



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 23, 2010

House Amendment 8543

PAG LIN

- 1 1 Amend House File 2531 as follows:
- 1 2 #1. By striking page 33, line 19, through page 35,
- 1 3 line 7.
- 1 4 #2. By renumbering as necessary.

WATTS of Dallas
HF2531.2612 (3) 83
tm/jp



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House Amendment 8544

PAG LIN

1 1 Amend Senate File 2324, as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. Page 5, after line 29 by inserting:
1 4 <Sec. ____ Section 477A.8, Code 2009, is amended to
1 5 read as follows:
1 6 477A.8 Customer service standards.
1 7 1. The holder of a certificate of franchise
1 8 authority shall comply with customer service
1 9 requirements consistent with those contained in 47
1 10 C.F.R. { 76.309, and established by the board, and
1 11 shall maintain a local or toll-free telephone number
1 12 for customer service contact.
1 13 2. The holder of a certificate of franchise
1 14 authority shall implement an informal process for
1 15 handling inquiries from municipalities and customers
1 16 concerning billing events, service issues, and other
1 17 complaints. If an issue is not resolved through
1 18 this informal process, a municipality may request a
1 19 confidential nonbinding mediation with the holder
1 20 of a certificate of franchise authority, with the
1 21 costs of such mediation to be shared equally between
1 22 the municipality and the holder of a certificate of
1 23 franchise authority.
1 24 3. A holder of a certificate of franchise authority
1 25 issued under this chapter or a customer, in lieu of
1 26 or in addition to requesting confidential nonbinding
1 27 mediation pursuant to subsection 2, may refer an
1 28 issue or complaint to the board, which shall possess
1 29 regulatory authority with regard to unresolved issues
1 30 or complaints. The board shall monitor the number of
1 31 issues referred to the board or complaints received
1 32 and the nature of those issues or complaints, and may
1 33 investigate an issue or complaint, conduct informal
1 34 hearings, and, if determined to be warranted, require
1 35 remedial or corrective action on the part of a holder
1 36 of a certificate of franchise authority issued under
1 37 this chapter.>
1 38 #2. By renumbering as necessary.

SANDS of Louisa
SF2324.2507 (2) 83
rn/rj



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House Amendment 8545

PAG LIN

1 1 Amend House File 2531 as follows:
1 2 #1. Page 35, before line 8 by inserting:
1 3 <Sec. ____ Section 85.36, Code 2009, is amended by
1 4 adding the following new subsection:
1 5 NEW SUBSECTION. 13. The basis of compensation for
1 6 permanent total disability benefits or death benefits
1 7 shall adjust on January 1 of each year for compensation
1 8 which becomes due that year by a percentage equal
1 9 to the cost-of-living adjustment made to disability
1 10 benefits payable by the United States social security
1 11 administration in December of the immediately preceding
1 12 year.>
1 13 #2. By renumbering as necessary.

R. OLSON of Polk
HF2531.2622 (2) 83
tm/jp



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House Amendment 8546

PAG LIN

1 1 Amend House File 2531 as follows:
1 2 #1. Page 38, after line 1 by inserting:
1 3 <DIVISION ____
1 4 RESPONSIBLE BIDDER
1 5 Section 1. Section 8A.311, subsection 11, paragraph
1 6 b, Code 2009, is amended to read as follows:
1 7 b. (1) In awarding a contract under this
1 8 subsection, the department shall let the work to the
1 9 lowest responsive, responsible bidder, as defined in
1 10 section 26.2, submitting a sealed proposal. However,
1 11 if the department considers the bids received not to
1 12 be acceptable, all bids may be rejected and new bids
1 13 requested.
1 14 (2) A bid shall be accompanied by a certified or
1 15 cashier's check or bid bond in an amount designated in
1 16 the advertisement for bids as security that the bidder
1 17 will enter into a contract for the work requested.
1 18 The department shall establish the bid security in an
1 19 amount equal to at least five percent, but not more
1 20 than ten percent of the estimated total cost of the
1 21 work. The certified or cashier's checks or bid bonds
1 22 of unsuccessful bidders shall be returned as soon as
1 23 the successful bidder is determined. The certified or
1 24 cashier's check or bid bond of the successful bidder
1 25 shall be returned upon execution of the contract.
1 26 c. This subsection does not apply to the
1 27 construction, erection, demolition, alteration, or
1 28 repair of a public improvement when the contracting
1 29 procedure for the work requested is otherwise provided
1 30 for in law.
1 31 Sec. 2. Section 26.2, Code 2009, is amended by
1 32 adding the following new subsections:
1 33 NEW SUBSECTION. 5. "Responsible bidder" means a
1 34 bidder who meets the following requirements in addition
1 35 to any requirements that are part of the bidding
1 36 process for a public improvement contract:
1 37 a. The bidder uses the federal e=verify program to
1 38 ensure the employment eligibility of all workers who
1 39 will perform work on the public improvement. "E=verify
1 40 program" means one of the following:
1 41 (1) The electronic verification of work
1 42 authorization status program created under the federal
1 43 Illegal Immigration Reform and Immigrant Responsibility
1 44 Act of 1996, 8 U.S.C. { 1324a, and operated by the
1 45 United States department of homeland security.
1 46 (2) Any federal work authorization status program
1 47 equivalent to the program described in subparagraph
1 48 (1) and operated by the United States department of
1 49 homeland security or any other designated federal
1 50 agency authorized to verify the work authorization



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2 1 status of newly hired employees, pursuant to the
2 2 federal Immigration Reform and Control Act of 1986,
2 3 Pub. L. No. 99=603.
2 4 b. (1) The bidder shall ensure that each
2 5 individual who performs labor or service on the public
2 6 improvement project is a worker. "Worker" means an
2 7 employee of a contractor or subcontractor unless
2 8 an independent contractor relationship between the
2 9 individual and the contractor or subcontractor is
2 10 intended and all of the following conditions apply:
2 11 (a) The contractor or subcontractor does not
2 12 control or direct the performance of services by the
2 13 individual.
2 14 (b) The contractor or subcontractor is not
2 15 responsible for the payment of the individual's wages.
2 16 (c) The contractor or subcontractor does not have
2 17 the right to discharge the individual or to terminate
2 18 the working relationship with the individual.
2 19 (d) The contractor or subcontractor is not the
2 20 authority in charge of the work or for whose benefit
2 21 the individual is providing services.
2 22 (2) An individual classified as an employee under
2 23 this paragraph "b" shall also be classified as an
2 24 employee pursuant to chapters 85, 85A, 85B, 88, 91A,
2 25 and 96.
2 26 c. (1) The bidder requires all workers who perform
2 27 any labor or service for a contractor or subcontractor
2 28 on a public improvement project to complete every three
2 29 years a minimum ten-hour construction safety program
2 30 approved by the United States occupational safety and
2 31 health administration. A newly hired worker must be
2 32 required to complete the safety program within ninety
2 33 days of hire but may perform labor or service on a
2 34 public improvement during the ninety days.
2 35 (2) The bidder requires each primary contractor
2 36 working on a public improvement project to require at
2 37 least one worker who performs any labor or service on
2 38 the public improvement project to complete every five
2 39 years a minimum thirty-hour construction safety program
2 40 approved by the United States occupational safety and
2 41 health administration.
2 42 (3) The bidder requires a quarterly consultation at
2 43 the site of the public improvement project by the state
2 44 occupational safety and health administration on public
2 45 improvement projects that cost five million dollars or
2 46 more.
2 47 d. The bidder who participates in a public
2 48 improvement project participates in an apprenticeship
2 49 program approved by, and registered with, the United
2 50 States department of labor's office of apprenticeship.



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3 1 e. (1) The bidder does not have a record of
3 2 violations of specific laws over a period of time that
3 3 tend to show a consistent pattern and provides evidence
3 4 of compliance with specific laws. Such specific laws
3 5 include but are not limited to the following:
3 6 (a) State contractor registration and licensing
3 7 laws.
3 8 (b) Federal and state unemployment insurance laws.
3 9 (c) Federal and state tax laws.
3 10 (d) Federal and state workers' compensation laws.
3 11 (e) Federal and state environmental laws.
3 12 (f) State employment rules and regulations.
3 13 (2) Such a pattern may allow the governmental
3 14 entity to deny the bidder the award of a public
3 15 improvement contract, unless the governmental entity
3 16 finds that the violations did not seriously affect
3 17 public health or safety, or the environment, or violate
3 18 employment laws, or if the bidder did, that there were
3 19 mitigating circumstances. In making the findings
3 20 and determinations regarding violations, mitigating
3 21 circumstances, and whether the bidder is disqualified
3 22 to be awarded a public improvement contract, the
3 23 governmental entity is exempt from the requirements of
3 24 chapter 17A.
3 25 NEW SUBSECTION. 6. "Responsive bidder" means a
3 26 bidder who satisfies the material specifications of a
3 27 public improvement bid without significant change, but
3 28 whose bid may contain irregularities in the bid form.
3 29 Sec. 3. Section 28J.9, subsection 18, paragraph b,
3 30 Code 2009, is amended to read as follows:
3 31 b. Except as provided in paragraph "c", when
3 32 the cost of a contract for the construction of a
3 33 building, structure, or other improvement undertaken
3 34 by a port authority involves an expenditure exceeding
3 35 the competitive bid threshold in section 26.3, or as
3 36 established in section 314.1B, and the port authority
3 37 is the contracting entity, the port authority shall
3 38 make a written contract after notice calling for
3 39 bids for the award of the contract has been given by
3 40 publication twice, with at least seven days between
3 41 publications, in a newspaper of general circulation in
3 42 the area of the port authority. Each such contract
3 43 shall be let to the lowest responsive, ~~and~~ responsible
3 44 bidder, as defined in section 26.2. Every contract
3 45 shall be accompanied by or shall refer to plans and
3 46 specifications for the work to be done, prepared for
3 47 and approved by the port authority, and signed by an
3 48 authorized officer of the port authority and by the
3 49 contractor.
3 50 Sec. 4. Section 73A.18, Code 2009, is amended to



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4 1 read as follows:

4 2 73A.18 When bids required == advertisement ==
4 3 deposit.

4 4 1. When the estimated total cost of construction,
4 5 erection, demolition, alteration, or repair of a public
4 6 improvement exceeds the competitive bid threshold in
4 7 section 26.3, or as established in section 314.1B,
4 8 the municipality shall advertise for bids on the
4 9 proposed improvement by two publications in a newspaper
4 10 published in the county in which the work is to be
4 11 done. The first advertisement for bids shall be
4 12 not less than fifteen days prior to the date set for
4 13 receiving bids.

4 14 2. The municipality shall let the work to the
4 15 lowest responsive, responsible bidder, as defined in
4 16 section 26.2, submitting a sealed proposal. However,
4 17 if in the judgment of the municipality bids received
4 18 are not acceptable, all bids may be rejected and new
4 19 bids requested. A bid shall be accompanied, in a
4 20 separate envelope, by a deposit of money or a certified
4 21 check or credit union certified share draft in an
4 22 amount to be named in the advertisement for bids as
4 23 security that the bidder will enter into a contract for
4 24 the doing of the work.

4 25 3. The municipality shall fix the bid security in
4 26 an amount equal to at least five percent, but not more
4 27 than ten percent of the estimated total cost of the
4 28 work. The checks, share drafts, or deposits of money
4 29 of the unsuccessful bidders shall be returned as soon
4 30 as the successful bidder is determined, and the check,
4 31 share draft, or deposit of money of the successful
4 32 bidder shall be returned upon execution of the contract
4 33 documents.

4 34 Sec. 5. Section 73A.21, subsection 2, Code 2009, is
4 35 amended to read as follows:

4 36 2. Notwithstanding this chapter, chapter 73,
4 37 chapter 309, chapter 310, chapter 331, or chapter 384,
4 38 when a contract for a public improvement is to be
4 39 awarded to the lowest responsive, responsible bidder,
4 40 as defined in section 26.2, a resident bidder shall be
4 41 allowed a preference as against a nonresident bidder
4 42 from a state or foreign country which gives or requires
4 43 a preference to bidders from that state or foreign
4 44 country. The preference is equal to the preference
4 45 given or required by the state or foreign country in
4 46 which the nonresident bidder is a resident.

4 47 Sec. 6. Section 262.34, subsection 1, Code
4 48 Supplement 2009, is amended to read as follows:

4 49 1. When the estimated cost of construction,
4 50 repairs, or improvement of buildings or grounds



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5 1 under charge of the state board of regents exceeds
5 2 one hundred thousand dollars, the board shall
5 3 advertise for bids for the contemplated improvement
5 4 or construction and shall let the work to the lowest
5 5 responsive, responsible bidder, as defined in section
5 6 26.2. However, if in the judgment of the board
5 7 bids received are not acceptable, the board may
5 8 reject all bids and proceed with the construction,
5 9 repair, or improvement by a method as the board may
5 10 determine. All plans and specifications for repairs
5 11 or construction, together with bids on the plans or
5 12 specifications, shall be filed by the board and be open
5 13 for public inspection. All bids submitted under this
5 14 section shall be accompanied by a deposit of money,
5 15 a certified check, or a credit union certified share
5 16 draft in an amount as the board may prescribe.

5 17 Sec. 7. Section 314.1, subsection 3, unnumbered
5 18 paragraph 1, Code 2009, is amended to read as follows:
5 19 In the award of contracts for the construction,
5 20 reconstruction, improvement, or repair or maintenance
5 21 of a highway, bridge, or culvert, the agency having
5 22 charge of awarding such contracts shall give due
5 23 consideration not only to the prices bid but also to
5 24 the mechanical or other equipment and the financial
5 25 responsibility and experience in the performance of
5 26 like or similar contracts. The agency may reject any
5 27 or all bids. The agency may readvertise and relet the
5 28 project without conducting an additional public hearing
5 29 if no substantial changes are made to the project's
5 30 plans or specifications. The agency may let by private
5 31 contract or build by day labor, at a cost not in excess
5 32 of the ~~lowest~~ bid received from the lowest responsive,
5 33 responsible bidder, as defined in section 26.2.

5 34 Sec. 8. Section 357.16, Code 2009, is amended to
5 35 read as follows:
5 36 357.16 Second election.
5 37 If the majority of the votes cast at said second
5 38 election be in favor of said improvement, the board of
5 39 supervisors shall again advertise for bids in the same
5 40 manner as before. If the bids at the second letting
5 41 will not necessitate raising the second preliminary
5 42 assessment more than ten percent, the board may let the
5 43 contract to the lowest responsive, responsible bidder,
5 44 as defined in section 26.2.

5 45 Sec. 9. Section 360.5, Code 2009, is amended to
5 46 read as follows:
5 47 360.5 Construction.
5 48 The township trustees or in case of joint ownership,
5 49 in conjunction with the city authorities shall have
5 50 charge of the building of such hall, shall receive



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6 1 bids, and shall let the building of the same to the
6 2 lowest responsive, responsible bidder, as defined in
6 3 section 26.2, and the township clerk shall pay out of
6 4 the funds collected, only on the order of the trustees
6 5 of said township for the township's share of the cost
6 6 thereof.
6 7 Sec. 10. Section 468.35, subsection 1, Code 2009,
6 8 is amended to read as follows:
6 9 1. The board shall award contract or contracts
6 10 for each section of the work to the lowest
6 11 responsive, responsible bidder, as defined in section
6 12 26.2, or bidders therefor, bids to be submitted,
6 13 received and acted upon separately as to the main drain
6 14 and each of the laterals, and each settling basin,
6 15 if any, exercising their own discretion as to letting
6 16 such work as to the main drain as a whole, or as to
6 17 each lateral as a whole, or by sections as to both main
6 18 drain and laterals, and reserving the right to reject
6 19 any and all bids and readvertise the letting of the
6 20 work.>
6 21 #2. By renumbering as necessary.

R. OLSON of Polk
HF2531.2619 (1) 83
tm/jp



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House Amendment 8547

PAG LIN

1 1 Amend the amendment, H=8337, to Senate File 2201,
1 2 as amended, passed, and reprinted by the Senate, as
1 3 follows:
1 4 #1. Page 1, line 24, by striking <October 31> and
1 5 inserting <November 15>

SODERBERG of Plymouth
H8337.2635 (1) 83
av/nh



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House Amendment 8548

PAG LIN

1 1 Amend Senate File 2331, as passed by the Senate, as
1 2 follows:
1 3 #1. Page 1, after line 13 by inserting:
1 4 <Sec. ____ REVIEW AND RECOMMENDATIONS AND THE
1 5 GENERAL ASSEMBLY HAWK=I PROGRAM CHIROPRACTIC CARE. The
1 6 department of human services shall review the number,
1 7 location and utilization of chiropractors participating
1 8 in the hawk=i program, and shall make recommendations
1 9 regarding reasonable access to chiropractic care under
1 10 the program to the hawk=i board by January 14, 2011.>
1 11 #2. By renumbering as necessary.

PETTENGILL of Benton
SF2331.2632 (1) 83
pf/rj



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House Amendment 8549

PAG LIN

1 1 Amend House File 2531 as follows:
1 2 #1. Page 32, after line 10 by inserting:
1 3 <Sec. ____ . NEW SECTION. 2.9A Voting.
1 4 Except for voting on a motion to adjourn, voting in
1 5 the senate and house of representatives shall not occur
1 6 between midnight and 8 a.m. on any legislative day.>
1 7 #2. By renumbering as necessary.

COWNIE of Polk
HF2531.2643 (2) 83
tm/rj



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House Amendment 8550

PAG LIN

1 1 Amend House File 2531 as follows:
 1 2 #1. Page 38, after line 1 by inserting:
 1 3 <DIVISION ____
 1 4 FIRE SUPPRESSION SYSTEMS
 1 5 Sec. _____. Section 100.35, Code 2009, is amended to
 1 6 read as follows:
 1 7 100.35 Rules of marshal.
 1 8 1. The fire marshal shall adopt, and may amend
 1 9 rules under chapter 17A, which include standards
 1 10 relating to exits and exit lights, fire escapes,
 1 11 fire protection, fire safety and the elimination of
 1 12 fire hazards, in and for churches, schools, hotels,
 1 13 theaters, amphitheaters, hospitals, health care
 1 14 facilities as defined in section 135C.1, boarding homes
 1 15 or housing, rest homes, dormitories, college buildings,
 1 16 lodge halls, club rooms, public meeting places, places
 1 17 of amusement, apartment buildings, food establishments
 1 18 as defined in section 137F.1, and all other buildings
 1 19 or structures in which persons congregate from time to
 1 20 time, whether publicly or privately owned. Violation
 1 21 of a rule adopted by the fire marshal is a simple
 1 22 misdemeanor. However, upon proof that the fire marshal
 1 23 gave written notice to the defendant of the violation,
 1 24 and proof that the violation constituted a clear and
 1 25 present danger to life, and proof that the defendant
 1 26 failed to eliminate the condition giving rise to the
 1 27 violation within thirty days after receipt of notice
 1 28 from the fire marshal, the penalty is that provided
 1 29 by law for a serious misdemeanor. Each day of the
 1 30 continuing violation of a rule after conviction of
 1 31 a violation of the rule is a separate offense. A
 1 32 conviction is subject to appeal as in other criminal
 1 33 cases.
 1 34 2. Rules by the fire marshal affecting the
 1 35 construction of new buildings, additions to buildings
 1 36 or rehabilitation of existing buildings and related to
 1 37 fire protection, shall be substantially in accord with
 1 38 the provisions of the nationally recognized building
 1 39 and related codes adopted as the state building code
 1 40 pursuant to section 103A.7 or with codes adopted by
 1 41 a local subdivision which are in substantial accord
 1 42 with the codes comprising the state building code. The
 1 43 rules adopted by the fire marshal shall not require
 1 44 the installation of fire sprinklers or a related
 1 45 fire suppression system in a one=family or two=family
 1 46 residential dwelling or a residential building that
 1 47 contains no more than four dwelling units.
 1 48 3. The rules adopted by the state fire marshal
 1 49 under this section shall provide standards for fire
 1 50 resistance of cellulose insulation sold or used in this



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House Amendment 8550 continued

2 1 state, whether for public or private use. The rules
2 2 shall provide for approval of the cellulose insulation
2 3 by at least one nationally recognized independent
2 4 testing laboratory.
2 5 Sec. _____. Section 103A.7, subsection 2, paragraph
2 6 d, Code Supplement 2009, is amended to read as follows:
2 7 d. Protection of the health, safety, and welfare
2 8 of occupants and users. The rules adopted by the
2 9 state building code commissioner shall not require
2 10 the installation of fire sprinklers or a related
2 11 fire suppression system in a one-family or two-family
2 12 residential dwelling or a residential building that
2 13 contains no more than four dwelling units.
2 14 Sec. _____. Section 331.304, subsection 3, Code 2009,
2 15 is amended by adding the following new paragraph:
2 16 NEW PARAGRAPH. c. A county building code shall
2 17 not require the installation of fire sprinklers or
2 18 a related fire suppression system in a one-family
2 19 or two-family residential dwelling or a residential
2 20 building that contains no more than four dwelling
2 21 units.
2 22 Sec. _____. Section 364.17, Code Supplement 2009, is
2 23 amended by adding the following new subsection:
2 24 NEW SUBSECTION. 8. A building or housing code
2 25 adopted by a city shall not require the installation of
2 26 fire sprinklers or a related fire suppression system
2 27 in a one-family or two-family residential dwelling or
2 28 a residential building that contains no more than four
2 29 dwelling units.
2 30 Sec. _____. EFFECTIVE UPON ENACTMENT. This division
2 31 of this Act, being deemed of immediate importance,
2 32 takes effect upon enactment.>
2 33 #2. By renumbering as necessary.

SODERBERG of Plymouth
HF2531.2631 (2) 83
tm/jp



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House Amendment 8551

PAG LIN

1 1 Amend House File 2531 as follows:
1 2 #1. Page 33, after line 18 by inserting:
1 3 <Sec. _____. NEW SECTION. 16.188 Workforce housing
1 4 assistance grant fund.
1 5 1. A workforce housing assistance grant fund
1 6 is created under the authority of the Iowa finance
1 7 authority. The fund shall consist of appropriations
1 8 made to the fund. The fund shall be separate from the
1 9 general fund of the state and the balance in the fund
1 10 shall not be considered part of the balance of the
1 11 general fund of the state. However, the fund shall
1 12 be considered a special account for the purposes of
1 13 section 8.53, relating to generally accepted accounting
1 14 principles.
1 15 2. Notwithstanding section 12C.7, subsection 2,
1 16 interest or earnings on moneys in the fund shall be
1 17 credited to the fund.
1 18 3. a. Moneys in the fund in a fiscal year are
1 19 appropriated to the Iowa finance authority to be
1 20 used for grants for projects that create workforce
1 21 housing or for projects that include adaptive reuse
1 22 of buildings for workforce housing. For purposes of
1 23 this section, "workforce housing" means housing that is
1 24 affordable for a household whose income does not exceed
1 25 one hundred twenty percent of the median income for the
1 26 area.
1 27 b. Priority shall be given to the following types
1 28 of projects:
1 29 (1) Projects that are eligible for historic
1 30 preservation and cultural and entertainment district
1 31 tax credits under section 404A.1.
1 32 (2) Projects for the construction of new
1 33 single-family dwellings that incorporate one or more
1 34 energy-efficient measures. The authority shall by
1 35 rule identify the types of energy-efficient measures
1 36 that will qualify a project for priority under this
1 37 subparagraph.
1 38 (3) Projects that utilize new markets tax credits,
1 39 established under the federal Community Renewal
1 40 Tax Relief Act of 2000, Pub. L. No. 106-554, 114
1 41 Stat. 2763A, and undertaken by a qualified community
1 42 development entity, as defined in the federal Act.
1 43 (4) Projects that are located in an area where
1 44 other state funding has been used to support the
1 45 creation of new jobs.
1 46 4. Annually, on or before January 15 of each year,
1 47 the authority shall report to the legislative services
1 48 agency and the department of management the status of
1 49 all projects that received moneys from the workforce
1 50 housing assistance grant fund. The report shall



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House Amendment 8551 continued

2 1 include a description of each project, the progress
2 2 of work completed, the total estimated cost of each
2 3 project, a list of all revenue sources being used to
2 4 fund each project, the amount of funds expended, the
2 5 amount of funds obligated, and the date each project
2 6 was completed or an estimated completion date of each
2 7 project, where applicable.
2 8 5. Payment of moneys from appropriations from the
2 9 fund shall be made in a manner that does not adversely
2 10 affect the tax exempt status of any outstanding bonds
2 11 issued by the treasurer of state pursuant to section
2 12 12.87.
2 13 6. The authority shall adopt rules pursuant to
2 14 chapter 17A to administer this section.>
2 15 #2. By renumbering as necessary.

SCHUELLER of Jackson
HF2531.2633 (1) 83
tm/jp



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House Amendment 8552

PAG LIN

1 1 Amend House File 2531 as follows:
1 2 #1. Page 38, after line 1 by inserting:
1 3 <DIVISION ____
1 4 STATE EXPENDITURE LIMITATIONS
1 5 Sec. ____ . Section 8.22A, Code 2009, is amended to
1 6 read as follows:
1 7 8.22A Revenue estimating conference.
1 8 1. The state revenue estimating conference is
1 9 created consisting of the governor or the governor's
1 10 designee, the director of the legislative services
1 11 agency or the director's designee, and a third member
1 12 agreed to by the other two.
1 13 2. The conference shall meet as often as deemed
1 14 necessary, but shall meet at least quarterly. The
1 15 conference may use sources of information deemed
1 16 appropriate. At each meeting, the conference shall
1 17 agree to estimates for both the current and succeeding
1 18 fiscal years for the general fund of the state, lottery
1 19 revenues to be available for disbursement, and from
1 20 gambling revenues and from interest earned on the cash
1 21 reserve fund and the economic emergency fund to be
1 22 deposited in the rebuild Iowa infrastructure fund.
1 23 3. By For purposes of the state general fund
1 24 expenditure limitation and other expenditure
1 25 limitations under section 8.54, by December 15 of each
1 26 fiscal year the conference shall agree to a revenue
1 27 estimate revenue estimates for the amounts of moneys
1 28 subject to an expenditure limitation under section
1 29 8.54 for the fiscal year beginning the following July
1 30 ~~1. That~~ The estimate amounts shall be used by the
1 31 governor in the preparation of the budget message
1 32 under section 8.22 and by the general assembly in
1 33 the budget process. If the conference agrees to a
1 34 different estimate at a later meeting which projects
1 35 a greater amount of revenue than the initial estimate
1 36 amount agreed to by December 15, the governor and the
1 37 general assembly shall continue to use the initial
1 38 estimate amount in the budget process for that fiscal
1 39 year. However, if the conference agrees to a different
1 40 estimate at a later meeting which projects a lesser
1 41 amount of revenue than the initial estimate amount,
1 42 the governor and the general assembly shall use the
1 43 lesser amount in the budget process for that fiscal
1 44 year. As used in this subsection, "later meeting"
1 45 means only those later meetings which are held prior
1 46 to the conclusion of the regular session of the
1 47 general assembly and, if the general assembly holds
1 48 an extraordinary session prior to the commencement of
1 49 the fiscal year to which the estimate applies, those
1 50 later meetings which are held before or during the



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2 1 extraordinary session.
2 2 4. At the meeting in which the conference agrees
2 3 to the revenue estimate for the general fund of the
2 4 state for the following fiscal year in accordance with
2 5 the provisions of subsection 3, the conference shall
2 6 agree to an estimate for tax refunds payable from that
2 7 estimated revenue. The estimates required by this
2 8 subsection shall be used in determining the adjusted
2 9 revenue estimate under section 8.54.
2 10 5. At the meeting in which the conference agrees
2 11 to the revenue estimate for the general fund of the
2 12 state for the succeeding fiscal year in accordance
2 13 with the provisions of subsection 3, the conference
2 14 shall also agree to the following estimates which shall
2 15 be used by the governor in preparation of the budget
2 16 message under section 8.22 and the general assembly in
2 17 the budget process for the succeeding fiscal year:
2 18 a. The amount of lottery revenues that will be
2 19 deposited in the general fund for the following fiscal
2 20 year to be available for disbursement following the
2 21 deductions made pursuant to section 99G.39, subsection
2 22 1. This estimate shall be included in the conference's
2 23 estimate of general fund revenues and shall be
2 24 calculated as the sum of the following, divided by
2 25 seven, as agreed to by the conference:
2 26 (1) The conference's estimate of the amount of
2 27 lottery revenues to be deposited in the general fund
2 28 for the succeeding fiscal year.
2 29 (2) The conference's estimate of the amount of
2 30 lottery revenues to be deposited in the general fund
2 31 for the current fiscal year.
2 32 (3) The actual amount of the lottery revenues
2 33 deposited in the general fund for the five most
2 34 recently completed fiscal years, adjusted for inflation
2 35 through the close of the most recently completed fiscal
2 36 year.
2 37 b. The amount of revenue for the following fiscal
2 38 year from gambling revenues and from interest earned on
2 39 the cash reserve fund and the economic emergency fund
2 40 to be deposited in the rebuild Iowa infrastructure fund
2 41 under section 8.57, subsection 6, paragraph "e".
2 42 c. The amount of accruals of those revenues
2 43 collected by or due from entities other than the
2 44 state on or before June 30 of the fiscal year but not
2 45 remitted to the state until after June 30.
2 46 d. The amount of accrued lottery revenues collected
2 47 on or before June 30 of the fiscal year but not
2 48 transferred to the general fund of the state until
2 49 after June 30.
2 50 6. At the meeting in which the conference agrees to



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3 1 the revenue estimates for the succeeding fiscal year
3 2 in accordance with subsection 3, the conference shall
3 3 agree to the amount available in the cash reserve fund
3 4 as of the close of the previous fiscal year that may be
3 5 appropriated for nonrecurring emergency expenditures as
3 6 provided in section 8.56, subsection 5.

3 7 Sec. _____. Section 8.54, Code 2009, is amended to
3 8 read as follows:

3 9 8.54 General fund expenditure limitation and other
3 10 expenditure limitations.

3 11 1. For the purposes of section 8.22A, this section,
3 12 and sections 8.55 through 8.57:

3 13 a. "Adjusted revenue estimate" means the appropriate
3 14 revenue estimate for the general fund for the following
3 15 fiscal year as determined by the revenue estimating
3 16 conference under section 8.22A, subsection 3, adjusted
3 17 by subtracting estimated tax refunds payable from
3 18 that estimated revenue, adding accruals determined in
3 19 accordance with section 8.22A, subsection 5, and as
3 20 determined by the conference, adding any new revenues
3 21 which may be considered to be eligible for deposit in
3 22 the general fund.

3 23 b. "Inflation" means the percentage change in the
3 24 consumer price index for all urban consumers, midwest
3 25 region, published by the United States department of
3 26 labor, bureau of labor statistics.

3 27 c. "New revenues" means moneys which are received
3 28 by the general fund of the state due to increased
3 29 tax rates and fees or newly created taxes and fees
3 30 over and above those moneys which are received due to
3 31 state taxes and fees which are in effect as of January
3 32 1 following the December state revenue estimating
3 33 conference. "New revenues" also includes moneys
3 34 received by the general fund of the state due to new
3 35 transfers over and above those moneys received by the
3 36 general fund of the state due to transfers which are
3 37 in effect as of January 1 following the December state
3 38 revenue estimating conference. The department of
3 39 management shall obtain concurrence from the revenue
3 40 estimating conference on the eligibility of transfers
3 41 to the general fund of the state which are to be
3 42 considered as new revenue in determining the state
3 43 general fund expenditure limitation.

3 44 2. a. There is created a state general fund
3 45 expenditure limitation for each fiscal year calculated
3 46 as provided in this section.

3 47 b. There is created a gambling revenue expenditure
3 48 limitation calculated as provided in this section. The
3 49 limitation applies to revenues received by the state
3 50 that are attributable to gambling and available for



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4 1 appropriation but are not credited to the general fund
4 2 of state. The gambling revenue expenditure limitation
4 3 does not include lottery revenue.
4 4 c. An expenditure limitation shall be used for the
4 5 portion of the budget process commencing on the date
4 6 the revenue estimating conference agrees to a revenue
4 7 estimate for the following fiscal year in accordance
4 8 with section 8.22A, subsection 3, and ending with
4 9 the governor's final approval or disapproval of the
4 10 appropriations bills applicable to that fiscal year
4 11 that were passed prior to July 1 of that fiscal year in
4 12 a regular or extraordinary legislative session.
4 13 3. Except as otherwise provided in this section,
4 14 the state general fund expenditure limitation for
4 15 a fiscal year shall be ninety-nine percent of the
4 16 adjusted revenue estimate. of the general fund average,
4 17 as agreed to by the revenue estimating conference. The
4 18 general fund average for a fiscal year is the sum of
4 19 the following, divided by seven:
4 20 a. The adjusted revenue estimate for the succeeding
4 21 fiscal year.
4 22 b. The revenue estimate for the current fiscal
4 23 year, adjusted by subtracting estimated tax refunds
4 24 payable from that estimated revenue and as determined
4 25 by the conference, adding any new revenues which may be
4 26 considered to be eligible for deposit in the general
4 27 fund.
4 28 c. The net revenue for the general fund of the
4 29 state for the five most recently completed fiscal
4 30 years, adjusted by subtracting tax refunds paid from
4 31 the revenue and adjusted for inflation through the
4 32 close of the most recently completed fiscal year.
4 33 4. The gambling revenue expenditure limitation
4 34 for a fiscal year shall be the sum of the following,
4 35 divided by seven, as agreed to by the revenue
4 36 estimating conference:
4 37 a. The gambling revenues estimate for the
4 38 succeeding fiscal year.
4 39 b. The gambling revenues estimate for the current
4 40 fiscal year.
4 41 c. The net gambling revenues for the five most
4 42 recently completed fiscal years, adjusted for inflation
4 43 through the close of the most recently completed fiscal
4 44 year.
4 45 ~~4.~~ 5. The state general fund expenditure
4 46 limitation amount and the gambling revenue expenditure
4 47 limitation amount provided for in this section shall
4 48 be used by the governor in the preparation of the
4 49 budget under section 8.22 and approval of the budget
4 50 and by the general assembly in the budget process.



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5 1 If a source for new revenues is proposed, the budget
5 2 revenue projection used for that new revenue source
5 3 for the period beginning on the effective date of the
5 4 new revenue source and ending in the fiscal year in
5 5 which the source is included in the revenue base shall
5 6 be an amount determined by subtracting estimated tax
5 7 refunds payable from the projected revenue from that
5 8 new revenue source, multiplied by ninety-five percent.
5 9 If a new revenue source is established and implemented
5 10 that would affect an expenditure limitation amount,
5 11 the original ~~state general fund~~ expenditure limitation
5 12 amount provided for in subsection 3 shall be readjusted
5 13 to include ninety-five percent of the estimated revenue
5 14 from the new revenue source.

5 15 5. ~~For fiscal years in which section 8.55,~~
~~5 16 subsection 2, results in moneys being transferred~~
~~5 17 to the general fund, the original state general~~
~~5 18 fund expenditure limitation amount provided for in~~
~~5 19 subsection 3 shall be readjusted to include the moneys~~
~~5 20 which are so transferred.~~

5 21 6. The scope of the expenditure
5 22 limitation limitations
5 23 under ~~subsection 3~~ this section shall not encompass
5 24 federal funds, donations, constitutionally dedicated
5 25 moneys, moneys appropriated from the cash reserve
5 26 fund or Iowa economic emergency fund, and moneys in
5 27 expenditures from state retirement system moneys.

5 28 7. The governor shall transmit to the general
5 29 assembly, in accordance with section 8.21, a
5 30 budget which does not exceed the ~~state general fund~~
~~5 31 expenditure limitation expenditure limitations under~~
5 32 this section. The general assembly shall pass a
5 33 budget which does not exceed the ~~state general fund~~
~~5 34 expenditure limitation expenditure limitations. The~~
5 35 governor shall not transmit a budget with recommended
5 36 appropriations in excess of the ~~state general fund~~
~~5 37 expenditure limitation expenditure limitations and~~
5 38 the general assembly shall not pass a budget with
5 39 appropriations in excess of the ~~state general fund~~
~~5 40 expenditure limitation expenditure limitations. The~~
5 41 governor shall not approve or disapprove appropriation
5 42 bills or items of appropriation bills passed by the
5 43 general assembly in a manner that would cause the
5 44 final budget approved by the governor to exceed the
5 45 ~~state general fund expenditure limitation expenditure~~
5 46 limitations. In complying with the requirements
5 47 of this subsection, the governor and the general
5 48 assembly shall not rely on any anticipated reversion
5 49 of appropriations in order to meet the ~~state general~~
~~5 50 fund any expenditure limitation.~~



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6 1 Sec. _____. Section 8.55, subsection 2, paragraph a,
6 2 Code 2009, is amended to read as follows:

6 3 a. The maximum balance of the fund is the amount
6 4 equal to ~~two~~ five and one-half percent of the adjusted
6 5 revenue estimate for the fiscal year. If the amount of
6 6 moneys in the Iowa economic emergency fund is equal to
6 7 the maximum balance, moneys in excess of this amount
6 8 shall be transferred to the ~~general fund~~ property tax
6 9 equity and relief fund created in section 257.16A.

6 10 Sec. _____. Section 8.56, subsections 2 and 3, Code
6 11 2009, are amended to read as follows:

6 12 2.a. Moneys shall be credited to the cash reserve
6 13 fund from all of the following:

6 14 (1) Appropriations made to the fund pursuant to
6 15 section 8.57.

6 16 (2) The state's share of the proceeds under chapter
6 17 809A.

6 18 (3) Moneys collected in the settlement or
6 19 prosecution of a claim by the state that are not
6 20 otherwise specifically allocated in accordance with law
6 21 to another fund.

6 22 (4) Other moneys designated by law or by the
6 23 executive council as one-time revenues and which are
6 24 not otherwise specifically allocated by law to another
6 25 fund.

6 26 b. The maximum balance of the cash reserve fund is
6 27 the amount equal to the cash reserve goal percentage,
6 28 as defined in section 8.57, multiplied by the adjusted
6 29 revenue estimate for the general fund of the state for
6 30 the current fiscal year.

6 31 3. The moneys in the cash reserve fund shall only
6 32 be used pursuant to an appropriation made by the
6 33 general assembly. ~~An~~ Except as provided in subsection
6 34 5, an appropriation shall be made in accordance with
6 35 subsection 4 from the cash reserve fund only for the
6 36 fiscal year in which the appropriation is made. The
6 37 moneys shall only be appropriated by the general
6 38 assembly for nonrecurring emergency expenditures and
6 39 shall not be appropriated for payment of any collective
6 40 bargaining agreement or arbitrator's decision
6 41 negotiated or awarded under chapter 20. Except as
6 42 provided in section 8.58, the cash reserve fund shall
6 43 be considered a special account for the purposes of
6 44 section 8.53 in determining the cash position of the
6 45 general fund of the state for the payment of state
6 46 obligations.

6 47 Sec. _____. Section 8.56, Code 2009, is amended by
6 48 adding the following new subsection:

6 49 NEW SUBSECTION. 5. If the adjusted revenue
6 50 estimate for the succeeding fiscal year is less than



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7 1 ninety=eight percent of the general fund average for
7 2 that fiscal year under section 8.54, subsection 3, an
7 3 appropriation for nonrecurring emergency expenditures
7 4 from the cash reserve fund may be made to provide
7 5 additional funding for the succeeding fiscal year.
7 6 However, the amount of such appropriation shall not
7 7 exceed the difference of ninety=eight percent of
7 8 such general fund average minus the adjusted revenue
7 9 estimate for the succeeding fiscal year. The amount of
7 10 such appropriation shall not exceed twenty=five percent
7 11 of the ending balance in the cash reserve fund in the
7 12 most recently completed fiscal year.

7 13 Sec. _____. Section 284.3A, Code Supplement 2009, is
7 14 amended by adding the following new subsection:

7 15 NEW SUBSECTION. 4. The teacher salary supplement
7 16 district cost as calculated under section 257.10,
7 17 subsection 9, and the area education agency teacher
7 18 salary supplement district cost as calculated under
7 19 section 257.37A, subsection 1, are not subject to a
7 20 uniform reduction in accordance with section 8.31.
7 21 Notwithstanding any provision of law to the contrary,
7 22 if the governor orders budget reductions in accordance
7 23 with section 8.31, a collective bargaining agreement
7 24 negotiated under chapter 20 and in effect on the date
7 25 the budget reduction was ordered shall be reopened
7 26 and renegotiated by the boards of directors of school
7 27 districts and area education agencies and the employee
7 28 organizations representing the employees of the school
7 29 districts and area education agencies.

7 30 Sec. _____. Section 809A.17, subsection 3, Code 2009,
7 31 is amended to read as follows:

7 32 3. The state share of the cash proceeds from
7 33 forfeited property shall be credited to the cash
7 34 reserve fund. Forfeited property that is not cash
7 35 or sold may be used by the department of justice in
7 36 the enforcement of the criminal law. The department
7 37 may give, sell, or trade forfeited property that is
7 38 not cash or sold to any other state agency or to any
7 39 other law enforcement agency within the state if, in
7 40 the opinion of the attorney general, ~~it~~ the forfeited
7 41 property will enhance law enforcement within the state.

7 42 Sec. _____. APPLICABILITY. This division of this Act
7 43 applies beginning July 1, 2010, for the budget process
7 44 for the succeeding fiscal year.>

7 45 #2. By renumbering as necessary.

RANTS of Woodbury

ALONS of Sioux



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ANDERSON of Page

ARNOLD of Lucas

BAUDLER of Adair

CHAMBERS of O'Brien

COWNIE of Polk

DE BOEF of Keokuk

DEYOE of Story

DOLECHECK of Ringgold

DRAKE of Cass

FORRISTALL of Pottawattamie

GRASSLEY of Butler

HAGENOW of Polk

HEATON of Henry

HELLAND of Polk

HORBACH of Tama



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HUSEMAN of Cherokee

KAUFMANN of Cedar

KOESTER of Polk

LUKAN of Dubuque

MAY of Dickinson

L. MILLER of Scott

S. OLSON of Clinton

PAULSEN of Linn

PETTENGILL of Benton

RAECKER of Polk

RAYHONS of Hancock

ROBERTS of Carroll

SANDS of Louisa

SCHULTE of Linn

SCHULTZ of Crawford



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SODERBERG of Plymouth

SORENSEN of Warren

STRUYK of Pottawattamie

SWEENEY of Hardin

TJEPKES of Webster

TYMESON of Madison

UPMEYER of Hancock

VAN ENGELENHOVEN of Marion

WAGNER of Linn

WATTS of Dallas

WINDSCHITL of Harrison

WORTHAN of Buena Vista
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jp/tm



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House Amendment 8553

PAG LIN

1 1 Amend House File 2531 as follows:
1 2 #1. Page 36, after line 7 by inserting:
1 3 <Sec. _____. Section 99F.6, subsection 4, paragraph
1 4 a, Code 2009, is amended to read as follows:
1 5 a. Before a license is granted, the division
1 6 of criminal investigation of the department of
1 7 public safety shall conduct a thorough background
1 8 investigation of the applicant for a license to
1 9 operate a gambling game operation on an excursion
1 10 gambling boat. The applicant shall provide information
1 11 on a form as required by the division of criminal
1 12 investigation. A qualified sponsoring organization
1 13 licensed to operate gambling games under this chapter
1 14 shall distribute the receipts of all gambling games,
1 15 less reasonable expenses, charges, taxes, fees, and
1 16 deductions allowed under this chapter, as winnings
1 17 to players or participants or shall distribute the
1 18 receipts for educational, civic, public, charitable,
1 19 patriotic, or religious uses as defined in section
1 20 99B.7, subsection 3, paragraph "b". However, a
1 21 licensee to conduct gambling games under this chapter
1 22 shall, unless an operating agreement for an excursion
1 23 gambling boat otherwise provides, distribute at least
1 24 three percent of the adjusted gross receipts for
1 25 each license year for educational, civic, public,
1 26 charitable, patriotic, or religious uses as defined
1 27 in section 99B.7, subsection 3, paragraph "b".
1 28 However, if a licensee who is also licensed to conduct
1 29 pari-mutuel wagering at a horse racetrack has unpaid
1 30 debt from the pari-mutuel racetrack operations, the
1 31 first receipts of the gambling games operated within
1 32 the racetrack enclosure less reasonable operating
1 33 expenses, taxes, and fees allowed under this chapter
1 34 shall be first used to pay the annual indebtedness.
1 35 The commission shall authorize, subject to the debt
1 36 payments for horse racetracks and the provisions of
1 37 paragraph "b" for dog racetracks, a licensee who is
1 38 also licensed to conduct pari-mutuel dog or horse
1 39 racing to use receipts from gambling games within
1 40 the racetrack enclosure to supplement purses for
1 41 races particularly for Iowa-bred horses pursuant to
1 42 an agreement which shall be negotiated between the
1 43 licensee and representatives of the dog or horse
1 44 owners. A qualified sponsoring organization shall
1 45 not make a contribution to a candidate, political
1 46 committee, candidate's committee, state statutory
1 47 political committee, county statutory political
1 48 committee, national political party, or fund-raising
1 49 event as these terms are defined in section 68A.102.
1 50 The membership of the board of directors of a qualified



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2 1 sponsoring organization shall represent a broad
 2 2 interest of the communities.
 2 3 Ob. For agreements subject to commission approval
 2 4 concerning purses for horse racing beginning on or
 2 5 after January 1, 2006, and ending before January
 2 6 1, 2021, the agreements shall provide that total
 2 7 annual purses for all horse racing shall be ~~no~~
 2 8 ~~less than~~ eleven percent of the first two hundred
 2 9 ~~million dollars of net receipts, and six percent~~
 2 10 ~~of net receipts above two hundred million dollars.~~
 2 11 Agreements that are subject to commission approval
 2 12 concerning horse purses for a particular period of
 2 13 time beginning on or after January 1, 2006, and ending
 2 14 before January 1, 2021, shall be jointly submitted to
 2 15 the commission for approval. A ~~qualified sponsoring~~
 2 16 ~~organization shall not make a contribution to a~~
 2 17 ~~candidate, political committee, candidate's committee,~~
 2 18 ~~state statutory political committee, county statutory~~
 2 19 ~~political committee, national political party, or~~
 2 20 ~~fund-raising event as these terms are defined in~~
 2 21 ~~section 68A.102. The membership of the board of~~
 2 22 ~~directors of a qualified sponsoring organization shall~~
 2 23 ~~represent a broad interest of the communities. All~~
 2 24 ~~parties to agreements that are subject to commission~~
 2 25 ~~approval under this lettered paragraph shall agree to a~~
 2 26 ~~negotiation timetable, or if the parties fail to agree,~~
 2 27 ~~the commission shall impose a timetable, to insure~~
 2 28 ~~no interruption of business activity. If any party~~
 2 29 ~~representing a horse breed and the horse racetrack~~
 2 30 ~~licensee cannot reach agreement, each party not in~~
 2 31 ~~agreement shall select a representative and the two~~
 2 32 ~~representatives shall select a third party to assist in~~
 2 33 ~~negotiating an agreement. The two representatives may~~
 2 34 ~~select the commission or one of its members to serve as~~
 2 35 ~~the third party. Alternately, each party shall submit~~
 2 36 ~~the name of a proposed third party to the commission~~
 2 37 ~~which shall then select one of the two parties to serve~~
 2 38 ~~as the third party. All parties to the negotiations,~~
 2 39 ~~including the commission, shall consider that the horse~~
 2 40 ~~racetrack was built to facilitate the development and~~
 2 41 ~~promotion of Iowa-bred racing horses in this state and~~
 2 42 ~~shall negotiate and decide accordingly. For purposes~~
 2 43 ~~of this lettered paragraph, "net receipts" means the~~
 2 44 ~~annual adjusted gross receipts from all gambling games~~
 2 45 ~~less the annual amount of money pledged by the owner~~
 2 46 ~~of the facility to fund a project approved to receive~~
 2 47 ~~vision Iowa funds as of July 1, 2004.>~~
 2 48 #2. By renumbering as necessary.

R. OLSON of Polk
 HF2531.2628 (2) 83
 tm/jp



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House Amendment 8554

PAG LIN

1 1 Amend House File 2531 as follows:
1 2 #1. Page 36, after line 7 by inserting:
1 3 <Sec. ____ . NEW SECTION. 103.1A Term "commercial"
1 4 applied.
1 5 1. Whenever the term "commercial" is used in
1 6 this chapter, it shall refer to a use, installation,
1 7 structure, or premises associated with a place of
1 8 business where goods, wares, services, or merchandise
1 9 is stored or offered for sale on a wholesale or retail
1 10 basis.
1 11 2. The term "commercial" refers to a residence only
1 12 if the residence is also used as place of business as
1 13 provided in subsection 1.
1 14 3. The term "commercial" does not refer to a use,
1 15 installation, structure, or premises associated with
1 16 any of the following:
1 17 a. A farm.
1 18 b. An industrial installation.
1 19 Sec. ____ . Section 103.22, subsection 7, Code
1 20 Supplement 2009, is amended to read as follows:
1 21 7. Prohibit an owner of property from performing
1 22 work on the owner's principal residence, if such
1 23 residence is an existing dwelling rather than new
1 24 construction and is not an apartment that is attached
1 25 to any other apartment or building, as those terms are
1 26 defined in section 499B.2, and is not larger than a
1 27 single-family dwelling, ~~or farm property, excluding~~
~~1 28 commercial or industrial installations or installations~~
~~1 29 in public use buildings or facilities, or require~~
1 30 such owner to be licensed under this chapter. In
1 31 order to qualify for inapplicability pursuant to this
1 32 subsection, a residence shall qualify for the homestead
1 33 tax exemption.
1 34 Sec. ____ . Section 103.22, Code Supplement 2009, is
1 35 amended by adding the following new subsection:
1 36 NEW SUBSECTION. 15. Apply to a person performing
1 37 any installation on a farm, if the person is associated
1 38 with the farm as a holder of a legal or equitable
1 39 interest, a relative or employee of the holder, or
1 40 an operator or manager of the farm. The provisions
1 41 of this chapter do not require such person to be
1 42 licensed. In addition, a permit is not required for
1 43 an installation on a farm, and an installation on a
1 44 farm is not required to be inspected. In order for
1 45 a farm building to qualify under this subsection, it
1 46 cannot regularly be open to the public as a place of
1 47 business for the retail sale of goods, wares, services,
1 48 or merchandise.>



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PETTENGILL of Benton
HF2531.2655 (1) 83
rn/jp



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House Amendment 8555

PAG LIN

1 1 Amend Senate File 2331, as passed by the Senate, as
1 2 follows:
1 3 #1. Page 1, after line 13 by inserting:
1 4 <Sec. ____ REVIEW AND RECOMMENDATIONS == HAWK=I
1 5 PROGRAM CHIROPRACTIC CARE. The department of human
1 6 services shall review the number, location, and
1 7 utilization of chiropractors participating in the
1 8 hawk=i program, and shall make recommendations
1 9 regarding reasonable access to chiropractic care
1 10 under the program to the hawk=i board and the general
1 11 assembly by January 14, 2011.>
1 12 #2. By renumbering as necessary.

PETTENGILL of Benton
SF2331.2668 (4) 83
pf/rj



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House Amendment 8556

PAG LIN

1 1 Amend House File 2531 as follows:
 1 2 #1. Page 37, after line 14 by inserting:
 1 3 <Sec. _____. Section 466B.4, subsection 2, Code
 1 4 Supplement 2009, is amended to read as follows:
 1 5 2. Marketing campaign. The water resources
 1 6 coordinating council shall develop a marketing campaign
 1 7 to educate Iowans about the need to take personal
 1 8 responsibility for the quality and quantity of water in
 1 9 their local watersheds. The emphasis of the campaign
 1 10 shall be that not only is everyone responsible for
 1 11 clean water, but that everyone benefits from it as
 1 12 well, and that everyone is responsible for and benefits
 1 13 from reducing the risk for flooding and mitigating
 1 14 possible future flood damage. The goals of the
 1 15 campaign shall be to convince Iowans to take personal
 1 16 responsibility for clean water and reducing the risk of
 1 17 flooding and to equip them with the tools necessary to
 1 18 effect change through local water quality improvement
 1 19 projects and better flood plain management and flood
 1 20 risk programs.
 1 21 Sec. _____. NEW SECTION. 466B.12 Flood plain
 1 22 managers.
 1 23 The council shall encourage and support the
 1 24 formation of a chapter of the association of state
 1 25 flood plain managers in Iowa that would provide a
 1 26 vehicle for local flood plain managers and flood plain
 1 27 planners to further pursue professional educational
 1 28 opportunities.
 1 29 Sec. _____. NEW SECTION. 466B.13 Flood education.
 1 30 The Iowa state university agricultural extension
 1 31 service, the council, and agency members of the council
 1 32 shall work with flood plain and hydrology experts to
 1 33 educate the general public about flood plains, flood
 1 34 risks, and basic flood plain management principles.
 1 35 This educational effort shall include developing
 1 36 educational materials and programs in consultation with
 1 37 flood plain experts.>
 1 38 #2. By renumbering as necessary.

SCHUELLER of Jackson

BERRY of Black Hawk

RUNNING=MARQUARDT of Linn
 HF2531.2670 (2) 83
 tm/jp



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House Amendment 8557

PAG LIN

1 1 Amend House File 2531 as follows:
1 2 #1. Page 37, after line 19 by inserting:
1 3 <DIVISION ____
1 4 DOG RACETRACKS == STUDY
1 5 Sec. ____ RACING AND GAMING COMMISSION == DOG
1 6 RACETRACKS STUDY. The racing and gaming commission
1 7 shall study and issue a report on the viability of
1 8 pari-mutuel dog racetracks in this state to include
1 9 what, if any, economic impact greyhound racing has
1 10 on the economy of the state and whether greyhound
1 11 racing has fulfilled the purpose of facilitating the
1 12 development and promotion of greyhound racing in the
1 13 state. The report shall include the number of Iowa
1 14 employees, payroll wages, and employment benefits, if
1 15 any, of registered Iowa owners, breeders, and kennels,
1 16 as verified by state payroll tax filings. The report
1 17 shall include current and past numbers of registered
1 18 owners, registered kennels, registered greyhounds,
1 19 and the disbursement of purse supplement moneys to
1 20 Iowa-registered owners and kennels as compared to
1 21 out-of-state owners and kennels, and the status of
1 22 greyhound racing in the United States to include the
1 23 number of track closures. The report shall also detail
1 24 the current generation of revenue to the state from
1 25 live greyhound racing as compared to the cost incurred
1 26 by licensees of dog racetracks for conducting live
1 27 greyhound racing. The commission is authorized to hire
1 28 a consultant to assist in the development of the study
1 29 and preparation of the report. On or before January
1 30 1, 2011, the commission shall file a report which
1 31 contains the results of the study with the governor and
1 32 the general assembly. The cost of the report shall be
1 33 assessed on a proportionate basis to the dog racetracks
1 34 located in Dubuque and Pottawattamie counties.>
1 35 #2. By renumbering as necessary.

MASCHER of Johnson

STRUYK of Pottawattamie
SF2351.2664 (2) 83
ec/jp



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House Amendment 8558

PAG LIN

1 1 Amend the Senate amendment, H=8539, to House File
1 2 2525, as amended, passed, and reprinted by the House,
1 3 as follows:
1 4 #1. By striking page 1, line 46, through page 2,
1 5 line 16.
1 6 #2. By renumbering as necessary.

SWEENEY of Hardin

CHAMBERS of O'Brien

MAY of Dickinson

GRASSLEY of Butler

SANDS of Louisa

S. OLSON of Clinton

STRUYK of Pottawattamie
HF2525.2618 (2) 83
da/jp



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House Amendment 8559

PAG LIN

1 1 Amend Senate File 2356, as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. Page 1, by striking lines 2 through 17 and
1 4 inserting:
1 5 IOWACARE PROGRAM AND OTHER HEALTH CARE OPTIONS>
1 6 #2. Page 2, line 6, after <network.> by inserting
1 7 <In developing the phase-in plan the department shall
1 8 consult with the medical assistance projections and
1 9 assessment council created in section 249J.20. Any
1 10 plan developed shall be approved by the council prior
1 11 to implementation. The phase-in of the regional
1 12 provider network shall be implemented in a manner that
1 13 ensures that program expenditures do not exceed budget
1 14 neutrality limits and funded program capacity, and that
1 15 ensures compliance with the eligibility maintenance of
1 16 effort requirements of the federal American Recovery
1 17 and Reinvestment Act of 2009.>
1 18 #3. Page 2, by striking lines 30 through 32 and
1 19 inserting <such hospital has reached service capacity,
1 20 the hospital and the>
1 21 #4. Page 4, by striking lines 7 through 16.
1 22 #5. By striking page 5, line 25, through page 13,
1 23 line 5, and inserting:
1 24 <DIVISION ii
1 25 IOWA INSURANCE INFORMATION EXCHANGE
1 26 Sec. ____ . NEW SECTION. 505.32 Iowa insurance
1 27 information exchange.
1 28 1. Purpose. The purpose of this section is to
1 29 establish an information clearinghouse where all Iowans
1 30 can obtain information about health care coverage that
1 31 is available in this state including availability of
1 32 care delivered by safety-net providers and comparisons
1 33 of benefits, premiums, and out-of-pocket costs.
1 34 2. Definitions. As used in this section, unless
1 35 the context otherwise requires:
1 36 a. "Carrier" means an insurer providing accident
1 37 and sickness insurance under chapter 509, 514, or
1 38 514A and includes a health maintenance organization
1 39 established under chapter 514B if payments received
1 40 by the health maintenance organization are considered
1 41 premiums pursuant to section 514B.31 and are taxed
1 42 under chapter 432. "Carrier" also includes a
1 43 corporation which becomes a mutual insurer pursuant
1 44 to section 514.23 and any other person as defined in
1 45 section 4.1, subsection 20, who is or may become liable
1 46 for the tax imposed by chapter 432.
1 47 b. "Commissioner" means the commissioner of
1 48 insurance.
1 49 c. "Creditable coverage" means the same as defined
1 50 in section 513B.2.



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House Amendment 8559 continued

- 2 1 d. "Exchange" means the Iowa insurance information
2 2 exchange.
- 2 3 e. "Health insurance" means accident and sickness
2 4 insurance authorized by chapter 509, 514, or 514A.
- 2 5 f. (1) "Health insurance coverage" means health
2 6 insurance coverage offered to individuals.
- 2 7 (2) "Health insurance coverage" does not include any
2 8 of the following:
- 2 9 (a) Coverage for accident-only, or disability
2 10 income insurance.
- 2 11 (b) Coverage issued as a supplement to liability
2 12 insurance.
- 2 13 (c) Liability insurance, including general
2 14 liability insurance and automobile liability insurance.
- 2 15 (d) Workers' compensation or similar insurance.
- 2 16 (e) Automobile medical-payment insurance.
- 2 17 (f) Credit-only insurance.
- 2 18 (g) Coverage for on-site medical clinic care.
- 2 19 (h) Other similar insurance coverage, specified in
2 20 federal regulations, under which benefits for medical
2 21 care are secondary or incidental to other insurance
2 22 coverage or benefits.
- 2 23 (3) "Health insurance coverage" does not include
2 24 benefits provided under a separate policy as follows:
- 2 25 (a) Limited-scope dental or vision benefits.
- 2 26 (b) Benefits for long-term care, nursing home care,
2 27 home health care, or community-based care.
- 2 28 (c) Any other similar limited benefits as provided
2 29 by rule of the commissioner.
- 2 30 (4) "Health insurance coverage" does not include
2 31 benefits offered as independent noncoordinated benefits
2 32 as follows:
- 2 33 (a) Coverage only for a specified disease or
2 34 illness.
- 2 35 (b) A hospital indemnity or other fixed indemnity
2 36 insurance.
- 2 37 (5) "Health insurance coverage" does not include
2 38 Medicare supplemental health insurance as defined under
2 39 section 1882(g)(1) of the federal Social Security Act,
2 40 coverage supplemental to the coverage provided under
2 41 10 U.S.C. ch. 55 and similar supplemental coverage
2 42 provided to coverage under group health insurance
2 43 coverage.
- 2 44 g. "Legislative health care coverage commission" or
2 45 "commission" means the legislative health care coverage
2 46 commission created in 2009 Iowa Acts, ch. 118, section
2 47 1.
- 2 48 h. "Medicare" means the federal government health
2 49 insurance program established under Tit. XVIII of the
2 50 federal Social Security Act.



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House Amendment 8559 continued

3 1 i. "Organized delivery system" means an organized
3 2 delivery system as licensed by the director of public
3 3 health.
3 4 3. Iowa insurance information exchange
3 5 established. An Iowa insurance information exchange is
3 6 established in the insurance division of the department
3 7 of commerce under the authority of the commissioner of
3 8 insurance.
3 9 a. The commissioner, in collaboration with the
3 10 legislative health care coverage commission, shall
3 11 develop a plan of operation for the exchange within
3 12 one hundred eighty days from the effective date of
3 13 this section. The plan shall create an information
3 14 clearinghouse that provides resources where Iowans can
3 15 obtain information about health care coverage that is
3 16 available in the state.
3 17 b. The commissioner shall keep records of all
3 18 financial transactions related to the establishment
3 19 and operation of the exchange and shall deliver an
3 20 annual fiscal report of the costs of administering the
3 21 exchange to the general assembly by December 15 of each
3 22 year.
3 23 4. Powers and duties of exchange.
3 24 a. The commissioner shall report on the status of
3 25 the exchange at all regular meetings of the legislative
3 26 health care coverage commission, including progress in
3 27 developing and implementing the exchange operationally,
3 28 resources available through the exchange, information
3 29 about utilization of the resources offered by
3 30 the exchange, including demographic information
3 31 that illustrates how and by whom the exchange is
3 32 being utilized, and the costs of implementing and
3 33 operating the exchange. The commissioner may make
3 34 recommendations to the commission for including but not
3 35 limited to the following:
3 36 (1) Promotion of greater transparency in providing
3 37 quality data on health care providers and health care
3 38 coverage plans and in providing data on the cost of
3 39 medical care that is easily accessible to the public.
3 40 (2) Statutory options that improve seamlessness in
3 41 the health care system in this state.
3 42 (3) Funding opportunities to increase health care
3 43 coverage in the state, particularly for individuals who
3 44 have been denied access to health insurance coverage.
3 45 b. The commissioner shall implement and maintain
3 46 information on the insurance division internet site
3 47 that is easily accessible and available to consumers
3 48 and purchasers of health insurance coverage regarding
3 49 each carrier licensed to do business in this state.
3 50 The information provided shall be understandable to



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House Amendment 8559 continued

4 1 consumers and purchasers of health insurance coverage
4 2 and shall include but is not limited to information
4 3 regarding plan design, premium rate filings and
4 4 approvals, health care cost information, and any
4 5 other information specific to this state that the
4 6 commissioner determines may be beneficial to consumers
4 7 and purchasers of health insurance coverage. The
4 8 commissioner may contract with outside vendors and
4 9 entities to assist in providing this information on the
4 10 internet site.

4 11 c. The exchange shall provide information about
4 12 all public and private health care coverage that is
4 13 available in this state including the cost to the
4 14 public, and comparisons of benefits, premiums, and
4 15 out-of-pocket costs.

4 16 (1) The commissioner may establish methodologies
4 17 to provide uniform and consistent side-by-side
4 18 comparisons of the health care coverage options that
4 19 are offered by carriers, organized delivery systems,
4 20 and public programs in this state including but not
4 21 limited to benefits covered and not covered, the
4 22 amount of coverage for each service, including copays
4 23 and deductibles, administrative costs, and any prior
4 24 authorization requirements for coverage.

4 25 (2) The commissioner may require each carrier,
4 26 organized delivery system, and public program in this
4 27 state to describe each health care coverage option
4 28 offered by that carrier, organized delivery system, or
4 29 public program in a manner so that the various options
4 30 can be compared as provided in subparagraph (1).

4 31 d. The commissioner shall provide ongoing
4 32 information to taxpayers about the costs of public
4 33 health care programs to the state, including the
4 34 administrative costs of the programs and the percentage
4 35 and source of state and federal funding for the
4 36 programs, utilizing information provided by the
4 37 department of human services and the department of
4 38 public health.

4 39 e. The exchange may provide information to assist
4 40 Iowans with making an informed choice when selecting
4 41 health care coverage.

4 42 f. The commissioner may utilize independent
4 43 consultants, as deemed necessary, to assist in carrying
4 44 out the powers and duties of the exchange.

4 45 g. The commissioner may periodically advertise
4 46 the general availability of health care coverage
4 47 information available from the exchange.

4 48 5. Rules. The commissioner shall adopt rules
4 49 pursuant to chapter 17A to implement the provisions of
4 50 this section.>



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House Amendment 8559 continued

5 1 #6. By renumbering as necessary.

SMITH of Marshall

UPMEYER of Hancock

HUNTER of Polk
SF2356.2672 (2) 83
av/rj



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House Amendment 8560

PAG LIN

1 1 Amend House File 2432, as passed by the House, as
1 2 follows:
1 3 #1. By striking everything after the enacting clause
1 4 and inserting:
1 5 <Section 1. RACIAL AND ETHNIC MINORITY TEACHER
1 6 RECRUITMENT STUDY. Representatives of the department
1 7 of education, the area education agencies, and public
1 8 and private colleges and universities shall study the
1 9 opportunities for the recruitment and retention of
1 10 racial and ethnic minority teachers. Specifically, the
1 11 representatives shall examine the following issues:
1 12 1. Examine strategies to encourage racial and
1 13 ethnic minority high school students to enter the
1 14 teaching profession.
1 15 2. Examine how to recruit racial and ethnic
1 16 minority students interested in post-secondary teacher
1 17 preparatory programs into attending an Iowa college or
1 18 university teacher preparatory program.
1 19 3. Examine strategies to recruit racial and ethnic
1 20 minority teachers to continue their careers as school
1 21 administrators in Iowa.
1 22 For the purposes of this study, "racial and ethnic
1 23 minority" includes individuals who are African
1 24 American, Latinos, Asians or Pacific Islanders,
1 25 American Indians, and Alaskan Native Americans.
1 26 The state board of regents shall be responsible for
1 27 providing staffing assistance to the study group. The
1 28 representatives shall report their findings to the
1 29 general assembly by January 10, 2011.>
1 30 #2. Title page, line 2, by striking <from outside
1 31 the state>
HF2432.2677.S (1) 83
jh



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House Amendment 8561

PAG LIN

1 1 Amend House File 2496, as passed by the House, as
1 2 follows:
1 3 #1. Page 2, by striking lines 7 through 9 and
1 4 inserting <and resource green list to be available
1 5 statewide.>
1 6 #2. Page 2, line 21, by striking <Three> and
1 7 inserting <Four>
1 8 #3. Page 2, line 24, by striking <and one> and
1 9 inserting <one>
1 10 #4. Page 2, line 26, after <scrapyard> by inserting
1 11 <, and one member with expertise in the collection,
1 12 recycling, and reprocessing of waste tires>
1 13 #5. Page 3, after line 1 by inserting:
1 14 <(5A) One member nominated by a national solid
1 15 waste management association representing private solid
1 16 waste disposal entities with expertise in the hauling
1 17 of solid waste.>
1 18 #6. Page 4, after line 8 by inserting:
1 19 <(28) The director of the center for energy and
1 20 environmental education at the university of northern
1 21 Iowa.
1 22 (29) The director of the recycling and reuse
1 23 technology transfer center at the university of
1 24 northern Iowa.>
1 25 #7. Page 4, line 19, after <a> by inserting
1 26 <not=for=profit>
1 27 #8. Page 4, after line 23 by inserting:
1 28 <3. The department shall convene meetings
1 29 as necessary to develop recommendations for the
1 30 establishment of measures sufficient to provide
1 31 stewardship of waste tires as well as to promote the
1 32 recycling and reuse of such tires.>
1 33 #9. Page 4, after line 23 by inserting:
1 34 4. This section is repealed January 1, 2012.>
1 35 #10. By renumbering as necessary.
HF2496.2671.S (1) 83
jh



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House Amendment 8562

PAG LIN

1 1 Amend Senate File 2356, as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. Page 5, after line 24 by inserting:
1 4 <Sec. ____ . IOWACARE POPULATION == OPTIMIZATION
1 5 OF SERVICE DELIVERY AND OUTCOMES. The publicly owned
1 6 acute care teaching hospital located in a county
1 7 with a population over three hundred fifty thousand,
1 8 the federally qualified health center located in
1 9 such county, and the university of Iowa hospitals
1 10 and clinics shall actively collaborate to optimize
1 11 effective and efficient delivery of services that
1 12 result in the best possible outcomes for IowaCare
1 13 members.>
1 14 #2. By renumbering as necessary.

FORD of Polk

SMITH of Marshall

KOESTER of Polk

COWNIE of Polk

RAECKER of Polk

HAGENOW of Polk

HELLAND of Polk
SF2356.2676 (2) 83
pf/rj



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House Amendment 8563

PAG LIN

- 1 1 Amend Senate File 2381, as passed by the Senate, as
- 1 2 follows:
- 1 3 #1. Page 2, by striking lines 17 through 19.
- 1 4 #2. By renumbering as necessary.

SCHULTZ of Crawford
SF2381.2681 (1) 83
dea/nh



Iowa General Assembly
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House Amendment 8564

PAG LIN

1 1 Amend House File 2531 as follows:
1 2 #1. Page 31, line 5, by striking <shall not be held
1 3 liable> and inserting <shall be held harmless by such
1 4 political subdivisions>

SWAIM of Davis

PALMER of Mahaska

R. OLSON of Polk

SMITH of Marshall

WILLEMS of Linn

BAILEY of Hamilton

H. MILLER of Webster

GASKILL of Wapello
HF2531.2659 (4) 83
tm/jp



Iowa General Assembly
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**House Concurrent Resolution 108 -
Introduced**

PAG LIN

HOUSE CONCURRENT RESOLUTION NO.

BY COMMITTEE ON ADMINISTRATION AND RULES

1 1 A Concurrent Resolution to approve and confirm the
1 2 appointment of the Citizens' Aide.
1 3 WHEREAS, chapter 2C provides that the Citizens'
1 4 Aide shall be appointed by the Legislative Council
1 5 with the approval and confirmation of a constitutional
1 6 majority of the Senate and with the approval and
1 7 confirmation of a constitutional majority of the House
1 8 of Representatives; and
1 9 WHEREAS, on June 10, 2009, the Legislative Council
1 10 reappointed Mr. William P. Angrick II as Citizens'
1 11 Aide for a term commencing July 1, 2009, and is
1 12 submitting his name for approval and confirmation by a
1 13 constitutional majority of the Senate and the House of
1 14 Representatives; NOW THEREFORE,
1 15 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES,
1 16 THE SENATE CONCURRING, That Mr. William P. Angrick
1 17 II is approved and confirmed as the Citizens' Aide
1 18 for a four-year term which commences July 1, 2009, as
1 19 provided in sections 2C.3 and 2C.5.

LSB 5814HV (1) 83

jp/rj



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House File 2531 - Introduced

HOUSE FILE
BY COMMITTEE ON
APPROPRIATIONS

(SUCCESSOR TO HSB 741)

A BILL FOR

1 An Act relating to state and local finances by providing for
2 funding of property tax credits and reimbursements, by
3 increasing the maximum allowable local hotel and motel tax
4 rates, by making, increasing, and reducing appropriations,
5 providing for salaries and compensation of state employees,
6 providing for matters relating to tax credits, providing
7 for fees and penalties, and providing for properly related
8 matters, and including effective date and retroactive
9 applicability provisions.

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

TLSB 6264HV (3) 83

tm/jp



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House File 2531 - Introduced continued

PAG LIN

1 1 DIVISION I
1 2 MH/MR/DD SERVICES ALLOWED GROWTH FUNDING == FY 2011=2012
1 3 Section 1. ADULT MH/MR/DD SERVICES ALLOWED GROWTH FUNDING ==
1 4 FY 2011=2012. Notwithstanding section 331.439, subsection
1 5 3, the allowed growth factor adjustment for county mental
1 6 health, mental retardation, and developmental disabilities
1 7 service expenditures for the fiscal year beginning July
1 8 1, 2011, shall be established by statute which shall be
1 9 enacted within thirty calendar days of the convening of the
1 10 Eighty-fourth General Assembly, 2011 Session, on January 10,
1 11 2011. The governor shall submit to the general assembly a
1 12 recommendation for such allowed growth factor adjustment and
1 13 the amounts of related appropriations to the general assembly
1 14 on or before January 11, 2011.
1 15 DIVISION II
1 16 STANDING APPROPRIATIONS
1 17 AND RELATED MATTERS
1 18 Sec. 2. BUDGET PROCESS FOR FISCAL YEAR 2011=2012.
1 19 1. For the budget process applicable to the fiscal year
1 20 beginning July 1, 2011, on or before October 1, 2010, in lieu
1 21 of the information specified in section 8.23, subsection 1,
1 22 unnumbered paragraph 1, and paragraph "a", all departments and
1 23 establishments of the government shall transmit to the director
1 24 of the department of management, on blanks to be furnished by
1 25 the director, estimates of their expenditure requirements,
1 26 including every proposed expenditure, for the ensuing fiscal
1 27 year, together with supporting data and explanations as called
1 28 for by the director of the department of management after
1 29 consultation with the legislative services agency.
1 30 2. The estimates of expenditure requirements shall be
1 31 in a form specified by the director of the department of
1 32 management, and the expenditure requirements shall include all
1 33 proposed expenditures and shall be prioritized by program or
1 34 the results to be achieved. The estimates shall be accompanied
1 35 by performance measures for evaluating the effectiveness of the



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House File 2531 - Introduced continued

2 1 programs or results.
 2 2 Sec. 3. GENERAL ASSEMBLY.
 2 3 1. The appropriations made pursuant to section 2.12 for the
 2 4 expenses of the general assembly and legislative agencies for
 2 5 the fiscal year beginning July 1, 2010, and ending June 30,
 2 6 2011, are reduced by the following amount:
 2 7 \$ 5,939,790
 2 8 2. The budgeted amounts for the general assembly for the
 2 9 fiscal year beginning July 1, 2010, may be adjusted to reflect
 2 10 unexpended budgeted amounts from the previous fiscal year.
 2 11 Sec. 4. LIMITATION OF STANDING APPROPRIATIONS.
 2 12 Notwithstanding the standing appropriations in the following
 2 13 designated sections for the fiscal year beginning July 1, 2010,
 2 14 and ending June 30, 2011, the amounts appropriated from the
 2 15 general fund of the state pursuant to these sections for the
 2 16 following designated purposes shall not exceed the following
 2 17 amounts:
 2 18 1. For operational support grants and community cultural
 2 19 grants under section 99F.11, subsection 3, paragraph "d",
 2 20 subparagraph (1):
 2 21 \$ 443,300
 2 22 2. For regional tourism marketing under section 99F.11,
 2 23 subsection 3, paragraph "d", subparagraph (2):
 2 24 \$ 862,028
 2 25 3. For the center for congenital and inherited disorders
 2 26 central registry under section 144.13A, subsection 4, paragraph
 2 27 "a":
 2 28 \$ 182,044
 2 29 4. For primary and secondary child abuse prevention
 2 30 programs under section 144.13A, subsection 4, paragraph "a":
 2 31 \$ 217,772
 2 32 5. For programs for at-risk children under section 279.51:
 2 33 \$ 11,493,891
 2 34 The amount of any reduction in this subsection shall be
 2 35 prorated among the programs specified in section 279.51,



**Iowa General Assembly
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House File 2531 - Introduced continued

3 1 subsection 1, paragraphs "a", "b", and "c".
3 2 6. For payment for nonpublic school transportation under
3 3 section 285.2:
3 4 \$ 7,060,931
3 5 If total approved claims for reimbursement for nonpublic
3 6 school pupil transportation exceed the amount appropriated in
3 7 accordance with this subsection, the department of education
3 8 shall prorate the amount of each approved claim.
3 9 7. For mental health, mental retardation, and developmental
3 10 disabilities services property tax relief under section 426B.1,
3 11 subsection 2, as amended in this division of this Act:
3 12 \$ 81,199,911
3 13 8. For the enforcement of chapter 453D relating to tobacco
3 14 product manufacturers under section 453D.8:
3 15 \$ 19,591
3 16 9. For the Iowa power fund under section 469.10, subsection
3 17 1:
3 18 \$ 19,600,000
3 19 Sec. 5. STATE FOUNDATION AID FOR SCHOOLS == FY 2010=2011.
3 20 Notwithstanding the standing appropriation in section 257.16,
3 21 subsection 1, for state foundation aid for the fiscal year
3 22 beginning July 1, 2010, and ending June 30, 2011, the amount
3 23 appropriated from the general fund of the state pursuant to
3 24 that section for the following designated purpose shall not
3 25 exceed the following amount:
3 26 For state foundation aid under section 257.16, subsection 1:
3 27 \$2,494,057,875
3 28 1. Of the amount designated in this section for state
3 29 foundation aid, \$314,894,787 is allocated for the teacher
3 30 salary supplements, the professional development supplements,
3 31 and the early intervention supplement in accordance with
3 32 section 257.10, subsections 9 through 11, and section 257.37A.
3 33 2. If the remaining balance of the moneys designated in
3 34 this section, after the allocation made in subsection 1, is
3 35 less than the amount required to pay the remainder of state



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House File 2531 - Introduced continued

4 1 foundation aid pursuant to section 257.16, subsection 1, the
4 2 difference shall be deducted from the payments to each school
4 3 district and area education agency in the manner provided in
4 4 section 257.16, subsection 4. The reduction for area education
4 5 agencies shall be added to the reduction made pursuant to
4 6 section 257.35, subsection 5.

4 7 Sec. 6. INSTRUCTIONAL SUPPORT STATE AID. Notwithstanding
4 8 the standing appropriation provided under section 257.20,
4 9 an appropriation from the general fund of the state to the
4 10 department of education for the fiscal year beginning July 1,
4 11 2010, and ending June 30, 2011, shall not be made for purposes
4 12 of paying instructional support state aid.

4 13 Sec. 7. VETERANS HOME MEDICAL CLINIC. Of moneys received
4 14 on or after July 1, 2009, by the Iowa veterans home from
4 15 the federal government relating to the costs to improve and
4 16 renovate a medical clinic at the home in a previous fiscal
4 17 year, the first \$727,000 shall be credited to the general fund
4 18 of the state on or after July 1, 2010.

4 19 Sec. 8. PROPERTY TAX CREDIT FUND == PAYMENTS IN LIEU OF
4 20 GENERAL FUND REIMBURSEMENT.

4 21 1. a. A property tax credit fund shall be created in the
4 22 office of the treasurer of state to be used for the purposes of
4 23 this section.

4 24 b. There is appropriated from the general fund of the state
4 25 to the property tax credit fund created in paragraph "a" for
4 26 the fiscal year beginning July 1, 2010, and ending June 30,
4 27 2011, the sum of \$91,256,037.

4 28 c. Notwithstanding the requirements in section 8.56,
4 29 subsections 3 and 4, there is appropriated from the cash
4 30 reserve fund to the property tax credit fund created in
4 31 paragraph "a" for the fiscal year beginning July 1, 2010, and
4 32 ending June 30, 2011, the sum of \$54,684,481.

4 33 d. Notwithstanding section 8.33, the surplus existing
4 34 in the property tax credit fund created pursuant to 2009
4 35 Iowa Acts, chapter 179, section 9, at the conclusion of the



**Iowa General Assembly
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House File 2531 - Introduced continued

5 1 fiscal year beginning July 1, 2009, and ending June 30, 2010,
 5 2 is transferred to the property tax credit fund created in
 5 3 paragraph "a".
 5 4 2. In lieu of the appropriations in the following designated
 5 5 sections, for the fiscal year beginning July 1, 2010, and
 5 6 ending June 30, 2011, there is appropriated from the property
 5 7 tax credit fund the following amounts for the following
 5 8 designated purposes:
 5 9 a. For reimbursement for the homestead property tax credit
 5 10 under section 425.1:
 5 11 \$ 87,757,913
 5 12 b. For reimbursement for the family farm and agricultural
 5 13 land tax credits under sections 425A.1 and 426.1:
 5 14 \$ 32,395,131
 5 15 c. For reimbursement for the military service tax credit
 5 16 under section 426A.1A:
 5 17 \$ 2,400,000
 5 18 d. For implementing the elderly and disabled tax credit and
 5 19 reimbursement pursuant to sections 425.16 through 425.39:
 5 20 \$ 23,400,000
 5 21 If the director of revenue determines that the amount
 5 22 of claims for credit for property taxes due pursuant to
 5 23 paragraphs "a", "b", "c", and "d", plus the amount of claims
 5 24 for reimbursement for rent constituting property taxes paid
 5 25 which are to be paid during the fiscal year may exceed the
 5 26 total amount appropriated, the director shall estimate the
 5 27 percentage of the credits and reimbursements which will be
 5 28 funded by the appropriation. The county treasurer shall notify
 5 29 the director of the amount of property tax credits claimed by
 5 30 June 8, 2010. The director shall estimate the percentage of
 5 31 the property tax credits and rent reimbursement claims that
 5 32 will be funded by the appropriation and notify the county
 5 33 treasurer of the percentage estimate by June 15, 2010. The
 5 34 estimated percentage shall be used in computing for each claim
 5 35 the amount of property tax credit and reimbursement for rent



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House File 2531 - Introduced continued

6 1 constituting property taxes paid for that fiscal year. If
6 2 the director overestimates the percentage of funding, claims
6 3 for reimbursement for rent constituting property taxes paid
6 4 shall be paid until they can no longer be paid at the estimated
6 5 percentage of funding. Rent reimbursement claims filed after
6 6 that point in time shall receive priority and shall be paid in
6 7 the following fiscal year.

6 8 Sec. 9. PERFORMANCE OF DUTY. There is appropriated from
6 9 the cash reserve fund created in section 8.56 to the executive
6 10 council for the fiscal year beginning July 1, 2010, and ending
6 11 June 30, 2011, the following amount, or so much thereof as is
6 12 necessary, to be used for the purposes designated:

6 13 For performance of duty by the executive council in sections
6 14 7D.29 and 29C.20:

6 15 \$ 10,583,628

6 16 The funding from the appropriation made in this section
6 17 shall be utilized before any funding from the general fund of
6 18 the state.

6 19 Sec. 10. CASH RESERVE FUND APPROPRIATION

6 20 REQUIREMENTS. Section 8.56, subsections 3 and 4, shall
6 21 not apply to any appropriation made in this division or any
6 22 other division of this Act from the cash reserve fund created
6 23 in section 8.56.

6 24 Sec. 11. CASH RESERVE FUND APPROPRIATION FOR FISCAL YEAR
6 25 2010=2011. For the fiscal year beginning July 1, 2010, and
6 26 ending June 30, 2011, the appropriation to the cash reserve
6 27 fund provided in section 8.57, subsection 1, paragraph "a",
6 28 shall not be made.

6 29 Sec. 12. Section 426B.1, subsections 2 and 3, Code 2009, are
6 30 amended to read as follows:

6 31 2. There is appropriated on July 1 of each fiscal year
6 32 to the property tax relief fund from the general fund of
6 33 the state, ~~ninety=~~five ~~eighty=~~eight million four hundred
6 34 thousand dollars.

6 35 ~~3. There is annually appropriated from the property tax~~



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~~7 1 relief fund to the department of human services to supplement
7 2 the medical assistance appropriation for the fiscal year
7 3 beginning July 1, 1997, and for succeeding fiscal years,
7 4 six million six hundred thousand dollars to be used for the
7 5 nonfederal share of the costs of services provided to minors
7 6 with mental retardation under the medical assistance program
7 7 to meet the requirements of section 249A.12, subsection 4.
7 8 The appropriation in this subsection shall be charged to the
7 9 property tax relief fund prior to the distribution of moneys
7 10 from the fund under section 426B.2 and the amount of moneys
7 11 available for distribution shall be reduced accordingly.
7 12 However, the appropriation in this subsection shall be
7 13 considered to be a property tax relief payment for purposes
7 14 of the combined amount of payments required to achieve fifty
7 15 percent of the counties' base year expenditures as provided in
7 16 section 426B.2, subsection 2.~~

7 17 CASH RESERVE FUND == PERFORMANCE OF DUTY

7 18 Sec. 13. 2009 Iowa Acts, chapter 179, section 10, is amended
7 19 by adding the following new unnumbered paragraph:

7 20 NEW UNNUMBERED PARAGRAPH Notwithstanding section 8.33,
7 21 moneys appropriated in this section that remain unencumbered or
7 22 unobligated at the close of the fiscal year shall not revert
7 23 but shall remain available for expenditure for the purposes
7 24 designated until the close of the succeeding fiscal year.

7 25 Sec. 14. EFFECTIVE DATES AND RETROACTIVE APPLICABILITY.

7 26 1. The section of this division of this Act providing for
7 27 crediting of certain moneys received by the Iowa veterans home
7 28 to the general fund of the state, being deemed of immediate
7 29 importance, takes effect upon enactment and is retroactively
7 30 applicable to July 1, 2009, and is applicable on and after that
7 31 date.

7 32 2. The section of this division of this Act creating the
7 33 property tax credit fund, being deemed of immediate importance,
7 34 takes effect upon enactment.

7 35 3. The section of this division of this Act amending 2009



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- 9 1 various state departments, boards, commissions, councils,
9 2 and agencies, including the state board of regents, for
9 3 the fiscal year beginning July 1, 2010, and ending June 30,
9 4 2011, shall provide from available sources pay adjustments,
9 5 expense reimbursements, and related benefits to fully fund the
9 6 following:
- 9 7 1. The collective bargaining agreement negotiated pursuant
9 8 to chapter 20 for employees in the blue collar bargaining unit.
 - 9 9 2. The collective bargaining agreement negotiated pursuant
9 10 to chapter 20 for employees in the public safety bargaining
9 11 unit.
 - 9 12 3. The collective bargaining agreement negotiated pursuant
9 13 to chapter 20 for employees in the security bargaining unit.
 - 9 14 4. The collective bargaining agreement negotiated pursuant
9 15 to chapter 20 for employees in the technical bargaining unit.
 - 9 16 5. The collective bargaining agreement negotiated pursuant
9 17 to chapter 20 for employees in the professional fiscal and
9 18 staff bargaining unit.
 - 9 19 6. The collective bargaining agreement negotiated pursuant
9 20 to chapter 20 for employees in the clerical bargaining unit.
 - 9 21 7. The collective bargaining agreement negotiated pursuant
9 22 to chapter 20 for employees in the professional social services
9 23 bargaining unit.
 - 9 24 8. The collective bargaining agreement negotiated pursuant
9 25 to chapter 20 for employees in the community-based corrections
9 26 bargaining unit.
 - 9 27 9. The collective bargaining agreements negotiated
9 28 pursuant to chapter 20 for employees in the judicial branch of
9 29 government bargaining units.
 - 9 30 10. The collective bargaining agreement negotiated pursuant
9 31 to chapter 20 for employees in the patient care bargaining
9 32 unit.
 - 9 33 11. The collective bargaining agreement negotiated pursuant
9 34 to chapter 20 for employees in the science bargaining unit.
 - 9 35 12. The collective bargaining agreement negotiated pursuant



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10 1 to chapter 20 for employees in the university of northern Iowa
10 2 faculty bargaining unit.
10 3 13. The collective bargaining agreement negotiated pursuant
10 4 to chapter 20 for employees in the state university of Iowa
10 5 graduate student bargaining unit.
10 6 14. The collective bargaining agreement negotiated pursuant
10 7 to chapter 20 for employees in the state university of Iowa
10 8 hospital and clinics tertiary health care bargaining unit.
10 9 15. The annual pay adjustments, related benefits, and
10 10 expense reimbursements referred to in the sections of this
10 11 division of this Act addressing noncontract state and state
10 12 board of regents employees who are not covered by a collective
10 13 bargaining agreement.
10 14 Sec. 17. NONCONTRACT STATE EMPLOYEES == GENERAL.
10 15 1. For the fiscal year beginning July 1, 2010:
10 16 a. The maximum and minimum salary levels of all pay plans
10 17 provided for in section 8A.413, subsection 3, as they exist for
10 18 the fiscal year ending June 30, 2010, shall not increase.
10 19 b. Employees may receive a step increase or the equivalent
10 20 of a step increase.
10 21 c. The pay plan for noncontract judicial branch employees
10 22 shall not be increased.
10 23 d. The pay plans for state employees who are exempt
10 24 from chapter 8A, subchapter IV, and who are included in the
10 25 department of administrative services' centralized payroll
10 26 system shall not be increased, and any additional changes
10 27 in any executive branch pay plans shall be approved by the
10 28 governor.
10 29 2. This section does not apply to members of the general
10 30 assembly, board members, commission members, persons whose
10 31 salaries are set by the general assembly pursuant to this Act
10 32 or are set by the governor, or other persons designated in the
10 33 section of this division of this Act addressing appointed state
10 34 officers, employees designated under section 8A.412, subsection
10 35 5, and employees covered by 11 IAC 53.6(3).



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11 1 3. The pay plans for the bargaining eligible employees of
11 2 the state shall not be increased, and any additional changes
11 3 in such executive branch pay plans shall be approved by the
11 4 governor. As used in this section, "bargaining eligible
11 5 employee" means an employee who is eligible to organize under
11 6 chapter 20, but has not done so.

11 7 4. The policies for implementation of this section shall be
11 8 approved by the governor.

11 9 Sec. 18. STATE EMPLOYEES == STATE BOARD OF REGENTS. For
11 10 the fiscal year beginning July 1, 2010, and ending June 30,
11 11 2011, funds shall be provided from available sources of the
11 12 state board of regents for funding of collective bargaining
11 13 agreements for state board of regents employees covered by
11 14 such agreements and for the following state board of regents
11 15 employees not covered by a collective bargaining agreement:

11 16 1. Regents merit system employees and merit supervisory
11 17 employees.

11 18 2. Faculty members and professional and scientific
11 19 employees.

11 20 Sec. 19. BONUS PAY. For the fiscal year beginning July
11 21 1, 2010, and ending June 30, 2011, employees of the executive
11 22 branch, judicial branch, and legislative branch shall not
11 23 receive bonus pay unless otherwise authorized by law, required
11 24 pursuant to a contract of employment entered into before July
11 25 1, 2010, or required pursuant to a collective bargaining
11 26 agreement. This section does not apply to employees of the
11 27 state board of regents. For purposes of this section, "bonus
11 28 pay" means any additional remuneration provided an employee in
11 29 the form of a bonus, including but not limited to a retention
11 30 bonus, recruitment bonus, exceptional job performance pay,
11 31 extraordinary job performance pay, exceptional performance pay,
11 32 extraordinary duty pay, or extraordinary or special duty pay,
11 33 and any extra benefit not otherwise provided to other similarly
11 34 situated employees.

11 35 Sec. 20. SPECIAL FUNDS. For the fiscal year beginning July



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12 1 1, 2010, and ending June 30, 2011, salary adjustments otherwise
12 2 provided for in this Act may be funded using departmental
12 3 revolving, trust, or special funds for which the general
12 4 assembly has established an operating budget, provided doing so
12 5 does not exceed the operating budget established by the general
12 6 assembly.

12 7 Sec. 21. FEDERAL FUNDS APPROPRIATED. For the fiscal year
12 8 beginning July 1, 2010, all federal grants to and the federal
12 9 receipts of the agencies affected by this division of this Act
12 10 which are received and may be expended for purposes of this
12 11 division of this Act are appropriated for those purposes and as
12 12 set forth in the federal grants or receipts.

12 13 Sec. 22. STATE TROOPER MEAL ALLOWANCE. For the fiscal
12 14 year beginning July 1, 2010, the sworn peace officers in the
12 15 department of public safety who are not covered by a collective
12 16 bargaining agreement negotiated pursuant to chapter 20 shall
12 17 receive the same per diem meal allowance as the sworn peace
12 18 officers in the department of public safety who are covered
12 19 by a collective bargaining agreement negotiated pursuant to
12 20 chapter 20.

12 21 Sec. 23. SALARY MODEL ADMINISTRATOR. The salary model
12 22 administrator shall work in conjunction with the legislative
12 23 services agency to maintain the state's salary model used for
12 24 analyzing, comparing, and projecting state employee salary
12 25 and benefit information, including information relating to
12 26 employees of the state board of regents. The department of
12 27 revenue, the department of administrative services, the five
12 28 institutions under the jurisdiction of the state board of
12 29 regents, the judicial district departments of correctional
12 30 services, and the state department of transportation shall
12 31 provide salary data to the department of management and the
12 32 legislative services agency to operate the state's salary
12 33 model. The format and frequency of provision of the salary
12 34 data shall be determined by the department of management and
12 35 the legislative services agency. The information shall be



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13 1 used in collective bargaining processes under chapter 20 and
13 2 in calculating the funding needs contained within the annual
13 3 salary adjustment legislation. A state employee organization
13 4 as defined in section 20.3, subsection 4, may request
13 5 information produced by the model, but the information provided
13 6 shall not contain information attributable to individual
13 7 employees.

13 8 Sec. 24. 2008 Iowa Acts, chapter 1191, section 14,
13 9 subsection 7, is amended to read as follows:

13 10 7. The following are range 7 positions: administrator
13 11 of the public broadcasting division of the department of
13 12 education, director of the department of corrections, director
13 13 of the department of education, director of human services,
13 14 director of the department of economic development, executive
13 15 director of the Iowa telecommunications and technology
13 16 commission, executive director of the state board of regents,
13 17 director of transportation, director of the department of
13 18 workforce development, director of revenue, director of public
13 19 health, state court administrator, director of the department
13 20 of management, chief information officer, and director of the
13 21 department of administrative services.

DIVISION IV

APPROPRIATION REDUCTIONS

13 24 Sec. 25. APPROPRIATION REDUCTIONS == REPORT.

13 25 1. The amounts appropriated from the general fund of
13 26 the state to the departments and establishments of the
13 27 executive branch, as defined in section 8.2, but not including
13 28 appropriations to the state board of regents, for operational
13 29 purposes in enactments made for the fiscal year beginning July
13 30 1, 2010, and ending June 30, 2011, are reduced by \$83,760,500.
13 31 For purposes of this section, "operational purposes"
13 32 means salary, support, administrative expenses, or other
13 33 personnel-related costs. The reductions in appropriations
13 34 required pursuant to this subsection shall be realized through
13 35 the implementation of 2010 Iowa Acts, Senate File 2062, 2010



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14 1 Iowa Acts, Senate File 2088, executive order number 20 issued
14 2 December 16, 2009, and any other efficiency measure. The
14 3 reductions to operational appropriations required by this
14 4 subsection shall be applied by the department of management.
14 5 2. On or before December 1, 2010, the department of
14 6 management shall submit a report to the general assembly
14 7 and the legislative services agency regarding anticipated
14 8 reductions in appropriations for operational purposes and
14 9 anticipated reductions in full-time equivalent positions
14 10 for the fiscal year beginning July 1, 2010, and ending June
14 11 30, 2011, as required by this section. In the report, all
14 12 reductions shall be categorized in one of four categories. The
14 13 categories shall include the implementation of 2010 Iowa Acts,
14 14 Senate File 2062; the implementation of 2010 Iowa Acts, Senate
14 15 File 2088, section 65; the implementation of 2010 Iowa Acts,
14 16 Senate File 2088, sections 67 and 68; and the implementation of
14 17 both executive order number 20 issued December 16, 2009, and
14 18 any remaining provisions of 2010 Iowa Acts, Senate File 2088.
14 19 Sec. 26. CASH RESERVE TRANSFER. For the fiscal year
14 20 beginning July 1, 2010, and ending June 30, 2011, the
14 21 department of management may transfer up to five million
14 22 dollars from the cash reserve fund created in section 8.56
14 23 to appropriations addressed by this division for purposes
14 24 of offsetting the appropriation reductions required in this
14 25 division. A transfer made pursuant to the authority granted in
14 26 this section shall be subject to the reporting requirements in
14 27 section 8.39, subsections 3 and 4.
14 28 Sec. 27. DEPARTMENT OF ADMINISTRATIVE SERVICES ==
14 29 INFORMATION TECHNOLOGY. There is appropriated from the general
14 30 fund of the state to the department of administrative services
14 31 for the fiscal year beginning July 1, 2010, and ending June 30,
14 32 2011, the following amount, or so much thereof as is necessary,
14 33 to be used for the purposes designated:
14 34 For implementing 2010 Iowa Acts, Senate File 2088, division
14 35 I, including salaries, support, maintenance, and miscellaneous



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16 1 concerning efforts by the department to merge payroll systems
16 2 and any recommendations for legislative action to encourage, or
16 3 eliminate barriers to, the provision of payroll services by the
16 4 department to other state agencies.

16 5 Sec. 32. 2010 Iowa Acts, Senate File 2088, section 234, is
16 6 amended to read as follows:

16 7 SEC. 234. DEPARTMENT OF ~~MANAGEMENT~~ ADMINISTRATIVE

16 8 SERVICES == PAYROLL FREQUENCY. The department of

16 9 ~~management~~ administrative services shall implement to the
16 10 greatest extent possible a reduction in the frequency of paying
16 11 state employees by paying employees through the payroll system
16 12 on a semimonthly instead of a biweekly basis.

16 13 Sec. 33. REPEALS. 2010 Iowa Acts, Senate File 2088,
16 14 sections 175 through 232, are repealed.

16 15

DIVISION VI

16 16

CORRECTIVE PROVISIONS

16 17 Sec. 34. Section 2.69, subsection 3, as enacted by 2010
16 18 Iowa Acts, Senate File 2088, section 420, is amended to read
16 19 as follows:

16 20 3. The members of the committee shall be reimbursed for
16 21 actual and necessary expenses incurred in the performance of
16 22 their duties and shall be paid a per diem as specified in
16 23 section ~~7E.6~~ 2.10 for each day in which they engaged in the
16 24 performance of their duties. However, per diem compensation
16 25 and expenses shall not be paid when the general assembly is
16 26 actually in session at the seat of government. Expenses and
16 27 per diem shall be paid from funds appropriated pursuant to
16 28 section 2.12.

16 29 Sec. 35. Section 97D.4, subsection 2, Code 2009, is amended
16 30 to read as follows:

16 31 2. The members of the committee shall be reimbursed for
16 32 actual and necessary expenses incurred in the performance of
16 33 their duties and shall be paid a per diem as specified in
16 34 section ~~7E.6~~ 2.10 for each day in which they engaged in the
16 35 performance of their duties. However, per diem compensation



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17 1 and expenses shall not be paid when the general assembly is
17 2 actually in session at the seat of government. Expenses and
17 3 per diem shall be paid from funds appropriated pursuant to
17 4 section 2.12.

17 5 Sec. 36. Section 123.43A, subsection 1, unnumbered
17 6 paragraph 1, as enacted by 2010 Iowa Acts, Senate File 2088,
17 7 section 84, is amended to read as follows:

17 8 For the purposes of this section, unless the context
17 9 ~~other~~ otherwise requires:

17 10 Sec. 37. Section 162.10D, subsection 2, as enacted by 2010
17 11 Iowa Acts, House File 2280, section 18, is amended to read as
17 12 follows:

17 13 2. The department may require ~~that~~ an owner, operator, or
17 14 employee of a commercial establishment subject to disciplinary
17 15 action under subsection 1 to complete a continuing education
17 16 program as a condition for retaining an authorization.

17 17 This section does not prevent a person from voluntarily
17 18 participating in a continuing education program.

17 19 Sec. 38. Section 216A.113, subsection 1, as enacted by 2010
17 20 Iowa Acts, Senate File 2088, section 139, is amended to read
17 21 as follows:

17 22 1. The commission ~~on the deaf~~ of deaf services is
17 23 established, and shall consist of seven voting members
17 24 appointed by the governor, subject to confirmation by the
17 25 senate pursuant to section 2.32. Membership of the commission
17 26 shall include at least four members who are deaf and who cannot
17 27 hear human speech with or without use of amplification and at
17 28 least one member who is hard of hearing. All members shall
17 29 reside in Iowa.

17 30 Sec. 39. Section 216C.9, subsection 1, Code 2009, as amended
17 31 by 2010 Iowa Acts, Senate File 2202, section 7, if enacted, is
17 32 amended to read as follows:

17 33 1. If a street, road, or highway in this state is newly
17 34 built or reconstructed, a curb ramp or sloped area shall be
17 35 constructed or installed at each intersection of the street,



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18 1 road, or highway with a sidewalk or path. If a sidewalk or path
18 2 in this state is newly built or ~~altered~~ reconstructed, a curb
18 3 ramp or sloped area shall be constructed or installed at each
18 4 intersection of the sidewalk or path with a street, highway,
18 5 or road.

18 6 Sec. 40. Section 256.51, subsection 1, paragraph a, Code
18 7 2009, as amended by 2010 Iowa Acts, Senate File 2088, section
18 8 316, is amended to read as follows:

18 9 a. Determine policy for providing information service to
18 10 the three branches of state government and to the legal ~~and~~
~~18 11 medical~~ community in this state.

18 12 Sec. 41. Section 256F.3, subsection 1, Code 2009, as amended
18 13 by 2010 Iowa Acts, Senate File 2033, section 10, is amended to
18 14 read as follows:

18 15 1. The state board of education shall apply for a federal
18 16 grant under Pub. L. No. 107=110, cited as the federal No Child
18 17 Left Behind Act of 2001, Tit. V, Pt. B, Subpt. 1, for purposes
18 18 of providing financial assistance for the planning, program
18 19 design, and initial implementation of public charter schools.
18 20 The department shall monitor the effectiveness of charter
18 21 schools and innovation zone schools and shall implement the
18 22 applicable provisions of this chapter.

18 23 Sec. 42. Section 256F.6, subsection 3, Code 2009, is amended
18 24 to read as follows:

18 25 3. The state board of education shall provide by rule for
18 26 the ongoing review of ~~a school board's~~ each party's compliance
18 27 with a contract entered into in accordance with this chapter.

18 28 Sec. 43. Section 260C.44, Code 2009, as amended by 2010 Iowa
18 29 Acts, Senate File 2340, section 35, if enacted, is amended to
18 30 read as follows:

18 31 260C.44 Apprenticeship programs.

18 32 1. Each community college is authorized to establish or
18 33 contract for the establishment of apprenticeship programs
18 34 for apprenticeable occupations. Any apprenticeship program
18 35 established under this section shall comply with requirements



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19 1 established by the United States department of labor,
19 2 ~~bureau~~ office of apprenticeship ~~and training~~. Participation
19 3 in an apprenticeship program or apprenticeship agreement by an
19 4 apprenticeship sponsor shall be on a voluntary basis.
19 5 2. For purposes of this section:
19 6 a. "Apprentice" means a person who is at least sixteen
19 7 years of age, except where a higher minimum age is required by
19 8 law, who is employed in an apprenticeable occupation, and is
19 9 registered with the United States department of labor, office
19 10 of apprenticeship.
19 11 b. "Apprenticeable occupation" means an occupation approved
19 12 for apprenticeship by the United States department of labor,
19 13 office of apprenticeship ~~and training~~.
19 14 c. "Apprenticeship program" means a plan, registered with
19 15 the United States office of apprenticeship which contains
19 16 the terms and conditions for the qualification, recruitment,
19 17 selection, employment, and training of apprentices, including
19 18 the requirement for a written apprenticeship agreement.
19 19 d. "Apprenticeship sponsor" means a person operating an
19 20 apprenticeship program or in whose name an apprenticeship
19 21 program is being operated, registered, or approved.
19 22 Sec. 44. Section 298.4, subsection 2, if enacted by 2010
19 23 Iowa Acts, Senate File 2237, section 103, is amended to read
19 24 as follows:
19 25 2. Unencumbered funds collected from the levies
19 26 authorized in sections 96.31, 279.46, and 296.7 prior to
19 27 July 1, 1991, may be expended for the purposes listed in
19 28 ~~subsections~~ subsection 1, paragraphs "a", "c", and "e".
19 29 Sec. 45. Section 317.1, Code 2009, as amended by 2010 Iowa
19 30 Acts, Senate File 2340, section 86, if enacted, is amended to
19 31 read as follows:
19 32 317.1 Definitions.
19 33 As used in this chapter, unless the context otherwise
19 34 requires:
19 35 ~~a.~~ 1. "Book", "list", "record", or "schedule" kept by a



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20 1 county auditor, assessor, treasurer, recorder, sheriff, or
20 2 other county officer means the county system as defined in
20 3 section 445.1.

20 4 ~~b.~~ 2. "Commissioner" means the county weed commissioner or
20 5 the commissioner's deputy within each county.

20 6 Sec. 46. Section 321J.2, subsection 3, paragraph d,
20 7 subparagraphs (1) and (2), if enacted by 2010 Iowa Acts, Senate
20 8 File 431, section 1, are amended to read as follows:

20 9 (1) A defendant whose alcohol concentration is .08 or
20 10 more but not more than .10 shall not be eligible for any
20 11 temporary restricted license for at least thirty days if a
20 12 test was obtained and an accident resulting in personal injury
20 13 or property damage occurred. The department shall require
20 14 the defendant shall be ordered to install an ignition interlock
20 15 device of a type approved by the commissioner of public safety
20 16 on all vehicles owned or operated by the defendant if the
20 17 defendant seeks a temporary restricted license. There shall be
20 18 no such period of ineligibility if no such accident occurred,
20 19 and the defendant shall not be ~~ordered~~ required to install an
20 20 ignition interlock device.

20 21 (2) A defendant whose alcohol concentration is more than .10
20 22 shall not be eligible for any temporary restricted license for
20 23 at least thirty days if a test was obtained, and an accident
20 24 resulting in personal injury or property damage occurred or the
20 25 defendant's alcohol concentration exceeded .15. There shall be
20 26 no such period of ineligibility if no such accident occurred
20 27 and the defendant's alcohol concentration did not exceed .15.
20 28 In either case, where a defendant's alcohol concentration is
20 29 more than .10, the department shall require the defendant shall
~~20 30 be ordered~~ to install an ignition interlock device of a type
20 31 approved by the commissioner of public safety on all vehicles
20 32 owned or operated by the defendant if the defendant seeks a
20 33 temporary restricted license.

20 34 Sec. 47. Section 336.4, Code 2009, as amended by 2010 Iowa
20 35 Acts, Senate File 2088, section 323, is amended to read as



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21 1 follows:

21 2 336.4 Library trustees.

21 3 In any area in which a library district has been established
21 4 in accordance with this chapter, a board of library
21 5 trustees, consisting of five, seven, or nine members who
21 6 ~~resident~~ reside within the library district, shall be appointed
21 7 by the governing bodies of the jurisdictions comprising the
21 8 library district.

21 9 Sec. 48. Section 435.26B, subsection 1, paragraph c, if
21 10 enacted by 2010 Iowa Acts, Senate File 2199, section 13, is
21 11 amended to read as follows:

21 12 c. A statement of the affiant's title or ownership interest
21 13 and a statement of all liens, encumbrances, or security
21 14 ~~interest~~ interests upon the manufactured or mobile home,
21 15 including the names and mailing addresses of all persons having
21 16 any such liens, encumbrances, or security interests.

21 17 Sec. 49. Section 455B.104, subsection 4, as enacted by 2010
21 18 Iowa Acts, Senate File 2088, section 258, is amended to read
21 19 as follows:

21 20 4. By ~~September 1~~ December 31 of each year, the department
21 21 shall submit a report to the governor and the general assembly
21 22 regarding the greenhouse gas emissions in the state during
21 23 the previous calendar year and forecasting trends in such
21 24 emissions. The first submission by the department shall be
21 25 filed by ~~September 1~~ December 31, 2011, for the calendar year
21 26 beginning January 1, 2010.

21 27 Sec. 50. Section 489.116, subsection 4, as amended by 2010
21 28 Iowa Acts, House File 2478, section 5, if enacted, is amended
21 29 to read as follows:

21 30 ~~4.~~ 3. A limited liability company or foreign limited
21 31 liability company may be served pursuant to this section, as
21 32 provided in another provision of this chapter, or as provided
21 33 in sections 617.3 through 617.6, unless the manner of service
21 34 is otherwise specifically provided for by another provision of
21 35 law.



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22 1 Sec. 51. Section 489.1005, subsection 2, Code 2009, is
22 2 amended to read as follows:
22 3 2. A surviving organization that is a foreign organization
22 4 consents to the jurisdiction of the courts of this state to
22 5 enforce any debt, obligation, or other liability owed by a
22 6 constituent organization, if before the merger the constituent
22 7 organization was subject to suit in this state on the debt,
22 8 obligation, or other liability. A surviving organization
22 9 that is a foreign organization and not authorized to transact
22 10 business in this state appoints the secretary of state as its
22 11 registered agent for service of process for the purposes of
22 12 enforcing a debt, obligation, or other liability under this
22 13 subsection. Service on the secretary of state under this
22 14 subsection must be made in the same manner and has the same
22 15 consequences as in section 489.116, subsections 3 2 and 4 3.
22 16 Sec. 52. Section 489.1009, subsection 3, Code 2009, is
22 17 amended to read as follows:
22 18 3. A converted organization that is a foreign organization
22 19 consents to the jurisdiction of the courts of this state to
22 20 enforce any debt, obligation, or other liability for which
22 21 the converting limited liability company is liable if, before
22 22 the conversion, the converting limited liability company was
22 23 subject to suit in this state on the debt, obligation, or
22 24 other liability. A converted organization that is a foreign
22 25 organization and not authorized to transact business in this
22 26 state appoints the secretary of state as its registered agent
22 27 for service of process for purposes of enforcing a debt,
22 28 obligation, or other liability under this subsection. Service
22 29 on the secretary of state under this subsection must be made
22 30 in the same manner and has the same consequences as in section
22 31 489.116, subsections 3 2 and 4 3.
22 32 Sec. 53. Section 489.1013, subsection 2, Code 2009, is
22 33 amended to read as follows:
22 34 2. A domesticated company that is a foreign limited
22 35 liability company consents to the jurisdiction of the courts



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23 1 of this state to enforce any debt, obligation, or other
23 2 liability owed by the domesticating company, if, before the
23 3 domestication, the domesticating company was subject to suit
23 4 in this state on the debt, obligation, or other liability.
23 5 A domesticated company that is a foreign limited liability
23 6 company and not authorized to transact business in this
23 7 state appoints the secretary of state as its registered agent
23 8 for service of process for purposes of enforcing a debt,
23 9 obligation, or other liability under this subsection. Service
23 10 on the secretary of state under this subsection must be made
23 11 in the same manner and has the same consequences as in section
23 12 489.116, subsections ~~2~~ and 4 ~~3~~.

23 13 Sec. 54. Section 508C.3, subsection 1, paragraph b,
23 14 subparagraph (2), subparagraph division (b), Code 2009, as
23 15 amended by 2010 Iowa Acts, Senate File 2272, section 1, if
23 16 enacted, is amended to read as follows:

23 17 (b) The person is not eligible for coverage by an
23 18 association described in subparagraph ~~part~~ division (a) in any
23 19 other state due to the fact that the insurer was not licensed
23 20 in the state at the time specified in that state's guaranty
23 21 association law.

23 22 Sec. 55. Section 514C.26, subsection 1, paragraph c,
23 23 subparagraph (2), subparagraph division (j), as enacted by 2010
23 24 Iowa Acts, House File 2075, section 1, is amended to read as
23 25 follows:

23 26 (j) Costs of extra treatments, services, procedures, tests,
23 27 or drugs that would not be performed or administered except
23 28 for participation in the cancer clinical trial. Nothing in
23 29 this subparagraph ~~subdivision~~ division shall limit payment for
23 30 treatments, services, procedures, tests, or drugs that are
23 31 otherwise a covered benefit under subparagraph (1).

23 32 Sec. 56. Section 543B.29, subsection 1, paragraph e,
23 33 subparagraph (2), if enacted by 2010 Iowa Acts, Senate File
23 34 2326, section 5, is amended to read as follows:

23 35 (2) The commission, when considering the revocation



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24 1 or suspension of a license pursuant to this paragraph "e",
24 2 shall consider the nature of the offense; any aggravating or
24 3 extenuating circumstances which are documented; the time lapsed
24 4 since the conduct or conviction; the rehabilitation, treatment,
24 5 or restitution performed by the licensee; and any other factors
24 6 the commission deems relevant. Character references may be
24 7 required but shall not be obtained from licensed real estate
24 8 brokers or salespersons.

24 9 Sec. 57. Section 562A.29A, subsection 1, paragraph b, as
24 10 enacted by 2010 Iowa Acts, Senate File 2300, section 3, is
24 11 amended to read as follows:

24 12 b. Personal service pursuant to ~~rules~~ rule of civil
24 13 procedure 1.305, Iowa court rules, for the personal service of
24 14 original notice.

24 15 Sec. 58. Section 685.6, subsection 9, paragraph d, as
24 16 enacted by 2010 Iowa Acts, Senate File 2088, section 343, is
24 17 amended to read as follows:

24 18 d. At any time during which any custodian is in custody
24 19 or control of any documentary material or answers to
24 20 interrogatories produced, or transcripts of oral testimony
24 21 given, by any person in compliance with any civil investigative
24 22 demand issued under subsection 1, such person, and in the
24 23 case of an express demand for any product of discovery, the
24 24 person from whom such discovery was obtained, may file, in
24 25 the district court of the state for the judicial district
24 26 within which the office of such custodian is located, and serve
24 27 upon such custodian, a petition for an order of such court to
24 28 require the performance by the custodian of any duty imposed
24 29 upon the custodian by this section.

24 30 Sec. 59. Section 692A.102, subsection 1, paragraph c,
24 31 subparagraph (30), Code Supplement 2009, is amended to read as
24 32 follows:

24 33 (30) Enticing ~~away~~ a minor in violation of section 710.10,
24 34 if the violation includes an intent to commit sexual abuse,
24 35 sexual exploitation, sexual contact, or sexual conduct directed



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25 1 towards a minor.

25 2 Sec. 60. Section 805.6, subsection 3, paragraph a, if
25 3 enacted by 2010 Iowa Acts, Senate File 2340, section 63, is
25 4 amended to read as follows:

25 5 a. The uniform citation and complaint shall contain
25 6 spaces for the parties' names; the address of the alleged
25 7 offender; the registration number of the offender's vehicle;
25 8 the information required by section 805.2, a warning which
25 9 states: I hereby swear and affirm that the information
25 10 provided by me on this citation is true under penalty of
25 11 providing false information; and a statement that providing
25 12 false information is a violation of section 719.3; a list of
25 13 the scheduled fines prescribed by sections 805.8A, 805.8B, and
25 14 805.8C, either separately or by group, and a statement of the
25 15 court costs payable in scheduled violation cases, whether or
25 16 not a court appearance is required or is demanded; a brief
25 17 explanation of sections 805.9 and 805.10; and a space where the
25 18 defendant may sign an admission of the violation when permitted
25 19 by section 805.9; and the uniform citation and complaint shall
25 20 require that the defendant appear before a court at a specified
25 21 time and place. The uniform citation and complaint also may
25 22 contain a space for the imprint of a credit card, and may
25 23 contain any other information which the commissioner of public
25 24 safety, the director of transportation, and the director of the
25 25 department of natural resources may determine.

25 26 Sec. 61. Section 805.6, subsection 7, Code Supplement 2009,
25 27 as amended by 2010 Iowa Acts, Senate File 2340, section 63, if
25 28 enacted, is amended to read as follows:

25 29 9. Supplies of uniform citation and complaint forms
25 30 existing or on order on July 1, 2010, may be used until
25 31 exhausted.

25 32 Sec. 62. Section 901A.1, subsection 1, paragraph c, Code
25 33 2009, is amended to read as follows:

25 34 c. Enticing a minor ~~away~~ in violation of section 710.10,
25 35 subsection 1.



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26 1 Sec. 63. The portion of 2010 Iowa Acts, House File 2399,
26 2 section 2, if enacted, that enacts section 476.53, subsection
26 3 3, paragraph a, subparagraph (1), unnumbered paragraph 1, is
26 4 amended by striking the unnumbered paragraph and inserting in
26 5 lieu thereof the following:

26 6 Files an application pursuant to section 476A.3 to construct
26 7 in Iowa a baseload electric power generating facility with a
26 8 nameplate generating capacity equal to or greater than three
26 9 hundred megawatts or a combined-cycle electric power generating
26 10 facility, or an alternate energy production facility as defined
26 11 in section 476.42, or to significantly alter an existing
26 12 generating facility. For purposes of this subparagraph, a
26 13 significant alteration of an existing generating facility must,
26 14 in order to qualify for establishment of ratemaking principles,
26 15 fall into one of the following categories:

26 16 Sec. 64. 2010 Iowa Acts, Senate File 431, section 5, if
26 17 enacted, is amended by striking the section and inserting in
26 18 lieu thereof the following:

26 19 SEC. 5. Section 907.3, subsection 3, paragraph c,
26 20 unnumbered paragraph 1, Code Supplement 2009, is amended to
26 21 read as follows:

26 22 A mandatory minimum sentence of incarceration imposed
26 23 pursuant to a violation of section 321J.2, subsection 1;
26 24 furthermore, the court shall not suspend any part of a sentence
26 25 not involving incarceration imposed pursuant to section 321J.2,
26 26 subsection ~~2~~ 3, 4, or 5, beyond the mandatory minimum if any of
26 27 the following apply:

26 28 Sec. 65. 2010 Iowa Acts, Senate File 2237, section 180,
26 29 subsection 4, paragraph a, as enacted, is amended to read as
26 30 follows:

26 31 a. The Code editor is directed to strike the words "title"
26 32 or "Title" and insert "Tit." within federal Act references
26 33 in sections 13.31, subsections 1 and 6; 15E.192, subsection
26 34 2; 15E.195, subsections 1 and 2; 30.1, subsection 3; 47.1,
26 35 subsection 5; 96.11, subsection 10, paragraph "c"; 97C.1;



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27 1 97C.2, subsections 2, 5, and 7; 97C.3, unnumbered paragraph
27 2 1, and subsections 1 and 2; 135C.9, subsection 1, paragraph
27 3 "b"; 142A.8, subsection 2; 203C.1, subsection 26; 207.21,
27 4 subsections 1, 4, and 5; 207.22, subsection 3, paragraph
27 5 "b"; 217.38; 228.1, subsection 7; 230.20, subsection 6;
27 6 232.1A; 234.6, subsection 1; 249.1, subsection 3; 249A.2,
27 7 subsections 1, 4, 6, 7, and 8; 249A.20A, subsection 5; 249A.24,
27 8 subsection 2, paragraph "b"; 249B.1, subsections 6 and 7;
27 9 249F.1, subsection 1; 249F.8; 249J.3, subsection 8; 249J.10,
27 10 subsection 3; 249J.22, subsection 3; 252B.6, subsection
27 11 3; 252B.9, subsection 2, paragraph "b", subparagraph (1),
27 12 subsection 3, paragraphs "c", "d", "e", subparagraph (1), and
27 13 "f"; 252B.14, subsection 5; 252D.20; 252E.15; 259.2, unnumbered
27 14 paragraph 2; 259.9; 260C.18A, subsection 2, paragraph "c";
27 15 306B.1, subsections 3 and 4; 307.10, subsection 13; 321.105,
27 16 subsection 5; 321.450, subsections 1 and 3; 403.6, subsection
27 17 7; 455B.133, subsection 3 and subsection 8, paragraph "a";
27 18 459A.102, subsection 19; 483A.4, subsection 1; 486A.101,
27 19 subsection 2, paragraph "a"; 488.102, subsection 3, paragraph
27 20 "a"; 490A.102, subsection 2; 514.7, subsections 2 through 4;
27 21 514B.1, subsection 5, paragraphs "b" ~~though~~ through "d"; 514C.8,
27 22 subsection 1; 514F.4, subsection 2, paragraph "a"; 514I.9,
27 23 subsection 1; 523A.401, subsection 5, paragraph "a"; 523A.402,
27 24 subsection 5, paragraph "a"; 523A.602, subsection 3; 534.205,
27 25 subsection 1; 541A.1, subsection 8, paragraph "b", subparagraph
27 26 (2); and 541A.6, Code 2009.
27 27 Sec. 66. 2010 Iowa Acts, Senate File 2366, section 23,
27 28 subsection 2, if enacted, is amended to read as follows:
27 29 2. The costs associated with implementation of this
27 30 division of this Act shall be funded exclusively through moneys
27 31 appropriated from the quality assurance trust fund, and shall
27 32 result in budget neutrality to the general fund of the state
27 33 for the fiscal year beginning July 1, 2009, and ending June 30,
27 34 2010.
27 35 Sec. 67. REPEAL. 2010 Iowa Acts, House File 2280, section



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28 1 25, is repealed.
28 2 Sec. 68. REPEAL. 2010 Iowa Acts, House File 2452, section
28 3 3, is repealed.
28 4 Sec. 69. REPEAL. 2010 Iowa Acts, Senate File 2340, section
28 5 117, is repealed.
28 6 Sec. 70. CONDITIONAL EFFECTIVE DATE. The sections of this
28 7 division of this Act amending sections 489.1005, 489.1009, and
28 8 489.1013, take effect only if 2010 Iowa Acts, House File 2478,
28 9 is enacted.
28 10 Sec. 71. CONDITIONAL EFFECTIVE DATE. The sections of this
28 11 division of this Act amending section 692A.102, subsection
28 12 1, paragraph "c", subparagraph (30), and section 901A.1,
28 13 subsection 1, paragraph "c", take effect only if 2010 Iowa Acts,
28 14 House File 2438, is enacted.
28 15 Sec. 72. CONTINGENT EFFECTIVE DATE. The section of this
28 16 division of this Act amending section 805.6, subsection 7,
28 17 takes effect only if 2010 Iowa Acts, Senate File 2197, is
28 18 enacted.
28 19 Sec. 73. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
28 20 APPLICABILITY. The following sections of this division of this
28 21 Act, being deemed of immediate importance, take effect upon
28 22 enactment and apply retroactively as follows:
28 23 1. The section of this division of this Act amending section
28 24 162.10D, subsection 2, as enacted by 2010 Iowa Acts, House File
28 25 2280, section 18, applies retroactively to March 9, 2010.
28 26 2. The section of this division of this Act amending section
28 27 216A.113, subsection 1, as enacted by 2010 Iowa Acts, Senate
28 28 File 2088, section 139, applies retroactively to March 10,
28 29 2010.
28 30 3. The section of this division of this Act amending section
28 31 256.51, subsection 1, paragraph "a", Code 2009, as amended
28 32 by 2010 Iowa Acts, Senate File 2088, section 316, applies
28 33 retroactively to March 10, 2010.
28 34 4. The section of this division of this Act amending section
28 35 435.26B, subsection 1, paragraph "c", if enacted by 2010 Iowa



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29 1 Acts, Senate File 2199, section 13, applies retroactively to
29 2 the effective date of 2010 Iowa Acts, Senate File 2199.
29 3 5. The section of this division of this Act amending section
29 4 562A.29A, subsection 1, paragraph "b", as enacted by 2010 Iowa
29 5 Acts, Senate File 2300, section 3, applies retroactively to
29 6 March 2, 2010.
29 7 6. The section of this division of this Act amending
29 8 the portion of 2010 Iowa Acts, House File 2399, section 2,
29 9 that enacts section 476.53, subsection 3, paragraph "a",
29 10 subparagraph (1), unnumbered paragraph 1, applies retroactively
29 11 to March 9, 2010.
29 12 7. The section of this division of this Act repealing 2010
29 13 Iowa Acts, House File 2280, section 25, applies retroactively
29 14 to March 9, 2010.
29 15 Sec. 74. EFFECTIVE DATE. The following sections of this
29 16 division of this Act take effect December 1, 2010:
29 17 1. The section of this division of this Act amending section
29 18 321J.2, subsection 3, paragraph "d", subparagraphs (1) and (2),
29 19 if enacted by 2010 Iowa Acts, Senate File 431, section 1.
29 20 2. The section of this division of this Act repealing 2010
29 21 Iowa Acts, House File 2452, section 3, if 2010 Iowa Acts,
29 22 Senate File 431, is enacted.
29 23 3. The section of this division of this Act amending 2010
29 24 Iowa Acts, Senate File 431, section 5, if 2010 Iowa Acts,
29 25 Senate File 431, is enacted.
29 26 DIVISION VII
29 27 MISCELLANEOUS PROVISIONS AND APPROPRIATIONS
29 28 Sec. 75. SAC AND FOX INDIAN SETTLEMENT == EDUCATIONAL
29 29 EXPENSES. There is appropriated from the Iowa comprehensive
29 30 petroleum underground storage tank fund to the department of
29 31 education for the fiscal year beginning July 1, 2010, and
29 32 ending June 30, 2011, the following amount, or so much thereof
29 33 as is necessary, to be used for the purposes designated:
29 34 Notwithstanding section 455G.3, subsection 1, for
29 35 distribution to the tribal council of the Sac and Fox Indian



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30 1 settlement located on land held in trust by the secretary
 30 2 of the interior of the United States. Moneys appropriated
 30 3 under this section shall be used for the purposes specified in
 30 4 section 256.30:
 30 5 \$ 90,000
 30 6 Sec. 76. CASH RESERVE FUND APPROPRIATIONS. There is
 30 7 appropriated from the cash reserve fund created in section 8.56
 30 8 to the following departments and agencies for the fiscal year
 30 9 beginning July 1, 2010, and ending June 30, 2011, the following
 30 10 amounts to be used for the purposes designated:
 30 11 1. DEPARTMENT OF HUMAN SERVICES
 30 12 For the medical assistance program:
 30 13 \$187,800,000
 30 14 2. DEPARTMENT OF MANAGEMENT
 30 15 For salaries, support, maintenance, and miscellaneous
 30 16 purposes:
 30 17 \$ 260,000
 30 18 Sec. 77. APPROPRIATION ADJUSTMENTS == DEPARTMENT OF
 30 19 ADMINISTRATIVE SERVICES. The appropriations to the department
 30 20 of administrative services for the fiscal year beginning July
 30 21 1, 2010, in 2010 Iowa Acts, Senate File 2367, from the general
 30 22 fund of the state shall be increased by \$2,761,100. The number
 30 23 of full-time equivalent positions authorized for the department
 30 24 of administrative services for the fiscal year beginning
 30 25 July 1, 2010, in 2010 Iowa Acts, Senate File 2367, shall be
 30 26 increased by 34.40.
 30 27 Sec. 78. APPROPRIATION ADJUSTMENTS == DEPARTMENT OF
 30 28 MANAGEMENT. The appropriations to the department of management
 30 29 for the fiscal year beginning July 1, 2010, in 2010 Iowa Acts,
 30 30 Senate File 2367, from the general fund of the state shall be
 30 31 decreased by \$2,761,100. The number of full-time equivalent
 30 32 positions authorized for the department of management for the
 30 33 fiscal year beginning July 1, 2010, in 2010 Iowa Acts, Senate
 30 34 File 2367, shall be decreased by 34.40.
 30 35 Sec. 79. RAILROAD COMPANY == LIMITED LIABILITY. A railroad



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31 1 company which alters facilities described in section 327F.2
31 2 pursuant to a written agreement with a political subdivision
31 3 with a population of more than 15,100, but less than 15,150,
31 4 according to the 2000 certified federal census, to construct a
31 5 flood mitigation project shall not held liable for any damages
31 6 caused by the alteration due to a flood.
31 7 Sec. 80. BRAILLE AND SIGHT SAVING SCHOOL STUDY.
31 8 1. The state board of regents shall conduct a study to
31 9 examine possible changes to and make recommendations regarding
31 10 the current structure for providing residential services on
31 11 the campus of the Iowa braille and sight saving school and
31 12 to make recommendations regarding appropriate facilities and
31 13 facility utilization. The study shall also examine potential
31 14 partnerships with other state agencies as well as private
31 15 providers of residential services.
31 16 2. For purposes of conducting the study, the state board of
31 17 regents shall form a committee with representatives of all of
31 18 the following:
31 19 a. Parents of students who are blind or visually impaired.
31 20 b. Constituent organizations for the blind or visually
31 21 impaired.
31 22 c. The department of education.
31 23 d. The department for the blind.
31 24 e. The department of human services.
31 25 f. Area education agencies.
31 26 g. School boards and school board administrators.
31 27 h. The governor's developmental disabilities council.
31 28 i. Administration of the statewide system for vision
31 29 services.
31 30 j. Administration of the Iowa school for the deaf.
31 31 3. By August 31, 2010, the state board of regents shall
31 32 submit a report of the study to the legislative council.
31 33 Sec. 81. PLUMBERS, MECHANICAL PROFESSIONALS, AND
31 34 CONTRACTORS == EFFECTIVE UPON ENACTMENT.
31 35 1. Notwithstanding the provisions of section 105.18,



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32 1 subsection 2, paragraph "c", subparagraph (3), to the contrary,
32 2 the plumbing and mechanical systems board shall, through
32 3 September 30, 2010, allow a person who has not previously held
32 4 a license issued under section 105.18 to sit for the state
32 5 master licensing examination for the applicable discipline if
32 6 that person submits evidence of work experience which the board
32 7 deems to be equivalent to forty-eight months experience as a
32 8 licensed master in the applicable discipline.

32 9 2. This section, being deemed of immediate importance,
32 10 takes effect upon enactment.

32 11 Sec. 82. Section 8D.13, subsection 5, Code 2009, is amended
32 12 to read as follows:

32 13 5.a. The state shall lease all fiberoptic cable
32 14 facilities or facilities with ~~DS-3~~ sufficient capacity as
32 15 determined by the commission for Part III connections, for
32 16 ~~which state funding is provided. The state shall lease~~
~~32 17 all fiberoptic cable facilities or facilities with DS-3 or~~
~~32 18 DS-1 capacity for the judicial branch, judicial district~~
32 19 department departments of correctional services, and state
32 20 agency connections for which state funding is provided. In
32 21 determining the capacity to be provided, the commission
32 22 shall consult with the authorized users associated with
32 23 the Part III connections, the judicial branch, the judicial
32 24 district departments of correctional services, and state
32 25 agencies associated with connections for which state funding
32 26 is provided. Such facilities shall be leased from qualified
32 27 providers. The state shall not own such facilities, except for
32 28 those facilities owned by the state as of January 1, 1994.

32 29 b. The lease provisions of this subsection do not apply to a
32 30 school district which elects to provide one hundred percent of
32 31 the financing for the district's connection.

32 32 Sec. 83. Section 16.100A, subsection 6, paragraph d, Code
32 33 Supplement 2009, is amended to read as follows:

32 34 d. General public members shall be reimbursed by the Iowa
32 35 finance authority for actual and necessary expenses incurred



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33 1 while engaged in their official duties. ~~Expense payments shall~~
~~33 2 be made from appropriations made for purposes of this section.~~

33 3 Sec. 84. Section 16.181, subsection 1, paragraph a, Code
33 4 Supplement 2009, is amended to read as follows:

33 5 a. A housing trust fund is created within the authority.
33 6 The moneys in the housing trust fund are annually appropriated
33 7 to the authority to be used for the development and
33 8 preservation of affordable housing for low-income people in
33 9 the state and for the Iowa mortgage help initiative. Payment
33 10 of interest, recaptures of awards, or other repayments
33 11 to the housing trust fund shall be deposited in the fund.
33 12 Notwithstanding section 12C.7, interest or earnings on moneys
33 13 in the housing trust fund or appropriated to the fund shall
33 14 be credited to the fund. Notwithstanding section 8.33,
33 15 unencumbered and unobligated moneys remaining in the fund
33 16 at the close of each fiscal year shall not revert but shall
33 17 remain available for expenditure for the same purposes in the
33 18 succeeding fiscal year.

33 19 Sec. 85. Section 20.19, Code 2009, is amended to read as
33 20 follows:

33 21 20.19 Impasse procedures == agreement of parties.

33 22 As the first step in the performance of their duty to
33 23 bargain, the public employer and the employee organization
33 24 shall endeavor to agree upon impasse procedures. Such
33 25 agreement shall provide for implementation of these impasse
33 26 procedures not later than one hundred twenty days prior to
33 27 the certified budget submission date of the public employer.
33 28 However, if public employees represented by the employee
33 29 organization are teachers licensed under chapter 272, and the
33 30 public employer is a school district or area education agency,
33 31 the agreement shall provide for implementation of impasse
33 32 procedures not later than one hundred twenty days prior to May
33 33 31 of the year when the collective bargaining agreement is
33 34 to become effective. If the public employer is a community
33 35 college, the agreement shall provide for implementation of



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34 1 impasse procedures not later than one hundred twenty days prior
34 2 to May 31 of the year when the collective bargaining agreement
34 3 is to become effective. If the public employer is not subject
34 4 to the budget certification requirements of section 24.17 and
34 5 other applicable sections, the agreement shall provide for
34 6 implementation of impasse procedures not later than one hundred
34 7 twenty days prior to the date the next fiscal or budget year of
34 8 the public employer commences. If the parties fail to agree
34 9 upon impasse procedures under the provisions of this section,
34 10 the impasse procedures provided in sections 20.20 to 20.22
34 11 shall apply.

34 12 Sec. 86. Section 20.20, Code 2009, is amended to read as
34 13 follows:

34 14 20.20 Mediation.

34 15 In the absence of an impasse agreement negotiated pursuant
34 16 to section 20.19 or the failure of either party to utilize its
34 17 procedures, one hundred twenty days prior to the certified
34 18 budget submission date, or one hundred twenty days prior to
34 19 May 31 of the year when the collective bargaining agreement
34 20 is to become effective if public employees represented by the
34 21 employee organization are teachers licensed under chapter
34 22 272 and the public employer is a school district or area
34 23 education agency, the board shall, upon the request of either
34 24 party, appoint an impartial and disinterested person to act
34 25 as mediator. If the public employer is a community college,
34 26 and in the absence of an impasse agreement negotiated pursuant
34 27 to section 20.19 or the failure of either party to utilize
34 28 its procedures, one hundred twenty days prior to May 31
34 29 of the year when the collective bargaining agreement is to
34 30 become effective, the board, upon the request of either party,
34 31 shall appoint an impartial and disinterested person to act as
34 32 mediator. If the public employer is not subject to the budget
34 33 certification requirements of section 24.17 or other applicable
34 34 sections and in the absence of an impasse agreement negotiated
34 35 pursuant to section 20.19, or the failure of either party to



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35 1 utilize its procedures, one hundred twenty days prior to the
35 2 date the next fiscal or budget year of the public employer
35 3 commences, the board, upon the request of either party, shall
35 4 appoint an impartial and disinterested person to act as a
35 5 mediator. It shall be the function of the mediator to bring
35 6 the parties together to effectuate a settlement of the dispute,
35 7 but the mediator may not compel the parties to agree.

35 8 Sec. 87. Section 99B.12A, unnumbered paragraph 1, Code
35 9 2009, is amended to read as follows:

35 10 ~~An organization that is exempt from federal income taxes~~
~~35 11 under section 501(c)(3), 501(c)(4), 501(c)(5), 501(c)(6),~~
~~35 12 501(c)(7), 501(c)(8), 501(c)(10), or 501(c)(19) of the Internal~~
~~35 13 Revenue Code as defined in section 422.3, A person shall be~~
35 14 authorized to conduct a bingo occasion without a license as
35 15 otherwise required by this chapter if all of the following
35 16 requirements are met:

35 17 Sec. 88. Section 99B.17, Code 2009, is amended to read as
35 18 follows:

35 19 99B.17 Gambling on credit unlawful == exception.

35 20 1. A person who tenders and a person who receives any
35 21 promise, agreement, note, bill, bond, contract, mortgage or
35 22 other security, or any negotiable instrument, as consideration
35 23 for any wager or bet, whether or not lawfully conducted or
35 24 engaged in pursuant to this chapter, commits a misdemeanor.
35 25 However, a participant in a bingo occasion or in a contest
35 26 lawful under section 99B.11 may make payment by personal check
35 27 for any entry or participation fee assessed by the sponsor of
35 28 the bingo occasion or contest.

35 29 2. A participant in a raffle conducted by an eligible
35 30 qualified organization may purchase raffle tickets by personal
35 31 check, money order, bank check, cashier's check, electronic
35 32 check, or debit card for one raffle conducted by the eligible
35 33 qualified organization during a calendar year. The department
35 34 shall adopt rules setting minimum standards concerning the
35 35 purchase of raffle tickets as authorized by this subsection



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36 1 which shall ensure compliance with applicable federal law and
36 2 for the protection of personal information consistent with
36 3 payment card industry compliance regulations. For purposes
36 4 of this subsection, an "eligible qualified organization" is a
36 5 qualified organization that has conducted a raffle pursuant to
36 6 section 99B.7 during the previous eight consecutive calendar
36 7 years in which the net proceeds are distributed to a museum.

36 8 Sec. 89. Section 155A.6A, subsection 3, Code 2009, is
36 9 amended to read as follows:

36 10 3. a. Beginning July 1, 2009, a person who is in the
36 11 process of acquiring national certification as a pharmacy
36 12 technician and who is in training to become a pharmacy
36 13 technician shall register with the board as a pharmacy
36 14 technician. The registration shall be issued for a period not
36 15 to exceed one year and shall not be renewable.

36 16 b. A person who is registered as a pharmacy technician or a
36 17 pharmacy technician trainee prior to January 1, 2010, who has
36 18 worked as a pharmacy technician or pharmacy technician trainee
36 19 for a minimum of two thousand hours in the previous eighteen
36 20 months under the direction of a licensed pharmacist or who
36 21 has received certification as a pharmacy technician through a
36 22 certification program accredited by the national commission for
36 23 certifying agencies, is exempt from meeting any examination
36 24 requirement for registration pursuant to subsection 2.

36 25 Sec. 90. Section 174.1, subsection 2, paragraphs b and c,
36 26 Code 2009, are amended to read as follows:

36 27 b. The organization owns buildings ~~and~~ or other improvements
36 28 situated on the fairgrounds which have been specially
36 29 constructed for purposes of conducting a fair event.

36 30 c. The market value of the fairgrounds and buildings and
36 31 other improvements located on the fairgrounds is at least
36 32 ~~eighty~~ twenty-five thousand dollars.

36 33 Sec. 91. Section 174.1, subsection 3, Code 2009, is amended
36 34 to read as follows:

36 35 3. "Fair event" means an annual gathering of the public



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37 1 on fairgrounds that incorporates agricultural exhibits,
37 2 demonstrations, shows, or competitions ~~and which includes all~~
~~37 3 of the following:~~
37 4 ~~a.~~ Programs that include programs or projects sponsored by
37 5 4-H clubs, future farmers of America, or the Iowa cooperative
37 6 extension service in agriculture and home economics of Iowa
37 7 state university. Other activities may include any of the
37 8 following:
37 9 ~~b.~~ a. Commercial exhibits sponsored by manufacturers or
37 10 other businesses.
37 11 ~~c.~~ b. Educational programs or exhibits sponsored by
37 12 governmental entities or nonprofit organizations.
37 13 ~~d.~~ c. Competition in culinary arts, fine arts, or home
37 14 craft arts.
37 15 Sec. 92. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
37 16 APPLICABILITY. The provision of this division of this Act
37 17 amending section 155A.6A, subsection 3, being deemed of
37 18 immediate importance, takes effect upon enactment and applies
37 19 retroactively to January 1, 2010.
37 20 DIVISION VIII
37 21 BICYCLES
37 22 Sec. 93. NEW SECTION. 321.281 Actions against bicyclists.
37 23 1. A person operating a motor vehicle shall not steer the
37 24 motor vehicle unreasonably close to or toward a person riding
37 25 a bicycle on a highway, including the roadway or the shoulder
37 26 adjacent to the roadway.
37 27 2. A person shall not knowingly project any object or
37 28 substance at or against a person riding a bicycle on a highway.
37 29 3. A person who violates this section commits a simple
37 30 misdemeanor punishable as a scheduled violation under section
37 31 805.8A, subsection 14, paragraph "k".
37 32 Sec. 94. Section 805.8A, subsection 14, Code Supplement
37 33 2009, is amended by adding the following new paragraph:
37 34 NEW PARAGRAPH. k. Actions against a person on a bicycle.
37 35 For violations under section 321.281 the scheduled fine is two



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38 1 hundred fifty dollars.

38 2 DIVISION IX

38 3 HOTEL AND MOTEL TAX

38 4 Sec. 95. Section 423A.4, subsections 1 and 3, Code 2009, are
38 5 amended to read as follows:

38 6 1. A city ~~or county~~ may impose by ordinance of the city
38 7 council ~~or by resolution of the board of supervisors~~ a hotel
38 8 and motel tax, at a rate not to exceed ~~seven~~ nine percent,
38 9 which shall be imposed in increments of one or more full
38 10 percentage points upon the sales price from the renting of
38 11 lodging. A county may impose by resolution of the board of
38 12 supervisors a hotel and motel tax, at a rate not to exceed
38 13 eight percent, which shall be imposed in increments of one
38 14 or more full percentage points upon the sales price from the
38 15 renting of lodging. The tax when imposed by a city shall apply
38 16 only within the corporate boundaries of that city and when
38 17 imposed by a county shall apply only outside incorporated areas
38 18 within that county. However, if a county imposes a hotel and
38 19 motel tax of eight percent, one percentage point of that hotel
38 20 and motel tax may, subject to the requirements of subsection
38 21 3A, be imposed by the county in both the incorporated areas and
38 22 the unincorporated areas within that county. A change to the
38 23 imposition of an eight percent county hotel and motel tax to
38 24 impose the one percentage point of such tax in the incorporated
38 25 areas of the county or to exclude the incorporated areas of the
38 26 county from imposition of the one percentage point of such tax
38 27 is a change in the rate of the hotel and motel tax for purposes
38 28 of this section, and subsection 4, paragraph "b", subparagraph
38 29 (3), applies to the election on such a proposition.

38 30 3. A Subject to the requirements of subsection 5, a local
38 31 hotel and motel tax shall be imposed on January 1 or July 1,
38 32 following the notification of the director of revenue. Once
38 33 imposed, the tax shall remain in effect at the rate imposed
38 34 for a minimum of one year. A local hotel and motel tax shall
38 35 terminate only on June 30 or December 31. At least forty-five



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39 1 days prior to the tax being effective or prior to a revision in
39 2 the tax rate or prior to the repeal of the tax, a city or county
39 3 shall provide notice by mail of such action to the director of
39 4 revenue. The director shall have the authority to waive the
39 5 notice requirement.

39 6 Sec. 96. Section 423A.4, Code 2009, is amended by adding
39 7 the following new subsection:

39 8 NEW SUBSECTION. 3A. A county shall not submit a proposition
39 9 to the electorate to impose a hotel and motel tax of eight
39 10 percent that includes the imposition of one percentage point
39 11 of such tax in the incorporated areas of the county unless the
39 12 county is currently imposing a hotel and motel tax of seven
39 13 percent in the unincorporated areas of the county. An election
39 14 on the question of increasing the rate of a county hotel and
39 15 motel tax to eight percent shall not be held less than one
39 16 year following the election that approved the county hotel
39 17 and motel tax rate of seven percent if such increase to eight
39 18 percent also includes the imposition of one percentage point
39 19 of such tax in the incorporated areas of the county. A county
39 20 imposing a hotel and motel tax of eight percent that includes
39 21 the imposition of one percentage point of such tax in the
39 22 incorporated areas of the county shall not submit a proposition
39 23 to the electorate to reduce the tax rate to a rate of less than
39 24 seven percent until a reduction to a rate of seven percent is
39 25 first approved at election.

39 26 Sec. 97. Section 423A.4, subsection 4, paragraph b, Code
39 27 2009, is amended to read as follows:

39 28 b. (1) If the tax applies only within the corporate
39 29 boundaries of a city, only the registered voters of the city
39 30 shall be permitted to vote. The election shall be held at the
39 31 time of the regular city election or at a special election
39 32 called for that purpose.

39 33 (2) If the tax applies only in the unincorporated areas of a
39 34 county, only the registered voters of the unincorporated areas
39 35 of the county shall be permitted to vote. The election shall



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40 1 be held at the time of the general election or at a special
40 2 election called for that purpose.

40 3 (3) If the tax applies in both the incorporated and
40 4 unincorporated areas of a county, all registered voters of the
40 5 county shall be permitted to vote. The election shall be held
40 6 at the time of the general election or at a special election
40 7 called for that purpose.

40 8 Sec. 98. Section 423A.4, Code 2009, is amended by adding the
40 9 following new subsection:

40 10 NEW SUBSECTION. 5. a. For any imposition of a local hotel
40 11 and motel tax, or any increase in the rate of a local hotel
40 12 and motel tax, approved at election on or after the effective
40 13 date of this division of this Act, the city council or county
40 14 board of supervisors where the tax or the tax rate increase was
40 15 approved shall, within ten days following approval at election,
40 16 appoint a citizen advisory committee consisting of not less
40 17 than five individuals. Each individual appointed to the
40 18 citizen advisory committee shall be a resident of the city or
40 19 the unincorporated area of the county where the tax or the tax
40 20 rate increase was approved. Each individual appointed to the
40 21 citizen advisory committee for an increase in a county hotel
40 22 and motel tax to eight percent that includes the imposition
40 23 of one percentage point of such tax in the incorporated areas
40 24 of the county, shall be a resident of the county. A vacancy
40 25 on the citizen advisory committee shall be filled in the same
40 26 manner as the original appointment. Committee members shall
40 27 not receive compensation by reason of their membership on the
40 28 committee.

40 29 b. The citizen advisory committee shall develop and
40 30 submit recommendations to the city council or county board
40 31 of supervisors, as applicable, relating to the use of the
40 32 increased revenues resulting from the imposition of the tax or
40 33 the increased tax rate. Recommendations for the use of such
40 34 increased revenues shall be consistent with the requirements
40 35 of section 423A.7, subsection 4. The recommendations of the



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41 1 citizen advisory committee shall not relieve the city or county
41 2 from compliance with the requirements of section 423A.7,
41 3 subsection 4.

41 4 c. If a city or county fails to appoint a citizen advisory
41 5 committee as required under this subsection, the director of
41 6 revenue shall not impose the tax, or the increase in the tax
41 7 rate, notwithstanding subsection 3. The director of revenue
41 8 shall only impose the tax, or an increase in the tax rate,
41 9 approved on or after the effective date of this division of
41 10 this Act on January 1 or July 1, following the appointment of
41 11 a citizen advisory committee.

41 12 d. The citizen advisory committee shall be dissolved on
41 13 the date the tax or the increased tax rate is imposed by the
41 14 director of revenue.

41 15 Sec. 99. Section 423A.7, subsection 2, Code 2009, is amended
41 16 to read as follows:

41 17 2. All moneys in the local transient guest tax fund shall
41 18 be remitted at least quarterly by the department, pursuant to
41 19 rules of the director of revenue, to each city in the amount
41 20 collected from businesses in that city and to each county in
41 21 the amount collected from businesses in the unincorporated
41 22 areas of the county. However, if a county imposes a hotel and
41 23 motel tax of eight percent and imposes one percentage point of
41 24 that hotel and motel tax within the incorporated areas of the
41 25 county pursuant to section 423A.4, subsection 1, the amount
41 26 collected from businesses within the incorporated areas of the
41 27 county as the result of the hotel and motel tax imposed by the
41 28 county shall be remitted by the department to that county.

41 29 Sec. 100. Section 423A.7, subsection 4, paragraphs a and b,
41 30 Code 2009, are amended to read as follows:

41 31 a. (1) Each county or city which levies the tax shall
41 32 spend at least fifty percent of the revenues derived therefrom
41 33 for the acquisition of sites for, or constructing, improving,
41 34 enlarging, equipping, repairing, operating, or maintaining of
41 35 recreation, convention, cultural, or entertainment facilities



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42 1 including but not limited to memorial buildings, halls and
42 2 monuments, civic center convention buildings, auditoriums,
42 3 coliseums, and parking areas or facilities located at those
42 4 recreation, convention, cultural, or entertainment facilities
42 5 or the payment of principal and interest, when due, on bonds
42 6 or other evidence of indebtedness issued by the county or city
42 7 for those recreation, convention, cultural, or entertainment
42 8 facilities; or for the promotion and encouragement of tourist
42 9 and convention business in the city or county and surrounding
42 10 areas.

42 11 (2) Each city imposing a hotel and motel tax of eight
42 12 percent shall spend at least one-eighth of the revenues derived
42 13 therefrom for the marketing of community attractions, tourism
42 14 facilities, and other tourism opportunities located within
42 15 that city. Each city imposing a hotel and motel tax of nine
42 16 percent shall spend at least two-ninths of the revenues derived
42 17 therefrom for the marketing of community attractions, tourism
42 18 facilities, and other tourism opportunities located within that
42 19 city. Each county imposing a hotel and motel tax of eight
42 20 percent shall spend at least one-eighth of the revenues derived
42 21 therefrom for the marketing of community attractions, tourism
42 22 facilities, and other tourism opportunities located within that
42 23 county.

42 24 b. The remaining revenues, following the expenditures
42 25 required under paragraph "a", may be spent by the city or
42 26 county which levies the tax for any city or county operations
42 27 authorized by law as a proper purpose for the expenditure
42 28 within statutory limitations of city or county revenues derived
42 29 from ad valorem taxes.

42 30 EXPLANATION

42 31 This bill makes, reduces, and transfers appropriations,
42 32 provides for salaries and compensation of state employees, and
42 33 covers other properly related matters. The bill is organized
42 34 into divisions.

42 35 MH/MR/DD SERVICES ALLOWED GROWTH FUNDING == FY 2011=2012.



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43 1 Code section 331.439, subsection 3, provides that county mental
43 2 health, mental retardation, and developmental disabilities
43 3 (MH/MR/DD) service expenditures for a fiscal year are limited
43 4 to a fixed budget amount and that the fixed amount is subject
43 5 to an allowed growth factor adjustment. The allowed growth
43 6 factor adjustment is to be set by statute enacted during the
43 7 fiscal year which commences two years from the beginning
43 8 date of the fiscal year in progress at the time the statute
43 9 is enacted. The MH/MR/DD/BI commission is required to make
43 10 a recommendation of the adjustment amount to the governor
43 11 annually in November and the governor is required to submit a
43 12 recommendation for the amount to the general assembly at the
43 13 time the governor's budget is submitted. The bill provides
43 14 that for the allowed growth adjustment factor legislation for
43 15 FY 2011=2012, the governor must submit a recommendation on or
43 16 before January 11, 2011, and the statute providing the allowed
43 17 growth factor adjustment is to be enacted within 30 calendar
43 18 days of the date the 2011 session of the general assembly
43 19 convenes.

43 20 STANDING APPROPRIATIONS AND RELATED MATTERS. For the budget
43 21 process applicable to FY 2011=2012, state agencies are required
43 22 to submit estimates and other expenditure information as called
43 23 for by the director of the department of management instead of
43 24 the information required under Code section 8.23.

43 25 The division limits the standing unlimited appropriation
43 26 for FY 2010=2011 for expenses of the general assembly and the
43 27 legislative agencies.

43 28 The division limits the standing unlimited appropriation for
43 29 FY 2010=2011 for payment for nonpublic school transportation.

43 30 The division limits the standing limited appropriation for FY
43 31 2010=2011 for operational support grants and community cultural
43 32 grants, for regional tourism marketing, for the Iowa power
43 33 fund, for the enforcement of Code chapter 453D relating to
43 34 tobacco product manufacturers, for the center for congenital
43 35 and inherited disorders central registry, for primary and



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44 1 secondary child abuse prevention programs, for programs for
44 2 at-risk children, and for mental health, mental retardation,
44 3 and developmental disabilities services property tax relief.
44 4 The standing appropriation made for state foundation aid
44 5 allowable growth for schools under Code section 257.16 for
44 6 fiscal year 2010=2011, is limited to a specific amount. Of
44 7 that amount, a specific amount is designated for the teacher
44 8 salary supplements, the professional development supplements,
44 9 and the early intervention supplement in accordance with Code
44 10 section 257.10, subsections 9 through 11, and Code section
44 11 257.37A.

44 12 The standing appropriation made in Code section 426B.1 for
44 13 property tax relief through county levies for MH/MR/DD services
44 14 is revised to eliminate a standing amount of \$6.6 million that
44 15 is designated for the medical assistance (Medicaid) program.

44 16 The division eliminates for FY 2010=2011 a standing
44 17 appropriation for instructional support state aid.

44 18 The division credits to the general fund of the state a
44 19 portion of federal moneys received by the Iowa veterans home
44 20 for costs to improve and renovate a medical clinic at the
44 21 home. These provisions take effect upon enactment and are
44 22 retroactively applicable to July 1, 2009.

44 23 For FY 2010=2011, the division funds the following property
44 24 tax credits from the property tax credit fund created in the
44 25 bill instead of entirely funding the credits from the general
44 26 fund of the state: homestead, agricultural land and family
44 27 farm, military service, and elderly and disabled tax credit
44 28 and reimbursement. The division appropriates moneys from the
44 29 general fund and the cash reserve fund for deposit in the
44 30 property tax credit fund. These provisions take effect upon
44 31 enactment.

44 32 The division appropriates moneys from the cash reserve fund
44 33 to the executive council for FY 2010=2011 for performance of
44 34 duty by the executive council. The bill requires that such
44 35 moneys must be used prior to the standing appropriation made



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45 1 from the general fund for the same purposes.
45 2 The division provides that certain cash reserve fund
45 3 requirements do not apply to any appropriations made in the
45 4 bill from the cash reserve fund.
45 5 The division provides that the contingent appropriation from
45 6 the general fund of the state to the cash reserve fund pursuant
45 7 to Code section 8.57, subsection 1, shall not be made for FY
45 8 2010=2011.
45 9 The division provides for the nonreversion of moneys
45 10 appropriated in 2009 Iowa Acts, chapter 179, for FY 2009=2010
45 11 from the cash reserve fund to the executive council for
45 12 performance of duty. This provision takes effect upon
45 13 enactment.
45 14 SALARIES, COMPENSATION, AND RELATED MATTERS. This division
45 15 of the bill relates to the funding for the fiscal year
45 16 beginning July 1, 2010, of salary increases for appointed
45 17 nonelected officers, employees subject to collective bargaining
45 18 agreements, certain noncontract employees, and board of regents
45 19 employees.
45 20 For FY 2010=2011 the maximum and minimum salary levels of all
45 21 pay plans of noncontract state employees shall not increase and
45 22 shall remain as they exist for FY 2009=2010. The pay levels
45 23 for noncontract judicial branch employees shall not increase.
45 24 A supplemental authorization is provided to fund salaries
45 25 from trust, revolving, and special funds for which the general
45 26 assembly has established a budget.
45 27 The division prohibits bonus pay for employees of the
45 28 executive branch except for employees of the state board of
45 29 regents, the judicial branch, and the legislative branch,
45 30 unless the bonus pay is otherwise authorized by law, required
45 31 pursuant to an employment contract entered into before July
45 32 1, 2010, or required pursuant to a collective bargaining
45 33 agreement.
45 34 The division appropriates all federal grants to and the
45 35 federal receipts of the agencies affected by this division



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46 1 which are received and are expended for purposes of this
46 2 division.
46 3 The division requires sworn peace officers in the department
46 4 of public safety who are not covered by a collective bargaining
46 5 agreement to receive the same per diem meal allowance as
46 6 the sworn peace officers covered by a collective bargaining
46 7 agreement.
46 8 The salary model administrator is required to work in
46 9 conjunction with the department of management and the
46 10 legislative services agency to analyze, compare, and project
46 11 state salary and benefit information.
46 12 The division adds the position of chief information officer,
46 13 a position created in 2010 Iowa Acts, Senate File 2088, to
46 14 salary range 7 for appointed state officers.
46 15 APPROPRIATION REDUCTIONS. This division of this bill
46 16 provides that the amounts appropriated from the general fund
46 17 of the state to the departments and establishments of the
46 18 executive branch, but not including appropriations to the state
46 19 board of regents, for operational purposes in enactments made
46 20 for the fiscal year beginning July 1, 2010, and ending June
46 21 30, 2011, are reduced by \$83,760,500. The division requires
46 22 the reductions in appropriations to be realized through the
46 23 implementation of 2010 Iowa Acts, Senate File 2062, relating to
46 24 early retirement, 2010 Iowa Acts, Senate File 2088, relating
46 25 to government efficiency, executive order number 20 issued
46 26 December 16, 2009, and any other efficiency measure. The
46 27 division requires the department of management to apply the
46 28 reductions.
46 29 On or before December 1, 2010, the division requires the
46 30 department of management to submit a report to the general
46 31 assembly and the legislative services agency regarding
46 32 anticipated reductions in appropriations for operational
46 33 purposes and anticipated reductions in full-time equivalent
46 34 positions for the fiscal year beginning July 1, 2010, and
46 35 ending June 30, 2011. The division requires the report to



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47 1 include a categorization of the reductions.
47 2 The division, for FY 2010=2011, allows the department of
47 3 management to transfer up to \$5 million from the cash reserve
47 4 fund for purposes of meeting the appropriation reduction
47 5 requirements of the division. The division includes reporting
47 6 requirements.
47 7 The division appropriates moneys from the general fund of
47 8 the state to the department of administrative services for
47 9 implementing the information technology-related provisions of
47 10 2010 Iowa Acts, Senate File 2088.
47 11 STATE FINANCIAL MANAGEMENT DUTIES. This division strikes
47 12 the transfer of state financial management duties from the
47 13 department of administrative services to the department of
47 14 management in 2010 Iowa Acts, Senate File 2088. The division
47 15 also provides that any new financial management duties included
47 16 in Senate File 2088 relating to establishing a centralized
47 17 payroll, creating a searchable budget database, and modifying
47 18 payroll frequency, are included as duties of the department of
47 19 administrative services.
47 20 CORRECTIVE PROVISIONS. This division makes corrective
47 21 changes relating to 2010 enactments and pending legislation.
47 22 Code section 2.69(3), as enacted by 2010 Iowa Acts, Senate
47 23 File 2088, section 420, and Code section 97D.4(2), are amended
47 24 to correctly insert the reference to Code section 2.10 which
47 25 provides for per diem and expense payments to legislators.
47 26 Code section 123.43A(1), as enacted by 2010 Iowa Acts,
47 27 Senate File 2088, section 84, is amended to correctly include
47 28 the word "otherwise" in the phrase "unless the context
47 29 otherwise requires".
47 30 Code section 162.10D(2), as enacted by 2010 Iowa Acts, House
47 31 File 2280, section 18, is amended to correct a grammatical
47 32 construction.
47 33 Code section 216A.113(1), as enacted by 2010 Iowa Acts,
47 34 Senate File 2088, section 139, is corrected to refer to the new
47 35 name of the commission of deaf services within the department



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48 1 of human rights.
48 2 Code section 216C.9(1), as amended by 2010 Iowa Acts,
48 3 Senate File 2202, section 7, is amended to substitute the word
48 4 "reconstructed" for the word "altered" in reference to required
48 5 sidewalk ramp modifications, to make the requirement parallel
48 6 to a similar requirement in the same Code subsection relating
48 7 to street reconstructions.
48 8 Code section 256.51(1)(a), as amended by 2010 Iowa Acts,
48 9 Senate File 2088, section 316, is amended to eliminate the duty
48 10 of the division of libraries and information services of the
48 11 department of education to provide information services to the
48 12 medical community, to coordinate with the discontinuation of
48 13 the medical library as part of the state library as directed by
48 14 Senate File 2088.
48 15 Code section 256F.3(1), as amended by 2010 Iowa Acts,
48 16 Senate File 2033, section 10, is amended to add a reference
48 17 to innovation zone schools in order to allow the department
48 18 of education to monitor the effectiveness of both regular and
48 19 innovation zone charter schools. Code section 256F.6(3) is
48 20 also amended in a similar manner to allow the department of
48 21 education to conduct ongoing reviews of all parties' compliance
48 22 with contracts for both regular and innovation zone charter
48 23 schools.
48 24 Code section 260C.44, Code 2009, as amended by 2010 Iowa
48 25 Acts, Senate File 2340, section 35, is amended to correctly
48 26 refer to the United States department of labor, office of
48 27 apprenticeship.
48 28 Code section 298.4(2), as amended by 2010 Iowa Acts, Senate
48 29 File 2237, section 103, is amended to correct a grammatical
48 30 construction (singular noun needed).
48 31 Code section 317.1, as amended by 2010 Iowa Acts, Senate
48 32 File 2340, section 86, is amended to correct the hierarchical
48 33 designation of Code section subunits (subsection numbers
48 34 needed).
48 35 Code section 321J.2(3)(d)(1,2) is amended to reconcile



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49 1 the restructuring of Code section 321J.2 made in 2010 Iowa
49 2 Acts, Senate File 431, with the amendments made to that same
49 3 Code section in 2010 Iowa Acts, House File 2452 (allowing the
49 4 department of transportation to issue a temporary restricted
49 5 license under Code chapter 321J without requiring the court to
49 6 order the department to do so). The reconciliation provision
49 7 and the duplicative provision in 2010 Iowa Acts, House File
49 8 2452, section 3, which is repealed, take effect December 1,
49 9 2010.

49 10 Code section 336.4, as amended by 2010 Iowa Acts, Senate File
49 11 2088, section 323, is amended to substitute the word "reside"
49 12 for the word "resident" in order to correct the phrase "who
49 13 reside within the library district".

49 14 Code section 435.26B(1)(c), as enacted by 2010 Iowa
49 15 Acts, Senate File 2199, section 13, is amended to correct a
49 16 grammatical construction (plural noun needed).

49 17 Code section 455B.104(4), as enacted by 2010 Iowa Acts,
49 18 Senate File 2088, section 258, is amended to change the date
49 19 by which the department of natural resources must submit its
49 20 greenhouse gas emissions report for the previous calendar year
49 21 from September 1 to December 31. The change is consistent with
49 22 an earlier amendment dealing with the same report made in 2010
49 23 Iowa Acts, Senate File 2243, section 2.

49 24 Code section 489.116, as amended by 2010 Iowa Acts, House
49 25 File 2478, section 5, is amended to correctly number the
49 26 three subsections in that Code section, and references to the
49 27 subsections of Code section 489.116 are corrected in Code
49 28 sections 489.1005, 489.1009, and 489.1013.

49 29 Code section 508C.3(1)(b)(2)(b), as amended by 2010 Iowa
49 30 Acts, Senate File 2272, is amended to correct a hierarchical
49 31 Code section subunit reference (subparagraph division reference
49 32 needed).

49 33 Code section 514C.26(1)(c)(2)(j), as enacted by 2010 Iowa
49 34 Acts, House File 2075, section 1, is amended to correct an
49 35 internal reference to a hierarchical designation of a Code



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50 1 section subunit (subparagraph division reference needed).
50 2 Code section 543B.29(1)(e)(2), as enacted by 2010 Iowa Acts,
50 3 Senate File 2326, section 5, is amended to correct an internal
50 4 reference to lettered paragraph "e".
50 5 Code section 562A.29A(1)(b), as enacted by 2010 Iowa Acts,
50 6 Senate File 2300, section 3, is amended to correct a reference
50 7 to a rule of civil procedure (singular noun needed).
50 8 Code section 685.6(9)(d), as enacted by 2010 Iowa Acts,
50 9 Senate File 2088, section 343, is amended to correct a
50 10 reference to the district court of the state (definite article
50 11 added).
50 12 Code sections 692A.102 and 901A.1 are amended to refer to a
50 13 violation of Code section 710.10 as "enticing a minor" rather
50 14 than "enticing a minor away" to conform to the changes made to
50 15 Code section 710.10 in 2010 Iowa Acts, House File 2438, section
50 16 1. The amendments are effective contingent on the enactment of
50 17 2010 Iowa Acts, House File 2438.
50 18 Code section 805.6(3)(a), as enacted by 2010 Iowa Acts,
50 19 Senate File 2340, section 63, is amended to correct a
50 20 grammatical construction (colon needed).
50 21 Code section 805.6(7), as amended by 2010 Iowa Acts, Senate
50 22 File 2340, section 63 (a Code editor's bill), is amended to
50 23 conform to the substantive changes to the same language made
50 24 by, and contingent upon the enactment of, 2010 Iowa Acts,
50 25 Senate File 2197, section 5.
50 26 2010 Iowa Acts, House File 2399, section 2, is amended
50 27 to correct an error in displaying existing Code language
50 28 in the bill. That bill section inadvertently deleted the
50 29 word "power" in a reference to a baseload electric power
50 30 generating facility, and substituted the word "alternative" for
50 31 "alternate" in a reference to an alternate energy production
50 32 facility.
50 33 2010 Iowa Acts, Senate File 2237, section 180, subsection 4,
50 34 paragraph a, is amended to insert the correct word "through"
50 35 in a reference to lettered paragraphs that the Code editor is



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51 1 directed to modify.
51 2 2010 Iowa Acts, Senate File 2366, section 23(2), if enacted,
51 3 is amended to correct a reference to the implementation costs
51 4 of this division of this Act rather than of the entire Act.
51 5 2010 Iowa Acts, Senate File 431, section 5, if enacted,
51 6 is amended to correct the amending statement of that section
51 7 to indicate that only unnumbered paragraph 1 of Code section
51 8 907.3(3)(c) is being amended. The amendment takes effect
51 9 December 1, 2010.
51 10 2010 Iowa Acts, House File 2280, section 25, is repealed,
51 11 which adds a definition to Code chapter 717B for the department
51 12 of agriculture and land stewardship. The final version of
51 13 House File 2280 deleted all responsibilities of the department
51 14 so the definition is no longer necessary or meaningful.
51 15 2010 Iowa Acts, Senate File 2340, section 117, which
51 16 internally numbers an unanchored paragraph, is repealed. The
51 17 internal numbering is accomplished in 2010 Iowa Acts, Senate
51 18 File 2237, section 125.
51 19 The division makes certain provisions effective upon
51 20 enactment and retroactively applicable to the effective date of
51 21 the bills amended by the division.
51 22 MISCELLANEOUS PROVISIONS AND APPROPRIATIONS. This division
51 23 relates to various miscellaneous provisions.
51 24 The division appropriates moneys from the Iowa comprehensive
51 25 petroleum underground storage tank fund to the department of
51 26 education for FY 2010=2011 for distribution to the tribal
51 27 council of the Sac and Fox Indian settlement located on land
51 28 held in trust by the secretary of the interior of the United
51 29 States for the purposes of educational expenses.
51 30 The division appropriates moneys from the cash reserve
51 31 fund to the department of human services for FY 2010=2011 for
51 32 purposes of the medical assistance (Medicaid) program and to
51 33 the department of management for operation purposes.
51 34 The division increases general fund appropriations to
51 35 the department of administrative services for FY 2010=2011



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House File 2531 - Introduced continued

52 1 and increases the number of full-time equivalent positions
52 2 authorized. The division decreases general fund appropriations
52 3 to the department of management for FY 2010=2011 and decreases
52 4 the number of full-time equivalent positions authorized.
52 5 The division provides that a railroad company which alters
52 6 facilities pursuant to a written agreement with a political
52 7 subdivision with a population of more than 15,100, but less
52 8 than 15,150, according to the 2000 certified federal census to
52 9 construct a flood mitigation project shall not be held liable
52 10 for any damages caused by the alteration due to a flood.
52 11 The division requires the state board of regents to conduct
52 12 a study of the Iowa braille and sight saving school regarding
52 13 the residential services, facilities and facility utilization,
52 14 and potential partnerships. The study must be submitted to the
52 15 legislative council by August 31, 2010.
52 16 The division requires the plumbing and mechanical systems
52 17 board, from the effective date of the provision to September
52 18 30, 2010, to allow a person who has not previously been a
52 19 licensed journeyman or master in the applicable discipline
52 20 to sit for the state master licensing examination for the
52 21 applicable discipline if certain work experience criteria are
52 22 met. This provision takes effect upon enactment.
52 23 The division modifies provisions in Code section 8D.13
52 24 applicable to the leasing of facilities for Part III
52 25 connections associated with the operation of the Iowa
52 26 communications network. Currently, the state is required to
52 27 lease all fiberoptic cable facilities or facilities with DS=3
52 28 capacity for Part III connections for which state funding is
52 29 provided, and to lease all fiberoptic cable facilities or
52 30 facilities with DS=3 or DS=1 capacity for specified state
52 31 departments and agencies. The division deletes specific
52 32 reference to DS=3 or DS=1 capacity, instead providing
52 33 that facilities with sufficient capacity as determined
52 34 by the commission shall be leased. The division provides
52 35 that in determining the capacity to be provided, the Iowa



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53 1 telecommunications and technology commission shall consult with
53 2 those agencies associated with the connections for which state
53 3 funding is provided.

53 4 The division strikes a provision in Code section 16.100A
53 5 that requires expense payments for general public members of
53 6 the council on homelessness to be made from state general fund
53 7 appropriations. The division specifies that such expenses must
53 8 be reimbursed by the Iowa finance authority. The division also
53 9 amends Code section 16.181 by authorizing the Iowa finance
53 10 authority to use moneys in the housing trust fund for the Iowa
53 11 mortgage help initiative. The Iowa mortgage help initiative is
53 12 a program that provides foreclosure prevention assistance and
53 13 counseling and includes the Iowa mortgage help hotline.

53 14 The division amends provisions in Code chapter 20
53 15 relating to impasse procedures and mediation. The division
53 16 provides that if the public employer is not subject to the
53 17 budget certification requirements of Code section 24.17 and
53 18 other applicable sections, the agreement shall provide for
53 19 implementation of impasse procedures not later than 120 days
53 20 prior to the date the next fiscal or budget year of the public
53 21 employer commences. The division also provides that if the
53 22 public employer is not subject to the budget certification
53 23 requirements of Code section 24.17 or other applicable sections
53 24 and in the absence of an impasse agreement negotiated pursuant
53 25 to Code section 20.19, or the failure of either party to
53 26 utilize its procedures, 120 days prior to the date the next
53 27 fiscal or budget year of the public employer commences, the
53 28 board, upon the request of either party, shall appoint an
53 29 impartial and disinterested person to act as a mediator.

53 30 This division amends Code section 99B.12A to authorize
53 31 any person to conduct a bingo occasion without a license if
53 32 participants are not charged to enter the premises where bingo
53 33 is conducted, participants are not charged to play bingo, any
53 34 prize awarded is donated, and the bingo occasion is conducted
53 35 as an activity and not for fund raising purposes. Current law



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54 1 only allows nonprofit organizations to conduct a bingo occasion
54 2 under these limitations without a license.

54 3 This division amends Code section 99B.17 to authorize a
54 4 participant in a raffle conducted by an eligible qualified
54 5 organization to purchase raffle tickets by check, money order,
54 6 or debit card for one raffle per calendar year. The division
54 7 defines an eligible qualified organization as a qualified
54 8 organization that has conducted a raffle during the previous
54 9 eight consecutive calendar years in which the net proceeds are
54 10 distributed to a museum. Current law makes it a misdemeanor
54 11 to gamble or wager on credit.

54 12 The division provides that a person who is registered as
54 13 a pharmacy technician or a pharmacy technician trainee prior
54 14 to January 1, 2010, who has worked as a pharmacy technician
54 15 or pharmacy technician trainee for a designated period of
54 16 time under the direction of a licensed pharmacist or who has
54 17 received certification as a pharmacy technician through a
54 18 certification program accredited by the national commission for
54 19 certifying agencies, is exempt from meeting any examination
54 20 requirement for registration.

54 21 The division amends the criteria an organization must meet
54 22 to be considered a fair under Code chapter 174. Currently, an
54 23 organization must own buildings and other improvements situated
54 24 on fairgrounds. The division allows an organization to own
54 25 either buildings or improvements situated on a fairground.
54 26 Currently, the market value of fairgrounds, buildings, and
54 27 other improvements must be at least \$80,000. The division
54 28 lowers the threshold to \$25,000. The division changes what
54 29 constitutes a fair event under Code chapter 174.

54 30 BICYCLES. New Code section 321.281 provides that a person
54 31 operating a motor vehicle shall not steer the motor vehicle
54 32 unreasonably close to or toward a person riding a bicycle
54 33 on a highway. The division amends Code section 805.8A to
54 34 provide that a person shall not knowingly project any object
54 35 or substance at or against a person riding a bicycle on a



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55 1 highway. The division amends Code section 805.8A to provide a
55 2 person violating a provision of the division commits a simple
55 3 misdemeanor punishable by a scheduled fine of \$250.
55 4 HOTEL AND MOTEL TAX. Current Code section 423A.4 authorizes
55 5 a city or county to impose by ordinance of the city council
55 6 or by resolution of the county board of supervisors a local
55 7 hotel and motel tax at a rate not to exceed 7 percent. The
55 8 imposition, repeal, or change in the rate of a local hotel
55 9 and motel tax is also subject to approval at election. This
55 10 division increases the maximum allowable local hotel and motel
55 11 tax rate for cities from 7 percent to 9 percent. The division
55 12 increases the maximum allowable local hotel and motel tax rate
55 13 for counties from 7 percent to 8 percent. If a county imposes
55 14 a tax of 8 percent, 1 percentage point may be imposed by the
55 15 county in both incorporated areas and unincorporated areas
55 16 of the county. The bill establishes certain prerequisites
55 17 and procedures relating to the imposition of an 8 percent
55 18 county hotel and motel tax that includes the imposition of one
55 19 percentage point of such tax in the incorporated areas of the
55 20 county.
55 21 The division provides that for any imposition of a local
55 22 hotel and motel tax, or any increase in the rate of a local
55 23 hotel and motel tax, approved at election on or after the
55 24 effective date of the division of the bill, the city council
55 25 or county board of supervisors where the tax or the tax rate
55 26 increase was approved must, within 10 days following approval
55 27 at election, appoint a citizen advisory committee consisting of
55 28 not less than five individuals. The division specifies those
55 29 individuals who are eligible to serve on a citizen advisory
55 30 committee. Vacancies on a citizen advisory committee must
55 31 be filled in the same manner as the original appointment.
55 32 Committee members do not receive compensation for serving on
55 33 the committee.
55 34 The division requires each citizen advisory committee to
55 35 develop and submit recommendations to the city council or



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56 1 county board of supervisors, as applicable, relating to the
56 2 use of the increased revenues resulting from the imposition
56 3 of the tax or the increased tax rate. Such recommendations
56 4 for the use of the increased revenues must be consistent with
56 5 statutory requirements for the use of local hotel and motel tax
56 6 revenues under Code section 423A.7. Recommendations of the
56 7 citizen advisory committee do not relieve the city or county
56 8 from complying with the statutory use requirements under Code
56 9 section 423A.7.

56 10 Under the division, if a city or county fails to appoint a
56 11 citizen advisory committee, the director of revenue shall not
56 12 impose the tax or the increase in the tax rate. The division
56 13 only allows the director of revenue to impose the tax or an
56 14 increase in the tax rate following the appointment of a citizen
56 15 advisory committee. The division provides that each citizen
56 16 advisory committee is dissolved on the date the tax or the
56 17 increased tax rate is imposed by the director of revenue.

56 18 If a county imposes an 8 percent hotel and motel tax and
56 19 imposes 1 percentage point of the tax within incorporated areas
56 20 of the county, the amount collected within the incorporated
56 21 areas as a result of the imposed tax shall be remitted by the
56 22 department of revenue to that county.

56 23 The division requires cities imposing an 8 or 9 percent
56 24 hotel and motel tax and counties imposing an 8 percent hotel
56 25 and motel tax to spend a certain percentage of the revenue on
56 26 marketing tourism.

LSB 6264HV (3) 83

tm/jp



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Senate Amendment 5307

PAG LIN

1 1 Amend House File 2526, as amended, passed, and
1 2 reprinted by the House, as follows:
1 3 #1. Page 54, after line 29 by inserting:
1 4 <3. The department shall implement standardized
1 5 procedures for determining income eligibility for all
1 6 programs under the purview of the department.>

DAVID L. HARTSUCH
HF2526.2499 (2) 83
pf/jp



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Senate Amendment 5308

PAG LIN

1 1 Amend the amendment, S=5184, to House File 2496, as
1 2 passed by the House, as follows:
1 3 #1. Page 1, after line 32 by inserting:
1 4 <____. Page 4, after line 23 by inserting:
1 5 <4. This section is repealed January 1, 2012. >>
1 6 #2. By renumbering as necessary.

JOE BOLKCOM
S5184.2607 (1) 83
tm/nh



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Senate Amendment 5309

PAG LIN

1 1 Amend Senate File 2376, as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. Page 12, after line 23 by inserting:
1 4 <Sec. ____ . LIBRARY SERVICE AREA GEOGRAPHIC REGIONS
1 5 FOR FY 2010=2011 == OPERATIONS STUDY.
1 6 1. Notwithstanding section 256.61, for the fiscal
1 7 year beginning July 1, 2010, and ending June 30, 2011,
1 8 the library service areas shall serve and represent
1 9 six geographic regions by combining at least two
1 10 of seven library service areas existing in fiscal
1 11 year 2009=2010, including their staff and boards of
1 12 trustees.
1 13 2. Moneys appropriated to the department of
1 14 education for state aid for the library service area
1 15 system pursuant to section 6, subsection 5, of this
1 16 Act shall be equally divided and allocated to the six
1 17 library services areas.
1 18 3. a. The library services areas and the state
1 19 library shall work collaboratively to conduct a study
1 20 of ways to streamline state-funded library operations
1 21 and services. The study shall, at a minimum, address
1 22 the following:
1 23 (1) Library service area service delivery
1 24 strengths.
1 25 (2) Best practices for delivering continuing
1 26 education.
1 27 (3) The use of social networking tools to provide
1 28 consulting services.
1 29 (4) Consolidation of bookkeeping and auditing
1 30 functions.
1 31 (5) Locally based creative collaborations among all
1 32 types of libraries.
1 33 b. The library service areas shall collaboratively
1 34 submit their findings and recommendations in a report
1 35 to the general assembly on or before November 1, 2010.>
1 36 #2. By striking page 12, line 24, through page 13,
1 37 line 15.
1 38 #3. Page 18, line 14, before <From> by inserting
1 39 <(1)>
1 40 #4. Page 18, after line 21 by inserting:
1 41 <(2) The university of northern Iowa shall
1 42 work with the community colleges to develop STEM
1 43 professional development programs for community college
1 44 instructors and STEM curriculum development.>
1 45 #5. Page 19, after line 17 by inserting:
1 46 <Sec. ____ . IOWA COMPREHENSIVE PETROLEUM UNDERGROUND
1 47 STORAGE TANK FUND APPROPRIATIONS == STATE BOARD OF
1 48 REGENTS.
1 49 There is appropriated from the Iowa comprehensive
1 50 petroleum underground storage tank fund created in



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Senate Amendment 5309 continued

2 1 section 455G.3 to the state board of regents for the
 2 2 fiscal year beginning July 1, 2010, and ending June 30,
 2 3 2011, the following amounts, or so much thereof as may
 2 4 be necessary, to be used for the purposes designated,
 2 5 notwithstanding section 455G.3, subsection 1:

2 6 1. STATE UNIVERSITY OF IOWA
 2 7 General university
 2 8 For salaries, support, maintenance, equipment, and
 2 9 miscellaneous purposes:
 2 10 \$ 4,086,492

2 11 2. IOWA STATE UNIVERSITY OF SCIENCE AND TECHNOLOGY
 2 12 General university
 2 13 For salaries, support, maintenance, equipment, and
 2 14 miscellaneous purposes:
 2 15 \$ 3,202,079

2 16 3. UNIVERSITY OF NORTHERN IOWA
 2 17 General university
 2 18 For salaries, support, maintenance, equipment, and
 2 19 miscellaneous purposes:
 2 20 \$ 1,456,118

2 21 4. STATE SCHOOL FOR THE DEAF
 2 22 For salaries, support, maintenance, equipment, and
 2 23 miscellaneous purposes:
 2 24 \$ 162,980

2 25 5. IOWA BRAILLE AND SIGHT SAVING SCHOOL
 2 26 For salaries, support, maintenance, equipment, and
 2 27 miscellaneous purposes:
 2 28 \$ 92,331>

2 29 #6. Page 20, after line 5 by inserting:
 2 30 <Sec. ____ . Section 7C.13, subsections 3 and 5,
 2 31 Code Supplement 2009, are amended by striking the
 2 32 subsections.>

2 33 #7. Page 20, after line 5 by inserting:
 2 34 <Sec. ____ . Section 21.2, subsection 1, Code
 2 35 Supplement 2009, is amended by adding the following new
 2 36 paragraphs:

2 37 NEW PARAGRAPH. k. An organization referred
 2 38 to in section 279.38 or 279.38A, or a nonprofit
 2 39 corporation supported in whole or in part with revenues
 2 40 derived from public fees or public deposits, that was
 2 41 established by, or is operated by, a governing board
 2 42 whose membership was or is substantially comprised
 2 43 of state or local elected officials or appointees of
 2 44 governmental bodies.

2 45 NEW PARAGRAPH. l. The qualified student loan bond
 2 46 issuer referred to in section 7C.13.

2 47 Sec. ____ . Section 21.11, Code 2009, is amended to
 2 48 read as follows:
 2 49 21.11 Applicability to nonprofit corporations.
 2 50 This chapter applies to nonprofit corporations ~~which~~



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~~3 1 are that meet either of the following conditions:~~
3 2 1. Are defined as governmental bodies subject to
3 3 section 21.2, subsection 1, paragraph "f", only when
3 4 the meetings conducted by the nonprofit corporations
3 5 relate to the conduct of pari-mutuel racing and
3 6 wagering pursuant to chapter 99D.
3 7 2. Are supported in whole or in part with revenues
3 8 derived from public fees or public deposits and were
3 9 established by, or are operated by, a governing board
3 10 whose membership was or is substantially comprised
3 11 of state or local elected officials or appointees
3 12 of governmental bodies, including but not limited
3 13 to organizations referred to in sections 279.38 and
3 14 279.38A.
3 15 Sec. ____. Section 22.1, subsections 1 and 3, Code
3 16 Supplement 2009, are amended to read as follows:
3 17 1. The term "government body" means this state,
3 18 or any county, city, township, school corporation,
3 19 political subdivision, tax-supported district,
3 20 nonprofit corporation other than a fair conducting a
3 21 fair event as provided in chapter 174, whose facilities
3 22 or indebtedness are supported in whole or in part
3 23 with property tax revenue and which is licensed to
3 24 conduct pari-mutuel wagering pursuant to chapter 99D;
3 25 the qualified student loan bond issuer referred to in
3 26 section 7C.13; a nonprofit corporation supported in
3 27 whole or in part with revenues derived from public
3 28 fees or public deposits, that was established by, or
3 29 is operated by, a governing board whose membership
3 30 was or is substantially comprised of state or local
3 31 elected officials or appointees of governmental bodies;
3 32 an organization referred to in section 279.38 or
3 33 279.38A; the governing body of a drainage or levee
3 34 district as provided in chapter 468, including a board
3 35 as defined in section 468.3, regardless of how the
3 36 district is organized; or other entity of this state,
3 37 or any branch, department, board, bureau, commission,
3 38 council, committee, official, or officer of any of the
3 39 foregoing or any employee delegated the responsibility
3 40 for implementing the requirements of this chapter.
3 41 3. As used in this chapter, "public records"
3 42 includes all records, documents, tape, or other
3 43 information, stored or preserved in any medium, of or
3 44 belonging to this state or any county, city, township,
3 45 school corporation, political subdivision, nonprofit
3 46 corporation other than a fair conducting a fair
3 47 event as provided in chapter 174, whose facilities or
3 48 indebtedness are supported in whole or in part with
3 49 property tax revenue and which is licensed to conduct
3 50 pari-mutuel wagering pursuant to chapter 99D, nonprofit



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4 1 corporation supported in whole or in part with revenues
4 2 derived from public fees or public deposits and
4 3 established by, or operated by, a governing board
4 4 whose membership was or is substantially comprised
4 5 of state or local elected officials or appointees of
4 6 governmental bodies, an organization referred to in
4 7 section 279.38 or 279.38A, or tax-supported district
4 8 in this state, or any branch, department, board,
4 9 bureau, commission, council, or committee of any of the
4 10 foregoing.>
4 11 #8. Page 20, after line 5 by inserting:
4 12 <Sec. _____. Section 99D.9, Code 2009, is amended by
4 13 adding the following new subsection:
4 14 NEW SUBSECTION. 9. The governing body of the
4 15 licensee shall be a governmental body for purposes of
4 16 chapters 21 and 22.>
4 17 #9. Page 20, after line 5 by inserting:
4 18 <Sec. _____. Section 256.9, subsection 60, paragraph
4 19 b, Code Supplement 2009, as enacted by 2010 Iowa Acts,
4 20 Senate File 2033, section 1, is amended by striking the
4 21 paragraph.>
4 22 #10. Page 20, after line 5 by inserting:
4 23 <Sec. _____. Section 256.51, subsection 1, Code 2009,
4 24 is amended by adding the following new paragraph:
4 25 NEW PARAGRAPH. k. Compile and evaluate the
4 26 information contained in the reports submitted to
4 27 the division pursuant to section 256.66, subsection
4 28 13A. The division shall submit electronically the
4 29 summary and its findings and recommendations in
4 30 an annual report to the commission, the general
4 31 assembly, chairpersons and ranking members of the joint
4 32 appropriations subcommittee on education, and the
4 33 fiscal services division of the legislative services
4 34 agency by January 15.
4 35 Sec. _____. Section 256.66, Code 2009, is amended by
4 36 adding the following new subsection:
4 37 NEW SUBSECTION. 13A. Shall submit electronically
4 38 by December 1 annually a report to the division of
4 39 libraries and information services that provides
4 40 details regarding the revenues the library service area
4 41 receives from all sources, its expenditures, and its
4 42 full-time equivalent positions by job title for the
4 43 preceding fiscal year.>
4 44 #11. Page 31, line 5, after <review> by inserting
4 45 <how area education agency administrative services
4 46 are funded and the percentages of state, federal, and
4 47 local moneys used to pay for administrative services
4 48 and salaries, the services provided by area education
4 49 agencies, the number of students served by each area
4 50 education agency, and the>



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Senate Amendment 5309 continued

5 1 #12. Page 31, after line 9 by inserting:
5 2 <____. The section of this Act amending section
5 3 256.9, subsection 60, being deemed of immediate
5 4 importance, takes effect upon enactment.>
5 5 #13. Title page, line 5, after <atters> by
5 6 inserting <including changes to the open meetings and
5 7 public records laws>
5 8 #14. By renumbering as necessary.
SF2376.2605.H (9) 83
mb



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Senate Amendment 5310

PAG LIN

1 1 Amend the House amendment, S=5291, to Senate File
 1 2 2367, as amended, passed, and reprinted by the Senate,
 1 3 as follows:
 1 4 #1. Page 1, by striking lines 3 and 4.
 1 5 #2. Page 1, by striking lines 6 through 10 and
 1 6 inserting:
 1 7 <____. Page 8, by striking line 34 and inserting:
 <..... \$
 1 8 2,064,471>
 1 9 _____. Page 9, by striking line 12 and inserting:
 <..... \$
 1 10 127,167>
 1 11 _____. Page 9, by striking line 17 and inserting:
 <..... \$
 1 12 70,783 >>
 1 13 #3. Page 1, by striking lines 12 and 13 and
 1 14 inserting:
 1 15 <____. Page 16, by striking line 20 and inserting
 <..... \$
 1 16 4,997,742 >>
 1 17 #4. Page 1, by striking lines 16 and 17 and
 1 18 inserting:
 1 19 <____. Page 22, by striking lines 25 and 26 and
 1 20 inserting <information technology under ~~a~~ an existing
 1 21 competitively procured contract let by another agency>
 1 22 _____. Page 22, line 27, by striking <or other> and
 1 23 inserting <~~or other~~>
 1 24 _____. Page 22, line 29, after <entity.> by inserting
 1 25 <The department, on its own behalf or on the behalf of
 1 26 another participating agency or governmental entity,
 1 27 may also procure information technology by leveraging
 1 28 an existing competitively procured contract, or other
 1 29 than a contract associated with the state board of
 1 30 regents or an institution under the control of the
 1 31 state board of regents.>>
 1 32 #5. By striking page 1, line 19, through page 6,
 1 33 line 22, and inserting <line 10.>
 1 34 #6. Page 7, line 26, by striking <1.>
 1 35 #7. Page 7, line 32, by striking <a.> and inserting
 1 36 <1.>
 1 37 #8. Page 7, line 37, by striking <b.> and inserting
 1 38 <2.>
 1 39 #9. Page 7, line 42, by striking <c.> and inserting
 1 40 <3.>
 1 41 #10. Page 7, line 45, by striking <d.> and inserting
 1 42 <4.>
 1 43 #11. Page 7, line 49, by striking <e.> and inserting
 1 44 <5.>
 1 45 #12. Page 8, by striking lines 1 and 34.
 1 46 #13. By renumbering as necessary.



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SF2367.2592 (5) 83
ec/tm



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Senate Amendment 5311

PAG LIN

1 1 Amend Senate File 2242 as follows:
1 2 #1. By striking everything after the enacting clause
1 3 and inserting:

1 4 <DIVISION I
1 5 IOWA COMPREHENSIVE PETROLEUM
1 6 UNDERGROUND STORAGE TANK FUND

1 7 Section 1. Section 455B.474, subsection 1,
1 8 paragraph d, subparagraph (2), unnumbered paragraph 1,
1 9 Code Supplement 2009, is amended to read as follows:
1 10 A site shall be classified as either high risk,
1 11 low risk, or no action required, as determined by a
1 12 certified groundwater professional.

1 13 Sec. 2. Section 455B.474, subsection 1, paragraph
1 14 d, subparagraph (2), subparagraph division (a),
1 15 unnumbered paragraph 1, Code Supplement 2009, is
1 16 amended to read as follows:

1 17 A site shall be considered high risk when ~~it is~~
~~1 18 determined a certified groundwater professional~~
1 19 determines that contamination from the site presents an
1 20 unreasonable risk to public health and safety or the
1 21 environment under any of the following conditions:

1 22 Sec. 3. Section 455B.474, subsection 1, paragraph
1 23 d, subparagraph (2), subparagraph division (b),
1 24 unnumbered paragraph 1, Code Supplement 2009, is
1 25 amended to read as follows:

1 26 A site shall be considered low risk ~~under any of~~
~~1 27 the following conditions~~ when a certified groundwater
1 28 professional determines that low risk conditions exist
1 29 as follows:

1 30 Sec. 4. Section 455B.474, subsection 1, paragraph
1 31 d, subparagraph (2), subparagraph divisions (c) and
1 32 (e), Code Supplement 2009, are amended to read as
1 33 follows:

1 34 (c) A site shall be considered no action required
1 35 ~~if and a no further action certificate shall be~~
1 36 issued by the department when a certified groundwater
1 37 professional determines that contamination is below
1 38 action level standards and high or low risk conditions
1 39 do not exist and are not likely to occur.

1 40 (e) A site cleanup report which classifies a
1 41 site as either high risk, low risk, or no action
1 42 required shall be submitted by a groundwater
1 43 professional to the department with a certification
1 44 that the report complies with the provisions of this
1 45 chapter and rules adopted by the department. The
1 46 report shall be determinative of the appropriate
1 47 classification of the site. ~~However, if the report~~
~~1 48 is found to be~~ and the site shall be classified as
1 49 indicated by the groundwater professional unless,
1 50 within ninety days of receipt by the department,



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Senate Amendment 5311 continued

2 1 the department identifies material information in
2 2 the report that is inaccurate or incomplete, and
2 3 if based upon inaccurate or incomplete information
2 4 in the report the risk classification of the site
2 5 cannot be reasonably determined by the department
2 6 based upon industry standards, ~~the department shall.~~
2 7 If the department determines that the site cleanup
2 8 report is inaccurate or incomplete, the department
2 9 shall notify the groundwater professional of the
2 10 inaccurate or incomplete information within ninety
2 11 days of receipt of the report and shall work with
2 12 the groundwater professional to obtain ~~the correct~~
2 13 information or additional information necessary
2 14 to appropriately classify the site. However, from
2 15 July 1, 2010, through June 30, 2011, the department
2 16 shall have one hundred twenty days to notify the
2 17 certified groundwater professional when a report is
2 18 not accepted based on material information that is
2 19 found to be inaccurate or incomplete. A groundwater
2 20 professional who knowingly or intentionally makes a
2 21 false statement or misrepresentation which results in
2 22 a mistaken classification of a site shall be guilty of
2 23 a serious misdemeanor and shall have the groundwater
2 24 professional's certification revoked under this
2 25 section.

2 26 Sec. 5. Section 455B.474, subsection 1, paragraph
2 27 f, subparagraphs (5), (6), and (7), Code Supplement
2 28 2009, are amended to read as follows:

2 29 (5) A corrective action design report submitted by
2 30 a groundwater professional shall be accepted by the
2 31 department and shall be primarily relied upon by the
2 32 department to determine the corrective action response
2 33 requirements of the site. However, if ~~the corrective~~
2 34 ~~action design report is found to be within ninety days~~
2 35 ~~of receipt of a corrective action design report, the~~
2 36 department identifies material information in the
2 37 corrective action design report that is inaccurate or
2 38 incomplete, and if based upon information in the report
2 39 the appropriate corrective action response cannot be
2 40 reasonably determined by the department based upon
2 41 industry standards, the department shall notify the
2 42 groundwater professional that the corrective action
2 43 design report is not accepted, and the department
2 44 shall work with the groundwater professional to correct
2 45 the material information or to obtain the additional
2 46 information necessary to appropriately determine the
2 47 corrective action response requirements as soon as
2 48 practicable. However, from July 1, 2010, through June
2 49 30, 2011, the department shall have one hundred twenty
2 50 days to notify the certified groundwater professional



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3 1 when a corrective action design report is not accepted
3 2 based on material information that is found to be
3 3 inaccurate or incomplete. A groundwater professional
3 4 who knowingly or intentionally makes a false statement
3 5 or misrepresentation which results in an improper or
3 6 incorrect corrective action response shall be guilty of
3 7 a serious misdemeanor and shall have the groundwater
3 8 professional's certification revoked under this
3 9 section.
3 10 (6) Low risk sites shall be monitored as deemed
3 11 necessary by the department consistent with industry
3 12 standards. Monitoring shall not be required on a site
3 13 which has received a no further action certificate.
3 14 A site that has maintained less than the applicable
3 15 target level for four consecutive sampling events shall
3 16 be reclassified as a no action required site regardless
3 17 of exit monitoring criteria and guidance.
3 18 (7) An owner or operator may elect to proceed with
3 19 additional corrective action on the site. However,
3 20 any action taken in addition to that required pursuant
3 21 to this paragraph "f" shall be solely at the expense
3 22 of the owner or operator and shall not be considered
3 23 corrective action for purposes of section 455G.9,
3 24 unless otherwise previously agreed to by the board
3 25 and the owner or operator pursuant to section 455G.9,
3 26 subsection 7. Corrective action taken by an owner or
3 27 operator due to the department's failure to meet the
3 28 time requirements provided in subparagraph (5), shall
3 29 be considered corrective action for purposes of section
3 30 455G.9.
3 31 Sec. 6. Section 455B.474, subsection 1, paragraph
3 32 h, subparagraphs (1) and (3), Code Supplement 2009, are
3 33 amended to read as follows:
3 34 (1) A no further action certificate shall be
3 35 issued by the department for a site which has been
3 36 classified as a no further action site or which
3 37 has been reclassified pursuant to completion of a
3 38 corrective action plan or monitoring plan to be a no
3 39 further action site by a groundwater professional,
3 40 unless within ninety days of receipt of the report
3 41 submitted by the groundwater professional classifying
3 42 the site, the department notifies the groundwater
3 43 professional that the report and site classification
3 44 are not accepted and the department identifies
3 45 material information in the report that is inaccurate
3 46 or incomplete which causes the department to be
3 47 unable to accept the classification of the site.
3 48 An owner or operator shall not be responsible for
3 49 additional assessment, monitoring, or corrective
3 50 action activities at a site that is issued a no further



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4 1 action certificate unless it is determined that the
4 2 certificate was issued based upon false material
4 3 statements that were knowingly or intentionally made
4 4 by a groundwater professional and the false material
4 5 statements resulted in the incorrect classification of
4 6 the site.

4 7 (3) A certificate shall be recorded with the county
4 8 recorder. The owner or operator of a site who has been
4 9 issued a certificate under this paragraph "h" or a
4 10 subsequent purchaser of the site shall not be required
4 11 to perform further corrective action ~~solely~~ because
4 12 action standards are changed at a later date. A
4 13 certificate shall not prevent the department from
4 14 ordering corrective action of a new release.

4 15 Sec. 7. Section 455B.479, Code 2009, is amended to
4 16 read as follows:

4 17 455B.479 Storage tank management fee.

4 18 An owner or operator of an underground storage
4 19 tank shall pay an annual storage tank management fee
4 20 of sixty-five dollars per tank of over one thousand
4 21 one hundred gallons capacity. ~~Twenty-three percent~~
~~4 22 of the The~~ fees collected shall be deposited in the
4 23 storage tank management account of the groundwater
4 24 protection fund. ~~Seventy-seven percent of the fees~~
~~4 25 collected shall be deposited in the Iowa comprehensive~~
~~4 26 petroleum underground storage tank fund created in~~
~~4 27 chapter 455G.~~

4 28 Sec. 8. Section 455E.11, subsection 2, paragraph d,
4 29 Code Supplement 2009, is amended to read as follows:

4 30 d. A storage tank management account. All fees
4 31 collected pursuant to section 455B.473, subsection 5,
4 32 and section 455B.479, shall be deposited in the storage
4 33 tank management account, ~~except those moneys deposited~~
~~4 34 into the Iowa comprehensive petroleum underground~~
~~4 35 storage tank fund pursuant to section 455B.479. Funds.~~
4 36 Moneys deposited in the account shall be expended for
4 37 the following purposes:

4 38 (1) One thousand dollars is appropriated annually
4 39 to the Iowa department of public health to carry out
4 40 departmental duties under section 135.11, subsections
4 41 19 and 20, and section 139A.21.

4 42 (2) ~~Twenty-three percent of the proceeds of the~~
~~4 43 fees imposed pursuant to section 455B.473, subsection~~
~~4 44 5, and section 455B.479 shall be deposited in the~~
~~4 45 account annually, up to a maximum of three hundred~~
~~4 46 fifty thousand dollars. If twenty-three percent of the~~
~~4 47 proceeds exceeds three hundred fifty thousand dollars,~~
~~4 48 the excess shall be deposited into the fund created in~~
~~4 49 section 455C.3. Three hundred fifty thousand dollars~~
~~4 50 is~~ The moneys remaining in the account after the



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5 1 appropriation in subparagraph (1) are appropriated from
5 2 the storage tank management account to the department
5 3 of natural resources for the administration of a state
5 4 storage tank program pursuant to chapter 455B, division
5 5 IV, part 8, and for programs which reduce the potential
5 6 for harm to the environment and the public health from
5 7 storage tanks.

5 8 (3) ~~The remaining funds in the account are~~
~~5 9 appropriated annually to the Iowa comprehensive~~
~~5 10 petroleum underground storage tank fund. Each fiscal~~
5 11 year, the department of natural resources shall enter
5 12 into an agreement with the Iowa comprehensive petroleum
5 13 underground storage tank fund for the completion
5 14 of administrative tasks during the fiscal year
5 15 directly related to the evaluation and modification
5 16 of risk based corrective action rules as necessary
5 17 and processes that affect the administration in
5 18 subparagraph (2).

5 19 Sec. 9. Section 455G.3, Code 2009, is amended by
5 20 adding the following new subsections:

5 21 NEW SUBSECTION. 6. For the fiscal year beginning
5 22 July 1, 2010, and each fiscal year thereafter, there
5 23 is appropriated from the Iowa comprehensive petroleum
5 24 underground storage tank fund to the department of
5 25 natural resources two hundred thousand dollars for
5 26 purposes of technical review support to be conducted
5 27 by nongovernmental entities for leaking underground
5 28 storage tank assessments.

5 29 NEW SUBSECTION. 7. For the fiscal year beginning
5 30 July 1, 2010, there is appropriated from the Iowa
5 31 comprehensive petroleum underground storage tank fund
5 32 to the department of natural resources one hundred
5 33 thousand dollars for purposes of database modifications
5 34 necessary to accept batched external data regarding
5 35 underground storage tank inspections conducted by
5 36 nongovernmental entities.

5 37 NEW SUBSECTION. 8. For the fiscal year beginning
5 38 July 1, 2010, and each fiscal year thereafter, there
5 39 is appropriated from the Iowa comprehensive petroleum
5 40 underground storage tank fund to the department of
5 41 agriculture and land stewardship two hundred fifty
5 42 thousand dollars for the sole and exclusive purpose
5 43 of inspecting fuel quality at pipeline terminals
5 44 and renewable fuel production facilities, including
5 45 salaries, support, maintenance, and miscellaneous
5 46 purposes.

5 47 NEW SUBSECTION. 9. Beginning September 1, 2010,
5 48 the board shall administer safety training, hazardous
5 49 material training, environmental training, and
5 50 underground storage tank operator training in the



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6 1 state to be provided by an entity approved by the
6 2 department of natural resources. The training provided
6 3 pursuant to this subsection shall be available to any
6 4 tank operator in the state at an equal and reasonable
6 5 cost and shall not be conditioned upon any other
6 6 requirements. Each fiscal year, the board shall not
6 7 expend more than two hundred fifty thousand dollars
6 8 from the Iowa comprehensive petroleum underground
6 9 storage tank fund for purposes of administering this
6 10 subsection.

6 11 Sec. 10. Section 455G.4, subsection 1, paragraph a,
6 12 subparagraphs (3) and (5), Code Supplement 2009, are
6 13 amended to read as follows:

6 14 (3) ~~The commissioner of insurance, or the~~
~~6 15 commissioner's designee. An employee of the department~~
6 16 of management who has been designated as a risk manager
6 17 by the director of the department of management.

6 18 (5) ~~Two owners or operators appointed by the~~
6 19 ~~governor. One of the owners or operators appointed~~
~~6 20 pursuant to this subparagraph shall have been a~~
~~6 21 petroleum systems insured through the underground~~
~~6 22 storage tank insurance fund as it existed on June 30,~~
~~6 23 2004, or a successor to the underground storage tank~~
~~6 24 insurance fund and shall have been an insured through~~
~~6 25 the insurance account of the comprehensive petroleum~~
~~6 26 underground storage tank fund on or before October~~
~~6 27 26, 1990. One of the owners or operators appointed~~
~~6 28 pursuant to this subparagraph shall be self-insured. as~~
6 29 follows:

6 30 (a) One member shall be an owner or operator who is
6 31 self-insured.

6 32 (b) One member shall be a member of the petroleum
6 33 marketers and convenience stores of Iowa or its
6 34 designee.

6 35 Sec. 11. Section 455G.8, subsection 3, Code 2009,
6 36 is amended by striking the subsection.

6 37 Sec. 12. Section 455G.9, subsection 1, paragraphs
6 38 d, k, and l, Code 2009, are amended to read as follows:

6 39 d. One hundred percent of the costs of corrective
6 40 action and third-party liability for a release situated
6 41 on property acquired by a county for delinquent taxes
6 42 pursuant to chapters 445 through 448, for which a
6 43 responsible owner or operator able to pay, other
6 44 than the county, cannot be found. A county is not
6 45 a "responsible party" for a release in connection
6 46 with property which it acquires in connection with
6 47 delinquent taxes, and does not become a responsible
6 48 party by sale or transfer of property so acquired. In
6 49 such situations, the board may act as an agent for
6 50 the county. Actual corrective action on the site



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7 1 shall be overseen by the department, the board, and
7 2 a certified groundwater professional. Third-party
7 3 liability specifically excludes any claim, cause of
7 4 action, or suit, for personal injury including, but
7 5 not limited to, loss of use or of private enjoyment,
7 6 mental anguish, false imprisonment, wrongful entry or
7 7 eviction, humiliation, discrimination, or malicious
7 8 prosecution. Reasonable acquisition costs do not
7 9 include any taxes or costs related to the collection
7 10 of taxes.

7 11 k. Pursuant to an agreement between the board and
7 12 the department of natural resources, assessment and
7 13 corrective action arising out of releases at sites for
7 14 which a no further action certificate has been issued
7 15 pursuant to section 455B.474, when the department
7 16 determines that an unreasonable risk to public health
7 17 and safety may still exist or that previously reported
7 18 upon applicable target levels have been exceeded. At
7 19 a minimum, the agreement shall address eligible costs,
7 20 contracting for services, and conditions under which
7 21 sites may be reevaluated.

7 22 1. ~~Costs~~ Up to fifteen thousand dollars for the
7 23 permanent closure of an underground storage tank
7 24 system that was in place on the date an eligible claim
7 25 was submitted under paragraph "a" that does not meet
7 26 performance standards for new or upgraded tanks or
7 27 is otherwise required to be closed pursuant to rules
7 28 adopted by the environmental protection commission
7 29 pursuant to section 455B.474. Reimbursement is limited
7 30 to costs approved by the board prior to the closure
7 31 activities.

7 32 Sec. 13. Section 455G.9, subsection 4, Code 2009,
7 33 is amended to read as follows:

7 34 4. Minimum copayment schedule.

7 35 a. An owner or operator shall be required to pay
7 36 the greater of five thousand dollars or eighteen
7 37 percent of the first eighty thousand dollars of the
7 38 total costs of corrective action for that release,
7 39 except for claims pursuant to section 455G.21, where
7 40 the claimant is not a responsible party or potentially
7 41 responsible party for the site for which the claim is
7 42 filed.

7 43 b. If a site's actual expenses exceed eighty
7 44 thousand dollars, the remedial account shall pay the
7 45 remainder, as required by federal regulations, of
7 46 the total costs of the corrective action for that
7 47 release, not to exceed one million dollars, except that
7 48 a county shall not be required to pay a copayment in
7 49 connection with a release situated on property acquired
7 50 in connection with delinquent taxes, as provided in



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8 1 subsection 1, paragraph "d", unless subsequent to
8 2 acquisition the county actively operates a tank on the
8 3 property for purposes other than risk assessment, risk
8 4 management, or tank closure.

8 5 Sec. 14. Section 455G.9, subsection 7, Code 2009,
8 6 is amended to read as follows:

8 7 7. Expenses of cleanup not required. When an
8 8 owner or operator who is eligible for benefits under
8 9 this chapter is allowed by the department of natural
8 10 resources to monitor in place, the expenses incurred
8 11 for cleanup beyond the level required by the department
8 12 of natural resources ~~are not~~ may be covered under any
8 13 of the accounts established under the fund only if
8 14 approved by the board as cost-effective relative to
8 15 the department accepted monitoring plan or relative
8 16 to the repeal date specified in section 424.19. The
8 17 cleanup expenses incurred for work completed beyond
8 18 what is required is the responsibility of the person
8 19 contracting for the excess cleanup. The board shall
8 20 seek to terminate the responsible party's environmental
8 21 liabilities at such sites prior to the board ceasing
8 22 operation.

8 23 Sec. 15. Section 455G.9, subsection 10, Code 2009,
8 24 is amended to read as follows:

8 25 10. Expenses incurred by governmental subdivisions
8 26 and public works utilities. The board ~~may~~ shall adopt
8 27 rules for reimbursement for reasonable expenses
8 28 incurred by a governmental subdivision or public
8 29 works utility for sampling, treating, handling,
8 30 or disposing, as required by the department, of
8 31 petroleum-contaminated soil and groundwater encountered
8 32 in a public right-of-way during installation,
8 33 maintenance, or repair of a utility or public
8 34 improvement. The board may seek full recovery from
8 35 a responsible party liable for the release for such
8 36 expenses and for all other costs and reasonable
8 37 attorney fees and costs of litigation for which moneys
8 38 are expended by the fund. Any expense described in
8 39 this subsection incurred by the fund constitutes a lien
8 40 upon the property from which the release occurred.
8 41 A lien shall be recorded and an expense shall be
8 42 collected in the same manner as provided in section
8 43 424.11.

8 44 Sec. 16. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
8 45 APPLICABILITY. The section of this division of this
8 46 Act amending section 455G.9, subsection 4, being deemed
8 47 of immediate importance, takes effect upon enactment
8 48 and applies retroactively to January 1, 2010.

8 49 DIVISION II
8 50 BONDING AUTHORITY



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9 1 Sec. 17. Section 455G.2, subsection 1, Code 2009,
9 2 is amended by striking the subsection.
9 3 Sec. 18. Section 455G.2, subsection 3, Code 2009,
9 4 is amended to read as follows:
9 5 3. "Bond" means a bond, note, or other obligation
9 6 issued by the ~~authority~~ treasurer of state for the fund
9 7 and the purposes of this chapter.
9 8 Sec. 19. Section 455G.3, subsection 2, Code 2009,
9 9 is amended to read as follows:
9 10 2. The board shall assist Iowa's owners and
9 11 operators of petroleum underground storage tanks in
9 12 complying with federal environmental protection agency
9 13 technical and financial responsibility regulations
9 14 by establishment of the Iowa comprehensive petroleum
9 15 underground storage tank fund. The ~~authority~~ treasurer
9 16 of state may issue its bonds, or series of bonds, to
9 17 assist the board, as provided in this chapter.
9 18 Sec. 20. Section 455G.6, subsections 7 through 9,
9 19 Code Supplement 2009, are amended to read as follows:
9 20 7. The board may contract with the
9 21 ~~authority~~ treasurer of state for the
9 22 ~~authority~~ treasurer of state to issue bonds and do
9 23 all things necessary with respect to the purposes
9 24 of the fund, as set out in the contract between the
9 25 board and the ~~authority~~ treasurer of state. The
9 26 board may delegate to the ~~authority~~ treasurer of
9 27 state and the ~~authority~~ treasurer of state shall
9 28 then have all of the powers of the board which are
9 29 necessary to issue and secure bonds and carry out the
9 30 purposes of the fund, to the extent provided in the
9 31 contract between the board and the ~~authority~~ treasurer
9 32 of state. The ~~authority~~ treasurer of state may
9 33 issue the ~~authority's~~ treasurer of state's bonds
9 34 in principal amounts which, in the opinion of the
9 35 board, are necessary to provide sufficient funds for
9 36 the fund, the payment of interest on the bonds, the
9 37 establishment of reserves to secure the bonds, the
9 38 costs of issuance of the bonds, other expenditures
9 39 of the ~~authority~~ treasurer of state incident to and
9 40 necessary or convenient to carry out the bond issue
9 41 for the fund, and all other expenditures of the board
9 42 necessary or convenient to administer the fund.
9 43 The bonds are investment securities and negotiable
9 44 instruments within the meaning of and for purposes of
9 45 the uniform commercial code, chapter 554.
9 46 8. Bonds issued under this section are payable
9 47 solely and only out of the moneys, assets, or revenues
9 48 of the fund, all of which may be deposited with
9 49 trustees or depositories in accordance with bond
9 50 or security documents and pledged by the board to



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10 1 the payment thereof, and are not an indebtedness
10 2 of this state ~~or the authority~~, or a charge against
10 3 the general credit or general fund of the state ~~or~~
~~10 4 the authority~~, and the state shall not be liable for
10 5 any financial undertakings with respect to the fund.
10 6 Bonds issued under this chapter shall contain on their
10 7 face a statement that the bonds do not constitute an
10 8 indebtedness of the state ~~or the authority~~.

10 9 9. The proceeds of bonds issued by the
10 10 ~~authority~~ treasurer of state and not required for
10 11 immediate disbursement may be deposited with a trustee
10 12 or depository as provided in the bond documents
10 13 and invested in any investment approved by the
10 14 ~~authority~~ treasurer of state and specified in the trust
10 15 indenture, resolution, or other instrument pursuant
10 16 to which the bonds are issued without regard to any
10 17 limitation otherwise provided by law.

10 18 Sec. 21. Section 455G.6, subsection 10, paragraph
10 19 b, Code Supplement 2009, is amended to read as follows:

10 20 b. Negotiable instruments under the laws of
10 21 the state and may be sold at prices, at public or
10 22 private sale, and in a manner, as prescribed by the
10 23 ~~authority~~ treasurer of state. Chapters 73A, 74, 74A
10 24 and 75 do not apply to their sale or issuance of the
10 25 bonds.

10 26 Sec. 22. Section 455G.6, subsection 12, Code
10 27 Supplement 2009, is amended to read as follows:

10 28 12. Bonds must be authorized by a trust
10 29 indenture, resolution, or other instrument of the
10 30 ~~authority~~ treasurer of state, approved by the board.
10 31 However, a trust indenture, resolution, or other
10 32 instrument authorizing the issuance of bonds may
10 33 delegate to an officer of the issuer the power to
10 34 negotiate and fix the details of an issue of bonds.

10 35 Sec. 23. Section 455G.7, Code Supplement 2009, is
10 36 amended to read as follows:

10 37 455G.7 Security for bonds == capital reserve fund ==
10 38 irrevocable contracts.

10 39 1. a. For the purpose of securing one or more
10 40 issues of bonds for the fund, the ~~authority~~ treasurer
10 41 of state, with the approval of the board, may authorize
10 42 the establishment of one or more special funds, called
10 43 "capital reserve funds". The ~~authority~~ treasurer
10 44 of state may pay into the capital reserve funds the
10 45 proceeds of the sale of its bonds and other money
10 46 which may be made available to the ~~authority~~ treasurer
10 47 of state from other sources for the purposes of the
10 48 capital reserve funds. Except as provided in this
10 49 section, money in a capital reserve fund shall be used
10 50 only as required for any of the following:



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11 1 ~~a.~~ (1) The payment of the principal of and
11 2 interest on bonds or of the sinking fund payments with
11 3 respect to those bonds.
11 4 ~~b.~~ (2) The purchase or redemption of the bonds.
11 5 ~~c.~~ (3) The payment of a redemption premium
11 6 required to be paid when the bonds are redeemed before
11 7 maturity.
11 8 b. However, money in a capital reserve fund shall
11 9 not be withdrawn if the withdrawal would reduce the
11 10 amount in the capital reserve fund to less than the
11 11 capital reserve fund requirement, except for the
11 12 purpose of making payment, when due, of principal,
11 13 interest, redemption premiums on the bonds, and making
11 14 sinking fund payments when other money pledged to the
11 15 payment of the bonds is not available for the payments.
11 16 Income or interest earned by, or increment to, a
11 17 capital reserve fund from the investment of all or part
11 18 of the capital reserve fund may be transferred by the
11 19 authority treasurer of state to other accounts of the
11 20 fund if the transfer does not reduce the amount of the
11 21 capital reserve fund below the capital reserve fund
11 22 requirement.
11 23 2. If the authority treasurer of state decides
11 24 to issue bonds secured by a capital reserve fund,
11 25 the bonds shall not be issued if the amount in the
11 26 capital reserve fund is less than the capital reserve
11 27 fund requirement, unless at the time of issuance of
11 28 the bonds the authority treasurer of state deposits
11 29 in the capital reserve fund from the proceeds of the
11 30 bonds to be issued or from other sources, an amount
11 31 which, together with the amount then in the capital
11 32 reserve fund, is not less than the capital reserve fund
11 33 requirement.
11 34 3. In computing the amount of a capital reserve
11 35 fund for the purpose of this section, securities in
11 36 which all or a portion of the capital reserve fund
11 37 is invested shall be valued by a reasonable method
11 38 established by the authority treasurer of state.
11 39 Valuation shall include the amount of interest earned
11 40 or accrued as of the date of valuation.
11 41 4. In this section, "capital reserve fund
11 42 requirement" means the amount required to be on
11 43 deposit in the capital reserve fund as of the date of
11 44 computation.
11 45 5. To assure maintenance of the capital reserve
11 46 funds, the authority treasurer of state shall, on
11 47 or before July 1 of each calendar year, make and
11 48 deliver to the governor the authority's treasurer of
11 49 state's certificate stating the sum, if any, required
11 50 to restore each capital reserve fund to the capital



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12 1 reserve fund requirement for that fund. Within
12 2 thirty days after the beginning of the session of the
12 3 general assembly next following the delivery of the
12 4 certificate, the governor may submit to both houses
12 5 printed copies of a budget including the sum, if any,
12 6 required to restore each capital reserve fund to the
12 7 capital reserve fund requirement for that fund. Any
12 8 sums appropriated by the general assembly and paid
12 9 to the ~~authority~~ treasurer of state pursuant to this
12 10 section shall be deposited in the applicable capital
12 11 reserve fund.

12 12 6. All amounts paid by the state pursuant to this
12 13 section shall be considered advances by the state and,
12 14 subject to the rights of the holders of any bonds of
12 15 the ~~authority~~ treasurer of state that have previously
12 16 been issued or will be issued, shall be repaid to the
12 17 state without interest from all available revenues of
12 18 the fund in excess of amounts required for the payment
12 19 of bonds of the ~~authority~~ treasurer of state, the
12 20 capital reserve fund, and operating expenses.

12 21 7. If any amount deposited in a capital reserve
12 22 fund is withdrawn for payment of principal, premium,
12 23 or interest on the bonds or sinking fund payments with
12 24 respect to bonds thus reducing the amount of that fund
12 25 to less than the capital reserve fund requirement, the
12 26 ~~authority~~ treasurer of state shall immediately notify
12 27 the governor and the general assembly of this event and
12 28 shall take steps to restore the capital reserve fund
12 29 to the capital reserve fund requirement for that fund
12 30 from any amounts designated as being available for such
12 31 purpose.

12 32 Sec. 24. Section 455G.8, subsection 2, Code 2009,
12 33 is amended to read as follows:

12 34 2. Statutory allocations fund. The moneys
12 35 credited from the statutory allocations fund under
12 36 section 321.145, subsection 2, paragraph "a", shall
12 37 be allocated, consistent with this chapter, among
12 38 the fund's accounts, for debt service and other fund
12 39 expenses, according to the fund budget, resolution,
12 40 trust agreement, or other instrument prepared or
12 41 entered into by the board or ~~authority~~ treasurer of
12 42 state under direction of the board.

12 43 Sec. 25. REPEAL. Section 16.151, Code 2009, is
12 44 repealed.

12 45 Sec. 26. REPEAL. 1989 Iowa Acts, chapter 131,
12 46 section 63, as amended by 2009 Iowa Acts, chapter 184,
12 47 section 39, is repealed.

12 48 Sec. 27. EFFECTIVE UPON ENACTMENT. This division
12 49 of this Act, being deemed of immediate importance,
12 50 takes effect upon enactment.>



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- 13 1 #2. Title page, line 2, after <fund> by inserting
- 13 2 <and including effective date and retroactive
- 13 3 applicability provisions>
- 13 4 #3. By renumbering as necessary.

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SF2242.2522 (2) 83
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Senate Amendment 5312

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1 1 Amend Senate File 2315 as follows:
 1 2 #1. By striking everything after the enacting clause
 1 3 and inserting:
 1 4 <Section 1. Section 321.463, subsection 5,
 1 5 paragraph c, Code Supplement 2009, is amended to read
 1 6 as follows:
 1 7 c. (1) The maximum gross weight allowed to be
 1 8 carried on a ~~livestock or construction~~ commercial
 1 9 motor vehicle, other than a special truck, on
 1 10 noninterstate highways, provided the vehicle is
 1 11 operated by a person with a commercial driver's license
 1 12 valid for the vehicle operated unless section 321.176A
 1 13 applies, is as follows:
 1 14 NONINTERSTATE HIGHWAYS
 1 15 MAXIMUM GROSS WEIGHT TABLE
 1 16 ~~LIVESTOCK OR CONSTRUCTION~~ COMMERCIAL MOTOR VEHICLE
 1 17 Distance
 1 18 in feet 6 Axles 7 Axles \$YUL
 1 20 44 80,500 80,500
 1 21 45 81,000 81,500
 1 22 46 81,500 82,500
 1 23 47 82,000 83,500
 1 24 48 83,000 84,000
 1 25 49 83,500 85,000
 1 26 50 84,000 86,000
 1 27 51 84,500 87,000
 1 28 52 85,000 88,000
 1 29 53 86,000 88,500
 1 30 54 86,500 89,500
 1 31 55 87,000 90,500
 1 32 56 87,500 91,500
 1 33 57 88,000 92,000
 1 34 58 89,000 93,000
 1 35 59 89,500 94,000
 1 36 60 90,000 95,000
 1 37 61 95,500
 1 38 62 96,000
 1 39 (2) Notwithstanding any provision of this section
 1 40 to the contrary, the maximum gross weight allowed to
 1 41 be carried on a noninterstate highway by a livestock
 1 42 vehicle with five axles, a minimum distance in feet
 1 43 between the centers of the first and fifth axles of
 1 44 sixty-one feet, and a minimum distance between the
 1 45 two rear axles of at least eight feet and one inch is
 1 46 eighty-six thousand pounds.>
 1 47 #2. Title page, by striking lines 1 through 2 and
 1 48 inserting <An Act concerning weight limits for certain
 1 49 commercial motor vehicles on>
 1 50 #3. By renumbering as necessary.



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WILLIAM HECKROTH

TIM KAPUCIAN
SF2315.2582 (1) 83
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Senate Amendment 5313

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1 1 Amend House File 2526, as amended, passed, and
1 2 reprinted by the House, as follows:
1 3 #1. Page 34, after line 27 by inserting:
1 4 <The Iowa Medicaid enterprise shall require that
1 5 in any procurement or reprocurement of a contract to
1 6 provide program eligibility services, procedures shall
1 7 be implemented to ensure that eligibility information
1 8 provided by an applicant or recipient is independently
1 9 verified or supported by sufficient documentation to
1 10 prevent an ineligible individual from receiving medical
1 11 assistance program benefits.>

DAVID JOHNSON
HF2526.2624 (1) 83
pf/jp



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Senate Amendment 5314

PAG LIN

1 1 Amend House File 2193, as amended, passed, and
1 2 reprinted by the House, as follows:
1 3 #1. Page 3, by striking lines 34 and 35 and
1 4 inserting <association of counties. The council
1 5 shall also include at least two at-large members who
1 6 are volunteer emergency medical care providers and a
1 7 representative of a private service program.>
1 8 #2. By striking page 5, line 34, through page 8,
1 9 line 14, and inserting:
1 10 <3. The department may deny an application for
1 11 authorization, or may place on probation, suspend, or
1 12 revoke the authorization of, or otherwise discipline
1 13 a service program with an existing authorization
1 14 if the department finds ~~reason to believe that the~~
1 15 service program has not been or will not be operated
1 16 in compliance with this subchapter and the rules
1 17 adopted pursuant to this subchapter, or that there
1 18 is insufficient assurance of adequate protection
1 19 for the public. The authorization denial or period
1 20 of probation, suspension, or revocation, or other
1 21 disciplinary action shall be effected and may be
1 22 appealed as provided by section 17A.12.>
1 23 #3. Page 12, by striking lines 3 through 14 and
1 24 inserting:
1 25 <3. The department may deny an application for
1 26 authorization, or may place on probation, suspend or
1 27 revoke the authorization of, or otherwise discipline
1 28 a training program with an existing authorization if
1 29 the department finds reason to believe the program has
1 30 not been or will not be operated in compliance with
1 31 this subchapter and the rules adopted pursuant to this
1 32 subchapter, or that there is insufficient assurance of
1 33 adequate protection for the public. The authorization
1 34 denial, period of probation, suspension, or revocation,
1 35 or other disciplinary action shall be effected and may
1 36 be appealed as provided by section 17A.12.>
1 37 #4. By renumbering as necessary.

JEFF DANIELSON
HF2193.2639 (2) 83
jr/nh



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Senate Amendment 5315

PAG LIN

1 1 Amend the House amendment, S=5291, to Senate File
 1 2 2367, as amended, passed, and reprinted by the Senate,
 1 3 as follows:
 1 4 #1. Page 1, by striking lines 3 and 4.
 1 5 #2. Page 1, by striking lines 6 through 10 and
 1 6 inserting:
 1 7 <____. Page 8, by striking line 34 and inserting:
 <..... \$
 1 8 2,064,471>
 1 9 _____. Page 9, by striking line 12 and inserting:
 <..... \$
 1 10 127,167>
 1 11 _____. Page 9, by striking line 17 and inserting:
 <..... \$
 1 12 70,783 >>
 1 13 #3. Page 1, by striking lines 12 and 13 and
 1 14 inserting:
 1 15 <____. Page 16, by striking line 20 and inserting
 <..... \$
 1 16 4,997,742 >>
 1 17 #4. Page 1, by striking lines 16 and 17 and
 1 18 inserting:
 1 19 <____. Page 22, by striking lines 25 and 26 and
 1 20 inserting <information technology under ~~a~~ an existing
 1 21 competitively procured contract let by another agency>
 1 22 _____. Page 22, line 27, by striking <or other> and
 1 23 inserting <~~or other~~>
 1 24 _____. Page 22, line 29, after <entity.> by inserting
 1 25 <The department, on its own behalf or on the behalf of
 1 26 another participating agency or governmental entity,
 1 27 may also procure information technology by leveraging
 1 28 an existing competitively procured contract, or other
 1 29 than a contract associated with the state board of
 1 30 regents or an institution under the control of the
 1 31 state board of regents.>>
 1 32 #5. By striking page 1, line 19, through page 6,
 1 33 line 22, and inserting <line 10.>
 1 34 #6. Page 7, line 26, by striking <1.>
 1 35 #7. Page 7, line 32, by striking <a.> and inserting
 1 36 <1.>
 1 37 #8. Page 7, line 37, by striking <b.> and inserting
 1 38 <2.>
 1 39 #9. Page 7, line 42, by striking <c.> and inserting
 1 40 <3.>
 1 41 #10. Page 7, line 45, by striking <d.> and inserting
 1 42 <4.>
 1 43 #11. Page 7, line 49, by striking <e.> and inserting
 1 44 <5.>
 1 45 #12. Page 8, by striking lines 1 through 34.
 1 46 #13. By renumbering as necessary.



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SF2367.2657 (1) 83
ec/tm



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Senate Amendment 5316

PAG LIN

1 1 Amend Senate File 2354, as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. Page 3, line 22, by striking <publicly traded>
1 4 #2. Page 4, line 1, by striking <one hundred> and
1 5 inserting <~~one hundred~~ seven hundred fifty>
1 6 #3. Page 4, by striking lines 17 through 21 and
1 7 inserting <statement.>
1 8 #4. Page 4, line 32, after <certification> by
1 9 inserting <by an officer of the corporation>
1 10 #5. Page 5, line 7, after <retained> by inserting
1 11 <within the prior six months>
1 12 #6. By striking page 5, line 31, through page 6,
1 13 line 1, and inserting:
1 14 <b. (1) Except as set out in subsection 2,
1 15 published material designed to expressly advocate the
1 16 nomination, election, or defeat of a candidate for
1 17 public office or the passage or defeat of a ballot
1 18 issue shall include on the published material an
1 19 attribution statement disclosing who is responsible for
1 20 the published material.
1 21 (2) The person who is responsible for the published
1 22 material has the sole responsibility and liability for
1 23 the attribution statement required by this section.>
1 24 #7. Page 6, by striking lines 29 and 30 and
1 25 inserting:
1 26 <a. The editorials or news articles of a
1 27 newspaper, ~~or~~ magazine, television station, or other
1 28 print or electronic media that are not paid political
1 29 advertisements.>
1 30 #8. Page 7, line 31, after <officers,> by inserting
1 31 <professional employees,>
1 32 #9. Page 8, by striking lines 20 through 30 and
1 33 inserting:
1 34 <____. a. The prohibitions in subsections 1 and 2
1 35 shall not apply to media organizations when discussing
1 36 candidates, nominations, public officers, or public
1 37 questions.
1 38 b. Notwithstanding paragraph "a", the board shall
1 39 adopt rules requiring the owner, publisher, or editor
1 40 of a sham newspaper that promotes in any way the
1 41 candidacy of a person for any public office to comply
1 42 with this section and section 68A.404. As used in
1 43 this subsection, "sham newspaper" means a newspaper
1 44 publication that is published for the primary purpose
1 45 of evading the requirements of this section or section
1 46 68A.404, and "owner" means a person having an ownership
1 47 interest exceeding ten percent of the equity or profits
1 48 of the publication.>
1 49 #10. Page 9, by striking lines 4 through 8.
1 50 #11. By renumbering and correcting internal



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Senate Amendment 5316 continued

- 2 1 references as necessary.
SF2354.2689.H (1) 83
mb



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Senate Amendment 5317

PAG LIN

1 1 Amend Senate File 2297, as passed by the Senate, as
1 2 follows:
1 3 #1. Page 2, after line 10 by inserting:
1 4 <Sec. ____ Section 724.7, Code 2009, is amended to
1 5 read as follows:
1 6 724.7 Nonprofessional permit to carry weapons.
1 7 1. Any person who can reasonably justify going
1 8 armed may be issued a nonprofessional permit to carry
1 9 weapons. Such permits shall be on a form prescribed
1 10 and published by the commissioner of public safety,
1 11 which shall be readily distinguishable from the
1 12 professional permit, and shall identify the holder
1 13 thereof, and state the reason for the issuance of the
1 14 permit, and the limits of the authority granted by such
1 15 permit. All permits so issued shall be for a definite
1 16 period as established by the issuing officer, but in no
1 17 event shall exceed a period of twelve months, except as
1 18 provided in subsection 2.
1 19 2. The commissioner of public safety shall
1 20 develop a process to allow service members deployed
1 21 for military service to submit a renewal of a
1 22 nonprofessional permit to carry weapons early and by
1 23 mail. In addition, a permit issued to a service member
1 24 who is deployed for military service, as defined in
1 25 section 29A.90, that would otherwise expire during the
1 26 period of deployment shall remain valid for ninety days
1 27 after the end of the service member's deployment.>
1 28 #2. Title page line 3, after <service,> by inserting
1 29 <weapons permit renewals,>
1 30 #3. By renumbering as necessary.
SF2297.2690.H (1) 83
mb



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Senate Amendment 5318

PAG LIN

1 1 Amend House File 2526, as amended, passed, and
1 2 reprinted by the House, as follows:
1 3 #1. Page 4, line 14, by striking <(1)>
1 4 #2. Page 4, after line 16 by inserting:
1 5 <(1) Of the funds allocated in this lettered
1 6 paragraph, \$756,613 shall be used for the public
1 7 purpose of a grant program to provide substance abuse
1 8 prevention programming for children.
1 9 (a) Of the funds allocated in this subparagraph,
1 10 \$355,000 shall be utilized for the public purpose
1 11 of providing grant funding for organizations that
1 12 provide programming for children by utilizing mentors.
1 13 Programs approved for such grants shall be certified
1 14 or will be certified within six months of receiving
1 15 the grant award by the Iowa commission on volunteer
1 16 services as utilizing the standards for effective
1 17 practice for mentoring programs.
1 18 (b) Of the funds allocated in this subparagraph,
1 19 \$360,000 shall be utilized for the public purpose
1 20 of providing grant funding for organizations that
1 21 provide programming that includes youth development
1 22 and leadership. The programs shall also be recognized
1 23 as being programs that are scientifically based with
1 24 evidence of their effectiveness in reducing substance
1 25 abuse in children.
1 26 (c) The Iowa department of public health shall
1 27 utilize a request for proposals process to implement
1 28 the grant program.
1 29 (d) All grant recipients shall participate in a
1 30 program evaluation as a requirement for receiving grant
1 31 funds.
1 32 (e) Of the funds allocated for the grant program,
1 33 \$41,613 shall be used to administer substance abuse
1 34 prevention grants and for program evaluations.>
1 35 #3. Page 7, line 6, by striking <3,522,313> and
1 36 inserting <3,572,313>
1 37 #4. Page 7, line 19, by striking <\$489,868> and
1 38 inserting <\$539,868>
1 39 #5. Page 8, by striking lines 3 and 4 and inserting
1 40 <disorders.>
1 41 #6. Page 13, line 22, by striking <3,212,987> and
1 42 inserting <3,287,987>
1 43 #7. Page 13, line 29, by striking <\$209,229> and
1 44 inserting <\$234,229>
1 45 #8. Page 14, after line 4 by inserting:
1 46 <d. Of the funds appropriated in this subsection,
1 47 \$50,000 shall be used for education, testing, training,
1 48 and other costs to conform the requirements for
1 49 certification of emergency medical care providers with
1 50 national standards.>



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Senate Amendment 5318 continued

- 2 1 #9. Page 19, line 9, by striking <115=5> and
2 2 inserting <111=5>
2 3 #10. Page 19, by striking lines 15 through 17 and
2 4 inserting <in the following priority order: the family
2 5 investment program for the fiscal year and for state
2 6 child care assistance program>
2 7 #11. By striking page 19, line 24, through page 20,
2 8 line 11.
2 9 #12. Page 20, line 12, by striking <c.> and
2 10 inserting <b.>
2 11 #13. Page 20, line 16, by striking <d.> and
2 12 inserting <c. For the purposes of this lettered
2 13 paragraph, "employment and training=related programs"
2 14 means summer youth programs and other employment and
2 15 training=related programs, as allowed by federal law,
2 16 that are administered by the department of workforce
2 17 development.>
2 18 #14. Page 20, line 17, by striking <summer
2 19 youth programs> and inserting <employment and
2 20 training=related programs>
2 21 #15. Page 20, lines 22 and 23, by striking <summer
2 22 youth employment programs> and inserting <employment
2 23 and training=related programs>
2 24 #16. Page 20, line 32, by striking <115=5> and
2 25 inserting <111=5>
2 26 #17. Page 20, by striking lines 33 and 34 and
2 27 inserting <collaboration shall be for the purpose of
2 28 securing emergency contingency funds to subsidize the
2 29 administrative costs and wages>
2 30 #18. Page 20, line 35, through page 21, line 1,
2 31 by striking <summer youth employment program> and
2 32 inserting <employment and training=related programs>
2 33 #19. Page 21, line 2, after <wages> by inserting <,
2 34 administrative costs, and other costs of the employment
2 35 and training=related programs>
2 36 #20. Page 21, line 4, by striking <115=5> and
2 37 inserting <111=5>
2 38 #21. Page 21, by striking lines 10 through 12 and
2 39 inserting <workforce development to be used for the
2 40 purpose of covering administrative costs and the costs
2 41 of wages and other costs relating to the employment and
2 42 training=related programs administered by the>
2 43 #22. Page 21, by striking line 19 and inserting <of
2 44 administrative costs and the costs of wages and other
2 45 federally allowed costs relating to the employment
2 46 and training=related programs that are eligible for
2 47 reimbursement under the terms>
2 48 #23. Page 21, line 21, by striking <115=5> and
2 49 inserting <111=5>
2 50 #24. Page 25, after line 34 by inserting:



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Senate Amendment 5318 continued

3 1 <4. Of the funds appropriated in this section,
3 2 \$200,000 shall be used for continuation of a grant to
3 3 an Iowa-based nonprofit organization with a history
3 4 of providing tax preparation assistance to low-income
3 5 Iowans in order to expand the usage of the earned
3 6 income tax credit. The purpose of the grant is to
3 7 supply this assistance to underserved areas of the
3 8 state.>
3 9 #25. Page 27, line 25, by striking <418,921,344> and
3 10 inserting <412,546,344>
3 11 #26. Page 28, line 33, by striking <diagnosis> and
3 12 inserting <diagnostic>
3 13 #27. Page 31, line 28, after <inpatient> by
3 14 inserting <and outpatient>
3 15 #28. Page 33, after line 35 by inserting:
3 16 <24. a. The department of human services shall
3 17 amend the medical assistance waiver for the Iowa family
3 18 planning network to continue the current waiver with
3 19 the following modifications which provide for all of
3 20 the following:
3 21 (1) Coverage for women who meet all of the
3 22 following criteria:
3 23 (a) Are uninsured or have health insurance coverage
3 24 that does not include coverage for benefits provided
3 25 under the Iowa family planning network.
3 26 (b) Have income of up to 300 percent of the federal
3 27 poverty level.
3 28 (c) Are under 55 years of age.
3 29 (2) Coverage of pregnancy prevention services for
3 30 men who meet the income, age, and insurance coverage
3 31 specifications described in subparagraph (1).
3 32 b. Implementation of this section is contingent
3 33 upon approval of the medical assistance waiver for
3 34 the Iowa family planning network by the centers for
3 35 Medicare and Medicaid services of the United States
3 36 department of health and human services and upon
3 37 availability of funding as determined by the director
3 38 of the department of human services.
3 39 c. Of the funds appropriated in this section,
3 40 \$25,000 shall be used for administrative costs for
3 41 renewal and modification of the Iowa family planning
3 42 network waivers as provided in this subsection.>
3 43 #29. Page 38, line 26, by striking <6,977,599> and
3 44 inserting <7,777,599>
3 45 #30. Page 38, line 32, by striking <10,851,062> and
3 46 inserting <11,001,062>
3 47 #31. Page 41, line 13, after <subsection 7.> by
3 48 inserting <An appropriate amount of the funds allocated
3 49 in this subsection may be used for wraparound and
3 50 emergency services to prevent the need for shelter care



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Senate Amendment 5318 continued

4 1 services, including such services for children who have
4 2 an immediate need for shelter care services but are
4 3 ineligible due to income, status, or other requirement.
4 4 The funding shall be expended by providers in a manner
4 5 that does not impinge upon the availability of beds for
4 6 eligible children.>
4 7 #32. Page 45, after line 16 by inserting:
4 8 <____. Of the funds appropriated in this section,
4 9 at least \$211,721 shall be used for the child welfare
4 10 training academy.>
4 11 #33. Page 50, line 21, by striking <10,295,207> and
4 12 inserting <11,345,207>
4 13 #34. Page 54, line 9, by striking <53,207,624> and
4 14 inserting <56,207,624>
4 15 #35. Page 54, line 22, by striking <15,352,271> and
4 16 inserting <16,602,271>
4 17 #36. Page 54, after line 29 by inserting:
4 18 <3. Of the funds appropriated in this section,
4 19 \$500,000 shall be used for implementation activities
4 20 necessary to conform the Medicaid and related human
4 21 services programs to enactment of federal health care
4 22 coverage reforms. The department and the general
4 23 assembly's legislative health care coverage commission
4 24 shall work collaboratively and share resources in
4 25 addressing changes of the state's public and private
4 26 health coverage systems necessitated by the federal
4 27 reforms.
4 28 4. Of the funds appropriated in this section,
4 29 \$150,000 shall be used to implement a program to
4 30 provide technical assistance, support, and consultation
4 31 to providers of habilitation services and home and
4 32 community-based waiver services for adults with
4 33 disabilities under the medical assistance program.
4 34 Notwithstanding chapter 8A, subchapter III, or
4 35 any other provision of law to the contrary, the
4 36 department shall contract with a statewide organization
4 37 representing providers of such services to provide the
4 38 program.
4 39 5. Of the funds appropriated in this section,
4 40 \$200,000 shall be used to expand the provision of
4 41 nationally accredited and recognized internet-based
4 42 training to include mental health and disability
4 43 services providers.>
4 44 #37. Page 73, line 11, by striking <8,500,000> and
4 45 inserting <13,900,000>
4 46 #38. Page 73, by striking line 12 and inserting:
4 47 <1. Of the funds appropriated in this section,
4 48 \$7,500,000 shall be used for>
4 49 #39. Page 74, by striking lines 1 through 17 and
4 50 inserting:



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Senate Amendment 5318 continued

5 1 <1. To the department of public health:
5 2 \$ 635,000
5 3 a. Of the funds appropriated in this subsection,
5 4 \$500,000 is allocated for addictive disorders to be
5 5 used for substance abuse treatment and prevention.
5 6 b. Of the funds appropriated in this subsection,
5 7 \$35,000 is allocated for chronic conditions to be used
5 8 as follows:
5 9 (1) \$20,000 shall be used for grants to individual
5 10 patients who have phenylketonuria (PKU) to assist with
5 11 the costs of necessary special foods.
5 12 (2) \$15,000 shall be used for child health
5 13 specialty clinics.
5 14 c. Of the funds appropriated in this subsection,
5 15 \$100,000 is allocated for public protection to be used
5 16 for the state poison control center.>
5 17 #40. Page 76, by striking line 16 and inserting
5 18 <trust fund, the health care trust fund, and the
5 19 quality assurance trust fund, are in excess of>
5 20 #41. Page 81, line 9, by striking <5> and inserting
5 21 <4>
5 22 #42. Page 81, line 11, by striking <5> and inserting
5 23 <4>
5 24 #43. Page 81, line 17, by striking <"a"> and
5 25 inserting <"d">
5 26 #44. Page 82, after line 27 by inserting:
5 27 <CHILD WELFARE DECATEGORIZATION
5 28 FY 2008=2009 NONREVERSION
5 29 Sec. _____. 2008 Iowa Acts, chapter 1187, section 16,
5 30 subsection 5, is amended by adding the following new
5 31 unnumbered paragraph:
5 32 NEW UNNUMBERED PARAGRAPH Notwithstanding section
5 33 232.188, subsection 5, moneys from the allocations made
5 34 in this subsection or made from any other source for
5 35 the decategorization of child welfare and juvenile
5 36 justice funding initiative under section 232.188,
5 37 that are designated as carryover funding that remain
5 38 unencumbered or unobligated at the close of the fiscal
5 39 year beginning July 1, 2009, following the transfer
5 40 made pursuant to 2010 Iowa Acts, Senate File 2366,
5 41 section 19, if enacted, shall not revert but shall
5 42 be used until the close of the fiscal year beginning
5 43 July 1, 2010, as follows: the first \$1,925,000 shall
5 44 be used to restore up to half of the reimbursement
5 45 rate reduction applied to adoption, family foster
5 46 care, group foster care, and supervised apartment
5 47 living services providers to implement appropriations
5 48 reductions applied pursuant to executive order number
5 49 19 issued October 8, 2009, and the remainder shall be
5 50 used for the purposes of continuing the initiative in



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Senate Amendment 5318 continued

6 1 the fiscal year.>
6 2 #45. Page 88, line 35, by striking <a. (1)> and
6 3 inserting <a. For the purposes of this subsection,
6 4 "employment and training=related programs" means
6 5 summer youth programs and other employment and
6 6 training=related programs, as allowed by federal law,
6 7 that are administered by the department of workforce
6 8 development.>
6 9 #46. Page 89, line 1, by striking <summer
6 10 youth programs> and inserting <employment and
6 11 training=related programs>
6 12 #47. Page 89, line 7, by striking <summer youth
6 13 employment programs> and inserting <employment and
6 14 training=related programs>
6 15 #48. Page 89, line 10, by striking <lettered
6 16 paragraph> and inserting <subsection>
6 17 #49. Page 89, line 11, by striking <(2)> and
6 18 inserting <b.>
6 19 #50. Page 89, by striking lines 17 through 21 and
6 20 inserting <collaboration shall be for the purpose of
6 21 securing emergency contingency funds to subsidize
6 22 the administrative costs and wages paid on behalf
6 23 of individuals participating in the employment and
6 24 training=related programs and administered by the
6 25 department of workforce development. Such costs shall
6 26 be eligible for>
6 27 #51. Page 89, line 27, by striking <(3)> and
6 28 inserting <c.>
6 29 #52. Page 89, by striking lines 29 through 31 and
6 30 inserting <workforce development for the purpose of
6 31 covering the administrative costs and wages paid on
6 32 behalf of individuals participating in the employment
6 33 and training=related programs administered by the>
6 34 #53. Page 90, line 11, by striking <(4)> and
6 35 inserting <d.>
6 36 #54. Page 90, after line 29 by inserting:
6 37 <FEDERAL CHILD CARE AND DEVELOPMENT BLOCK GRANT
6 38 FEDERAL FISCAL YEAR 2009=2010
6 39 Sec. ____ . CHILD CARE AND DEVELOPMENT
6 40 APPROPRIATION. There is appropriated from the
6 41 fund created by section 8.41 to the department of human
6 42 services for the federal fiscal year beginning October
6 43 1, 2009, and ending September 30, 2010, the following
6 44 amount:
6 45 \$ 15,755,256
6 46 Funds appropriated in this section are the
6 47 additional funding anticipated to be received from the
6 48 federal government under the federal American Recovery
6 49 and Reinvestment Act of 2009 for the federal child care
6 50 and development block grant, and include the allocation



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Senate Amendment 5318 continued

7 1 made from the funds for infant and toddler care quality
7 2 in 2009 Iowa Acts, chapter 183, section 62. The
7 3 department shall expend the remainder of the funds
7 4 appropriated in this section for the state child care
7 5 assistance program under section 237A.13, as provided
7 6 in the federal law making the funds available and in
7 7 conformance with chapter 17A.>
7 8 #55. Page 90, after line 29 by inserting:
7 9 <FOOD ESTABLISHMENT INSPECTIONS
7 10 Sec. _____. FOOD ESTABLISHMENT INSPECTIONS.
7 11 Notwithstanding any contrary provisions of section
7 12 137F.3A or other applicable law, if within ninety
7 13 calendar days of the effective date of this division
7 14 of this Act a county operating pursuant to a chapter
7 15 28E agreement with the department of inspections and
7 16 appeals to enforce chapters 137C, 137D, and 137F, in a
7 17 multicounty area consisting of fifteen or more counties
7 18 elects not to renew the agreement for the multicounty
7 19 area, and the department has determined that the
7 20 quality of service provided by the county has been
7 21 acceptable or better, the department shall enter into
7 22 an agreement with the county for the county to continue
7 23 such enforcement activity for the food establishments,
7 24 home food establishments, food processing plants, and
7 25 hotels located within the county.>
7 26 #56. Page 114, after line 33 by inserting:
7 27 <Sec. _____. 2010 Iowa Acts, Senate File 2088,
7 28 section 399, as enacted, is amended to read as follows:
7 29 SEC. 399 REPEAL. Sections 135.28, ~~135N.1, 135N.2,~~
~~7 30 135N.3, 135N.4, 135N.5, 135N.6,~~ and 142C.16, Code 2009,
7 31 are repealed.>
7 32 #57. By renumbering as necessary.

AMANDA RAGAN
HF2526.2685 (3) 83
pf/jp



Iowa General Assembly
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Senate Amendment 5319

PAG LIN

1 1 Amend House File 2526, as amended, passed, and
1 2 reprinted by the House, as follows:
1 3 #1. Page 21, after line 32 by inserting:
1 4 <(5) The department of workforce development
1 5 regional advisory boards shall make every effort to
1 6 implement a competitive bidding process seeking one
1 7 or more qualified agencies or other organizations to
1 8 administer summer youth employment programs for their
1 9 areas.>

MATT McCOY
HF2526.2682 (1) 83
jp/pf



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Senate File 2385 - Introduced

SENATE FILE
BY COMMITTEE ON
APPROPRIATIONS

(SUCCESSOR TO SSB
3256)

A BILL FOR

1 An Act relating to state and local finances by providing for
2 funding of property tax credits and reimbursements, by
3 making, increasing, and reducing appropriations, providing
4 for salaries and compensation of state employees, providing
5 for matters relating to tax credits, providing for fees
6 and penalties, and providing for properly related matters,
7 and including effective date and retroactive applicability
8 provisions.

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

TLSB 6264SV (2) 83

tm/jp



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Senate File 2385 - Introduced continued

PAG LIN

1 1 DIVISION I
1 2 MH/MR/DD SERVICES ALLOWED GROWTH FUNDING == FY 2011=2012
1 3 Section 1. ADULT MH/MR/DD SERVICES ALLOWED GROWTH FUNDING ==
1 4 FY 2011=2012. Notwithstanding section 331.439, subsection
1 5 3, the allowed growth factor adjustment for county mental
1 6 health, mental retardation, and developmental disabilities
1 7 service expenditures for the fiscal year beginning July
1 8 1, 2011, shall be established by statute which shall be
1 9 enacted within thirty calendar days of the convening of the
1 10 Eighty-fourth General Assembly, 2011 Session, on January 10,
1 11 2011. The governor shall submit to the general assembly a
1 12 recommendation for such allowed growth factor adjustment and
1 13 the amounts of related appropriations to the general assembly
1 14 on or before January 11, 2011.
1 15 DIVISION II
1 16 STANDING APPROPRIATIONS
1 17 AND RELATED MATTERS
1 18 Sec. 2. BUDGET PROCESS FOR FISCAL YEAR 2011=2012.
1 19 1. For the budget process applicable to the fiscal year
1 20 beginning July 1, 2011, on or before October 1, 2010, in lieu
1 21 of the information specified in section 8.23, subsection 1,
1 22 unnumbered paragraph 1, and paragraph "a", all departments and
1 23 establishments of the government shall transmit to the director
1 24 of the department of management, on blanks to be furnished by
1 25 the director, estimates of their expenditure requirements,
1 26 including every proposed expenditure, for the ensuing fiscal
1 27 year, together with supporting data and explanations as called
1 28 for by the director of the department of management after
1 29 consultation with the legislative services agency.
1 30 2. The estimates of expenditure requirements shall be
1 31 in a form specified by the director of the department of
1 32 management, and the expenditure requirements shall include all
1 33 proposed expenditures and shall be prioritized by program or
1 34 the results to be achieved. The estimates shall be accompanied
1 35 by performance measures for evaluating the effectiveness of the



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2 1 programs or results.
 2 2 Sec. 3. GENERAL ASSEMBLY.
 2 3 1. The appropriations made pursuant to section 2.12 for the
 2 4 expenses of the general assembly and legislative agencies for
 2 5 the fiscal year beginning July 1, 2010, and ending June 30,
 2 6 2011, are reduced by the following amount:
 2 7 \$ 5,939,790
 2 8 2. The budgeted amounts for the general assembly for the
 2 9 fiscal year beginning July 1, 2010, may be adjusted to reflect
 2 10 unexpended budgeted amounts from the previous fiscal year.
 2 11 Sec. 4. LIMITATION OF STANDING APPROPRIATIONS.
 2 12 Notwithstanding the standing appropriations in the following
 2 13 designated sections for the fiscal year beginning July 1, 2010,
 2 14 and ending June 30, 2011, the amounts appropriated from the
 2 15 general fund of the state pursuant to these sections for the
 2 16 following designated purposes shall not exceed the following
 2 17 amounts:
 2 18 1. For operational support grants and community cultural
 2 19 grants under section 99F.11, subsection 3, paragraph "d",
 2 20 subparagraph (1):
 2 21 \$ 443,300
 2 22 2. For regional tourism marketing under section 99F.11,
 2 23 subsection 3, paragraph "d", subparagraph (2):
 2 24 \$ 862,028
 2 25 3. For the center for congenital and inherited disorders
 2 26 central registry under section 144.13A, subsection 4, paragraph
 2 27 "a":
 2 28 \$ 182,044
 2 29 4. For primary and secondary child abuse prevention
 2 30 programs under section 144.13A, subsection 4, paragraph "a":
 2 31 \$ 217,772
 2 32 5. For programs for at-risk children under section 279.51:
 2 33 \$ 11,493,891
 2 34 The amount of any reduction in this subsection shall be
 2 35 prorated among the programs specified in section 279.51,



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3 1 subsection 1, paragraphs "a", "b", and "c".
3 2 6. For payment for nonpublic school transportation under
3 3 section 285.2:
3 4 \$ 7,060,931
3 5 If total approved claims for reimbursement for nonpublic
3 6 school pupil transportation exceed the amount appropriated in
3 7 accordance with this subsection, the department of education
3 8 shall prorate the amount of each approved claim.
3 9 7. For mental health, mental retardation, and developmental
3 10 disabilities services property tax relief under section 426B.1,
3 11 subsection 2, as amended in this division of this Act:
3 12 \$ 81,199,911
3 13 8. For the enforcement of chapter 453D relating to tobacco
3 14 product manufacturers under section 453D.8:
3 15 \$ 19,591
3 16 9. For the Iowa power fund under section 469.10, subsection
3 17 1:
3 18 \$ 19,600,000
3 19 Sec. 5. STATE FOUNDATION AID FOR SCHOOLS == FY 2010=2011.
3 20 Notwithstanding the standing appropriation in section 257.16,
3 21 subsection 1, for state foundation aid for the fiscal year
3 22 beginning July 1, 2010, and ending June 30, 2011, the amount
3 23 appropriated from the general fund of the state pursuant to
3 24 that section for the following designated purpose shall not
3 25 exceed the following amount:
3 26 For state foundation aid under section 257.16, subsection 1:
3 27 \$2,494,057,875
3 28 1. Of the amount designated in this section for state
3 29 foundation aid, \$314,894,787 is allocated for the teacher
3 30 salary supplements, the professional development supplements,
3 31 and the early intervention supplement in accordance with
3 32 section 257.10, subsections 9 through 11, and section 257.37A.
3 33 2. If the remaining balance of the moneys designated in
3 34 this section, after the allocation made in subsection 1, is
3 35 less than the amount required to pay the remainder of state



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4 1 foundation aid pursuant to section 257.16, subsection 1, the
4 2 difference shall be deducted from the payments to each school
4 3 district and area education agency in the manner provided in
4 4 section 257.16, subsection 4. The reduction for area education
4 5 agencies shall be added to the reduction made pursuant to
4 6 section 257.35, subsection 5.

4 7 Sec. 6. INSTRUCTIONAL SUPPORT STATE AID. Notwithstanding
4 8 the standing appropriation provided under section 257.20,
4 9 an appropriation from the general fund of the state to the
4 10 department of education for the fiscal year beginning July 1,
4 11 2010, and ending June 30, 2011, shall not be made for purposes
4 12 of paying instructional support state aid.

4 13 Sec. 7. VETERANS HOME MEDICAL CLINIC. Of moneys received
4 14 on or after July 1, 2009, by the Iowa veterans home from
4 15 the federal government relating to the costs to improve and
4 16 renovate a medical clinic at the home in a previous fiscal
4 17 year, the first \$727,000 shall be credited to the general fund
4 18 of the state on or after July 1, 2010.

4 19 Sec. 8. PROPERTY TAX CREDIT FUND == PAYMENTS IN LIEU OF
4 20 GENERAL FUND REIMBURSEMENT.

4 21 1. a. A property tax credit fund shall be created in the
4 22 office of the treasurer of state to be used for the purposes of
4 23 this section.

4 24 b. There is appropriated from the general fund of the state
4 25 to the property tax credit fund created in paragraph "a" for
4 26 the fiscal year beginning July 1, 2010, and ending June 30,
4 27 2011, the sum of \$91,256,037.

4 28 c. Notwithstanding the requirements in section 8.56,
4 29 subsections 3 and 4, there is appropriated from the cash
4 30 reserve fund to the property tax credit fund created in
4 31 paragraph "a" for the fiscal year beginning July 1, 2010, and
4 32 ending June 30, 2011, the sum of \$54,684,481.

4 33 d. Notwithstanding section 8.33, the surplus existing
4 34 in the property tax credit fund created pursuant to 2009
4 35 Iowa Acts, chapter 179, section 9, at the conclusion of the



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5 1 fiscal year beginning July 1, 2009, and ending June 30, 2010,
5 2 is transferred to the property tax credit fund created in
5 3 paragraph "a".
5 4 2. In lieu of the appropriations in the following designated
5 5 sections, for the fiscal year beginning July 1, 2010, and
5 6 ending June 30, 2011, there is appropriated from the property
5 7 tax credit fund the following amounts for the following
5 8 designated purposes:
5 9 a. For reimbursement for the homestead property tax credit
5 10 under section 425.1:
5 11 \$ 87,757,913
5 12 b. For reimbursement for the family farm and agricultural
5 13 land tax credits under sections 425A.1 and 426.1:
5 14 \$ 32,395,131
5 15 c. For reimbursement for the military service tax credit
5 16 under section 426A.1A:
5 17 \$ 2,400,000
5 18 d. For implementing the elderly and disabled tax credit and
5 19 reimbursement pursuant to sections 425.16 through 425.39:
5 20 \$ 23,400,000
5 21 If the director of revenue determines that the amount
5 22 of claims for credit for property taxes due pursuant to
5 23 paragraphs "a", "b", "c", and "d", plus the amount of claims
5 24 for reimbursement for rent constituting property taxes paid
5 25 which are to be paid during the fiscal year may exceed the
5 26 total amount appropriated, the director shall estimate the
5 27 percentage of the credits and reimbursements which will be
5 28 funded by the appropriation. The county treasurer shall notify
5 29 the director of the amount of property tax credits claimed by
5 30 June 8, 2010. The director shall estimate the percentage of
5 31 the property tax credits and rent reimbursement claims that
5 32 will be funded by the appropriation and notify the county
5 33 treasurer of the percentage estimate by June 15, 2010. The
5 34 estimated percentage shall be used in computing for each claim
5 35 the amount of property tax credit and reimbursement for rent



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6 1 constituting property taxes paid for that fiscal year. If
6 2 the director overestimates the percentage of funding, claims
6 3 for reimbursement for rent constituting property taxes paid
6 4 shall be paid until they can no longer be paid at the estimated
6 5 percentage of funding. Rent reimbursement claims filed after
6 6 that point in time shall receive priority and shall be paid in
6 7 the following fiscal year.

6 8 Sec. 9. PERFORMANCE OF DUTY. There is appropriated from
6 9 the cash reserve fund created in section 8.56 to the executive
6 10 council for the fiscal year beginning July 1, 2010, and ending
6 11 June 30, 2011, the following amount, or so much thereof as is
6 12 necessary, to be used for the purposes designated:

6 13 For performance of duty by the executive council in sections
6 14 7D.29 and 29C.20:

6 15 \$ 10,583,628

6 16 The funding from the appropriation made in this section
6 17 shall be utilized before any funding from the general fund of
6 18 the state.

6 19 Sec. 10. CASH RESERVE FUND APPROPRIATION

6 20 REQUIREMENTS. Section 8.56, subsections 3 and 4, shall
6 21 not apply to any appropriation made in this division or any
6 22 other division of this Act from the cash reserve fund created
6 23 in section 8.56.

6 24 Sec. 11. CASH RESERVE FUND APPROPRIATION FOR FISCAL YEAR
6 25 2010=2011. For the fiscal year beginning July 1, 2010, and
6 26 ending June 30, 2011, the appropriation to the cash reserve
6 27 fund provided in section 8.57, subsection 1, paragraph "a",
6 28 shall not be made.

6 29 Sec. 12. Section 426B.1, subsections 2 and 3, Code 2009, are
6 30 amended to read as follows:

6 31 2. There is appropriated on July 1 of each fiscal year
6 32 to the property tax relief fund from the general fund of
6 33 the state, ~~ninety=~~five ~~eighty=~~eight million four hundred
6 34 thousand dollars.

6 35 ~~3. There is annually appropriated from the property tax~~



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~~7 1 relief fund to the department of human services to supplement~~
~~7 2 the medical assistance appropriation for the fiscal year~~
~~7 3 beginning July 1, 1997, and for succeeding fiscal years,~~
~~7 4 six million six hundred thousand dollars to be used for the~~
~~7 5 nonfederal share of the costs of services provided to minors~~
~~7 6 with mental retardation under the medical assistance program~~
~~7 7 to meet the requirements of section 249A.12, subsection 4.~~
~~7 8 The appropriation in this subsection shall be charged to the~~
~~7 9 property tax relief fund prior to the distribution of moneys~~
~~7 10 from the fund under section 426B.2 and the amount of moneys~~
~~7 11 available for distribution shall be reduced accordingly.~~
~~7 12 However, the appropriation in this subsection shall be~~
~~7 13 considered to be a property tax relief payment for purposes~~
~~7 14 of the combined amount of payments required to achieve fifty~~
~~7 15 percent of the counties' base year expenditures as provided in~~
~~7 16 section 426B.2, subsection 2.~~

7 17 CASH RESERVE FUND == PERFORMANCE OF DUTY

7 18 Sec. 13. 2009 Iowa Acts, chapter 179, section 10, is amended
7 19 by adding the following new unnumbered paragraph:

7 20 NEW UNNUMBERED PARAGRAPH Notwithstanding section 8.33,
7 21 moneys appropriated in this section that remain unencumbered or
7 22 unobligated at the close of the fiscal year shall not revert
7 23 but shall remain available for expenditure for the purposes
7 24 designated until the close of the succeeding fiscal year.

7 25 Sec. 14. EFFECTIVE DATES AND RETROACTIVE APPLICABILITY.

7 26 1. The section of this division of this Act providing for
7 27 crediting of certain moneys received by the Iowa veterans home
7 28 to the general fund of the state, being deemed of immediate
7 29 importance, takes effect upon enactment and is retroactively
7 30 applicable to July 1, 2009, and is applicable on and after that
7 31 date.

7 32 2. The section of this division of this Act creating the
7 33 property tax credit fund, being deemed of immediate importance,
7 34 takes effect upon enactment.

7 35 3. The section of this division of this Act amending 2009



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8 1 Iowa Acts, chapter 179, section 10, being deemed of immediate
8 2 importance, takes effect upon enactment.

8 3 DIVISION III

8 4 SALARIES, COMPENSATION, AND RELATED MATTERS

8 5 Sec. 15. APPOINTED STATE OFFICERS.

8 6 1. The governor shall establish a salary for appointed
8 7 nonelected persons in the executive branch of state government
8 8 holding a position enumerated in and within the salary
8 9 ranges provided in 2008 Iowa Acts, chapter 1191, section 14,
8 10 by considering, among other items, the experience of the
8 11 individual in the position, changes in the duties of the
8 12 position, the incumbent's performance of assigned duties, and
8 13 subordinates' salaries. However, the attorney general shall
8 14 establish the salary for the consumer advocate, the chief
8 15 justice of the supreme court shall establish the salary for the
8 16 state court administrator, the ethics and campaign disclosure
8 17 board shall establish the salary of the executive director, and
8 18 the Iowa public broadcasting board shall establish the salary
8 19 of the administrator of the public broadcasting division of the
8 20 department of education, each within the salary range provided
8 21 in 2008 Iowa Acts, chapter 1191, section 14.

8 22 2. The governor, in establishing salaries as provided in
8 23 this section, shall take into consideration other employee
8 24 benefits which may be provided for an individual including but
8 25 not limited to housing.

8 26 3. A person whose salary is established pursuant to this
8 27 section and who is a full-time, year-round employee of the
8 28 state shall not receive any other remuneration from the state
8 29 or from any other source for the performance of that person's
8 30 duties unless the additional remuneration is first approved by
8 31 the governor or authorized by law. However, this provision
8 32 does not exclude the reimbursement for necessary travel and
8 33 expenses incurred in the performance of duties or fringe
8 34 benefits normally provided to employees of the state.

8 35 Sec. 16. COLLECTIVE BARGAINING AGREEMENTS FUNDED. The



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9 1 various state departments, boards, commissions, councils,
9 2 and agencies, including the state board of regents, for
9 3 the fiscal year beginning July 1, 2010, and ending June 30,
9 4 2011, shall provide from available sources pay adjustments,
9 5 expense reimbursements, and related benefits to fully fund the
9 6 following:

9 7 1. The collective bargaining agreement negotiated pursuant
9 8 to chapter 20 for employees in the blue collar bargaining unit.
9 9 2. The collective bargaining agreement negotiated pursuant
9 10 to chapter 20 for employees in the public safety bargaining
9 11 unit.

9 12 3. The collective bargaining agreement negotiated pursuant
9 13 to chapter 20 for employees in the security bargaining unit.

9 14 4. The collective bargaining agreement negotiated pursuant
9 15 to chapter 20 for employees in the technical bargaining unit.

9 16 5. The collective bargaining agreement negotiated pursuant
9 17 to chapter 20 for employees in the professional fiscal and
9 18 staff bargaining unit.

9 19 6. The collective bargaining agreement negotiated pursuant
9 20 to chapter 20 for employees in the clerical bargaining unit.

9 21 7. The collective bargaining agreement negotiated pursuant
9 22 to chapter 20 for employees in the professional social services
9 23 bargaining unit.

9 24 8. The collective bargaining agreement negotiated pursuant
9 25 to chapter 20 for employees in the community-based corrections
9 26 bargaining unit.

9 27 9. The collective bargaining agreements negotiated
9 28 pursuant to chapter 20 for employees in the judicial branch of
9 29 government bargaining units.

9 30 10. The collective bargaining agreement negotiated pursuant
9 31 to chapter 20 for employees in the patient care bargaining
9 32 unit.

9 33 11. The collective bargaining agreement negotiated pursuant
9 34 to chapter 20 for employees in the science bargaining unit.

9 35 12. The collective bargaining agreement negotiated pursuant



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10 1 to chapter 20 for employees in the university of northern Iowa
10 2 faculty bargaining unit.
10 3 13. The collective bargaining agreement negotiated pursuant
10 4 to chapter 20 for employees in the state university of Iowa
10 5 graduate student bargaining unit.
10 6 14. The collective bargaining agreement negotiated pursuant
10 7 to chapter 20 for employees in the state university of Iowa
10 8 hospital and clinics tertiary health care bargaining unit.
10 9 15. The annual pay adjustments, related benefits, and
10 10 expense reimbursements referred to in the sections of this
10 11 division of this Act addressing noncontract state and state
10 12 board of regents employees who are not covered by a collective
10 13 bargaining agreement.
10 14 Sec. 17. NONCONTRACT STATE EMPLOYEES == GENERAL.
10 15 1. For the fiscal year beginning July 1, 2010:
10 16 a. The maximum and minimum salary levels of all pay plans
10 17 provided for in section 8A.413, subsection 3, as they exist for
10 18 the fiscal year ending June 30, 2010, shall not increase.
10 19 b. Employees may receive a step increase or the equivalent
10 20 of a step increase.
10 21 c. The pay plan for noncontract judicial branch employees
10 22 shall not be increased.
10 23 d. The pay plans for state employees who are exempt
10 24 from chapter 8A, subchapter IV, and who are included in the
10 25 department of administrative services' centralized payroll
10 26 system shall not be increased, and any additional changes
10 27 in any executive branch pay plans shall be approved by the
10 28 governor.
10 29 2. This section does not apply to members of the general
10 30 assembly, board members, commission members, persons whose
10 31 salaries are set by the general assembly pursuant to this Act
10 32 or are set by the governor, or other persons designated in the
10 33 section of this division of this Act addressing appointed state
10 34 officers, employees designated under section 8A.412, subsection
10 35 5, and employees covered by 11 IAC 53.6(3).



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11 1 3. The pay plans for the bargaining eligible employees of
11 2 the state shall not be increased, and any additional changes
11 3 in such executive branch pay plans shall be approved by the
11 4 governor. As used in this section, "bargaining eligible
11 5 employee" means an employee who is eligible to organize under
11 6 chapter 20, but has not done so.

11 7 4. The policies for implementation of this section shall be
11 8 approved by the governor.

11 9 Sec. 18. STATE EMPLOYEES == STATE BOARD OF REGENTS. For
11 10 the fiscal year beginning July 1, 2010, and ending June 30,
11 11 2011, funds shall be provided from available sources of the
11 12 state board of regents for funding of collective bargaining
11 13 agreements for state board of regents employees covered by
11 14 such agreements and for the following state board of regents
11 15 employees not covered by a collective bargaining agreement:

11 16 1. Regents merit system employees and merit supervisory
11 17 employees.

11 18 2. Faculty members and professional and scientific
11 19 employees.

11 20 Sec. 19. BONUS PAY. For the fiscal year beginning July
11 21 1, 2010, and ending June 30, 2011, employees of the executive
11 22 branch, judicial branch, and legislative branch shall not
11 23 receive bonus pay unless otherwise authorized by law, required
11 24 pursuant to a contract of employment entered into before July
11 25 1, 2010, or required pursuant to a collective bargaining
11 26 agreement. This section does not apply to employees of the
11 27 state board of regents. For purposes of this section, "bonus
11 28 pay" means any additional remuneration provided an employee in
11 29 the form of a bonus, including but not limited to a retention
11 30 bonus, recruitment bonus, exceptional job performance pay,
11 31 extraordinary job performance pay, exceptional performance pay,
11 32 extraordinary duty pay, or extraordinary or special duty pay,
11 33 and any extra benefit not otherwise provided to other similarly
11 34 situated employees.

11 35 Sec. 20. SPECIAL FUNDS. For the fiscal year beginning July



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12 1 1, 2010, and ending June 30, 2011, salary adjustments otherwise
12 2 provided for in this Act may be funded using departmental
12 3 revolving, trust, or special funds for which the general
12 4 assembly has established an operating budget, provided doing so
12 5 does not exceed the operating budget established by the general
12 6 assembly.

12 7 Sec. 21. FEDERAL FUNDS APPROPRIATED. For the fiscal year
12 8 beginning July 1, 2010, all federal grants to and the federal
12 9 receipts of the agencies affected by this division of this Act
12 10 which are received and may be expended for purposes of this
12 11 division of this Act are appropriated for those purposes and as
12 12 set forth in the federal grants or receipts.

12 13 Sec. 22. STATE TROOPER MEAL ALLOWANCE. For the fiscal
12 14 year beginning July 1, 2010, the sworn peace officers in the
12 15 department of public safety who are not covered by a collective
12 16 bargaining agreement negotiated pursuant to chapter 20 shall
12 17 receive the same per diem meal allowance as the sworn peace
12 18 officers in the department of public safety who are covered
12 19 by a collective bargaining agreement negotiated pursuant to
12 20 chapter 20.

12 21 Sec. 23. SALARY MODEL ADMINISTRATOR. The salary model
12 22 administrator shall work in conjunction with the legislative
12 23 services agency to maintain the state's salary model used for
12 24 analyzing, comparing, and projecting state employee salary
12 25 and benefit information, including information relating to
12 26 employees of the state board of regents. The department of
12 27 revenue, the department of administrative services, the five
12 28 institutions under the jurisdiction of the state board of
12 29 regents, the judicial district departments of correctional
12 30 services, and the state department of transportation shall
12 31 provide salary data to the department of management and the
12 32 legislative services agency to operate the state's salary
12 33 model. The format and frequency of provision of the salary
12 34 data shall be determined by the department of management and
12 35 the legislative services agency. The information shall be



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13 1 used in collective bargaining processes under chapter 20 and
13 2 in calculating the funding needs contained within the annual
13 3 salary adjustment legislation. A state employee organization
13 4 as defined in section 20.3, subsection 4, may request
13 5 information produced by the model, but the information provided
13 6 shall not contain information attributable to individual
13 7 employees.

13 8 Sec. 24. 2008 Iowa Acts, chapter 1191, section 14,
13 9 subsection 7, is amended to read as follows:

13 10 7. The following are range 7 positions: administrator
13 11 of the public broadcasting division of the department of
13 12 education, director of the department of corrections, director
13 13 of the department of education, director of human services,
13 14 director of the department of economic development, executive
13 15 director of the Iowa telecommunications and technology
13 16 commission, executive director of the state board of regents,
13 17 director of transportation, director of the department of
13 18 workforce development, director of revenue, director of public
13 19 health, state court administrator, director of the department
13 20 of management, chief information officer, and director of the
13 21 department of administrative services.

13 22 DIVISION IV

13 23 APPROPRIATION REDUCTIONS

13 24 Sec. 25. APPROPRIATION REDUCTIONS == REPORT.

13 25 1. The amounts appropriated from the general fund of
13 26 the state to the departments and establishments of the
13 27 executive branch, as defined in section 8.2, but not including
13 28 appropriations to the state board of regents, for operational
13 29 purposes in enactments made for the fiscal year beginning July
13 30 1, 2010, and ending June 30, 2011, are reduced by \$83,760,500.
13 31 For purposes of this section, "operational purposes"
13 32 means salary, support, administrative expenses, or other
13 33 personnel-related costs. The reductions in appropriations
13 34 required pursuant to this subsection shall be realized through
13 35 the implementation of 2010 Iowa Acts, Senate File 2062, 2010



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14 1 Iowa Acts, Senate File 2088, executive order number 20 issued
14 2 December 16, 2009, and any other efficiency measure. The
14 3 reductions to operational appropriations required by this
14 4 subsection shall be applied by the department of management.
14 5 2. On or before December 1, 2010, the department of
14 6 management shall submit a report to the general assembly
14 7 and the legislative services agency regarding anticipated
14 8 reductions in appropriations for operational purposes and
14 9 anticipated reductions in full-time equivalent positions
14 10 for the fiscal year beginning July 1, 2010, and ending June
14 11 30, 2011, as required by this section. In the report, all
14 12 reductions shall be categorized in one of four categories. The
14 13 categories shall include the implementation of 2010 Iowa Acts,
14 14 Senate File 2062; the implementation of 2010 Iowa Acts, Senate
14 15 File 2088, section 65; the implementation of 2010 Iowa Acts,
14 16 Senate File 2088, sections 67 and 68; and the implementation of
14 17 both executive order number 20 issued December 16, 2009, and
14 18 any remaining provisions of 2010 Iowa Acts, Senate File 2088.
14 19 Sec. 26. CASH RESERVE TRANSFER. For the fiscal year
14 20 beginning July 1, 2010, and ending June 30, 2011, the
14 21 department of management may transfer up to five million
14 22 dollars from the cash reserve fund created in section 8.56
14 23 to appropriations addressed by this division for purposes
14 24 of offsetting the appropriation reductions required in this
14 25 division. A transfer made pursuant to the authority granted in
14 26 this section shall be subject to the reporting requirements in
14 27 section 8.39, subsections 3 and 4.
14 28 Sec. 27. DEPARTMENT OF ADMINISTRATIVE SERVICES ==
14 29 INFORMATION TECHNOLOGY. There is appropriated from the general
14 30 fund of the state to the department of administrative services
14 31 for the fiscal year beginning July 1, 2010, and ending June 30,
14 32 2011, the following amount, or so much thereof as is necessary,
14 33 to be used for the purposes designated:
14 34 For implementing 2010 Iowa Acts, Senate File 2088, division
14 35 I, including salaries, support, maintenance, and miscellaneous



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16 1 concerning efforts by the department to merge payroll systems
16 2 and any recommendations for legislative action to encourage, or
16 3 eliminate barriers to, the provision of payroll services by the
16 4 department to other state agencies.

16 5 Sec. 32. 2010 Iowa Acts, Senate File 2088, section 234, is
16 6 amended to read as follows:

16 7 SEC. 234. DEPARTMENT OF ~~MANAGEMENT~~ ADMINISTRATIVE

16 8 SERVICES == PAYROLL FREQUENCY. The department of
16 9 ~~management~~ administrative services shall implement to the
16 10 greatest extent possible a reduction in the frequency of paying
16 11 state employees by paying employees through the payroll system
16 12 on a semimonthly instead of a biweekly basis.

16 13 Sec. 33. REPEALS. 2010 Iowa Acts, Senate File 2088,
16 14 sections 175 through 232, are repealed.

16 15 DIVISION VI
16 16 CORRECTIVE PROVISIONS

16 17 Sec. 34. Section 2.69, subsection 3, as enacted by 2010
16 18 Iowa Acts, Senate File 2088, section 420, is amended to read
16 19 as follows:

16 20 3. The members of the committee shall be reimbursed for
16 21 actual and necessary expenses incurred in the performance of
16 22 their duties and shall be paid a per diem as specified in
16 23 section ~~7E.6~~ 2.10 for each day in which they engaged in the
16 24 performance of their duties. However, per diem compensation
16 25 and expenses shall not be paid when the general assembly is
16 26 actually in session at the seat of government. Expenses and
16 27 per diem shall be paid from funds appropriated pursuant to
16 28 section 2.12.

16 29 Sec. 35. Section 97D.4, subsection 2, Code 2009, is amended
16 30 to read as follows:

16 31 2. The members of the committee shall be reimbursed for
16 32 actual and necessary expenses incurred in the performance of
16 33 their duties and shall be paid a per diem as specified in
16 34 section ~~7E.6~~ 2.10 for each day in which they engaged in the
16 35 performance of their duties. However, per diem compensation



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17 1 and expenses shall not be paid when the general assembly is
17 2 actually in session at the seat of government. Expenses and
17 3 per diem shall be paid from funds appropriated pursuant to
17 4 section 2.12.

17 5 Sec. 36. Section 123.43A, subsection 1, unnumbered
17 6 paragraph 1, as enacted by 2010 Iowa Acts, Senate File 2088,
17 7 section 84, is amended to read as follows:

17 8 For the purposes of this section, unless the context
17 9 ~~other~~ otherwise requires:

17 10 Sec. 37. Section 162.10D, subsection 2, as enacted by 2010
17 11 Iowa Acts, House File 2280, section 18, is amended to read as
17 12 follows:

17 13 2. The department may require ~~that~~ an owner, operator, or
17 14 employee of a commercial establishment subject to disciplinary
17 15 action under subsection 1 to complete a continuing education
17 16 program as a condition for retaining an authorization.

17 17 This section does not prevent a person from voluntarily
17 18 participating in a continuing education program.

17 19 Sec. 38. Section 216A.113, subsection 1, as enacted by 2010
17 20 Iowa Acts, Senate File 2088, section 139, is amended to read
17 21 as follows:

17 22 1. The commission ~~on the deaf~~ of deaf services is
17 23 established, and shall consist of seven voting members
17 24 appointed by the governor, subject to confirmation by the
17 25 senate pursuant to section 2.32. Membership of the commission
17 26 shall include at least four members who are deaf and who cannot
17 27 hear human speech with or without use of amplification and at
17 28 least one member who is hard of hearing. All members shall
17 29 reside in Iowa.

17 30 Sec. 39. Section 216C.9, subsection 1, Code 2009, as amended
17 31 by 2010 Iowa Acts, Senate File 2202, section 7, if enacted, is
17 32 amended to read as follows:

17 33 1. If a street, road, or highway in this state is newly
17 34 built or reconstructed, a curb ramp or sloped area shall be
17 35 constructed or installed at each intersection of the street,



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18 1 road, or highway with a sidewalk or path. If a sidewalk or path
18 2 in this state is newly built or ~~altered~~ reconstructed, a curb
18 3 ramp or sloped area shall be constructed or installed at each
18 4 intersection of the sidewalk or path with a street, highway,
18 5 or road.

18 6 Sec. 40. Section 256.51, subsection 1, paragraph a, Code
18 7 2009, as amended by 2010 Iowa Acts, Senate File 2088, section
18 8 316, is amended to read as follows:

18 9 a. Determine policy for providing information service to
18 10 the three branches of state government and to the legal ~~and~~
~~18 11 medical~~ community in this state.

18 12 Sec. 41. Section 256F.3, subsection 1, Code 2009, as amended
18 13 by 2010 Iowa Acts, Senate File 2033, section 10, is amended to
18 14 read as follows:

18 15 1. The state board of education shall apply for a federal
18 16 grant under Pub. L. No. 107=110, cited as the federal No Child
18 17 Left Behind Act of 2001, Tit. V, Pt. B, Subpt. 1, for purposes
18 18 of providing financial assistance for the planning, program
18 19 design, and initial implementation of public charter schools.
18 20 The department shall monitor the effectiveness of charter
18 21 schools and innovation zone schools and shall implement the
18 22 applicable provisions of this chapter.

18 23 Sec. 42. Section 256F.6, subsection 3, Code 2009, is amended
18 24 to read as follows:

18 25 3. The state board of education shall provide by rule for
18 26 the ongoing review of ~~a school board's~~ each party's compliance
18 27 with a contract entered into in accordance with this chapter.

18 28 Sec. 43. Section 260C.44, Code 2009, as amended by 2010 Iowa
18 29 Acts, Senate File 2340, section 35, if enacted, is amended to
18 30 read as follows:

18 31 260C.44 Apprenticeship programs.

18 32 1. Each community college is authorized to establish or
18 33 contract for the establishment of apprenticeship programs
18 34 for apprenticeable occupations. Any apprenticeship program
18 35 established under this section shall comply with requirements



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19 1 established by the United States department of labor,
19 2 ~~bureau~~ office of apprenticeship ~~and training~~. Participation
19 3 in an apprenticeship program or apprenticeship agreement by an
19 4 apprenticeship sponsor shall be on a voluntary basis.

19 5 2. For purposes of this section:

19 6 a. "Apprentice" means a person who is at least sixteen
19 7 years of age, except where a higher minimum age is required by
19 8 law, who is employed in an apprenticeable occupation, and is
19 9 registered with the United States department of labor, office
19 10 of apprenticeship.

19 11 b. "Apprenticeable occupation" means an occupation approved
19 12 for apprenticeship by the United States department of labor,
19 13 office of apprenticeship ~~and training~~.

19 14 c. "Apprenticeship program" means a plan, registered with
19 15 the United States office of apprenticeship which contains
19 16 the terms and conditions for the qualification, recruitment,
19 17 selection, employment, and training of apprentices, including
19 18 the requirement for a written apprenticeship agreement.

19 19 d. "Apprenticeship sponsor" means a person operating an
19 20 apprenticeship program or in whose name an apprenticeship
19 21 program is being operated, registered, or approved.

19 22 Sec. 44. Section 298.4, subsection 2, if enacted by 2010
19 23 Iowa Acts, Senate File 2237, section 103, is amended to read
19 24 as follows:

19 25 2. Unencumbered funds collected from the levies
19 26 authorized in sections 96.31, 279.46, and 296.7 prior to
19 27 July 1, 1991, may be expended for the purposes listed in
19 28 ~~subsections~~ subsection 1, paragraphs "a", "c", and "e".

19 29 Sec. 45. Section 317.1, Code 2009, as amended by 2010 Iowa
19 30 Acts, Senate File 2340, section 86, if enacted, is amended to
19 31 read as follows:

19 32 317.1 Definitions.

19 33 As used in this chapter, unless the context otherwise
19 34 requires:

19 35 ~~a.~~ 1. "Book", "list", "record", or "schedule" kept by a



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20 1 county auditor, assessor, treasurer, recorder, sheriff, or
20 2 other county officer means the county system as defined in
20 3 section 445.1.

20 4 ~~h.~~ 2. "Commissioner" means the county weed commissioner or
20 5 the commissioner's deputy within each county.

20 6 Sec. 46. Section 321J.2, subsection 3, paragraph d,
20 7 subparagraphs (1) and (2), if enacted by 2010 Iowa Acts, Senate
20 8 File 431, section 1, are amended to read as follows:

20 9 (1) A defendant whose alcohol concentration is .08 or
20 10 more but not more than .10 shall not be eligible for any
20 11 temporary restricted license for at least thirty days if a
20 12 test was obtained and an accident resulting in personal injury
20 13 or property damage occurred. The department shall require
20 14 the defendant shall be ordered to install an ignition interlock
20 15 device of a type approved by the commissioner of public safety
20 16 on all vehicles owned or operated by the defendant if the
20 17 defendant seeks a temporary restricted license. There shall be
20 18 no such period of ineligibility if no such accident occurred,
20 19 and the defendant shall not be ~~ordered~~ required to install an
20 20 ignition interlock device.

20 21 (2) A defendant whose alcohol concentration is more than .10
20 22 shall not be eligible for any temporary restricted license for
20 23 at least thirty days if a test was obtained, and an accident
20 24 resulting in personal injury or property damage occurred or the
20 25 defendant's alcohol concentration exceeded .15. There shall be
20 26 no such period of ineligibility if no such accident occurred
20 27 and the defendant's alcohol concentration did not exceed .15.
20 28 In either case, where a defendant's alcohol concentration is
20 29 more than .10, the department shall require the defendant shall
~~20 30 be ordered~~ to install an ignition interlock device of a type
20 31 approved by the commissioner of public safety on all vehicles
20 32 owned or operated by the defendant if the defendant seeks a
20 33 temporary restricted license.

20 34 Sec. 47. Section 336.4, Code 2009, as amended by 2010 Iowa
20 35 Acts, Senate File 2088, section 323, is amended to read as



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21 1 follows:

21 2 336.4 Library trustees.

21 3 In any area in which a library district has been established
21 4 in accordance with this chapter, a board of library
21 5 trustees, consisting of five, seven, or nine members who
21 6 ~~resident~~ reside within the library district, shall be appointed
21 7 by the governing bodies of the jurisdictions comprising the
21 8 library district.

21 9 Sec. 48. Section 435.26B, subsection 1, paragraph c, if
21 10 enacted by 2010 Iowa Acts, Senate File 2199, section 13, is
21 11 amended to read as follows:

21 12 c. A statement of the affiant's title or ownership interest
21 13 and a statement of all liens, encumbrances, or security
21 14 ~~interest~~ interests upon the manufactured or mobile home,
21 15 including the names and mailing addresses of all persons having
21 16 any such liens, encumbrances, or security interests.

21 17 Sec. 49. Section 455B.104, subsection 4, as enacted by 2010
21 18 Iowa Acts, Senate File 2088, section 258, is amended to read
21 19 as follows:

21 20 4. By ~~September 1~~ December 31 of each year, the department
21 21 shall submit a report to the governor and the general assembly
21 22 regarding the greenhouse gas emissions in the state during
21 23 the previous calendar year and forecasting trends in such
21 24 emissions. The first submission by the department shall be
21 25 filed by ~~September 1~~ December 31, 2011, for the calendar year
21 26 beginning January 1, 2010.

21 27 Sec. 50. Section 489.116, subsection 4, as amended by 2010
21 28 Iowa Acts, House File 2478, section 5, if enacted, is amended
21 29 to read as follows:

21 30 ~~4.~~ 3. A limited liability company or foreign limited
21 31 liability company may be served pursuant to this section, as
21 32 provided in another provision of this chapter, or as provided
21 33 in sections 617.3 through 617.6, unless the manner of service
21 34 is otherwise specifically provided for by another provision of
21 35 law.



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22 1 Sec. 51. Section 489.1005, subsection 2, Code 2009, is
22 2 amended to read as follows:
22 3 2. A surviving organization that is a foreign organization
22 4 consents to the jurisdiction of the courts of this state to
22 5 enforce any debt, obligation, or other liability owed by a
22 6 constituent organization, if before the merger the constituent
22 7 organization was subject to suit in this state on the debt,
22 8 obligation, or other liability. A surviving organization
22 9 that is a foreign organization and not authorized to transact
22 10 business in this state appoints the secretary of state as its
22 11 registered agent for service of process for the purposes of
22 12 enforcing a debt, obligation, or other liability under this
22 13 subsection. Service on the secretary of state under this
22 14 subsection must be made in the same manner and has the same
22 15 consequences as in section 489.116, subsections 3 2 and 4 3.
22 16 Sec. 52. Section 489.1009, subsection 3, Code 2009, is
22 17 amended to read as follows:
22 18 3. A converted organization that is a foreign organization
22 19 consents to the jurisdiction of the courts of this state to
22 20 enforce any debt, obligation, or other liability for which
22 21 the converting limited liability company is liable if, before
22 22 the conversion, the converting limited liability company was
22 23 subject to suit in this state on the debt, obligation, or
22 24 other liability. A converted organization that is a foreign
22 25 organization and not authorized to transact business in this
22 26 state appoints the secretary of state as its registered agent
22 27 for service of process for purposes of enforcing a debt,
22 28 obligation, or other liability under this subsection. Service
22 29 on the secretary of state under this subsection must be made
22 30 in the same manner and has the same consequences as in section
22 31 489.116, subsections 3 2 and 4 3.
22 32 Sec. 53. Section 489.1013, subsection 2, Code 2009, is
22 33 amended to read as follows:
22 34 2. A domesticated company that is a foreign limited
22 35 liability company consents to the jurisdiction of the courts



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23 1 of this state to enforce any debt, obligation, or other
23 2 liability owed by the domesticating company, if, before the
23 3 domestication, the domesticating company was subject to suit
23 4 in this state on the debt, obligation, or other liability.
23 5 A domesticated company that is a foreign limited liability
23 6 company and not authorized to transact business in this
23 7 state appoints the secretary of state as its registered agent
23 8 for service of process for purposes of enforcing a debt,
23 9 obligation, or other liability under this subsection. Service
23 10 on the secretary of state under this subsection must be made
23 11 in the same manner and has the same consequences as in section
23 12 489.116, subsections ~~2~~ and 4 ~~3~~.

23 13 Sec. 54. Section 508C.3, subsection 1, paragraph b,
23 14 subparagraph (2), subparagraph division (b), Code 2009, as
23 15 amended by 2010 Iowa Acts, Senate File 2272, section 1, if
23 16 enacted, is amended to read as follows:

23 17 (b) The person is not eligible for coverage by an
23 18 association described in subparagraph ~~part~~ division (a) in any
23 19 other state due to the fact that the insurer was not licensed
23 20 in the state at the time specified in that state's guaranty
23 21 association law.

23 22 Sec. 55. Section 514C.26, subsection 1, paragraph c,
23 23 subparagraph (2), subparagraph division (j), as enacted by 2010
23 24 Iowa Acts, House File 2075, section 1, is amended to read as
23 25 follows:

23 26 (j) Costs of extra treatments, services, procedures, tests,
23 27 or drugs that would not be performed or administered except
23 28 for participation in the cancer clinical trial. Nothing in
23 29 this subparagraph ~~subdivision~~ division shall limit payment for
23 30 treatments, services, procedures, tests, or drugs that are
23 31 otherwise a covered benefit under subparagraph (1).

23 32 Sec. 56. Section 543B.29, subsection 1, paragraph e,
23 33 subparagraph (2), if enacted by 2010 Iowa Acts, Senate File
23 34 2326, section 5, is amended to read as follows:

23 35 (2) The commission, when considering the revocation



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24 1 or suspension of a license pursuant to this paragraph "e",
24 2 shall consider the nature of the offense; any aggravating or
24 3 extenuating circumstances which are documented; the time lapsed
24 4 since the conduct or conviction; the rehabilitation, treatment,
24 5 or restitution performed by the licensee; and any other factors
24 6 the commission deems relevant. Character references may be
24 7 required but shall not be obtained from licensed real estate
24 8 brokers or salespersons.

24 9 Sec. 57. Section 562A.29A, subsection 1, paragraph b, as
24 10 enacted by 2010 Iowa Acts, Senate File 2300, section 3, is
24 11 amended to read as follows:

24 12 b. Personal service pursuant to ~~rules~~ rule of civil
24 13 procedure 1.305, Iowa court rules, for the personal service of
24 14 original notice.

24 15 Sec. 58. Section 685.6, subsection 9, paragraph d, as
24 16 enacted by 2010 Iowa Acts, Senate File 2088, section 343, is
24 17 amended to read as follows:

24 18 d. At any time during which any custodian is in custody
24 19 or control of any documentary material or answers to
24 20 interrogatories produced, or transcripts of oral testimony
24 21 given, by any person in compliance with any civil investigative
24 22 demand issued under subsection 1, such person, and in the
24 23 case of an express demand for any product of discovery, the
24 24 person from whom such discovery was obtained, may file, in
24 25 the district court of the state for the judicial district
24 26 within which the office of such custodian is located, and serve
24 27 upon such custodian, a petition for an order of such court to
24 28 require the performance by the custodian of any duty imposed
24 29 upon the custodian by this section.

24 30 Sec. 59. Section 692A.102, subsection 1, paragraph c,
24 31 subparagraph (30), Code Supplement 2009, is amended to read as
24 32 follows:

24 33 (30) Enticing ~~away~~ a minor in violation of section 710.10,
24 34 if the violation includes an intent to commit sexual abuse,
24 35 sexual exploitation, sexual contact, or sexual conduct directed



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25 1 towards a minor.

25 2 Sec. 60. Section 805.6, subsection 3, paragraph a, if
25 3 enacted by 2010 Iowa Acts, Senate File 2340, section 63, is
25 4 amended to read as follows:

25 5 a. The uniform citation and complaint shall contain
25 6 spaces for the parties' names; the address of the alleged
25 7 offender; the registration number of the offender's vehicle;
25 8 the information required by section 805.2, a warning which
25 9 states: I hereby swear and affirm that the information
25 10 provided by me on this citation is true under penalty of
25 11 providing false information; and a statement that providing
25 12 false information is a violation of section 719.3; a list of
25 13 the scheduled fines prescribed by sections 805.8A, 805.8B, and
25 14 805.8C, either separately or by group, and a statement of the
25 15 court costs payable in scheduled violation cases, whether or
25 16 not a court appearance is required or is demanded; a brief
25 17 explanation of sections 805.9 and 805.10; and a space where the
25 18 defendant may sign an admission of the violation when permitted
25 19 by section 805.9; and the uniform citation and complaint shall
25 20 require that the defendant appear before a court at a specified
25 21 time and place. The uniform citation and complaint also may
25 22 contain a space for the imprint of a credit card, and may
25 23 contain any other information which the commissioner of public
25 24 safety, the director of transportation, and the director of the
25 25 department of natural resources may determine.

25 26 Sec. 61. Section 805.6, subsection 7, Code Supplement 2009,
25 27 as amended by 2010 Iowa Acts, Senate File 2340, section 63, if
25 28 enacted, is amended to read as follows:

25 29 9. Supplies of uniform citation and complaint forms
25 30 existing or on order on July 1, 2010, may be used until
25 31 exhausted.

25 32 Sec. 62. Section 901A.1, subsection 1, paragraph c, Code
25 33 2009, is amended to read as follows:

25 34 c. Enticing a minor ~~away~~ in violation of section 710.10,
25 35 subsection 1.



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26 1 Sec. 63. The portion of 2010 Iowa Acts, House File 2399,
26 2 section 2, if enacted, that enacts section 476.53, subsection
26 3 3, paragraph a, subparagraph (1), unnumbered paragraph 1, is
26 4 amended by striking the unnumbered paragraph and inserting in
26 5 lieu thereof the following:

26 6 Files an application pursuant to section 476A.3 to construct
26 7 in Iowa a baseload electric power generating facility with a
26 8 nameplate generating capacity equal to or greater than three
26 9 hundred megawatts or a combined-cycle electric power generating
26 10 facility, or an alternate energy production facility as defined
26 11 in section 476.42, or to significantly alter an existing
26 12 generating facility. For purposes of this subparagraph, a
26 13 significant alteration of an existing generating facility must,
26 14 in order to qualify for establishment of ratemaking principles,
26 15 fall into one of the following categories:

26 16 Sec. 64. 2010 Iowa Acts, Senate File 431, section 5, if
26 17 enacted, is amended by striking the section and inserting in
26 18 lieu thereof the following:

26 19 SEC. 5. Section 907.3, subsection 3, paragraph c,
26 20 unnumbered paragraph 1, Code Supplement 2009, is amended to
26 21 read as follows:

26 22 A mandatory minimum sentence of incarceration imposed
26 23 pursuant to a violation of section 321J.2, subsection 1;
26 24 furthermore, the court shall not suspend any part of a sentence
26 25 not involving incarceration imposed pursuant to section 321J.2,
26 26 subsection ~~2~~ 3, 4, or 5, beyond the mandatory minimum if any of
26 27 the following apply:

26 28 Sec. 65. 2010 Iowa Acts, Senate File 2237, section 180,
26 29 subsection 4, paragraph a, as enacted, is amended to read as
26 30 follows:

26 31 a. The Code editor is directed to strike the words "title"
26 32 or "Title" and insert "Tit." within federal Act references
26 33 in sections 13.31, subsections 1 and 6; 15E.192, subsection
26 34 2; 15E.195, subsections 1 and 2; 30.1, subsection 3; 47.1,
26 35 subsection 5; 96.11, subsection 10, paragraph "c"; 97C.1;



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27 1 97C.2, subsections 2, 5, and 7; 97C.3, unnumbered paragraph
27 2 1, and subsections 1 and 2; 135C.9, subsection 1, paragraph
27 3 "b"; 142A.8, subsection 2; 203C.1, subsection 26; 207.21,
27 4 subsections 1, 4, and 5; 207.22, subsection 3, paragraph
27 5 "b"; 217.38; 228.1, subsection 7; 230.20, subsection 6;
27 6 232.1A; 234.6, subsection 1; 249.1, subsection 3; 249A.2,
27 7 subsections 1, 4, 6, 7, and 8; 249A.20A, subsection 5; 249A.24,
27 8 subsection 2, paragraph "b"; 249B.1, subsections 6 and 7;
27 9 249F.1, subsection 1; 249F.8; 249J.3, subsection 8; 249J.10,
27 10 subsection 3; 249J.22, subsection 3; 252B.6, subsection
27 11 3; 252B.9, subsection 2, paragraph "b", subparagraph (1),
27 12 subsection 3, paragraphs "c", "d", "e", subparagraph (1), and
27 13 "f"; 252B.14, subsection 5; 252D.20; 252E.15; 259.2, unnumbered
27 14 paragraph 2; 259.9; 260C.18A, subsection 2, paragraph "c";
27 15 306B.1, subsections 3 and 4; 307.10, subsection 13; 321.105,
27 16 subsection 5; 321.450, subsections 1 and 3; 403.6, subsection
27 17 7; 455B.133, subsection 3 and subsection 8, paragraph "a";
27 18 459A.102, subsection 19; 483A.4, subsection 1; 486A.101,
27 19 subsection 2, paragraph "a"; 488.102, subsection 3, paragraph
27 20 "a"; 490A.102, subsection 2; 514.7, subsections 2 through 4;
27 21 514B.1, subsection 5, paragraphs "b" ~~though~~ through "d"; 514C.8,
27 22 subsection 1; 514F.4, subsection 2, paragraph "a"; 514I.9,
27 23 subsection 1; 523A.401, subsection 5, paragraph "a"; 523A.402,
27 24 subsection 5, paragraph "a"; 523A.602, subsection 3; 534.205,
27 25 subsection 1; 541A.1, subsection 8, paragraph "b", subparagraph
27 26 (2); and 541A.6, Code 2009.
27 27 Sec. 66. 2010 Iowa Acts, Senate File 2366, section 23,
27 28 subsection 2, if enacted, is amended to read as follows:
27 29 2. The costs associated with implementation of this
27 30 division of this Act shall be funded exclusively through moneys
27 31 appropriated from the quality assurance trust fund, and shall
27 32 result in budget neutrality to the general fund of the state
27 33 for the fiscal year beginning July 1, 2009, and ending June 30,
27 34 2010.
27 35 Sec. 67. REPEAL. 2010 Iowa Acts, House File 2280, section



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28 1 25, is repealed.
28 2 Sec. 68. REPEAL. 2010 Iowa Acts, House File 2452, section
28 3 3, is repealed.
28 4 Sec. 69. REPEAL. 2010 Iowa Acts, Senate File 2340, section
28 5 117, is repealed.
28 6 Sec. 70. CONDITIONAL EFFECTIVE DATE. The sections of this
28 7 division of this Act amending sections 489.1005, 489.1009, and
28 8 489.1013, take effect only if 2010 Iowa Acts, House File 2478,
28 9 is enacted.
28 10 Sec. 71. CONDITIONAL EFFECTIVE DATE. The sections of this
28 11 division of this Act amending section 692A.102, subsection
28 12 1, paragraph "c", subparagraph (30), and section 901A.1,
28 13 subsection 1, paragraph "c", take effect only if 2010 Iowa Acts,
28 14 House File 2438, is enacted.
28 15 Sec. 72. CONTINGENT EFFECTIVE DATE. The section of this
28 16 division of this Act amending section 805.6, subsection 7,
28 17 takes effect only if 2010 Iowa Acts, Senate File 2197, is
28 18 enacted.
28 19 Sec. 73. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
28 20 APPLICABILITY. The following sections of this division of this
28 21 Act, being deemed of immediate importance, take effect upon
28 22 enactment and apply retroactively as follows:
28 23 1. The section of this division of this Act amending section
28 24 162.10D, subsection 2, as enacted by 2010 Iowa Acts, House File
28 25 2280, section 18, applies retroactively to March 9, 2010.
28 26 2. The section of this division of this Act amending section
28 27 216A.113, subsection 1, as enacted by 2010 Iowa Acts, Senate
28 28 File 2088, section 139, applies retroactively to March 10,
28 29 2010.
28 30 3. The section of this division of this Act amending section
28 31 256.51, subsection 1, paragraph "a", Code 2009, as amended
28 32 by 2010 Iowa Acts, Senate File 2088, section 316, applies
28 33 retroactively to March 10, 2010.
28 34 4. The section of this division of this Act amending section
28 35 435.26B, subsection 1, paragraph "c", if enacted by 2010 Iowa



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29 1 Acts, Senate File 2199, section 13, applies retroactively to
29 2 the effective date of 2010 Iowa Acts, Senate File 2199.
29 3 5. The section of this division of this Act amending section
29 4 562A.29A, subsection 1, paragraph "b", as enacted by 2010 Iowa
29 5 Acts, Senate File 2300, section 3, applies retroactively to
29 6 March 2, 2010.
29 7 6. The section of this division of this Act amending
29 8 the portion of 2010 Iowa Acts, House File 2399, section 2,
29 9 that enacts section 476.53, subsection 3, paragraph "a",
29 10 subparagraph (1), unnumbered paragraph 1, applies retroactively
29 11 to March 9, 2010.
29 12 7. The section of this division of this Act repealing 2010
29 13 Iowa Acts, House File 2280, section 25, applies retroactively
29 14 to March 9, 2010.
29 15 Sec. 74. EFFECTIVE DATE. The following sections of this
29 16 division of this Act take effect December 1, 2010:
29 17 1. The section of this division of this Act amending section
29 18 321J.2, subsection 3, paragraph "d", subparagraphs (1) and (2),
29 19 if enacted by 2010 Iowa Acts, Senate File 431, section 1.
29 20 2. The section of this division of this Act repealing 2010
29 21 Iowa Acts, House File 2452, section 3, if 2010 Iowa Acts,
29 22 Senate File 431, is enacted.
29 23 3. The section of this division of this Act amending 2010
29 24 Iowa Acts, Senate File 431, section 5, if 2010 Iowa Acts,
29 25 Senate File 431, is enacted.
29 26 DIVISION VII
29 27 MISCELLANEOUS PROVISIONS AND APPROPRIATIONS
29 28 Sec. 75. SAC AND FOX INDIAN SETTLEMENT == EDUCATIONAL
29 29 EXPENSES. There is appropriated from the Iowa comprehensive
29 30 petroleum underground storage tank fund to the department of
29 31 education for the fiscal year beginning July 1, 2010, and
29 32 ending June 30, 2011, the following amount, or so much thereof
29 33 as is necessary, to be used for the purposes designated:
29 34 Notwithstanding section 455G.3, subsection 1, for
29 35 distribution to the tribal council of the Sac and Fox Indian



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30 1 settlement located on land held in trust by the secretary
 30 2 of the interior of the United States. Moneys appropriated
 30 3 under this section shall be used for the purposes specified in
 30 4 section 256.30:
 30 5 \$ 90,000
 30 6 Sec. 76. CASH RESERVE FUND APPROPRIATIONS. There is
 30 7 appropriated from the cash reserve fund created in section 8.56
 30 8 to the following departments and agencies for the fiscal year
 30 9 beginning July 1, 2010, and ending June 30, 2011, the following
 30 10 amounts to be used for the purposes designated:
 30 11 1. DEPARTMENT OF HUMAN SERVICES
 30 12 For the medical assistance program:
 30 13 \$187,800,000
 30 14 2. DEPARTMENT OF MANAGEMENT
 30 15 For salaries, support, maintenance, and miscellaneous
 30 16 purposes:
 30 17 \$ 260,000
 30 18 Sec. 77. APPROPRIATION ADJUSTMENTS == DEPARTMENT OF
 30 19 ADMINISTRATIVE SERVICES. The appropriations to the department
 30 20 of administrative services for the fiscal year beginning July
 30 21 1, 2010, in 2010 Iowa Acts, Senate File 2367, from the general
 30 22 fund of the state shall be increased by \$2,761,100. The number
 30 23 of full-time equivalent positions authorized for the department
 30 24 of administrative services for the fiscal year beginning
 30 25 July 1, 2010, in 2010 Iowa Acts, Senate File 2367, shall be
 30 26 increased by 34.40.
 30 27 Sec. 78. APPROPRIATION ADJUSTMENTS == DEPARTMENT OF
 30 28 MANAGEMENT. The appropriations to the department of management
 30 29 for the fiscal year beginning July 1, 2010, in 2010 Iowa Acts,
 30 30 Senate File 2367, from the general fund of the state shall be
 30 31 decreased by \$2,761,100. The number of full-time equivalent
 30 32 positions authorized for the department of management for the
 30 33 fiscal year beginning July 1, 2010, in 2010 Iowa Acts, Senate
 30 34 File 2367, shall be decreased by 34.40.
 30 35 Sec. 79. RAILROAD COMPANY == LIMITED LIABILITY. A railroad



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31 1 company which alters facilities described in section 327F.2
31 2 pursuant to a written agreement with a political subdivision
31 3 with a population of more than 15,100, but less than 15,150,
31 4 according to the 2000 certified federal census, to construct a
31 5 flood mitigation project shall not held liable for any damages
31 6 caused by the alteration due to a flood.
31 7 Sec. 80. BRAILLE AND SIGHT SAVING SCHOOL STUDY.
31 8 1. The state board of regents shall conduct a study to
31 9 examine possible changes to and make recommendations regarding
31 10 the current structure for providing residential services on
31 11 the campus of the Iowa braille and sight saving school and
31 12 to make recommendations regarding appropriate facilities and
31 13 facility utilization. The study shall also examine potential
31 14 partnerships with other state agencies as well as private
31 15 providers of residential services.
31 16 2. For purposes of conducting the study, the state board of
31 17 regents shall form a committee with representatives of all of
31 18 the following:
31 19 a. Parents of students who are blind or visually impaired.
31 20 b. Constituent organizations for the blind or visually
31 21 impaired.
31 22 c. The department of education.
31 23 d. The department for the blind.
31 24 e. The department of human services.
31 25 f. Area education agencies.
31 26 g. School boards and school board administrators.
31 27 h. The governor's developmental disabilities council.
31 28 i. Administration of the statewide system for vision
31 29 services.
31 30 j. Administration of the Iowa school for the deaf.
31 31 3. By August 31, 2010, the state board of regents shall
31 32 submit a report of the study to the legislative council.
31 33 Sec. 81. PLUMBERS, MECHANICAL PROFESSIONALS, AND
31 34 CONTRACTORS == EFFECTIVE UPON ENACTMENT.
31 35 1. Notwithstanding the provisions of section 105.18,



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32 1 subsection 2, paragraph "c", subparagraph (3), to the contrary,
32 2 the plumbing and mechanical systems board shall, through
32 3 September 30, 2010, allow a person who has not previously held
32 4 a license issued under section 105.18 to sit for the state
32 5 master licensing examination for the applicable discipline if
32 6 that person submits evidence of work experience which the board
32 7 deems to be equivalent to forty-eight months experience as a
32 8 licensed master in the applicable discipline.

32 9 2. This section, being deemed of immediate importance,
32 10 takes effect upon enactment.

32 11 Sec. 82. Section 8D.13, subsection 5, Code 2009, is amended
32 12 to read as follows:

32 13 5.a. The state shall lease all fiberoptic cable
32 14 facilities or facilities with ~~DS-3~~ sufficient capacity as
32 15 determined by the commission for Part III connections, for
32 16 ~~which state funding is provided. The state shall lease~~
~~32 17 all fiberoptic cable facilities or facilities with DS-3 or~~
~~32 18 DS-1 capacity for the judicial branch, judicial district~~
32 19 ~~department~~ departments of correctional services, and state
32 20 agency connections for which state funding is provided. In
32 21 determining the capacity to be provided, the commission
32 22 shall consult with the authorized users associated with
32 23 the Part III connections, the judicial branch, the judicial
32 24 district departments of correctional services, and state
32 25 agencies associated with connections for which state funding
32 26 is provided. Such facilities shall be leased from qualified
32 27 providers. The state shall not own such facilities, except for
32 28 those facilities owned by the state as of January 1, 1994.

32 29 b. The lease provisions of this subsection do not apply to a
32 30 school district which elects to provide one hundred percent of
32 31 the financing for the district's connection.

32 32 Sec. 83. Section 16.100A, subsection 6, paragraph d, Code
32 33 Supplement 2009, is amended to read as follows:

32 34 d. General public members shall be reimbursed by the Iowa
32 35 finance authority for actual and necessary expenses incurred



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33 1 while engaged in their official duties. ~~Expense payments shall~~
~~33 2 be made from appropriations made for purposes of this section.~~

33 3 Sec. 84. Section 16.181, subsection 1, paragraph a, Code
33 4 Supplement 2009, is amended to read as follows:

33 5 a. A housing trust fund is created within the authority.
33 6 The moneys in the housing trust fund are annually appropriated
33 7 to the authority to be used for the development and
33 8 preservation of affordable housing for low-income people in
33 9 the state and for the Iowa mortgage help initiative. Payment
33 10 of interest, recaptures of awards, or other repayments
33 11 to the housing trust fund shall be deposited in the fund.
33 12 Notwithstanding section 12C.7, interest or earnings on moneys
33 13 in the housing trust fund or appropriated to the fund shall
33 14 be credited to the fund. Notwithstanding section 8.33,
33 15 unencumbered and unobligated moneys remaining in the fund
33 16 at the close of each fiscal year shall not revert but shall
33 17 remain available for expenditure for the same purposes in the
33 18 succeeding fiscal year.

33 19 Sec. 85. Section 20.19, Code 2009, is amended to read as
33 20 follows:

33 21 20.19 Impasse procedures == agreement of parties.

33 22 As the first step in the performance of their duty to
33 23 bargain, the public employer and the employee organization
33 24 shall endeavor to agree upon impasse procedures. Such
33 25 agreement shall provide for implementation of these impasse
33 26 procedures not later than one hundred twenty days prior to
33 27 the certified budget submission date of the public employer.
33 28 However, if public employees represented by the employee
33 29 organization are teachers licensed under chapter 272, and the
33 30 public employer is a school district or area education agency,
33 31 the agreement shall provide for implementation of impasse
33 32 procedures not later than one hundred twenty days prior to May
33 33 31 of the year when the collective bargaining agreement is
33 34 to become effective. If the public employer is a community
33 35 college, the agreement shall provide for implementation of



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34 1 impasse procedures not later than one hundred twenty days prior
34 2 to May 31 of the year when the collective bargaining agreement
34 3 is to become effective. If the public employer is not subject
34 4 to the budget certification requirements of section 24.17 and
34 5 other applicable sections, the agreement shall provide for
34 6 implementation of impasse procedures not later than one hundred
34 7 twenty days prior to the date the next fiscal or budget year of
34 8 the public employer commences. If the parties fail to agree
34 9 upon impasse procedures under the provisions of this section,
34 10 the impasse procedures provided in sections 20.20 to 20.22
34 11 shall apply.

34 12 Sec. 86. Section 20.20, Code 2009, is amended to read as
34 13 follows:

34 14 20.20 Mediation.

34 15 In the absence of an impasse agreement negotiated pursuant
34 16 to section 20.19 or the failure of either party to utilize its
34 17 procedures, one hundred twenty days prior to the certified
34 18 budget submission date, or one hundred twenty days prior to
34 19 May 31 of the year when the collective bargaining agreement
34 20 is to become effective if public employees represented by the
34 21 employee organization are teachers licensed under chapter
34 22 272 and the public employer is a school district or area
34 23 education agency, the board shall, upon the request of either
34 24 party, appoint an impartial and disinterested person to act
34 25 as mediator. If the public employer is a community college,
34 26 and in the absence of an impasse agreement negotiated pursuant
34 27 to section 20.19 or the failure of either party to utilize
34 28 its procedures, one hundred twenty days prior to May 31
34 29 of the year when the collective bargaining agreement is to
34 30 become effective, the board, upon the request of either party,
34 31 shall appoint an impartial and disinterested person to act as
34 32 mediator. If the public employer is not subject to the budget
34 33 certification requirements of section 24.17 or other applicable
34 34 sections and in the absence of an impasse agreement negotiated
34 35 pursuant to section 20.19, or the failure of either party to



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35 1 utilize its procedures, one hundred twenty days prior to the
35 2 date the next fiscal or budget year of the public employer
35 3 commences, the board, upon the request of either party, shall
35 4 appoint an impartial and disinterested person to act as a
35 5 mediator. It shall be the function of the mediator to bring
35 6 the parties together to effectuate a settlement of the dispute,
35 7 but the mediator may not compel the parties to agree.

35 8 Sec. 87. Section 99B.12A, unnumbered paragraph 1, Code
35 9 2009, is amended to read as follows:

35 10 ~~An organization that is exempt from federal income taxes~~
~~35 11 under section 501(c)(3), 501(c)(4), 501(c)(5), 501(c)(6),~~
~~35 12 501(c)(7), 501(c)(8), 501(c)(10), or 501(c)(19) of the Internal~~
~~35 13 Revenue Code as defined in section 422.3, A person shall be~~
35 14 authorized to conduct a bingo occasion without a license as
35 15 otherwise required by this chapter if all of the following
35 16 requirements are met:

35 17 Sec. 88. Section 99B.17, Code 2009, is amended to read as
35 18 follows:

35 19 99B.17 Gambling on credit unlawful == exception.

35 20 1. A person who tenders and a person who receives any
35 21 promise, agreement, note, bill, bond, contract, mortgage or
35 22 other security, or any negotiable instrument, as consideration
35 23 for any wager or bet, whether or not lawfully conducted or
35 24 engaged in pursuant to this chapter, commits a misdemeanor.
35 25 However, a participant in a bingo occasion or in a contest
35 26 lawful under section 99B.11 may make payment by personal check
35 27 for any entry or participation fee assessed by the sponsor of
35 28 the bingo occasion or contest.

35 29 2. A participant in a raffle conducted by an eligible
35 30 qualified organization may purchase raffle tickets by personal
35 31 check, money order, bank check, cashier's check, electronic
35 32 check, or debit card for one raffle conducted by the eligible
35 33 qualified organization during a calendar year. The department
35 34 shall adopt rules setting minimum standards concerning the
35 35 purchase of raffle tickets as authorized by this subsection



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36 1 which shall ensure compliance with applicable federal law and
36 2 for the protection of personal information consistent with
36 3 payment card industry compliance regulations. For purposes
36 4 of this subsection, an "eligible qualified organization" is a
36 5 qualified organization that has conducted a raffle pursuant to
36 6 section 99B.7 during the previous eight consecutive calendar
36 7 years in which the net proceeds are distributed to a museum.

36 8 Sec. 89. Section 155A.6A, subsection 3, Code 2009, is
36 9 amended to read as follows:

36 10 3. a. Beginning July 1, 2009, a person who is in the
36 11 process of acquiring national certification as a pharmacy
36 12 technician and who is in training to become a pharmacy
36 13 technician shall register with the board as a pharmacy
36 14 technician. The registration shall be issued for a period not
36 15 to exceed one year and shall not be renewable.

36 16 b. A person who is registered as a pharmacy technician or a
36 17 pharmacy technician trainee prior to January 1, 2010, who has
36 18 worked as a pharmacy technician or pharmacy technician trainee
36 19 for a minimum of two thousand hours in the previous eighteen
36 20 months under the direction of a licensed pharmacist or who
36 21 has received certification as a pharmacy technician through a
36 22 certification program accredited by the national commission for
36 23 certifying agencies, is exempt from meeting any examination
36 24 requirement for registration pursuant to subsection 2.

36 25 Sec. 90. Section 174.1, subsection 2, paragraphs b and c,
36 26 Code 2009, are amended to read as follows:

36 27 b. The organization owns buildings ~~and~~ or other improvements
36 28 situated on the fairgrounds which have been specially
36 29 constructed for purposes of conducting a fair event.

36 30 c. The market value of the fairgrounds and buildings and
36 31 other improvements located on the fairgrounds is at least
36 32 ~~eighty~~ twenty-five thousand dollars.

36 33 Sec. 91. Section 174.1, subsection 3, Code 2009, is amended
36 34 to read as follows:

36 35 3. "Fair event" means an annual gathering of the public



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37 1 on fairgrounds that incorporates agricultural exhibits,
37 2 demonstrations, shows, or competitions ~~and which includes all~~
~~37 3 of the following:~~

37 4 ~~a.~~ Programs that include programs or projects sponsored by
37 5 4-H clubs, future farmers of America, or the Iowa cooperative
37 6 extension service in agriculture and home economics of Iowa
37 7 state university. Other activities may include any of the
37 8 following:

37 9 ~~b.~~ a. Commercial exhibits sponsored by manufacturers or
37 10 other businesses.

37 11 ~~c.~~ b. Educational programs or exhibits sponsored by
37 12 governmental entities or nonprofit organizations.

37 13 ~~d.~~ c. Competition in culinary arts, fine arts, or home
37 14 craft arts.

37 15 Sec. 92. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
37 16 APPLICABILITY. The provision of this division of this Act
37 17 amending section 155A.6A, subsection 3, being deemed of
37 18 immediate importance, takes effect upon enactment and applies
37 19 retroactively to January 1, 2010.

37 20 DIVISION VIII

37 21 BICYCLES

37 22 Sec. 93. NEW SECTION. 321.281 Actions against bicyclists.

37 23 1. A person operating a motor vehicle shall not steer the
37 24 motor vehicle unreasonably close to or toward a person riding
37 25 a bicycle on a highway, including the roadway or the shoulder
37 26 adjacent to the roadway.

37 27 2. A person shall not knowingly project any object or
37 28 substance at or against a person riding a bicycle on a highway.

37 29 3. A person who violates this section commits a simple
37 30 misdemeanor punishable as a scheduled violation under section
37 31 805.8A, subsection 14, paragraph "k".

37 32 Sec. 94. Section 805.8A, subsection 14, Code Supplement
37 33 2009, is amended by adding the following new paragraph:

37 34 NEW PARAGRAPH. k. Actions against a person on a bicycle.

37 35 For violations under section 321.281 the scheduled fine is two



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38 1 hundred fifty dollars.

38 2 EXPLANATION

38 3 This bill makes, reduces, and transfers appropriations,
38 4 provides for salaries and compensation of state employees, and
38 5 covers other properly related matters. The bill is organized
38 6 into divisions.

38 7 MH/MR/DD SERVICES ALLOWED GROWTH FUNDING == FY 2011=2012.
38 8 Code section 331.439, subsection 3, provides that county mental
38 9 health, mental retardation, and developmental disabilities
38 10 (MH/MR/DD) service expenditures for a fiscal year are limited
38 11 to a fixed budget amount and that the fixed amount is subject
38 12 to an allowed growth factor adjustment. The allowed growth
38 13 factor adjustment is to be set by statute enacted during the
38 14 fiscal year which commences two years from the beginning
38 15 date of the fiscal year in progress at the time the statute
38 16 is enacted. The MH/MR/DD/BI commission is required to make
38 17 a recommendation of the adjustment amount to the governor
38 18 annually in November and the governor is required to submit a
38 19 recommendation for the amount to the general assembly at the
38 20 time the governor's budget is submitted. The bill provides
38 21 that for the allowed growth adjustment factor legislation for
38 22 FY 2011=2012, the governor must submit a recommendation on or
38 23 before January 11, 2011, and the statute providing the allowed
38 24 growth factor adjustment is to be enacted within 30 calendar
38 25 days of the date the 2011 session of the general assembly
38 26 convenes.

38 27 STANDING APPROPRIATIONS AND RELATED MATTERS. For the budget
38 28 process applicable to FY 2011=2012, state agencies are required
38 29 to submit estimates and other expenditure information as called
38 30 for by the director of the department of management instead of
38 31 the information required under Code section 8.23.

38 32 The division limits the standing unlimited appropriation
38 33 for FY 2010=2011 for expenses of the general assembly and the
38 34 legislative agencies.

38 35 The division limits the standing unlimited appropriation for



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39 1 FY 2010=2011 for payment for nonpublic school transportation.
39 2 The division limits the standing limited appropriation for FY
39 3 2010=2011 for operational support grants and community cultural
39 4 grants, for regional tourism marketing, for the Iowa power
39 5 fund, for the enforcement of Code chapter 453D relating to
39 6 tobacco product manufacturers, for the center for congenital
39 7 and inherited disorders central registry, for primary and
39 8 secondary child abuse prevention programs, for programs for
39 9 at-risk children, and for mental health, mental retardation,
39 10 and developmental disabilities services property tax relief.
39 11 The standing appropriation made for state foundation aid
39 12 allowable growth for schools under Code section 257.16 for
39 13 fiscal year 2010=2011, is limited to a specific amount. Of
39 14 that amount, a specific amount is designated for the teacher
39 15 salary supplements, the professional development supplements,
39 16 and the early intervention supplement in accordance with Code
39 17 section 257.10, subsections 9 through 11, and Code section
39 18 257.37A.
39 19 The standing appropriation made in Code section 426B.1 for
39 20 property tax relief through county levies for MH/MR/DD services
39 21 is revised to eliminate a standing amount of \$6.6 million that
39 22 is designated for the medical assistance (Medicaid) program.
39 23 The division eliminates for FY 2010=2011 a standing
39 24 appropriation for instructional support state aid.
39 25 The division credits to the general fund of the state a
39 26 portion of federal moneys received by the Iowa veterans home
39 27 for costs to improve and renovate a medical clinic at the
39 28 home. These provisions take effect upon enactment and are
39 29 retroactively applicable to July 1, 2009.
39 30 For FY 2010=2011, the division funds the following property
39 31 tax credits from the property tax credit fund created in the
39 32 bill instead of entirely funding the credits from the general
39 33 fund of the state: homestead, agricultural land and family
39 34 farm, military service, and elderly and disabled tax credit
39 35 and reimbursement. The division appropriates moneys from the



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40 1 general fund and the cash reserve fund for deposit in the
40 2 property tax credit fund. These provisions take effect upon
40 3 enactment.

40 4 The division appropriates moneys from the cash reserve fund
40 5 to the executive council for FY 2010=2011 for performance of
40 6 duty by the executive council. The bill requires that such
40 7 moneys must be used prior to the standing appropriation made
40 8 from the general fund for the same purposes.

40 9 The division provides that certain cash reserve fund
40 10 requirements do not apply to any appropriations made in the
40 11 bill from the cash reserve fund.

40 12 The division provides that the contingent appropriation from
40 13 the general fund of the state to the cash reserve fund pursuant
40 14 to Code section 8.57, subsection 1, shall not be made for FY
40 15 2010=2011.

40 16 The division provides for the nonreversion of moneys
40 17 appropriated in 2009 Iowa Acts, chapter 179, for FY 2009=2010
40 18 from the cash reserve fund to the executive council for
40 19 performance of duty. This provision takes effect upon
40 20 enactment.

40 21 SALARIES, COMPENSATION, AND RELATED MATTERS. This division
40 22 of the bill relates to the funding for the fiscal year
40 23 beginning July 1, 2010, of salary increases for appointed
40 24 nonelected officers, employees subject to collective bargaining
40 25 agreements, certain noncontract employees, and board of regents
40 26 employees.

40 27 For FY 2010=2011 the maximum and minimum salary levels of all
40 28 pay plans of noncontract state employees shall not increase and
40 29 shall remain as they exist for FY 2009=2010. The pay levels
40 30 for noncontract judicial branch employees shall not increase.

40 31 A supplemental authorization is provided to fund salaries
40 32 from trust, revolving, and special funds for which the general
40 33 assembly has established a budget.

40 34 The division prohibits bonus pay for employees of the
40 35 executive branch except for employees of the state board of



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41 1 regents, the judicial branch, and the legislative branch,
41 2 unless the bonus pay is otherwise authorized by law, required
41 3 pursuant to an employment contract entered into before July
41 4 1, 2010, or required pursuant to a collective bargaining
41 5 agreement.
41 6 The division appropriates all federal grants to and the
41 7 federal receipts of the agencies affected by this division
41 8 which are received and are expended for purposes of this
41 9 division.
41 10 The division requires sworn peace officers in the department
41 11 of public safety who are not covered by a collective bargaining
41 12 agreement to receive the same per diem meal allowance as
41 13 the sworn peace officers covered by a collective bargaining
41 14 agreement.
41 15 The salary model administrator is required to work in
41 16 conjunction with the department of management and the
41 17 legislative services agency to analyze, compare, and project
41 18 state salary and benefit information.
41 19 The division adds the position of chief information officer,
41 20 a position created in 2010 Iowa Acts, Senate File 2088, to
41 21 salary range 7 for appointed state officers.
41 22 APPROPRIATION REDUCTIONS. This division of this bill
41 23 provides that the amounts appropriated from the general fund
41 24 of the state to the departments and establishments of the
41 25 executive branch, but not including appropriations to the state
41 26 board of regents, for operational purposes in enactments made
41 27 for the fiscal year beginning July 1, 2010, and ending June
41 28 30, 2011, are reduced by \$83,760,500. The division requires
41 29 the reductions in appropriations to be realized through the
41 30 implementation of 2010 Iowa Acts, Senate File 2062, relating to
41 31 early retirement, 2010 Iowa Acts, Senate File 2088, relating
41 32 to government efficiency, executive order number 20 issued
41 33 December 16, 2009, and any other efficiency measure. The
41 34 division requires the department of management to apply the
41 35 reductions.



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42 1 On or before December 1, 2010, the division requires the
42 2 department of management to submit a report to the general
42 3 assembly and the legislative services agency regarding
42 4 anticipated reductions in appropriations for operational
42 5 purposes and anticipated reductions in full-time equivalent
42 6 positions for the fiscal year beginning July 1, 2010, and
42 7 ending June 30, 2011. The division requires the report to
42 8 include a categorization of the reductions.
42 9 The division, for FY 2010=2011, allows the department of
42 10 management to transfer up to \$5 million from the cash reserve
42 11 fund for purposes of meeting the appropriation reduction
42 12 requirements of the division. The division includes reporting
42 13 requirements.
42 14 The division appropriates moneys from the general fund of
42 15 the state to the department of administrative services for
42 16 implementing the information technology-related provisions of
42 17 2010 Iowa Acts, Senate File 2088.
42 18 STATE FINANCIAL MANAGEMENT DUTIES. This division strikes
42 19 the transfer of state financial management duties from the
42 20 department of administrative services to the department of
42 21 management in 2010 Iowa Acts, Senate File 2088. The division
42 22 also provides that any new financial management duties included
42 23 in Senate File 2088 relating to establishing a centralized
42 24 payroll, creating a searchable budget database, and modifying
42 25 payroll frequency, are included as duties of the department of
42 26 administrative services.
42 27 CORRECTIVE PROVISIONS. This division makes corrective
42 28 changes relating to 2010 enactments and pending legislation.
42 29 Code section 2.69(3), as enacted by 2010 Iowa Acts, Senate
42 30 File 2088, section 420, and Code section 97D.4(2), are amended
42 31 to correctly insert the reference to Code section 2.10 which
42 32 provides for per diem and expense payments to legislators.
42 33 Code section 123.43A(1), as enacted by 2010 Iowa Acts,
42 34 Senate File 2088, section 84, is amended to correctly include
42 35 the word "otherwise" in the phrase "unless the context



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43 1 otherwise requires".

43 2 Code section 162.10D(2), as enacted by 2010 Iowa Acts, House
43 3 File 2280, section 18, is amended to correct a grammatical
43 4 construction.

43 5 Code section 216A.113(1), as enacted by 2010 Iowa Acts,
43 6 Senate File 2088, section 139, is corrected to refer to the new
43 7 name of the commission of deaf services within the department
43 8 of human rights.

43 9 Code section 216C.9(1), as amended by 2010 Iowa Acts,
43 10 Senate File 2202, section 7, is amended to substitute the word
43 11 "reconstructed" for the word "altered" in reference to required
43 12 sidewalk ramp modifications, to make the requirement parallel
43 13 to a similar requirement in the same Code subsection relating
43 14 to street reconstructions.

43 15 Code section 256.51(1)(a), as amended by 2010 Iowa Acts,
43 16 Senate File 2088, section 316, is amended to eliminate the duty
43 17 of the division of libraries and information services of the
43 18 department of education to provide information services to the
43 19 medical community, to coordinate with the discontinuation of
43 20 the medical library as part of the state library as directed by
43 21 Senate File 2088.

43 22 Code section 256F.3(1), as amended by 2010 Iowa Acts,
43 23 Senate File 2033, section 10, is amended to add a reference
43 24 to innovation zone schools in order to allow the department
43 25 of education to monitor the effectiveness of both regular and
43 26 innovation zone charter schools. Code section 256F.6(3) is
43 27 also amended in a similar manner to allow the department of
43 28 education to conduct ongoing reviews of all parties' compliance
43 29 with contracts for both regular and innovation zone charter
43 30 schools.

43 31 Code section 260C.44, Code 2009, as amended by 2010 Iowa
43 32 Acts, Senate File 2340, section 35, is amended to correctly
43 33 refer to the United States department of labor, office of
43 34 apprenticeship.

43 35 Code section 298.4(2), as amended by 2010 Iowa Acts, Senate



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44 1 File 2237, section 103, is amended to correct a grammatical
44 2 construction (singular noun needed).
44 3 Code section 317.1, as amended by 2010 Iowa Acts, Senate
44 4 File 2340, section 86, is amended to correct the hierarchical
44 5 designation of Code section subunits (subsection numbers
44 6 needed).
44 7 Code section 321J.2(3)(d)(1,2) is amended to reconcile
44 8 the restructuring of Code section 321J.2 made in 2010 Iowa
44 9 Acts, Senate File 431, with the amendments made to that same
44 10 Code section in 2010 Iowa Acts, House File 2452 (allowing the
44 11 department of transportation to issue a temporary restricted
44 12 license under Code chapter 321J without requiring the court to
44 13 order the department to do so). The reconciliation provision
44 14 and the duplicative provision in 2010 Iowa Acts, House File
44 15 2452, section 3, which is repealed, take effect December 1,
44 16 2010.
44 17 Code section 336.4, as amended by 2010 Iowa Acts, Senate File
44 18 2088, section 323, is amended to substitute the word "reside"
44 19 for the word "resident" in order to correct the phrase "who
44 20 reside within the library district".
44 21 Code section 435.26B(1)(c), as enacted by 2010 Iowa
44 22 Acts, Senate File 2199, section 13, is amended to correct a
44 23 grammatical construction (plural noun needed).
44 24 Code section 455B.104(4), as enacted by 2010 Iowa Acts,
44 25 Senate File 2088, section 258, is amended to change the date
44 26 by which the department of natural resources must submit its
44 27 greenhouse gas emissions report for the previous calendar year
44 28 from September 1 to December 31. The change is consistent with
44 29 an earlier amendment dealing with the same report made in 2010
44 30 Iowa Acts, Senate File 2243, section 2.
44 31 Code section 489.116, as amended by 2010 Iowa Acts, House
44 32 File 2478, section 5, is amended to correctly number the
44 33 three subsections in that Code section, and references to the
44 34 subsections of Code section 489.116 are corrected in Code
44 35 sections 489.1005, 489.1009, and 489.1013.



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45 1 Code section 508C.3(1)(b)(2)(b), as amended by 2010 Iowa
45 2 Acts, Senate File 2272, is amended to correct a hierarchical
45 3 Code section subunit reference (subparagraph division reference
45 4 needed).
45 5 Code section 514C.26(1)(c)(2)(j), as enacted by 2010 Iowa
45 6 Acts, House File 2075, section 1, is amended to correct an
45 7 internal reference to a hierarchical designation of a Code
45 8 section subunit (subparagraph division reference needed).
45 9 Code section 543B.29(1)(e)(2), as enacted by 2010 Iowa Acts,
45 10 Senate File 2326, section 5, is amended to correct an internal
45 11 reference to lettered paragraph "e".
45 12 Code section 562A.29A(1)(b), as enacted by 2010 Iowa Acts,
45 13 Senate File 2300, section 3, is amended to correct a reference
45 14 to a rule of civil procedure (singular noun needed).
45 15 Code section 685.6(9)(d), as enacted by 2010 Iowa Acts,
45 16 Senate File 2088, section 343, is amended to correct a
45 17 reference to the district court of the state (definite article
45 18 added).
45 19 Code sections 692A.102 and 901A.1 are amended to refer to a
45 20 violation of Code section 710.10 as "enticing a minor" rather
45 21 than "enticing a minor away" to conform to the changes made to
45 22 Code section 710.10 in 2010 Iowa Acts, House File 2438, section
45 23 1. The amendments are effective contingent on the enactment of
45 24 2010 Iowa Acts, House File 2438.
45 25 Code section 805.6(3)(a), as enacted by 2010 Iowa Acts,
45 26 Senate File 2340, section 63, is amended to correct a
45 27 grammatical construction (colon needed).
45 28 Code section 805.6(7), as amended by 2010 Iowa Acts, Senate
45 29 File 2340, section 63 (a Code editor's bill), is amended to
45 30 conform to the substantive changes to the same language made
45 31 by, and contingent upon the enactment of, 2010 Iowa Acts,
45 32 Senate File 2197, section 5.
45 33 2010 Iowa Acts, House File 2399, section 2, is amended
45 34 to correct an error in displaying existing Code language
45 35 in the bill. That bill section inadvertently deleted the



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46 1 word "power" in a reference to a baseload electric power
46 2 generating facility, and substituted the word "alternative" for
46 3 "alternate" in a reference to an alternate energy production
46 4 facility.
46 5 2010 Iowa Acts, Senate File 2237, section 180, subsection 4,
46 6 paragraph a, is amended to insert the correct word "through"
46 7 in a reference to lettered paragraphs that the Code editor is
46 8 directed to modify.
46 9 2010 Iowa Acts, Senate File 2366, section 23(2), if enacted,
46 10 is amended to correct a reference to the implementation costs
46 11 of this division of this Act rather than of the entire Act.
46 12 2010 Iowa Acts, Senate File 431, section 5, if enacted,
46 13 is amended to correct the amending statement of that section
46 14 to indicate that only unnumbered paragraph 1 of Code section
46 15 907.3(3)(c) is being amended. The amendment takes effect
46 16 December 1, 2010.
46 17 2010 Iowa Acts, House File 2280, section 25, is repealed,
46 18 which adds a definition to Code chapter 717B for the department
46 19 of agriculture and land stewardship. The final version of
46 20 House File 2280 deleted all responsibilities of the department
46 21 so the definition is no longer necessary or meaningful.
46 22 2010 Iowa Acts, Senate File 2340, section 117, which
46 23 internally numbers an unanchored paragraph, is repealed. The
46 24 internal numbering is accomplished in 2010 Iowa Acts, Senate
46 25 File 2237, section 125.
46 26 The division makes certain provisions effective upon
46 27 enactment and retroactively applicable to the effective date of
46 28 the bills amended by the division.
46 29 MISCELLANEOUS PROVISIONS AND APPROPRIATIONS. This division
46 30 relates to various miscellaneous provisions.
46 31 The division appropriates moneys from the Iowa comprehensive
46 32 petroleum underground storage tank fund to the department of
46 33 education for FY 2010=2011 for distribution to the tribal
46 34 council of the Sac and Fox Indian settlement located on land
46 35 held in trust by the secretary of the interior of the United



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47 1 States for the purposes of educational expenses.
47 2 The division appropriates moneys from the cash reserve
47 3 fund to the department of human services for FY 2010=2011 for
47 4 purposes of the medical assistance (Medicaid) program and to
47 5 the department of management for operation purposes.
47 6 The division increases general fund appropriations to
47 7 the department of administrative services for FY 2010=2011
47 8 and increases the number of full-time equivalent positions
47 9 authorized. The division decreases general fund appropriations
47 10 to the department of management for FY 2010=2011 and decreases
47 11 the number of full-time equivalent positions authorized.
47 12 The division provides that a railroad company which alters
47 13 facilities pursuant to a written agreement with a political
47 14 subdivision with a population of more than 15,100, but less
47 15 than 15,150, according to the 2000 certified federal census to
47 16 construct a flood mitigation project shall not be held liable
47 17 for any damages caused by the alteration due to a flood.
47 18 The division requires the state board of regents to conduct
47 19 a study of the Iowa braille and sight saving school regarding
47 20 the residential services, facilities and facility utilization,
47 21 and potential partnerships. The study must be submitted to the
47 22 legislative council by August 31, 2010.
47 23 The division requires the plumbing and mechanical systems
47 24 board, from the effective date of the provision to September
47 25 30, 2010, to allow a person who has not previously been a
47 26 licensed journeyperson or master in the applicable discipline
47 27 to sit for the state master licensing examination for the
47 28 applicable discipline if certain work experience criteria are
47 29 met. This provision takes effect upon enactment.
47 30 The division modifies provisions in Code section 8D.13
47 31 applicable to the leasing of facilities for Part III
47 32 connections associated with the operation of the Iowa
47 33 communications network. Currently, the state is required to
47 34 lease all fiberoptic cable facilities or facilities with DS=3
47 35 capacity for Part III connections for which state funding is



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48 1 provided, and to lease all fiberoptic cable facilities or
48 2 facilities with DS=3 or DS=1 capacity for specified state
48 3 departments and agencies. The division deletes specific
48 4 reference to DS=3 or DS=1 capacity, instead providing
48 5 that facilities with sufficient capacity as determined
48 6 by the commission shall be leased. The division provides
48 7 that in determining the capacity to be provided, the Iowa
48 8 telecommunications and technology commission shall consult with
48 9 those agencies associated with the connections for which state
48 10 funding is provided.

48 11 The division strikes a provision in Code section 16.100A
48 12 that requires expense payments for general public members of
48 13 the council on homelessness to be made from state general fund
48 14 appropriations. The division specifies that such expenses must
48 15 be reimbursed by the Iowa finance authority. The division also
48 16 amends Code section 16.181 by authorizing the Iowa finance
48 17 authority to use moneys in the housing trust fund for the Iowa
48 18 mortgage help initiative. The Iowa mortgage help initiative is
48 19 a program that provides foreclosure prevention assistance and
48 20 counseling and includes the Iowa mortgage help hotline.

48 21 The division amends provisions in Code chapter 20
48 22 relating to impasse procedures and mediation. The division
48 23 provides that if the public employer is not subject to the
48 24 budget certification requirements of Code section 24.17 and
48 25 other applicable sections, the agreement shall provide for
48 26 implementation of impasse procedures not later than 120 days
48 27 prior to the date the next fiscal or budget year of the public
48 28 employer commences. The division also provides that if the
48 29 public employer is not subject to the budget certification
48 30 requirements of Code section 24.17 or other applicable sections
48 31 and in the absence of an impasse agreement negotiated pursuant
48 32 to Code section 20.19, or the failure of either party to
48 33 utilize its procedures, 120 days prior to the date the next
48 34 fiscal or budget year of the public employer commences, the
48 35 board, upon the request of either party, shall appoint an



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49 1 impartial and disinterested person to act as a mediator.
49 2 This division amends Code section 99B.12A to authorize
49 3 any person to conduct a bingo occasion without a license if
49 4 participants are not charged to enter the premises where bingo
49 5 is conducted, participants are not charged to play bingo, any
49 6 prize awarded is donated, and the bingo occasion is conducted
49 7 as an activity and not for fund raising purposes. Current law
49 8 only allows nonprofit organizations to conduct a bingo occasion
49 9 under these limitations without a license.
49 10 This division amends Code section 99B.17 to authorize a
49 11 participant in a raffle conducted by an eligible qualified
49 12 organization to purchase raffle tickets by check, money order,
49 13 or debit card for one raffle per calendar year. The division
49 14 defines an eligible qualified organization as a qualified
49 15 organization that has conducted a raffle during the previous
49 16 eight consecutive calendar years in which the net proceeds are
49 17 distributed to a museum. Current law makes it a misdemeanor
49 18 to gamble or wager on credit.
49 19 The division provides that a person who is registered as
49 20 a pharmacy technician or a pharmacy technician trainee prior
49 21 to January 1, 2010, who has worked as a pharmacy technician
49 22 or pharmacy technician trainee for a designated period of
49 23 time under the direction of a licensed pharmacist or who has
49 24 received certification as a pharmacy technician through a
49 25 certification program accredited by the national commission for
49 26 certifying agencies, is exempt from meeting any examination
49 27 requirement for registration.
49 28 The division amends the criteria an organization must meet
49 29 to be considered a fair under Code chapter 174. Currently, an
49 30 organization must own buildings and other improvements situated
49 31 on fairgrounds. The division allows an organization to own
49 32 either buildings or improvements situated on a fairground.
49 33 Currently, the market value of fairgrounds, buildings, and
49 34 other improvements must be at least \$80,000. The division
49 35 lowers the threshold to \$25,000. The division changes what



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50 1 constitutes a fair event under Code chapter 174.
50 2 BICYCLES. New Code section 321.281 provides that a person
50 3 operating a motor vehicle shall not steer the motor vehicle
50 4 unreasonably close to or toward a person riding a bicycle
50 5 on a highway. The division amends Code section 805.8A to
50 6 provide that a person shall not knowingly project any object
50 7 or substance at or against a person riding a bicycle on a
50 8 highway. The division amends Code section 805.8A to provide a
50 9 person violating a provision of the division commits a simple
50 10 misdemeanor punishable by a scheduled fine of \$250.

LSB 6264SV (2) 83

tm/jp



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Senate File 2386 - Introduced

SENATE FILE
BY COMMITTEE ON WAYS AND
MEANS

(SUCCESSOR TO SSB
3254)

A BILL FOR

1 An Act relating to assessment of telecommunications company
2 property for purposes of property taxation, and including
3 effective date and applicability provisions.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 6277SV (2) 83

md/sc



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1 1 Section 1. Section 427A.1, subsection 1, paragraph h, Code
1 2 2009, is amended to read as follows:

1 3 h. Property assessed by the department of revenue pursuant
1 4 to sections 428.24 to 428.29, ~~or chapters 433, chapter 433 if~~
1 5 such property was first assessed for taxation in this state
1 6 before January 1, 1996, or chapters 434, 437, 437A, and 438.

1 7 Sec. 2. Section 433.4, Code Supplement 2009, is amended to
1 8 read as follows:

1 9 433.4 Assessment.

1 10 1. The director of revenue shall on or before October 31
1 11 each year, proceed to find the actual value of the property
1 12 of these companies in this state, taking into consideration
1 13 the information obtained from the statements required, and any
1 14 further information the director can obtain, ~~using the same as~~
1 15 ~~a means for determining the actual cash value of the property~~
1 16 ~~of these companies within this state.~~

1 17 2. ~~The~~ For property of a company that was first assessed
1 18 for taxation in this state before January 1, 1996, the director
1 19 shall ~~also~~ take into consideration the information described
1 20 in subsection 1 and the valuation of all property of these
1 21 companies, including franchises and the use of the property
1 22 in connection with lines outside the state, and making these
1 23 deductions as may be necessary on account of extra value of
1 24 property outside the state as compared with the value of
1 25 property in the state, in order that the actual ~~cash~~ value
1 26 of the property of the company within this state may be
1 27 ascertained. The assessment shall include all property
1 28 of every kind and character whatsoever, real, personal, or
1 29 mixed, used by the companies in the transaction of telegraph
1 30 and telephone business; and the property so included in the
1 31 assessment shall not be taxed in any other manner than as
1 32 provided in this chapter.

1 33 3. For property of a company that was first assessed
1 34 for taxation in this state on or after January 1, 1996, the
1 35 director shall determine the value of the property of these



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2 1 companies within this state as follows:
2 2 a. For the assessment year beginning January 1, 2013, the
2 3 value of such property shall equal the sum of the following:
2 4 (1) Eighty percent of the property's value as determined in
2 5 the manner provided under subsection 2.
2 6 (2) Twenty percent of the property's value as determined in
2 7 the manner provided under paragraph "e".
2 8 b. For the assessment year beginning January 1, 2014, the
2 9 value of such property shall equal the sum of the following:
2 10 (1) Sixty percent of the property's value as determined in
2 11 the manner provided under subsection 2.
2 12 (2) Forty percent of the property's value as determined in
2 13 the manner provided under paragraph "e".
2 14 c. For the assessment year beginning January 1, 2015, the
2 15 value of such property shall equal the sum of the following:
2 16 (1) Forty percent of the property's value as determined in
2 17 the manner provided under subsection 2.
2 18 (2) Sixty percent of the property's value as determined in
2 19 the manner provided under paragraph "e".
2 20 d. For the assessment year beginning January 1, 2016, the
2 21 value of such property shall equal the sum of the following:
2 22 (1) Twenty percent of the property's value as determined in
2 23 the manner provided under subsection 2.
2 24 (2) Eighty percent of the property's value as determined in
2 25 the manner provided under paragraph "e".
2 26 e. For the assessment year beginning January 1, 2017,
2 27 and each assessment year thereafter, such property shall be
2 28 assessed in the same manner as all other property assessed
2 29 as commercial property by the local assessor under chapters
2 30 427, 427A, 427B, 428, and 441; provided that such property
2 31 that is not exempt under subsection 4 or other provision of
2 32 law shall be valued at an amount no greater than the cost
2 33 of such property, reduced by accounting depreciation and
2 34 by any appropriate adjustments for functional and economic
2 35 obsolescence, and in determining said values the director shall



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3 1 not use any minimum amount or percentage of original cost as
3 2 the base or minimum value for any item or class of property,
3 3 regardless of whether the property is still in service.
3 4 4. Property of a company that was first assessed for
3 5 taxation in this state on or after January 1, 1996, shall
3 6 not be assessed and taxed as real property to the extent it
3 7 consists of cable, wire, conduit, vaults, switches, or other
3 8 equipment or fixtures used primarily to provide or facilitate
3 9 the electronic transmission, conveyance, or routing of voice,
3 10 data, audio, video, or any other information or signal to a
3 11 point, or between or among points, regardless of the content
3 12 or technology utilized and regardless of whether the property
3 13 would otherwise be considered attached to the real property.
3 14 Sec. 3. Section 476.1D, subsection 10, unnumbered paragraph
3 15 2, Code 2009, is amended by striking the unnumbered paragraph.
3 16 Sec. 4. EFFECTIVE UPON ENACTMENT AND APPLICABILITY.
3 17 1. Except as provided in subsection 2, this Act takes effect
3 18 July 1, 2012, and applies to assessment years beginning on or
3 19 after January 1, 2013.
3 20 2. The section of this Act amending section 476.1D takes
3 21 effect July 1, 2016, and applies to assessment years beginning
3 22 on or after January 1, 2017.
3 23 EXPLANATION
3 24 This bill relates to the manner in which telecommunications
3 25 company property is taxed.
3 26 The assessment provisions of Code section 433.4
3 27 currently provide that in ascertaining the actual value of
3 28 telecommunications company property the director of revenue
3 29 shall include all property of every kind and character
3 30 whatsoever, real, personal, or mixed, used by the company in
3 31 the transaction of telegraph and telephone business.
3 32 Under the bill, property of a telecommunications company
3 33 that was first assessed for taxation before January 1, 1996,
3 34 continues to be assessed in the manner provided under current
3 35 Code section 433.4. However, the bill modifies the Code



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4 1 section to provide that the value of a company's property that
4 2 was first assessed for taxation on or after January 1, 1996,
4 3 shall, subject to specific restrictions and provisions in the
4 4 bill, be determined in the same manner as all other property
4 5 assessed as commercial property by the local assessor.

4 6 For the assessment year beginning January 1, 2013, and for
4 7 each assessment year through the assessment year beginning
4 8 January 1, 2016, the bill provides for the transition from
4 9 the current assessment methodology in Code section 433.4
4 10 to the new assessment methodology created in the bill for
4 11 telecommunications company property that was first assessed for
4 12 taxation on or after January 1, 1996. The bill then provides
4 13 that for the assessment year beginning January 1, 2017, and for
4 14 each assessment year thereafter, all of the telecommunication
4 15 company's property that was first assessed for taxation on or
4 16 after January 1, 1996, is assessed using the new assessment
4 17 methodology created in the bill.

4 18 Except for the section of the bill amending Code section
4 19 476.1D, the bill takes effect July 1, 2012, and applies to
4 20 assessment years beginning on or after January 1, 2013. The
4 21 section of the bill amending Code section 476.1D takes effect
4 22 July 1, 2016, and applies to assessment years beginning on or
4 23 after January 1, 2017.

LSB 6277SV (2) 83

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Senate File 2387 - Introduced

SENATE FILE
BY COMMITTEE ON WAYS AND
MEANS

(SUCCESSOR TO SSB
3233)

A BILL FOR

1 An Act providing for a sales tax exemption for specified
2 purchases made by a regional blood testing laboratory
3 licensed by the federal food and drug administration.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5707SV (2) 83
ak/sc



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1 1 Section 1. Section 423.3, Code Supplement 2009, is amended
1 2 by adding the following new subsection:
1 3 NEW SUBSECTION. 26A. The sales price of reagents and
1 4 accessory equipment necessary for testing blood at a regional
1 5 blood testing laboratory licensed by the federal food and drug
1 6 administration.

1 7 Sec. 2. APPLICABILITY. This Act applies to a regional
1 8 blood testing laboratory beginning January 1, 2011. In order
1 9 to continue to receive the sales tax exemption, a regional
1 10 blood testing laboratory shall provide appropriate information
1 11 to the department of revenue about its operations by July 1,
1 12 2011. After that date without appropriate information, the
1 13 sales tax exemption shall expire and the total amount of sales
1 14 tax exemptions taken shall be remitted to the general fund of
1 15 the state by December 31, 2011.

1 16 EXPLANATION

1 17 This bill creates a sales tax exemption on the sales tax
1 18 price of reagents and accessory equipment necessary for testing
1 19 blood at a regional blood testing laboratory licensed by
1 20 the federal food and drug administration. The bill applies
1 21 beginning January 1, 2011. In order to continue to receive the
1 22 sales tax exemption, the laboratory must provide appropriate
1 23 information to the department of revenue by July 1, 2011, or
1 24 remit the total amount of exemptions taken to the general fund
1 25 of the state.

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ak/sc



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Senate Resolution 114 - Introduced

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SENATE RESOLUTION NO.

BY COMMITTEE ON RULES AND ADMINISTRATION

1 1 A Resolution to thank Senator Steve Warnstadt, on the
1 2 occasion of his retirement from the Iowa Senate, for
1 3 sixteen years of legislative service.

1 4 WHEREAS, in 2002 Senator Steve Warnstadt was elected
1 5 to the Senate after serving four terms in the House of
1 6 Representatives, and in his first year in the Senate
1 7 served as Ranking Member of the Commerce Committee
1 8 and as a member of the Committees on Appropriations
1 9 and Transportation, and on the Transportation,
1 10 Infrastructure, and Capitals Appropriations
1 11 Subcommittee; and

1 12 WHEREAS, over the past eight years, Senator
1 13 Warnstadt also has served as the Chair of the
1 14 Commerce Committee, Co=chair of the Transportation,
1 15 Infrastructure, and Capitals Appropriations
1 16 Subcommittee, Vice Chair of the Veterans Affairs
1 17 Committee, and member of the Appropriations,
1 18 Transportation, and Judiciary Committees; and

1 19 WHEREAS, himself a veteran, Senator Warnstadt has
1 20 championed the rights of veterans, active duty service
1 21 members, and their families; NOW THEREFORE,

1 22 BE IT RESOLVED BY THE SENATE, That the Senate thanks
1 23 Senator Warnstadt for his service in the Senate and in
1 24 the House of Representatives; and

1 25 BE IT FURTHER RESOLVED, That the Secretary of the
1 26 Senate is directed to prepare an official copy of this
1 27 Resolution for presentation to Senator Warnstadt.

LSB 6278SV (2) 83

jr/rj



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Senate Study Bill 3256

SENATE FILE

BY (PROPOSED COMMITTEE ON
APPROPRIATIONS BILL BY
CHAIRPERSON DVORSKY)

A BILL FOR

1 An Act relating to state and local finances by providing for
2 funding of property tax credits and reimbursements, by
3 making, increasing, and reducing appropriations, providing
4 for salaries and compensation of state employees, providing
5 for matters relating to tax credits, providing for fees
6 and penalties, and providing for properly related matters,
7 and including effective date and retroactive applicability
8 provisions.

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

TLSB 6264XC (4) 83

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Senate Study Bill 3256 continued

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1 1 DIVISION I
1 2 MH/MR/DD SERVICES ALLOWED GROWTH FUNDING == FY 2011=2012
1 3 Section 1. ADULT MH/MR/DD SERVICES ALLOWED GROWTH FUNDING ==
1 4 FY 2011=2012. Notwithstanding section 331.439, subsection
1 5 3, the allowed growth factor adjustment for county mental
1 6 health, mental retardation, and developmental disabilities
1 7 service expenditures for the fiscal year beginning July
1 8 1, 2011, shall be established by statute which shall be
1 9 enacted within thirty calendar days of the convening of the
1 10 Eighty-fourth General Assembly, 2011 Session, on January 10,
1 11 2011. The governor shall submit to the general assembly a
1 12 recommendation for such allowed growth factor adjustment and
1 13 the amounts of related appropriations to the general assembly
1 14 on or before January 11, 2011.
1 15 DIVISION II
1 16 STANDING APPROPRIATIONS
1 17 AND RELATED MATTERS
1 18 Sec. 2. BUDGET PROCESS FOR FISCAL YEAR 2011=2012.
1 19 1. For the budget process applicable to the fiscal year
1 20 beginning July 1, 2011, on or before October 1, 2010, in lieu
1 21 of the information specified in section 8.23, subsection 1,
1 22 unnumbered paragraph 1, and paragraph "a", all departments and
1 23 establishments of the government shall transmit to the director
1 24 of the department of management, on blanks to be furnished by
1 25 the director, estimates of their expenditure requirements,
1 26 including every proposed expenditure, for the ensuing fiscal
1 27 year, together with supporting data and explanations as called
1 28 for by the director of the department of management after
1 29 consultation with the legislative services agency.
1 30 2. The estimates of expenditure requirements shall be
1 31 in a form specified by the director of the department of
1 32 management, and the expenditure requirements shall include all
1 33 proposed expenditures and shall be prioritized by program or
1 34 the results to be achieved. The estimates shall be accompanied
1 35 by performance measures for evaluating the effectiveness of the



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Senate Study Bill 3256 continued

2 1 programs or results.
 2 2 Sec. 3. GENERAL ASSEMBLY.
 2 3 1. The appropriations made pursuant to section 2.12 for the
 2 4 expenses of the general assembly and legislative agencies for
 2 5 the fiscal year beginning July 1, 2010, and ending June 30,
 2 6 2011, are reduced by the following amount:
 2 7 \$ 5,939,790
 2 8 2. The budgeted amounts for the general assembly for the
 2 9 fiscal year beginning July 1, 2010, may be adjusted to reflect
 2 10 unexpended budgeted amounts from the previous fiscal year.
 2 11 Sec. 4. LIMITATION OF STANDING APPROPRIATIONS.
 2 12 Notwithstanding the standing appropriations in the following
 2 13 designated sections for the fiscal year beginning July 1, 2010,
 2 14 and ending June 30, 2011, the amounts appropriated from the
 2 15 general fund of the state pursuant to these sections for the
 2 16 following designated purposes shall not exceed the following
 2 17 amounts:
 2 18 1. For operational support grants and community cultural
 2 19 grants under section 99F.11, subsection 3, paragraph "d",
 2 20 subparagraph (1):
 2 21 \$ 443,300
 2 22 2. For regional tourism marketing under section 99F.11,
 2 23 subsection 3, paragraph "d", subparagraph (2):
 2 24 \$ 862,028
 2 25 3. For the center for congenital and inherited disorders
 2 26 central registry under section 144.13A, subsection 4, paragraph
 2 27 "a":
 2 28 \$ 182,044
 2 29 4. For primary and secondary child abuse prevention
 2 30 programs under section 144.13A, subsection 4, paragraph "a":
 2 31 \$ 217,772
 2 32 5. For programs for at-risk children under section 279.51:
 2 33 \$ 11,493,891
 2 34 The amount of any reduction in this subsection shall be
 2 35 prorated among the programs specified in section 279.51,



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Senate Study Bill 3256 continued

3 1 subsection 1, paragraphs "a", "b", and "c".
3 2 6. For payment for nonpublic school transportation under
3 3 section 285.2:
3 4 \$ 7,060,931
3 5 If total approved claims for reimbursement for nonpublic
3 6 school pupil transportation exceed the amount appropriated in
3 7 accordance with this subsection, the department of education
3 8 shall prorate the amount of each approved claim.
3 9 7. For mental health, mental retardation, and developmental
3 10 disabilities services property tax relief under section 426B.1,
3 11 subsection 2, as amended in this division of this Act:
3 12 \$ 81,199,911
3 13 8. For the enforcement of chapter 453D relating to tobacco
3 14 product manufacturers under section 453D.8:
3 15 \$ 19,591
3 16 9. For the Iowa power fund under section 469.10, subsection
3 17 1:
3 18 \$ 19,600,000
3 19 Sec. 5. STATE FOUNDATION AID FOR SCHOOLS == FY 2010=2011.
3 20 Notwithstanding the standing appropriation in section 257.16,
3 21 subsection 1, for state foundation aid for the fiscal year
3 22 beginning July 1, 2010, and ending June 30, 2011, the amount
3 23 appropriated from the general fund of the state pursuant to
3 24 that section for the following designated purpose shall not
3 25 exceed the following amount:
3 26 For state foundation aid under section 257.16, subsection 1:
3 27 \$2,494,057,875
3 28 1. Of the amount designated in this section for state
3 29 foundation aid, \$314,894,787 is allocated for the teacher
3 30 salary supplements, the professional development supplements,
3 31 and the early intervention supplement in accordance with
3 32 section 257.10, subsections 9 through 11, and section 257.37A.
3 33 2. If the remaining balance of the moneys designated in
3 34 this section, after the allocation made in subsection 1, is
3 35 less than the amount required to pay the remainder of state



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4 1 foundation aid pursuant to section 257.16, subsection 1, the
4 2 difference shall be deducted from the payments to each school
4 3 district and area education agency in the manner provided in
4 4 section 257.16, subsection 4. The reduction for area education
4 5 agencies shall be added to the reduction made pursuant to
4 6 section 257.35, subsection 5.

4 7 Sec. 6. INSTRUCTIONAL SUPPORT STATE AID. Notwithstanding
4 8 the standing appropriation provided under section 257.20,
4 9 an appropriation from the general fund of the state to the
4 10 department of education for the fiscal year beginning July 1,
4 11 2010, and ending June 30, 2011, shall not be made for purposes
4 12 of paying instructional support state aid.

4 13 Sec. 7. VETERANS HOME MEDICAL CLINIC. Of moneys received
4 14 on or after July 1, 2009, by the Iowa veterans home from
4 15 the federal government relating to the costs to improve and
4 16 renovate a medical clinic at the home in a previous fiscal
4 17 year, the first \$727,000 shall be credited to the general fund
4 18 of the state on or after July 1, 2010.

4 19 Sec. 8. PROPERTY TAX CREDIT FUND == PAYMENTS IN LIEU OF
4 20 GENERAL FUND REIMBURSEMENT.

4 21 1. a. A property tax credit fund shall be created in the
4 22 office of the treasurer of state to be used for the purposes of
4 23 this section.

4 24 b. There is appropriated from the general fund of the state
4 25 to the property tax credit fund created in paragraph "a" for
4 26 the fiscal year beginning July 1, 2010, and ending June 30,
4 27 2011, the sum of \$91,256,037.

4 28 c. Notwithstanding the requirements in section 8.56,
4 29 subsections 3 and 4, there is appropriated from the cash
4 30 reserve fund to the property tax credit fund created in
4 31 paragraph "a" for the fiscal year beginning July 1, 2010, and
4 32 ending June 30, 2011, the sum of \$54,684,481.

4 33 d. Notwithstanding section 8.33, the surplus existing
4 34 in the property tax credit fund created pursuant to 2009
4 35 Iowa Acts, chapter 179, section 9, at the conclusion of the



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5 1 fiscal year beginning July 1, 2009, and ending June 30, 2010,
 5 2 is transferred to the property tax credit fund created in
 5 3 paragraph "a".
 5 4 2. In lieu of the appropriations in the following designated
 5 5 sections, for the fiscal year beginning July 1, 2010, and
 5 6 ending June 30, 2011, there is appropriated from the property
 5 7 tax credit fund the following amounts for the following
 5 8 designated purposes:
 5 9 a. For reimbursement for the homestead property tax credit
 5 10 under section 425.1:
 5 11 \$ 87,757,913
 5 12 b. For reimbursement for the family farm and agricultural
 5 13 land tax credits under sections 425A.1 and 426.1:
 5 14 \$ 32,395,131
 5 15 c. For reimbursement for the military service tax credit
 5 16 under section 426A.1A:
 5 17 \$ 2,400,000
 5 18 d. For implementing the elderly and disabled tax credit and
 5 19 reimbursement pursuant to sections 425.16 through 425.39:
 5 20 \$ 23,400,000
 5 21 If the director of revenue determines that the amount
 5 22 of claims for credit for property taxes due pursuant to
 5 23 paragraphs "a", "b", "c", and "d", plus the amount of claims
 5 24 for reimbursement for rent constituting property taxes paid
 5 25 which are to be paid during the fiscal year may exceed the
 5 26 total amount appropriated, the director shall estimate the
 5 27 percentage of the credits and reimbursements which will be
 5 28 funded by the appropriation. The county treasurer shall notify
 5 29 the director of the amount of property tax credits claimed by
 5 30 June 8, 2010. The director shall estimate the percentage of
 5 31 the property tax credits and rent reimbursement claims that
 5 32 will be funded by the appropriation and notify the county
 5 33 treasurer of the percentage estimate by June 15, 2010. The
 5 34 estimated percentage shall be used in computing for each claim
 5 35 the amount of property tax credit and reimbursement for rent



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6 1 constituting property taxes paid for that fiscal year. If
6 2 the director overestimates the percentage of funding, claims
6 3 for reimbursement for rent constituting property taxes paid
6 4 shall be paid until they can no longer be paid at the estimated
6 5 percentage of funding. Rent reimbursement claims filed after
6 6 that point in time shall receive priority and shall be paid in
6 7 the following fiscal year.

6 8 Sec. 9. PERFORMANCE OF DUTY. There is appropriated from
6 9 the cash reserve fund created in section 8.56 to the executive
6 10 council for the fiscal year beginning July 1, 2010, and ending
6 11 June 30, 2011, the following amount, or so much thereof as is
6 12 necessary, to be used for the purposes designated:

6 13 For performance of duty by the executive council in sections
6 14 7D.29 and 29C.20:

6 15 \$ 10,583,628

6 16 The funding from the appropriation made in this section
6 17 shall be utilized before any funding from the general fund of
6 18 the state.

6 19 Sec. 10. CASH RESERVE FUND APPROPRIATION

6 20 REQUIREMENTS. Section 8.56, subsections 3 and 4, shall
6 21 not apply to any appropriation made in this division or any
6 22 other division of this Act from the cash reserve fund created
6 23 in section 8.56.

6 24 Sec. 11. CASH RESERVE FUND APPROPRIATION FOR FISCAL YEAR
6 25 2010=2011. For the fiscal year beginning July 1, 2010, and
6 26 ending June 30, 2011, the appropriation to the cash reserve
6 27 fund provided in section 8.57, subsection 1, paragraph "a",
6 28 shall not be made.

6 29 Sec. 12. Section 426B.1, subsections 2 and 3, Code 2009, are
6 30 amended to read as follows:

6 31 2. There is appropriated on July 1 of each fiscal year
6 32 to the property tax relief fund from the general fund of
6 33 the state, ~~ninety=~~five ~~eighty=~~eight million four hundred
6 34 thousand dollars.

6 35 ~~3. There is annually appropriated from the property tax~~



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~~7 1 relief fund to the department of human services to supplement
7 2 the medical assistance appropriation for the fiscal year
7 3 beginning July 1, 1997, and for succeeding fiscal years,
7 4 six million six hundred thousand dollars to be used for the
7 5 nonfederal share of the costs of services provided to minors
7 6 with mental retardation under the medical assistance program
7 7 to meet the requirements of section 249A.12, subsection 4.
7 8 The appropriation in this subsection shall be charged to the
7 9 property tax relief fund prior to the distribution of moneys
7 10 from the fund under section 426B.2 and the amount of moneys
7 11 available for distribution shall be reduced accordingly.
7 12 However, the appropriation in this subsection shall be
7 13 considered to be a property tax relief payment for purposes
7 14 of the combined amount of payments required to achieve fifty
7 15 percent of the counties' base year expenditures as provided in
7 16 section 426B.2, subsection 2.~~

7 17 CASH RESERVE FUND == PERFORMANCE OF DUTY

7 18 Sec. 13. 2009 Iowa Acts, chapter 179, section 10, is amended
7 19 by adding the following new unnumbered paragraph:

7 20 NEW UNNUMBERED PARAGRAPH Notwithstanding section 8.33,
7 21 moneys appropriated in this section that remain unencumbered or
7 22 unobligated at the close of the fiscal year shall not revert
7 23 but shall remain available for expenditure for the purposes
7 24 designated until the close of the succeeding fiscal year.

7 25 Sec. 14. EFFECTIVE DATES AND RETROACTIVE APPLICABILITY.

7 26 1. The section of this division of this Act providing for
7 27 crediting of certain moneys received by the Iowa veterans home
7 28 to the general fund of the state, being deemed of immediate
7 29 importance, takes effect upon enactment and is retroactively
7 30 applicable to July 1, 2009, and is applicable on and after that
7 31 date.

7 32 2. The section of this division of this Act creating the
7 33 property tax credit fund, being deemed of immediate importance,
7 34 takes effect upon enactment.

7 35 3. The section of this division of this Act amending 2009



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8 1 Iowa Acts, chapter 179, section 10, being deemed of immediate
8 2 importance, takes effect upon enactment.

8 3 DIVISION III

8 4 SALARIES, COMPENSATION, AND RELATED MATTERS

8 5 Sec. 15. APPOINTED STATE OFFICERS.

8 6 1. The governor shall establish a salary for appointed
8 7 nonelected persons in the executive branch of state government
8 8 holding a position enumerated in and within the salary
8 9 ranges provided in 2008 Iowa Acts, chapter 1191, section 14,
8 10 by considering, among other items, the experience of the
8 11 individual in the position, changes in the duties of the
8 12 position, the incumbent's performance of assigned duties, and
8 13 subordinates' salaries. However, the attorney general shall
8 14 establish the salary for the consumer advocate, the chief
8 15 justice of the supreme court shall establish the salary for the
8 16 state court administrator, the ethics and campaign disclosure
8 17 board shall establish the salary of the executive director, and
8 18 the Iowa public broadcasting board shall establish the salary
8 19 of the administrator of the public broadcasting division of the
8 20 department of education, each within the salary range provided
8 21 in 2008 Iowa Acts, chapter 1191, section 14.

8 22 2. The governor, in establishing salaries as provided in
8 23 this section, shall take into consideration other employee
8 24 benefits which may be provided for an individual including but
8 25 not limited to housing.

8 26 3. A person whose salary is established pursuant to this
8 27 section and who is a full-time, year-round employee of the
8 28 state shall not receive any other remuneration from the state
8 29 or from any other source for the performance of that person's
8 30 duties unless the additional remuneration is first approved by
8 31 the governor or authorized by law. However, this provision
8 32 does not exclude the reimbursement for necessary travel and
8 33 expenses incurred in the performance of duties or fringe
8 34 benefits normally provided to employees of the state.

8 35 Sec. 16. COLLECTIVE BARGAINING AGREEMENTS FUNDED. The



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9 1 various state departments, boards, commissions, councils,
9 2 and agencies, including the state board of regents, for
9 3 the fiscal year beginning July 1, 2010, and ending June 30,
9 4 2011, shall provide from available sources pay adjustments,
9 5 expense reimbursements, and related benefits to fully fund the
9 6 following:

9 7 1. The collective bargaining agreement negotiated pursuant
9 8 to chapter 20 for employees in the blue collar bargaining unit.
9 9 2. The collective bargaining agreement negotiated pursuant
9 10 to chapter 20 for employees in the public safety bargaining
9 11 unit.

9 12 3. The collective bargaining agreement negotiated pursuant
9 13 to chapter 20 for employees in the security bargaining unit.

9 14 4. The collective bargaining agreement negotiated pursuant
9 15 to chapter 20 for employees in the technical bargaining unit.

9 16 5. The collective bargaining agreement negotiated pursuant
9 17 to chapter 20 for employees in the professional fiscal and
9 18 staff bargaining unit.

9 19 6. The collective bargaining agreement negotiated pursuant
9 20 to chapter 20 for employees in the clerical bargaining unit.

9 21 7. The collective bargaining agreement negotiated pursuant
9 22 to chapter 20 for employees in the professional social services
9 23 bargaining unit.

9 24 8. The collective bargaining agreement negotiated pursuant
9 25 to chapter 20 for employees in the community-based corrections
9 26 bargaining unit.

9 27 9. The collective bargaining agreements negotiated
9 28 pursuant to chapter 20 for employees in the judicial branch of
9 29 government bargaining units.

9 30 10. The collective bargaining agreement negotiated pursuant
9 31 to chapter 20 for employees in the patient care bargaining
9 32 unit.

9 33 11. The collective bargaining agreement negotiated pursuant
9 34 to chapter 20 for employees in the science bargaining unit.

9 35 12. The collective bargaining agreement negotiated pursuant



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10 1 to chapter 20 for employees in the university of northern Iowa
10 2 faculty bargaining unit.
10 3 13. The collective bargaining agreement negotiated pursuant
10 4 to chapter 20 for employees in the state university of Iowa
10 5 graduate student bargaining unit.
10 6 14. The collective bargaining agreement negotiated pursuant
10 7 to chapter 20 for employees in the state university of Iowa
10 8 hospital and clinics tertiary health care bargaining unit.
10 9 15. The annual pay adjustments, related benefits, and
10 10 expense reimbursements referred to in the sections of this
10 11 division of this Act addressing noncontract state and state
10 12 board of regents employees who are not covered by a collective
10 13 bargaining agreement.
10 14 Sec. 17. NONCONTRACT STATE EMPLOYEES == GENERAL.
10 15 1. For the fiscal year beginning July 1, 2010:
10 16 a. The maximum and minimum salary levels of all pay plans
10 17 provided for in section 8A.413, subsection 3, as they exist for
10 18 the fiscal year ending June 30, 2010, shall not increase.
10 19 b. Employees may receive a step increase or the equivalent
10 20 of a step increase.
10 21 c. The pay plan for noncontract judicial branch employees
10 22 shall not be increased.
10 23 d. The pay plans for state employees who are exempt
10 24 from chapter 8A, subchapter IV, and who are included in the
10 25 department of administrative services' centralized payroll
10 26 system shall not be increased, and any additional changes
10 27 in any executive branch pay plans shall be approved by the
10 28 governor.
10 29 2. This section does not apply to members of the general
10 30 assembly, board members, commission members, persons whose
10 31 salaries are set by the general assembly pursuant to this Act
10 32 or are set by the governor, or other persons designated in the
10 33 section of this division of this Act addressing appointed state
10 34 officers, employees designated under section 8A.412, subsection
10 35 5, and employees covered by 11 IAC 53.6(3).



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11 1 3. The pay plans for the bargaining eligible employees of
11 2 the state shall not be increased, and any additional changes
11 3 in such executive branch pay plans shall be approved by the
11 4 governor. As used in this section, "bargaining eligible
11 5 employee" means an employee who is eligible to organize under
11 6 chapter 20, but has not done so.

11 7 4. The policies for implementation of this section shall be
11 8 approved by the governor.

11 9 Sec. 18. STATE EMPLOYEES == STATE BOARD OF REGENTS. For
11 10 the fiscal year beginning July 1, 2010, and ending June 30,
11 11 2011, funds shall be provided from available sources of the
11 12 state board of regents for funding of collective bargaining
11 13 agreements for state board of regents employees covered by
11 14 such agreements and for the following state board of regents
11 15 employees not covered by a collective bargaining agreement:

11 16 1. Regents merit system employees and merit supervisory
11 17 employees.

11 18 2. Faculty members and professional and scientific
11 19 employees.

11 20 Sec. 19. BONUS PAY. For the fiscal year beginning July
11 21 1, 2010, and ending June 30, 2011, employees of the executive
11 22 branch, judicial branch, and legislative branch shall not
11 23 receive bonus pay unless otherwise authorized by law, required
11 24 pursuant to a contract of employment entered into before July
11 25 1, 2010, or required pursuant to a collective bargaining
11 26 agreement. This section does not apply to employees of the
11 27 state board of regents. For purposes of this section, "bonus
11 28 pay" means any additional remuneration provided an employee in
11 29 the form of a bonus, including but not limited to a retention
11 30 bonus, recruitment bonus, exceptional job performance pay,
11 31 extraordinary job performance pay, exceptional performance pay,
11 32 extraordinary duty pay, or extraordinary or special duty pay,
11 33 and any extra benefit not otherwise provided to other similarly
11 34 situated employees.

11 35 Sec. 20. SPECIAL FUNDS. For the fiscal year beginning July



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12 1 1, 2010, and ending June 30, 2011, salary adjustments otherwise
12 2 provided for in this Act may be funded using departmental
12 3 revolving, trust, or special funds for which the general
12 4 assembly has established an operating budget, provided doing so
12 5 does not exceed the operating budget established by the general
12 6 assembly.

12 7 Sec. 21. FEDERAL FUNDS APPROPRIATED. For the fiscal year
12 8 beginning July 1, 2010, all federal grants to and the federal
12 9 receipts of the agencies affected by this division of this Act
12 10 which are received and may be expended for purposes of this
12 11 division of this Act are appropriated for those purposes and as
12 12 set forth in the federal grants or receipts.

12 13 Sec. 22. STATE TROOPER MEAL ALLOWANCE. For the fiscal
12 14 year beginning July 1, 2010, the sworn peace officers in the
12 15 department of public safety who are not covered by a collective
12 16 bargaining agreement negotiated pursuant to chapter 20 shall
12 17 receive the same per diem meal allowance as the sworn peace
12 18 officers in the department of public safety who are covered
12 19 by a collective bargaining agreement negotiated pursuant to
12 20 chapter 20.

12 21 Sec. 23. SALARY MODEL ADMINISTRATOR. The salary model
12 22 administrator shall work in conjunction with the legislative
12 23 services agency to maintain the state's salary model used for
12 24 analyzing, comparing, and projecting state employee salary
12 25 and benefit information, including information relating to
12 26 employees of the state board of regents. The department of
12 27 revenue, the department of administrative services, the five
12 28 institutions under the jurisdiction of the state board of
12 29 regents, the judicial district departments of correctional
12 30 services, and the state department of transportation shall
12 31 provide salary data to the department of management and the
12 32 legislative services agency to operate the state's salary
12 33 model. The format and frequency of provision of the salary
12 34 data shall be determined by the department of management and
12 35 the legislative services agency. The information shall be



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13 1 used in collective bargaining processes under chapter 20 and
13 2 in calculating the funding needs contained within the annual
13 3 salary adjustment legislation. A state employee organization
13 4 as defined in section 20.3, subsection 4, may request
13 5 information produced by the model, but the information provided
13 6 shall not contain information attributable to individual
13 7 employees.

13 8 Sec. 24. 2008 Iowa Acts, chapter 1191, section 14,
13 9 subsection 7, is amended to read as follows:

13 10 7. The following are range 7 positions: administrator
13 11 of the public broadcasting division of the department of
13 12 education, director of the department of corrections, director
13 13 of the department of education, director of human services,
13 14 director of the department of economic development, executive
13 15 director of the Iowa telecommunications and technology
13 16 commission, executive director of the state board of regents,
13 17 director of transportation, director of the department of
13 18 workforce development, director of revenue, director of public
13 19 health, state court administrator, director of the department
13 20 of management, chief information officer, and director of the
13 21 department of administrative services.

13 22 DIVISION IV

13 23 APPROPRIATION REDUCTIONS

13 24 Sec. 25. APPROPRIATION REDUCTIONS == REPORT.

13 25 1. The amounts appropriated from the general fund of
13 26 the state to the departments and establishments of the
13 27 executive branch, as defined in section 8.2, but not including
13 28 appropriations to the state board of regents, for operational
13 29 purposes in enactments made for the fiscal year beginning July
13 30 1, 2010, and ending June 30, 2011, are reduced by \$83,760,500.
13 31 For purposes of this section, "operational purposes"
13 32 means salary, support, administrative expenses, or other
13 33 personnel-related costs. The reductions in appropriations
13 34 required pursuant to this subsection shall be realized through
13 35 the implementation of 2010 Iowa Acts, Senate File 2062, 2010



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14 1 Iowa Acts, Senate File 2088, executive order number 20 issued
14 2 December 16, 2009, and any other efficiency measure. The
14 3 reductions to operational appropriations required by this
14 4 subsection shall be applied by the department of management.
14 5 2. On or before December 1, 2010, the department of
14 6 management shall submit a report to the general assembly
14 7 and the legislative services agency regarding anticipated
14 8 reductions in appropriations for operational purposes and
14 9 anticipated reductions in full-time equivalent positions
14 10 for the fiscal year beginning July 1, 2010, and ending June
14 11 30, 2011, as required by this section. In the report, all
14 12 reductions shall be categorized in one of four categories. The
14 13 categories shall include the implementation of 2010 Iowa Acts,
14 14 Senate File 2062; the implementation of 2010 Iowa Acts, Senate
14 15 File 2088, section 65; the implementation of 2010 Iowa Acts,
14 16 Senate File 2088, sections 67 and 68; and the implementation of
14 17 both executive order number 20 issued December 16, 2009, and
14 18 any remaining provisions of 2010 Iowa Acts, Senate File 2088.
14 19 Sec. 26. CASH RESERVE TRANSFER. For the fiscal year
14 20 beginning July 1, 2010, and ending June 30, 2011, the
14 21 department of management may transfer up to five million
14 22 dollars from the cash reserve fund created in section 8.56
14 23 to appropriations addressed by this division for purposes
14 24 of offsetting the appropriation reductions required in this
14 25 division. A transfer made pursuant to the authority granted in
14 26 this section shall be subject to the reporting requirements in
14 27 section 8.39, subsections 3 and 4.
14 28 Sec. 27. DEPARTMENT OF ADMINISTRATIVE SERVICES ==
14 29 INFORMATION TECHNOLOGY. There is appropriated from the general
14 30 fund of the state to the department of administrative services
14 31 for the fiscal year beginning July 1, 2010, and ending June 30,
14 32 2011, the following amount, or so much thereof as is necessary,
14 33 to be used for the purposes designated:
14 34 For implementing 2010 Iowa Acts, Senate File 2088, division
14 35 I, including salaries, support, maintenance, and miscellaneous



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16 1 concerning efforts by the department to merge payroll systems
16 2 and any recommendations for legislative action to encourage, or
16 3 eliminate barriers to, the provision of payroll services by the
16 4 department to other state agencies.

16 5 Sec. 32. 2010 Iowa Acts, Senate File 2088, section 234, is
16 6 amended to read as follows:

16 7 SEC. 234. DEPARTMENT OF ~~MANAGEMENT~~ ADMINISTRATIVE

16 8 SERVICES == PAYROLL FREQUENCY. The department of
16 9 ~~management~~ administrative services shall implement to the
16 10 greatest extent possible a reduction in the frequency of paying
16 11 state employees by paying employees through the payroll system
16 12 on a semimonthly instead of a biweekly basis.

16 13 Sec. 33. REPEALS. 2010 Iowa Acts, Senate File 2088,
16 14 sections 175 through 232, are repealed.

16 15 DIVISION VI
16 16 CORRECTIVE PROVISIONS

16 17 Sec. 34. Section 2.69, subsection 3, as enacted by 2010
16 18 Iowa Acts, Senate File 2088, section 420, is amended to read
16 19 as follows:

16 20 3. The members of the committee shall be reimbursed for
16 21 actual and necessary expenses incurred in the performance of
16 22 their duties and shall be paid a per diem as specified in
16 23 section ~~7E.6~~ 2.10 for each day in which they engaged in the
16 24 performance of their duties. However, per diem compensation
16 25 and expenses shall not be paid when the general assembly is
16 26 actually in session at the seat of government. Expenses and
16 27 per diem shall be paid from funds appropriated pursuant to
16 28 section 2.12.

16 29 Sec. 35. Section 97D.4, subsection 2, Code 2009, is amended
16 30 to read as follows:

16 31 2. The members of the committee shall be reimbursed for
16 32 actual and necessary expenses incurred in the performance of
16 33 their duties and shall be paid a per diem as specified in
16 34 section ~~7E.6~~ 2.10 for each day in which they engaged in the
16 35 performance of their duties. However, per diem compensation



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17 1 and expenses shall not be paid when the general assembly is
17 2 actually in session at the seat of government. Expenses and
17 3 per diem shall be paid from funds appropriated pursuant to
17 4 section 2.12.

17 5 Sec. 36. Section 123.43A, subsection 1, unnumbered
17 6 paragraph 1, as enacted by 2010 Iowa Acts, Senate File 2088,
17 7 section 84, is amended to read as follows:

17 8 For the purposes of this section, unless the context
17 9 ~~other~~ otherwise requires:

17 10 Sec. 37. Section 162.10D, subsection 2, as enacted by 2010
17 11 Iowa Acts, House File 2280, section 18, is amended to read as
17 12 follows:

17 13 2. The department may require ~~that~~ an owner, operator, or
17 14 employee of a commercial establishment subject to disciplinary
17 15 action under subsection 1 to complete a continuing education
17 16 program as a condition for retaining an authorization.

17 17 This section does not prevent a person from voluntarily
17 18 participating in a continuing education program.

17 19 Sec. 38. Section 216A.113, subsection 1, as enacted by 2010
17 20 Iowa Acts, Senate File 2088, section 139, is amended to read
17 21 as follows:

17 22 1. The commission ~~on the deaf~~ of deaf services is
17 23 established, and shall consist of seven voting members
17 24 appointed by the governor, subject to confirmation by the
17 25 senate pursuant to section 2.32. Membership of the commission
17 26 shall include at least four members who are deaf and who cannot
17 27 hear human speech with or without use of amplification and at
17 28 least one member who is hard of hearing. All members shall
17 29 reside in Iowa.

17 30 Sec. 39. Section 216C.9, subsection 1, Code 2009, as amended
17 31 by 2010 Iowa Acts, Senate File 2202, section 7, if enacted, is
17 32 amended to read as follows:

17 33 1. If a street, road, or highway in this state is newly
17 34 built or reconstructed, a curb ramp or sloped area shall be
17 35 constructed or installed at each intersection of the street,



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18 1 road, or highway with a sidewalk or path. If a sidewalk or path
18 2 in this state is newly built or ~~altered~~ reconstructed, a curb
18 3 ramp or sloped area shall be constructed or installed at each
18 4 intersection of the sidewalk or path with a street, highway,
18 5 or road.

18 6 Sec. 40. Section 256.51, subsection 1, paragraph a, Code
18 7 2009, as amended by 2010 Iowa Acts, Senate File 2088, section
18 8 316, is amended to read as follows:

18 9 a. Determine policy for providing information service to
18 10 the three branches of state government and to the legal ~~and~~
~~18 11 medical~~ community in this state.

18 12 Sec. 41. Section 256F.3, subsection 1, Code 2009, as amended
18 13 by 2010 Iowa Acts, Senate File 2033, section 10, is amended to
18 14 read as follows:

18 15 1. The state board of education shall apply for a federal
18 16 grant under Pub. L. No. 107=110, cited as the federal No Child
18 17 Left Behind Act of 2001, Tit. V, Pt. B, Subpt. 1, for purposes
18 18 of providing financial assistance for the planning, program
18 19 design, and initial implementation of public charter schools.
18 20 The department shall monitor the effectiveness of charter
18 21 schools and innovation zone schools and shall implement the
18 22 applicable provisions of this chapter.

18 23 Sec. 42. Section 256F.6, subsection 3, Code 2009, is amended
18 24 to read as follows:

18 25 3. The state board of education shall provide by rule for
18 26 the ongoing review of ~~a school board's~~ each party's compliance
18 27 with a contract entered into in accordance with this chapter.

18 28 Sec. 43. Section 260C.44, Code 2009, as amended by 2010 Iowa
18 29 Acts, Senate File 2340, section 35, if enacted, is amended to
18 30 read as follows:

18 31 260C.44 Apprenticeship programs.

18 32 1. Each community college is authorized to establish or
18 33 contract for the establishment of apprenticeship programs
18 34 for apprenticeable occupations. Any apprenticeship program
18 35 established under this section shall comply with requirements



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19 1 established by the United States department of labor,
19 2 ~~bureau~~ office of apprenticeship ~~and training~~. Participation
19 3 in an apprenticeship program or apprenticeship agreement by an
19 4 apprenticeship sponsor shall be on a voluntary basis.

19 5 2. For purposes of this section:

19 6 a. "Apprentice" means a person who is at least sixteen
19 7 years of age, except where a higher minimum age is required by
19 8 law, who is employed in an apprenticeable occupation, and is
19 9 registered with the United States department of labor, office
19 10 of apprenticeship.

19 11 b. "Apprenticeable occupation" means an occupation approved
19 12 for apprenticeship by the United States department of labor,
19 13 office of apprenticeship ~~and training~~.

19 14 c. "Apprenticeship program" means a plan, registered with
19 15 the United States office of apprenticeship which contains
19 16 the terms and conditions for the qualification, recruitment,
19 17 selection, employment, and training of apprentices, including
19 18 the requirement for a written apprenticeship agreement.

19 19 d. "Apprenticeship sponsor" means a person operating an
19 20 apprenticeship program or in whose name an apprenticeship
19 21 program is being operated, registered, or approved.

19 22 Sec. 44. Section 298.4, subsection 2, if enacted by 2010
19 23 Iowa Acts, Senate File 2237, section 103, is amended to read
19 24 as follows:

19 25 2. Unencumbered funds collected from the levies
19 26 authorized in sections 96.31, 279.46, and 296.7 prior to
19 27 July 1, 1991, may be expended for the purposes listed in
19 28 ~~subsections~~ subsection 1, paragraphs "a", "c", and "e".

19 29 Sec. 45. Section 317.1, Code 2009, as amended by 2010 Iowa
19 30 Acts, Senate File 2340, section 86, if enacted, is amended to
19 31 read as follows:

19 32 317.1 Definitions.

19 33 As used in this chapter, unless the context otherwise
19 34 requires:

19 35 ~~a-~~ 1. "Book", "list", "record", or "schedule" kept by a



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20 1 county auditor, assessor, treasurer, recorder, sheriff, or
20 2 other county officer means the county system as defined in
20 3 section 445.1.

20 4 ~~b.~~ 2. "Commissioner" means the county weed commissioner or
20 5 the commissioner's deputy within each county.

20 6 Sec. 46. Section 321J.2, subsection 3, paragraph d,
20 7 subparagraphs (1) and (2), if enacted by 2010 Iowa Acts, Senate
20 8 File 431, section 1, are amended to read as follows:

20 9 (1) A defendant whose alcohol concentration is .08 or
20 10 more but not more than .10 shall not be eligible for any
20 11 temporary restricted license for at least thirty days if a
20 12 test was obtained and an accident resulting in personal injury
20 13 or property damage occurred. The department shall require
20 14 the defendant ~~shall be ordered~~ to install an ignition interlock
20 15 device of a type approved by the commissioner of public safety
20 16 on all vehicles owned or operated by the defendant if the
20 17 defendant seeks a temporary restricted license. There shall be
20 18 no such period of ineligibility if no such accident occurred,
20 19 and the defendant shall not be ~~ordered~~ required to install an
20 20 ignition interlock device.

20 21 (2) A defendant whose alcohol concentration is more than .10
20 22 shall not be eligible for any temporary restricted license for
20 23 at least thirty days if a test was obtained, and an accident
20 24 resulting in personal injury or property damage occurred or the
20 25 defendant's alcohol concentration exceeded .15. There shall be
20 26 no such period of ineligibility if no such accident occurred
20 27 and the defendant's alcohol concentration did not exceed .15.
20 28 In either case, where a defendant's alcohol concentration is
20 29 more than .10, the department shall require the defendant ~~shall~~
20 30 ~~be ordered~~ to install an ignition interlock device of a type
20 31 approved by the commissioner of public safety on all vehicles
20 32 owned or operated by the defendant if the defendant seeks a
20 33 temporary restricted license.

20 34 Sec. 47. Section 336.4, Code 2009, as amended by 2010 Iowa
20 35 Acts, Senate File 2088, section 323, is amended to read as



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21 1 follows:

21 2 336.4 Library trustees.

21 3 In any area in which a library district has been established
21 4 in accordance with this chapter, a board of library
21 5 trustees, consisting of five, seven, or nine members who
21 6 ~~resident~~ reside within the library district, shall be appointed
21 7 by the governing bodies of the jurisdictions comprising the
21 8 library district.

21 9 Sec. 48. Section 435.26B, subsection 1, paragraph c, if
21 10 enacted by 2010 Iowa Acts, Senate File 2199, section 13, is
21 11 amended to read as follows:

21 12 c. A statement of the affiant's title or ownership interest
21 13 and a statement of all liens, encumbrances, or security
21 14 ~~interest~~ interests upon the manufactured or mobile home,
21 15 including the names and mailing addresses of all persons having
21 16 any such liens, encumbrances, or security interests.

21 17 Sec. 49. Section 455B.104, subsection 4, as enacted by 2010
21 18 Iowa Acts, Senate File 2088, section 258, is amended to read
21 19 as follows:

21 20 4. By ~~September 1~~ December 31 of each year, the department
21 21 shall submit a report to the governor and the general assembly
21 22 regarding the greenhouse gas emissions in the state during
21 23 the previous calendar year and forecasting trends in such
21 24 emissions. The first submission by the department shall be
21 25 filed by ~~September 1~~ December 31, 2011, for the calendar year
21 26 beginning January 1, 2010.

21 27 Sec. 50. Section 489.116, subsection 4, as amended by 2010
21 28 Iowa Acts, House File 2478, section 5, if enacted, is amended
21 29 to read as follows:

21 30 ~~4.~~ 3. A limited liability company or foreign limited
21 31 liability company may be served pursuant to this section, as
21 32 provided in another provision of this chapter, or as provided
21 33 in sections 617.3 through 617.6, unless the manner of service
21 34 is otherwise specifically provided for by another provision of
21 35 law.



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22 1 Sec. 51. Section 489.1005, subsection 2, Code 2009, is
22 2 amended to read as follows:
22 3 2. A surviving organization that is a foreign organization
22 4 consents to the jurisdiction of the courts of this state to
22 5 enforce any debt, obligation, or other liability owed by a
22 6 constituent organization, if before the merger the constituent
22 7 organization was subject to suit in this state on the debt,
22 8 obligation, or other liability. A surviving organization
22 9 that is a foreign organization and not authorized to transact
22 10 business in this state appoints the secretary of state as its
22 11 registered agent for service of process for the purposes of
22 12 enforcing a debt, obligation, or other liability under this
22 13 subsection. Service on the secretary of state under this
22 14 subsection must be made in the same manner and has the same
22 15 consequences as in section 489.116, subsections 3 2 and 4 3.
22 16 Sec. 52. Section 489.1009, subsection 3, Code 2009, is
22 17 amended to read as follows:
22 18 3. A converted organization that is a foreign organization
22 19 consents to the jurisdiction of the courts of this state to
22 20 enforce any debt, obligation, or other liability for which
22 21 the converting limited liability company is liable if, before
22 22 the conversion, the converting limited liability company was
22 23 subject to suit in this state on the debt, obligation, or
22 24 other liability. A converted organization that is a foreign
22 25 organization and not authorized to transact business in this
22 26 state appoints the secretary of state as its registered agent
22 27 for service of process for purposes of enforcing a debt,
22 28 obligation, or other liability under this subsection. Service
22 29 on the secretary of state under this subsection must be made
22 30 in the same manner and has the same consequences as in section
22 31 489.116, subsections 3 2 and 4 3.
22 32 Sec. 53. Section 489.1013, subsection 2, Code 2009, is
22 33 amended to read as follows:
22 34 2. A domesticated company that is a foreign limited
22 35 liability company consents to the jurisdiction of the courts



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23 1 of this state to enforce any debt, obligation, or other
23 2 liability owed by the domesticating company, if, before the
23 3 domestication, the domesticating company was subject to suit
23 4 in this state on the debt, obligation, or other liability.
23 5 A domesticated company that is a foreign limited liability
23 6 company and not authorized to transact business in this
23 7 state appoints the secretary of state as its registered agent
23 8 for service of process for purposes of enforcing a debt,
23 9 obligation, or other liability under this subsection. Service
23 10 on the secretary of state under this subsection must be made
23 11 in the same manner and has the same consequences as in section
23 12 489.116, subsections ~~2~~ and 4 ~~3~~.

23 13 Sec. 54. Section 508C.3, subsection 1, paragraph b,
23 14 subparagraph (2), subparagraph division (b), Code 2009, as
23 15 amended by 2010 Iowa Acts, Senate File 2272, section 1, if
23 16 enacted, is amended to read as follows:

23 17 (b) The person is not eligible for coverage by an
23 18 association described in subparagraph ~~part~~ division (a) in any
23 19 other state due to the fact that the insurer was not licensed
23 20 in the state at the time specified in that state's guaranty
23 21 association law.

23 22 Sec. 55. Section 514C.26, subsection 1, paragraph c,
23 23 subparagraph (2), subparagraph division (j), as enacted by 2010
23 24 Iowa Acts, House File 2075, section 1, is amended to read as
23 25 follows:

23 26 (j) Costs of extra treatments, services, procedures, tests,
23 27 or drugs that would not be performed or administered except
23 28 for participation in the cancer clinical trial. Nothing in
23 29 this subparagraph ~~subdivision~~ division shall limit payment for
23 30 treatments, services, procedures, tests, or drugs that are
23 31 otherwise a covered benefit under subparagraph (1).

23 32 Sec. 56. Section 543B.29, subsection 1, paragraph e,
23 33 subparagraph (2), if enacted by 2010 Iowa Acts, Senate File
23 34 2326, section 5, is amended to read as follows:

23 35 (2) The commission, when considering the revocation



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24 1 or suspension of a license pursuant to this paragraph "e",
24 2 shall consider the nature of the offense; any aggravating or
24 3 extenuating circumstances which are documented; the time lapsed
24 4 since the conduct or conviction; the rehabilitation, treatment,
24 5 or restitution performed by the licensee; and any other factors
24 6 the commission deems relevant. Character references may be
24 7 required but shall not be obtained from licensed real estate
24 8 brokers or salespersons.

24 9 Sec. 57. Section 562A.29A, subsection 1, paragraph b, as
24 10 enacted by 2010 Iowa Acts, Senate File 2300, section 3, is
24 11 amended to read as follows:

24 12 b. Personal service pursuant to ~~rules~~ rule of civil
24 13 procedure 1.305, Iowa court rules, for the personal service of
24 14 original notice.

24 15 Sec. 58. Section 685.6, subsection 9, paragraph d, as
24 16 enacted by 2010 Iowa Acts, Senate File 2088, section 343, is
24 17 amended to read as follows:

24 18 d. At any time during which any custodian is in custody
24 19 or control of any documentary material or answers to
24 20 interrogatories produced, or transcripts of oral testimony
24 21 given, by any person in compliance with any civil investigative
24 22 demand issued under subsection 1, such person, and in the
24 23 case of an express demand for any product of discovery, the
24 24 person from whom such discovery was obtained, may file, in
24 25 the district court of the state for the judicial district
24 26 within which the office of such custodian is located, and serve
24 27 upon such custodian, a petition for an order of such court to
24 28 require the performance by the custodian of any duty imposed
24 29 upon the custodian by this section.

24 30 Sec. 59. Section 692A.102, subsection 1, paragraph c,
24 31 subparagraph (30), Code Supplement 2009, is amended to read as
24 32 follows:

24 33 (30) Enticing ~~away~~ a minor in violation of section 710.10,
24 34 if the violation includes an intent to commit sexual abuse,
24 35 sexual exploitation, sexual contact, or sexual conduct directed



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25 1 towards a minor.

25 2 Sec. 60. Section 805.6, subsection 3, paragraph a, if
25 3 enacted by 2010 Iowa Acts, Senate File 2340, section 63, is
25 4 amended to read as follows:

25 5 a. The uniform citation and complaint shall contain
25 6 spaces for the parties' names; the address of the alleged
25 7 offender; the registration number of the offender's vehicle;
25 8 the information required by section 805.2, a warning which
25 9 states: I hereby swear and affirm that the information
25 10 provided by me on this citation is true under penalty of
25 11 providing false information; and a statement that providing
25 12 false information is a violation of section 719.3; a list of
25 13 the scheduled fines prescribed by sections 805.8A, 805.8B, and
25 14 805.8C, either separately or by group, and a statement of the
25 15 court costs payable in scheduled violation cases, whether or
25 16 not a court appearance is required or is demanded; a brief
25 17 explanation of sections 805.9 and 805.10; and a space where the
25 18 defendant may sign an admission of the violation when permitted
25 19 by section 805.9; and the uniform citation and complaint shall
25 20 require that the defendant appear before a court at a specified
25 21 time and place. The uniform citation and complaint also may
25 22 contain a space for the imprint of a credit card, and may
25 23 contain any other information which the commissioner of public
25 24 safety, the director of transportation, and the director of the
25 25 department of natural resources may determine.

25 26 Sec. 61. Section 805.6, subsection 7, Code Supplement 2009,
25 27 as amended by 2010 Iowa Acts, Senate File 2340, section 63, if
25 28 enacted, is amended to read as follows:

25 29 9. Supplies of uniform citation and complaint forms
25 30 existing or on order on July 1, 2010, may be used until
25 31 exhausted.

25 32 Sec. 62. Section 901A.1, subsection 1, paragraph c, Code
25 33 2009, is amended to read as follows:

25 34 c. Enticing a minor ~~away~~ in violation of section 710.10,
25 35 subsection 1.



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26 1 Sec. 63. The portion of 2010 Iowa Acts, House File 2399,
26 2 section 2, if enacted, that enacts section 476.53, subsection
26 3 3, paragraph a, subparagraph (1), unnumbered paragraph 1, is
26 4 amended by striking the unnumbered paragraph and inserting in
26 5 lieu thereof the following:

26 6 Files an application pursuant to section 476A.3 to construct
26 7 in Iowa a baseload electric power generating facility with a
26 8 nameplate generating capacity equal to or greater than three
26 9 hundred megawatts or a combined-cycle electric power generating
26 10 facility, or an alternate energy production facility as defined
26 11 in section 476.42, or to significantly alter an existing
26 12 generating facility. For purposes of this subparagraph, a
26 13 significant alteration of an existing generating facility must,
26 14 in order to qualify for establishment of ratemaking principles,
26 15 fall into one of the following categories:

26 16 Sec. 64. 2010 Iowa Acts, Senate File 431, section 5, if
26 17 enacted, is amended by striking the section and inserting in
26 18 lieu thereof the following:

26 19 SEC. 5. Section 907.3, subsection 3, paragraph c,
26 20 unnumbered paragraph 1, Code Supplement 2009, is amended to
26 21 read as follows:

26 22 A mandatory minimum sentence of incarceration imposed
26 23 pursuant to a violation of section 321J.2, subsection 1;
26 24 furthermore, the court shall not suspend any part of a sentence
26 25 not involving incarceration imposed pursuant to section 321J.2,
26 26 subsection ~~2~~ 3, 4, or 5, beyond the mandatory minimum if any of
26 27 the following apply:

26 28 Sec. 65. 2010 Iowa Acts, Senate File 2237, section 180,
26 29 subsection 4, paragraph a, as enacted, is amended to read as
26 30 follows:

26 31 a. The Code editor is directed to strike the words "title"
26 32 or "Title" and insert "Tit." within federal Act references
26 33 in sections 13.31, subsections 1 and 6; 15E.192, subsection
26 34 2; 15E.195, subsections 1 and 2; 30.1, subsection 3; 47.1,
26 35 subsection 5; 96.11, subsection 10, paragraph "c"; 97C.1;



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27 1 97C.2, subsections 2, 5, and 7; 97C.3, unnumbered paragraph
27 2 1, and subsections 1 and 2; 135C.9, subsection 1, paragraph
27 3 "b"; 142A.8, subsection 2; 203C.1, subsection 26; 207.21,
27 4 subsections 1, 4, and 5; 207.22, subsection 3, paragraph
27 5 "b"; 217.38; 228.1, subsection 7; 230.20, subsection 6;
27 6 232.1A; 234.6, subsection 1; 249.1, subsection 3; 249A.2,
27 7 subsections 1, 4, 6, 7, and 8; 249A.20A, subsection 5; 249A.24,
27 8 subsection 2, paragraph "b"; 249B.1, subsections 6 and 7;
27 9 249F.1, subsection 1; 249F.8; 249J.3, subsection 8; 249J.10,
27 10 subsection 3; 249J.22, subsection 3; 252B.6, subsection
27 11 3; 252B.9, subsection 2, paragraph "b", subparagraph (1),
27 12 subsection 3, paragraphs "c", "d", "e", subparagraph (1), and
27 13 "f"; 252B.14, subsection 5; 252D.20; 252E.15; 259.2, unnumbered
27 14 paragraph 2; 259.9; 260C.18A, subsection 2, paragraph "c";
27 15 306B.1, subsections 3 and 4; 307.10, subsection 13; 321.105,
27 16 subsection 5; 321.450, subsections 1 and 3; 403.6, subsection
27 17 7; 455B.133, subsection 3 and subsection 8, paragraph "a";
27 18 459A.102, subsection 19; 483A.4, subsection 1; 486A.101,
27 19 subsection 2, paragraph "a"; 488.102, subsection 3, paragraph
27 20 "a"; 490A.102, subsection 2; 514.7, subsections 2 through 4;
27 21 514B.1, subsection 5, paragraphs "b" ~~though~~ through "d"; 514C.8,
27 22 subsection 1; 514F.4, subsection 2, paragraph "a"; 514I.9,
27 23 subsection 1; 523A.401, subsection 5, paragraph "a"; 523A.402,
27 24 subsection 5, paragraph "a"; 523A.602, subsection 3; 534.205,
27 25 subsection 1; 541A.1, subsection 8, paragraph "b", subparagraph
27 26 (2); and 541A.6, Code 2009.
27 27 Sec. 66. 2010 Iowa Acts, Senate File 2366, section 23,
27 28 subsection 2, if enacted, is amended to read as follows:
27 29 2. The costs associated with implementation of this
27 30 division of this Act shall be funded exclusively through moneys
27 31 appropriated from the quality assurance trust fund, and shall
27 32 result in budget neutrality to the general fund of the state
27 33 for the fiscal year beginning July 1, 2009, and ending June 30,
27 34 2010.
27 35 Sec. 67. REPEAL. 2010 Iowa Acts, House File 2280, section



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28 1 25, is repealed.
28 2 Sec. 68. REPEAL. 2010 Iowa Acts, House File 2452, section
28 3 3, is repealed.
28 4 Sec. 69. REPEAL. 2010 Iowa Acts, Senate File 2340, section
28 5 117, is repealed.
28 6 Sec. 70. CONDITIONAL EFFECTIVE DATE. The sections of this
28 7 division of this Act amending sections 489.1005, 489.1009, and
28 8 489.1013, take effect only if 2010 Iowa Acts, House File 2478,
28 9 is enacted.
28 10 Sec. 71. CONDITIONAL EFFECTIVE DATE. The sections of this
28 11 division of this Act amending section 692A.102, subsection
28 12 1, paragraph "c", subparagraph (30), and section 901A.1,
28 13 subsection 1, paragraph "c", take effect only if 2010 Iowa Acts,
28 14 House File 2438, is enacted.
28 15 Sec. 72. CONTINGENT EFFECTIVE DATE. The section of this
28 16 division of this Act amending section 805.6, subsection 7,
28 17 takes effect only if 2010 Iowa Acts, Senate File 2197, is
28 18 enacted.
28 19 Sec. 73. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
28 20 APPLICABILITY. The following sections of this division of this
28 21 Act, being deemed of immediate importance, take effect upon
28 22 enactment and apply retroactively as follows:
28 23 1. The section of this division of this Act amending section
28 24 162.10D, subsection 2, as enacted by 2010 Iowa Acts, House File
28 25 2280, section 18, applies retroactively to March 9, 2010.
28 26 2. The section of this division of this Act amending section
28 27 216A.113, subsection 1, as enacted by 2010 Iowa Acts, Senate
28 28 File 2088, section 139, applies retroactively to March 10,
28 29 2010.
28 30 3. The section of this division of this Act amending section
28 31 256.51, subsection 1, paragraph "a", Code 2009, as amended
28 32 by 2010 Iowa Acts, Senate File 2088, section 316, applies
28 33 retroactively to March 10, 2010.
28 34 4. The section of this division of this Act amending section
28 35 435.26B, subsection 1, paragraph "c", if enacted by 2010 Iowa



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29 1 Acts, Senate File 2199, section 13, applies retroactively to
29 2 the effective date of 2010 Iowa Acts, Senate File 2199.
29 3 5. The section of this division of this Act amending section
29 4 562A.29A, subsection 1, paragraph "b", as enacted by 2010 Iowa
29 5 Acts, Senate File 2300, section 3, applies retroactively to
29 6 March 2, 2010.
29 7 6. The section of this division of this Act amending
29 8 the portion of 2010 Iowa Acts, House File 2399, section 2,
29 9 that enacts section 476.53, subsection 3, paragraph "a",
29 10 subparagraph (1), unnumbered paragraph 1, applies retroactively
29 11 to March 9, 2010.
29 12 7. The section of this division of this Act repealing 2010
29 13 Iowa Acts, House File 2280, section 25, applies retroactively
29 14 to March 9, 2010.
29 15 Sec. 74. EFFECTIVE DATE. The following sections of this
29 16 division of this Act take effect December 1, 2010:
29 17 1. The section of this division of this Act amending section
29 18 321J.2, subsection 3, paragraph "d", subparagraphs (1) and (2),
29 19 if enacted by 2010 Iowa Acts, Senate File 431, section 1.
29 20 2. The section of this division of this Act repealing 2010
29 21 Iowa Acts, House File 2452, section 3, if 2010 Iowa Acts,
29 22 Senate File 431, is enacted.
29 23 3. The section of this division of this Act amending 2010
29 24 Iowa Acts, Senate File 431, section 5, if 2010 Iowa Acts,
29 25 Senate File 431, is enacted.
29 26 DIVISION VII
29 27 MISCELLANEOUS PROVISIONS AND APPROPRIATIONS
29 28 Sec. 75. SAC AND FOX INDIAN SETTLEMENT == EDUCATIONAL
29 29 EXPENSES. There is appropriated from the Iowa comprehensive
29 30 petroleum underground storage tank fund to the department of
29 31 education for the fiscal year beginning July 1, 2010, and
29 32 ending June 30, 2011, the following amount, or so much thereof
29 33 as is necessary, to be used for the purposes designated:
29 34 Notwithstanding section 455G.3, subsection 1, for
29 35 distribution to the tribal council of the Sac and Fox Indian



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30 1 settlement located on land held in trust by the secretary
 30 2 of the interior of the United States. Moneys appropriated
 30 3 under this section shall be used for the purposes specified in
 30 4 section 256.30:
 30 5 \$ 90,000
 30 6 Sec. 76. CASH RESERVE FUND APPROPRIATIONS. There is
 30 7 appropriated from the cash reserve fund created in section 8.56
 30 8 to the following departments and agencies for the fiscal year
 30 9 beginning July 1, 2010, and ending June 30, 2011, the following
 30 10 amounts to be used for the purposes designated:
 30 11 1. DEPARTMENT OF HUMAN SERVICES
 30 12 For the medical assistance program:
 30 13 \$187,800,000
 30 14 2. DEPARTMENT OF MANAGEMENT
 30 15 For salaries, support, maintenance, and miscellaneous
 30 16 purposes:
 30 17 \$ 260,000
 30 18 Sec. 77. APPROPRIATION ADJUSTMENTS == DEPARTMENT OF
 30 19 ADMINISTRATIVE SERVICES. The appropriations to the department
 30 20 of administrative services for the fiscal year beginning July
 30 21 1, 2010, in 2010 Iowa Acts, Senate File 2367, from the general
 30 22 fund of the state shall be increased by \$2,761,100. The number
 30 23 of full-time equivalent positions authorized for the department
 30 24 of administrative services for the fiscal year beginning
 30 25 July 1, 2010, in 2010 Iowa Acts, Senate File 2367, shall be
 30 26 increased by 34.40.
 30 27 Sec. 78. APPROPRIATION ADJUSTMENTS == DEPARTMENT OF
 30 28 MANAGEMENT. The appropriations to the department of management
 30 29 for the fiscal year beginning July 1, 2010, in 2010 Iowa Acts,
 30 30 Senate File 2367, from the general fund of the state shall be
 30 31 decreased by \$2,761,100. The number of full-time equivalent
 30 32 positions authorized for the department of management for the
 30 33 fiscal year beginning July 1, 2010, in 2010 Iowa Acts, Senate
 30 34 File 2367, shall be decreased by 34.40.
 30 35 Sec. 79. RAILROAD COMPANY == LIMITED LIABILITY. A railroad



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31 1 company which alters facilities described in section 327F.2
31 2 pursuant to a written agreement with a political subdivision
31 3 with a population of more than 15,100, but less than 15,150,
31 4 according to the 2000 certified federal census, to construct a
31 5 flood mitigation project shall not held liable for any damages
31 6 caused by the alteration due to a flood.
31 7 Sec. 80. BRAILLE AND SIGHT SAVING SCHOOL STUDY.
31 8 1. The state board of regents shall conduct a study to
31 9 examine possible changes to and make recommendations regarding
31 10 the current structure for providing residential services on
31 11 the campus of the Iowa braille and sight saving school and
31 12 to make recommendations regarding appropriate facilities and
31 13 facility utilization. The study shall also examine potential
31 14 partnerships with other state agencies as well as private
31 15 providers of residential services.
31 16 2. For purposes of conducting the study, the state board of
31 17 regents shall form a committee with representatives of all of
31 18 the following:
31 19 a. Parents of students who are blind or visually impaired.
31 20 b. Constituent organizations for the blind or visually
31 21 impaired.
31 22 c. The department of education.
31 23 d. The department for the blind.
31 24 e. The department of human services.
31 25 f. Area education agencies.
31 26 g. School boards and school board administrators.
31 27 h. The governor's developmental disabilities council.
31 28 i. Administration of the statewide system for vision
31 29 services.
31 30 j. Administration of the Iowa school for the deaf.
31 31 3. By August 31, 2010, the state board of regents shall
31 32 submit a report of the study to the legislative council.
31 33 Sec. 81. PLUMBERS, MECHANICAL PROFESSIONALS, AND
31 34 CONTRACTORS == EFFECTIVE UPON ENACTMENT.
31 35 1. Notwithstanding the provisions of section 105.18,



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32 1 subsection 2, paragraph "c", subparagraph (3), to the contrary,
32 2 the plumbing and mechanical systems board shall, through
32 3 September 30, 2010, allow a person who has not previously held
32 4 a license issued under section 105.18 to sit for the state
32 5 master licensing examination for the applicable discipline if
32 6 that person submits evidence of work experience which the board
32 7 deems to be equivalent to forty-eight months experience as a
32 8 licensed master in the applicable discipline.

32 9 2. This section, being deemed of immediate importance,
32 10 takes effect upon enactment.

32 11 Sec. 82. Section 8D.13, subsection 5, Code 2009, is amended
32 12 to read as follows:

32 13 5.a. The state shall lease all fiberoptic cable
32 14 facilities or facilities with ~~DS-3~~ sufficient capacity as
32 15 determined by the commission for Part III connections, for
32 16 which state funding is provided. The state shall lease
~~32 17 all fiberoptic cable facilities or facilities with DS-3 or~~
~~32 18 DS-1 capacity for the judicial branch, judicial district~~
32 19 department departments of correctional services, and state
32 20 agency connections for which state funding is provided. In
32 21 determining the capacity to be provided, the commission
32 22 shall consult with the authorized users associated with
32 23 the Part III connections, the judicial branch, the judicial
32 24 district departments of correctional services, and state
32 25 agencies associated with connections for which state funding
32 26 is provided. Such facilities shall be leased from qualified
32 27 providers. The state shall not own such facilities, except for
32 28 those facilities owned by the state as of January 1, 1994.

32 29 b. The lease provisions of this subsection do not apply to a
32 30 school district which elects to provide one hundred percent of
32 31 the financing for the district's connection.

32 32 Sec. 83. Section 16.100A, subsection 6, paragraph d, Code
32 33 Supplement 2009, is amended to read as follows:

32 34 d. General public members shall be reimbursed by the Iowa
32 35 finance authority for actual and necessary expenses incurred



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33 1 while engaged in their official duties. ~~Expense payments shall~~
~~33 2 be made from appropriations made for purposes of this section.~~

33 3 Sec. 84. Section 16.181, subsection 1, paragraph a, Code
33 4 Supplement 2009, is amended to read as follows:

33 5 a. A housing trust fund is created within the authority.
33 6 The moneys in the housing trust fund are annually appropriated
33 7 to the authority to be used for the development and
33 8 preservation of affordable housing for low-income people in
33 9 the state and for the Iowa mortgage help initiative. Payment
33 10 of interest, recaptures of awards, or other repayments
33 11 to the housing trust fund shall be deposited in the fund.
33 12 Notwithstanding section 12C.7, interest or earnings on moneys
33 13 in the housing trust fund or appropriated to the fund shall
33 14 be credited to the fund. Notwithstanding section 8.33,
33 15 unencumbered and unobligated moneys remaining in the fund
33 16 at the close of each fiscal year shall not revert but shall
33 17 remain available for expenditure for the same purposes in the
33 18 succeeding fiscal year.

33 19 Sec. 85. Section 20.19, Code 2009, is amended to read as
33 20 follows:

33 21 20.19 Impasse procedures == agreement of parties.

33 22 As the first step in the performance of their duty to
33 23 bargain, the public employer and the employee organization
33 24 shall endeavor to agree upon impasse procedures. Such
33 25 agreement shall provide for implementation of these impasse
33 26 procedures not later than one hundred twenty days prior to
33 27 the certified budget submission date of the public employer.
33 28 However, if public employees represented by the employee
33 29 organization are teachers licensed under chapter 272, and the
33 30 public employer is a school district or area education agency,
33 31 the agreement shall provide for implementation of impasse
33 32 procedures not later than one hundred twenty days prior to May
33 33 31 of the year when the collective bargaining agreement is
33 34 to become effective. If the public employer is a community
33 35 college, the agreement shall provide for implementation of



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34 1 impasse procedures not later than one hundred twenty days prior
34 2 to May 31 of the year when the collective bargaining agreement
34 3 is to become effective. If the public employer is not subject
34 4 to the budget certification requirements of section 24.17 and
34 5 other applicable sections, the agreement shall provide for
34 6 implementation of impasse procedures not later than one hundred
34 7 twenty days prior to the date the next fiscal or budget year of
34 8 the public employer commences. If the parties fail to agree
34 9 upon impasse procedures under the provisions of this section,
34 10 the impasse procedures provided in sections 20.20 to 20.22
34 11 shall apply.

34 12 Sec. 86. Section 20.20, Code 2009, is amended to read as
34 13 follows:

34 14 20.20 Mediation.

34 15 In the absence of an impasse agreement negotiated pursuant
34 16 to section 20.19 or the failure of either party to utilize its
34 17 procedures, one hundred twenty days prior to the certified
34 18 budget submission date, or one hundred twenty days prior to
34 19 May 31 of the year when the collective bargaining agreement
34 20 is to become effective if public employees represented by the
34 21 employee organization are teachers licensed under chapter
34 22 272 and the public employer is a school district or area
34 23 education agency, the board shall, upon the request of either
34 24 party, appoint an impartial and disinterested person to act
34 25 as mediator. If the public employer is a community college,
34 26 and in the absence of an impasse agreement negotiated pursuant
34 27 to section 20.19 or the failure of either party to utilize
34 28 its procedures, one hundred twenty days prior to May 31
34 29 of the year when the collective bargaining agreement is to
34 30 become effective, the board, upon the request of either party,
34 31 shall appoint an impartial and disinterested person to act as
34 32 mediator. If the public employer is not subject to the budget
34 33 certification requirements of section 24.17 or other applicable
34 34 sections and in the absence of an impasse agreement negotiated
34 35 pursuant to section 20.19, or the failure of either party to



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35 1 utilize its procedures, one hundred twenty days prior to the
35 2 date the next fiscal or budget year of the public employer
35 3 commences, the board, upon the request of either party, shall
35 4 appoint an impartial and disinterested person to act as a
35 5 mediator. It shall be the function of the mediator to bring
35 6 the parties together to effectuate a settlement of the dispute,
35 7 but the mediator may not compel the parties to agree.

35 8 Sec. 87. Section 99B.12A, unnumbered paragraph 1, Code
35 9 2009, is amended to read as follows:

35 10 ~~An organization that is exempt from federal income taxes~~
~~35 11 under section 501(c)(3), 501(c)(4), 501(c)(5), 501(c)(6),~~
~~35 12 501(c)(7), 501(c)(8), 501(c)(10), or 501(c)(19) of the Internal~~
~~35 13 Revenue Code as defined in section 422.3, A person shall be~~
35 14 authorized to conduct a bingo occasion without a license as
35 15 otherwise required by this chapter if all of the following
35 16 requirements are met:

35 17 Sec. 88. Section 99B.17, Code 2009, is amended to read as
35 18 follows:

35 19 99B.17 Gambling on credit unlawful == exception.

35 20 1. A person who tenders and a person who receives any
35 21 promise, agreement, note, bill, bond, contract, mortgage or
35 22 other security, or any negotiable instrument, as consideration
35 23 for any wager or bet, whether or not lawfully conducted or
35 24 engaged in pursuant to this chapter, commits a misdemeanor.
35 25 However, a participant in a bingo occasion or in a contest
35 26 lawful under section 99B.11 may make payment by personal check
35 27 for any entry or participation fee assessed by the sponsor of
35 28 the bingo occasion or contest.

35 29 2. A participant in a raffle conducted by an eligible
35 30 qualified organization may purchase raffle tickets by personal
35 31 check, money order, bank check, cashier's check, electronic
35 32 check, or debit card for one raffle conducted by the eligible
35 33 qualified organization during a calendar year. The department
35 34 shall adopt rules setting minimum standards concerning the
35 35 purchase of raffle tickets as authorized by this subsection



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36 1 which shall ensure compliance with applicable federal law and
36 2 for the protection of personal information consistent with
36 3 payment card industry compliance regulations. For purposes
36 4 of this subsection, an "eligible qualified organization" is a
36 5 qualified organization that has conducted a raffle pursuant to
36 6 section 99B.7 during the previous eight consecutive calendar
36 7 years in which the net proceeds are distributed to a museum.

36 8 Sec. 89. Section 155A.6A, subsection 3, Code 2009, is
36 9 amended to read as follows:

36 10 3. a. Beginning July 1, 2009, a person who is in the
36 11 process of acquiring national certification as a pharmacy
36 12 technician and who is in training to become a pharmacy
36 13 technician shall register with the board as a pharmacy
36 14 technician. The registration shall be issued for a period not
36 15 to exceed one year and shall not be renewable.

36 16 b. A person who is registered as a pharmacy technician or a
36 17 pharmacy technician trainee prior to January 1, 2010, who has
36 18 worked as a pharmacy technician or pharmacy technician trainee
36 19 for a minimum of two thousand hours in the previous eighteen
36 20 months under the direction of a licensed pharmacist or who
36 21 has received certification as a pharmacy technician through a
36 22 certification program accredited by the national commission for
36 23 certifying agencies, is exempt from meeting any examination
36 24 requirement for registration pursuant to subsection 2.

36 25 Sec. 90. Section 174.1, subsection 2, paragraphs b and c,
36 26 Code 2009, are amended to read as follows:

36 27 b. The organization owns buildings ~~and~~ or other improvements
36 28 situated on the fairgrounds which have been specially
36 29 constructed for purposes of conducting a fair event.

36 30 c. The market value of the fairgrounds and buildings and
36 31 other improvements located on the fairgrounds is at least
36 32 ~~eighty~~ twenty-five thousand dollars.

36 33 Sec. 91. Section 174.1, subsection 3, Code 2009, is amended
36 34 to read as follows:

36 35 3. "Fair event" means an annual gathering of the public



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37 1 on fairgrounds that incorporates agricultural exhibits,
37 2 demonstrations, shows, or competitions ~~and which includes all~~
~~37 3 of the following:~~

37 4 ~~a.~~ Programs that include programs or projects sponsored by
37 5 4-H clubs, future farmers of America, or the Iowa cooperative
37 6 extension service in agriculture and home economics of Iowa
37 7 state university. Other activities may include any of the
37 8 following:

37 9 ~~b.~~ a. Commercial exhibits sponsored by manufacturers or
37 10 other businesses.

37 11 ~~c.~~ b. Educational programs or exhibits sponsored by
37 12 governmental entities or nonprofit organizations.

37 13 ~~d.~~ c. Competition in culinary arts, fine arts, or home
37 14 craft arts.

37 15 Sec. 92. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
37 16 APPLICABILITY. The provision of this division of this Act
37 17 amending section 155A.6A, subsection 3, being deemed of
37 18 immediate importance, takes effect upon enactment and applies
37 19 retroactively to January 1, 2010.

DIVISION VIII

BICYCLES

37 22 Sec. 93. NEW SECTION. 321.281 Actions against bicyclists.

37 23 1. A person operating a motor vehicle shall not steer the
37 24 motor vehicle unreasonably close to or toward a person riding
37 25 a bicycle on a highway, including the roadway or the shoulder
37 26 adjacent to the roadway.

37 27 2. A person shall not knowingly project any object or
37 28 substance at or against a person riding a bicycle on a highway.

37 29 3. A person who violates this section commits a simple
37 30 misdemeanor punishable as a scheduled violation under section
37 31 805.8A, subsection 14, paragraph "k".

37 32 Sec. 94. Section 805.8A, subsection 14, Code Supplement
37 33 2009, is amended by adding the following new paragraph:

37 34 NEW PARAGRAPH. k. Actions against a person on a bicycle.

37 35 For violations under section 321.281 the scheduled fine is two



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38 1 hundred fifty dollars.

38 2 EXPLANATION

38 3 This bill makes, reduces, and transfers appropriations,
38 4 provides for salaries and compensation of state employees, and
38 5 covers other properly related matters. The bill is organized
38 6 into divisions.

38 7 MH/MR/DD SERVICES ALLOWED GROWTH FUNDING == FY 2011=2012.
38 8 Code section 331.439, subsection 3, provides that county mental
38 9 health, mental retardation, and developmental disabilities
38 10 (MH/MR/DD) service expenditures for a fiscal year are limited
38 11 to a fixed budget amount and that the fixed amount is subject
38 12 to an allowed growth factor adjustment. The allowed growth
38 13 factor adjustment is to be set by statute enacted during the
38 14 fiscal year which commences two years from the beginning
38 15 date of the fiscal year in progress at the time the statute
38 16 is enacted. The MH/MR/DD/BI commission is required to make
38 17 a recommendation of the adjustment amount to the governor
38 18 annually in November and the governor is required to submit a
38 19 recommendation for the amount to the general assembly at the
38 20 time the governor's budget is submitted. The bill provides
38 21 that for the allowed growth adjustment factor legislation for
38 22 FY 2011=2012, the governor must submit a recommendation on or
38 23 before January 11, 2011, and the statute providing the allowed
38 24 growth factor adjustment is to be enacted within 30 calendar
38 25 days of the date the 2011 session of the general assembly
38 26 convenes.

38 27 STANDING APPROPRIATIONS AND RELATED MATTERS. For the budget
38 28 process applicable to FY 2011=2012, state agencies are required
38 29 to submit estimates and other expenditure information as called
38 30 for by the director of the department of management instead of
38 31 the information required under Code section 8.23.

38 32 The division limits the standing unlimited appropriation
38 33 for FY 2010=2011 for expenses of the general assembly and the
38 34 legislative agencies.

38 35 The division limits the standing unlimited appropriation for



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39 1 FY 2010=2011 for payment for nonpublic school transportation.
39 2 The division limits the standing limited appropriation for FY
39 3 2010=2011 for operational support grants and community cultural
39 4 grants, for regional tourism marketing, for the Iowa power
39 5 fund, for the enforcement of Code chapter 453D relating to
39 6 tobacco product manufacturers, for the center for congenital
39 7 and inherited disorders central registry, for primary and
39 8 secondary child abuse prevention programs, for programs for
39 9 at-risk children, and for mental health, mental retardation,
39 10 and developmental disabilities services property tax relief.
39 11 The standing appropriation made for state foundation aid
39 12 allowable growth for schools under Code section 257.16 for
39 13 fiscal year 2010=2011, is limited to a specific amount. Of
39 14 that amount, a specific amount is designated for the teacher
39 15 salary supplements, the professional development supplements,
39 16 and the early intervention supplement in accordance with Code
39 17 section 257.10, subsections 9 through 11, and Code section
39 18 257.37A.
39 19 The standing appropriation made in Code section 426B.1 for
39 20 property tax relief through county levies for MH/MR/DD services
39 21 is revised to eliminate a standing amount of \$6.6 million that
39 22 is designated for the medical assistance (Medicaid) program.
39 23 The division eliminates for FY 2010=2011 a standing
39 24 appropriation for instructional support state aid.
39 25 The division credits to the general fund of the state a
39 26 portion of federal moneys received by the Iowa veterans home
39 27 for costs to improve and renovate a medical clinic at the
39 28 home. These provisions take effect upon enactment and are
39 29 retroactively applicable to July 1, 2009.
39 30 For FY 2010=2011, the division funds the following property
39 31 tax credits from the property tax credit fund created in the
39 32 bill instead of entirely funding the credits from the general
39 33 fund of the state: homestead, agricultural land and family
39 34 farm, military service, and elderly and disabled tax credit
39 35 and reimbursement. The division appropriates moneys from the



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40 1 general fund and the cash reserve fund for deposit in the
40 2 property tax credit fund. These provisions take effect upon
40 3 enactment.

40 4 The division appropriates moneys from the cash reserve fund
40 5 to the executive council for FY 2010=2011 for performance of
40 6 duty by the executive council. The bill requires that such
40 7 moneys must be used prior to the standing appropriation made
40 8 from the general fund for the same purposes.

40 9 The division provides that certain cash reserve fund
40 10 requirements do not apply to any appropriations made in the
40 11 bill from the cash reserve fund.

40 12 The division provides that the contingent appropriation from
40 13 the general fund of the state to the cash reserve fund pursuant
40 14 to Code section 8.57, subsection 1, shall not be made for FY
40 15 2010=2011.

40 16 The division provides for the nonreversion of moneys
40 17 appropriated in 2009 Iowa Acts, chapter 179, for FY 2009=2010
40 18 from the cash reserve fund to the executive council for
40 19 performance of duty. This provision takes effect upon
40 20 enactment.

40 21 SALARIES, COMPENSATION, AND RELATED MATTERS. This division
40 22 of the bill relates to the funding for the fiscal year
40 23 beginning July 1, 2010, of salary increases for appointed
40 24 nonelected officers, employees subject to collective bargaining
40 25 agreements, certain noncontract employees, and board of regents
40 26 employees.

40 27 For FY 2010=2011 the maximum and minimum salary levels of all
40 28 pay plans of noncontract state employees shall not increase and
40 29 shall remain as they exist for FY 2009=2010. The pay levels
40 30 for noncontract judicial branch employees shall not increase.

40 31 A supplemental authorization is provided to fund salaries
40 32 from trust, revolving, and special funds for which the general
40 33 assembly has established a budget.

40 34 The division prohibits bonus pay for employees of the
40 35 executive branch except for employees of the state board of



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41 1 regents, the judicial branch, and the legislative branch,
41 2 unless the bonus pay is otherwise authorized by law, required
41 3 pursuant to an employment contract entered into before July
41 4 1, 2010, or required pursuant to a collective bargaining
41 5 agreement.

41 6 The division appropriates all federal grants to and the
41 7 federal receipts of the agencies affected by this division
41 8 which are received and are expended for purposes of this
41 9 division.

41 10 The division requires sworn peace officers in the department
41 11 of public safety who are not covered by a collective bargaining
41 12 agreement to receive the same per diem meal allowance as
41 13 the sworn peace officers covered by a collective bargaining
41 14 agreement.

41 15 The salary model administrator is required to work in
41 16 conjunction with the department of management and the
41 17 legislative services agency to analyze, compare, and project
41 18 state salary and benefit information.

41 19 The division adds the position of chief information officer,
41 20 a position created in 2010 Iowa Acts, Senate File 2088, to
41 21 salary range 7 for appointed state officers.

41 22 APPROPRIATION REDUCTIONS. This division of this bill
41 23 provides that the amounts appropriated from the general fund
41 24 of the state to the departments and establishments of the
41 25 executive branch, but not including appropriations to the state
41 26 board of regents, for operational purposes in enactments made
41 27 for the fiscal year beginning July 1, 2010, and ending June
41 28 30, 2011, are reduced by \$83,760,500. The division requires
41 29 the reductions in appropriations to be realized through the
41 30 implementation of 2010 Iowa Acts, Senate File 2062, relating to
41 31 early retirement, 2010 Iowa Acts, Senate File 2088, relating
41 32 to government efficiency, executive order number 20 issued
41 33 December 16, 2009, and any other efficiency measure. The
41 34 division requires the department of management to apply the
41 35 reductions.



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42 1 On or before December 1, 2010, the division requires the
42 2 department of management to submit a report to the general
42 3 assembly and the legislative services agency regarding
42 4 anticipated reductions in appropriations for operational
42 5 purposes and anticipated reductions in full-time equivalent
42 6 positions for the fiscal year beginning July 1, 2010, and
42 7 ending June 30, 2011. The division requires the report to
42 8 include a categorization of the reductions.
42 9 The division, for FY 2010=2011, allows the department of
42 10 management to transfer up to \$5 million from the cash reserve
42 11 fund for purposes of meeting the appropriation reduction
42 12 requirements of the division. The division includes reporting
42 13 requirements.
42 14 The division appropriates moneys from the general fund of
42 15 the state to the department of administrative services for
42 16 implementing the information technology-related provisions of
42 17 2010 Iowa Acts, Senate File 2088.
42 18 STATE FINANCIAL MANAGEMENT DUTIES. This division strikes
42 19 the transfer of state financial management duties from the
42 20 department of administrative services to the department of
42 21 management in 2010 Iowa Acts, Senate File 2088. The division
42 22 also provides that any new financial management duties included
42 23 in Senate File 2088 relating to establishing a centralized
42 24 payroll, creating a searchable budget database, and modifying
42 25 payroll frequency, are included as duties of the department of
42 26 administrative services.
42 27 CORRECTIVE PROVISIONS. This division makes corrective
42 28 changes relating to 2010 enactments and pending legislation.
42 29 Code section 2.69(3), as enacted by 2010 Iowa Acts, Senate
42 30 File 2088, section 420, and Code section 97D.4(2), are amended
42 31 to correctly insert the reference to Code section 2.10 which
42 32 provides for per diem and expense payments to legislators.
42 33 Code section 123.43A(1), as enacted by 2010 Iowa Acts,
42 34 Senate File 2088, section 84, is amended to correctly include
42 35 the word "otherwise" in the phrase "unless the context



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43 1 otherwise requires".

43 2 Code section 162.10D(2), as enacted by 2010 Iowa Acts, House
43 3 File 2280, section 18, is amended to correct a grammatical
43 4 construction.

43 5 Code section 216A.113(1), as enacted by 2010 Iowa Acts,
43 6 Senate File 2088, section 139, is corrected to refer to the new
43 7 name of the commission of deaf services within the department
43 8 of human rights.

43 9 Code section 216C.9(1), as amended by 2010 Iowa Acts,
43 10 Senate File 2202, section 7, is amended to substitute the word
43 11 "reconstructed" for the word "altered" in reference to required
43 12 sidewalk ramp modifications, to make the requirement parallel
43 13 to a similar requirement in the same Code subsection relating
43 14 to street reconstructions.

43 15 Code section 256.51(1)(a), as amended by 2010 Iowa Acts,
43 16 Senate File 2088, section 316, is amended to eliminate the duty
43 17 of the division of libraries and information services of the
43 18 department of education to provide information services to the
43 19 medical community, to coordinate with the discontinuation of
43 20 the medical library as part of the state library as directed by
43 21 Senate File 2088.

43 22 Code section 256F.3(1), as amended by 2010 Iowa Acts,
43 23 Senate File 2033, section 10, is amended to add a reference
43 24 to innovation zone schools in order to allow the department
43 25 of education to monitor the effectiveness of both regular and
43 26 innovation zone charter schools. Code section 256F.6(3) is
43 27 also amended in a similar manner to allow the department of
43 28 education to conduct ongoing reviews of all parties' compliance
43 29 with contracts for both regular and innovation zone charter
43 30 schools.

43 31 Code section 260C.44, Code 2009, as amended by 2010 Iowa
43 32 Acts, Senate File 2340, section 35, is amended to correctly
43 33 refer to the United States department of labor, office of
43 34 apprenticeship.

43 35 Code section 298.4(2), as amended by 2010 Iowa Acts, Senate



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44 1 File 2237, section 103, is amended to correct a grammatical
44 2 construction (singular noun needed).
44 3 Code section 317.1, as amended by 2010 Iowa Acts, Senate
44 4 File 2340, section 86, is amended to correct the hierarchical
44 5 designation of Code section subunits (subsection numbers
44 6 needed).
44 7 Code section 321J.2(3)(d)(1,2) is amended to reconcile
44 8 the restructuring of Code section 321J.2 made in 2010 Iowa
44 9 Acts, Senate File 431, with the amendments made to that same
44 10 Code section in 2010 Iowa Acts, House File 2452 (allowing the
44 11 department of transportation to issue a temporary restricted
44 12 license under Code chapter 321J without requiring the court to
44 13 order the department to do so). The reconciliation provision
44 14 and the duplicative provision in 2010 Iowa Acts, House File
44 15 2452, section 3, which is repealed, take effect December 1,
44 16 2010.
44 17 Code section 336.4, as amended by 2010 Iowa Acts, Senate File
44 18 2088, section 323, is amended to substitute the word "reside"
44 19 for the word "resident" in order to correct the phrase "who
44 20 reside within the library district".
44 21 Code section 435.26B(1)(c), as enacted by 2010 Iowa
44 22 Acts, Senate File 2199, section 13, is amended to correct a
44 23 grammatical construction (plural noun needed).
44 24 Code section 455B.104(4), as enacted by 2010 Iowa Acts,
44 25 Senate File 2088, section 258, is amended to change the date
44 26 by which the department of natural resources must submit its
44 27 greenhouse gas emissions report for the previous calendar year
44 28 from September 1 to December 31. The change is consistent with
44 29 an earlier amendment dealing with the same report made in 2010
44 30 Iowa Acts, Senate File 2243, section 2.
44 31 Code section 489.116, as amended by 2010 Iowa Acts, House
44 32 File 2478, section 5, is amended to correctly number the
44 33 three subsections in that Code section, and references to the
44 34 subsections of Code section 489.116 are corrected in Code
44 35 sections 489.1005, 489.1009, and 489.1013.



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45 1 Code section 508C.3(1)(b)(2)(b), as amended by 2010 Iowa
45 2 Acts, Senate File 2272, is amended to correct a hierarchical
45 3 Code section subunit reference (subparagraph division reference
45 4 needed).
45 5 Code section 514C.26(1)(c)(2)(j), as enacted by 2010 Iowa
45 6 Acts, House File 2075, section 1, is amended to correct an
45 7 internal reference to a hierarchical designation of a Code
45 8 section subunit (subparagraph division reference needed).
45 9 Code section 543B.29(1)(e)(2), as enacted by 2010 Iowa Acts,
45 10 Senate File 2326, section 5, is amended to correct an internal
45 11 reference to lettered paragraph "e".
45 12 Code section 562A.29A(1)(b), as enacted by 2010 Iowa Acts,
45 13 Senate File 2300, section 3, is amended to correct a reference
45 14 to a rule of civil procedure (singular noun needed).
45 15 Code section 685.6(9)(d), as enacted by 2010 Iowa Acts,
45 16 Senate File 2088, section 343, is amended to correct a
45 17 reference to the district court of the state (definite article
45 18 added).
45 19 Code sections 692A.102 and 901A.1 are amended to refer to a
45 20 violation of Code section 710.10 as "enticing a minor" rather
45 21 than "enticing a minor away" to conform to the changes made to
45 22 Code section 710.10 in 2010 Iowa Acts, House File 2438, section
45 23 1. The amendments are effective contingent on the enactment of
45 24 2010 Iowa Acts, House File 2438.
45 25 Code section 805.6(3)(a), as enacted by 2010 Iowa Acts,
45 26 Senate File 2340, section 63, is amended to correct a
45 27 grammatical construction (colon needed).
45 28 Code section 805.6(7), as amended by 2010 Iowa Acts, Senate
45 29 File 2340, section 63 (a Code editor's bill), is amended to
45 30 conform to the substantive changes to the same language made
45 31 by, and contingent upon the enactment of, 2010 Iowa Acts,
45 32 Senate File 2197, section 5.
45 33 2010 Iowa Acts, House File 2399, section 2, is amended
45 34 to correct an error in displaying existing Code language
45 35 in the bill. That bill section inadvertently deleted the



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46 1 word "power" in a reference to a baseload electric power
46 2 generating facility, and substituted the word "alternative" for
46 3 "alternate" in a reference to an alternate energy production
46 4 facility.
46 5 2010 Iowa Acts, Senate File 2237, section 180, subsection 4,
46 6 paragraph a, is amended to insert the correct word "through"
46 7 in a reference to lettered paragraphs that the Code editor is
46 8 directed to modify.
46 9 2010 Iowa Acts, Senate File 2366, section 23(2), if enacted,
46 10 is amended to correct a reference to the implementation costs
46 11 of this division of this Act rather than of the entire Act.
46 12 2010 Iowa Acts, Senate File 431, section 5, if enacted,
46 13 is amended to correct the amending statement of that section
46 14 to indicate that only unnumbered paragraph 1 of Code section
46 15 907.3(3)(c) is being amended. The amendment takes effect
46 16 December 1, 2010.
46 17 2010 Iowa Acts, House File 2280, section 25, is repealed,
46 18 which adds a definition to Code chapter 717B for the department
46 19 of agriculture and land stewardship. The final version of
46 20 House File 2280 deleted all responsibilities of the department
46 21 so the definition is no longer necessary or meaningful.
46 22 2010 Iowa Acts, Senate File 2340, section 117, which
46 23 internally numbers an unanchored paragraph, is repealed. The
46 24 internal numbering is accomplished in 2010 Iowa Acts, Senate
46 25 File 2237, section 125.
46 26 The division makes certain provisions effective upon
46 27 enactment and retroactively applicable to the effective date of
46 28 the bills amended by the division.
46 29 MISCELLANEOUS PROVISIONS AND APPROPRIATIONS. This division
46 30 relates to various miscellaneous provisions.
46 31 The division appropriates moneys from the Iowa comprehensive
46 32 petroleum underground storage tank fund to the department of
46 33 education for FY 2010=2011 for distribution to the tribal
46 34 council of the Sac and Fox Indian settlement located on land
46 35 held in trust by the secretary of the interior of the United



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47 1 States for the purposes of educational expenses.
47 2 The division appropriates moneys from the cash reserve
47 3 fund to the department of human services for FY 2010=2011 for
47 4 purposes of the medical assistance (Medicaid) program and to
47 5 the department of management for operation purposes.
47 6 The division increases general fund appropriations to
47 7 the department of administrative services for FY 2010=2011
47 8 and increases the number of full-time equivalent positions
47 9 authorized. The division decreases general fund appropriations
47 10 to the department of management for FY 2010=2011 and decreases
47 11 the number of full-time equivalent positions authorized.
47 12 The division provides that a railroad company which alters
47 13 facilities pursuant to a written agreement with a political
47 14 subdivision with a population of more than 15,100, but less
47 15 than 15,150, according to the 2000 certified federal census to
47 16 construct a flood mitigation project shall not be held liable
47 17 for any damages caused by the alteration due to a flood.
47 18 The division requires the state board of regents to conduct
47 19 a study of the Iowa braille and sight saving school regarding
47 20 the residential services, facilities and facility utilization,
47 21 and potential partnerships. The study must be submitted to the
47 22 legislative council by August 31, 2010.
47 23 The division requires the plumbing and mechanical systems
47 24 board, from the effective date of the provision to September
47 25 30, 2010, to allow a person who has not previously been a
47 26 licensed journeyperson or master in the applicable discipline
47 27 to sit for the state master licensing examination for the
47 28 applicable discipline if certain work experience criteria are
47 29 met. This provision takes effect upon enactment.
47 30 The division modifies provisions in Code section 8D.13
47 31 applicable to the leasing of facilities for Part III
47 32 connections associated with the operation of the Iowa
47 33 communications network. Currently, the state is required to
47 34 lease all fiberoptic cable facilities or facilities with DS=3
47 35 capacity for Part III connections for which state funding is



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48 1 provided, and to lease all fiberoptic cable facilities or
48 2 facilities with DS=3 or DS=1 capacity for specified state
48 3 departments and agencies. The division deletes specific
48 4 reference to DS=3 or DS=1 capacity, instead providing
48 5 that facilities with sufficient capacity as determined
48 6 by the commission shall be leased. The division provides
48 7 that in determining the capacity to be provided, the Iowa
48 8 telecommunications and technology commission shall consult with
48 9 those agencies associated with the connections for which state
48 10 funding is provided.

48 11 The division strikes a provision in Code section 16.100A
48 12 that requires expense payments for general public members of
48 13 the council on homelessness to be made from state general fund
48 14 appropriations. The division specifies that such expenses must
48 15 be reimbursed by the Iowa finance authority. The division also
48 16 amends Code section 16.181 by authorizing the Iowa finance
48 17 authority to use moneys in the housing trust fund for the Iowa
48 18 mortgage help initiative. The Iowa mortgage help initiative is
48 19 a program that provides foreclosure prevention assistance and
48 20 counseling and includes the Iowa mortgage help hotline.

48 21 The division amends provisions in Code chapter 20
48 22 relating to impasse procedures and mediation. The division
48 23 provides that if the public employer is not subject to the
48 24 budget certification requirements of Code section 24.17 and
48 25 other applicable sections, the agreement shall provide for
48 26 implementation of impasse procedures not later than 120 days
48 27 prior to the date the next fiscal or budget year of the public
48 28 employer commences. The division also provides that if the
48 29 public employer is not subject to the budget certification
48 30 requirements of Code section 24.17 or other applicable sections
48 31 and in the absence of an impasse agreement negotiated pursuant
48 32 to Code section 20.19, or the failure of either party to
48 33 utilize its procedures, 120 days prior to the date the next
48 34 fiscal or budget year of the public employer commences, the
48 35 board, upon the request of either party, shall appoint an



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49 1 impartial and disinterested person to act as a mediator.
49 2 This division amends Code section 99B.12A to authorize
49 3 any person to conduct a bingo occasion without a license if
49 4 participants are not charged to enter the premises where bingo
49 5 is conducted, participants are not charged to play bingo, any
49 6 prize awarded is donated, and the bingo occasion is conducted
49 7 as an activity and not for fund raising purposes. Current law
49 8 only allows nonprofit organizations to conduct a bingo occasion
49 9 under these limitations without a license.
49 10 This division amends Code section 99B.17 to authorize a
49 11 participant in a raffle conducted by an eligible qualified
49 12 organization to purchase raffle tickets by check, money order,
49 13 or debit card for one raffle per calendar year. The division
49 14 defines an eligible qualified organization as a qualified
49 15 organization that has conducted a raffle during the previous
49 16 eight consecutive calendar years in which the net proceeds are
49 17 distributed to a museum. Current law makes it a misdemeanor
49 18 to gamble or wager on credit.
49 19 The division provides that a person who is registered as
49 20 a pharmacy technician or a pharmacy technician trainee prior
49 21 to January 1, 2010, who has worked as a pharmacy technician
49 22 or pharmacy technician trainee for a designated period of
49 23 time under the direction of a licensed pharmacist or who has
49 24 received certification as a pharmacy technician through a
49 25 certification program accredited by the national commission for
49 26 certifying agencies, is exempt from meeting any examination
49 27 requirement for registration.
49 28 The division amends the criteria an organization must meet
49 29 to be considered a fair under Code chapter 174. Currently, an
49 30 organization must own buildings and other improvements situated
49 31 on fairgrounds. The division allows an organization to own
49 32 either buildings or improvements situated on a fairground.
49 33 Currently, the market value of fairgrounds, buildings, and
49 34 other improvements must be at least \$80,000. The division
49 35 lowers the threshold to \$25,000. The division changes what



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50 1 constitutes a fair event under Code chapter 174.
50 2 BICYCLES. New Code section 321.281 provides that a person
50 3 operating a motor vehicle shall not steer the motor vehicle
50 4 unreasonably close to or toward a person riding a bicycle
50 5 on a highway. The division amends Code section 805.8A to
50 6 provide that a person shall not knowingly project any object
50 7 or substance at or against a person riding a bicycle on a
50 8 highway. The division amends Code section 805.8A to provide a
50 9 person violating a provision of the division commits a simple
50 10 misdemeanor punishable by a scheduled fine of \$250.

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