80 25 Northern Marianas Islands.
80 26 3. Article III == Interstate commission for juveniles.
80 27 a. The compacting states hereby create the interstate
80 28 commission for juveniles. The commission shall be a body
80 29 corporate and joint agency of the compacting states. The
80 30 commission shall have all the responsibilities, powers, and
80 31 duties set forth in this compact, and such additional powers as
80 32 may be conferred upon it by subsequent action of the respective
80 33 legislatures of the compacting states in accordance with the
80 34 terms of this compact.
80 35 b. The interstate commission shall consist of commissioners



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81 1 appointed by the appropriate appointing authority in
81 2 each state pursuant to the rules and requirements of each
81 3 compacting state and in consultation with the state council for
81 4 interstate juvenile supervision created in this compact. The
81 5 commissioner shall be the compact administrator, deputy compact
81 6 administrator, or designee from that state who shall serve on
81 7 the interstate commission in such capacity under or pursuant to
81 8 the applicable law of the compacting state.

81 9 c. In addition to the commissioners who are the voting
81 10 representatives of each state, the interstate commission shall
81 11 include individuals who are not commissioners, but who are
81 12 members of interested organizations. Such noncommissioner
81 13 members must include a member of the national organizations
81 14 of governors, legislators, state chief justices, attorneys
81 15 general, interstate compact for adult offender supervision,
81 16 interstate compact for the placement of children, juvenile
81 17 justice and juvenile corrections officials, and crime victims.
81 18 All noncommissioner members of the interstate commission
81 19 shall be ex officio, nonvoting members. The interstate
81 20 commission may provide in its bylaws for such additional ex
81 21 officio, nonvoting members, including members of other national
81 22 organizations, in such numbers as shall be determined by the
81 23 commission.

81 24 d. Each compacting state represented at any meeting of
81 25 the commission is entitled to one vote. A majority of the
81 26 compacting states shall constitute a quorum for the transaction
81 27 of business, unless a larger quorum is required by the bylaws
81 28 of the interstate commission.

81 29 e. The commission shall meet at least once each calendar
81 30 year. The chairperson may call additional meetings and, upon
81 31 the request of a simple majority of the compacting states,
81 32 shall call additional meetings. Public notice shall be given
81 33 of all meetings and meetings shall be open to the public.

81 34 f. The interstate commission shall establish an executive
81 35 committee, which shall include commission officers, members,



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82 1 and others as determined by the bylaws. The executive
82 2 committee shall have the power to act on behalf of the
82 3 interstate commission during periods when the interstate
82 4 commission is not in session, with the exception of rulemaking
82 5 or amendment to the compact. The executive committee shall
82 6 oversee the day-to-day activities of the administration of
82 7 the compact managed by an executive director and interstate
82 8 commission staff; administer enforcement and compliance
82 9 with the provisions of the compact, its bylaws, and rules;
82 10 and perform such other duties as directed by the interstate
82 11 commission or set forth in the bylaws.

82 12 g. Each member of the interstate commission shall have
82 13 the right and power to cast a vote to which that compacting
82 14 state is entitled and to participate in the business and
82 15 affairs of the interstate commission. A member shall vote in
82 16 person and shall not delegate a vote to another compacting
82 17 state. However, a commissioner, in consultation with the state
82 18 council, shall appoint another authorized representative, in
82 19 the absence of the commissioner from that state, to cast a vote
82 20 on behalf of the compacting state at a specified meeting. The
82 21 bylaws may provide for members' participation in meetings by
82 22 telephone or other means of telecommunication or electronic
82 23 communication.

82 24 h. The interstate commission's bylaws shall establish
82 25 conditions and procedures under which the interstate commission
82 26 shall make its information and official records available
82 27 to the public for inspection or copying. The interstate
82 28 commission may exempt from disclosure any information or
82 29 official records to the extent they would adversely affect
82 30 personal privacy rights or proprietary interests.

82 31 i. Public notice shall be given of all meetings and all
82 32 meetings shall be open to the public, except as set forth
82 33 in the rules or as otherwise provided in the compact. The
82 34 interstate commission and any of its committees may close a
82 35 meeting to the public where it determines by two-thirds vote



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83 1 that an open meeting would be likely to:

83 2 (1) Relate solely to the interstate commission's internal

83 3 personnel practices and procedures.

83 4 (2) Disclose matters specifically exempted from disclosure

83 5 by statute.

83 6 (3) Disclose trade secrets or commercial or financial

83 7 information which is privileged or confidential.

83 8 (4) Involve accusing any person of a crime, or formally

83 9 censuring any person.

83 10 (5) Disclose information of a personal nature where

83 11 disclosure would constitute a clearly unwarranted invasion of

83 12 personal privacy.

83 13 (6) Disclose investigative records compiled for law

83 14 enforcement purposes.

83 15 (7) Disclose information contained in or related to an

83 16 examination or operating or condition reports prepared by, or

83 17 on behalf of or for the use of, the interstate commission with

83 18 respect to a regulated person or entity for the purpose of

83 19 regulation or supervision of such person or entity.

83 20 (8) Disclose information, the premature disclosure of which

83 21 would significantly endanger the stability of a regulated

83 22 person or entity.

83 23 (9) Specifically relate to the interstate commission's

83 24 issuance of a subpoena, or its participation in a civil action

83 25 or other legal proceeding.

83 26 j. For every meeting closed pursuant to this provision, the

83 27 interstate commission's legal counsel shall publicly certify

83 28 that, in the legal counsel's opinion, the meeting may be closed

83 29 to the public, and shall reference each relevant exemptive

83 30 provision. The interstate commission shall keep minutes

83 31 which shall fully and clearly describe all matters discussed

83 32 in any meeting and shall provide a full and accurate summary

83 33 of any actions taken, and the reasons therefore, including a

83 34 description of each of the views expressed on any item and the

83 35 record of any roll call vote, reflected in the vote of each



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84 1 member on the question. All documents considered in connection
84 2 with any action shall be identified in such minutes.
84 3 k. The interstate commission shall collect standardized data
84 4 concerning the interstate movement of juveniles as directed
84 5 through its rules which shall specify the data to be collected,
84 6 the means of collection, and data exchange and reporting
84 7 requirements. Such methods of data collection, exchange, and
84 8 reporting shall insofar as is reasonably possible conform to
84 9 up-to-date technology and coordinate its information functions
84 10 with the appropriate repository of records.
84 11 4. Article IV == Powers and duties of the interstate
84 12 commission. The commission shall have the following powers and
84 13 duties:
84 14 a. To provide for dispute resolution among compacting
84 15 states.
84 16 b. To promulgate rules to effect the purposes and
84 17 obligations as enumerated in this compact, which shall have the
84 18 force and effect of statutory law and shall be binding in the
84 19 compacting states to the extent and in the manner provided in
84 20 this compact.
84 21 c. To oversee, supervise, and coordinate the interstate
84 22 movement of juveniles subject to the terms of this compact and
84 23 any bylaws adopted and rules promulgated by the interstate
84 24 commission.
84 25 d. To enforce compliance with the compact provisions, the
84 26 rules promulgated by the interstate commission, and the bylaws,
84 27 using all necessary and proper means, including but not limited
84 28 to the use of judicial process.
84 29 e. To establish and maintain offices which shall be located
84 30 within one or more of the compacting states.
84 31 f. To purchase and maintain insurance and bonds.
84 32 g. To borrow, accept, hire, or contract for services of
84 33 personnel.
84 34 h. To establish and appoint committees and hire staff
84 35 which it deems necessary for the carrying out of its functions



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85 1 including but not limited to an executive committee as required
85 2 by article III which shall have the power to act on behalf of
85 3 the interstate commission in carrying out its powers and duties
85 4 hereunder.

85 5 i. To elect or appoint such officers, attorneys, employees,
85 6 agents, or consultants, and to fix their compensation, define
85 7 their duties and determine their qualifications; and to
85 8 establish the interstate commission's personnel policies and
85 9 programs relating to, inter alia, conflicts of interest, rates
85 10 of compensation, and qualifications of personnel.

85 11 j. To accept any and all donations and grants of money,
85 12 equipment, supplies, materials, and services, and to receive,
85 13 utilize, and dispose of it.

85 14 k. To lease, purchase, accept contributions or donations of,
85 15 or otherwise to own, hold, improve, or use any property, real,
85 16 personal, or mixed.

85 17 l. To sell, convey, mortgage, pledge, lease, exchange,
85 18 abandon, or otherwise dispose of any property, real, personal,
85 19 or mixed.

85 20 m. To establish a budget and make expenditures and levy
85 21 dues as provided in article VIII of this compact.

85 22 n. To sue and be sued.

85 23 o. To adopt a seal and bylaws governing the management and
85 24 operation of the interstate commission.

85 25 p. To perform such functions as may be necessary or
85 26 appropriate to achieve the purposes of this compact.

85 27 q. To report annually to the legislatures, governors,
85 28 judiciary, and state councils of the compacting states
85 29 concerning the activities of the interstate commission during
85 30 the preceding year. Such reports shall also include any
85 31 recommendations that may have been adopted by the interstate
85 32 commission.

85 33 r. To coordinate education, training, and public awareness
85 34 regarding the interstate movement of juveniles for officials
85 35 involved in such activity.



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86 1 s. To establish uniform standards of the reporting,
86 2 collecting, and exchanging of data.
86 3 t. The interstate commission shall maintain its corporate
86 4 books and records in accordance with the bylaws.
86 5 5. Article V == Organization and operation of the interstate
86 6 commission.
86 7 a. Bylaws. The interstate commission shall, by a majority
86 8 of the members present and voting, within twelve months after
86 9 the first interstate commission meeting, adopt bylaws to govern
86 10 its conduct as may be necessary or appropriate to carry out the
86 11 purposes of the compact, including but not limited to all of
86 12 the following:
86 13 (1) Establishing the fiscal year of the interstate
86 14 commission.
86 15 (2) Establishing an executive committee and such other
86 16 committees as may be necessary.
86 17 (3) Provide for the establishment of committees governing
86 18 any general or specific delegation of any authority or function
86 19 of the interstate commission.
86 20 (4) Providing reasonable procedures for calling and
86 21 conducting meetings of the interstate commission and ensuring
86 22 reasonable notice of each such meeting.
86 23 (5) Establishing the titles and responsibilities of the
86 24 officers of the interstate commission.
86 25 (6) Providing a mechanism for concluding the operations of
86 26 the interstate commission and the return of any surplus funds
86 27 that may exist upon the termination of the compact after the
86 28 payment or reserving of all of its debts and obligations.
86 29 (7) Providing "start-up" rules for initial administration
86 30 of the compact.
86 31 (8) Establishing standards and procedures for compliance
86 32 and technical assistance in carrying out the compact.
86 33 b. Officers and staff.
86 34 (1) The interstate commission shall, by a majority of the
86 35 members, elect annually from among its members a chairperson



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87 1 and a vice chairperson, each of whom shall have such authority
87 2 and duties as may be specified in the bylaws. The chairperson
87 3 or, in the chairperson's absence or disability, the vice
87 4 chairperson shall preside at all meetings of the interstate
87 5 commission. The officers so elected shall serve without
87 6 compensation or remuneration from the interstate commission;
87 7 provided that, subject to the availability of budgeted funds,
87 8 the officers shall be reimbursed for any ordinary and necessary
87 9 costs and expenses incurred by them in the performance of their
87 10 duties and responsibilities as officers of the interstate
87 11 commission.

87 12 (2) The interstate commission shall, through its executive
87 13 committee, appoint or retain an executive director for
87 14 such period, upon such terms and conditions and for such
87 15 compensation as the interstate commission may deem appropriate.
87 16 The executive director shall serve as secretary to the
87 17 interstate commission, but shall not be a member and shall hire
87 18 and supervise such other staff as may be authorized by the
87 19 interstate commission.

87 20 c. Immunity, defense, and indemnification.

87 21 (1) The commission's executive director and employees shall
87 22 be immune from suit and liability, either personally or in
87 23 their official capacity, for any claim for damage to or loss
87 24 of property or personal injury or other civil liability caused
87 25 or arising out of or relating to any actual or alleged act,
87 26 error, or omission that occurred, or that such person had a
87 27 reasonable basis for believing occurred within the scope of
87 28 commission employment, duties, or responsibilities; provided,
87 29 that any such person shall not be protected from suit or
87 30 liability for any damage, loss, injury, or liability caused by
87 31 the intentional or willful and wanton misconduct of any such
87 32 person.

87 33 (2) The liability of any commissioner, or the employee
87 34 or agent of a commissioner, acting within the scope of such
87 35 person's employment or duties for acts, errors, or omissions



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88 1 occurring within such person's state may not exceed the limits
88 2 of liability set forth under the constitution and laws of that
88 3 state for state officials, employees, and agents. Nothing
88 4 in this subparagraph shall be construed to protect any such
88 5 person from suit or liability for any damage, loss, injury,
88 6 or liability caused by the intentional or willful and wanton
88 7 misconduct of any such person.
88 8 (3) The interstate commission shall defend the executive
88 9 director or the employees or representatives of the interstate
88 10 commission and, subject to the approval of the attorney general
88 11 of the state represented by any commissioner of a compacting
88 12 state, shall defend such commissioner or the commissioner's
88 13 representatives or employees in any civil action seeking to
88 14 impose liability arising out of any actual or alleged act,
88 15 error, or omission that occurred within the scope of interstate
88 16 commission employment, duties, or responsibilities, or that
88 17 the defendant had a reasonable basis for believing occurred
88 18 within the scope of interstate commission employment, duties,
88 19 or responsibilities, provided that the actual or alleged act,
88 20 error, or omission did not result from intentional or willful
88 21 and wanton misconduct on the part of such person.
88 22 (4) The interstate commission shall indemnify and hold
88 23 the commissioner of a compacting state, or the commissioner's
88 24 representatives or employees, or the interstate commission's
88 25 representatives or employees, harmless in the amount of any
88 26 settlement or judgment obtained against such persons arising
88 27 out of any actual or alleged act, error, or omission that
88 28 occurred within the scope of interstate commission employment,
88 29 duties, or responsibilities, or that such persons had a
88 30 reasonable basis for believing occurred within the scope of
88 31 interstate commission employment, duties, or responsibilities,
88 32 provided that the actual or alleged act, error, or omission did
88 33 not result from intentional or willful and wanton misconduct on
88 34 the part of such persons.
88 35 6. Article VI == Rulemaking functions of the interstate



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89 1 commission.

89 2 a. The interstate commission shall promulgate and publish
89 3 rules in order to effectively and efficiently achieve the
89 4 purposes of the compact.

89 5 b. Rulemaking shall occur pursuant to the criteria set
89 6 forth in this article and the bylaws and rules adopted pursuant
89 7 thereto. Such rulemaking shall substantially conform to the
89 8 principles of the model state administrative procedures Act,
89 9 1981 Act, Uniform Laws Annotated, Vol. 15, p.1 (2000), or
89 10 such other administrative procedures act, as the interstate
89 11 commission deems appropriate consistent with due process
89 12 requirements under the Constitution of the United States as now
89 13 or hereafter interpreted by the United States supreme court.
89 14 All rules and amendments shall become binding as of the date
89 15 specified, as published with the final version of the rule as
89 16 approved by the commission.

89 17 c. When promulgating a rule, the interstate commission
89 18 shall, at a minimum, do all of the following:

89 19 (1) Publish the proposed rule's entire text stating the
89 20 reasons for that proposed rule.

89 21 (2) Allow and invite any and all persons to submit written
89 22 data, facts, opinions, and arguments, which information shall
89 23 be added to the record, and be made publicly available.

89 24 (3) Provide an opportunity for an informal hearing if
89 25 petitioned by ten or more persons.

89 26 (4) Promulgate a final rule and its effective date, if
89 27 appropriate, based on input from state or local officials, or
89 28 interested parties.

89 29 d. Allow, not later than sixty days after a rule is
89 30 promulgated, any interested person to file a petition in the
89 31 United States district court for the District of Columbia or in
89 32 the federal district court where the interstate commission's
89 33 principal office is located for judicial review of such rule.
89 34 If the court finds that the interstate commission's action is
89 35 not supported by substantial evidence in the rulemaking record,



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90 1 the court shall hold the rule unlawful and set it aside. For
90 2 purposes of this lettered paragraph, evidence is substantial
90 3 if it would be considered substantial evidence under the model
90 4 state administrative procedures Act.
90 5 e. If a majority of the legislatures of the compacting
90 6 states rejects a rule, those states may, by enactment of a
90 7 statute or resolution in the same manner used to adopt the
90 8 compact, cause that such rule shall have no further force and
90 9 effect in any compacting state.
90 10 f. The existing rules governing the operation of the
90 11 interstate compact on juveniles superseded by this compact
90 12 shall be null and void twelve months after the first meeting of
90 13 the interstate commission created hereunder.
90 14 g. Upon determination by the interstate commission that
90 15 a state of emergency exists, it may promulgate an emergency
90 16 rule which shall become effective immediately upon adoption,
90 17 provided that the usual rulemaking procedures provided
90 18 hereunder shall be retroactively applied to said rule as soon
90 19 as reasonably possible, but no later than ninety days after the
90 20 effective date of the emergency rule.
90 21 7. Article VII == Oversight, enforcement, and dispute
90 22 resolution by the interstate commission.
90 23 a. Oversight.
90 24 (1) The interstate commission shall oversee the
90 25 administration and operations of the interstate movement of
90 26 juveniles subject to this compact in the compacting states
90 27 and shall monitor such activities being administered in
90 28 noncompacting states which may significantly affect compacting
90 29 states.
90 30 (2) The courts and executive agencies in each compacting
90 31 state shall enforce this compact and shall take all actions
90 32 necessary and appropriate to effectuate the compact's
90 33 purposes and intent. The provisions of this compact and the
90 34 rules promulgated hereunder shall be received by all the
90 35 judges, public officers, commissions, and departments of



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91 1 the state government as evidence of the authorized statute
91 2 and administrative rules. All courts shall take judicial
91 3 notice of the compact and the rules. In any judicial or
91 4 administrative proceeding in a compacting state pertaining to
91 5 the subject matter of this compact which may affect the powers,
91 6 responsibilities, or actions of the interstate commission, it
91 7 shall be entitled to receive all service of process in any
91 8 such proceeding, and shall have standing to intervene in the
91 9 proceeding for all purposes.

91 10 b. Dispute resolution.

91 11 (1) The compacting states shall report to the interstate
91 12 commission on all issues and activities necessary for the
91 13 administration of the compact as well as issues and activities
91 14 pertaining to compliance with the provisions of the compact and
91 15 its bylaws and rules.

91 16 (2) The interstate commission shall attempt, upon the
91 17 request of a compacting state, to resolve any disputes or
91 18 other issues which are subject to the compact and which may
91 19 arise among compacting states and between compacting and
91 20 noncompacting states. The commission shall promulgate a rule
91 21 providing for both mediation and binding dispute resolution for
91 22 disputes among the compacting states.

91 23 (3) The interstate commission, in the reasonable exercise
91 24 of its discretion, shall enforce the provisions and rules of
91 25 this compact using any or all means set forth in article XI of
91 26 this compact.

91 27 8. Article VIII == Finance.

91 28 a. The interstate commission shall pay or provide for
91 29 the payment of the reasonable expenses of its establishment,
91 30 organization, and ongoing activities.

91 31 b. The interstate commission shall levy on and collect an
91 32 annual assessment from each compacting state to cover the cost
91 33 of the internal operations and activities of the interstate
91 34 commission and its staff which must be in a total amount
91 35 sufficient to cover the interstate commission's annual budget



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92 1 as approved each year. The aggregate annual assessment amount
92 2 shall be allocated based upon a formula to be determined by the
92 3 interstate commission, taking into consideration the population
92 4 of each compacting state and the volume of interstate movement
92 5 of juveniles in each compacting state and shall promulgate a
92 6 rule binding upon all compacting states which governs said
92 7 assessment.

92 8 c. The interstate commission shall not incur any obligations
92 9 of any kind prior to securing the funds adequate to meet the
92 10 same; nor shall the interstate commission pledge the credit of
92 11 any of the compacting states, except by and with the authority
92 12 of the compacting state.

92 13 d. The interstate commission shall keep accurate accounts of
92 14 all receipts and disbursements. The receipts and disbursements
92 15 of the interstate commission shall be subject to the audit
92 16 and accounting procedures established under its bylaws.
92 17 However, all receipts and disbursements of funds handled by the
92 18 interstate commission shall be audited yearly by a certified or
92 19 licensed public accountant and the report of the audit shall
92 20 be included in and become part of the annual report of the
92 21 interstate commission.

92 22 9. Article IX == The state council. Each member state shall
92 23 create a state council for interstate juvenile supervision.
92 24 While each state may determine the membership of its own
92 25 state council, its membership must include at least one
92 26 representative from the legislative, judicial, and executive
92 27 branches of government, victims groups, and the compact
92 28 administrator, deputy compact administrator, or designee.
92 29 Each compacting state retains the right to determine the
92 30 qualifications of the compact administrator or deputy compact
92 31 administrator. Each state council will advise and may exercise
92 32 oversight and advocacy concerning that state's participation
92 33 in interstate commission activities and other duties as may
92 34 be determined by that state, including but not limited to
92 35 development of policy concerning operations and procedures of



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93 1 the compact within that state.
93 2 10. Article X == Compacting states, effective date, and
93 3 amendment.
93 4 a. Any state, the District of Columbia, or its designee, the
93 5 Commonwealth of Puerto Rico, the United States Virgin Islands,
93 6 Guam, American Samoa, and the Northern Marianas Islands as
93 7 defined in article II of this compact is eligible to become a
93 8 compacting state.
93 9 b. The compact shall become effective and binding upon
93 10 legislative enactment of the compact into law by no less than
93 11 thirty-five of the states. The initial effective date shall
93 12 be the later of July 1, 2004, or upon enactment into law by
93 13 the thirty-fifth jurisdiction. Thereafter it shall become
93 14 effective and binding as to any other compacting state upon
93 15 enactment of the compact into law by that state. The governors
93 16 of nonmember states or their designees shall be invited to
93 17 participate in the activities of the interstate commission on a
93 18 nonvoting basis prior to adoption of the compact by all states
93 19 and territories of the United States.
93 20 c. The interstate commission may propose amendments to the
93 21 compact for enactment by the compacting states. No amendment
93 22 shall become effective and binding upon the interstate
93 23 commission and the compacting states unless and until it is
93 24 enacted into law by unanimous consent of the compacting states.
93 25 11. Article XI == Withdrawal, default, termination, and
93 26 judicial enforcement.
93 27 a. Withdrawal.
93 28 (1) Once effective, the compact shall continue in force and
93 29 remain binding upon each and every compacting state; provided
93 30 that a compacting state may withdraw from the compact by
93 31 specifically repealing the statute which enacted the compact
93 32 into law.
93 33 (2) The effective date of withdrawal is the effective date
93 34 of the repeal.
93 35 (3) The withdrawing state shall immediately notify the



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94 1 chairperson of the interstate commission in writing upon the
94 2 introduction of legislation repealing this compact in the
94 3 withdrawing state. The interstate commission shall notify the
94 4 other compacting states of the withdrawing state's intent to
94 5 withdraw within sixty days of its receipt thereof.

94 6 (4) The withdrawing state is responsible for all
94 7 assessments, obligations, and liabilities incurred through
94 8 the effective date of withdrawal, including any obligations,
94 9 the performance of which extend beyond the effective date of
94 10 withdrawal.

94 11 (5) Reinstatement following withdrawal of any compacting
94 12 state shall occur upon the withdrawing state reenacting the
94 13 compact or upon such later date as determined by the interstate
94 14 commission.

94 15 b. Technical assistance, fines, suspension, termination, and
94 16 default.

94 17 (1) If the interstate commission determines that any
94 18 compacting state has at any time defaulted in the performance
94 19 of any of its obligations or responsibilities under this
94 20 compact, or the bylaws or duly promulgated rules, the
94 21 interstate commission may impose any or all of the following
94 22 penalties:

94 23 (a) Remedial training and technical assistance as directed
94 24 by the interstate commission.

94 25 (b) Alternative dispute resolution.

94 26 (c) Fines, fees, and costs in such amounts as are deemed to
94 27 be reasonable as fixed by the interstate commission.

94 28 (d) Suspension or termination of membership in the compact,
94 29 which shall be imposed only after all other reasonable
94 30 means of securing compliance under the bylaws and rules have
94 31 been exhausted and the interstate commission has therefore
94 32 determined that the offending state is in default. Immediate
94 33 notice of suspension shall be given by the interstate
94 34 commission to the governor, the chief justice or the chief
94 35 judicial officer of the state, the majority and minority



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95 1 leaders of the defaulting state's legislature, and the state
95 2 council.

95 3 (2) The grounds for default include, but are not limited to,
95 4 failure of a compacting state to perform such obligations or
95 5 responsibilities imposed upon it by this compact, the bylaws
95 6 or duly promulgated rules, and any other grounds designated in
95 7 commission bylaws and rules.

95 8 (3) The interstate commission shall immediately notify
95 9 the defaulting state in writing of the penalty imposed by the
95 10 interstate commission and of the default pending a cure of
95 11 the default. The commission shall stipulate the conditions
95 12 and the time period within which the defaulting state must
95 13 cure its default. If the defaulting state fails to cure the
95 14 default within the time period specified by the commission,
95 15 the defaulting state shall be terminated from the compact upon
95 16 an affirmative vote of a majority of the compacting states and
95 17 all rights, privileges, and benefits conferred by this compact
95 18 shall be terminated from the effective date of termination.

95 19 (4) Within sixty days of the effective date of termination
95 20 of a defaulting state, the commission shall notify the
95 21 governor, the chief justice or chief judicial officer, the
95 22 majority and minority leaders of the defaulting state's
95 23 legislature, and the state council of such termination.

95 24 (5) The defaulting state is responsible for all
95 25 assessments, obligations, and liabilities incurred through
95 26 the effective date of termination including any obligations,
95 27 the performance of which extends beyond the effective date of
95 28 termination.

95 29 (6) The interstate commission shall not bear any costs
95 30 relating to the defaulting state unless otherwise mutually
95 31 agreed upon in writing between the interstate commission and
95 32 the defaulting state.

95 33 (7) Reinstatement following termination of any compacting
95 34 state requires both a reenactment of the compact by the
95 35 defaulting state and the approval of the interstate commission



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96 1 pursuant to the rules.
96 2 c. Judicial enforcement. The interstate commission may,
96 3 by majority vote of the members, initiate legal action in the
96 4 United States district court for the District of Columbia or,
96 5 at the discretion of the interstate commission, in the federal
96 6 district where the interstate commission has its offices, to
96 7 enforce compliance with the provisions of the compact, its duly
96 8 promulgated rules and bylaws, against any compacting state in
96 9 default. In the event judicial enforcement is necessary the
96 10 prevailing party shall be awarded all costs of such litigation
96 11 including reasonable attorney fees.
96 12 d. Dissolution of compact.
96 13 (1) The compact dissolves effective upon the date of the
96 14 withdrawal or default of the compacting state, which reduces
96 15 membership in the compact to one compacting state.
96 16 (2) Upon the dissolution of this compact, the compact
96 17 becomes null and void and shall be of no further force
96 18 or effect, and the business and affairs of the interstate
96 19 commission shall be concluded and any surplus funds shall be
96 20 distributed in accordance with the bylaws.
96 21 12. Article XII == Severability and construction.
96 22 a. The provisions of this compact shall be severable,
96 23 and if any phrase, clause, sentence, or provision is deemed
96 24 unenforceable, the remaining provisions of the compact shall
96 25 be enforceable.
96 26 b. The provisions of this compact shall be liberally
96 27 construed to effectuate its purposes.
96 28 13. Article XIII == Binding effect of compact and other laws.
96 29 a. Other laws.
96 30 (1) Nothing in this compact prevents the enforcement of any
96 31 other law of a compacting state that is not inconsistent with
96 32 this compact.
96 33 (2) All compacting states' laws other than state
96 34 constitutions and other interstate compacts conflicting with
96 35 this compact are superseded to the extent of the conflict.



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97 1 b. Binding effect of the compact.

97 2 (1) All lawful actions of the interstate commission,
97 3 including all rules and bylaws promulgated by the interstate
97 4 commission, are binding upon the compacting states.

97 5 (2) All agreements between the interstate commission and
97 6 the compacting states are binding in accordance with their
97 7 terms.

97 8 (3) Upon the request of a party to a conflict over meaning
97 9 or interpretation of interstate commission actions, and upon
97 10 a majority vote of the compacting states, the interstate
97 11 commission may issue advisory opinions regarding such meaning
97 12 or interpretation.

97 13 (4) In the event any provision of this compact exceeds
97 14 the constitutional limits imposed on the legislature of
97 15 any compacting state, the obligations, duties, powers, or
97 16 jurisdiction sought to be conferred by such provision upon
97 17 the interstate commission shall be ineffective and such
97 18 obligations, duties, powers, or jurisdiction shall remain in
97 19 the compacting state and shall be exercised by the agency
97 20 thereof to which such obligations, duties, powers, or
97 21 jurisdiction are delegated by law in effect at the time this
97 22 compact becomes effective.

97 23

DIVISION IX

97 24

MISCELLANEOUS

97 25 Sec. 62. Section 135.12, Code 2009, is amended by striking
97 26 the section and inserting in lieu thereof the following:

97 27 135.12 Office of minority and multicultural health ==
97 28 established == duties.

97 29 1. The office of minority and multicultural health is
97 30 established in the department. The purpose of the office
97 31 is to improve the health of racial and ethnic minorities by
97 32 bridging communication, delivery, and service requirements,
97 33 and by providing customized services and practical approaches
97 34 to problems and issues encountered by organizations and
97 35 communities working to address the needs of these populations.



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98 1 2. The office of minority and multicultural health shall be
98 2 responsible for all of the following:
98 3 a. Serving as the liaison and advocate for the department on
98 4 minority and multicultural health matters.
98 5 b. Assisting academic institutions, state agencies,
98 6 community groups, and other entities in institutionalizing
98 7 cultural competency within the health care workforce and
98 8 delivery system through education, training, and practice to
98 9 effectively address cross-cultural disparity and achieve health
98 10 equity.
98 11 c. Promoting community strategic planning.
98 12 d. Reviewing the impact of programs, regulations, and
98 13 health care resource policies on the delivery of and access to
98 14 minority and multicultural health services.
98 15 Sec. 63. Section 453A.35, subsection 1, Code Supplement
98 16 2009, is amended to read as follows:
98 17 1. The proceeds derived from the sale of stamps and the
98 18 payment of taxes, fees, and penalties provided for under this
98 19 chapter, and the permit fees received from all permits issued
98 20 by the department, shall be credited to the general fund of
98 21 the state. However, of the revenues generated from the tax on
98 22 cigarettes pursuant to section 453A.6, subsection 1, and from
98 23 the tax on tobacco products as specified in section 453A.43,
98 24 subsections 1, 2, 3, and 4, and credited to the general fund
98 25 of the state under this subsection, there is appropriated,
98 26 annually, to the health care trust fund created in section
98 27 453A.35A, the first one hundred ~~seventeen~~ six million ~~seven~~
~~98 28 hundred ninety-six~~ sixteen thousand four hundred dollars.
98 29 Sec. 64. Section 692A.115, Code Supplement 2009, is amended
98 30 to read as follows:
98 31 692A.115 Employment where dependent adults reside.
98 32 1. A Unless authorized as provided in subsection 2, a sex
98 33 offender shall not be an employee of a facility providing
98 34 services for dependent adults or at events where dependent
98 35 adults participate in programming and shall not loiter on the



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99 1 premises or grounds of a facility or at an event providing such
99 2 services or programming.
99 3 2. An adult sex offender who is a patient or resident
99 4 of a health care facility as defined in section 135C.1,
99 5 a participant in a medical assistance program home and
99 6 community-based services waiver program, or a participant in a
99 7 medical assistance state plan employment services as part of
99 8 the participant's habilitation plan shall not be considered to
99 9 be in violation of subsection 1.

99 10 EXPLANATION

99 11 This bill relates to and makes appropriations for health
99 12 and human services for fiscal year 2010=2011 to the department
99 13 of veterans affairs, the Iowa veterans home, the department on
99 14 aging, the department of public health, Iowa finance authority,
99 15 state board of regents, department of inspections and appeals,
99 16 and the department of human services. The bill is organized
99 17 into divisions.

99 18 DEPARTMENT ON AGING. This division appropriates funding
99 19 from the general fund of the state for the department on aging.

99 20 DEPARTMENT OF PUBLIC HEALTH. This division appropriates
99 21 funding from the general fund of the state for the department
99 22 of public health.

99 23 DEPARTMENT OF VETERANS AFFAIRS. This division appropriates
99 24 funding from the general fund of the state for the department
99 25 of veterans affairs.

99 26 DEPARTMENT OF HUMAN SERVICES. The division appropriates
99 27 funding from the general fund of the state and the federal
99 28 temporary assistance for needy families block grant to the
99 29 department of human services. The allocation for the family
99 30 development and self-sufficiency grant program is made directly
99 31 to the department of human rights.

99 32 An appropriation is made from the health care trust fund for
99 33 the medical assistance (Medicaid) program in addition to the
99 34 general fund appropriation made for this purpose.

99 35 The department is required to establish a transition



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100 1 committee to develop a plan for improving coordination
100 2 and integration of mental health services and outcomes for
100 3 children, as well as alignment of the services and outcomes
100 4 with the child welfare system. Among other provisions, the
100 5 plan is required to address transitioning administration of the
100 6 remedial services program from a fee=for=service approach to
100 7 the Iowa plan, using the behavioral health managed care plan.
100 8 The committee is required to include various departmental
100 9 staff, the Iowa plan administrator, and providers and complete
100 10 the plan by December 31, 2010. The department may implement
100 11 the plan if it determines the plan meets legislative intent.
100 12 The reimbursement section addresses reimbursement for
100 13 providers reimbursed by the department of human services.
100 14 SENIOR LIVING TRUST FUND, PHARMACEUTICAL SETTLEMENT ACCOUNT,
100 15 IOWACARE ACCOUNT, AND HEALTH CARE TRANSFORMATION ACCOUNT. This
100 16 division makes appropriations for fiscal year 2009=2010 from
100 17 the senior living trust fund to the department on aging, the
100 18 department of human services, the department of inspections and
100 19 appeals, and the Iowa finance authority.
100 20 The division makes an appropriation from the pharmaceutical
100 21 settlement account to the department of human services to
100 22 supplement the medical contracts appropriation.
100 23 The division makes appropriations from the IowaCare
100 24 account to the state board of regents for distribution to the
100 25 university of Iowa hospitals and clinics and to the department
100 26 of human services for distribution to a publicly owned acute
100 27 care teaching hospital in a county with a population over
100 28 350,000 related to the IowaCare program and indigent care. The
100 29 division makes an appropriation to the department of human
100 30 services from the health care transformation account for
100 31 various health care reform initiatives.
100 32 The division provides that if the total amount appropriated
100 33 from all sources for the medical assistance program for fiscal
100 34 year 2009=2010 exceeds the amount needed, the excess remains
100 35 available to be used for the program in the succeeding fiscal



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101 1 year.
101 2 MH/MR/DD SERVICES ALLOWED GROWTH FUNDING == FISCAL YEAR
101 3 2010=2011. This division allocates the appropriation made in
101 4 2009 Iowa Acts, chapter 179, for distribution to counties for
101 5 adult mental illness, mental retardation, and developmental
101 6 disabilities services allowed growth for fiscal year 2010=2011.
101 7 PRIOR APPROPRIATIONS AND RELATED CHANGES. This
101 8 division revises previously enacted appropriations and
101 9 appropriations-related provisions.
101 10 Code section 231.24, providing for regulation and
101 11 certification of retirement communities by the department
101 12 on aging, is amended to authorize the department to defer
101 13 implementation of the regulation as determined by the
101 14 department's director.
101 15 Code section 231.33, relating to the duties of the area
101 16 agencies on aging, is amended to eliminate a requirement for
101 17 an agency to require the annual completion by agency board of
101 18 directors members of four hours of training, provided by the
101 19 department on aging.
101 20 The fiscal year 2010=2011 amount of a multiyear
101 21 appropriation made to the department of human services in 2008
101 22 Iowa Acts, chapter 1188, to cover children under the medical
101 23 assistance, hawk=i, and hawk=i expansion programs and outreach
101 24 under the programs, is reduced.
101 25 A requirement in 2008 Iowa Acts, chapter 1040, for the
101 26 department on aging to implement the initial provisions for
101 27 expanding and improving the training of those who deal with
101 28 persons with Alzheimer's and similar forms of irreversible
101 29 dementia by July 1, 2010, is instead made contingent upon the
101 30 availability of funding as determined by the department's
101 31 director.
101 32 A pilot project authorized in an amendment to 2008 Iowa
101 33 Acts, chapter 1187, for a regional service network for county
101 34 MH/MR/DD services, through June 30, 2010, is extended for an
101 35 additional year.



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102 1 An initiative in 2008 Iowa Acts, chapter 1188, requiring the
102 2 department of public health to establish a community coalition
102 3 for addressing patient treatment wishes based on the national
102 4 physicians orders for life sustaining treatment program, is
102 5 amended to eliminate the two-year period for the pilot and to
102 6 delay the completion date from June 30, 2010, to June 30, 2011.
102 7 A provision in 2009 Iowa Acts, chapter 118, section 38,
102 8 for the department of human services to adopt rules making
102 9 various process changes to the Medicaid program, is amended by
102 10 striking a requirement to extend the period for annual renewal
102 11 by program members by mailing the renewal form to the member on
102 12 the first day of the month prior to the month of renewal.
102 13 The fiscal year 2009=2010 appropriation to the Iowa veterans
102 14 home in 2009 Iowa Acts, chapter 182, section 3, is subject to
102 15 an existing nonreversion clause in Code section 35D.18. The
102 16 nonreversion authorization is modified to provide to designate
102 17 the first \$1 million for use by the veterans home, the next
102 18 \$1 million to be transferred to the appropriation made to the
102 19 department of human services for fiscal year 2010=2011 for
102 20 field operations, and the remainder for use by the veterans
102 21 home.
102 22 The 2009 Iowa Acts, chapter 182, section 9, fiscal year
102 23 2009=2010 appropriations of the federal Temporary Assistance
102 24 for Needy Families block grant is amended to provide that
102 25 unused funds remaining at the close of the fiscal year do not
102 26 revert but remain available in the succeeding fiscal year for
102 27 expenditure for the family investment program.
102 28 A provision in 2009 Iowa Acts, chapter 182, section 9,
102 29 appropriation for the Medicaid program that provides that
102 30 moneys remitted by the third party administering behavioral
102 31 health services and remaining in a separate account do not
102 32 revert but remain available for appropriation for health and
102 33 human purposes, is amended. The amendment continues to set
102 34 aside funding previously appropriated for implementation of the
102 35 emergency mental health crisis services and system, a mental



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103 1 health services system for children or youth, and training of
103 2 child welfare services providers with the remainder of the
103 3 funds to be used for the Medicaid program.
103 4 The fiscal year 2009=2010 appropriation for the state
103 5 supplementary assistance program in 2009 Iowa Acts, chapter
103 6 182, section 12, is amended to include a nonreversion clause
103 7 providing that moneys remaining at the close of the fiscal year
103 8 will remain available to be used for the same purpose in the
103 9 succeeding fiscal year.
103 10 A provision relating to development of a statewide
103 11 methodology for intellectual disabilities waiver tests is
103 12 included for implementation beginning July 1, 2010.
103 13 This division takes effect upon enactment.
103 14 INTERSTATE COMPACT FOR JUVENILES. This division replaces
103 15 the interstate compact on juveniles with a new interstate
103 16 compact for juveniles.
103 17 Code chapter 232, the juvenile justice code, is amended
103 18 to enact a new interstate compact for juveniles in new Code
103 19 section 232.173. The compact addresses how adjudicated
103 20 juveniles and status offenders are provided adequate
103 21 supervision and services in the states receiving the juveniles,
103 22 provides for addressing public safety concerns, provides for
103 23 returning juveniles who have run away, absconded, escaped, or
103 24 are accused of an offense requesting their return, provides for
103 25 contracting between states for cooperative institutionalization
103 26 of delinquent youth who need special services, provides for
103 27 effective tracking and supervision, provides for equitably
103 28 allocating costs, benefits, and obligations between the states,
103 29 and other similar related purposes.
103 30 The means for achieving the purposes outlined in the
103 31 compact is through rulemaking promulgated by the interstate
103 32 commission for juveniles, consisting of one representative from
103 33 each compacting state. A rule promulgated by the interstate
103 34 commission may be rejected if a majority of the compacting
103 35 states rejects the rule. The expenses of the interstate



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104 1 commission are paid by assessing the compacting states
104 2 according to a formula to be adopted by the commission. Each
104 3 state is to create a state council consisting of specified
104 4 interests to provide oversight of the state's involvement in
104 5 the interstate commission. The state has the authority to
104 6 determine the qualifications of the compact administrator or
104 7 deputy compact administrator and to designate the state's
104 8 representative on the interstate commission.
104 9 The terms of the current compact took effect for the
104 10 compacting states in the fall of 2009 when the 35th state
104 11 approved entering the compact. The new compact replaces the
104 12 interstate compact on juveniles in Code section 232.171, which
104 13 is repealed by the bill. Code section 232.172, relating to
104 14 confinement of juvenile delinquents, is amended to provide that
104 15 for states that have approved the new compact, confinement is
104 16 governed by the new compact and for states that were part of
104 17 the compact being replaced, confinement is governed by terms of
104 18 that compact.
104 19 MISCELLANEOUS. This division includes miscellaneous
104 20 statutory changes.
104 21 Code section 135.12 is stricken and rewritten to replace
104 22 the office of multicultural health in the department of public
104 23 health with an office of minority and multicultural health.
104 24 Code section 435A.35, relating to proceeds of tobacco
104 25 taxes and fees paid to the general fund and the standing
104 26 appropriation to the health care trust fund, is amended to
104 27 reduce the amount of the standing appropriation to the trust
104 28 fund.
104 29 Code section 692A.115, prohibiting persons on the sex
104 30 offender registry from employment in facilities providing
104 31 services for dependent adults, is amended to allow such
104 32 employment for adult offenders who are a patient or resident
104 33 of a health care facility, participant in a Medicaid program
104 34 waiver program, or participant in Medicaid program state plan
104 35 employment services as part of the participant's habilitation



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105 1 plan.
LSB 5091JB (2) 83
pf/jp



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House Study Bill 737

HOUSE FILE

BY (PROPOSED COMMITTEE ON
WAYS AND MEANS BILL BY
CHAIRPERSON SHOMSHOR)

A BILL FOR

1 An Act increasing the maximum allowable local hotel and motel
2 tax rate and requiring public participation relating to the
3 use of certain local hotel and motel tax revenues.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 6257HC (1) 83
md/sc



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PAG LIN

1 1 Section 1. Section 423A.4, subsections 1 and 3, Code 2009,
1 2 are amended to read as follows:

1 3 1. A city ~~or county~~ may impose by ordinance of the city
1 4 council ~~or by resolution of the board of supervisors~~ a hotel
1 5 and motel tax, at a rate not to exceed ~~seven~~ nine percent,
1 6 which shall be imposed in increments of one or more full
1 7 percentage points upon the sales price from the renting of
1 8 lodging. A county may impose by resolution of the board of
1 9 supervisors a hotel and motel tax, at a rate not to exceed
1 10 eight percent, which shall be imposed in increments of one
1 11 or more full percentage points upon the sales price from the
1 12 renting of lodging. The tax when imposed by a city shall apply
1 13 only within the corporate boundaries of that city and when
1 14 imposed by a county shall apply only outside incorporated areas
1 15 within that county.

1 16 3. A Subject to the requirements of subsection 5, a local
1 17 hotel and motel tax shall be imposed on January 1 or July 1,
1 18 following the notification of the director of revenue. Once
1 19 imposed, the tax shall remain in effect at the rate imposed
1 20 for a minimum of one year. A local hotel and motel tax shall
1 21 terminate only on June 30 or December 31. At least forty-five
1 22 days prior to the tax being effective or prior to a revision in
1 23 the tax rate or prior to the repeal of the tax, a city or county
1 24 shall provide notice by mail of such action to the director of
1 25 revenue. The director shall have the authority to waive the
1 26 notice requirement.

1 27 Sec. 2. Section 423A.4, Code 2009, is amended by adding the
1 28 following new subsection:

1 29 NEW SUBSECTION. 5. a. For any imposition of a local hotel
1 30 and motel tax, or any increase in the rate of a local hotel and
1 31 motel tax, approved at election on or after the effective date
1 32 of this Act, the city council or county board of supervisors
1 33 where the tax or the tax rate increase was approved shall,
1 34 within ten days following approval at election, appoint a
1 35 citizen advisory committee consisting of not less than five



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House Study Bill 737 continued

2 1 individuals. Each individual appointed to the citizen advisory
2 2 committee shall be a resident of the city or the unincorporated
2 3 area of the county where the tax or the tax rate increase was
2 4 approved. A vacancy on the citizen advisory committee shall
2 5 be filled in the same manner as the original appointment.
2 6 Committee members shall not receive compensation by reason of
2 7 their membership on the committee.

2 8 b. The citizen advisory committee shall develop and
2 9 submit recommendations to the city council or county board
2 10 of supervisors, as applicable, relating to the use of the
2 11 increased revenues resulting from the imposition of the tax or
2 12 the increased tax rate. Recommendations for the use of such
2 13 increased revenues shall be consistent with the requirements
2 14 of section 423A.7, subsection 4. The recommendations of the
2 15 citizen advisory committee shall not relieve the city or county
2 16 from compliance with the requirements of section 423A.7,
2 17 subsection 4.

2 18 c. If a city or county fails to appoint a citizen advisory
2 19 committee as required under this subsection, the director of
2 20 revenue shall not impose the tax, or the increase in the tax
2 21 rate, notwithstanding subsection 3. The director of revenue
2 22 shall only impose the tax, or an increase in the tax rate,
2 23 approved on or after the effective date of this Act on January
2 24 1 or July 1, following the appointment of a citizen advisory
2 25 committee.

2 26 d. The citizen advisory committee shall be dissolved on
2 27 the date the tax or the increased tax rate is imposed by the
2 28 director of revenue.

2 29 EXPLANATION

2 30 Current Code section 423A.4 authorizes a city or county to
2 31 impose by ordinance of the city council or by resolution of
2 32 the county board of supervisors a local hotel and motel tax
2 33 at a rate not to exceed 7 percent. The imposition, repeal,
2 34 or change in the rate of a local hotel and motel tax is also
2 35 subject to approval at election. This bill increases the



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House Study Bill 737 continued

3 1 maximum allowable local hotel and motel tax rate for cities
3 2 from 7 percent to 9 percent. The bill increases the maximum
3 3 allowable local hotel and motel tax rate for counties from 7
3 4 percent to 8 percent.
3 5 The bill provides that for any imposition of a local hotel
3 6 and motel tax, or any increase in the rate of a local hotel and
3 7 motel tax, approved at election on or after the effective date
3 8 of the bill, the city council or county board of supervisors
3 9 where the tax or the tax rate increase was approved must,
3 10 within 10 days following approval at election, appoint a
3 11 citizen advisory committee consisting of not less than five
3 12 individuals. The bill requires each individual appointed to
3 13 a citizen advisory committee to be a resident of the city or
3 14 the unincorporated area of the county where the tax or the tax
3 15 rate increase was approved. Vacancies on a citizen advisory
3 16 committee must be filled in the same manner as the original
3 17 appointment. Committee members do not receive compensation for
3 18 serving on the committee.
3 19 The bill requires each citizen advisory committee to develop
3 20 and submit recommendations to the city council or county board
3 21 of supervisors, as applicable, relating to the use of the
3 22 increased revenues resulting from the imposition of the tax
3 23 or the increased tax rate. Such recommendations for the use
3 24 of the increased revenues must be consistent with statutory
3 25 requirements for the use of local hotel and motel tax revenues
3 26 under Code section 423A.7. Recommendations of the citizen
3 27 advisory committee do not relieve the city or county from
3 28 complying with the statutory use requirements under Code
3 29 section 423A.7.
3 30 Under the bill, if a city or county fails to appoint a
3 31 citizen advisory committee, the director of revenue shall not
3 32 impose the tax or the increase in the tax rate. The bill only
3 33 allows the director of revenue to impose the tax or an increase
3 34 in the tax rate following the appointment of a citizen advisory
3 35 committee. The bill provides that each citizen advisory



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- 4 1 committee is dissolved on the date the tax or the increased tax
- 4 2 rate is imposed by the director of revenue.

LSB 6257HC (1) 83

md/sc



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Senate Amendment 5220

PAG LIN

1 1 Amend Senate File 2368 as follows:
1 2 #1. Page 1, line 2, by striking <DISASTER=RELATED
1 3 LOSSES ==>
1 4 #2. Page 1, by striking lines 6 through 9 and
1 5 inserting <to the federal Internal Revenue Code in
1 6 computing net income for state tax purposes, the>
1 7 #3. Page 1, line 16, by striking <section 165(h) of>
1 8 #4. Title page, line 2, by striking <disaster loss>

RANDY FEENSTRA
SF2368.1910 (2) 83
tw/sc



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Senate Amendment 5221

PAG LIN

1 1 Amend Senate File 2156, as passed by the Senate, as
1 2 follows:
1 3 #1. Page 5, by striking lines 12 and 13 and
1 4 inserting <All premiums shall be paid on the last day
1 5 of the month of coverage. The department shall deduct
1 6 the>
SF2156.2036 (3) 83
mb



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Senate Amendment 5222

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>

SF2200.2048 (2) 83

mb



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Senate Amendment 5223

PAG LIN

1 1 Amend Senate File 2254, as passed by the Senate, as
1 2 follows:
1 3 #1. Page 1, after line 24 by inserting:
1 4 <Sec. _____. Section 331.552, subsections 34, 35, and
1 5 36, Code 2009, are amended to read as follows:
1 6 34. Destroy tax sale redemption certificates and
1 7 all associated tax sale records after ten years have
1 8 elapsed from the end of the fiscal year in which the
1 9 certificate was redeemed. If a tax sale certificate
1 10 of purchase is cancelled as required by section 446.37
1 11 or 448.1, all associated tax sale records shall be
1 12 destroyed after ten years have elapsed from the end
1 13 of the fiscal year in which the tax sale certificate
1 14 of purchase was cancelled. This subsection applies
1 15 to documents described in this subsection that are in
1 16 existence before, on, or after July 1, 2003.
1 17 35. Destroy special assessment records required
1 18 by section 445.11 within the county system after ten
1 19 years have elapsed from the end of the fiscal year in
1 20 which the special assessment was paid in full. The
1 21 county treasurer shall also destroy the resolution of
1 22 necessity, plat, and schedule of assessments required
1 23 by section 384.51 after ten years have elapsed from the
1 24 end of the fiscal year in which the entire schedule was
1 25 paid in full. This subsection applies to documents
1 26 described in this subsection that are in existence
1 27 before, on, or after July 1, 2003.
1 28 36. Destroy mobile home and manufactured home tax
1 29 lists after ten years have elapsed from the end of
1 30 the fiscal year in which the list was created. This
1 31 subsection applies to mobile home and manufactured home
1 32 tax lists and associated documents in existence before,
1 33 on, or after July 1, 2003.
1 34 Sec. _____. Section 331.559, subsections 15 and 20,
1 35 Code 2009, are amended to read as follows:
1 36 15. Maintain a suspended tax list book as provided
1 37 in section 427.12. After ten years from the date of
1 38 payment, abatement, or cancellation of a suspended
1 39 tax, special assessment, rate, or charge, the county
1 40 treasurer may dispose of the official record of the
1 41 suspended tax, special assessment, rate, or charge.
1 42 This subsection applies to official records and
1 43 associated documents in existence before, on, or after
1 44 July 1, 2003.
1 45 20. Carry out duties relating to the preparation
1 46 and correction of the tax list as provided in chapter
1 47 443. After ten years from the date of receipt, the
1 48 county treasurer may dispose of the tax list delivered
1 49 to the county treasurer pursuant to chapter 443.
1 50 This subsection applies to tax lists and associated



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Senate Amendment 5223 continued

2 1 documents in existence before, on, or after July 1,
2 2 2003.>
2 3 #2. Title page, line 3, after <districts> by
2 4 inserting <and to keep certain records>
2 5 #3. By renumbering as necessary.
SF2254.2050.H (2) 83
mb



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Senate Amendment 5224

PAG LIN

1 1 Amend Senate File 2318, as passed by the Senate, as
1 2 follows:
1 3 #1. Page 1, by striking lines 16 through 18 and
1 4 inserting:
1 5 <Sec. ____ . NEW SECTION. 97A.10A Purchase of
1 6 service credit for military service.>
1 7 #2. By renumbering as necessary.
SF2318.2057.H (2) 83
mb



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Senate Amendment 5225

PAG LIN

1 1 Amend Senate File 2286, as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. Page 1, by striking lines 5 and 6 and inserting
1 4 <is open to the public and an admission fee is charged,
1 5 a donation is requested from those in attendance,
1 6 or merchandise or refreshments are available for
1 7 purchase.>
SF2286.2058.H (2) 83
mb



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Senate Amendment 5226

PAG LIN

1 1 Amend Senate File 2367 as follows:
1 2 #1. Page 20, after line 3 by inserting:
1 3 <Sec. ____ . VEHICLE PURCHASES DEFERRED.
1 4 Notwithstanding any provision to the contrary, except
1 5 as otherwise provided by this section, the department
1 6 of administrative services shall defer the purchase of
1 7 replacement motor vehicles paid for from the general
1 8 fund of the state or from such moneys credited to
1 9 the depreciation fund maintained pursuant to section
1 10 8A.365. The purchase deferral is applicable to the
1 11 remainder of the fiscal year beginning July 1, 2009,
1 12 commencing on the effective date of this section and
1 13 to the succeeding fiscal year. However, the executive
1 14 council may authorize an exception to allow purchase of
1 15 a replacement vehicle when the purchase is less costly
1 16 than all other alternatives.
1 17 Sec. ____ . EFFECTIVE UPON ENACTMENT. This section
1 18 of this division of this Act providing for vehicle
1 19 purchases to be deferred, being deemed of immediate
1 20 importance, takes effect upon enactment.>
1 21 #2. Title page, line 4, after <atters> by inserting
1 22 <, and including effective date provisions>
1 23 #3. By renumbering as necessary.

MERLIN BARTZ
SF2367.1865 (4) 83
ec/tm



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Senate Amendment 5227

PAG LIN

1 1 Amend Senate File 2367 as follows:
1 2 #1. Page 20, after line 3 by inserting:
1 3 <Sec. _____. UNEMPLOYMENT COMPENSATION ==
1 4 LIMITATION. Beginning on the effective date of this
1 5 section and ending June 30, 2010, and notwithstanding
1 6 any provision of section 96.3 to the contrary, an
1 7 individual who is totally unemployed or partially
1 8 unemployed in any week as otherwise defined in section
1 9 96.19, subsection 38, paragraph "b", as a result of an
1 10 employer mandated reduction in hours for the individual
1 11 as an employee of a department or state agency pursuant
1 12 to executive order number 19, October 8, 2009, shall
1 13 not be eligible for benefits under Code chapter 96 for
1 14 that period of unemployment.
1 15 Sec. _____. EFFECTIVE UPON ENACTMENT. The section
1 16 of this division of this Act limiting unemployment
1 17 compensation, being deemed of immediate importance,
1 18 takes effect upon enactment.>
1 19 #2. Title page, line 4, after <atters> by inserting
1 20 <and including effective date provisions>
1 21 #3. By renumbering as necessary.

STEVE KETTERING
SF2367.1975 (3) 83
ec/tm



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Senate Amendment 5228

PAG LIN

1 1 Amend the House amendment, S=5163, to Senate File
 1 2 2345, as passed by the Senate, as follows:
 1 3 #1. Page 1, after line 42 by inserting:
 1 4 <___. Page 4, after line 9 by inserting:
 1 5 Sec. ___. Section 901.4, Code 2009, is amended to
 1 6 read as follows:
 1 7 901.4 Presentence investigation report confidential ==
 1 8 access.
 1 9 The presentence investigation report is confidential
 1 10 and the court shall provide safeguards to ensure its
 1 11 confidentiality, including but not limited to sealing
 1 12 the report, which may be opened only by further court
 1 13 order. The defendant's attorney and the attorney
 1 14 for the state shall have access to the presentence
 1 15 investigation report at least three days prior to the
 1 16 date set for sentencing. The defendant's appellate
 1 17 attorney and the appellate attorney for the state shall
 1 18 have access to the presentence investigation report
 1 19 upon request and without the necessity of a court
 1 20 order. The report shall remain confidential except
 1 21 upon court order. However, the court may conceal
 1 22 the identity of the person who provided confidential
 1 23 information. The report of a medical examination
 1 24 or psychological or psychiatric evaluation shall be
 1 25 made available to the attorney for the state and to
 1 26 the defendant upon request. The reports are part of
 1 27 the record but shall be sealed and opened only on
 1 28 order of the court. If the defendant is committed
 1 29 to the custody of the Iowa department of corrections
 1 30 and is not a class "A" felon, the department and the
 1 31 board of parole shall have access to the presentence
 1 32 investigation report. Pursuant to section 904.602, the
 1 33 presentence investigation report may also be released
 1 34 by ordinary or electronic mail by the department
 1 35 of corrections or a judicial district department
 1 36 of correctional services to another jurisdiction
 1 37 for the purpose of providing interstate probation
 1 38 and parole compact or interstate compact for adult
 1 39 offender supervision services or evaluations, or to a
 1 40 substance abuse or mental health services provider when
 1 41 referring a defendant for services. The defendant or
 1 42 the defendant's attorney may file with the presentence
 1 43 investigation report, a denial or refutation of the
 1 44 allegations, or both, contained in the report. The
 1 45 denial or refutation shall be included in the report. >>
 1 46 #2. By renumbering as necessary.

KEITH A. KREIMAN
 SF2345.2065 (5) 83
 jm/rj



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Senate Amendment 5229

PAG LIN

1 1 Amend Senate File 2367 as follows:
1 2 #1. Page 9, after line 19 by inserting:
1 3 <As a condition of receiving moneys appropriated in
1 4 this subsection, for the fiscal year beginning July 1,
1 5 2010, and ending June 30, 2011, the governor shall not
1 6 authorize any appropriation transfer to the offices of
1 7 the governor and the lieutenant governor pursuant to
1 8 section 8.39 for purposes of this subsection and the
1 9 offices of the governor and the lieutenant governor
1 10 shall not receive more than \$60,970 in intrastate
1 11 receipts for the purposes of this subsection.>

MERLIN BARTZ
SF2367.2067 (3) 83
ec/tm



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Senate Amendment 5230

PAG LIN

1 1 Amend House File 681, as passed by the House, as
1 2 follows:
1 3 #1. Page 4, line 5, before <If> by inserting <a.>
1 4 #2. Page 4, after line 20 by inserting:
1 5 <b. Employees, an employee organization, or the
1 6 representative of an employee organization shall notify
1 7 an employer of the employees' intent to strike against
1 8 the employer at least thirty days before the intended
1 9 action or as soon as the intended action is decided if
1 10 less than thirty days.>

BRAD ZAUN
HF681.2079 (5) 83
ak/rj



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Senate Amendment 5231

PAG LIN

1 1 Amend the amendment, S=5046, to House File 777,
1 2 as amended, passed, and reprinted by the House, as
1 3 follows:
1 4 #1. Page 8, line 12, by striking <July 1> and
1 5 inserting <January 15>
1 6 #2. Page 8, line 21, after <funding> by inserting
1 7 <by the department of management by August 15, 2010 ,>
1 8 #3. Page 8, line 22, after <board.> by inserting
1 9 <The department of management may seek and receive
1 10 grants and outside funding to fund the initial expenses
1 11 of the board.>
1 12 #4. By renumbering as necessary.

PAM JOCHUM
HF777.2084 (3) 83
rh/rj



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Senate Amendment 5232

PAG LIN

1 1 Amend the amendment, S=5219, to Senate File 2367 as
1 2 follows:
1 3 #1. By striking page 3, line 38, through page 4,
1 4 line 4, and inserting:
1 5 <3. a. Medication therapy management service
1 6 coverage shall be a required covered benefit for all
1 7 insureds meeting any of the following criteria:
1 8 (1) An individual taking four or more prescription
1 9 drugs to treat or prevent two or more chronic medical
1 10 conditions.
1 11 (2) An individual with a prescription drug therapy
1 12 problem who is identified by the prescribing physician
1 13 or other appropriate prescriber, and referred to a
1 14 pharmacist for medication therapy management services.
1 15 (3) An individual who meets other criteria
1 16 established by the health benefit plan.
1 17 b. The fees for pharmacist delivered medication
1 18 therapy management services shall be separate from
1 19 the reimbursement for prescription drug product or
1 20 dispensing services; shall be determined by each health
1 21 benefit plan; and must be reasonable based on the
1 22 resources and time required to provide the service.
1 23 c. A fee shall be established for physician
1 24 reimbursement for services delivered for medication
1 25 therapy management and must be reasonable based on the
1 26 resources and time required to provide the service.>
1 27 #2. Page 4, line 5, by striking <c.> and inserting
1 28 d.>
1 29 #3. By renumbering as necessary.

JEFF DANIELSON
SF2367.2088 (3) 83
ec/tm



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Senate Amendment 5233

PAG LIN

1 1 Amend the amendment, S=5185, to House File 2229, as
1 2 passed by the House, as follows:
1 3 #1. Page 1, by striking lines 7 through 10 and
1 4 inserting: <<
1 5 4. Nothing in this section shall be construed as
1 6 limiting the ability of an insurer or a third-party
1 7 administrator to restrict any of the following as they
1 8 relate to covered services:
1 9 a. Balance billing.
1 10 b. Waiting periods.
1 11 c. Frequency limitations.
1 12 d. Deductibles.
1 13 e. Maximum annual benefits. >>

STEVE WARNSTADT
HF2229.2094 (2) 83
av/rj



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Senate Amendment 5234

PAG LIN

1 1 Amend House File 726, as passed by the House, as
1 2 follows:
1 3 #1. Page 19, line 17, after <Code> by inserting
1 4 <Supplement>
1 5 #2. Page 19, line 29, after <Code> by inserting
1 6 <Supplement>
1 7 #3. Page 20, line 1, after <Code> by inserting
1 8 <Supplement>
1 9 #4. Page 22, line 12, before <unincorporated> by
1 10 inserting <authorized>
1 11 #5. Page 22, line 20, before <unincorporated> by
1 12 inserting <authorized>
1 13 #6. Page 22, line 24, before <unincorporated> by
1 14 inserting <authorized>
1 15 #7. By renumbering as necessary.

ROBERT M. HOGG
HF726.2085 (2) 83
da/rj



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Senate Amendment 5235

PAG LIN

1 1 Amend Senate File 2357, as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. Page 2, line 3, by striking <A> and inserting:
1 4 a. Except as provided in paragraph "b", a>
1 5 #2. Page 2, after line 8 by inserting:
1 6 <b. This subsection shall not apply to the
1 7 possession, shipment, transportation, or receipt of a
1 8 firearm, offensive weapon, or ammunition issued by a
1 9 state department or agency or political subdivision for
1 10 use in the performance of the official duties of the
1 11 person who is the subject of a protective order under
1 12 18 U.S.C. { 922(g)(8).
1 13 c. For purposes of this section, "misdemeanor crime
1 14 of domestic violence" means an assault under section
1 15 708.1, subsection 1 or 3, committed by a current or
1 16 former spouse, parent, or guardian of the victim, by a
1 17 person with whom the victim shares a child in common,
1 18 by a person who is cohabiting with or has cohabited
1 19 with the victim as a spouse, parent, or guardian, or
1 20 by a person similarly situated to a spouse, parent, or
1 21 guardian of the victim.>
1 22 #3. By renumbering as necessary.
SF2357.2090.H (3) 83
mb



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Senate Amendment 5236

PAG LIN

1 1 Amend Senate File 2274, as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. Page 1, by striking lines 13 through 19.
1 4 #2. By striking page 2, line 33, through page 3,
1 5 line 4.
1 6 #3. By renumbering as necessary.
SF2274.2106.H (2) 83
mb



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Senate Amendment 5237

PAG LIN

1 1 Amend Senate File 431, as passed by the Senate, as
1 2 follows:
1 3 #1. Page 3, line 20, after <a> by inserting
1 4 <minimum>
1 5 #2. Page 10, line 10, after <Code> by inserting
1 6 <Supplement>
1 7 #3. Page 13, line 5, by striking <2009> and
1 8 inserting <2010>
SF431.2104 (4) 83
mb



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Senate Amendment 5238

PAG LIN

1 1 Amend Senate Joint Resolution 2007, as amended,
1 2 passed, and reprinted by the Senate, as follows:
1 3 #1. Page 1, line 3, by striking <in California>
1 4 #2. Title page, line 12, by striking <in the San
1 5 Francisco Bay area of California>
SJR2007.2107.H (2) 83
mb



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Senate Resolution 108 - Introduced

PAG LIN

SENATE RESOLUTION NO.

BY DVORSKY and BOLKCOM

1 1 A Resolution to celebrate the highlights for the 2009
1 2 football season of the University of Iowa football
1 3 team.
1 4 WHEREAS, the 2009 University of Iowa football team
1 5 will be remembered as one of the most entertaining,
1 6 talented, and successful teams in Hawkeye history; and
1 7 WHEREAS, the 11 wins equals the program's 2002
1 8 record for victories in a season; and
1 9 WHEREAS, the regular season win total of 10 was
1 10 achieved for only the fourth time; and
1 11 WHEREAS, for the first time ever, the Hawkeyes won
1 12 the first nine games of a season; and
1 13 WHEREAS, Iowa played in a January bowl game for the
1 14 sixth time in eight years; and
1 15 WHEREAS, Iowa won a Bowl Championship Series-caliber
1 16 bowl game for the first time since 1959 in beating
1 17 Georgia Tech in the 2010 FedEx Orange Bowl 24-14; and
1 18 WHEREAS, the Hawkeyes finished the 2009 season
1 19 with an 11-2 overall record and a 6-2 Big Ten mark,
1 20 finishing in a second place tie; and
1 21 WHEREAS, the Hawkeyes have won at least nine games
1 22 for the fifth time in the last eight years and for the
1 23 seventh time in school history have won 10 games or
1 24 more; and
1 25 WHEREAS, the Hawkeyes were ranked seventh in both
1 26 major polls at the conclusion of the season, the
1 27 highest final ranking for the program since 1960; and
1 28 WHEREAS, defensive end Adrian Clayborn was named



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Senate Resolution 108 - Introduced continued

2 1 Most Valuable Player of the FedEx Orange Bowl; and
2 2 WHEREAS, Coach Kirk Ferentz was named Big Ten Coach
2 3 of the Year for the third time; and
2 4 WHEREAS, offensive tackle Bryan Bulaga was picked as
2 5 the Big Ten's Offensive Lineman of the Year; and
2 6 WHEREAS, All-Big Ten first teamers included Bryan
2 7 Bulaga (OL), Dace Richardson (OL), Tony Moeaki (TE),
2 8 Adrian Clayborn (DE), Pat Angerer (LB), Tyler Sash
2 9 (DB), and Amari Spivey (DB), and five additional
2 10 Hawkeyes were named to the league's second unit; and
2 11 WHEREAS, Bryan Bulaga and Pat Angerer were named
2 12 first-team all-Americans, Tyler Sash was a second team
2 13 choice, and Adrian Clayborn made the third team; and
2 14 WHEREAS, the Iowa Hawkeyes have earned 70 wins
2 15 since the start of the 2002 season, which places them
2 16 at a tie for the 16th highest total in Division I
2 17 football; and
2 18 WHEREAS, Iowa's football record in the 2000 decade
2 19 was 80=45 (.640), a record that ranks as the best
2 20 decade in Iowa football history, based on total
2 21 wins; NOW THEREFORE,
2 22 BE IT RESOLVED BY THE SENATE, That the Senate
2 23 congratulates the University of Iowa football team for
2 24 a stellar season and looks forward to a great season
2 25 in 2010.

LSB 6263SS (1) 83

jr/rj



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Senate Resolution 109 - Introduced

PAG LIN

SENATE RESOLUTION NO.

BY JOCHUM

1 1 A Resolution celebrating the centennial anniversary of
1 2 the Dubuque Visiting Nurse Association.

1 3 WHEREAS, in 1910 typhoid fever, tuberculosis,
1 4 and malaria were prevalent, there was no enforced
1 5 quarantine for smallpox, diphtheria, or scarlet fever,
1 6 and most babies were born at home; and

1 7 WHEREAS, Blanche Cooke, a deaconess at St. Luke's
1 8 Church in Dubuque, resolved to do something to combat
1 9 these lethal threats; and

1 10 WHEREAS, in February 1910, her work and dedication
1 11 helped create the Dubuque Visiting Nurse Association
1 12 (VNA); and

1 13 WHEREAS, the first employee of the VNA was Jessie
1 14 Keys, who served as director, nurse, and secretary; and

1 15 WHEREAS, Ms. Keys was a dynamo of ideas and
1 16 activity, initiating the Dubuque school nurse program,
1 17 the Open Window Room for physically handicapped
1 18 children, the sale of Christmas Health Seals to fight
1 19 tuberculosis, and a day camp for children; and

1 20 WHEREAS, a century later VNA staff members travel
1 21 thousands of miles throughout Dubuque County serving
1 22 nursing, homemaking, and personal care clients,
1 23 doing oral health screenings, and giving childhood
1 24 immunizations, as well as serving patients for other
1 25 VNA programs; NOW THEREFORE,

1 26 BE IT RESOLVED BY THE SENATE, That the Senate
1 27 congratulates the Dubuque Visiting Nurse Association
1 28 on its centennial anniversary and honors the countless



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- 2 1 VNA care and service providers, who for 100 years have
- 2 2 provided care and comfort to those in need.

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jr/nh