# House Amendment 1747

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1 1 Amend House File 683 as follows:
1 2 #1. By striking everything after the enacting clause
1 3 and inserting:
1 4 <DIVISION I
1 5 TRANSPORTATION
1 6 FY 2011=2012
1 7 Section 1. ROAD USE TAX FUND. There is
1 8 appropriated from the road use tax fund created in
1 9 section 312.1 to the department of transportation for
1 10 the fiscal year beginning July 1, 2011, and ending June
1 11 30, 2012, the following amounts, or so much thereof as
1 12 is necessary, to be used for the purposes designated:
1 13 1. For the payment of costs associated with the
1 14 production of driver's licenses, as defined in section
1 15 321.1, subsection 20A:
1 16 ..... $ 3,876,000
1 17 Notwithstanding section 8.33, moneys appropriated in
1 18 this subsection that remain unencumbered or unobligated
1 19 at the close of the fiscal year shall not revert but
1 20 shall remain available for expenditure for the purposes
1 21 specified in this subsection until the close of the
1 22 succeeding fiscal year.
1 23 2. For salaries, support, maintenance, and
1 24 miscellaneous purposes:
1 25 a. Operations:
1 26 ..... $ 6,570,000
1 27 b. Planning:
1 28 ..... $ 458,000
1 29 c. Motor vehicles:
1 30 ..... $ 33,921,000
1 31 3. For payments to the department of administrative
1 32 services for utility services:
1 33 ..... $ 225,000
1 34 4. Unemployment compensation:
1 35 ..... $ 7,000
1 36 5. For payments to the department of administrative
1 37 services for paying workers' compensation claims under
1 38 chapter 85 on behalf of employees of the department of
1 39 transportation:
1 40 ..... $ 119,000
1 41 6. For payment to the general fund of the state for
1 42 indirect cost recoveries:
1 43 ..... $ 78,000
1 44 7. For reimbursement to the auditor of state for
1 45 audit expenses as provided in section 11.5B:
1 46 ..... $ 67,319
1 47 8. For automation, telecommunications, and related
1 48 costs associated with the county issuance of driver's
1 49 licenses and vehicle registrations and titles:
1 50 ..... $ 1,406,000

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2 1 9. For transfer to the department of public safety
2 2 for operating a system providing toll=free telephone
2 3 road and weather conditions information:
2 4 ..... $ 100,000
2 5 10. For costs associated with the participation in
2 6 the Mississippi river parkway commission:
2 7 ..... $ 40,000
2 8 11. For motor vehicle division field facility
2 9 maintenance projects at various locations:
2 10 ..... $ 200,000
2 11 12. For scale replacement projects at various
2 12 locations:
2 13 ..... $ 550,000
2 14 For purposes of section 8.33, unless specifically
2 15 provided otherwise, moneys appropriated in subsections
2 16 11 and 12 that remain unencumbered or unobligated shall
2 17 not revert but shall remain available for expenditure
2 18 for the purposes designated until the close of the
2 19 fiscal year that ends three years after the end of
2 20 the fiscal year for which the appropriation was made.
2 21 However, if the projects for which the appropriation
2 22 was made are completed in an earlier fiscal year,
2 23 unencumbered or unobligated moneys shall revert at the
2 24 close of that same fiscal year.
2 25 Sec. 2. PRIMARY ROAD FUND. There is appropriated
2 26 from the primary road fund created in section 313.3 to
2 27 the department of transportation for the fiscal year
2 28 beginning July 1, 2011, and ending June 30, 2012, the
2 29 following amounts, or so much thereof as is necessary,
2 30 to be used for the purposes designated:
2 31 1. For salaries, support, maintenance,
2 32 miscellaneous purposes, and for not more than the
2 33 following full=time equivalent positions:
2 34 a. Operations:
2 35 ..... $ 40,356,529
2 36 ..... FTEs 296.00
2 37 b. Planning:
2 38 ..... $ 8,697,095
2 39 ..... FTEs 121.00
2 40 c. Highways:
2 41 ..... $230,913,992
2 42 ..... FTEs 2,247.00
2 43 d. Motor vehicles:
2 44 ..... $ 1,413,540
2 45 ..... FTEs 445.00
2 46 2. For payments to the department of administrative
2 47 services for utility services:
2 48 ..... $ 1,388,000
2 49 3. Unemployment compensation:
2 50 ..... $ 138,000

House Amendment 1747 continued

3 1 4. For payments to the department of administrative
3 2 services for paying workers' compensation claims under
3 3 chapter 85 on behalf of the employees of the department
3 4 of transportation:
3 5 ..... $ 2,846,000
3 6 5. For disposal of hazardous wastes from field
3 7 locations and the central complex:
3 8 ..... $ 800,000
3 9 6. For payment to the general fund of the state for
3 10 indirect cost recoveries:
3 11 ..... $ 572,000
3 12 7. For reimbursement to the auditor of state for
3 13 audit expenses as provided in section 11.5B:
3 14 ..... $ 415,181
3 15 8. For costs associated with producing
3 16 transportation maps:
3 17 ..... $ 242,000
3 18 9. For inventory and equipment replacement:
3 19 ..... $ 5,366,000
3 20 10. For utility improvements at various locations:
3 21 ..... $ 400,000
3 22 11. For roofing projects at various locations:
3 23 ..... $ 200,000
3 24 12. For heating, cooling, and exhaust system
3 25 improvements at various locations:
3 26 ..... $ 400,000
3 27 13. For deferred maintenance projects at field
3 28 facilities throughout the state:
3 29 ..... $ 1,000,000
3 30 14. For elevator upgrades at the Ames complex:
3 31 ..... $ 100,000
3 32 15. For wastewater treatment improvements at
3 33 various locations:
3 34 ..... $ 1,000,000
3 35 16. For replacement of the Swea City garage:
3 36 ..... $ 2,100,000
3 37 For purposes of section 8.33, unless specifically
3 38 provided otherwise, moneys appropriated in subsections
3 39 10 through 16 that remain unencumbered or unobligated
3 40 shall not revert but shall remain available for
3 41 expenditure for the purposes designated until the close
3 42 of the fiscal year that ends three years after the end
3 43 of the fiscal year for which the appropriation was
3 44 made. However, if the project or projects for which
3 45 such appropriation was made are completed in an earlier
3 46 fiscal year, unencumbered or unobligated moneys shall
3 47 revert at the close of that same fiscal year.
3 48 DIVISION II
3 49 TRANSPORTATION
3 50 FY 2012=2013

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4 1 Sec. 3. ROAD USE TAX FUND. There is appropriated
4 2 from the road use tax fund created in section 312.1 to
4 3 the department of transportation for the fiscal year
4 4 beginning July 1, 2012, and ending June 30, 2013, the
4 5 following amounts, or so much thereof as is necessary,
4 6 to be used for the purposes designated:
4 7 1. For the payment of costs associated with the
4 8 production of driver's licenses, as defined in section
4 9 321.1, subsection 20A:
4 10 ..... $ 3,876,000
4 11 Notwithstanding section 8.33, moneys appropriated in
4 12 this subsection that remain unencumbered or unobligated
4 13 at the close of the fiscal year shall not revert but
4 14 shall remain available for expenditure for the purposes
4 15 specified in this subsection until the close of the
4 16 succeeding fiscal year.
4 17 2. For salaries, support, maintenance, and
4 18 miscellaneous purposes:
4 19 a. Operations:
4 20 ..... $ 3,285,000
4 21 b. Planning:
4 22 ..... $ 229,000
4 23 c. Motor vehicles:
4 24 ..... $ 16,960,500
4 25 3. For payments to the department of administrative
4 26 services for utility services:
4 27 ..... $ 112,500
4 28 4. Unemployment compensation:
4 29 ..... $ 3,500
4 30 5. For payments to the department of administrative
4 31 services for paying workers' compensation claims under
4 32 chapter 85 on behalf of employees of the department of
4 33 transportation:
4 34 ..... $ 59,500
4 35 6. For payment to the general fund of the state for
4 36 indirect cost recoveries:
4 37 ..... $ 39,000
4 38 7. For reimbursement to the auditor of state for
4 39 audit expenses as provided in section 11.5B:
4 40 ..... $ 33,660
4 41 8. For automation, telecommunications, and related
4 42 costs associated with the county issuance of driver's
4 43 licenses and vehicle registrations and titles:
4 44 ..... $ 703,000
4 45 9. For transfer to the department of public safety
4 46 for operating a system providing toll=free telephone
4 47 road and weather conditions information:
4 48 ..... $ 50,000
4 49 10. For costs associated with the participation in
4 50 the Mississippi river parkway commission:

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5 1 ..... $ 20,000
5 2 11. For motor vehicle division field facility
5 3 maintenance projects at various locations:
5 4 ..... $ 200,000
5 5 12. For scale replacement projects at various
5 6 locations:
5 7 ..... $ 550,000
5 8 For purposes of section 8.33, unless specifically
5 9 provided otherwise, moneys appropriated in subsections
5 10 11 and 12 that remain unencumbered or unobligated shall
5 11 not revert but shall remain available for expenditure
5 12 for the purposes designated until the close of the
5 13 fiscal year that ends three years after the end of
5 14 the fiscal year for which the appropriation was made.
5 15 However, if the projects for which the appropriation
5 16 was made are completed in an earlier fiscal year,
5 17 unencumbered or unobligated moneys shall revert at the
5 18 close of that same fiscal year.
5 19 Sec. 4. PRIMARY ROAD FUND. There is appropriated
5 20 from the primary road fund created in section 313.3 to
5 21 the department of transportation for the fiscal year
5 22 beginning July 1, 2012, and ending June 30, 2013, the
5 23 following amounts, or so much thereof as is necessary,
5 24 to be used for the purposes designated:
5 25 1. For salaries, support, maintenance,
5 26 miscellaneous purposes, and for not more than the
5 27 following full=time equivalent positions:
5 28 a. Operations:
5 29 ..... $ 20,178,265
5 30 ..... FTEs 296.00
5 31 b. Planning:
5 32 ..... $ 4,348,548
5 33 ..... FTEs 121.00
5 34 c. Highways:
5 35 ..... $115,456,996
5 36 ..... FTEs 2,247.00
5 37 d. Motor vehicles:
5 38 ..... $ 706,770
5 39 ..... FTEs 445.00
5 40 2. For payments to the department of administrative
5 41 services for utility services:
5 42 ..... $ 694,000
5 43 3. Unemployment compensation:
5 44 ..... $ 69,000
5 45 4. For payments to the department of administrative
5 46 services for paying workers' compensation claims under
5 47 chapter 85 on behalf of the employees of the department
5 48 of transportation:
5 49 ..... $ 1,423,000
5 50 5. For disposal of hazardous wastes from field

House Amendment 1747 continued

6 1 locations and the central complex:
6 2 ..... $ 400,000
6 3 6. For payment to the general fund of the state for
6 4 indirect cost recoveries:
6 5 ..... $ 286,000
6 6 7. For reimbursement to the auditor of state for
6 7 audit expenses as provided in section 11.5B:
6 8 ..... $ 207,591
6 9 8. For costs associated with producing
6 10 transportation maps:
6 11 ..... $ 121,000
6 12 9. For inventory and equipment replacement:
6 13 ..... $ 2,683,000
6 14 10. For utility improvements at various locations:
6 15 ..... $ 400,000
6 16 11. For roofing projects at various locations:
6 17 ..... $ 200,000
6 18 12. For heating, cooling, and exhaust system
6 19 improvements at various locations:
6 20 ..... $ 200,000
6 21 13. For deferred maintenance projects at field
6 22 facilities throughout the state:
6 23 ..... $ 1,000,000
6 24 14. For wastewater treatment improvements at
6 25 various locations:
6 26 ..... $ 1,000,000
6 27 15. For replacement of the New Hampton combined
6 28 facility:
6 29 ..... $ 5,200,000
6 30 For purposes of section 8.33, unless specifically
6 31 provided otherwise, moneys appropriated in subsections
6 32 10 through 15 that remain unencumbered or unobligated
6 33 shall not revert but shall remain available for
6 34 expenditure for the purposes designated until the close
6 35 of the fiscal year that ends three years after the end
6 36 of the fiscal year for which the appropriation was
6 37 made. However, if the project or projects for which
6 38 such appropriation was made are completed in an earlier
6 39 fiscal year, unencumbered or unobligated moneys shall
6 40 revert at the close of that same fiscal year.
6 41 DIVISION III
6 42 CONDITIONAL EFFECTIVE DATE AND RETROACTIVE
6 43 APPLICABILITY
6 44 Sec. 5. EFFECTIVE DATE AND RETROACTIVE
6 45 APPLICABILITY. Unless otherwise provided, this Act,
6 46 if approved by the governor on or after July 1, 2011,
6 47 takes effect upon enactment and applies retroactively
6 48 to July 1, 2011.>
6 49 #2. Title page, by striking lines 1 through 4 and
6 50 inserting <An Act relating to and making transportation

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7 1 and other infrastructure=related appropriations to the
7 2 department of transportation, including allocation
7 3 and use of moneys from the road use tax fund and the
7 4 primary road fund and including conditional retroactive
7 5 applicability provisions.>
7 6 #3. By renumbering as necessary.

HUSEMAN of Cherokee
HF683.3374 (3) 84
dea/jp

# House Amendment 1748

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1 1 Amend the Senate amendment, H=1702, to House File
1 2 648, as amended, passed, and reprinted by the House, as
1 3 follows:
1 4 #1. By striking page 1, line 5, through page 18,
1 5 line 5, and inserting:
1 6 <DIVISION I
1 7 REBUILD IOWA INFRASTRUCTURE FUND
1 8 Section 1. There is appropriated from the rebuild
1 9 Iowa infrastructure fund to the following departments
1 10 and agencies for the following fiscal years, the
1 11 following amounts, or so much thereof as is necessary,
1 12 to be used for the purposes designated:
1 13 1. DEPARTMENT OF ADMINISTRATIVE SERVICES
1 14 a. For projects related to major repairs and major
1 15 maintenance for state buildings and facilities:
1 16 FY 2012=2013..... $ 6,000,000
1 17 b. For exterior repairs and related improvements to
1 18 the state historical building:
1 19 FY 2011=2012..... $ 1,200,000
1 20 c. For infrastructure improvements, including fire
1 21 safety and security systems, in the secretary of state
1 22 offices in the Lucas state office building:
1 23 FY 2011=2012..... $ 45,000
1 24 d. For fire protection improvements at the
1 25 facilities management center and central energy plant
1 26 on the capitol complex:
1 27 FY 2012=2013..... $ 2,000,000
1 28 e. For renovation, repairs, replacement, and
1 29 related improvements to extend the useful life
1 30 of buildings on the capitol complex and to make
1 31 improvements, including improvements relating to safety
1 32 and building code requirements, to the capitol complex
1 33 grounds:
1 34 FY 2012=2013..... $ 2,000,000
1 35 2. DEPARTMENT FOR THE BLIND
1 36 For replacement of air handlers and related
1 37 improvements:
1 38 FY 2011=2012..... $ 1,065,674
1 39 3. DEPARTMENT OF CORRECTIONS
1 40 a. For the construction project and one=time
1 41 furniture, fixture, and equipment costs at Fort
1 42 Madison:
1 43 FY 2011=2012..... $ 5,155,077
1 44 FY 2012=2013..... $ 18,269,124
1 45 FY 2013=2014..... $ 3,000,000
1 46 b. For the construction project and one=time
1 47 equipment costs at the Iowa correctional facility for
1 48 women at Mitchellville:
1 49 FY 2011=2012..... $ 3,061,556
1 50 FY 2012=2013..... $ 5,391,062

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2 1 FY 2013=2014..... $ 26,769,040
2 2 4. DEPARTMENT OF CULTURAL AFFAIRS
2 3 For deposit into the Iowa great places program
2 4 fund created in section 303.3D for Iowa great places
2 5 program projects that meet the definition of the term
2 6 "vertical infrastructure" in section 8.57, subsection
2 7 6, paragraph "c":
2 8 FY 2011=2012..... $ 1,000,000
2 9 FY 2012=2013..... $ 2,000,000
2 10 Of the amounts appropriated in this subsection,
2 11 up to $45,000 may be used per fiscal year for
2 12 administration of the Iowa great places grant program,
2 13 notwithstanding section 8.57, subsection 6, paragraph
2 14 "c".
2 15 5. DEPARTMENT OF ECONOMIC DEVELOPMENT
2 16 For accelerated career education program capital
2 17 projects at community colleges that are authorized
2 18 under chapter 260G and that meet the definition of
2 19 the term "vertical infrastructure" in section 8.57,
2 20 subsection 6, paragraph "c":
2 21 FY 2011=2012..... $ 5,000,000
2 22 FY 2012=2013..... $ 5,500,000
2 23 6. DEPARTMENT OF EDUCATION
2 24 a. To the public broadcasting division for the
2 25 purchase of a building in the city of Johnston:
2 26 FY 2011=2012..... $ 1,255,550
2 27 b. For major renovation and major repair needs,
2 28 including health, life, and fire safety needs and for
2 29 compliance with the federal Americans with Disabilities
2 30 Act, for state buildings and facilities under the
2 31 purview of the community colleges:
2 32 FY 2011=2012..... $ 1,000,000
2 33 FY 2012=2013..... $ 1,000,000
2 34 7. DEPARTMENT OF HUMAN SERVICES
2 35 For the renovation and construction of certain
2 36 nursing facilities, consistent with the provisions of
2 37 chapter 249K:
2 38 FY 2011=2012..... $ 285,000
2 39 8. DEPARTMENT OF NATURAL RESOURCES
2 40 a. For floodplain management and dam safety,
2 41 notwithstanding section 8.57, subsection 6,
2 42 paragraph "c":
2 43 FY 2011=2012..... $ 2,000,000
2 44 Of the amounts appropriated in this lettered
2 45 paragraph, up to $400,000 is authorized for stream
2 46 gages to be used for tracking and predicting flood
2 47 events and for compiling necessary data relating to
2 48 flood frequency analysis.
2 49 b. For implementation of lake projects that
2 50 have established watershed improvement initiatives

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3 1 and community support in accordance with the
3 2 department's annual lake restoration plan and report,
3 3 notwithstanding section 8.57, subsection 6, paragraph
3 4 "c":
3 5 FY 2011=2012..... $ 8,600,000
3 6 Of the amount appropriated in this lettered
3 7 paragraph, $350,000 shall be allocated for a lake with
3 8 public access that has the support of a benefited
3 9 lake district located in a county with a population
3 10 between seventeen thousand seven hundred and seventeen
3 11 thousand eight hundred as determined by the 2010
3 12 federal decennial census. The allocated moneys shall
3 13 be used for purposes of completing a preconstruction
3 14 dam restoration study that would include a geotechnical
3 15 evaluation, hydrological studies, restoration
3 16 alternatives, and construction specifications.
3 17 9. DEPARTMENT OF PUBLIC DEFENSE
3 18 a. For major maintenance projects at national guard
3 19 armories and facilities:
3 20 FY 2011=2012..... $ 2,000,000
3 21 FY 2012=2013..... $ 2,000,000
3 22 b. For renovation and facility improvements at the
3 23 Muscatine readiness center:
3 24 FY 2011=2012..... $ 100,000
3 25 c. For construction improvement projects at
3 26 statewide readiness centers:
3 27 FY 2011=2012..... $ 1,800,000
3 28 FY 2012=2013..... $ 1,800,000
3 29 d. For construction upgrades at Camp Dodge
3 30 including sanitary system and sewer system
3 31 improvements:
3 32 FY 2011=2012..... $ 1,000,000
3 33 FY 2012=2013..... $ 1,000,000
3 34 e. For renovation, repair, and related improvements
3 35 at the joint forces headquarters building:
3 36 FY 2011=2012..... $ 1,000,000
3 37 f. For renovation and facility improvements at the
3 38 Dubuque readiness center:
3 39 FY 2012=2013..... $ 500,000
3 40 10. BOARD OF REGENTS
3 41 a. For allocation by the state board of regents to
3 42 the state university of Iowa, Iowa state university of
3 43 science and technology, and the university of northern
3 44 Iowa to reimburse the institutions for deficiencies
3 45 in the operating funds resulting from the pledging of
3 46 tuition, student fees and charges, and institutional
3 47 income to finance the cost of providing academic and
3 48 administrative buildings and facilities and utility
3 49 services at the institutions:
3 50 FY 2011=2012..... $ 24,305,412

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4 1 b. For the Iowa flood center at the state
4 2 university of Iowa for use by the university's
4 3 college of engineering, pursuant to section 466C.1,
4 4 notwithstanding section 8.57, subsection 6, paragraph
4 5 "c":
4 6 FY 2011=2012..... $ 1,300,000
4 7 c. For fire, safety and other major maintenance
4 8 projects at the regents institutions:
4 9 FY 2011=2012..... $ 2,000,000
4 10 FY 2012=2013..... $ 4,000,000
4 11 d. For construction, renovation, and related
4 12 improvements for phase II of the agricultural and
4 13 biosystems engineering complex, including classrooms,
4 14 laboratories, and offices at Iowa state university of
4 15 science and technology:
4 16 FY 2011=2012..... $ 1,000,000
4 17 FY 2012=2013..... $ 20,800,000
4 18 FY 2013=2014..... $ 20,000,000
4 19 FY 2014=2015..... $ 18,600,000
4 20 e. For the renovation and related improvements to
4 21 the dental science building at the state university
4 22 of Iowa including but not limited to renovation of
4 23 clinical spaces and development of a multidisciplinary
4 24 clinical area:
4 25 FY 2011=2012..... $ 1,000,000
4 26 FY 2012=2013..... $ 12,000,000
4 27 FY 2013=2014..... $ 8,000,000
4 28 FY 2014=2015..... $ 8,000,000
4 29 f. For renovation and related improvements for
4 30 Bartlett hall at the university of northern Iowa
4 31 including providing faculty offices, seminar rooms,
4 32 and laboratories in the building and the associated
4 33 demolition of Baker hall:
4 34 FY 2011=2012..... $ 1,000,000
4 35 FY 2012=2013..... $ 8,286,000
4 36 FY 2013=2014..... $ 9,767,000
4 37 FY 2014=2015..... $ 1,947,000
4 38 11. DEPARTMENT OF TRANSPORTATION
4 39 a. For acquiring, constructing, and improving
4 40 recreational trails within the state:
4 41 FY 2011=2012..... $ 2,000,000
4 42 FY 2012=2013..... $ 2,000,000
4 43 b. For deposit into the public transit
4 44 infrastructure grant fund created in section 324A.6A,
4 45 for projects that meet the definition of "vertical
4 46 infrastructure" in section 8.57, subsection 6,
4 47 paragraph "c":
4 48 FY 2011=2012..... $ 1,500,000
4 49 FY 2012=2013..... $ 1,500,000
4 50 c. For infrastructure improvements at the

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5 1 commercial service airports within the state:
5 2 FY 2011=2012..... $ 1,500,000
5 3 FY 2012=2013..... $ 1,500,000
5 4 d. For infrastructure improvements at general
5 5 aviation airports within the state:
5 6 FY 2011=2012..... $ 750,000
5 7 FY 2012=2013..... $ 750,000
5 8 12. TREASURER OF STATE
5 9 For distribution in accordance with chapter 174 to
5 10 qualified fairs which belong to the association of Iowa
5 11 fairs for county fair infrastructure improvements:
5 12 FY 2011=2012..... $ 1,060,000
5 13 FY 2012=2013..... $ 1,060,000
5 14 13. DEPARTMENT OF VETERANS AFFAIRS
5 15 a. For transfer to the Iowa finance authority for
5 16 the continuation of the home ownership assistance
5 17 program for persons who are or were eligible members
5 18 of the armed forces of the United States, pursuant to
5 19 section 16.54, notwithstanding section 8.57, subsection
5 20 6, paragraph "c":
5 21 FY 2011=2012..... $ 1,000,000
5 22 b. For the Iowa veterans home to upgrade generator
5 23 emissions controls to meet required stack emissions for
5 24 four generators and related improvements:
5 25 FY 2011=2012..... $ 250,000
5 26 Sec. ___. REVERSION. For purposes of section 8.33,
5 27 unless specifically provided otherwise, unencumbered
5 28 or unobligated moneys made from an appropriation in
5 29 this division of this Act shall not revert but shall
5 30 remain available for expenditure for the purposes
5 31 designated until the close of the fiscal year that ends
5 32 three years after the end of the fiscal year for which
5 33 the appropriation is made. However, if the project
5 34 or projects for which such appropriation was made are
5 35 completed in an earlier fiscal year, unencumbered or
5 36 unobligated moneys shall revert at the close of that
5 37 same fiscal year.
5 38 DIVISION II
5 39 TECHNOLOGY REINVESTMENT FUND
5 40 Sec. ___. There is appropriated from the technology
5 41 reinvestment fund created in section 8.57C to the
5 42 following departments and agencies for the following
5 43 fiscal years, the following amounts, or so much
5 44 thereof as is necessary, to be used for the purposes
5 45 designated:
5 46 1. DEPARTMENT OF ADMINISTRATIVE SERVICES
5 47 For technology improvement projects:
5 48 FY 2011=2012..... $ 1,643,728
5 49 FY 2012=2013..... $ 2,500,000
5 50 2. DEPARTMENT OF CORRECTIONS

House Amendment 1748 continued

6 1 For costs associated with the Iowa corrections
6 2 offender network data system:
6 3 FY 2011=2012..... $ 500,000
6 4 FY 2012=2013..... $ 500,000
6 5 3. DEPARTMENT OF EDUCATION
6 6 a. For maintenance and lease costs associated with
6 7 connections for part III of the Iowa communications
6 8 network:
6 9 FY 2011=2012..... $ 2,727,000
6 10 FY 2012=2013..... $ 2,727,000
6 11 b. For the implementation of an educational data
6 12 warehouse that will be utilized by teachers, parents,
6 13 school district administrators, area education agency
6 14 staff, department of education staff, and policymakers:
6 15 FY 2011=2012..... $ 600,000
6 16 FY 2012=2013..... $ 600,000
6 17 The department may use a portion of the moneys
6 18 appropriated in this lettered paragraph for an
6 19 e=transcript data system capable of tracking students
6 20 throughout their education via interconnectivity with
6 21 multiple schools.
6 22 4. DEPARTMENT OF HUMAN RIGHTS
6 23 For the cost of equipment and computer software
6 24 for the implementation of Iowa's criminal justice
6 25 information system:
6 26 FY 2011=2012..... $ 1,689,307
6 27 FY 2012=2013..... $ 1,756,747
6 28 5. DEPARTMENT OF HUMAN SERVICES
6 29 To be used for medical contracts under the
6 30 medical assistance program for technology upgrades
6 31 necessary to support Medicaid claims and other health
6 32 operations, worldwide HIPAA claims transactions and
6 33 coding requirements, and the Iowa automated benefits
6 34 calculation system:
6 35 FY 2011=2012..... $ 3,494,176
6 36 FY 2012=2013..... $ 4,667,600
6 37 FY 2013=2014..... $ 4,267,600
6 38 FY 2014=2015..... $ 1,945,684
6 39 6. IOWA TELECOMMUNICATIONS AND TECHNOLOGY
6 40 COMMISSION
6 41 For replacement of equipment for the Iowa
6 42 communications network:
6 43 FY 2011=2012..... $ 2,248,653
6 44 FY 2012=2013..... $ 2,248,653
6 45 The commission may continue to enter into contracts
6 46 pursuant to section 8D.13 for the replacement of
6 47 equipment and for operation and maintenance costs of
6 48 the network.
6 49 In addition to funds appropriated in this
6 50 subsection, the commission may use a financing

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7 1 agreement entered into by the treasurer of state in
7 2 accordance with section 12.28 for the replacement
7 3 of equipment for the network. For purposes of this
7 4 subsection, the treasurer of state is not subject to
7 5 the maximum principal limitation contained in section
7 6 12.28, subsection 6. Repayment of any amounts financed
7 7 shall be made from receipts associated with fees
7 8 charged for use of the network.
7 9 7. DEPARTMENT OF MANAGEMENT
7 10 To develop a searchable database that can be placed
7 11 on the internet for budget and financial information:
7 12 FY 2011=2012..... $ 600,000
7 13 8. DEPARTMENT OF PUBLIC SAFETY
7 14 For the provision of a statewide public safety
7 15 radio network and the purchase of compatible radio
7 16 communications equipment with the goal of achieving
7 17 compliance with the federal communications commission's
7 18 narrowbanding mandate deadline, and for achieving
7 19 "interoperability", as defined in section 80.28:
7 20 FY 2011=2012..... $ 2,500,000
7 21 FY 2012=2013..... $ 2,500,000
7 22 FY 2013=2014..... $ 2,500,000
7 23 Of the amounts appropriated in this subsection,
7 24 the department of public safety may enter into a
7 25 public=private partnership, through a competitive
7 26 bidding process, for the provision of the statewide
7 27 network and the purchase of compatible equipment.
7 28 On or before January 13, 2012, the department of
7 29 public safety shall provide a report to the legislative
7 30 services agency and the department of management.
7 31 The report shall detail the status of the funds
7 32 appropriated in this subsection and shall include
7 33 the estimated needs of the departments of public
7 34 safety, corrections, and natural resources to achieve
7 35 interoperability and to meet the federal narrowbanding
7 36 mandate, any changes in estimated costs to meet those
7 37 needs, and the status of requests for proposals to
7 38 develop a public=private partnership.
7 39 Sec. ___. REVERSION. For purposes of section 8.33,
7 40 unless specifically provided otherwise, unencumbered
7 41 or unobligated moneys made from an appropriation in
7 42 this division of this Act shall not revert but shall
7 43 remain available for expenditure for the purposes
7 44 designated until the close of the fiscal year that ends
7 45 three years after the end of the fiscal year for which
7 46 the appropriation is made. However, if the project
7 47 or projects for which such appropriation was made are
7 48 completed in an earlier fiscal year, unencumbered or
7 49 unobligated moneys shall revert at the close of that
7 50 same fiscal year.

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8 1 DIVISION III
8 2 REVENUE BONDS CAPITALS
8 3 FUND ==== APPROPRIATIONS
8 4 Sec. ___. There is appropriated from the revenue
8 5 bonds capitals fund created in section 12.88, to the
8 6 following departments for the fiscal year beginning
8 7 July 1, 2011, and ending June 30, 2012, the following
8 8 amount, or so much thereof as is necessary, to be used
8 9 for the purposes designated:
8 10 a. DEPARTMENT OF CORRECTIONS
8 11 For the construction project and one=time equipment
8 12 costs at the Iowa correctional facility for women at
8 13 Mitchellville:
8 14 ..... $ 4,430,952
8 15 b. DEPARTMENT OF ADMINISTRATIVE SERVICES
8 16 For projects related to major repairs and major
8 17 maintenance for state buildings and facilities:
8 18 ..... $ 500,000
8 19 For purposes of section 8.33, unless specifically
8 20 provided otherwise, unencumbered or unobligated moneys
8 21 made from an appropriation in this section shall not
8 22 revert but shall remain available for expenditure for
8 23 the purposes designated until the close of the fiscal
8 24 year that ends three years after the end of the fiscal
8 25 year for which the appropriation was made. However, if
8 26 the project or projects for which such appropriation
8 27 was made are completed in an earlier fiscal year,
8 28 unencumbered or unobligated moneys shall revert at the
8 29 close of that same fiscal year.
8 30 DIVISION IV
8 31 REVENUE BONDS CAPITALS II FUND ==== APPROPRIATIONS
8 32 Sec. ___. There is appropriated from the revenue
8 33 bonds capitals II fund created in section 12.88A, to
8 34 the department of administrative services for the
8 35 fiscal year beginning July 1, 2011, and ending June 30,
8 36 2012, the following amount, or so much thereof as is
8 37 necessary, to be used for the purposes designated:
8 38 For projects related to major repairs and major
8 39 maintenance for state buildings and facilities:
8 40 FY 2011=2012..... $ 4,040,000
8 41 For purposes of section 8.33, unless specifically
8 42 provided otherwise, unencumbered or unobligated moneys
8 43 made from an appropriation in this section shall not
8 44 revert but shall remain available for expenditures for
8 45 the purposes designated until the close of the fiscal
8 46 year that ends three years after the end of the fiscal
8 47 year for which the appropriation was made. However, if
8 48 the project or projects for which such appropriation
8 49 was made are completed in an earlier fiscal year,
8 50 unencumbered or unobligated moneys shall revert at the

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9 1 close of that same fiscal year.
9 2 DIVISION V
9 3 GENERAL FUND ==== APPROPRIATION
9 4 Sec. ___. There is appropriated from the general
9 5 fund of the state to the department of transportation
9 6 for the fiscal year beginning July 1, 2012, and
9 7 ending June 30, 2013, the following amount, or so much
9 8 thereof as is necessary, to be used for the purposes
9 9 designated:
9 10 For deposit into the railroad revolving loan and
9 11 grant fund created in section 327H.20A:
9 12 ..... $ 2,000,000
9 13 DIVISION VI
9 14 PUBLIC BIDDING AND CONTRACTING
9 15 Sec. ___. Section 73A.21, Code 2011, is amended to
9 16 read as follows:
9 17 73A.21 Reciprocal resident bidder and resident labor
9 18 force preference by state, its agencies, and political
9 19 subdivisions ==== penalties.
9 20 1. For purposes of this section:
9 21 a. "Commissioner" means the labor commissioner
9 22 appointed pursuant to section 91.2, or the labor
9 23 commissioner's designee.
9 24 b. "Division" means the division of labor of the
9 25 department of workforce development.
9 26 c. "Nonresident bidder" means a person or entity who
9 27 does not meet the definition of a resident bidder.
9 28 d. "Public body" means the state and any of its
9 29 political subdivisions, including a school district,
9 30 public utility, or the state board of regents.
9 31 ~~a.~~ e. "Public improvement" means ~~public~~
9 32 ~~improvements as defined in section 73A.1~~ a building or
9 33 other construction work to be paid for in whole or in
9 34 part by the use of funds of the state, its agencies,
9 35 and any of its political subdivisions and includes road
9 36 construction, reconstruction, and maintenance projects.
9 37 f. "Public utility" includes municipally owned
9 38 utilities and municipally owned waterworks.
9 39 ~~b.~~ g. "Resident bidder" means a person or entity
9 40 authorized to transact business in this state and
9 41 having a place of business for transacting business
9 42 within the state at which it is conducting and has
9 43 conducted business for at least ~~six months~~ three years
9 44 prior to the date of the first advertisement for the
9 45 public improvement ~~and in the case of a corporation,~~
9 46 ~~having at least fifty percent of its common stock~~
9 47 ~~owned by residents of this state~~. If another state
9 48 or foreign country has a more stringent definition of
9 49 a resident bidder, the more stringent definition is
9 50 applicable as to bidders from that state or foreign

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10 1 country.
10 2 h. "Resident labor force preference" means a
10 3 requirement in which all or a portion of a labor force
10 4 working on a public improvement is a resident of a
10 5 particular state or country.
10 6 2. Notwithstanding this chapter, chapter 73,
10 7 chapter 309, chapter 310, chapter 331, or chapter
10 8 384, when a contract for a public improvement is
10 9 to be awarded to the lowest responsible bidder, a
10 10 resident bidder shall be allowed a preference as
10 11 against a nonresident bidder from a state or foreign
10 12 country ~~which~~ if that state or foreign country gives
10 13 or requires ~~a~~ any preference to bidders from that
10 14 state or foreign country, including but not limited
10 15 to any preference to bidders, the imposition of any
10 16 type of labor force preference, or any other form of
10 17 preferential treatment to bidders or laborers from that
10 18 state or foreign country. The preference ~~is~~ allowed
10 19 shall be equal to the preference given or required by
10 20 the state or foreign country in which the nonresident
10 21 bidder is a resident. In the instance of a resident
10 22 labor force preference, a nonresident bidder shall
10 23 apply the same resident labor force preference to a
10 24 public improvement in this state as would be required
10 25 in the construction of a public improvement by the
10 26 state or foreign country in which the nonresident
10 27 bidder is a resident.
10 28 ~~3. This section applies to the state, its agencies,~~
10 29 ~~and any political subdivisions of the state.~~
10 30 ~~4.~~ 3. If it is determined that this may cause
10 31 denial of federal funds which would otherwise be
10 32 available, or would otherwise be inconsistent with
10 33 requirements of any federal law or regulation, this
10 34 section shall be suspended, but only to the extent
10 35 necessary to prevent denial of the funds or to
10 36 eliminate the inconsistency with federal requirements.
10 37 4. The public body involved in a public improvement
10 38 shall require a nonresident bidder to specify on all
10 39 project bid specifications and contract documents
10 40 whether any preference as described in subsection 2 is
10 41 in effect in the nonresident bidder's state or country
10 42 of domicile at the time of a bid submittal.
10 43 5. The commissioner and the division shall
10 44 administer and enforce this section, and the
10 45 commissioner shall adopt rules for the administration
10 46 and enforcement of this section as provided in section
10 47 91.6.
10 48 6. The commissioner shall have the following powers
10 49 and duties for the purposes of this section:
10 50 a. The commissioner may hold hearings and

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11 1 investigate charges of violations of this section.
11 2 b. The commissioner may, consistent with due
11 3 process of law, enter any place of employment to
11 4 inspect records concerning labor force residency, to
11 5 question an employer or employee, and to investigate
11 6 such facts, conditions, or matters as are deemed
11 7 appropriate in determining whether any person
11 8 has violated the provisions of this section. The
11 9 commissioner shall only make such an entry in response
11 10 to a written complaint.
11 11 c. The commissioner shall develop a written
11 12 complaint form applicable to this section and make it
11 13 available in division offices and on the department of
11 14 workforce development's internet site.
11 15 d. The commissioner may sue for injunctive relief
11 16 against the awarding of a contract, the undertaking of
11 17 a public improvement, or the continuation of a public
11 18 improvement in response to a violation of this section.
11 19 e. The commissioner may investigate and ascertain
11 20 the residency of a worker engaged in any public
11 21 improvement in this state.
11 22 f. The commissioner may administer oaths, take
11 23 or cause to be taken deposition of witnesses, and
11 24 require by subpoena the attendance and testimony of
11 25 witnesses and the production of all books, registers,
11 26 payrolls, and other evidence relevant to a matter under
11 27 investigation or hearing.
11 28 g. The commissioner may employ qualified personnel
11 29 as are necessary for the enforcement of this section.
11 30 Such personnel shall be employed pursuant to the merit
11 31 system provisions of chapter 8A, subchapter IV.
11 32 h. The commissioner shall require a contractor or
11 33 subcontractor to file, within ten days of receipt of a
11 34 request, any records enumerated in subsection 7. If
11 35 the contractor or subcontractor fails to provide the
11 36 requested records within ten days, the commissioner
11 37 may direct, within fifteen days after the end of the
11 38 ten=day period, that the fiscal or financial office
11 39 charged with the custody and disbursement of funds of
11 40 the public body that contracted for construction of the
11 41 public improvement or undertook the public improvement,
11 42 to immediately withhold from payment to the contractor
11 43 or subcontractor up to twenty=five percent of the
11 44 amount to be paid to the contractor or subcontractor
11 45 under the terms of the contract or written instrument
11 46 under which the public improvement is being performed.
11 47 The amount withheld shall be immediately released
11 48 upon receipt by the public body of a notice from the
11 49 commissioner indicating that the request for records as
11 50 required by this section has been satisfied.

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12 1 7. While participating in a public improvement,
12 2 a nonresident bidder domiciled in a state or country
12 3 that has established a resident labor force preference
12 4 shall make and keep, for a period of not less than
12 5 three years, accurate records of all workers employed
12 6 by the contractor or subcontractor on the public
12 7 improvement. The records shall include each worker's
12 8 name, address, telephone number when available, social
12 9 security number, trade classification, and the starting
12 10 and ending time of employment.
12 11 8. Any person or entity that violates the
12 12 provisions of this section is subject to a civil
12 13 penalty in an amount not to exceed one thousand dollars
12 14 for each violation found in a first investigation by
12 15 the division, not to exceed five thousand dollars
12 16 for each violation found in a second investigation
12 17 by the division, and not to exceed fifteen thousand
12 18 dollars for a third or subsequent violation found
12 19 in any subsequent investigation by the division.
12 20 Each violation of this section for each worker and
12 21 for each day the violation continues constitutes a
12 22 separate and distinct violation. In determining the
12 23 amount of the penalty, the division shall consider the
12 24 appropriateness of the penalty to the person or entity
12 25 charged, upon determination of the gravity of the
12 26 violations. The collection of these penalties shall
12 27 be enforced in a civil action brought by the attorney
12 28 general on behalf of the division.
12 29 9. A party seeking review of the division's
12 30 determination pursuant to this section may file a
12 31 written request for an informal conference. The
12 32 request must be received by the division within fifteen
12 33 days after the date of issuance of the division's
12 34 determination. During the conference, the party
12 35 seeking review may present written or oral information
12 36 and arguments as to why the division's determination
12 37 should be amended or vacated. The division shall
12 38 consider the information and arguments presented and
12 39 issue a written decision advising all parties of the
12 40 outcome of the conference.
12 41 Sec. ___. Section 331.341, subsection 2, Code 2011,
12 42 is amended to read as follows:
12 43 2. The board shall give preference to Iowa products
12 44 ~~and labor~~ in accordance with chapter 73 and shall
12 45 comply with bid and contract requirements in chapter
12 46 26.
12 47 Sec. ___. REPEAL. Sections 73.3 and 73.4, Code
12 48 2011, are repealed.
12 49 Sec. ___. EFFECTIVE UPON ENACTMENT. This division
12 50 of this Act, being deemed of immediate importance,

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13 1 takes effect upon enactment.
13 2 Sec. ___. APPLICABILITY. This division of this Act
13 3 applies to all public improvement, public works, and
13 4 public road projects, and to public improvement, public
13 5 works, and public road contracts entered into on or
13 6 after the effective date of this Act.
13 7 DIVISION VII
13 8 BUSINESS DEVELOPMENT ASSISTANCE ==== APPROPRIATION
13 9 Sec. ___. BUSINESS DEVELOPMENT ASSISTANCE ==== USE OF
13 10 EXISTING FUNDS.
13 11 1. a. There is appropriated from the rebuild Iowa
13 12 infrastructure fund to the department of economic
13 13 development for the fiscal year beginning July 1, 2011,
13 14 and ending June 30, 2012, the following amount, or
13 15 so much thereof as is necessary, to be used for the
13 16 purposes designated:
13 17 For marketing and promotional activities; for
13 18 information technology development; for laborshed
13 19 studies conducted for the department by the department
13 20 of workforce development; for administrative purposes,
13 21 including salaries, support, maintenance, and
13 22 miscellaneous purposes; and for providing financial
13 23 assistance to businesses expanding or locating in the
13 24 state, notwithstanding section 8.57, subsection 6,
13 25 paragraph "c":
13 26 ..... $ 15,000,000
13 27 b. Of the moneys appropriated pursuant to paragraph
13 28 "a" for purposes of marketing and promotional
13 29 activities, the department shall not use more than
13 30 $2,300,000.
13 31 c. Of the moneys appropriated pursuant to paragraph
13 32 "a" for purposes of information technology development,
13 33 the department shall not use more than $350,000.
13 34 d. Of the moneys appropriated pursuant to paragraph
13 35 "a" for purposes of laborshed studies conducted by the
13 36 department of workforce development, the department
13 37 shall not use more than $145,000.
13 38 e. Of the moneys appropriated pursuant to paragraph
13 39 "a" for administrative purposes, the department shall
13 40 not use more than 5 percent.
13 41 f. (1) The department may use the remainder of the
13 42 moneys appropriated pursuant to paragraph "a" that are
13 43 not expended for the purposes described in paragraphs
13 44 "b" through "e" to provide financial assistance to
13 45 businesses expanding or locating in the state.
13 46 (2) An award of financial assistance pursuant to
13 47 this paragraph "f" shall be approved by the economic
13 48 development board which shall review with due diligence
13 49 the merits of each application for assistance.
13 50 (3) For each award of financial assistance made

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14 1 pursuant to this paragraph "f", the department shall
14 2 enter into an agreement with the recipient of the
14 3 financial assistance, and each agreement shall meet
14 4 the requirements for financial assistance agreements
14 5 described in section 15G.112, subsections 1 through 3,
14 6 Code 2011.
14 7 (4) In providing financial assistance pursuant
14 8 to this paragraph "f", the department shall allocate
14 9 the available moneys to a diverse range of projects
14 10 that create or retain jobs including projects that pay
14 11 better than average wages, projects that represent
14 12 early=stage business development, projects that build
14 13 the physical infrastructure necessary for business
14 14 growth and expansion, projects that enhance the
14 15 growth of value=added agriculture in the state, and
14 16 projects that involve recovery from significant natural
14 17 disasters.
14 18 (5) The department shall adopt rules for the
14 19 implementation of this paragraph "f". Such rules
14 20 may be adopted as emergency rules under section
14 21 17A.4, subsection 3, and section 17A.5, subsection
14 22 2, paragraph "b". Such rules shall be effective
14 23 immediately upon filing unless a later date is
14 24 specified in the rules. Any rules adopted in
14 25 accordance with this section shall also be published
14 26 as a notice of intended action as provided in section
14 27 17A.4.
14 28 (6) For purposes of this paragraph "f", "financial
14 29 assistance" means assistance provided only from the
14 30 funds, rights, and assets legally available to the
14 31 department pursuant to this chapter and includes but is
14 32 not limited to assistance in the form of grants, loans,
14 33 forgivable loans, and royalty payments.
14 34 2. There is appropriated to the department of
14 35 economic development for the fiscal year beginning
14 36 July 1, 2011, and ending June 30, 2012, the following
14 37 amounts, or so much thereof as is necessary, to be used
14 38 for the purposes described in subsection 1:
14 39 a. Payments of interest, repayments of moneys
14 40 loaned, and recaptures of grants and loans made
14 41 pursuant to chapter 15G, Code 2011.
14 42 b. All moneys accruing to the department, including
14 43 payments of interest, repayments of moneys loaned,
14 44 royalty payments received, and recaptures of grants,
14 45 loans, or other forms of financial assistance provided
14 46 to recipients, from the department's administration of
14 47 the following preexisting programs:
14 48 (1) The community economic betterment program
14 49 established pursuant to section 15.317, Code 2009.
14 50 (2) The entrepreneurial ventures assistance program

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15 1 established pursuant to section 15.339, Code 2009.
15 2 (3) The value=added agricultural products and
15 3 processes financial assistance program established
15 4 pursuant to section 15E.111, Code 2009.
15 5 (4) The physical infrastructure assistance program
15 6 established pursuant to section 15E.175, Code 2009.
15 7 (5) The loan and credit guarantee program
15 8 established pursuant to section 15E.224, Code 2009.
15 9 c. The moneys transferred to the grow Iowa values
15 10 fund pursuant to 2009 Iowa Acts, chapter 123, section
15 11 9, subsections 1 and 2.
15 12 3. The moneys appropriated pursuant to this section
15 13 are not subject to section 8.33. Notwithstanding
15 14 section 12C.7, interest or earnings on the appropriated
15 15 moneys shall be credited to the department and may
15 16 be used in subsequent fiscal years for the purposes
15 17 described in subsection 1.
15 18 DIVISION VIII
15 19 MISCELLANEOUS CODE CHANGES
15 20 Sec. ___. Section 8.57, subsection 6, paragraph c,
15 21 Code 2011, is amended to read as follows:
15 22 c. Moneys in the fund in a fiscal year shall
15 23 be used as directed by the general assembly for
15 24 public vertical infrastructure projects. For the
15 25 purposes of this subsection, "vertical infrastructure"
15 26 includes only land acquisition and construction~~,~~;
15 27 major renovation and major repair of buildings~~,~~; all
15 28 appurtenant structures~~,~~; utilities~~,~~; site development~~,~~
15 29 ~~and~~; recreational trails; and debt service payments
15 30 on academic revenue bonds issued in accordance with
15 31 chapter 262A for capital projects at board of regents
15 32 institutions. "Vertical infrastructure" does not
15 33 include routine, recurring maintenance or operational
15 34 expenses or leasing of a building, appurtenant
15 35 structure, or utility without a lease=purchase
15 36 agreement.
15 37 Sec. ___. Section 8.57, subsection 6, paragraph f,
15 38 Code 2011, is amended to read as follows:
15 39 f. There is appropriated from the rebuild Iowa
15 40 infrastructure fund to the secure an advanced vision
15 41 for education fund created in section 423F.2, for each
15 42 fiscal year of the fiscal period beginning July 1,
15 43 2008, and ending June 30, 2010, ~~and for each fiscal~~
15 44 ~~year of the fiscal period beginning July 1, 2011,~~
15 45 ~~and ending June 30, 2014,~~ the amount of the moneys
15 46 in excess of the first forty=seven million dollars
15 47 credited to the rebuild Iowa infrastructure fund during
15 48 the fiscal year, not to exceed ten million dollars.
15 49 Sec. ___. Section 8.57A, subsection 4, Code 2011,
15 50 is amended to read as follows:

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16 1 4. a. There is appropriated from the rebuild Iowa
16 2 infrastructure fund for the fiscal ~~years~~ year beginning
16 3 July ~~1, 2008, July 1, 2009, and July~~ 1, ~~2011~~ 2012, and
16 4 for each fiscal year thereafter, the sum of ~~forty=two~~
~~16 5~~ thirty=five million dollars to the environment first
16 6 fund, notwithstanding section 8.57, subsection 6,
16 7 paragraph "c".
16 8 b. There is appropriated from the rebuild Iowa
16 9 infrastructure fund each fiscal year for the ~~fiscal~~
~~16 10 year~~ period beginning July 1, 2010, and ending June 30,
16 11 ~~2011~~ 2012, the sum of thirty=three million dollars to
16 12 the environment first fund, notwithstanding section
16 13 8.57, subsection 6, paragraph "c".
16 14 Sec. ___. Section 8.57C, subsection 3, paragraphs a
16 15 and c, Code 2011, are amended to read as follows:
16 16 a. There is appropriated from the general fund of
16 17 the state for the fiscal ~~years~~ year beginning ~~July 1,~~
~~16 18 2006, July 1, 2007,~~ July 1, ~~2011~~ 2012, and for each
16 19 subsequent fiscal year thereafter, the sum of seventeen
16 20 million five hundred thousand dollars to the technology
16 21 reinvestment fund.
16 22 c. There is appropriated from the rebuild Iowa
16 23 infrastructure fund for the fiscal year beginning
16 24 July 1, 2010, and ending June 30, 2011, the sum of ten
16 25 million dollars to the technology reinvestment fund,
16 26 notwithstanding section 8.57, subsection 6, paragraph
16 27 "c".
16 28 Sec. ___. Section 8.57C, subsection 3, Code 2011,
16 29 is amended by adding the following new paragraph:
16 30 NEW PARAGRAPH. d. There is appropriated from the
16 31 rebuild Iowa infrastructure fund for the fiscal year
16 32 beginning July 1, 2011, and ending June 30, 2012,
16 33 the sum of sixteen million dollars to the technology
16 34 reinvestment fund, notwithstanding section 8.57,
16 35 subsection 6, paragraph "c".
16 36 Sec. ___. Section 8A.321, subsection 6, Code 2011,
16 37 is amended by adding the following new paragraph:
16 38 NEW PARAGRAPH. d. The department shall issue a
16 39 request for proposals for leasing privately owned
16 40 office space for state employees in the downtown
16 41 area of the city of Des Moines prior to replacing or
16 42 renovating publicly owned buildings or relocating
16 43 any state agencies to any space in publicly owned
16 44 buildings. The department shall locate state employees
16 45 in office space in the most cost=efficient manner
16 46 possible. In determining cost efficiency, the
16 47 department shall consider all costs of the publicly
16 48 owned space, the costs of the original acquisition
16 49 of the publicly owned space, the costs of tenant
16 50 improvements to the publicly owned space, and the

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17 1 anticipated economic and useful life of the publicly
17 2 owned building space.
17 3 Sec. ___. Section 12.82, subsection 1, Code 2011,
17 4 is amended to read as follows:
17 5 1. A school infrastructure fund is created and
17 6 established as a separate and distinct fund in the
17 7 state treasury under the control of the department of
17 8 education. ~~The~~ Notwithstanding any other provision
17 9 of this chapter, the fund shall be used for purposes
17 10 of the school infrastructure program established in
17 11 section 292.2.
17 12 Sec. ___. Section 12.82, Code 2011, is amended by
17 13 adding the following new subsection:
17 14 NEW SUBSECTION. 3A. Any amounts remaining in the
17 15 school infrastructure fund at the end of the fiscal
17 16 year beginning July 1, 2010, and for each fiscal year
17 17 thereafter, which are determined by the treasurer of
17 18 state to be unencumbered and unobligated and otherwise
17 19 unnecessary to make the payments for such fiscal year,
17 20 shall be transferred to the rebuild Iowa infrastructure
17 21 fund.
17 22 Sec. ___. Section 15F.204, subsection 8, paragraph
17 23 a, subparagraph (6), Code 2011, is amended to read as
17 24 follows:
17 25 (6) For the fiscal year beginning July 1, 2011,
17 26 and ending June 30, 2012, the sum of five million one
17 27 hundred thousand dollars.
17 28 Sec. ___. Section 15F.204, subsection 8, paragraph
17 29 b, Code 2011, is amended by striking the paragraph.
17 30 Sec. ___. Section 16.181A, subsection 1, Code 2011,
17 31 is amended to read as follows:
17 32 1. There is appropriated from the rebuild Iowa
17 33 infrastructure fund to the Iowa finance authority for
17 34 deposit in the housing trust fund created in section
17 35 16.181, for the fiscal year beginning July 1, 2009, and
17 36 beginning July 1, ~~2011~~ 2012, and for each succeeding
17 37 fiscal year, the sum of three million dollars.
17 38 Sec. ___. Section 16.181A, Code 2011, is amended by
17 39 adding the following new subsection:
17 40 NEW SUBSECTION. 3. There is appropriated from the
17 41 rebuild Iowa infrastructure fund to the Iowa finance
17 42 authority for deposit in the housing trust fund created
17 43 in section 16.181, for the fiscal year beginning July
17 44 1, 2011, and ending June 30, 2012, the sum of two
17 45 million dollars.
17 46 Sec. ___. Section 16.193, subsection 2, Code 2011,
17 47 is amended to read as follows:
17 48 2. ~~During the term of the Iowa jobs program~~
17 49 ~~established in section 16.194 and the Iowa jobs II~~
17 50 ~~program established in section 16.194A~~ For the period

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18 1 beginning July 1, 2009, and ending June 30, 2011, two
18 2 hundred thousand dollars of the moneys deposited in the
18 3 rebuild Iowa infrastructure fund shall be allocated
18 4 each fiscal year to the Iowa finance authority for
18 5 purposes of administering the Iowa jobs program,
18 6 notwithstanding section 8.57, subsection 6, paragraph
18 7 "c".
18 8 Sec. ___. EFFECTIVE AND APPLICABILITY DATES. The
18 9 sections of this division amending section 12.82,
18 10 being deemed of immediate importance, take effect upon
18 11 enactment and, if approved by the governor on or after
18 12 July 1, 2011, shall apply retroactively to June 30,
18 13 2011.
18 14 DIVISION IX
18 15 CHANGES TO PRIOR APPROPRIATIONS
18 16 Sec. ___. 2006 Iowa Acts, chapter 1179, section 18,
18 17 is amended by adding the following new subsection:
18 18 NEW SUBSECTION. 5. Except for the allocation to
18 19 Des Moines area community college and notwithstanding
18 20 section 8.33, moneys appropriated from the endowment
18 21 for Iowa's health restricted capitals fund for the
18 22 fiscal year beginning July 1, 2006, and ending June 30,
18 23 2007, in this division of this Act to the department of
18 24 public safety for allocation to the division of fire
18 25 protection that remain unencumbered or unobligated
18 26 at the close of the fiscal year shall not revert
18 27 but shall remain available for expenditure for the
18 28 purposes designated until the close of the fiscal year
18 29 beginning July 1, 2011, or until the project for which
18 30 the appropriation was made is completed, whichever
18 31 is earlier. This subsection shall apply in lieu of
18 32 subsection 1 of this section.
18 33 Sec. ___. 2007 Iowa Acts, chapter 219, section 2,
18 34 is amended to read as follows:
18 35 SEC. 2. REVERSION.
18 36 1. ~~Notwithstanding~~ Except as provided in subsection
18 37 2 and notwithstanding section 8.33, moneys appropriated
18 38 for the fiscal year beginning July 1, 2007, in this
18 39 division of this Act that remain unencumbered or
18 40 unobligated at the close of the fiscal year shall not
18 41 revert but shall remain available for the purposes
18 42 designated until the close of the fiscal year that
18 43 begins July 1, 2010, or until the project for which
18 44 the appropriation was made is completed, whichever is
18 45 earlier.
18 46 2. a. Notwithstanding section 8.33, moneys
18 47 appropriated in section 1, subsection 1, paragraphs
18 48 "a" and "f" of this division of this Act that remain
18 49 unencumbered or unobligated at the close of the fiscal
18 50 year for which they were appropriated shall not revert

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19 1 but shall remain available for the purposes designated
19 2 until the close of the fiscal year that begins July 1,
19 3 2011, or until the project for which the appropriation
19 4 was made is completed, whichever is earlier.
19 5 b. The department of administrative services
19 6 is authorized to provide for the disposition and
19 7 relocation of structures located at 707 east locust
19 8 and 709 east locust, Des Moines, Iowa, in a manner as
19 9 deemed appropriate by the department. The disposition
19 10 of the structures, if possible, shall be completed in
19 11 a manner that reduces or eliminates the costs of the
19 12 state associated with the removal of the structures
19 13 from their current locations. Any amount received from
19 14 the disposition of the structures as permitted under
19 15 this section shall be retained by the department to pay
19 16 for improvement costs associated with the restoration
19 17 of the west capitol terrace. The department, if unable
19 18 to otherwise dispose of the structures, is authorized
19 19 to demolish the structures using other appropriate
19 20 funding available to the department.
19 21 Sec. ___. 2008 Iowa Acts, chapter 1179, section 1,
19 22 subsection 13, paragraph c, as amended by 2009 Iowa
19 23 Acts, chapter 184, section 22, is amended to read as
19 24 follows:
19 25 c. For the construction of a depot and platform to
19 26 accommodate the future Amtrak service from Dubuque to
19 27 Chicago, notwithstanding section 8.57, subsection 6,
19 28 paragraph "c":
19 29 ..... $ ~~300,000~~
19 30 60,000
19 31 Sec. ___. 2008 Iowa Acts, chapter 1179, section
19 32 7, as amended by 2009 Iowa Acts, chapter 173, section
19 33 21, and 2010 Iowa Acts, chapter 1184, section 58, is
19 34 amended to read as follows:
19 35 SEC. 7. DEPARTMENT OF ECONOMIC DEVELOPMENT. There
19 36 is appropriated from the rebuild Iowa infrastructure
19 37 fund to the department of economic development for
19 38 the designated fiscal years the following amounts, or
19 39 so much thereof as is necessary, to be used for the
19 40 purposes designated:
19 41 For deposit into the river enhancement community
19 42 attraction and tourism fund created in 2008 Iowa Acts,
19 43 Senate File 2430, if enacted:
19 44 FY 2009=2010 ..... $ 0
19 45 FY 2010=2011..... $ 0
19 46 FY 2011=2012 ..... $ ~~10,000,000~~
19 47 0
19 48 FY 2012=2013 ..... $ ~~10,000,000~~
19 49 0
19 50 ~~Notwithstanding section 8.33, moneys appropriated~~

~~House Amendment 1748 continued~~

~~in this section for the fiscal year beginning July 1, 2011, and ending June 30, 2012, shall not revert at the close of the fiscal year for which they are appropriated but shall remain available for the purpose designated until the close of the fiscal year that begins July 1, 2014, or until the project for which the appropriation was made is completed, whichever is earlier.~~

~~Notwithstanding section 8.33, moneys appropriated in this section for the fiscal year beginning July 1, 2012, and ending June 30, 2013, shall not revert at the close of the fiscal year for which they are appropriated but shall remain available for the purpose designated until the close of the fiscal year that begins July 1, 2015, or until the project for which the appropriation was made is completed, whichever is earlier.~~

Sec. ___. 2008 Iowa Acts, chapter 1179, section 18, as amended by 2009 Iowa Acts, chapter 173, section 24, subsection 4, paragraph b, unnumbered paragraph 1, is amended to read as follows:

For deposit into the river enhancement community attraction and tourism fund created in section 15F.205:
..... $~~10,000,000~~
9,200,000

Sec. ___. 2009 Iowa Acts, chapter 184, section 1, subsection 12, paragraph a, as amended by 2010 Iowa Acts, chapter 1184, section 71, is amended to read as follows:

a. For deposit in the passenger rail service revolving fund created in section 327J.2, notwithstanding section 8.57, subsection 6, paragraph "c":
..... $ ~~3,000,000~~
500,000

Sec. ___. 2010 Iowa Acts, chapter 1184, section 2, subsection 3, is amended to read as follows:

3. DEPARTMENT OF TRANSPORTATION

For deposit into the passenger rail service revolving fund created in section 327J.2 for matching federal funding available through the federal Passenger Rail Investment and Improvement Act of 2008 for passenger rail service, notwithstanding section 8.57, subsection 6, paragraph "c":
FY 2011=2012..... $ ~~6,500,000~~
0

~~It is the intent of the general assembly to fund up to $20 million over a four-year period to fully fund the state commitment for matching federal funding available through the federal Passenger Rail Investment~~

~~House Amendment 1748 continued~~

~~and Improvement Act of 2008.~~

Sec. ___. 2010 Iowa Acts, chapter 1184, section 10, subsection 2, paragraph b, is amended to read as follows:

b. For deposit into the river enhancement community attraction and tourism fund created in section 15F.205:
..... $ ~~4,000,000~~ 0

Sec. ___. 2010 Iowa Acts, chapter 1184, section 10, subsection 2, paragraph b, unnumbered paragraph 2, is amended to read as follows:

Moneys appropriated for grants awarded in ~~paragraphs~~ paragraph "a" ~~and "b"~~ shall be used to assist communities in the development and creation of multiple purpose attractions or community service facilities for public use.

Sec. ___. 2010 Iowa Acts, chapter 1184, section 10, subsection 8, is amended to read as follows:

8. TREASURER OF STATE

For transfer to the watershed improvement review board created in section 466A.3 for grants associated with ~~the construction and restoration of wetland easements and flood prevention~~ watershed improvement projects:
..... $ 2,000,000

Notwithstanding section 466A.5, moneys from the appropriation in this subsection shall not be used for administrative purposes.

Sec. ___. 2010 Iowa Acts, chapter 1184, section 14, is amended to read as follows:

SEC. 14. There is appropriated from the ~~FY 2009 prison bonding fund created pursuant to section 12.79~~ rebuild Iowa infrastructure fund to the department of corrections for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary, to be used for the purpose designated, notwithstanding section 8.57, subsection 6, paragraph "c":

For ~~costs associated with the building of a new Iowa State penitentiary at Fort Madison~~ project management costs at Fort Madison and Mitchellville prisons, associated with construction projects at the department:
..... $ 322,500

~~The appropriation made in this section constitutes approval by the general assembly for the issuance of bonds by the treasurer of state pursuant to section 12.80.~~

Sec. ___. 2010 Iowa Acts, chapter 1184, section 16, is amended to read as follows:

House Amendment 1748 continued

22 1 SEC. 16. There is appropriated from the Iowa
22 2 comprehensive petroleum underground storage tank fund
22 3 to the department of transportation for the fiscal year
22 4 beginning July 1, 2010, and ending June 30, 2011, the
22 5 following amount, or so much thereof as is necessary,
22 6 to be used for the purposes designated:
22 7 Notwithstanding section 455G.3, subsection 1, for
22 8 deposit in the passenger rail service revolving fund
22 9 created in section 327J.2:
22 10 ..... $ ~~2,000,000~~
22 11 500,000
22 12 ~~Such funds shall be coupled with the remaining~~
~~22 13 unobligated balance of up to one million five hundred~~
~~22 14 thousand dollars from the appropriation made in 2009~~
~~22 15 Iowa Acts, chapter 184, section 1, subsection 12,~~
~~22 16 paragraph "a", for a total commitment of three million~~
~~22 17 five hundred thousand dollars for the fiscal year~~
~~22 18 beginning July 1, 2010, and ending June 30, 2011,~~
~~22 19 for matching federal funding available through the~~
~~22 20 Passenger Rail Investment and Improvement Act of 2008.~~
22 21 Sec. ___. 2010 Iowa Acts, chapter 1184, section 37,
22 22 is amended to read as follows:
22 23 SEC. 37. SITE DEVELOPMENT CONSULTATIONS
22 24 APPROPRIATION. There is appropriated from the school
22 25 infrastructure fund created in section 12.82 to the
22 26 department of economic development for the fiscal year
22 27 beginning July 1, 2010, and ending June 30, 2011, the
22 28 following amount, or so much thereof as is necessary,
22 29 to be used for the purposes designated:
22 30 For providing site development consultations
22 31 pursuant to section 15E.18, including salaries,
22 32 support, maintenance, miscellaneous purposes, and
22 33 for not more than the following full=time equivalent
22 34 positions, notwithstanding section 12.82, subsection 1:
22 35 ..... $ 175,000
22 36 ..... FTEs 1.00
22 37 Of the moneys appropriated to the department
22 38 pursuant to this section, the department may allocate
22 39 up to $75,000 for purposes of contracting with third
22 40 parties to provide site development consultations.
22 41 Sec. ___. 2010 Iowa Acts, chapter 1184, section 39,
22 42 is amended to read as follows:
22 43 SEC. 39. BUSINESS ASSISTANCE INTERNET SITE
22 44 APPROPRIATION.
22 45 There is appropriated from the school infrastructure
22 46 fund created in section 12.82 to the department of
22 47 economic development for the fiscal year beginning
22 48 July 1, 2010, and ending June 30, 2011, the following
22 49 amount, or so much thereof as is necessary, to be used
22 50 for the purposes designated:

House Amendment 1748 continued

23 1 For purposes of creating a business assistance
23 2 internet site, notwithstanding section 12.82,
23 3 subsection 1:
23 4 ..... $ 20,000
23 5 Sec. ___. 2010 Iowa Acts, chapter 1184, section 43,
23 6 is amended to read as follows:
23 7 SEC. 43. SAVE OUR SMALL BUSINESSES FUND
23 8 APPROPRIATION. There is appropriated from the school
23 9 infrastructure fund created in section 12.82 to the
23 10 department of economic development for deposit in the
23 11 save our small businesses fund for the fiscal year
23 12 beginning July 1, 2010, and ending June 30, 2011, the
23 13 following amount, or so much thereof as is necessary,
23 14 to be used for the purposes designated, notwithstanding
23 15 section 12.82, subsection 1:
23 16 For purposes of providing financial assistance under
23 17 the save our small businesses program under section
23 18 15.301:
23 19 ..... $ 5,000,000
23 20 Of the moneys appropriated pursuant to this section,
23 21 the department may allocate an amount not to exceed
23 22 two percent of the moneys appropriated for purposes of
23 23 retaining the services of an organization designated
23 24 pursuant to section 15.301, subsection 2, paragraph
23 25 "b".
23 26 Sec. ___. 2010 Iowa Acts, chapter 1193, section 6,
23 27 is amended to read as follows:
23 28 SEC. 6. INSTRUCTIONAL SUPPORT STATE AID ====
23 29 APPROPRIATION. In lieu of the appropriation provided
23 30 in section 257.20, there is appropriated from the
23 31 school infrastructure fund created in section 12.82,
23 32 subsection 1, to the department of education for the
23 33 fiscal year beginning July 1, 2010, and ending June 30,
23 34 2011, the following amount, or so much thereof as is
23 35 necessary, to be used for the purposes designated:
23 36 For paying instructional support state aid for
23 37 fiscal year 2010=2011, notwithstanding section 12.82,
23 38 subsection 1:
23 39 ..... $ 7,500,000
23 40 Notwithstanding section 257.20, subsection 3, the
23 41 appropriation made in this lettered paragraph shall
23 42 be allocated in the same manner as the allocation of
23 43 the appropriation was made for the same purpose in the
23 44 previous fiscal year.
23 45 Sec. ___. 2011 Iowa Acts, House File 45, section 2,
23 46 subsection 2, is amended by adding the following new
23 47 paragraph:
23 48 NEW PARAGRAPH. c. This subsection shall not apply
23 49 to any appropriations for the fiscal year beginning
23 50 July 1, 2010, receiving a supplemental appropriation

House Amendment 1748 continued

24 1 under 2011 Iowa Acts, Senate File 209, or any multiyear
24 2 appropriation that includes the fiscal year beginning
24 3 July 1, 2009, for equipment as determined by the
24 4 department of management.
24 5 Sec. ___. EFFECTIVE AND APPLICABILITY DATES. This
24 6 division of this Act, being deemed of immediate
24 7 importance, takes effect upon enactment and, unless
24 8 otherwise provided, if approved by the governor on or
24 9 after July 1, 2011, shall apply retroactively to June
24 10 30, 2011.
24 11 Sec. ___. RETROACTIVE APPLICABILITY. The provision
24 12 of this division of this Act amending 2011 Iowa
24 13 Acts, House File 45, section 2, subsection 2, applies
24 14 retroactively to March 7, 2011.
24 15 DIVISION X
24 16 CONDITIONAL EFFECTIVE DATE
24 17 AND RETROACTIVE APPLICABILITY
24 18 Sec. ___. EFFECTIVE DATE AND RETROACTIVE
24 19 APPLICABILITY. Unless otherwise provided, this Act,
24 20 if approved by the governor on or after July 1, 2011,
24 21 takes effect upon enactment and applies retroactively
24 22 to July 1, 2011.>

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# House Amendment 1749

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1 1 Amend Senate File 533, as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. By striking everything after the enacting clause
1 4 and inserting:
1 5 <DIVISION I
1 6 STANDING APPROPRIATIONS AND RELATED MATTERS ==== FY
1 7 2011=2012
1 8 Section 1. BUDGET PROCESS FOR FISCAL YEAR
1 9 2012=2013.
1 10 1. For the budget process applicable to the fiscal
1 11 year beginning July 1, 2012, on or before October 1,
1 12 2011, in lieu of the information specified in section
1 13 8.23, subsection 1, unnumbered paragraph 1, and
1 14 paragraph "a", all departments and establishments of
1 15 the government shall transmit to the director of the
1 16 department of management, on blanks to be furnished
1 17 by the director, estimates of their expenditure
1 18 requirements, including every proposed expenditure, for
1 19 the ensuing fiscal year, together with supporting data
1 20 and explanations as called for by the director of the
1 21 department of management after consultation with the
1 22 legislative services agency.
1 23 2. The estimates of expenditure requirements
1 24 shall be in a form specified by the director of
1 25 the department of management, and the expenditure
1 26 requirements shall include all proposed expenditures
1 27 and shall be prioritized by program or the results to
1 28 be achieved. The estimates shall be accompanied by
1 29 performance measures for evaluating the effectiveness
1 30 of the programs or results.
1 31 Sec. 2. LIMITATION OF STANDING APPROPRIATIONS.
1 32 Notwithstanding the standing appropriations in the
1 33 following designated sections for the fiscal year
1 34 beginning July 1, 2011, and ending June 30, 2012, the
1 35 amounts appropriated from the general fund of the state
1 36 pursuant to these sections for the following designated
1 37 purposes shall not exceed the following amounts:
1 38 1. For operational support grants and community
1 39 cultural grants under section 99F.11, subsection 3,
1 40 paragraph "d", subparagraph (1):
1 41 ..... $ 416,702
1 42 2. For regional tourism marketing under section
1 43 99F.11, subsection 3, paragraph "d", subparagraph (2):
1 44 ..... $ 810,306
1 45 3. For the center for congenital and inherited
1 46 disorders central registry under section 144.13A,
1 47 subsection 4, paragraph "a":
1 48 ..... $ 171,121
1 49 4. For primary and secondary child abuse prevention
1 50 programs under section 144.13A, subsection 4, paragraph

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2 1 "a":
2 2 ..... $ 217,772
2 3 5. For programs for at=risk children under section
2 4 279.51:
2 5 ..... $ 8,504,258
2 6 The amount of any reduction in this subsection shall
2 7 be prorated among the programs specified in section
2 8 279.51, subsection 1, paragraphs "a", "b", and "c".
2 9 6. For payment for nonpublic school transportation
2 10 under section 285.2:
2 11 ..... $ 7,060,931
2 12 If total approved claims for reimbursement for
2 13 nonpublic school pupil transportation exceed the amount
2 14 appropriated in accordance with this subsection, the
2 15 department of education shall prorate the amount of
2 16 each approved claim.
2 17 7. For reimbursement for the homestead property tax
2 18 credit under section 425.1:
2 19 ..... $ 86,188,387
2 20 8. For reimbursement for the family farm and
2 21 agricultural land tax credits under sections 425A.1 and
2 22 426.1:
2 23 ..... $ 32,395,131
2 24 9. For the enforcement of chapter 453D relating to
2 25 tobacco product manufacturers under section 453D.8:
2 26 ..... $ 18,416
2 27 Sec. 3. INSTRUCTIONAL SUPPORT STATE AID ==== FY
2 28 2011=2012. In lieu of the appropriation provided in
2 29 section 257.20, subsection 2, the appropriation for the
2 30 fiscal year beginning July 1, 2011, and ending June 30,
2 31 2012, for paying instructional support state aid under
2 32 section 257.20 for fiscal year 2011=2012 is zero.
2 33 Sec. 4. APPROPRIATION ==== FARMERS WITH
2 34 DISABILITIES. There is appropriated from the general
2 35 fund of the state to the department of agriculture and
2 36 land stewardship for the fiscal year beginning July 1,
2 37 2011, and ending June 30, 2012, the following amount,
2 38 or so much thereof as is necessary, for a program for
2 39 farmers with disabilities:
2 40 ..... $ 97,000
2 41 The moneys appropriated in this section shall be
2 42 used for the public purpose of providing a grant to
2 43 a national nonprofit organization with over 80 years
2 44 of experience in assisting children and adults with
2 45 disabilities and special needs. The moneys shall
2 46 be used to support a nationally recognized program
2 47 that began in 1986 and has been replicated in at
2 48 least 30 other states, but which is not available
2 49 through any other entity in this state, and that
2 50 provides assistance to farmers with disabilities in

House Amendment 1749 continued

3 1 all 99 counties to allow the farmers to remain in
3 2 their own homes and be gainfully engaged in farming
3 3 through provision of agricultural worksite and home
3 4 modification consultations, peer support services,
3 5 services to families, information and referral, and
3 6 equipment loan services. Notwithstanding section
3 7 8.33, moneys appropriated in this section that remain
3 8 unencumbered or unobligated at the close of the fiscal
3 9 year shall not revert but shall remain available for
3 10 expenditure for the purposes designated until the close
3 11 of the succeeding fiscal year.
3 12 Sec. 5. Section 256.30, unnumbered paragraph
3 13 1, Code 2011, is amended by striking the unnumbered
3 14 paragraph and inserting in lieu thereof the following:
3 15 For the fiscal year beginning July 1, 2011, and
3 16 ending June 30, 2012, there is appropriated from the
3 17 general fund of the state to the department the sum
3 18 of one hundred thousand dollars. For the fiscal year
3 19 beginning July 1, 2012, and ending June 30, 2013, and
3 20 for each succeeding fiscal year, there is appropriated
3 21 from the general fund of the state to the department
3 22 the sum of fifty thousand dollars. The department
3 23 shall distribute the appropriation to the tribal
3 24 council of the Sac and Fox Indian settlement for
3 25 expenses of educating American Indian children residing
3 26 in the Sac and Fox Indian settlement on land held in
3 27 trust by the secretary of the interior of the United
3 28 States in excess of federal moneys paid to the tribal
3 29 council for educating the American Indian children
3 30 when moneys are appropriated for that purpose. The
3 31 tribal council shall administer the moneys distributed
3 32 pursuant to this section and shall submit an annual
3 33 report and other reports as required by the department
3 34 to the department on the expenditure of the moneys.
3 35 Sec. 6. Section 257.35, Code 2011, is amended by
3 36 adding the following new subsection:
3 37 NEW SUBSECTION. 5A. Notwithstanding subsection 1,
3 38 and in addition to the reduction applicable pursuant
3 39 to subsection 2, the state aid for area education
3 40 agencies and the portion of the combined district cost
3 41 calculated for these agencies for the fiscal year
3 42 beginning July 1, 2011, and ending June 30, 2012, shall
3 43 be reduced by the department of management by twenty
3 44 million dollars. The reduction for each area education
3 45 agency shall be prorated based on the reduction that
3 46 the agency received in the fiscal year beginning July
3 47 1, 2003.
3 48 Sec. 7. Section 453A.35, subsection 1, Code 2011,
3 49 is amended to read as follows:
3 50 1. a. ~~The~~ With the exception of revenues credited

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4 1 to the health care trust fund pursuant to paragraph
4 2 "b", the proceeds derived from the sale of stamps and
4 3 the payment of taxes, fees, and penalties provided for
4 4 under this chapter, and the permit fees received from
4 5 all permits issued by the department, shall be credited
4 6 to the general fund of the state. ~~However, of~~
4 7 b. Of the revenues generated from the tax on
4 8 cigarettes pursuant to section 453A.6, subsection
4 9 1, and from the tax on tobacco products as specified
4 10 in section 453A.43, subsections 1, 2, 3, and 4, ~~and~~
~~4 11 credited to the general fund of the state under this~~
~~4 12 subsection, there is appropriated, annually, to the~~
~~4 13 health care trust fund created in section 453A.35A,~~ the
4 14 first one hundred six million sixteen thousand four
4 15 hundred dollars shall be credited to the health care
4 16 trust fund created in section 453A.35A.
4 17 Sec. 8. Section 453A.35A, subsection 1, Code 2011,
4 18 is amended to read as follows:
4 19 1. A health care trust fund is created in the
4 20 office of the treasurer of state. The fund consists
4 21 of the revenues generated from the tax on cigarettes
4 22 pursuant to section 453A.6, subsection 1, and from
4 23 the tax on tobacco products as specified in section
4 24 453A.43, subsections 1, 2, 3, and 4, that are credited
4 25 to the ~~general fund of the state and appropriated to~~
~~4 26 the~~ health care trust fund, annually, pursuant to
4 27 section 453A.35. Moneys in the fund shall be separate
4 28 from the general fund of the state and shall not be
4 29 considered part of the general fund of the state.
4 30 However, the fund shall be considered a special account
4 31 for the purposes of section 8.53 relating to generally
4 32 accepted accounting principles. Moneys in the fund
4 33 shall be used only as specified in this section and
4 34 shall be appropriated only for the uses specified.
4 35 Moneys in the fund are not subject to section 8.33
4 36 and shall not be transferred, used, obligated,
4 37 appropriated, or otherwise encumbered, except as
4 38 provided in this section. Notwithstanding section
4 39 12C.7, subsection 2, interest or earnings on moneys
4 40 deposited in the fund shall be credited to the fund.
4 41 DIVISION II
4 42 SALARIES, COMPENSATION, AND RELATED MATTERS ==== FY
4 43 2011=2012
4 44 Sec. 9. BONUS PAY. For the fiscal year beginning
4 45 July 1, 2011, employees of the executive branch,
4 46 judicial branch, and legislative branch shall not
4 47 receive bonus pay unless otherwise authorized by law,
4 48 required pursuant to a contract of employment entered
4 49 into before July 1, 2011, or required pursuant to a
4 50 collective bargaining agreement. This section does

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5 1 not apply to employees of the state board of regents
5 2 who receive bonuses funded by nonpublic moneys. For
5 3 purposes of this section, "bonus pay" means any
5 4 additional remuneration provided an employee in
5 5 the form of a bonus, including but not limited to a
5 6 retention bonus, recruitment bonus, exceptional job
5 7 performance pay, extraordinary job performance pay,
5 8 exceptional performance pay, extraordinary duty pay,
5 9 or extraordinary or special duty pay, and any extra
5 10 benefit not otherwise provided to other similarly
5 11 situated employees.
5 12 Sec. 10. SALARY INCREASES ==== CERTAIN REVOLVING
5 13 FUNDS.
5 14 1. For the fiscal years beginning July 1, 2011, and
5 15 July 1, 2012, there is appropriated from the gaming
5 16 enforcement revolving fund an amount necessary for
5 17 funding annual pay adjustments and related benefits
5 18 for agents and officers of the division of criminal
5 19 investigation's racetrack, excursion boat, or gambling
5 20 structure enforcement activities. Moneys appropriated
5 21 pursuant to this subsection shall be in addition to and
5 22 supplement other appropriations from the fund.
5 23 2. For the fiscal years beginning July 1, 2011,
5 24 and July 1, 2012, there is appropriated from the
5 25 gaming regulatory revolving fund, if enacted by the
5 26 Eighty=fourth General Assembly, 2011 session, an
5 27 amount necessary for funding annual pay adjustments and
5 28 related benefits for positions in the racing and gaming
5 29 commission of the department of inspections and appeals
5 30 who are assigned to administration and enforcement of
5 31 the excursion boat and gambling structure laws. Moneys
5 32 appropriated pursuant to this subsection shall be in
5 33 addition to and supplement other appropriations from
5 34 the fund.
5 35 Sec. 11. STATE TROOPER MEAL ALLOWANCE. For the
5 36 fiscal years beginning July 1, 2011, and July 1, 2012,
5 37 the sworn peace officers in the department of public
5 38 safety who are not covered by a collective bargaining
5 39 agreement negotiated pursuant to chapter 20 shall
5 40 receive the same per diem meal allowance as the sworn
5 41 peace officers in the department of public safety
5 42 who are covered by a collective bargaining agreement
5 43 negotiated pursuant to chapter 20.
5 44 Sec. 12. SALARY MODEL ADMINISTRATOR. The salary
5 45 model administrator shall work in conjunction with
5 46 the legislative services agency to maintain the
5 47 state's salary model used for analyzing, comparing,
5 48 and projecting state employee salary and benefit
5 49 information, including information relating to
5 50 employees of the state board of regents. The

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6 1 department of revenue, the department of administrative
6 2 services, the five institutions under the jurisdiction
6 3 of the state board of regents, the judicial district
6 4 departments of correctional services, and the state
6 5 department of transportation shall provide salary data
6 6 to the department of management and the legislative
6 7 services agency to operate the state's salary
6 8 model. The format and frequency of provision of the
6 9 salary data shall be determined by the department of
6 10 management and the legislative services agency. The
6 11 information shall be used in collective bargaining
6 12 processes under chapter 20 and in calculating the
6 13 funding needs contained within the annual salary
6 14 adjustment legislation. A state employee organization
6 15 as defined in section 20.3, subsection 4, may request
6 16 information produced by the model, but the information
6 17 provided shall not contain information attributable to
6 18 individual employees.
6 19 Sec. 13. GROUP HEALTH INSURANCE PREMIUM COSTS FOR
6 20 STATE EMPLOYEES.
6 21 1. The state's executive and judicial branch
6 22 authorities responsible for negotiating the collective
6 23 bargaining agreements entered into under chapter 20
6 24 shall engage in discussions with the applicable state
6 25 employee organizations to renegotiate provisions
6 26 involving health insurance coverage of state employees
6 27 and their families in order to achieve cost savings
6 28 for the state. The discussions shall include but are
6 29 not limited to a requirement for a state employee who
6 30 is covered by a collective bargaining agreement and
6 31 is a member of state group health insurance plan for
6 32 employees of the state established under chapter 509A
6 33 to pay at least one hundred dollars per month of the
6 34 total premium for such health plan coverage for single
6 35 persons or increase the amount paid per month for
6 36 family coverage by the same amount that would be paid
6 37 for the single person's coverage.
6 38 2. If collective bargaining agreements are
6 39 renegotiated to achieve cost savings pursuant to
6 40 subsection 1, the cost savings provisions shall
6 41 also apply to state employees who are not covered by
6 42 collective bargaining as provided in chapter 20 and
6 43 are members of a state group health insurance plan for
6 44 employees of the state established under chapter 509A.
6 45 3. Beginning on the effective date of this section,
6 46 a state legislator or legislative staff member who is
6 47 a member of a state group health insurance plan for
6 48 employees of the state established under chapter 509A
6 49 shall pay at least one hundred dollars per month of the
6 50 total premium for such health care coverage for single

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7 1 persons or increase the amount paid per month for
7 2 family coverage by the same amount that would be paid
7 3 for the single persons coverage. The payment amount
7 4 shall be determined by the legislative council, subject
7 5 to the minimum amount specified in this subsection.
7 6 Sec. 14. NEW SECTION. 8A.440 Group health
7 7 insurance premium costs.
7 8 1. Collective bargaining agreements entered into
7 9 pursuant to chapter 20 for state employees shall
7 10 provide that a state employee covered by that agreement
7 11 who is a member of a state group health insurance plan
7 12 for employees of the state established under chapter
7 13 509A shall pay at least one hundred dollars per month
7 14 of the total premium for such insurance for single
7 15 persons or increase the amount paid per month for
7 16 family coverage by the same amount that would be paid
7 17 for the single person's coverage.
7 18 2. A state employee not covered by a collective
7 19 bargaining agreement as provided in chapter 20 who
7 20 is a member of a state group health insurance plan
7 21 for employees of the state established under chapter
7 22 509A shall pay the same amount per month of the
7 23 total premium for such insurance as is paid under
7 24 the collective bargaining agreement that covers
7 25 the greatest number of state employees in the state
7 26 government entity employing the state employee.
7 27 Sec. 15. APPLICABILITY. The section of this
7 28 division of this Act enacting section 8A.440, applies
7 29 to collective bargaining agreements entered into on
7 30 or after the effective date of that section of this
7 31 division of this Act.
7 32 Sec. 16. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
7 33 APPLICABILITY. The following sections of this division
7 34 of this Act, being deemed of immediate importance, take
7 35 effect upon enactment and, if approved by the governor
7 36 on or after July 1, 2011, apply retroactively to June
7 37 30, 2011:
7 38 1. The section of this division relating to group
7 39 health insurance premium costs for state employees.
7 40 2. The section of this division enacting section
7 41 8A.440.
7 42 3. The section of this division relating to
7 43 applicability.
7 44 DIVISION III
7 45 CORRECTIVE PROVISIONS
7 46 Sec. 17. Section 8.6, subsection 9A, as enacted by
7 47 2011 Iowa Acts, House File 45, section 39, is amended
7 48 to read as follows:
7 49 9A. Budget and tax rate databases. To develop
7 50 and make available to the public a searchable budget

House Amendment 1749 continued

8 1 database and internet site as required under chapter
8 2 8G, ~~division~~ subchapter I, and to develop and make
8 3 available to the public a searchable tax rate database
8 4 and internet site as required under chapter 8G,
8 5 ~~division~~ subchapter II.
8 6 Sec. 18. Section 8.57E, subsection 3, paragraph a,
8 7 as enacted by 2011 Iowa Acts, Senate File 209, section
8 8 30, is amended to read as follows:
8 9 a. Moneys in the ~~taxpayer's~~ taxpayers trust fund
8 10 may be used for cash flow purposes during a fiscal year
8 11 provided that any moneys so allocated are returned to
8 12 the fund by the end of that fiscal year.
8 13 Sec. 19. Section 8G.13, as enacted by 2011 Iowa
8 14 Acts, House File 45, section 50, is amended to read as
8 15 follows:
8 16 8G.13 Updating database.
8 17 To facilitate the department of management's efforts
8 18 in creating and maintaining a searchable database of
8 19 the taxes identified in section 8G.12, subsection ~~3~~ 1,
8 20 for all taxing jurisdictions in the state, each taxing
8 21 jurisdiction may annually be required to report its tax
8 22 rates to the department of management or the department
8 23 of revenue and shall report any changes to its tax
8 24 rates within thirty days of the change.
8 25 Sec. 20. Section 16.193, subsection 3, paragraph a,
8 26 Code 2011, as amended by 2011 Iowa Acts, Senate File
8 27 475, section 11, is amended to read as follows:
8 28 a. During the term of the Iowa jobs program and
8 29 Iowa jobs II program, the Iowa finance authority shall
8 30 collect data on all of the projects approved for the
8 31 ~~program~~ programs. The department of management and
8 32 the state agencies associated with the projects shall
8 33 assist the authority with the data collection and in
8 34 developing the report required by this subsection. The
8 35 authority shall report quarterly to the governor and
8 36 the general assembly concerning the data.
8 37 Sec. 21. Section 68A.401, subsection 4, Code 2011,
8 38 as amended by 2011 Iowa Acts, Senate File 475, section
8 39 17, is amended to read as follows:
8 40 4. Political committees expressly advocating the
8 41 nomination, election, or defeat of candidates for
8 42 both federal office and any elected office created
8 43 by law or the Constitution of the State of Iowa
8 44 shall file statements and reports with the board in
8 45 addition to any federal reports required to be filed
8 46 with the board. However, a political committee that
8 47 is registered and filing full disclosure reports of
8 48 all financial activities with the federal election
8 49 commission may file verified statements as provided in
8 50 section ~~68B.201A~~ 68A.201A.

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9 1 Sec. 22. Section 139A.19, subsection 3, as enacted
9 2 by 2011 Iowa Acts, House File 467, section 20, is
9 3 amended to read as follows:
9 4 3. This section does not preclude a hospital,
9 5 clinic, other health facility, or a health care
9 6 provider from providing notification to a care
9 7 provider under circumstances in which the hospital's,
9 8 clinic's, other health facility's, or health care
9 9 provider's policy provides for notification of the
9 10 hospital's, ~~clinics~~ clinic's, other health facility's,
9 11 or health care provider's own employees of exposure
9 12 to a contagious or infectious disease that is not
9 13 life=threatening if the notice does not reveal a
9 14 patient's name, unless the patient consents.
9 15 Sec. 23. Section 175.3, subsection 1, paragraph a,
9 16 Code 2011, as amended by 2011 Iowa Acts, Senate File
9 17 429, section 1, is amended to read as follows:
9 18 a. The agricultural development authority is
9 19 established within the department of agriculture and
9 20 land stewardship. The ~~agency~~ authority is constituted
9 21 as a public instrumentality and agency of the state
9 22 exercising public and essential governmental functions.
9 23 Sec. 24. Section 207.22, subsection 3, paragraph b,
9 24 Code 2011, as amended by 2011 Iowa Acts, Senate File
9 25 475, section 47, is amended to read as follows:
9 26 b. Acquisition of coal refuse disposal sites and
9 27 all coal refuse thereon will serve the purposes of
9 28 ~~Tit. IV of~~ Pub. L. No. 95=87, Tit. IV, codified at 30
9 29 U.S.C. ch. 25, subch. IV, or that public ownership
9 30 is desirable to meet emergency situations and prevent
9 31 recurrences of the adverse effect of past coal mining
9 32 practices.
9 33 Sec. 25. Section 232.71D, subsection 3, paragraph
9 34 a, unnumbered paragraph 1, as enacted by 2011 Iowa
9 35 Acts, House File 562, section 3, is amended to read as
9 36 follows:
9 37 Unless any of the circumstances listed in paragraph
9 38 "b" are applicable, cases to which any of the following
9 39 circumstances apply shall not be placed ~~on~~ in the
9 40 central registry:
9 41 Sec. 26. Section 256.7, subsection 26, paragraph a,
9 42 subparagraph (1), as enacted by 2011 Iowa Acts, Senate
9 43 File 453, section 1, is amended to read as follows:
9 44 (1) The rules establishing high school graduation
9 45 requirements shall authorize a school district
9 46 or accredited nonpublic school to consider that
9 47 any student who satisfactorily completes a high
9 48 school=level unit of English or language arts,
9 49 mathematics, science, or social studies has
9 50 satisfactorily completed a unit of the high school

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10 1 graduation requirements for that area as specified in
10 2 this lettered paragraph, and ~~to~~ shall authorize the
10 3 school district or accredited nonpublic school to issue
10 4 high school credit for the unit to the student.
10 5 Sec. 27. Section 321.34, subsection 20C, paragraph
10 6 a, if enacted by 2011 Iowa Acts, House File 651,
10 7 section 2, is amended to read as follows:
10 8 a. The department, in consultation with the
10 9 adjutant general, shall design combat infantryman
10 10 badge, combat action badge, combat action ribbon, air
10 11 force combat action medal, and combat medical badge
10 12 distinguishing processed emblems. Upon receipt of two
10 13 hundred fifty orders for ~~special~~ combat infantryman
10 14 badge, combat action badge, combat action ribbon, air
10 15 force combat action medal, or combat medical badge
10 16 special registration plates, accompanied by a start=up
10 17 fee of twenty dollars per order, the department
10 18 shall begin issuing special registration plates with
10 19 the applicable distinguishing processed emblem as
10 20 provided in paragraphs "b" and "c". The minimum
10 21 order requirement shall apply separately to each of
10 22 the special registration plates created under this
10 23 subsection.
10 24 Sec. 28. Section 321.34, subsection 25, paragraph
10 25 a, if enacted by 2011 Iowa Acts, House File 651,
10 26 section 2, is amended to read as follows:
10 27 a. The department, in consultation with
10 28 the adjutant general, shall design a civil war
10 29 sesquicentennial distinguishing processed emblem. Upon
10 30 receipt of two hundred fifty orders for ~~special~~ civil
10 31 war sesquicentennial special registration plates,
10 32 accompanied by a start=up fee of twenty dollars per
10 33 order, the department shall begin issuing special
10 34 registration plates with a civil war sesquicentennial
10 35 processed emblem as provided in paragraph "b".
10 36 Sec. 29. Section 327B.5, Code 2011, is amended to
10 37 read as follows:
10 38 327B.5 Penalty.
10 39 Any person violating the provisions of this chapter
10 40 shall, upon conviction, be subject to a scheduled
10 41 fine as provided in section 805.8A, subsection 13,
10 42 ~~paragraphs~~ paragraph "f" ~~and "g"~~.
10 43 Sec. 30. Section 422.11O, subsection 5, paragraph
10 44 a, subparagraph (2), if enacted by 2011 Iowa Acts,
10 45 Senate File 531, section 17, is amended to read as
10 46 follows:
10 47 (2) The E=15 plus gasoline promotion tax credit
10 48 pursuant to section 422.11Y.
10 49 Sec. 31. Section 422.11Y, subsection 1, paragraph
10 50 d, if enacted by 2011 Iowa Acts, Senate File 531,

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11 1 section 35, is amended to read as follows:
11 2 d. "Tax credit" means the E=15 plus gasoline
11 3 promotion tax credit as provided in this section.
11 4 Sec. 32. Section 422.11Y, subsection 3, unnumbered
11 5 paragraph 1, if enacted by 2011 Iowa Acts, Senate File
11 6 531, section 35, is amended to read as follows:
11 7 The taxes imposed under this division, less the
11 8 credits allowed under section 422.12, shall be reduced
11 9 by the amount of the E=15 plus gasoline promotion tax
11 10 credit for each tax year that the taxpayer is eligible
11 11 to claim a tax credit under this subsection.
11 12 Sec. 33. Section 422.11Y, subsection 6, paragraph
11 13 b, subparagraph (2), if enacted by 2011 Iowa Acts,
11 14 Senate File 531, section 35, is amended to read as
11 15 follows:
11 16 (2) The retail dealer may claim the ethanol
11 17 promotion tax credit as provided in paragraph "a" for
11 18 the same ethanol gallonage used to calculate and claim
11 19 the E=15 plus gasoline promotion tax credit.
11 20 Sec. 34. Section 423.4, subsection 9, unnumbered
11 21 paragraph 1, if enacted by 2011 Iowa Acts, Senate File
11 22 531, section 59, is amended to read as follows:
11 23 A person who qualifies as a biodiesel producer as
11 24 provided in this subsection may apply to the director
11 25 for a refund of the amount of the sales or use tax
11 26 imposed and paid upon purchases made by the person.
11 27 Sec. 35. Section 483A.24A, Code 2011, as amended by
11 28 2011 Iowa Acts, Senate File 194, section 10, is amended
11 29 to read as follows:
11 30 483A.24A License refunds ==== military service.
11 31 Notwithstanding any provision of this chapter to
11 32 the contrary, a service member deployed for military
11 33 service, ~~both~~ as defined in section 29A.1, subsection
11 34 3, shall receive a refund of that portion of any
11 35 license fee paid by the service member representing the
11 36 service member's period of military service.
11 37 Sec. 36. Section 501.101, subsection 01, as enacted
11 38 by 2011 Iowa Acts, House File 348, section 7, is
11 39 amended to read as follows:
11 40 01. "Alternative voting method" means a method of
11 41 voting other than a written ballot, including voting
11 42 by electronic, telephonic, internet, or other means
11 43 that reasonably ~~allow~~ allows members the opportunity
11 44 to vote.
11 45 Sec. 37. Section 501A.703, subsection 5, paragraph
11 46 d, Code 2011, as amended by 2011 Iowa Acts, House File
11 47 348, section 19, is amended to read as follows:
11 48 d. If the ballot of the member is received by
11 49 the cooperative on or before the date of the regular
11 50 members' meeting or as otherwise prescribed for an

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alternative~~,~~ voting method, the ballot or alternative voting method shall be accepted and counted as the vote of the absent member.

Sec. 38. Section 511.8, subsection 22, paragraph i, unnumbered paragraph 1, as enacted by 2011 Iowa Acts, Senate File 406, section 25, is amended to read as follows:

Securities held in the legal reserve of a life insurance company or association pledged as collateral for financial instruments used in highly effective hedging transactions as defined in the national association of insurance commissioners' ~~Statement~~ statement of ~~Statutory Accounting Principles No.~~ statutory accounting principles no. 86 shall continue to be eligible for inclusion ~~on~~ in the legal reserve of the life insurance company or association subject to all of the following:

Sec. 39. Section 514J.109, subsection 3, paragraph f, if enacted by 2011 Iowa Acts, House File 597, section 9, is amended to read as follows:

f. The covered person or the covered person's authorized representative has provided all the information and forms required by the commissioner that are necessary to process an external review request pursuant to this section.

Sec. 40. Section 521F.4, subsection 1, paragraph b, as enacted by 2011 Iowa Acts, Senate File 406, section 44, is amended to read as follows:

b. The filing of a risk=based capital report by a health organization which indicates that the health organization has total adjusted capital which is greater than or equal to its company=action=level risk=based capital but less than the product of its authorized=control=level risk=based capital and three and triggers the trend test determined in accordance with the trend test ~~calculations~~ calculation included in the health risk=based capital instructions.

Sec. 41. Section 524.310, subsection 5, paragraph b, Code 2011, as amended by 2011 Iowa Acts, Senate File 475, section 120, is amended to read as follows:

b. A corporate or company name reserved, registered, or protected as provided in section 489.109, 490.402, 490.403, ~~490A.402,~~ 504.402, or 504.403.

Sec. 42. Section 717.3, subsection 5, paragraph b, Code 2011, as enacted by 2011 Iowa Acts, Senate File 478, section 6, is amended to read as follows:

b. That the department shall assume supervision of and provide for the sustenance of the livestock ~~and~~ as provided in section 717.4.

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13 1 Sec. 43. Section 717.4, subsection 2, as enacted by
13 2 2011 Iowa Acts, Senate File 478, section 7, is amended
13 3 to read as follows:
13 4 2. The court ordered lien shall be for the benefit
13 5 of the department. The amount of the lien shall not
13 6 be ~~not~~ more than for expenses incurred in providing
13 7 sustenance to the livestock pursuant to section 717.3
13 8 and providing for the disposition of the livestock
13 9 pursuant to section 717.5.
13 10 Sec. 44. Section 717.4A, as enacted by 2011 Iowa
13 11 Acts, Senate File 478, section 8, is amended to read
13 12 as follows:
13 13 717.4A Livestock in immediate need of sustenance ====
13 14 livestock remediation fund.
13 15 The department may utilize the moneys deposited
13 16 into the livestock remediation fund pursuant to
13 17 section 459.501 to pay for any expenses associated
13 18 with providing sustenance to or the disposition of the
13 19 livestock pursuant to a court order entered pursuant to
13 20 section 717.3 or 717.5. The department shall utilize
13 21 moneys from the fund only to the extent that the
13 22 department determines that expenses cannot be timely
13 23 paid by utilizing the available provisions of sections
13 24 717.4 and 717.5. The department shall deposit any
13 25 unexpended and unobligated moneys in the fund. The
13 26 department shall pay to the fund the proceeds from the
13 27 disposition of the livestock and associated products
13 28 less expenses incurred by the department in providing
13 29 for the sustenance and disposition of the livestock, as
13 30 provided in section 717.5.
13 31 Sec. 45. Section 903A.5, subsection 1, as enacted
13 32 by 2011 Iowa Acts, House File 271, section 3, is
13 33 amended to read as follows:
13 34 1. An inmate shall not be discharged from the
13 35 custody of the director of the Iowa department of
13 36 corrections until the inmate has served the full term
13 37 for which the inmate was sentenced, less earned time
13 38 and other credits earned and not forfeited, unless
13 39 the inmate is pardoned or otherwise legally released.
13 40 Earned time accrued and not forfeited shall apply
13 41 to reduce a mandatory minimum sentence being served
13 42 pursuant to section 124.406, 124.413, 902.7, 902.8,
13 43 902.8A, or 902.11. An inmate shall be deemed to be
13 44 serving the sentence from the day on which the inmate
13 45 is received into the institution. If an inmate was
13 46 confined to a county jail or other correctional or
13 47 mental facility at any time prior to sentencing, or
13 48 after sentencing but prior to the case having been
13 49 decided on appeal, because of failure to furnish
13 50 bail or because of being charged with a nonbailable

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14 1 offense, the inmate shall be given credit for the
14 2 days already served upon the term of the sentence.
14 3 However, if a person commits any offense while confined
14 4 in a county jail or other correctional or mental
14 5 health facility, the person shall not be granted
14 6 ~~jail~~ credit for that offense. Unless the inmate was
14 7 confined in a correctional facility, the sheriff of
14 8 the county in which the inmate was confined shall
14 9 certify to the clerk of the district court from which
14 10 the inmate was sentenced and to the department of
14 11 corrections' records administrator at the Iowa medical
14 12 and classification center the number of days so served.
14 13 The department of corrections' records administrator,
14 14 or the administrator's designee, shall apply jail
14 15 credit as ordered by the court of proper jurisdiction
14 16 or as authorized by this section and section 907.3,
14 17 subsection 3.
14 18 Sec. 46. EFFECTIVE DATES.
14 19 1. The section of this division of this Act
14 20 amending section 422.11O, subsection 5, paragraph a,
14 21 subparagraph (2), if enacted by 2011 Iowa Acts, Senate
14 22 File 531, section 17, takes effect January 1, 2012.
14 23 2. Section 423.4, subsection 9, unnumbered
14 24 paragraph 1, if enacted by 2011 Iowa Acts, Senate File
14 25 531, section 59, takes effect January 1, 2012.
14 26 Sec. 47. APPLICABILITY.
14 27 1. The section of this division of this Act
14 28 amending section 422.11O, subsection 5, paragraph a,
14 29 subparagraph (2), if enacted by 2011 Iowa Acts, Senate
14 30 File 531, section 17, applies to tax years beginning on
14 31 and after January 1, 2012.
14 32 2. The section of this division of this Act
14 33 amending section 422.11Y, subsection 1, paragraph d, if
14 34 enacted by 2011 Iowa Acts, Senate File 531, section 35,
14 35 applies to tax years beginning on and after January 1,
14 36 2012, and to that part of a retail dealer's tax year or
14 37 tax years occurring during that portion of the calendar
14 38 year beginning on and after July 1, 2011, and ending
14 39 on December 31, 2011.
14 40 3. The section of this division of this Act
14 41 amending section 422.11Y, subsection 3, unnumbered
14 42 paragraph 1, if enacted by 2011 Iowa Acts, Senate File
14 43 531, section 35, applies to tax years beginning on and
14 44 after January 1, 2012, and to that part of a retail
14 45 dealer's tax year or tax years occurring during that
14 46 portion of the calendar year beginning on and after
14 47 July 1, 2011, and ending on December 31, 2011.
14 48 4. The section of this division of this Act
14 49 amending section 422.11Y, subsection 6, paragraph b,
14 50 subparagraph (2), if enacted by 2011 Iowa Acts, Senate

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15 1 File 531, section 35, applies to tax years beginning on
15 2 and after January 1, 2012, and to that part of a retail
15 3 dealer's tax year or tax years occurring during that
15 4 portion of the calendar year beginning on and after
15 5 July 1, 2011, and ending on December 31, 2011.
15 6 DIVISION IV
15 7 MISCELLANEOUS PROVISIONS AND APPROPRIATIONS
15 8 Sec. 48. APPROPRIATION ==== BATTLESHIP IOWA, BB=61.
15 9 1. There is appropriated from the general fund of
15 10 the state to the department of cultural affairs for the
15 11 fiscal year beginning July 1, 2010, and ending June 30,
15 12 2011, the following amount, or so much thereof as is
15 13 necessary, to be credited to the BB=61 fund created in
15 14 2010 Iowa Acts, chapter 1194:
15 15 ..... $ 3,000,000
15 16 2. If the department of the navy, pursuant to a
15 17 process outlined in a notice published in the federal
15 18 register on May 24, 2010, volume 75, number 99, awards
15 19 possession or conditionally awards possession of the
15 20 battleship Iowa, BB=61, to a nonprofit group that is
15 21 eligible to receive the battleship, the department of
15 22 cultural affairs shall award a grant to the nonprofit
15 23 group in an amount equal to $3 million in addition to
15 24 any moneys awarded as a grant from the BB=61 fund.
15 25 3. Notwithstanding section 8.33, moneys
15 26 appropriated in this section that remain unencumbered
15 27 or unobligated at the close of the fiscal year shall
15 28 not revert but shall remain available for expenditure
15 29 for the purposes designated for succeeding fiscal
15 30 years.
15 31 Sec. 49. STATE AGENCY OFFICE SUPPLIES PURCHASE,
15 32 EQUIPMENT PURCHASES, PRINTING AND BINDING, AND
15 33 MARKETING ==== APPLICABILITY. The limitation on
15 34 expenditures made for office supplies, purchases
15 35 of equipment, office equipment, and equipment
15 36 noninventory, printing and binding, and marketing
15 37 implemented pursuant to 2011 Iowa Acts, House File 45,
15 38 section 2, does not apply to a department or agency
15 39 receiving a supplemental appropriation for the fiscal
15 40 year beginning July 1, 2010, pursuant to 2011 Iowa
15 41 Acts, Senate File 209, division III.
15 42 Sec. 50. NEW SECTION. 7E.8 Implementation of
15 43 federal statute, regulation, or policy.
15 44 1. Except as otherwise explicitly authorized by
15 45 state law, a state administrative agency charged with
15 46 the implementation of a federal statute, regulation, or
15 47 policy shall not exceed the specific requirements of
15 48 that statute, regulation, or policy.
15 49 2. Any portion of a state administrative agency
15 50 rule or policy that is in violation of subsection 1 is

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16 1 void.
16 2 Sec. 51. Section 256C.5, subsection 1, paragraph c,
16 3 Code 2011, is amended to read as follows:
16 4 c. "Preschool budget enrollment" means the figure
16 5 that is equal to ~~sixty~~ thirty percent of the actual
16 6 enrollment of eligible students in the preschool
16 7 programming provided by a school district approved
16 8 to participate in the preschool program on October 1
16 9 of the base year, or the first Monday in October if
16 10 October 1 falls on a Saturday or Sunday.
16 11 Sec. 52. NEW SECTION. 274.3 Exercise of powers ====
16 12 construction.
16 13 1. The board of directors of a school district
16 14 shall operate, control, and supervise all public
16 15 schools located within its district boundaries and may
16 16 exercise any broad and implied power related to the
16 17 operation, control, and supervision of those public
16 18 schools except as expressly prohibited or prescribed by
16 19 the Constitution of the State of Iowa or by statute.
16 20 2. Notwithstanding subsection 1, the board of
16 21 directors of a school district shall not have power to
16 22 levy any tax unless expressly authorized by the general
16 23 assembly.
16 24 3. This section shall not apply to a research and
16 25 development school as defined in section 256G.2 or to
16 26 a laboratory school as defined in section 265.1. The
16 27 board of directors of a school district in which such a
16 28 research and development school or laboratory school
16 29 is located shall not exercise over such a school any
16 30 powers granted to the board by subsection 1.
16 31 4. This chapter, chapter 257 and chapters 275
16 32 through 301, and other statutes relating to the
16 33 boards of directors of school districts and to school
16 34 districts shall be liberally construed to effectuate
16 35 the purposes of subsection 1.
16 36 Sec. 53. Section 321J.2, subsection 4, paragraph b,
16 37 Code 2011, is amended to read as follows:
16 38 b. Assessment of a minimum fine of one thousand
16 39 eight hundred ~~fifty~~ seventy=five dollars and a maximum
16 40 fine of six thousand two hundred fifty dollars.
16 41 Surcharges and fees shall be assessed pursuant to
16 42 chapter 911.
16 43 Sec. 54. Section 422.11P, subsection 2, paragraph
16 44 b, Code 2011, as enacted by 2011 Iowa Acts, Senate File
16 45 531, section 25, is amended to read as follows:
16 46 b. The tax credit shall apply to biodiesel blended
16 47 fuel classified as provided in this section, if the
16 48 classification meets the standards provided in section
16 49 214A.2. In ensuring that biodiesel blended fuel meets
16 50 the classification requirements of this section, the

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17 1 department shall take into account reasonable variances
17 2 due to testing and other limitations.
17 3 Sec. 55. Section 455A.6, subsection 5, Code 2011,
17 4 is amended by striking the subsection and inserting in
17 5 lieu thereof the following:
17 6 5. Six members of the commission is a quorum, and a
17 7 majority of the commission membership may act in any
17 8 matter within the jurisdiction of the commission.
17 9 Sec. 56. Section 455A.6, subsection 6, paragraph a,
17 10 Code 2011, is amended to read as follows:
17 11 a. Establish policy for the department and adopt
17 12 rules, pursuant to chapter 17A, necessary to provide
17 13 for the effective administration of chapter 455B, 455C,
17 14 or 459. The commission shall have only that authority
17 15 or discretion which is explicitly delegated to or
17 16 conferred upon the commission by chapter 455B, 455C, or
17 17 459, and shall not expand or enlarge on that authority
17 18 or discretion.
17 19 Sec. 57. REPEAL. Chapter 327K, Code 2011, is
17 20 repealed.
17 21 Sec. 58. EFFECTIVE AND APPLICABILITY DATES. The
17 22 section of this division of this Act appropriating
17 23 moneys to the department of cultural affairs for
17 24 purposes of a grant for the battleship Iowa, BB=61,
17 25 being deemed of immediate importance, takes effect upon
17 26 enactment and, if approved by the governor on or after
17 27 July 1, 2011, shall apply retroactively to June 30,
17 28 2011.
17 29 Sec. 59. APPLICABILITY. The section of this
17 30 division of this Act amending section 256C.5,
17 31 subsection 1, takes effect upon enactment, and applies
17 32 to budget years beginning on or after July 1, 2011.
17 33 Sec. 60. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
17 34 APPLICABILITY. The provision of this division of this
17 35 Act relating to a limitation on state agency office
17 36 supplies purchase, equipment purchases, printing and
17 37 binding, and marketing as enacted by 2011 Iowa Acts,
17 38 House File 45, being deemed of immediate importance,
17 39 takes effect upon enactment and applies retroactively
17 40 to March 7, 2011.
17 41 DIVISION V
17 42 PERFORMANCE OF DUTY
17 43 Sec. 61. Section 7D.10, Code 2011, is amended to
17 44 read as follows:
17 45 7D.10 Court costs.
17 46 If sufficient funds for court costs have not been
17 47 appropriated to a state department, or if sufficient
17 48 funds are not otherwise available for such purposes
17 49 within the budget of a state department, upon
17 50 authorization by the executive council ~~may pay, out of~~

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18 1 ~~any money in the state treasury~~ there is appropriated
18 2 from moneys in the general fund of the state not
18 3 otherwise appropriated, an amount sufficient to pay
18 4 expenses incurred, or costs taxed to the state, in
18 5 any proceeding brought by or against any of the state
18 6 departments or in which the state is a party or is
18 7 interested. This section shall not be construed to
18 8 authorize the payment of travel or other personal
18 9 expenses of state officers or employees.
18 10 Sec. 62. Section 7D.10A, as amended by 2011 Iowa
18 11 Acts, Senate File 478, section 11, as enacted, is
18 12 amended to read as follows:
18 13 7D.10A ~~Allocation~~ Payment to livestock remediation
18 14 fund.
18 15 If moneys are not sufficient to support the
18 16 livestock remediation fund as provided in chapter 459,
18 17 subchapter V, the executive council may ~~allocate from~~
18 18 ~~moneys in the general fund of the state, which are~~
18 19 ~~not otherwise obligated or encumbered,~~ authorize as
18 20 an expense paid from the appropriations addressed in
18 21 section 7D.29 the payment of an amount to the livestock
18 22 remediation fund as provided under section 459.501,
18 23 subsection 5. However, not more than a total of
18 24 one million dollars ~~shall be allocated~~ shall be paid
18 25 pursuant to this section to the livestock remediation
18 26 fund at any time.
18 27 Sec. 63. Section 7D.29, Code 2011, is amended to
18 28 read as follows:
18 29 7D.29 Performance of duty ==== expense.
18 30 1. The executive council shall not employ others,
18 31 or ~~incur~~ authorize any expense, for the purpose of
18 32 performing any duty imposed upon the council when
18 33 the duty may, without neglect of their usual duties,
18 34 be performed by the members, or by their regular
18 35 employees, but, subject to this limitation, the council
18 36 may ~~incur~~ authorize the necessary expense to perform
18 37 or cause to be performed any legal duty imposed on
18 38 the council~~, and pay the same out of any money in the~~
18 39 ~~state treasury not otherwise appropriated~~. The expenses
18 40 authorized by the executive council in accordance
18 41 with this section and the expenses authorized by the
18 42 executive council in accordance with other statutory
18 43 provisions referencing the appropriations addressed in
18 44 this section shall be paid as follows:
18 45 a. From the appropriation made from the Iowa
18 46 economic emergency fund in section 8.55 for purposes of
18 47 paying such expenses.
18 48 b. To the extent the appropriation from the
18 49 Iowa economic emergency fund described in paragraph
18 50 "a" is insufficient to pay such expenses, there is

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19 1 appropriated from moneys in the general fund of the
19 2 state not otherwise appropriated the amount necessary
19 3 to fund that deficiency.>
19 4 2. At least two weeks prior to the executive
19 5 council's approval of a payment authorization under
19 6 this section, the secretary of the executive council
19 7 shall notify the legislative services agency that
19 8 the authorization request will be considered by
19 9 the executive council and shall provide background
19 10 information justifying the request.
19 11 3. The executive council shall receive requests
19 12 from the Iowa department of public health relative to
19 13 the purchase, storing, and distribution of vaccines and
19 14 medication for prevention, prophylaxis, or treatment.
19 15 Upon review and after compliance with subsection 2,
19 16 the executive council may approve the request and may
19 17 ~~incur~~ authorize payment of the necessary expense ~~and~~
19 18 ~~pay the same out of any money in the state treasury not~~
19 19 ~~otherwise appropriated~~. The expense authorized by the
19 20 executive council under this subsection shall be paid
19 21 from the appropriations referred to in subsection 1.
19 22 Sec. 64. Section 7D.30, Code 2011, is amended to
19 23 read as follows:
19 24 7D.30 Necessary record.
19 25 Before ~~incurring~~ authorizing any expense ~~authorized~~
19 26 ~~by~~ in accordance with section 7D.29, the executive
19 27 council shall, in each case, by resolution, entered
19 28 upon its records, set forth the necessity for ~~incurring~~
19 29 authorizing such expense, the special fitness of the
19 30 one employed to perform such work, the definite rate of
19 31 compensation or salary allowed, and the total amount of
19 32 money that may be expended. Compensation or salary for
19 33 personal services in such cases must be determined by
19 34 unanimous vote of all members of the council.
19 35 Sec. 65. Section 8.55, subsection 3, paragraph a,
19 36 Code 2011, is amended to read as follows:
19 37 a. Except as provided in paragraphs "b", ~~and~~ "c",
19 38 and "0d", the moneys in the Iowa economic emergency
19 39 fund shall only be used pursuant to an appropriation
19 40 made by the general assembly. An appropriation
19 41 shall only be made for the fiscal year in which the
19 42 appropriation is made. The moneys shall only be
19 43 appropriated by the general assembly for emergency
19 44 expenditures.
19 45 Sec. 66. Section 8.55, subsection 3, Code 2011, is
19 46 amended by adding the following new paragraph:
19 47 NEW PARAGRAPH. 0d. There is appropriated from the
19 48 Iowa economic emergency fund to the executive council
19 49 an amount sufficient to pay the expenses authorized by
19 50 the executive council, as addressed in section 7D.29.

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Sec. 67. Section 8A.321, subsection 4, Code 2011, is amended to read as follows:

4. Contract, with the approval of the executive council, for the repair, remodeling, or, if the condition warrants, demolition of all buildings and grounds of the state at the seat of government, at the state laboratories facility in Ankeny, and the institutions of the department of human services and the department of corrections for which no specific appropriation has been made, if the cost of repair, remodeling, or demolition will not exceed one hundred thousand dollars when completed. The cost of repair projects for which no specific appropriation has been made shall be paid ~~from the fund~~ as an expense authorized by the executive council as provided in section 7D.29.

Sec. 68. Section 8A.321, subsection 6, paragraphs a and b, Code 2011, are amended to read as follows:

a. Lease all buildings and office space necessary to carry out the provisions of this subchapter or necessary for the proper functioning of any state agency at the seat of government. For state agencies at the seat of government, the director may lease buildings and office space in Polk county or in a county contiguous to Polk county. If no specific appropriation has been made, the proposed lease shall be submitted to the executive council for ~~approval~~ authorization and if authorized lease expense shall be paid from the appropriations addressed in section 7D.29. ~~The cost of any lease for which no specific appropriation has been made shall be paid from the fund provided in section 7D.29.~~

b. When the general assembly is not in session, the director may request ~~moneys~~ an expense authorization from the executive council for moving state agencies located at the seat of government from one location to another. The request may include moving costs, telecommunications costs, repair costs, or any other costs relating to the move. The executive council may ~~approve and shall pay the costs from funds~~ authorize the expenses ~~provided~~ and may authorize the expenses to be paid from the appropriations addressed in section 7D.29 if it determines the agency or department ~~has no available~~ does not have funds available for these expenses.

Sec. 69. Section 11.32, as amended by 2011 Iowa Acts, House File 536, section 26, as enacted, is amended to read as follows:

11.32 Certified accountants employed.

Nothing in this chapter shall prohibit the auditor

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21 1 of state, with the prior written permission of the
21 2 state executive council, from employing certified
21 3 public accountants for specific assignments. The
21 4 auditor of state may employ such accountants for any
21 5 assignment ~~now~~ expressly reserved to the auditor of
21 6 state. Payments, after approval by the executive
21 7 council, ~~will~~ shall be made to the accountants so
21 8 employed from funds from which the auditor of state
21 9 would have been paid had the auditor of state performed
21 10 the assignment, or if ~~no~~ such specific funds are
21 11 ~~indicated~~ not available, then ~~payment will be made~~
21 12 ~~from the funds of~~ authorization of the expense by the
21 13 executive council shall be requested, and if authorized
21 14 shall be paid from the appropriations addressed in
21 15 section 7D.29.
21 16 Sec. 70. Section 13.3, Code 2011, is amended to
21 17 read as follows:
21 18 13.3 Disqualification ==== substitute.
21 19 1. If, for any reason, the attorney general ~~be~~
21 20 is disqualified from appearing in any action or
21 21 proceeding, the executive council shall ~~appoint some~~
21 22 authorize the appointment of a suitable person for that
21 23 purpose ~~and defray the~~. There is appropriated from
21 24 moneys in the general fund not otherwise appropriated
21 25 an amount necessary to pay the reasonable expense
21 26 ~~thereof from any unappropriated funds in the state~~
21 27 ~~treasury~~ for the person appointed. The department
21 28 involved in the action or proceeding shall be requested
21 29 to recommend a suitable person to represent the
21 30 department and when the executive council concurs in
21 31 the recommendation, the person recommended shall be
21 32 appointed.
21 33 2. If the governor or a department is represented
21 34 by an attorney other than the attorney general in a
21 35 court proceeding as provided in this section, at the
21 36 conclusion of the court proceedings, the court shall
21 37 review the fees charged to the state to determine
21 38 if the fees are fair and reasonable. The executive
21 39 council shall not ~~reimburse~~ authorize reimbursement
21 40 of attorney fees in excess of those determined by the
21 41 court to be fair and reasonable.
21 42 Sec. 71. Section 13.7, Code 2011, is amended to
21 43 read as follows:
21 44 13.7 Special counsel.
21 45 Compensation shall not be allowed to any person for
21 46 services as an attorney or counselor to an executive
21 47 department of the state government, or the head ~~thereof~~
21 48 of an executive department of state government, or to
21 49 a state board or commission. However, the executive
21 50 council may ~~employ~~ authorize employment of legal

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22 1 assistance, at a reasonable compensation, in a pending
22 2 action or proceeding to protect the interests of the
22 3 state, but only upon a sufficient showing, in writing,
22 4 made by the attorney general, that the department of
22 5 justice cannot for reasons stated by the attorney
22 6 general perform the service~~, which~~. The reasons
22 7 and action of the council shall be entered upon its
22 8 records. ~~When~~ If the attorney general determines that
22 9 the department of justice cannot perform legal service
22 10 in an action or proceeding, the executive council
22 11 shall request the department involved in the action or
22 12 proceeding to recommend legal counsel to represent the
22 13 department. If the attorney general concurs with the
22 14 department that the person recommended is qualified
22 15 and suitable to represent the department, the person
22 16 recommended shall be employed. If the attorney general
22 17 does not concur in the recommendation, the department
22 18 shall submit a new recommendation. This section does
22 19 not affect the general counsel for the utilities board
22 20 of the department of commerce, the legal counsel of the
22 21 department of workforce development, or the general
22 22 counsel for the property assessment appeal board.
22 23 Sec. 72. Section 29A.27, unnumbered paragraph 8,
22 24 Code 2011, is amended to read as follows:
22 25 All payments ~~herein~~ provided for under this section
22 26 shall be paid on the approval of the adjutant general
22 27 from the contingent fund of the executive council
22 28 created in section 29C.20.
22 29 Sec. 73. Section 29C.8, subsection 3, paragraph
22 30 f, subparagraph (3), Code 2011, is amended to read as
22 31 follows:
22 32 (3) Upon notification of a compensable loss to a
22 33 member of a homeland security and emergency management
22 34 response team, the department of administrative
22 35 services shall process the claim and seek ~~funding~~
22 36 authorization from the executive council ~~for~~ to pay
22 37 as an expense paid from the appropriations addressed
22 38 in section 7D.29 those costs associated with covered
22 39 benefits.
22 40 Sec. 74. Section 29C.20, subsection 1, paragraph a,
22 41 unnumbered paragraph 1, Code 2011, is amended to read
22 42 as follows:
22 43 A contingent fund is created in the state treasury
22 44 for the use of the executive council ~~which~~. Funding
22 45 for the contingent fund, if authorized by the executive
22 46 council, shall be paid from the appropriations
22 47 addressed in section 7D.29. Moneys in the contingent
22 48 fund may be expended for the following purposes:
22 49 Sec. 75. Section 96.13, subsection 3, paragraph c,
22 50 Code 2011, is amended to read as follows:

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23 1 c. The department may appear before the executive
23 2 council and request ~~funds~~ authorization of moneys to
23 3 meet unanticipated emergencies as an expense from the
23 4 appropriations addressed in section 7D.29.
23 5 Sec. 76. Section 135.143, subsection 5, Code 2011,
23 6 is amended to read as follows:
23 7 5. Upon notification of a compensable loss, the
23 8 department of administrative services shall seek
23 9 ~~funding~~ authorization from the executive council ~~for~~
23 10 to pay as an expense from the appropriations addressed
23 11 in section 7D.29 those costs associated with covered
23 12 workers' compensation benefits.
23 13 Sec. 77. Section 135.144, subsection 11, Code 2011,
23 14 is amended to read as follows:
23 15 11. If a public health disaster or other public
23 16 health emergency situation exists which poses an
23 17 imminent threat to the public health, safety, and
23 18 welfare, the department, in conjunction with the
23 19 governor, may provide financial assistance, from funds
23 20 appropriated to the department that are not otherwise
23 21 encumbered, to political subdivisions as needed to
23 22 alleviate the disaster or the emergency. If the
23 23 department does not have sufficient unencumbered funds,
23 24 the governor may request ~~that~~ the executive council~~,~~
23 25 ~~pursuant to the authority of section 7D.29, commit~~
23 26 ~~sufficient funds,~~ to authorize the payment of up to one
23 27 million dollars~~, that are not otherwise encumbered from~~
23 28 ~~the general fund, as needed and available, for~~ as an
23 29 expense from the appropriations addressed in section
23 30 7D.29 to alleviate the disaster or the emergency. If
23 31 additional financial assistance is required in excess
23 32 of one million dollars, approval by the legislative
23 33 council is also required.
23 34 Sec. 78. Section 163.3A, subsection 4, paragraph b,
23 35 Code 2011, is amended to read as follows:
23 36 b. The department shall provide and update a list
23 37 of the registered members of each emergency response
23 38 team, including the members' names and identifying
23 39 information, to the department of administrative
23 40 services. Upon notification of a compensable loss
23 41 suffered by a registered member, the department
23 42 of administrative services shall seek ~~funding~~
23 43 authorization from the executive council ~~for~~ to pay as
23 44 an expense from the appropriations addressed in section
23 45 7D.29 those costs associated with covered benefits.
23 46 Sec. 79. Section 163.10, Code 2011, is amended to
23 47 read as follows:
23 48 163.10 Quarantining or destroying animals.
23 49 The department may quarantine or destroy any
23 50 animal exposed to or afflicted with an infectious or

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24 1 contagious disease. However, cattle exposed to or
24 2 infected with tuberculosis shall not be destroyed
24 3 without the owner's consent, unless there are
24 4 sufficient moneys to reimburse the owner for the
24 5 cattle, which may be paid ~~from the appropriation~~ as
24 6 an expense authorized as provided in section 163.15,
24 7 from moneys in the brucellosis and tuberculosis
24 8 eradication fund created in section 165.18, or from
24 9 moneys made available by the United States department
24 10 of agriculture.
24 11 Sec. 80. Section 163.15, subsection 2, paragraph
24 12 a, subparagraph (3), Code 2011, is amended to read as
24 13 follows:
24 14 (3) A claim for an indemnity by the owner and a
24 15 claim for compensation and expenses by the appraisers
24 16 shall be filed with the department and submitted by the
24 17 secretary of agriculture to the executive council for
24 18 ~~its approval or disapproval~~ authorization of payment
24 19 of the claim as an expense from the appropriations
24 20 addressed in section 7D.29.
24 21 Sec. 81. Section 163.15, subsection 2, paragraph
24 22 a, subparagraph (4), Code 2011, is amended by striking
24 23 the subparagraph.
24 24 Sec. 82. Section 163.15, subsection 2, paragraph b,
24 25 unnumbered paragraph 1, Code 2011, is amended to read
24 26 as follows:
24 27 A formula established by rule adopted by the
24 28 department that is effective as determined by
24 29 the department in accordance with chapter 17A and
24 30 applicable upon approval of the ~~plan~~ program of
24 31 eradication ~~approved~~ by the executive council. The
24 32 formula shall be applicable to indemnify owners if the
24 33 executive council, upon recommendation by the secretary
24 34 of agriculture, determines that an animal population
24 35 in this state is threatened with infection from an
24 36 exceptionally contagious disease.
24 37 Sec. 83. Section 163.15, subsection 2, paragraph
24 38 b, subparagraph (4), Code 2011, is amended to read as
24 39 follows:
24 40 (4) ~~Upon approval by the~~ The executive council~~,~~
~~24 41 there is appropriated to the department from any~~
~~24 42 moneys in the general fund of the state not otherwise~~
~~24 43 appropriated moneys sufficient to carry out the~~
~~24 44~~ may authorize payment under the provisions of this
24 45 paragraph "b" as an expense from the appropriations
24 46 addressed in section 7D.29.
24 47 Sec. 84. Section 307.45, subsection 3, Code 2011,
24 48 is amended to read as follows:
24 49 3. Assessments against property owned by the state
24 50 and not under the jurisdiction and control of the

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25 1 department's administrator of highways shall be made in
25 2 the same manner as those made against private property
25 3 and payment shall be ~~made~~ subject to authorization by
25 4 the executive council ~~from any funds of the state not~~
25 5 ~~otherwise appropriated~~. There is appropriated from
25 6 moneys in the general fund not otherwise appropriated
25 7 an amount necessary to pay the expense authorized by
25 8 the executive council.
25 9 Sec. 85. Section 384.56, subsection 1, Code 2011,
25 10 is amended to read as follows:
25 11 1. Cities may assess the cost of a public
25 12 improvement which extends through, abuts upon, or is
25 13 adjacent to lands owned by the state, and ~~the executive~~
25 14 ~~council shall pay~~ payment for the assessable portion
25 15 of the cost of the improvement through or along the
25 16 lands as provided shall be subject to authorization by
25 17 the executive council~~. The executive council shall~~
25 18 ~~pay assessments as~~ and payable in the manner provided
25 19 in section 307.45 for property owned by the state and
25 20 not under the jurisdiction and control of the state
25 21 department of transportation.
25 22 Sec. 86. Section 459.501, subsection 5, as amended
25 23 by 2011 Iowa Acts, Senate File 478, section 1, as
25 24 enacted, is amended to read as follows:
25 25 5. The following shall apply to moneys in the fund:
25 26 a. (1) The executive council may ~~allocate moneys~~
25 27 ~~from the general fund of the state as~~ authorize payment
25 28 of moneys as an expense paid from the appropriations
25 29 addressed in section 7D.29 and in the manner provided
25 30 in section 7D.10A in an amount necessary to support the
25 31 fund, including the following:
25 32 (a) The payment of claims as provided in section
25 33 459.505.
25 34 (b) The allocation of moneys to the department
25 35 of agriculture and land stewardship for the payment
25 36 of expenses incurred by the department of agriculture
25 37 and land stewardship associated with providing for the
25 38 sustenance and disposition of livestock pursuant to
25 39 chapter 717.
25 40 (2) Notwithstanding subparagraph (1), the
25 41 ~~allocation of moneys from the general fund of the state~~
25 42 executive council's authorization for payment shall be
25 43 ~~made~~ provided only if the amount of moneys in the fund,
25 44 which are not obligated or encumbered, and not counting
25 45 the department's estimate of the cost to the fund for
25 46 pending or unsettled claims, the amount to be allocated
25 47 to the department of agriculture and land stewardship,
25 48 and any amount required to be credited to the general
25 49 fund of the state under this subsection, is less than
25 50 one million dollars.

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26 1 b. The department of natural resources shall
26 2 credit an amount to the ~~general~~ fund ~~of the state~~
26 3 from which the expense authorized by the executive
26 4 council as provided in paragraph "a" was appropriated
26 5 which is equal to an amount allocated to support the
26 6 livestock remediation fund by the executive council
26 7 under paragraph "a". ~~The~~ However, the department shall
26 8 only be required to credit the moneys to ~~the general~~
26 9 such fund ~~of the state~~ if the moneys in the livestock
26 10 remediation fund which are not obligated or encumbered,
26 11 and not counting the department's estimate of the
26 12 cost to the livestock remediation fund for pending or
26 13 unsettled claims, the amount to be allocated to the
26 14 department of agriculture and land stewardship, and
26 15 any amount required to be transferred to the ~~general~~
26 16 fund ~~under~~ from which appropriated as described in this
26 17 paragraph, are in excess of two million five hundred
26 18 thousand dollars. The department is not required to
26 19 credit the total amount to the ~~general~~ fund ~~of the~~
26 20 ~~state~~ from which appropriated as described in this
26 21 paragraph during any one fiscal year.
26 22 Sec. 87. Section 468.43, unnumbered paragraph 4,
26 23 Code 2011, is amended to read as follows:
26 24 The assessments against lands under the jurisdiction
26 25 of the department of natural resources shall be paid as
26 26 an expense from the appropriations addressed in section
26 27 7D.29, if authorized by the executive council upon
26 28 certification of the amount by the county treasurer.
26 29 ~~There is appropriated from any funds in the general~~
26 30 ~~fund of the state not otherwise appropriated amounts~~
26 31 ~~sufficient to pay the certified assessments.~~
26 32 Sec. 88. Section 568.16, Code 2011, is amended to
26 33 read as follows:
26 34 568.16 Purchase money refunded.
26 35 If the grantee of the state, or the grantee's
26 36 successors, administrators, or assigns, shall be
26 37 deprived of the land conveyed by the state under this
26 38 chapter by the final decree of a court of record for
26 39 the reason that the conveyance by the state ~~passed~~
26 40 ~~no title whatever to the land therein~~ did not pass
26 41 title to the land described, because title ~~thereto~~ to
26 42 the land had previously for any reason been vested
26 43 in others, then the money ~~so~~ paid by the state for
26 44 the ~~said~~ land shall be refunded by the state to the
26 45 person or persons entitled ~~thereto~~ to the refund,
26 46 provided the ~~said~~ grantee, or the grantee's successors,
26 47 administrators, or assigns, shall file a certified
26 48 copy of the transcript of the ~~said~~ final decree with
26 49 the executive council within one year from the date
26 50 of the issuance of such decree, and shall also file

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27 1 satisfactory proof with the executive council that the
27 2 action over the title to the land was commenced within
27 3 ten years from the date of the issuance of patent or
27 4 deed by the state. The amount of money to be refunded
27 5 under the provisions of this section shall be ~~certified~~
27 6 authorized and paid by the executive council ~~to the~~
27 7 ~~director of the department of administrative services,~~
27 8 ~~who shall draw a warrant therefor, and the same shall~~
27 9 ~~be paid out of the general fund~~ as an expense from the
27 10 appropriations addressed in section 7D.29.
27 11 Sec. 89. Section 602.10133, Code 2011, is amended
27 12 to read as follows:
27 13 602.10133 Costs and expenses.
27 14 The court costs incident to such proceedings~~,~~
27 15 and the reasonable expense of ~~said~~ the judges in
27 16 attending ~~said~~ the hearing after being approved by
27 17 the supreme court shall be paid as ~~court costs~~ an
27 18 expense authorized by the executive council from the
27 19 appropriations addressed in section 7D.29.
27 20 Sec. 90. Section 663.44, Code 2011, is amended to
27 21 read as follows:
27 22 663.44 Costs.
27 23 1. If the plaintiff is discharged, the costs shall
27 24 be assessed to the defendant, unless the defendant
27 25 is an officer holding the plaintiff in custody under
27 26 a commitment, or under other legal process, in which
27 27 case the costs shall be assessed to the county. If the
27 28 plaintiff's application is refused, the costs shall be
27 29 assessed against the plaintiff, and, in the discretion
27 30 of the court, against the person who filed the petition
27 31 in the plaintiff's behalf.
27 32 2. ~~However, where~~ Notwithstanding subsection 1, if
27 33 the plaintiff is confined in any state institution~~,~~ and
27 34 is discharged in habeas corpus proceedings, or ~~where~~ if
27 35 the habeas corpus proceedings fail, and costs and fees
27 36 cannot be collected from the person liable to pay ~~the~~
27 37 ~~same~~ costs and fees, ~~such~~ the costs and fees shall be
27 38 paid by the county in which such state institution is
27 39 located. The facts of such payment and the proceedings
27 40 on which it is based, with a statement of the amount
27 41 of fees or costs incurred, with approval in writing
27 42 by the presiding judge appended to ~~such~~ the statement
27 43 or endorsed ~~thereon~~ on the statement, shall ~~then~~ be
27 44 certified by the clerk of the district court under the
27 45 seal of office to the state executive council. The
27 46 executive council shall ~~then~~ review the proceedings and
27 47 authorize reimbursement for all such fees and costs
27 48 or such part ~~thereof~~ of the fees and costs as the
27 49 executive council ~~shall find~~ finds justified, and shall
27 50 notify the director of the department of administrative

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28 1 services to draw a warrant to such county treasurer
28 2 ~~on the state general fund~~ for the amount authorized.
28 3 There is appropriated from moneys in the general fund
28 4 not otherwise appropriated an amount necessary to pay
28 5 the reimbursement authorized by the executive council.
28 6 The costs and fees referred to above shall include
28 7 any award of fees made to a court appointed attorney
28 8 representing an indigent party bringing the habeas
28 9 corpus action.
28 10 DIVISION VI
28 11 GROW IOWA VALUES FUND AND PROGRAM
28 12 Sec. 91. Section 15.103, subsection 6, Code 2011,
28 13 is amended to read as follows:
28 14 6. As part of the organizational structure of the
28 15 department, the board shall establish a due diligence
28 16 committee and a loan and credit guarantee committee
28 17 composed of members of the board. The committees shall
28 18 serve in an advisory capacity to the board and shall
28 19 carry out any duties assigned by the board in relation
28 20 to programs administered by the department. The loan
28 21 and credit guarantee committee shall advise the board
28 22 on the winding up of loan guarantees made under the
28 23 loan and credit guarantee program established pursuant
28 24 to section 15E.224, Code 2009~~, and on the proper~~
28 25 ~~amount of the allocation described in section 15G.111,~~
28 26 ~~subsection 4, paragraph "g"~~.
28 27 Sec. 92. Section 15.104, subsection 1, Code 2011,
28 28 is amended by striking the subsection.
28 29 Sec. 93. Section 15.104, subsection 8, paragraphs
28 30 b and i, Code 2011, are amended by striking the
28 31 paragraphs.
28 32 Sec. 94. Section 15.104, subsection 8, paragraph j,
28 33 Code 2011, is amended to read as follows:
28 34 j. Renewable fuel programs. A detailed accounting
28 35 of expenditures in support of renewable fuel
28 36 infrastructure programs, as provided in sections
28 37 15G.203 and 15G.204. ~~The renewable fuel infrastructure~~
28 38 ~~board established in section 15G.202 shall approve that~~
28 39 ~~portion of the department's annual report regarding~~
28 40 ~~projects supported from the grow Iowa values fund~~
28 41 ~~created in section 15G.111.~~ This paragraph is repealed
28 42 on July 1, 2012.
28 43 Sec. 95. Section 15.327, Code 2011, is amended by
28 44 adding the following new subsections:
28 45 NEW SUBSECTION. 01. "Base employment level" means
28 46 the number of full=time equivalent positions at a
28 47 business, as established by the department and a
28 48 business using the business's payroll records, as of
28 49 the date a business applies for financial assistance
28 50 under the program.

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29 1 NEW SUBSECTION. 3A. "County wage" means the
29 2 average hourly compensation rates, excluding the value
29 3 of nonwage benefits for comparable jobs, from the most
29 4 recent four quarters of wage and employment information
29 5 from the quarterly covered wage and employment
29 6 data report issued by the department of workforce
29 7 development.
29 8 NEW SUBSECTION. 7A. "Full=time equivalent position"
29 9 means a non=part=time position for the number of hours
29 10 or days per week considered to be full=time work for
29 11 the kind of service or work performed for an employer.
29 12 Typically, a full=time equivalent position requires
29 13 two thousand eighty hours of work in a calendar year,
29 14 including all paid holidays, vacations, sick time, and
29 15 other paid leave.
29 16 NEW SUBSECTION. 7B. "Maintenance period" means the
29 17 period of time between the project completion date and
29 18 maintenance period completion date.
29 19 NEW SUBSECTION. 12A. "Regional wage" means the
29 20 average hourly compensation rates, excluding the value
29 21 of nonwage benefits for comparable jobs, from the most
29 22 recent four quarters of wage and employment information
29 23 from the quarterly covered wage and employment
29 24 data report issued by the department of workforce
29 25 development.
29 26 Sec. 96. Section 15.327, subsections 1, 4, 7, 8,
29 27 10, 12, and 13, Code 2011, are amended by striking
29 28 the subsections and inserting in lieu thereof the
29 29 following:
29 30 1. "Benefit" means nonwage compensation provided
29 31 to an employee. Benefits typically include medical
29 32 and dental insurance plans, pension, retirement,
29 33 and profit=sharing plans, child care services,
29 34 life insurance coverage, vision insurance coverage,
29 35 disability insurance coverage, and any other nonwage
29 36 compensation as determined by the board.
29 37 4. "Created job" means a new, permanent, full=time
29 38 equivalent position added to a business's payroll in
29 39 excess of the business's base employment level.
29 40 7. "Fiscal impact ratio" means a ratio calculated
29 41 by estimating the amount of taxes to be received from
29 42 a business by the state and dividing the estimate by
29 43 the estimated cost to the state of providing certain
29 44 financial incentives to the business, reflecting
29 45 a ten=year period of taxation and incentives and
29 46 expressed in terms of current dollars. For purposes
29 47 of the program, "fiscal impact ratio" does not include
29 48 taxes received by political subdivisions.
29 49 8. "Maintenance period completion date" means the
29 50 date on which the maintenance period ends.

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10. "Project completion date" means the date by which a recipient of financial assistance has agreed to meet all the terms and obligations contained in an agreement with the department as described in section 15.330.

12. "Qualifying wage threshold" means the county wage or the regional wage, as calculated pursuant to subsections 3A and 12A, whichever is lower.

13. "Retained job" means a full=time equivalent position, in existence at the time an employer applies for financial assistance which remains continuously filled or authorized to be filled as soon as possible and which is at risk of elimination if the project for which the employer is seeking assistance does not proceed.

Sec. 97. Section 15.329, subsection 2, Code 2011, is amended to read as follows:

2. A business providing a sufficient package of benefits to each employee holding a created or retained job shall qualify for a credit against the qualifying wage threshold requirements described in subsection 1, paragraph "c". The credit shall be calculated and applied in the following manner: ~~described in section 15G.112, subsection 4, paragraph "b".~~

a. By multiplying the qualifying wage threshold of the county in which the business is located by one and three=tenths.

b. By multiplying the result of paragraph "a" by one=tenth.

c. The amount of the result of paragraph "b" shall be credited against the amount of the one hundred thirty percent qualifying wage threshold requirement that the business is required to meet under subsection 1, paragraph "c".

d. The credit shall not be applied against the one hundred percent of qualifying wage threshold requirement described in subsection 1, paragraph "c".

Sec. 98. Section 15.330, subsection 4, Code 2011, is amended to read as follows:

4. A project completion date, a maintenance period completion date, the number of jobs to be created or retained, or certain other terms and obligations described in ~~section 15G.112, subsection 1, paragraph "d"~~ an agreement, as the department deems necessary in order to make the requirements in project agreements uniform. The department, with the approval of the board, may adopt rules as necessary for making such requirements uniform. Such rules shall be in compliance with the provisions of this part ~~and with the provisions of chapter 15G~~.

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31 1 Sec. 99. Section 15.335A, subsection 1, unnumbered
31 2 paragraph 1, Code 2011, is amended to read as follows:
31 3 Tax incentives are available to eligible businesses
31 4 as provided in this section. The incentives are based
31 5 upon the number of jobs created or retained that pay
31 6 at least one hundred thirty percent of the qualifying
31 7 wage threshold as computed pursuant to section
31 8 ~~15G.112~~ 15.329, subsection ~~4~~ 1, and the amount of the
31 9 qualifying investment made according to the following
31 10 schedule:
31 11 Sec. 100. Section 15.335A, subsection 2, paragraphs
31 12 b, c, f, and g, Code 2011, are amended by striking the
31 13 paragraphs.
31 14 Sec. 101. Section 15.335A, subsection 5, Code 2011,
31 15 is amended to read as follows:
31 16 5. The department shall negotiate the amount of tax
31 17 incentives provided to an applicant under the program
31 18 in accordance with this section ~~and section 15G.112, as~~
~~31 19 applicable~~.
31 20 Sec. 102. Section 15A.7, subsection 3, Code 2011,
31 21 is amended to read as follows:
31 22 3. That the employer shall agree to pay wages for
31 23 the jobs for which the credit is taken of at least the
31 24 county wage or the regional wage, as calculated ~~by the~~
~~31 25 department~~ pursuant to section ~~15G.112, subsection 3~~
~~31 26~~ 15.327, subsections 3A and 12A, whichever is lower.
31 27 Eligibility for the supplemental credit shall be based
31 28 on a one=time determination of starting wages by the
31 29 community college.
31 30 Sec. 103. Section 15E.193, subsection 1, paragraphs
31 31 b through d, Code 2011, are amended to read as follows:
31 32 b. (1) The business shall provide a sufficient
31 33 package of benefits to each employee holding a created
31 34 or retained job. For purposes of this paragraph,
31 35 "created job" and "retained job" have the same meaning
31 36 as defined in section ~~15G.101~~ 15.327.
31 37 (2) The board, upon the recommendation of the
31 38 department, shall adopt rules determining what
31 39 constitutes a sufficient package of benefits.
31 40 c. The business shall pay a wage that is at least
31 41 ninety percent of the qualifying wage threshold. For
31 42 purposes of this paragraph, "qualifying wage threshold"
31 43 has the same meaning as defined in section ~~15G.101~~
~~31 44~~ 15.327.
31 45 d. Creates or retains at least ten full=time
31 46 equivalent positions and maintains them until the
31 47 maintenance period completion date. For purposes of
31 48 this paragraph, "maintenance period completion date" and
31 49 "full=time equivalent position" have the same meanings
31 50 as defined in section ~~15G.101~~ 15.327.

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Sec. 104. Section 15E.231, unnumbered paragraph 1, Code 2011, is amended to read as follows:

~~In order for an~~ An economic development region ~~to receive moneys under the grow Iowa values financial assistance program established in section 15G.112, an~~ shall establish a regional development plan. An economic development region's regional development plan must be approved by the department. An economic development region shall consist of not less than three counties, unless two contiguous counties have a combined population of at least three hundred thousand based on the most recent federal decennial census. An economic development region shall establish a focused economic development effort that shall include a regional development plan relating to one or more of the following areas:

Sec. 105. Section 15E.232, subsections 1, 3, 4, 5, 6, and 7, Code 2011, are amended by striking the subsections.

Sec. 106. Section 15E.351, subsection 1, Code 2011, is amended to read as follows:

1. The department shall establish and administer a business accelerator program to provide financial assistance for the establishment and operation of a business accelerator for technology=based, value=added agricultural, information solutions, alternative and renewable energy including the alternative and renewable energy sectors listed in section 476.42, subsection 1, paragraph "a", or advanced manufacturing start=up businesses or for a satellite of an existing business accelerator. The program shall be designed to foster the accelerated growth of new and existing businesses through the provision of technical assistance. ~~The department, subject to the approval of the economic development board, may provide financial assistance under this section from moneys allocated for regional financial assistance pursuant to section 15G.111, subsection 9.~~

Sec. 107. Section 159A.6B, subsection 2, Code 2011, is amended to read as follows:

2. The office may execute contracts in order to provide technical support and outreach services for purposes of assisting and educating interested persons as provided in this section. The office may also contract with a consultant to provide part or all of these services. The office may require that a person receiving assistance pursuant to this section contribute up to fifty percent of the amount required to support the costs of contracting with the consultant to provide assistance to the person. ~~The office~~

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~~33 1 shall assist the person in completing any technical~~
~~33 2 information required in order to receive assistance~~
~~33 3 by the department of economic development pursuant~~
~~33 4 to the value=added agriculture component of the grow~~
~~33 5 Iowa values financial assistance program established~~
~~33 6 pursuant to section 15G.112.~~
33 7 Sec. 108. Section 455B.104, subsection 2, Code
33 8 2011, is amended by striking the subsection.
33 9 Sec. 109. REPEAL. Section 15E.233, Code 2011, is
33 10 repealed.
33 11 Sec. 110. REPEAL. Sections 15G.101 and 15G.109
33 12 through 15G.115, Code 2011, are repealed.
33 13 Sec. 111. REPEAL. Section 266.19, Code 2011, is
33 14 repealed.
33 15 Sec. 112. REPEAL. Section 455B.433, Code 2011, is
33 16 repealed.
33 17 DIVISION VII
33 18 MH/MR/DD SERVICES ALLOWED GROWTH FUNDING ==== FY
33 19 2013=2014
33 20 Sec. 113. ADULT MH/MR/DD SERVICES ALLOWED
33 21 GROWTH FUNDING ==== FY 2013=2014. Notwithstanding
33 22 section 331.439, subsection 3, the allowed growth
33 23 factor adjustment for county mental health, mental
33 24 retardation, and developmental disabilities service
33 25 expenditures for the fiscal year beginning July 1,
33 26 2013, shall be established by statute which shall be
33 27 enacted within thirty calendar days of the convening
33 28 of the Eighty=fifth General Assembly, 2013 Session, on
33 29 January 14, 2013. The governor shall submit to the
33 30 general assembly a recommendation for such allowed
33 31 growth factor adjustment and the amounts of related
33 32 appropriations to the general assembly on or before
33 33 January 14, 2013.
33 34 DIVISION VIII
33 35 STANDING APPROPRIATIONS AND RELATED MATTERS ==== FY
33 36 2012=2013
33 37 Sec. 114. BUDGET PROCESS FOR FISCAL YEAR 2013=2014.
33 38 1. For the budget process applicable to the fiscal
33 39 year beginning July 1, 2013, on or before October 1,
33 40 2012, in lieu of the information specified in section
33 41 8.23, subsection 1, unnumbered paragraph 1, and
33 42 paragraph "a", all departments and establishments of
33 43 the government shall transmit to the director of the
33 44 department of management, on blanks to be furnished
33 45 by the director, estimates of their expenditure
33 46 requirements, including every proposed expenditure, for
33 47 the ensuing fiscal year, together with supporting data
33 48 and explanations as called for by the director of the
33 49 department of management after consultation with the
33 50 legislative services agency.

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34 1 2. The estimates of expenditure requirements
34 2 shall be in a form specified by the director of
34 3 the department of management, and the expenditure
34 4 requirements shall include all proposed expenditures
34 5 and shall be prioritized by program or the results to
34 6 be achieved. The estimates shall be accompanied by
34 7 performance measures for evaluating the effectiveness
34 8 of the programs or results.
34 9 Sec. 115. LIMITATION OF STANDING APPROPRIATIONS.
34 10 Notwithstanding the standing appropriations in the
34 11 following designated sections for the fiscal year
34 12 beginning July 1, 2012, and ending June 30, 2013, the
34 13 amounts appropriated from the general fund of the state
34 14 pursuant to these sections for the following designated
34 15 purposes shall not exceed the following amounts:
34 16 1. For operational support grants and community
34 17 cultural grants under section 99F.11, subsection 3,
34 18 paragraph "d", subparagraph (1):
34 19 ..... $ 416,702
34 20 2. For regional tourism marketing under section
34 21 99F.11, subsection 3, paragraph "d", subparagraph (2):
34 22 ..... $ 810,306
34 23 3. For the center for congenital and inherited
34 24 disorders central registry under section 144.13A,
34 25 subsection 4, paragraph "a":
34 26 ..... $ 171,121
34 27 4. For primary and secondary child abuse prevention
34 28 programs under section 144.13A, subsection 4, paragraph
34 29 "a":
34 30 ..... $ 217,772
34 31 5. For programs for at=risk children under section
34 32 279.51:
34 33 ..... $ 10,804,258
34 34 The amount of any reduction in this subsection shall
34 35 be prorated among the programs specified in section
34 36 279.51, subsection 1, paragraphs "a", "b", and "c".
34 37 6. For payment for nonpublic school transportation
34 38 under section 285.2:
34 39 ..... $ 7,060,931
34 40 If total approved claims for reimbursement for
34 41 nonpublic school pupil transportation exceed the amount
34 42 appropriated in accordance with this subsection, the
34 43 department of education shall prorate the amount of
34 44 each approved claim.
34 45 7. For the enforcement of chapter 453D relating to
34 46 tobacco product manufacturers under section 453D.8:
34 47 ..... $ 18,416
34 48 Sec. 116. APPROPRIATION ==== FARMERS WITH
34 49 DISABILITIES. There is appropriated from the general
34 50 fund of the state to the department of agriculture and

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35 1 land stewardship for the fiscal year beginning July 1,
35 2 2012, and ending June 30, 2013, the following amount,
35 3 or so much thereof as is necessary, for a program for
35 4 farmers with disabilities:
35 5 ..... $ 82,450
35 6 The moneys appropriated in this section shall be
35 7 used for the public purpose of providing a grant to
35 8 a national nonprofit organization with over 80 years
35 9 of experience in assisting children and adults with
35 10 disabilities and special needs. The moneys shall
35 11 be used to support a nationally recognized program
35 12 that began in 1986 and has been replicated in at
35 13 least 30 other states, but which is not available
35 14 through any other entity in this state, and that
35 15 provides assistance to farmers with disabilities in
35 16 all 99 counties to allow the farmers to remain in
35 17 their own homes and be gainfully engaged in farming
35 18 through provision of agricultural worksite and home
35 19 modification consultations, peer support services,
35 20 services to families, information and referral, and
35 21 equipment loan services. Notwithstanding section
35 22 8.33, moneys appropriated in this section that remain
35 23 unencumbered or unobligated at the close of the fiscal
35 24 year shall not revert but shall remain available for
35 25 expenditure for the purposes designated until the close
35 26 of the succeeding fiscal year.
35 27 Sec. 117. INSTRUCTIONAL SUPPORT STATE AID ==== FY
35 28 2012=2013. In lieu of the appropriation provided in
35 29 section 257.20, subsection 2, the appropriation for the
35 30 fiscal year beginning July 1, 2012, and ending June 30,
35 31 2013, for paying instructional support state aid under
35 32 section 257.20 for fiscal year 2012=2013 is zero.
35 33 Sec. 118. Section 257.35, Code 2011, is amended by
35 34 adding the following new subsection:
35 35 NEW SUBSECTION. 5B. Notwithstanding subsection 1,
35 36 and in addition to the reduction applicable pursuant
35 37 to subsection 2, the state aid for area education
35 38 agencies and the portion of the combined district cost
35 39 calculated for these agencies for the fiscal year
35 40 beginning July 1, 2012, and ending June 30, 2013, shall
35 41 be reduced by the department of management by twenty
35 42 million dollars. The reduction for each area education
35 43 agency shall be prorated based on the reduction that
35 44 the agency received in the fiscal year beginning July
35 45 1, 2003.
35 46 DIVISION IX
35 47 SALARIES, COMPENSATION, AND RELATED MATTERS ==== FY
35 48 2012=2013
35 49 Sec. 119. BONUS PAY. For the fiscal year beginning
35 50 July 1, 2012, employees of the executive branch,

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36 1 judicial branch, and legislative branch shall not
36 2 receive bonus pay unless otherwise authorized by law,
36 3 required pursuant to a contract of employment entered
36 4 into before July 1, 2012, or required pursuant to a
36 5 collective bargaining agreement. This section does
36 6 not apply to employees of the state board of regents
36 7 who receive bonuses funded by nonpublic moneys. For
36 8 purposes of this section, "bonus pay" means any
36 9 additional remuneration provided an employee in
36 10 the form of a bonus, including but not limited to a
36 11 retention bonus, recruitment bonus, exceptional job
36 12 performance pay, extraordinary job performance pay,
36 13 exceptional performance pay, extraordinary duty pay,
36 14 or extraordinary or special duty pay, and any extra
36 15 benefit not otherwise provided to other similarly
36 16 situated employees.
36 17 Sec. 120. SALARY INCREASES ==== CERTAIN REVOLVING
36 18 FUNDS.
36 19 1. For the fiscal years beginning July 1, 2012, and
36 20 July 1, 2013, there is appropriated from the gaming
36 21 enforcement revolving fund an amount necessary for
36 22 funding annual pay adjustments and related benefits
36 23 for agents and officers of the division of criminal
36 24 investigation's racetrack, excursion boat, or gambling
36 25 structure enforcement activities. Moneys appropriated
36 26 pursuant to this subsection shall be in addition to and
36 27 supplement other appropriations from the fund.
36 28 2. For the fiscal years beginning July 1, 2012,
36 29 and July 1, 2013, there is appropriated from the
36 30 gaming regulatory revolving fund, if enacted by the
36 31 Eighty=fourth General Assembly, 2011 or 2012 session,
36 32 an amount necessary for funding annual pay adjustments
36 33 and related benefits for positions in the racing and
36 34 gaming commission of the department of inspections
36 35 and appeals who are assigned to administration
36 36 and enforcement of the excursion boat and gambling
36 37 structure laws. Moneys appropriated pursuant to this
36 38 subsection shall be in addition to and supplement other
36 39 appropriations from the fund.
36 40 Sec. 121. STATE TROOPER MEAL ALLOWANCE. For the
36 41 fiscal years beginning July 1, 2012, and July 1, 2013,
36 42 the sworn peace officers in the department of public
36 43 safety who are not covered by a collective bargaining
36 44 agreement negotiated pursuant to chapter 20 shall
36 45 receive the same per diem meal allowance as the sworn
36 46 peace officers in the department of public safety
36 47 who are covered by a collective bargaining agreement
36 48 negotiated pursuant to chapter 20.
36 49 Sec. 122. SALARY MODEL ADMINISTRATOR. The salary
36 50 model administrator shall work in conjunction with

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37 1 the legislative services agency to maintain the
37 2 state's salary model used for analyzing, comparing,
37 3 and projecting state employee salary and benefit
37 4 information, including information relating to
37 5 employees of the state board of regents. The
37 6 department of revenue, the department of administrative
37 7 services, the five institutions under the jurisdiction
37 8 of the state board of regents, the judicial district
37 9 departments of correctional services, and the state
37 10 department of transportation shall provide salary data
37 11 to the department of management and the legislative
37 12 services agency to operate the state's salary
37 13 model. The format and frequency of provision of the
37 14 salary data shall be determined by the department of
37 15 management and the legislative services agency. The
37 16 information shall be used in collective bargaining
37 17 processes under chapter 20 and in calculating the
37 18 funding needs contained within the annual salary
37 19 adjustment legislation. A state employee organization
37 20 as defined in section 20.3, subsection 4, may request
37 21 information produced by the model, but the information
37 22 provided shall not contain information attributable to
37 23 individual employees.
37 24 DIVISION X
37 25 REGULAR PROGRAM AND CATEGORICAL STATE PERCENT
37 26 OF GROWTH FOR EDUCATION ==== FY 2012=2013
37 27 Sec. 123. Section 257.8, subsection 1, Code 2011,
37 28 is amended to read as follows:
37 29 1. State percent of growth. ~~The state percent of~~
37 30 ~~growth for the budget year beginning July 1, 2009, is~~
37 31 ~~four percent.~~ The state percent of growth for the
37 32 budget year beginning July 1, 2010, is two percent.
37 33 The state percent of growth for the budget year
37 34 beginning July 1, 2012, is two percent. The state
37 35 percent of growth for each subsequent budget year shall
37 36 be established by statute which shall be enacted within
37 37 thirty days of the submission in the year preceding the
37 38 base year of the governor's budget under section 8.21.
37 39 The establishment of the state percent of growth for
37 40 a budget year shall be the only subject matter of the
37 41 bill which enacts the state percent of growth for a
37 42 budget year.
37 43 Sec. 124. Section 257.8, subsection 2, Code 2011,
37 44 is amended to read as follows:
37 45 2. Categorical state percent of growth. The
37 46 categorical state percent of growth for the budget
37 47 year beginning July 1, 2010, is two percent. The
37 48 categorical state percent of growth for the budget
37 49 year beginning July 1, 2012, is two percent. The
37 50 categorical state percent of growth for each budget

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38 1 year shall be established by statute which shall
38 2 be enacted within thirty days of the submission in
38 3 the year preceding the base year of the governor's
38 4 budget under section 8.21. The establishment of the
38 5 categorical state percent of growth for a budget year
38 6 shall be the only subject matter of the bill which
38 7 enacts the categorical state percent of growth for a
38 8 budget year. The categorical state percent of growth
38 9 may include state percents of growth for the teacher
38 10 salary supplement, the professional development
38 11 supplement, and the early intervention supplement.
38 12 Sec. 125. CODE SECTION 257.8 ==== APPLICABILITY. The
38 13 requirements of section 257.8 regarding the time period
38 14 of enactment and the subject matter of the legislation
38 15 establishing the state percent of growth and the
38 16 categorical state percent of growth for a budget year
38 17 are not applicable to the division. The requirements
38 18 of section 257.8 regarding enactment of the regular
38 19 program state percent of growth and categorical state
38 20 percent of growth within thirty days of the submission
38 21 in the year preceding the base year of the governor's
38 22 budget and the requirements that the subject matter
38 23 of each bill establishing the state percent of growth
38 24 or the categorical state percent of growth be the
38 25 only subject matter of the bill do not apply to this
38 26 division of this Act.
38 27 Sec. 126. APPLICABILITY. This division of this Act
38 28 is applicable for computing state aid under the state
38 29 school foundation program for the school budget year
38 30 beginning July 1, 2012.
38 31 DIVISION XI
38 32 APPROPRIATION TRANSFERS
38 33 REBUILD IOWA INFRASTRUCTURE FUND
38 34 Sec. 127. 2010 Iowa Acts, chapter 1184, section 26,
38 35 is amended to read as follows:
38 36 SEC. 26. There is appropriated from the rebuild
38 37 Iowa infrastructure fund to the department of economic
38 38 development for deposit in the grow Iowa values fund,
38 39 for the fiscal year beginning July 1, 2010, and ending
38 40 June 30, 2011, the following amount, notwithstanding
38 41 section 8.57, subsection 6, paragraph "c":
38 42 ..... $ 38,000,000
38 43 Of the moneys appropriated in this section, from
38 44 the amount allocated to the department of economic
38 45 development in accordance with 2010 Iowa Acts, chapter
38 46 1184, section 28, subsection 1, $1,200,000 shall
38 47 be used for the department's Iowans helping Iowans
38 48 business assistance program. Notwithstanding section
38 49 8.33, moneys designated pursuant to this unnumbered
38 50 paragraph that remain unencumbered or unobligated at

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39 1 the close of the fiscal year shall not revert but shall
39 2 remain available for expenditure for the purposes
39 3 designated until the close of the succeeding fiscal
39 4 year.
39 5 CASH RESERVE FUND
39 6 Sec. 128. 2010 Iowa Acts, chapter 1193, section 90,
39 7 subsection 1, is amended to read as follows:
39 8 1. DEPARTMENT OF HUMAN SERVICES
39 9 For the medical assistance program:
39 10 ..... $187,800,000
39 11 a. Of the moneys appropriated in this subsection,
39 12 the following amounts shall be transferred as follows:
39 13 (1) To the Iowa finance authority to be used for
39 14 the Iowans helping Iowans housing assistance program:
39 15 ..... $ 6,050,000
39 16 (2) To the department of human services to be
39 17 used for the unmet needs program administered by the
39 18 department:
39 19 ..... $ 3,056,603
39 20 b. Notwithstanding section 8.33, moneys transferred
39 21 pursuant to paragraph "a" that remain unencumbered
39 22 or unobligated at the close of the fiscal year shall
39 23 not revert but shall remain available for expenditure
39 24 for the purposes designated until the close of the
39 25 succeeding fiscal year.
39 26 Sec. 129. EFFECTIVE DATE ==== APPLICABILITY.
39 27 1. This division of this Act being deemed of
39 28 immediate importance takes effect upon enactment.
39 29 2. The provisions of this division of this Act
39 30 providing for transfers are retroactively applicable
39 31 to August 27, 2010, and apply in lieu of the transfers
39 32 made for the same purposes by the executive branch,
39 33 as reported by the department of management in the
39 34 transfer notice to the governor and lieutenant governor
39 35 dated August 27, 2010.
39 36 DIVISION XII
39 37 EARNED INCOME TAX CREDIT
39 38 Sec. 130. Section 422.12B, subsection 1, Code 2011,
39 39 is amended to read as follows:
39 40 1. The taxes imposed under this division less the
39 41 credits allowed under section 422.12 shall be reduced
39 42 by an earned income credit equal to ~~seven~~ ten percent
39 43 of the federal earned income credit provided in section
39 44 32 of the Internal Revenue Code. Any credit in excess
39 45 of the tax liability is refundable.
39 46 Sec. 131. RETROACTIVE APPLICABILITY. This division
39 47 of this Act applies retroactively to January 1, 2011,
39 48 for tax years beginning on or after that date.
39 49 DIVISION XIII
39 50 SCHOOL TUITION ORGANIZATION TAX CREDITS

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Sec. 132. Section 422.11S, subsection 7, paragraph a, subparagraph (2), Code 2011, is amended to read as follows:

(2) "Total approved tax credits" means ~~for the tax year beginning in the 2006 calendar year, two million five hundred thousand dollars, for the tax year beginning in the 2007 calendar year, five million dollars, and for tax years beginning on or after January 1, 2008, seven million five hundred thousand dollars.~~ the following:

(a) For tax years beginning on or after January 1, 2008, and before January 1, 2012, seven million five hundred thousand dollars.

(b) For the tax year beginning on or after January 1, 2012, and before January 1, 2013, eight million seven hundred fifty thousand dollars.

(c) For tax years beginning on or after January 1, 2013, ten million dollars.

DIVISION XIV
TEACHER EXPENSES

Sec. 133. Section 422.7, Code 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 54. A taxpayer is allowed to take the deduction for certain expenses of elementary and secondary school teachers allowed under section 62(a)(2)(D) of the Internal Revenue Code, as amended by the federal Emergency Economic Stabilization Act of 2008, Pub. L. No. 110=343, in computing net income for state tax purposes.

Sec. 134. REFUNDS. Notwithstanding any provision to the contrary in section 422.25, subsection 3, a taxpayer who files an amended return in the time permitted by statute to claim a refund related to the allowance of the deduction enacted in this division of this Act is only entitled to a refund of the amount paid that is in excess of tax liability. The taxpayer shall not be entitled to interest on such excess.

Sec. 135. EFFECTIVE DATE AND RETROACTIVE APPLICABILITY. This division of this Act, being deemed of immediate importance, takes effect upon enactment and applies retroactively to January 1, 2008, for tax years beginning on or after that date and before January 1, 2009.

DIVISION XV
QUALIFIED HIGHER EDUCATION EXPENSES

Sec. 136. Section 422.7, Code 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 54. A taxpayer is allowed to take the deduction for qualified tuition and related expenses allowed under section 222 of the Internal

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41 1 Revenue Code, as amended by the federal Emergency
41 2 Economic Stabilization Act of 2008, Pub. L. No.
41 3 110=343, in computing net income for state tax
41 4 purposes.
41 5 Sec. 137. REFUNDS. Notwithstanding any provision
41 6 to the contrary in section 422.25, subsection 3,
41 7 a taxpayer who files an amended return in the time
41 8 permitted by statute to claim a refund related to the
41 9 allowance of the deduction enacted in this division of
41 10 this Act is only entitled to a refund of the amount
41 11 paid that is in excess of tax liability. The taxpayer
41 12 shall not be entitled to interest on such excess.
41 13 Sec. 138. EFFECTIVE DATE AND RETROACTIVE
41 14 APPLICABILITY. This division of this Act, being deemed
41 15 of immediate importance, takes effect upon enactment
41 16 and applies retroactively to January 1, 2008, for
41 17 tax years beginning on or after that date and before
41 18 January 1, 2009.
41 19 DIVISION XVI
41 20 STATE SALES/USE TAX DEDUCTION
41 21 Sec. 139. Section 422.9, subsection 2, paragraph i,
41 22 Code 2011, is amended to read as follows:
41 23 i. The deduction for state sales and use taxes
41 24 is allowable only if the taxpayer elected to deduct
41 25 the state sales and use taxes in lieu of state income
41 26 taxes under section 164 of the Internal Revenue Code.
41 27 A deduction for state sales and use taxes is not
41 28 allowed if the taxpayer has taken the deduction for
41 29 state income taxes or claimed the standard deduction
41 30 under section 63 of the Internal Revenue Code. This
41 31 paragraph applies to taxable years beginning after
41 32 December 31, 2003, and before January 1, ~~2006~~ 2009, and
41 33 to taxable years beginning after December 31, 2009, and
41 34 before January 1, 2012.
41 35 Sec. 140. REFUNDS. Notwithstanding any provision
41 36 to the contrary in section 422.25, subsection 3,
41 37 a taxpayer who files an amended return in the time
41 38 permitted by statute to claim a refund related to the
41 39 allowance of the deduction enacted in this division of
41 40 this Act is only entitled to a refund of the amount
41 41 paid that is in excess of tax liability. The taxpayer
41 42 shall not be entitled to interest on such excess.
41 43 Sec. 141. EFFECTIVE DATE AND RETROACTIVE
41 44 APPLICABILITY. This division of this Act, being deemed
41 45 of immediate importance, takes effect upon enactment
41 46 and applies retroactively to tax years beginning on or
41 47 after January 1, 2006, and before January 1, 2009, and
41 48 to tax years beginning on or after January 1, 2010, and
41 49 before January 1, 2012.
41 50 DIVISION XVII

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42 1 SPECIAL FILING PROVISIONS
42 2 Sec. 142. SPECIAL FILING PROVISIONS.
42 3 1. Adjustments by individuals to federal adjusted
42 4 gross income and by corporations to federal taxable
42 5 income for tax returns filed prior to the enactment of
42 6 2011 Iowa Acts, Senate File 512, may be required as a
42 7 result of the provisions of the divisions of this Act
42 8 relating to the adjustment provisions enumerated in
42 9 this subsection. These adjustments are as follows:
42 10 a. The increased expensing allowance authorized in
42 11 section 179(b) of the Internal Revenue Code for tax
42 12 years beginning on or after January 1, 2010, but before
42 13 January 1, 2011.
42 14 b. The deduction for qualified tuition and related
42 15 expenses allowed under section 222 of the Internal
42 16 Revenue Code.
42 17 c. The deduction for certain expenses of elementary
42 18 and secondary school teachers allowed under section
42 19 62(a)(2)(D) of the Internal Revenue Code.
42 20 2. In lieu of filing an amended tax return,
42 21 taxpayers may make the adjustments, pursuant to rules
42 22 adopted by the director of revenue, on the next return
42 23 filed subsequent to the enactment of 2011 Iowa Acts,
42 24 Senate File 512. If the taxpayer elects not to file
42 25 an amended return, these provisions are suspended with
42 26 regard to the following adjustments otherwise available
42 27 as a result of this Act.
42 28 a. The limitation based on income provisions
42 29 and regulations of section 179(b)(3) of the Internal
42 30 Revenue Code with regard to the section 179(b)
42 31 adjustment.
42 32 b. The applicable dollar limit provisions of
42 33 section 222(b)(2)(B) of the Internal Revenue Code with
42 34 regard to the section 222 adjustment.
42 35 DIVISION XVIII
42 36 WITHHOLDING AGREEMENTS
42 37 Sec. 142. Section 403.19A, subsection 1, paragraphs
42 38 c and f, Code 2011, are amended to read as follows:
42 39 c. "Employer" means a business creating <u>or</u>
42 40 <u>retaining</u> targeted jobs in an urban renewal area of a
42 41 pilot project city pursuant to a withholding agreement.
42 42 f. "Targeted job" means a job in a business which
42 43 is or will be located in an urban renewal area of a
42 44 pilot project city that pays a wage at least equal to
42 45 the countywide average wage. "Targeted job" includes
42 46 new <u>or retained</u> jobs from Iowa business expansions
42 47 or retentions within the city limits of the pilot
42 48 project city and those jobs resulting from established
42 49 out=of=state businesses, as defined by the department
42 50 of economic development, moving to or expanding in

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43 1 Iowa.
43 2 Sec. 143. Section 403.19A, subsection 3, paragraph
43 3 c, subparagraph (1), Code 2011, is amended to read as
43 4 follows:
43 5 (1) The pilot project city shall enter into a
43 6 withholding agreement with each employer concerning
43 7 the targeted jobs withholding credit. The withholding
43 8 agreement shall provide for the total amount of
43 9 withholding tax credits awarded. An agreement shall
43 10 not provide for an amount of withholding credits that
43 11 exceeds the amount of the qualifying investment made in
43 12 the project. An agreement shall not be entered into by
43 13 a pilot project city with a business currently located
43 14 in this state unless the business either creates or
43 15 retains ten new jobs or makes a qualifying investment
43 16 of at least five hundred thousand dollars within
43 17 the urban renewal area. The withholding agreement
43 18 may have a term of up to ten years. An employer
43 19 shall not be obligated to enter into a withholding
43 20 agreement. An agreement shall not be entered into with
43 21 an employer not already located in a pilot project
43 22 city when another Iowa community is competing for the
43 23 same project and both the pilot project city and the
43 24 other Iowa community are seeking assistance from the
43 25 department.
43 26 Sec. 144. Section 403.19A, subsection 3, paragraph
43 27 f, Code 2011, is amended to read as follows:
43 28 f. If the employer ceases to meet the requirements
43 29 of the withholding agreement, the agreement shall be
43 30 terminated and any withholding tax credits for the
43 31 benefit of the employer shall cease. However, in
43 32 regard to the number of ~~new~~ jobs that are to be created
43 33 or retained, if the employer has met the number of
43 34 ~~new~~ jobs to be created or retained pursuant to the
43 35 withholding agreement and subsequently the number of
43 36 ~~new~~ jobs falls below the required level, the employer
43 37 shall not be considered as not meeting the ~~new~~ job
43 38 requirement until eighteen months after the date of the
43 39 decrease in the number of ~~new~~ jobs created or retained.
43 40 Sec. 145. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
43 41 APPLICABILITY. This division of this Act, being
43 42 deemed of immediate importance, takes effect upon
43 43 enactment and applies retroactively to July 1, 2006,
43 44 for agreements entered into on or after that date.
43 45 DIVISION XIX
43 46 DISASTER=RELATED PERSONAL CASUALTY LOSS DEDUCTIONS
43 47 Sec. 146. Section 422.9, Code 2011, is amended by
43 48 adding the following new subsection:
43 49 NEW SUBSECTION. 9. A taxpayer is allowed to take
43 50 the deduction for disaster=related casualty losses

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44 1 under section 165(h) of the Internal Revenue Code, as
44 2 modified by the Heartland Disaster Relief Act of 2008,
44 3 Pub. L. No. 110=343, in computing net income for state
44 4 tax purposes.
44 5 Sec. 147. Notwithstanding any provision to the
44 6 contrary in section 422.25, subsection 3, a taxpayer
44 7 who files an amended return in the time permitted by
44 8 statute to claim a refund related to the allowance of
44 9 the deduction enacted in this division of this Act is
44 10 only entitled to a refund of the amount paid that is
44 11 in excess of tax liability. The taxpayer shall not be
44 12 entitled to interest on such excess.
44 13 Sec. 148. EFFECTIVE DATE AND RETROACTIVE
44 14 APPLICABILITY. This division of this Act, being deemed
44 15 of immediate importance, takes effect upon enactment
44 16 and applies retroactively to January 1, 2008, for
44 17 tax years beginning on or after that date and before
44 18 January 1, 2009.
44 19 DIVISION XX
44 20 FIRE EXTINGUISHING AND ALARM SYSTEMS CONTRACTORS AND
44 21 INSTALLERS ==== ELECTRICIANS AND ELECTRICAL CONTRACTORS
44 22 ==== LICENSING
44 23 Sec. 149. Section 100C.1, subsection 13, Code 2011,
44 24 is amended by adding the following new paragraph:
44 25 NEW PARAGRAPH. c. For a telecommunications
44 26 company that has been issued a certificate of public
44 27 convenience and necessity pursuant to section 476.29,
44 28 a person with whom the telecommunications company
44 29 contracts, who is certified by the national institute
44 30 for certification in engineering technologies as
44 31 required in paragraph "a" or "b" or who meets any other
44 32 criteria established by rule.
44 33 Sec. 150. Section 100C.2, subsection 3, Code 2011,
44 34 is amended by adding the following new paragraph:
44 35 NEW PARAGRAPH. d. This subsection shall not
44 36 apply to a responsible managing employee with whom a
44 37 telecommunications company contracts as provided in
44 38 section 100C.1, subsection 13, paragraph "c".
44 39 Sec. 151. NEW SECTION. 103.1A Term "commercial"
44 40 applied.
44 41 As used in this chapter:
44 42 1. "Commercial" refers to a use, installation,
44 43 structure, or premises associated with a place of
44 44 business where goods, wares, services, or merchandise
44 45 is stored or offered for sale on a wholesale or retail
44 46 basis.
44 47 2. "Commercial" refers to a residence only if
44 48 the residence is also used as a place of business as
44 49 provided in subsection 1.
44 50 3. "Commercial" does not refer to a use,

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45 1 installation, structure, or premises associated with
45 2 any of the following:
45 3 a. A farm.
45 4 b. An industrial installation.
45 5 Sec. 152. Section 103.22, subsection 7, Code 2011,
45 6 is amended to read as follows:
45 7 7. Prohibit an owner of property from performing
45 8 work on the owner's principal residence, if such
45 9 residence is an existing dwelling rather than new
45 10 construction and is not an apartment that is attached
45 11 to any other apartment or building, as those terms are
45 12 defined in section 499B.2, and is not larger than a
45 13 single=family dwelling, ~~or farm property, excluding~~
~~45 14 commercial or industrial installations or installations~~
~~45 15 in public use buildings or facilities,~~ or require
45 16 such owner to be licensed under this chapter. In
45 17 order to qualify for inapplicability pursuant to this
45 18 subsection, a residence shall qualify for the homestead
45 19 tax exemption.
45 20 Sec. 153. Section 103.22, Code 2011, is amended by
45 21 adding the following new subsection:
45 22 NEW SUBSECTION. 15. Apply to a person performing
45 23 any installation on a farm, if the person is associated
45 24 with the farm as a holder of a legal or equitable
45 25 interest, a relative or employee of the holder, or
45 26 an operator or manager of the farm. The provisions
45 27 of this chapter do not require such person to be
45 28 licensed. In addition, a permit is not required for an
45 29 installation on a farm, and an installation on a farm
45 30 is not required to be inspected. In order for a farm
45 31 building to qualify under this subsection, the farm
45 32 building must not be regularly open to the public as a
45 33 place of business for the retail sale of goods, wares,
45 34 services, or merchandise.
45 35 DIVISION XXI
45 36 CLASS "A" FELONIES ==== JUVENILES
45 37 Sec. 154. Section 902.1, Code 2011, is amended to
45 38 read as follows:
45 39 902.1 Class "A" felony.
45 40 1. Upon a plea of guilty, a verdict of guilty, or
45 41 a special verdict upon which a judgment of conviction
45 42 of a class "A" felony may be rendered, the court shall
45 43 enter a judgment of conviction and shall commit the
45 44 defendant into the custody of the director of the
45 45 Iowa department of corrections for the rest of the
45 46 defendant's life. Nothing in the Iowa corrections code
45 47 pertaining to deferred judgment, deferred sentence,
45 48 suspended sentence, or reconsideration of sentence
45 49 applies to a class "A" felony, and a person convicted
45 50 of a class "A" felony shall not be released on parole

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46 1 unless the governor commutes the sentence to a term of
46 2 years.
46 3 2. a. Notwithstanding subsection 1, a person
46 4 convicted of a class "A" felony, and who was under the
46 5 age of eighteen at the time the offense was committed
46 6 shall be eligible for parole after serving a minimum
46 7 term of confinement of twenty=five years.
46 8 b. If a person is paroled pursuant to this
46 9 subsection the person shall be subject to the same set
46 10 of procedures set out in chapters 901B, 905, 906, and
46 11 chapter 908, and rules adopted under those chapters for
46 12 persons on parole.
46 13 c. A person convicted of murder in the first degree
46 14 in violation of section 707.2 shall not be eligible for
46 15 parole pursuant to this subsection.
46 16 Sec. 155. EFFECTIVE UPON ENACTMENT. This division
46 17 of this Act, being deemed of immediate importance,
46 18 takes effect upon enactment.
46 19 DIVISION XXII
46 20 SCHOOL DRESS CODES
46 21 Sec. 156. Section 279.58, subsection 1, Code 2011,
46 22 is amended by striking the subsection.
46 23 Sec. 157. Section 279.58, subsection 2, Code 2011,
46 24 is amended to read as follows:
46 25 2. The board of directors of a school district may
46 26 adopt, for the district or for an individual school
46 27 within the district, a dress code policy that ~~prohibits~~
46 28 ~~students from wearing gang=related or other specific~~
46 29 ~~apparel~~ prescribes standard dress, or that otherwise
46 30 imposes limitations on student dress without limiting
46 31 a student's constitutional rights and privileges,
46 32 if the board determines that the policy ~~is necessary~~
46 33 ~~for~~ would improve the health, safety, or positive
46 34 educational environment of students and staff in the
46 35 school environment or for the appropriate discipline
46 36 and operation of the school.
46 37 3. Adoption and enforcement of a dress code policy
46 38 pursuant to this section is not a violation of section
46 39 280.22.
46 40 Sec. 158. EFFECTIVE UPON ENACTMENT. This division
46 41 of this Act, being deemed of immediate importance,
46 42 takes effect upon enactment.
46 43 DIVISION XXIII
46 44 DAYS OF INSTRUCTION
46 45 Sec. 159. Section 256.7, subsection 19, Code 2011,
46 46 is amended to read as follows:
46 47 19. Define ~~the minimum school day as a day~~
46 48 ~~consisting of five and one=half hours of~~ instructional
46 49 ~~time for grades one through twelve. The minimum~~
46 50 hours as time spent with a licensed teacher that shall

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be exclusive of the lunch period and parent=teacher conferences, but may include passing time between classes. ~~Time spent on parent=teacher conferences shall be considered instructional time. A school or school district may record a day of school with less than the minimum instructional hours as a minimum school day if any of the following apply:~~

~~a. If emergency health or safety factors require the late arrival or early dismissal of students on a specific day.~~

~~b. If the total hours of instructional school time for grades one through twelve for any five consecutive school days equal a minimum of twenty=seven and one=half hours, even though any one day of school is less than the minimum instructional hours because of a staff development opportunity provided for the professional instructional staff or because parent=teacher conferences have been scheduled beyond the regular school day. Furthermore, if the total hours of instructional time for the first four consecutive days equal at least twenty=seven and one=half hours because parent=teacher conferences have been scheduled beyond the regular school day, a school or school district may record zero hours of instructional time on the fifth consecutive school day as a minimum school day.~~

Sec. 160. Section 256F.4, subsection 5, Code 2011, is amended to read as follows:

5. A charter school or innovation zone school shall provide instruction for at least the number of ~~days~~ hours required by section 279.10, subsection 1~~, or shall provide at least the equivalent number of total hours~~.

Sec. 161. Section 279.10, subsection 1, Code 2011, is amended to read as follows:

1. The school year for each school district and accredited nonpublic school shall begin on ~~the first day of~~ July 1 and each regularly established elementary and secondary school shall begin no sooner than a day during the calendar week in which the first day of September falls but no later than the first Monday in December. However, if the first day of September falls on a Sunday, school may begin on a day during the calendar week which immediately precedes the first day of September. ~~School shall continue for at least one hundred eighty days, except as provided in subsection 3, and may be maintained~~ The school calendar shall include not less than one thousand eighty hours of instruction during the ~~entire~~ calendar year. ~~However, if~~ The board of directors of a school district and the

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48 1 authorities in charge of an accredited nonpublic school
48 2 shall set the number of days of required attendance
48 3 for the school year as provided in section 299.1,
48 4 subsection 2, but the board of directors of a school
48 5 district shall hold a public hearing on any proposed
48 6 school calendar prior to adopting the school calendar.
48 7 If the board of directors of a district or the
48 8 authorities in charge of an accredited nonpublic school
48 9 extends the school calendar because inclement weather
48 10 caused the school district or accredited nonpublic
48 11 school to temporarily close ~~school~~ during the regular
48 12 school calendar, the school district or accredited
48 13 nonpublic school may excuse a graduating senior who
48 14 has met district or school requirements for graduation
48 15 from attendance during the extended school calendar. A
48 16 school corporation may begin employment of personnel
48 17 for in=service training and development purposes before
48 18 the date to begin elementary and secondary school.
48 19 Sec. 162. Section 279.10, subsections 2 and 3, Code
48 20 2011, are amended by striking the subsections.
48 21 Sec. 163. Section 299.4, subsection 1, Code 2011,
48 22 is amended to read as follows:
48 23 1. The parent, guardian, or legal custodian of a
48 24 child who is of compulsory attendance age, who places
48 25 the child under competent private instruction under
48 26 either section 299A.2 or 299A.3, not in an accredited
48 27 school or a home school assistance program operated
48 28 by a school district or accredited nonpublic school,
48 29 shall furnish a report in duplicate on forms provided
48 30 by the public school district, to the district by ~~the~~
48 31 ~~earliest starting date specified in section 279.10,~~
48 32 ~~subsection 1~~ September 1 of the school year in which
48 33 the child will be under competent private instruction.
48 34 The secretary shall retain and file one copy and
48 35 forward the other copy to the district's area education
48 36 agency. The report shall state the name and age of the
48 37 child, the period of time during which the child has
48 38 been or will be under competent private instruction
48 39 for the year, an outline of the course of study, texts
48 40 used, and the name and address of the instructor. The
48 41 parent, guardian, or legal custodian of a child, who is
48 42 placing the child under competent private instruction
48 43 for the first time, shall also provide the district
48 44 with evidence that the child has had the immunizations
48 45 required under section 139A.8, and, if the child is
48 46 elementary school age, a blood lead test in accordance
48 47 with section 135.105D. The term "outline of course of
48 48 study" shall include subjects covered, lesson plans,
48 49 and time spent on the areas of study.
48 50 Sec. 164. REPEAL. Section 256.22, Code 2011, is

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49 1 repealed.
49 2 Sec. 165. EFFECTIVE DATE. This division of this
49 3 Act takes effect July 1, 2012.
49 4 DIVISION XXIV
49 5 MEDICATION THERAPY MANAGEMENT
49 6 Sec. 166. 2010 Iowa Acts, chapter 1193, section
49 7 166, subsections 2 and 3, are amended to read as
49 8 follows:
49 9 2. a. Prior to July 1, 2010, the department of
49 10 administrative services shall utilize a request for
49 11 proposals process to contract for the provision of
49 12 medication therapy management services beginning
49 13 July 1, 2010, and prior to July 1, 2011, shall amend
49 14 the contract to continue the provision of medication
49 15 therapy management services beginning July 1, 2011,
49 16 for eligible employees who meet any of the following
49 17 criteria:
49 18 (1) An individual who takes four or more
49 19 prescription drugs to treat or prevent two or more
49 20 chronic medical conditions.
49 21 (2) An individual with a prescription drug therapy
49 22 problem who is identified by the prescribing physician
49 23 or other appropriate prescriber, and referred to a
49 24 pharmacist for medication therapy management services.
49 25 (3) An individual who meets other criteria
49 26 established by the third=party payment provider
49 27 contract, policy, or plan.
49 28 ~~b. The department of administrative services shall~~
49 29 ~~utilize an advisory committee comprised of an equal~~
49 30 ~~number of physicians and pharmacists to provide advice~~
49 31 ~~and oversight regarding the request for proposals and~~
49 32 ~~evaluation processes. The department shall appoint the~~
49 33 ~~members of the advisory council based upon designees~~
49 34 ~~of the Iowa pharmacy association, the Iowa medical~~
49 35 ~~society, and the Iowa osteopathic medical association.~~
49 36 ~~c.~~ b. The contract shall require the company
49 37 to provide annual reports to the general assembly
49 38 detailing the costs, savings, estimated cost avoidance
49 39 and return on investment, and patient outcomes
49 40 related to the medication therapy management services
49 41 provided. The company shall guarantee demonstrated
49 42 annual savings, including any savings associated with
49 43 cost avoidance at least equal to the program's costs
49 44 with any shortfall amount refunded to the state. As
49 45 a proof of concept in the program for the period
49 46 beginning July 1, 2010, and ending June 30, 2011, the
49 47 company shall offer a dollar=for=dollar guarantee for
49 48 drug product costs savings alone. Prior to entering
49 49 into a contract with a company, the department and
49 50 the company shall agree on the terms, conditions,

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50 1 and applicable measurement standards associated
50 2 with the demonstration of savings. The department
50 3 shall verify the demonstrated savings reported by
50 4 the company was performed in accordance with the
50 5 agreed upon measurement standards. The company shall
50 6 be prohibited from using the company's employees to
50 7 provide the medication therapy management services and
50 8 shall instead be required to contract with licensed
50 9 pharmacies, pharmacists, or physicians.
50 10 d. The fees for pharmacist=delivered medication
50 11 therapy management services shall be separate from
50 12 the reimbursement for prescription drug product or
50 13 dispensing services; shall be determined by each
50 14 third=party payment provider contract, policy, or plan;
50 15 and must be reasonable based on the resources and time
50 16 required to provide the service.
50 17 e. A fee shall be established for physician
50 18 reimbursement for services delivered for medication
50 19 therapy management as determined by each third=party
50 20 payment provider contract, policy, or plan, and must be
50 21 reasonable based on the resources and time required to
50 22 provide the service.
50 23 f. If any part of the medication therapy management
50 24 plan developed by a pharmacist incorporates services
50 25 which are outside the pharmacist's independent scope
50 26 of practice including the initiation of therapy,
50 27 modification of dosages, therapeutic interchange, or
50 28 changes in drug therapy, the express authorization
50 29 of the individual's physician or other appropriate
50 30 prescriber is required.
50 31 g. For the contract period beginning July 1, 2011,
50 32 the department shall utilize the services of the
50 33 college of pharmacy at a state university to validate
50 34 reported drug cost savings.
50 35 h. The results of the pilot program for the period
50 36 beginning July 1, 2010, and ending December 31, 2011,
50 37 shall be submitted to the general assembly no later
50 38 than March 1, 2012.
50 39 3. This section is repealed December 31, ~~2011~~ 2012.
50 40 Sec. 167. TRANSFER ==== MEDICATION THERAPY MANAGEMENT
50 41 PROGRAM. There is transferred $510,000 from the
50 42 fees collected by the board of pharmacy pursuant to
50 43 chapter 155A and retained by the board pursuant to the
50 44 authority granted in section 147.82 to the department
50 45 of administrative services for the fiscal year
50 46 beginning July 1, 2011, and ending June 30, 2012, to be
50 47 used to be used for the medication therapy management
50 48 program.
50 49 Sec. 168. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
50 50 APPLICABILITY. This division of this Act, being deemed

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of immediate importance, takes effect upon enactment, and is retroactively applicable to June 15, 2011.

DIVISION XXV

CONDITIONAL EFFECTIVE DATES FOR 2011 IOWA ACTS

Sec. 169. SENATE FILE 508 EFFECTIVE DATE. Unless otherwise provided, if 2011 Iowa Acts, Senate File 508, as enacted, is approved by the governor on or after July 1, 2011, the Act takes effect upon enactment and applies retroactively to July 1, 2011.

Sec. 170. SENATE FILE 511 EFFECTIVE DATE. Unless otherwise provided, if 2011 Iowa Acts, Senate File 511, as enacted, is approved by the governor on or after July 1, 2011, the Act takes effect upon enactment and applies retroactively to July 1, 2011.

Sec. 171. SENATE FILE 525 EFFECTIVE DATE. Unless otherwise provided, if 2011 Iowa Acts, Senate File 525, as enacted, is approved by the governor on or after July 1, 2011, the Act takes effect upon enactment and applies retroactively to June 30, 2011.

Sec. 172. SENATE FILE 148 EFFECTIVE DATE. Unless otherwise provided, if 2011 Iowa Acts, House File 148, as enacted, is approved by the governor on or after July 1, 2011, the Act takes effect upon enactment and applies retroactively to June 30, 2011.

Sec. 173. EFFECTIVE UPON ENACTMENT AND APPLICABILITY. This division of this Act, being deemed of immediate importance, takes effect upon enactment and applies as provided by this division of this Act.

DIVISION XXVI

NOTICE OF MORTGAGE MEDIATION ASSISTANCE ==== SUNSET

Sec. 174. Section 654.4B, subsection 2, paragraph b, Code 2011, is amended to read as follows:

b. This subsection is repealed July 1, ~~2011~~ 2012.

Sec. 175. EFFECTIVE UPON ENACTMENT AND RETROACTIVE APPLICABILITY. This division of this Act, being deemed of immediate importance, takes effect upon enactment and, if approved by the governor on or after July 1, 2011, applies retroactively to June 30, 2011.

DIVISION XXVII

HOUSING DEVELOPMENT ==== TAX STATUS

Sec. 176. Section 405.1, Code 2011, is amended to read as follows:

405.1 Housing development ==== tax status ==== limitation.

~~1.~~ The board of supervisors of a county ~~with a population of less than twenty thousand~~ may adopt an ordinance providing that property acquired and subdivided for development of housing shall continue to be assessed for taxation in the manner that it was prior to the acquisition for housing. Each lot shall

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52 1 continue to be taxed in the manner it was prior to
52 2 its acquisition for housing until the lot is sold for
52 3 construction or occupancy of housing or ~~five~~ ten years
52 4 from the date of subdivision, whichever is shorter.
52 5 Upon the sale or the expiration of the ~~five-year~~
~~52 6~~ ten=year period, the property shall be assessed for
52 7 taxation as residential or commercial multifamily
52 8 property, whichever is applicable.
52 9 ~~2. The board of supervisors of a county with~~
~~52 10 a population of twenty thousand or more may adopt~~
~~52 11 an ordinance providing that property acquired and~~
~~52 12 subdivided for development of housing shall continue~~
~~52 13 to be assessed for taxation in the manner that it was~~
~~52 14 prior to the acquisition for housing. Each lot shall~~
~~52 15 continue to be taxed in the manner it was prior to~~
~~52 16 its acquisition for housing until the lot is sold for~~
~~52 17 construction or occupancy of housing or three years~~
~~52 18 from the date of subdivision, whichever is shorter.~~
~~52 19 Upon the sale or the expiration of the three-year~~
~~52 20 period, the property shall be assessed for taxation~~
~~52 21 as residential or commercial multifamily property,~~
~~52 22 whichever is applicable.~~
52 23 Sec. 177. Section 441.72, Code 2011, is amended to
52 24 read as follows:
52 25 441.72 Assessment of platted lots.
52 26 When a subdivision plat is recorded pursuant to
52 27 chapter 354, the individual lots within the subdivision
52 28 plat shall not be assessed in excess of the total
52 29 assessment of the land as acreage or unimproved
52 30 property for ~~three~~ ten years after the recording of
52 31 the plat or until the lot is actually improved with
52 32 permanent construction, whichever occurs first. When
52 33 an individual lot has been improved with permanent
52 34 construction, the lot shall be assessed for taxation
52 35 purposes as provided in chapter 428 and this chapter.
52 36 This section does not apply to special assessment
52 37 levies.
52 38 Sec. 178. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
52 39 APPLICABILITY. This division of this Act, being deemed
52 40 of immediate importance, takes effect upon enactment
52 41 and applies retroactively to assessment years beginning
52 42 on or after January 1, 2011. The division applies to
52 43 subdivision plats recorded on or after January 1, 2004.
52 44 DIVISION XXVIII
52 45 CONDITIONAL RETROACTIVE APPLICABILITY
52 46 Sec. 179. RETROACTIVE APPLICABILITY. Unless
52 47 otherwise provided, this Act, if approved by
52 48 the governor on or after July 1, 2011, applies
52 49 retroactively to July 1, 2011.>
52 50 #2. By renumbering as necessary.

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# Iowa General Assembly
# Daily Bills, Amendments & Study Bills
# June 27, 2011

# House Amendment 1750

PAG LIN

1 1 Amend the Senate amendment, H=1682, to House File
1 2 646, as amended, passed, and reprinted by the House, as
1 3 follows:
1 4 #1. By striking page 1, line 5, through page 36,
1 5 line 47, and inserting:
1 6 <DIVISION I
1 7 FY 2011=2012
1 8 Section 1. DEPARTMENT OF ADMINISTRATIVE SERVICES.
1 9 1. There is appropriated from the general fund of
1 10 the state to the department of administrative services
1 11 for the fiscal year beginning July 1, 2011, and ending
1 12 June 30, 2012, the following amounts, or so much
1 13 thereof as is necessary, to be used for the purposes
1 14 designated, and for not more than the following
1 15 full=time equivalent positions:
1 16 a. For salaries, support, maintenance, and
1 17 miscellaneous purposes:
1 18 ..... $ 4,020,344
1 19 ..... FTEs 84.18
1 20 b. For the payment of utility costs:
1 21 ..... $ 2,626,460
1 22 ..... FTEs 1.00
1 23 Notwithstanding section 8.33, any excess funds
1 24 appropriated for utility costs in this lettered
1 25 paragraph shall not revert to the general fund of the
1 26 state at the end of the fiscal year but shall remain
1 27 available for expenditure for the purposes of this
1 28 lettered paragraph during the succeeding fiscal year.
1 29 c. For Terrace Hill operations:
1 30 ..... $ 405,914
1 31 ..... FTEs 6.88
1 32 d. For the I3 distribution account:
1 33 ..... $ 3,277,946
1 34 e. For operations and maintenance of the Iowa
1 35 building:
1 36 ..... $ 995,535
1 37 ..... FTEs 7.00
1 38 2. Members of the general assembly serving as
1 39 members of the deferred compensation advisory board
1 40 shall be entitled to receive per diem and necessary
1 41 travel and actual expenses pursuant to section 2.10,
1 42 subsection 5, while carrying out their official duties
1 43 as members of the board.
1 44 3. Any funds and premiums collected by the
1 45 department for workers' compensation shall be
1 46 segregated into a separate workers' compensation
1 47 fund in the state treasury to be used for payment of
1 48 state employees' workers' compensation claims and
1 49 administrative costs. Notwithstanding section 8.33,
1 50 unencumbered or unobligated moneys remaining in this

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2 1 workers' compensation fund at the end of the fiscal
2 2 year shall not revert but shall be available for
2 3 expenditure for purposes of the fund for subsequent
2 4 fiscal years.
2 5 Sec. 2. LEASING AUTHORITY IMPLEMENTATION.
2 6 1. A state agency that has entered into a lease
2 7 for any buildings or office space shall forward a
2 8 copy of each such existing lease to the department of
2 9 administrative services for review prior to July 1,
2 10 2011.
2 11 2. A state agency that is in the process of
2 12 entering into or renewing a lease for any building
2 13 or office space shall contact the department of
2 14 administrative services prior to finalizing such lease.
2 15 Such lease shall not be entered into or renewed without
2 16 the approval of the department.
2 17 3. The department shall provide space management
2 18 services and begin to lease all buildings and office
2 19 space wherever located throughout the state as provided
2 20 in section 8A.321, as amended by this Act, as soon
2 21 as practicable, but by no later than December 1,
2 22 2011. Prior to assuming those responsibilities,
2 23 the department shall review and approve leases under
2 24 subsection 2 unless, in the department's discretion, it
2 25 is determined that entering into or renewing such lease
2 26 would not be in the best interests of the state.
2 27 4. The department is authorized to assess a fee
2 28 to a state agency for which a lease is negotiated
2 29 or renewed pursuant to this Act sufficient to cover
2 30 the department's costs in providing space management
2 31 services under this Act.
2 32 Sec. 3. TRAVEL REIMBURSEMENT IMPLEMENTATION.
2 33 1. If this Act is approved by the governor
2 34 prior to July 1, 2011, the electronic online travel
2 35 authorization form provided for in section 8A.512A, if
2 36 enacted, shall be developed on or before July 1, 2011,
2 37 and executive branch employees subject to that section
2 38 traveling out of state on behalf of the state shall
2 39 utilize the form on and after that date.
2 40 2. The database to be made available by the
2 41 department of administrative services as provided in
2 42 section 8A.512A, if enacted, shall be developed and
2 43 available for public access on or before January 1,
2 44 2012.
2 45 3. The department shall develop a plan for
2 46 converting the existing reimbursement process to a
2 47 paperless process, including implementation steps, a
2 48 timeline, and an estimated budget. The plan shall be
2 49 submitted to the governor by no later than January 1,
2 50 2012.

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3 1 Sec. 4. REVOLVING FUNDS. There is appropriated
3 2 to the department of administrative services for the
3 3 fiscal year beginning July 1, 2011, and ending June
3 4 30, 2012, from the revolving funds designated in
3 5 chapter 8A and from internal service funds created
3 6 by the department such amounts as the department
3 7 deems necessary for the operation of the department
3 8 consistent with the requirements of chapter 8A.
3 9 Sec. 5. FUNDING FOR IOWACCESS.
3 10 1. Notwithstanding section 321A.3, subsection
3 11 1, for the fiscal year beginning July 1, 2011, and
3 12 ending June 30, 2012, the first $750,000 collected
3 13 and transferred by the department of transportation
3 14 to the treasurer of state with respect to the fees
3 15 for transactions involving the furnishing of a
3 16 certified abstract of a vehicle operating record under
3 17 section 321A.3, subsection 1, shall be transferred
3 18 to the IowAccess revolving fund for the purposes of
3 19 developing, implementing, maintaining, and expanding
3 20 electronic access to government records as provided by
3 21 law.
3 22 2. All fees collected with respect to transactions
3 23 involving IowAccess shall be deposited in the IowAccess
3 24 revolving fund and shall be used only for the support
3 25 of IowAccess projects.
3 26 3. For the fiscal year beginning July 1, 2011,
3 27 and ending June 30, 2012, there is appropriated from
3 28 the IowAccess revolving fund, to the office of the
3 29 secretary of state $75,000 for costs associated with
3 30 decennial redistricting.
3 31 Sec. 6. STATE EMPLOYEE HEALTH INSURANCE
3 32 ADMINISTRATION CHARGE. For the fiscal year beginning
3 33 July 1, 2011, and ending June 30, 2012, the monthly per
3 34 contract administrative charge which may be assessed by
3 35 the department of administrative services shall be $2
3 36 per contract on all health insurance plans administered
3 37 by the department.
3 38 Sec. 7. AUDITOR OF STATE.
3 39 1. There is appropriated from the general fund of
3 40 the state to the office of the auditor of state for the
3 41 fiscal year beginning July 1, 2011, and ending June 30,
3 42 2012, the following amount, or so much thereof as is
3 43 necessary, to be used for the purposes designated, and
3 44 for not more than the following full=time equivalent
3 45 positions:
3 46 For salaries, support, maintenance, and
3 47 miscellaneous purposes:
3 48 ..... $ 905,468
3 49 ..... FTEs 103.00
3 50 2. The auditor of state may retain additional

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4 1 full=time equivalent positions as is reasonable and
4 2 necessary to perform governmental subdivision audits
4 3 which are reimbursable pursuant to section 11.20
4 4 or 11.21, to perform audits which are requested by
4 5 and reimbursable from the federal government, and
4 6 to perform work requested by and reimbursable from
4 7 departments or agencies pursuant to section 11.5A
4 8 or 11.5B. The auditor of state shall notify the
4 9 department of management, the legislative fiscal
4 10 committee, and the legislative services agency of the
4 11 additional full=time equivalent positions retained.
4 12 3. The auditor of state shall allocate resources
4 13 from the appropriation in this section solely for audit
4 14 work related to the comprehensive annual financial
4 15 report, federally required audits, and investigations
4 16 of embezzlement, theft, or other significant financial
4 17 irregularities until the audit of the comprehensive
4 18 annual financial report is complete.
4 19 Sec. 8. IOWA ETHICS AND CAMPAIGN DISCLOSURE
4 20 BOARD. There is appropriated from the general fund of
4 21 the state to the Iowa ethics and campaign disclosure
4 22 board for the fiscal year beginning July 1, 2011, and
4 23 ending June 30, 2012, the following amount, or so much
4 24 thereof as is necessary, for the purposes designated:
4 25 For salaries, support, maintenance, and
4 26 miscellaneous purposes, and for not more than the
4 27 following full=time equivalent positions:
4 28 ..... $ 475,000
4 29 ..... FTEs 5.00
4 30 Sec. 9. DEPARTMENT OF COMMERCE.
4 31 1. There is appropriated from the general fund
4 32 of the state to the department of commerce for the
4 33 fiscal year beginning July 1, 2011, and ending June 30,
4 34 2012, the following amounts, or so much thereof as is
4 35 necessary, for the purposes designated:
4 36 a. ALCOHOLIC BEVERAGES DIVISION
4 37 (1) For salaries, support, maintenance, and
4 38 miscellaneous purposes, and for not more than the
4 39 following full=time equivalent positions:
4 40 ..... $ 1,220,391
4 41 ..... FTEs 21.00
4 42 (2) Of the funds appropriated pursuant to this
4 43 paragraph, up to $60,000 shall be used to establish
4 44 and implement a web=based alcohol compliance employee
4 45 training program for alcoholic beverage sales
4 46 personnel.
4 47 b. PROFESSIONAL LICENSING AND REGULATION BUREAU
4 48 For salaries, support, maintenance, and
4 49 miscellaneous purposes, and for not more than the
4 50 following full=time equivalent positions:

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5 1 ..... $ 600,353
5 2 ..... FTEs 12.00
5 3 2. There is appropriated from the department of
5 4 commerce revolving fund created in section 546.12
5 5 to the department of commerce for the fiscal year
5 6 beginning July 1, 2011, and ending June 30, 2012, the
5 7 following amounts, or so much thereof as is necessary,
5 8 for the purposes designated:
5 9 a. BANKING DIVISION
5 10 For salaries, support, maintenance, and
5 11 miscellaneous purposes, and for not more than the
5 12 following full=time equivalent positions:
5 13 ..... $ 8,851,670
5 14 ..... FTEs 80.00
5 15 b. CREDIT UNION DIVISION
5 16 For salaries, support, maintenance, and
5 17 miscellaneous purposes, and for not more than the
5 18 following full=time equivalent positions:
5 19 ..... $ 1,727,995
5 20 ..... FTEs 19.00
5 21 c. INSURANCE DIVISION
5 22 (1) For salaries, support, maintenance, and
5 23 miscellaneous purposes, and for not more than the
5 24 following full=time equivalent positions:
5 25 ..... $ 4,983,244
5 26 ..... FTEs 106.50
5 27 (2) The insurance division may reallocate
5 28 authorized full=time equivalent positions as necessary
5 29 to respond to accreditation recommendations or
5 30 requirements. The insurance division expenditures
5 31 for examination purposes may exceed the projected
5 32 receipts, refunds, and reimbursements, estimated
5 33 pursuant to section 505.7, subsection 7, including the
5 34 expenditures for retention of additional personnel,
5 35 if the expenditures are fully reimbursable and the
5 36 division first does both of the following:
5 37 (a) Notifies the department of management, the
5 38 legislative services agency, and the legislative fiscal
5 39 committee of the need for the expenditures.
5 40 (b) Files with each of the entities named in
5 41 subparagraph division (a) the legislative and
5 42 regulatory justification for the expenditures, along
5 43 with an estimate of the expenditures.
5 44 d. UTILITIES DIVISION
5 45 (1) For salaries, support, maintenance, and
5 46 miscellaneous purposes, and for not more than the
5 47 following full=time equivalent positions:
5 48 ..... $ 8,173,069
5 49 ..... FTEs 79.00
5 50 (2) The utilities division may expend additional

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6 1 funds, including funds for additional personnel, if
6 2 those additional expenditures are actual expenses which
6 3 exceed the funds budgeted for utility regulation and
6 4 the expenditures are fully reimbursable. Before the
6 5 division expends or encumbers an amount in excess of
6 6 the funds budgeted for regulation, the division shall
6 7 first do both of the following:
6 8 (a) Notify the department of management, the
6 9 legislative services agency, and the legislative fiscal
6 10 committee of the need for the expenditures.
6 11 (b) File with each of the entities named in
6 12 subparagraph division (a) the legislative and
6 13 regulatory justification for the expenditures, along
6 14 with an estimate of the expenditures.
6 15 (3) Notwithstanding sections 8.33 and 476.10 or
6 16 any other provisions to the contrary, any unencumbered
6 17 or unobligated balance of the appropriation made in
6 18 this paragraph for the utilities division or any other
6 19 operational appropriation made for the fiscal year
6 20 beginning July 1, 2011, and ending June 30, 2012,
6 21 that remains unused, unencumbered, or unobligated
6 22 at the close of the fiscal year shall not revert but
6 23 shall remain available to be used for purposes of the
6 24 energy=efficient building project authorized under
6 25 section 476.10B, or for relocation costs in succeeding
6 26 fiscal years.
6 27 (4) In addition to the funds otherwise appropriated
6 28 to the division in subparagraph (1), and contingent
6 29 upon the enactment of legislation during the 2011
6 30 legislative session relating to the permitting,
6 31 licensing, construction, and operation of nuclear
6 32 generation facilities and establishing rate=making
6 33 principles in relation thereto, for salaries, support,
6 34 maintenance, and miscellaneous purposes, and for not
6 35 more than the following full=time equivalent positions:
6 36 ..... $ 500,000
6 37 ..... FTEs 3.50
6 38 3. CHARGES. Each division and the office of
6 39 consumer advocate shall include in its charges
6 40 assessed or revenues generated an amount sufficient
6 41 to cover the amount stated in its appropriation and
6 42 any state=assessed indirect costs determined by the
6 43 department of administrative services.
6 44 Sec. 10. DEPARTMENT OF COMMERCE ==== PROFESSIONAL
6 45 LICENSING AND REGULATION BUREAU. There is appropriated
6 46 from the housing trust fund of the Iowa finance
6 47 authority created in section 16.181, to the bureau of
6 48 professional licensing and regulation of the banking
6 49 division of the department of commerce for the fiscal
6 50 year beginning July 1, 2011, and ending June 30,

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7 1 2012, the following amount, or so much thereof as is
7 2 necessary, to be used for the purposes designated:
7 3 For salaries, support, maintenance, and
7 4 miscellaneous purposes:
7 5 ..... $ 62,317
7 6 Sec. 11. GOVERNOR AND LIEUTENANT GOVERNOR. There
7 7 is appropriated from the general fund of the state to
7 8 the offices of the governor and the lieutenant governor
7 9 for the fiscal year beginning July 1, 2011, and ending
7 10 June 30, 2012, the following amounts, or so much
7 11 thereof as is necessary, to be used for the purposes
7 12 designated:
7 13 For salaries, support, maintenance, and
7 14 miscellaneous purposes:
7 15 ..... $ 2,288,025
7 16 ..... FTEs 22.88
7 17 Sec. 12. GOVERNOR'S OFFICE OF DRUG CONTROL
7 18 POLICY. There is appropriated from the general fund
7 19 of the state to the governor's office of drug control
7 20 policy for the fiscal year beginning July 1, 2011, and
7 21 ending June 30, 2012, the following amount, or so much
7 22 thereof as is necessary, to be used for the purposes
7 23 designated:
7 24 For salaries, support, maintenance, and
7 25 miscellaneous purposes, including statewide
7 26 coordination of the drug abuse resistance education
7 27 (D.A.R.E.) programs or similar programs, and for not
7 28 more than the following full=time equivalent positions:
7 29 ..... $ 290,000
7 30 ..... FTEs 8.00
7 31 Sec. 13. DEPARTMENT OF HUMAN RIGHTS. There is
7 32 appropriated from the general fund of the state to
7 33 the department of human rights for the fiscal year
7 34 beginning July 1, 2011, and ending June 30, 2012, the
7 35 following amounts, or so much thereof as is necessary,
7 36 to be used for the purposes designated:
7 37 1. CENTRAL ADMINISTRATION DIVISION
7 38 For salaries, support, maintenance, and
7 39 miscellaneous purposes, and for not more than the
7 40 following full=time equivalent positions:
7 41 ..... $ 206,103
7 42 ..... FTEs 7.00
7 43 2. COMMUNITY ADVOCACY AND SERVICES DIVISION
7 44 For salaries, support, maintenance, and
7 45 miscellaneous purposes, and for not more than the
7 46 following full=time equivalent positions:
7 47 ..... $ 1,028,077
7 48 ..... FTEs 17.00
7 49 3. CRIMINAL AND JUVENILE JUSTICE PLANNING DIVISION
7 50 For salaries, support, maintenance, and

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8 1 miscellaneous purposes, and for not more than the
8 2 following full=time equivalent positions:
8 3 ..... $ 1,023,892
8 4 ..... FTEs 10.00
8 5 The criminal and juvenile justice planning advisory
8 6 council and the juvenile justice advisory council
8 7 shall coordinate their efforts in carrying out their
8 8 respective duties relative to juvenile justice.
8 9 Sec. 14. DEPARTMENT OF INSPECTIONS AND
8 10 APPEALS. There is appropriated from the general fund
8 11 of the state to the department of inspections and
8 12 appeals for the fiscal year beginning July 1, 2011, and
8 13 ending June 30, 2012, the following amounts, or so much
8 14 thereof as is necessary, for the purposes designated:
8 15 1. ADMINISTRATION DIVISION
8 16 For salaries, support, maintenance, and
8 17 miscellaneous purposes, and for not more than the
8 18 following full=time equivalent positions:
8 19 ..... $ 1,527,740
8 20 ..... FTEs 37.40
8 21 2. ADMINISTRATIVE HEARINGS DIVISION
8 22 For salaries, support, maintenance, and
8 23 miscellaneous purposes, and for not more than the
8 24 following full=time equivalent positions:
8 25 ..... $ 528,753
8 26 ..... FTEs 23.00
8 27 3. INVESTIGATIONS DIVISION
8 28 a. For salaries, support, maintenance, and
8 29 miscellaneous purposes, and for not more than the
8 30 following full=time equivalent positions:
8 31 ..... $ 1,168,639
8 32 ..... FTEs 58.50
8 33 b. The department, in coordination with the
8 34 investigations division, shall provide a report to
8 35 the general assembly by January 10, 2012, concerning
8 36 the fiscal impact of additional full=time equivalent
8 37 positions on the department's efforts relative to the
8 38 Medicaid divestiture program under chapter 249F.
8 39 4. HEALTH FACILITIES DIVISION
8 40 a. For salaries, support, maintenance, and
8 41 miscellaneous purposes, and for not more than the
8 42 following full=time equivalent positions:
8 43 ..... $ 3,555,328
8 44 ..... FTEs 134.75
8 45 b. The department shall, in coordination with
8 46 the health facilities division, make the following
8 47 information available to the public in a timely
8 48 manner, to include providing the information on the
8 49 department's internet website, during the fiscal year
8 50 beginning July 1, 2011, and ending June 30, 2012:

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9 1 (1) The number of inspections conducted by the
9 2 division annually by type of service provider and type
9 3 of inspection.
9 4 (2) The total annual operations budget for the
9 5 division, including general fund appropriations and
9 6 federal contract dollars received by type of service
9 7 provider inspected.
9 8 (3) The total number of full=time equivalent
9 9 positions in the division, to include the number of
9 10 full=time equivalent positions serving in a supervisory
9 11 capacity, and serving as surveyors, inspectors, or
9 12 monitors in the field by type of service provider
9 13 inspected.
9 14 (4) Identification of state and federal survey
9 15 trends, cited regulations, the scope and severity of
9 16 deficiencies identified, and federal and state fines
9 17 assessed and collected concerning nursing and assisted
9 18 living facilities and programs.
9 19 c. It is the intent of the general assembly that
9 20 the department and division continuously solicit input
9 21 from facilities regulated by the division to assess and
9 22 improve the division's level of collaboration and to
9 23 identify new opportunities for cooperation.
9 24 5. EMPLOYMENT APPEAL BOARD
9 25 a. For salaries, support, maintenance, and
9 26 miscellaneous purposes, and for not more than the
9 27 following full=time equivalent positions:
9 28 ..... $ 42,215
9 29 ..... FTEs 14.00
9 30 b. The employment appeal board shall be reimbursed
9 31 by the labor services division of the department
9 32 of workforce development for all costs associated
9 33 with hearings conducted under chapter 91C, related
9 34 to contractor registration. The board may expend,
9 35 in addition to the amount appropriated under this
9 36 subsection, additional amounts as are directly billable
9 37 to the labor services division under this subsection
9 38 and to retain the additional full=time equivalent
9 39 positions as needed to conduct hearings required
9 40 pursuant to chapter 91C.
9 41 6. CHILD ADVOCACY BOARD
9 42 a. For foster care review and the court appointed
9 43 special advocate program, including salaries, support,
9 44 maintenance, and miscellaneous purposes, and for not
9 45 more than the following full=time equivalent positions:
9 46 ..... $ 2,680,290
9 47 ..... FTEs 40.80
9 48 b. The department of human services, in
9 49 coordination with the child advocacy board and the
9 50 department of inspections and appeals, shall submit an

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10 1 application for funding available pursuant to Tit. IV=E
10 2 of the federal Social Security Act for claims for child
10 3 advocacy board administrative review costs.
10 4 c. The court appointed special advocate program
10 5 shall investigate and develop opportunities for
10 6 expanding fund=raising for the program.
10 7 d. Administrative costs charged by the department
10 8 of inspections and appeals for items funded under this
10 9 subsection shall not exceed 4 percent of the amount
10 10 appropriated in this subsection.
10 11 Sec. 15. DEPARTMENT OF INSPECTIONS AND APPEALS
10 12 ==== MUNICIPAL CORPORATION FOOD INSPECTIONS. For the
10 13 fiscal year beginning July 1, 2011, and ending June 30,
10 14 2012, the department of inspections and appeals shall
10 15 retain any license fees generated during the fiscal
10 16 year as a result of actions under section 137F.3A
10 17 occurring during the period beginning July 1, 2009, and
10 18 ending June 30, 2011, for the purpose of enforcing the
10 19 provisions of chapters 137C, 137D, and 137F.
10 20 Sec. 16. DEPARTMENT OF INSPECTIONS AND APPEALS ====
10 21 HEALTH CARE FACILITIES INSPECTIONS. Notwithstanding
10 22 any provision of section 135C.16 to the contrary,
10 23 inspections of health care facilities that are only
10 24 state=licensed and not certified under the Medicare
10 25 or Medicaid programs shall not be inspected by the
10 26 department of inspections and appeals every thirty
10 27 months, but only as provided pursuant to sections
10 28 135C.9 and 135C.38.
10 29 Sec. 17. DEPARTMENT OF INSPECTIONS AND
10 30 APPEALS ==== GENERAL SUPPORT ==== MEDICAID FRAUD FUND
10 31 APPROPRIATION. There is appropriated from the Medicaid
10 32 fraud fund created in section 249A.7 to the health
10 33 facilities division of the department of inspections
10 34 and appeals for the fiscal year beginning July 1, 2011,
10 35 and ending June 30, 2012, the following amount, or
10 36 so much thereof as is necessary, to be used for the
10 37 purposes designated:
10 38 For salaries, support, maintenance, and
10 39 miscellaneous purposes:
10 40 ..... $ 650,000
10 41 Sec. 18. DEPARTMENT OF INSPECTIONS AND APPEALS
10 42 ==== STATE MATCH REQUIREMENTS ==== MEDICAID FRAUD FUND
10 43 APPROPRIATION. There is appropriated from the Medicaid
10 44 fraud fund created in section 249A.7 to the department
10 45 of inspections and appeals for the fiscal year
10 46 beginning July 1, 2011, and ending June 30, 2012, the
10 47 amounts necessary for the purposes designated:
10 48 1. To cover the cost of any state match to draw
10 49 down matching federal funds through the department of
10 50 human services for additional full=time equivalent

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11 1 positions for conducting investigations of alleged
11 2 fraud and overpayments of food assistance benefits
11 3 through electronic benefits transfer.
11 4 2. For the state financial match requirement
11 5 for meeting the federal mandates connected with the
11 6 department's Medicaid fraud and abuse activities, and
11 7 the amount necessary to cover costs incurred by the
11 8 department or other agencies in providing regulation,
11 9 responding to allegations, or other activity involving
11 10 chapter 135O.
11 11 Sec. 19. DEPARTMENT OF INSPECTIONS AND APPEALS
11 12 ==== LEGISLATIVE IMPLEMENTATION ==== MEDICAID FRAUD FUND
11 13 APPROPRIATION. There is appropriated from the Medicaid
11 14 fraud fund created in section 249A.7 to the department
11 15 of inspections and appeals for the fiscal year
11 16 beginning July 1, 2011, and ending June 30, 2012, the
11 17 following amount, or so much thereof as is necessary,
11 18 to be used for the purposes designated:
11 19 For salaries, support, maintenance, miscellaneous
11 20 purposes, administration, and other costs associated
11 21 with implementation of 2010 Iowa Acts, chapter 1177:
11 22 ..... $ 250,000
11 23 Sec. 20. RACING AND GAMING COMMISSION.
11 24 1. RACETRACK REGULATION
11 25 There is appropriated from the gaming regulatory
11 26 revolving fund established in section 99F.20 to the
11 27 racing and gaming commission of the department of
11 28 inspections and appeals for the fiscal year beginning
11 29 July 1, 2011, and ending June 30, 2012, the following
11 30 amount, or so much thereof as is necessary, to be used
11 31 for the purposes designated:
11 32 For salaries, support, maintenance, and
11 33 miscellaneous purposes for the regulation of
11 34 pari=mutuel racetracks, and for not more than the
11 35 following full=time equivalent positions:
11 36 ..... $ 2,511,440
11 37 ..... FTEs 28.53
11 38 2. EXCURSION BOAT AND GAMBLING STRUCTURE REGULATION
11 39 There is appropriated from the gaming regulatory
11 40 revolving fund established in section 99F.20 to the
11 41 racing and gaming commission of the department of
11 42 inspections and appeals for the fiscal year beginning
11 43 July 1, 2011, and ending June 30, 2012, the following
11 44 amount, or so much thereof as is necessary, to be used
11 45 for the purposes designated:
11 46 For salaries, support, maintenance, and
11 47 miscellaneous purposes for administration and
11 48 enforcement of the excursion boat gambling and gambling
11 49 structure laws, and for not more than the following
11 50 full=time equivalent positions:

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12 1 ..... $ 3,078,100
12 2 ..... FTEs 44.22
12 3 Sec. 21. ROAD USE TAX FUND APPROPRIATION ====
12 4 DEPARTMENT OF INSPECTIONS AND APPEALS. There is
12 5 appropriated from the road use tax fund created in
12 6 section 312.1 to the administrative hearings division
12 7 of the department of inspections and appeals for the
12 8 fiscal year beginning July 1, 2011, and ending June 30,
12 9 2012, the following amount, or so much thereof as is
12 10 necessary, for the purposes designated:
12 11 For salaries, support, maintenance, and
12 12 miscellaneous purposes:
12 13 ..... $ 1,623,897
12 14 Sec. 22. DEPARTMENT OF MANAGEMENT.
12 15 1. There is appropriated from the general fund
12 16 of the state to the department of management for the
12 17 fiscal year beginning July 1, 2011, and ending June 30,
12 18 2012, the following amounts, or so much thereof as is
12 19 necessary, to be used for the purposes designated:
12 20 For salaries, support, maintenance, and
12 21 miscellaneous purposes, and for not more than the
12 22 following full=time equivalent positions:
12 23 ..... $ 2,393,998
12 24 ..... FTEs 25.00
12 25 2. Of the moneys appropriated in this section, the
12 26 department shall use a portion for enterprise resource
12 27 planning, providing for a salary model administrator,
12 28 conducting performance audits, and for the department's
12 29 LEAN process.
12 30 Sec. 23. ROAD USE TAX APPROPRIATION ==== DEPARTMENT
12 31 OF MANAGEMENT. There is appropriated from the road use
12 32 tax fund created in section 312.1 to the department
12 33 of management for the fiscal year beginning July 1,
12 34 2011, and ending June 30, 2012, the following amount,
12 35 or so much thereof as is necessary, to be used for the
12 36 purposes designated:
12 37 For salaries, support, maintenance, and
12 38 miscellaneous purposes:
12 39 ..... $ 56,000
12 40 Sec. 24. DEPARTMENT OF REVENUE.
12 41 1. There is appropriated from the general fund
12 42 of the state to the department of revenue for the
12 43 fiscal year beginning July 1, 2011, and ending June 30,
12 44 2012, the following amounts, or so much thereof as is
12 45 necessary, to be used for the purposes designated:
12 46 For salaries, support, maintenance, and
12 47 miscellaneous purposes, and for not more than the
12 48 following full=time equivalent positions:
12 49 ..... $ 17,659,484
12 50 ..... FTEs 303.48

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13 1 2. Of the funds appropriated pursuant to this
13 2 section, $400,000 shall be used to pay the direct
13 3 costs of compliance related to the collection and
13 4 distribution of local sales and services taxes imposed
13 5 pursuant to chapters 423B and 423E.
13 6 3. The director of revenue shall prepare and issue
13 7 a state appraisal manual and the revisions to the
13 8 state appraisal manual as provided in section 421.17,
13 9 subsection 17, without cost to a city or county.
13 10 Sec. 25. MOTOR VEHICLE FUEL TAX
13 11 APPROPRIATION. There is appropriated from the motor
13 12 fuel tax fund created by section 452A.77 to the
13 13 department of revenue for the fiscal year beginning
13 14 July 1, 2011, and ending June 30, 2012, the following
13 15 amount, or so much thereof as is necessary, to be used
13 16 for the purposes designated:
13 17 For salaries, support, maintenance, miscellaneous
13 18 purposes, and for administration and enforcement of the
13 19 provisions of chapter 452A and the motor vehicle use
13 20 tax program:
13 21 ..... $ 1,305,775
13 22 Sec. 26. SECRETARY OF STATE.
13 23 1. There is appropriated from the general fund of
13 24 the state to the office of the secretary of state for
13 25 the fiscal year beginning July 1, 2011, and ending June
13 26 30, 2012, the following amounts, or so much thereof as
13 27 is necessary, to be used for the purposes designated:
13 28 For salaries, support, maintenance, and miscellaneous
13 29 purposes, and for not more than the following full=time
13 30 equivalent positions:
13 31 ..... $ 2,895,585
13 32 ..... FTEs 45.00
13 33 2. The state department or state agency which
13 34 provides data processing services to support voter
13 35 registration file maintenance and storage shall provide
13 36 those services without charge.
13 37 Sec. 27. SECRETARY OF STATE FILING FEES REFUND.
13 38 Notwithstanding the obligation to collect fees pursuant
13 39 to the provisions of section 490.122, subsection 1,
13 40 paragraphs "a" and "s", and section 504.113, subsection
13 41 1, paragraphs "a", "c", "d", "j", "k", "l", and
13 42 "m", for the fiscal year beginning July 1, 2011, the
13 43 secretary of state may refund these fees to the filer
13 44 pursuant to rules established by the secretary of
13 45 state. The decision of the secretary of state not to
13 46 issue a refund under rules established by the secretary
13 47 of state is final and not subject to review pursuant
13 48 to chapter 17A.
13 49 Sec. 28. TREASURER.
13 50 1. There is appropriated from the general fund of

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14 1 the state to the office of treasurer of state for the
14 2 fiscal year beginning July 1, 2011, and ending June 30,
14 3 2012, the following amount, or so much thereof as is
14 4 necessary, to be used for the purposes designated:
14 5 For salaries, support, maintenance, and
14 6 miscellaneous purposes, and for not more than the
14 7 following full=time equivalent positions:
14 8 ..... $ 854,289
14 9 ..... FTEs 28.80
14 10 2. The office of treasurer of state shall supply
14 11 clerical and secretarial support for the executive
14 12 council.
14 13 Sec. 29. ROAD USE TAX APPROPRIATION ==== OFFICE
14 14 OF TREASURER OF STATE. There is appropriated from
14 15 the road use tax fund created in section 312.1 to
14 16 the office of treasurer of state for the fiscal year
14 17 beginning July 1, 2011, and ending June 30, 2012, the
14 18 following amount, or so much thereof as is necessary,
14 19 to be used for the purposes designated:
14 20 For enterprise resource management costs related to
14 21 the distribution of road use tax funds:
14 22 ..... $ 93,148
14 23 Sec. 30. IPERS ==== GENERAL OFFICE. There is
14 24 appropriated from the Iowa public employees' retirement
14 25 system fund to the Iowa public employees' retirement
14 26 system for the fiscal year beginning July 1, 2011, and
14 27 ending June 30, 2012, the following amount, or so much
14 28 thereof as is necessary, to be used for the purposes
14 29 designated:
14 30 For salaries, support, maintenance, and other
14 31 operational purposes to pay the costs of the Iowa
14 32 public employees' retirement system, and for not more
14 33 than the following full=time equivalent positions:
14 34 ..... $ 17,686,968
14 35 ..... FTEs 90.13
14 36 Sec. 31. STATE CAPITOL SIDEWALK HEATING ====
14 37 DISCONNECTION. The department of administrative
14 38 services shall disconnect electricity to the heated
14 39 sidewalk installed in the entry walkway on the East
14 40 side of the state capitol building, and shall not
14 41 reconnect the electricity without the authorization of
14 42 the general assembly.
14 43 Sec. 32. Section 8A.111, subsection 4, Code 2011,
14 44 is amended by striking the subsection.
14 45 Sec. 33. Section 8A.311, subsection 15, Code 2011,
14 46 is amended to read as follows:
14 47 15. a. A bidder ~~awarded~~, to be considered for an
14 48 award of a state construction contract, shall disclose
14 49 to the state agency awarding the contract the names of
14 50 all subcontractors~~,~~ and suppliers who will work on the

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15 1 project being bid~~,~~ within forty=eight hours after the
15 2 ~~award of the contract~~ published date and time by which
15 3 bids must be submitted.
15 4 b. A bidder shall not replace a subcontractor or
15 5 supplier disclosed under paragraph "a" without the
15 6 approval of the state agency awarding the contract.
15 7 c. A bidder, prior to an award or who is awarded a
15 8 state construction contract, shall disclose all of the
15 9 following, as applicable:
15 10 ~~b.~~ (1) If a subcontractor ~~named~~ or supplier
15 11 disclosed under paragraph "a" by a bidder ~~awarded~~
15 12 ~~a state construction contract~~ is replaced, ~~or if~~
15 13 the reason for replacement and the name of the new
15 14 subcontractor or supplier.
15 15 (2) If the cost of work to be done by a
15 16 subcontractor or supplier is ~~reduced, the bidder shall~~
15 17 ~~disclose the name of the new subcontractor or~~ changed
15 18 or if the replacement of a subcontractor or supplier
15 19 results in a change in the cost, the amount of the
15 20 ~~reduced~~ change in cost.
15 21 Sec. 34. Section 8A.315, subsection 1, paragraph d,
15 22 Code 2011, is amended by striking the paragraph.
15 23 Sec. 35. Section 8A.321, subsection 6, Code 2011,
15 24 is amended to read as follows:
15 25 6. a. Lease all buildings and office space
15 26 necessary to carry out the provisions of this
15 27 subchapter or necessary for the proper functioning of
15 28 any state agency ~~at the seat of government~~ wherever
15 29 located throughout the state. For state agencies
15 30 at the seat of government, the director may lease
15 31 buildings and office space in Polk county or in a
15 32 county contiguous to Polk county. If no specific
15 33 appropriation has been made, the proposed lease
15 34 shall be submitted to the executive council for
15 35 approval. The cost of any lease for which no specific
15 36 appropriation has been made shall be paid from the fund
15 37 provided in section 7D.29. Additionally, the director
15 38 shall also develop cooperative relationships with the
15 39 state board of regents in order to promote colocation
15 40 of state agencies.
15 41 b. When the general assembly is not in session,
15 42 the director may request moneys from the executive
15 43 council for moving state agencies ~~located at the seat~~
15 44 ~~of government~~ from one location to another. The
15 45 request may include moving costs, telecommunications
15 46 costs, repair costs, or any other costs relating to the
15 47 move. The executive council may approve and shall pay
15 48 the costs from funds provided in section 7D.29 if it
15 49 determines the agency or department has no available
15 50 funds for these expenses.

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16 1 ~~c. Coordinate the leasing of buildings and office~~
16 2 ~~space by state agencies throughout the state and~~
16 3 ~~develop cooperative relationships with the state board~~
16 4 ~~of regents in order to promote the colocation of state~~
16 5 ~~agencies.~~
16 6 Sec. 36. Section 8A.327, subsection 1, Code 2011,
16 7 is amended to read as follows:
16 8 1. A rent revolving fund is created in the state
16 9 treasury under the control of the department to be used
16 10 by the department to pay the lease or rental costs of
16 11 all buildings and office space necessary for the proper
16 12 functioning of any state agency ~~at the seat of state~~
16 13 ~~government~~ wherever located throughout the state as
16 14 provided in section 8A.321, subsection 6, except that
16 15 this fund shall not be used to pay the rental or lease
16 16 costs of a state agency which has not received funds
16 17 budgeted for rental or lease purposes.
16 18 Sec. 37. Section 8A.361, Code 2011, is amended to
16 19 read as follows:
16 20 8A.361 Vehicle assignment ==== authority in
16 21 department.
16 22 The department shall provide for the assignment of
16 23 all ~~state-owned~~ motor vehicles ~~to~~ utilized by all state
16 24 officers and employees, and ~~to~~ by all state offices,
16 25 departments, bureaus, and commissions, except the state
16 26 department of transportation, institutions under the
16 27 control of the state board of regents, the department
16 28 for the blind, and any other agencies exempted by law.
16 29 Sec. 38. Section 8A.362, subsection 4, paragraphs a
16 30 through c, Code 2011, are amended to read as follows:
16 31 a. The director shall provide for the purchase
16 32 of ~~all~~ motor vehicles for all branches of the
16 33 state government, except the state department of
16 34 transportation, institutions under the control of the
16 35 state board of regents, the department for the blind,
16 36 and any other state agency exempted by law, which are
16 37 not rented or leased pursuant to section 8A.367. The
16 38 director shall purchase new vehicles in accordance with
16 39 competitive bidding procedures for items or services as
16 40 provided in this subchapter. The director may purchase
16 41 used or preowned vehicles at governmental or dealer
16 42 auctions if the purchase is determined to be in the
16 43 best interests of the state.
16 44 b. The director, and any other state agency,
16 45 which for purposes of this subsection includes but is
16 46 not limited to community colleges and institutions
16 47 under the control of the state board of regents, or
16 48 local governmental subdivisions purchasing new motor
16 49 vehicles, shall purchase ~~new passenger~~ motor vehicles
16 50 and light trucks, which are not rented or leased

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17 1 pursuant to section 8A.367, so that the average fuel
17 2 efficiency for the fleet of new passenger vehicles and
17 3 light trucks purchased in that year equals or exceeds
17 4 the average fuel economy standard for the vehicles'
17 5 model year as established by the United States
17 6 secretary of transportation under 15 U.S.C. { 2002.
17 7 This paragraph does not apply to vehicles purchased
17 8 for law enforcement purposes or used for off=road
17 9 maintenance work, or work vehicles used to pull loaded
17 10 trailers.
17 11 c. Not later than June 15 of each year, the
17 12 director shall report compliance with the corporate
17 13 average fuel economy standards published by the United
17 14 States secretary of transportation for ~~new~~ assigned
17 15 motor vehicles, other than motor vehicles purchased by
17 16 the state department of transportation, institutions
17 17 under the control of the state board of regents, the
17 18 department for the blind, and any other state agency
17 19 exempted from the requirements of this subsection.
17 20 The report of compliance shall classify the vehicles
17 21 ~~purchased~~ assigned for the current vehicle model year
17 22 using the following categories: passenger automobiles,
17 23 enforcement automobiles, vans, and light trucks.
17 24 The director shall deliver a copy of the report to
17 25 the office of energy independence. As used in this
17 26 paragraph, "corporate average fuel economy" means the
17 27 corporate average fuel economy as defined in 49 C.F.R.
17 28 { 533.5.
17 29 Sec. 39. Section 8A.362, subsection 5, Code 2011,
17 30 is amended by striking the subsection.
17 31 Sec. 40. Section 8A.362, subsections 7 through 9,
17 32 Code 2011, are amended to read as follows:
17 33 7. The director may authorize the establishment
17 34 of motor pools consisting of a number of ~~state=owned~~
17 35 state=assigned motor vehicles under the director's
17 36 supervision. The director may store the motor vehicles
17 37 in a public or private garage. If the director
17 38 establishes a motor pool, any state officer or employee
17 39 desiring the use of a ~~state=owned~~ state=assigned motor
17 40 vehicle on state business shall notify the director
17 41 of the need for a vehicle within a reasonable time
17 42 prior to actual use of the motor vehicle. The director
17 43 may assign a motor vehicle from the motor pool to the
17 44 state officer or employee, or from the vendor awarded
17 45 a contract pursuant to section 8A.367. If two or
17 46 more state officers or employees desire the use of a
17 47 ~~state=owned~~ state=assigned motor vehicle for a trip to
17 48 the same destination for the same length of time, the
17 49 director may assign one vehicle to make the trip.
17 50 8. The director shall require that a sign be placed

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18 1 on each state=owned motor vehicle in a conspicuous
18 2 place which indicates its ownership by the state.
18 3 This requirement shall not apply to motor vehicles
18 4 requested to be exempt by the director or by the
18 5 commissioner of public safety. All state=owned motor
18 6 vehicles shall display registration plates bearing the
18 7 word "official" except motor vehicles requested to be
18 8 furnished with ordinary plates by the director or by
18 9 the commissioner of public safety pursuant to section
18 10 321.19. The director shall keep an accurate record
18 11 of the registration plates used on all state=owned
18 12 motor vehicles. This subsection shall not apply to an
18 13 assigned vehicle rented or leased pursuant to section
18 14 8A.367.
18 15 9. All fuel used in ~~state=owned~~ state=assigned
18 16 automobiles shall be purchased at cost from the various
18 17 installations or garages of the state department of
18 18 transportation, state board of regents, department of
18 19 human services, or state motor pools throughout the
18 20 state, unless the state=owned sources for the purchase
18 21 of fuel are not reasonably accessible. If the director
18 22 determines that state=owned sources for the purchase of
18 23 fuel are not reasonably accessible, the director shall
18 24 authorize the purchase of fuel from other sources. The
18 25 director may prescribe a manner, other than the use
18 26 of the revolving fund, in which the purchase of fuel
18 27 from state=owned sources is charged to the state agency
18 28 responsible for the use of the motor vehicle. The
18 29 director shall prescribe the manner in which oil and
18 30 other normal motor vehicle maintenance for state=owned
18 31 motor vehicles may be purchased from private sources,
18 32 if they cannot be reasonably obtained from a state
18 33 motor pool. The director may advertise for bids and
18 34 award contracts in accordance with competitive bidding
18 35 procedures for items and services as provided in
18 36 this subchapter for furnishing fuel, oil, grease, and
18 37 vehicle replacement parts for all state=owned motor
18 38 vehicles. The director and other state agencies, when
18 39 advertising for bids for gasoline, shall also seek bids
18 40 for ethanol blended gasoline.
18 41 Sec. 41. Section 8A.363, subsection 1, Code 2011,
18 42 is amended to read as follows:
18 43 1. A state officer or employee shall not use a
18 44 ~~state=owned~~ state=assigned motor vehicle for personal
18 45 private use. A state officer or employee shall not be
18 46 compensated for driving a privately owned motor vehicle
18 47 unless it is done on state business with the approval
18 48 of the director. In that case the state officer or
18 49 employee shall receive an amount to be determined by
18 50 the director. The amount shall not exceed the maximum

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19 1 allowable under the federal internal revenue service
19 2 rules per mile, notwithstanding established mileage
19 3 requirements or depreciation allowances. However, the
19 4 director may authorize private motor vehicle rates in
19 5 excess of the rate allowed under the federal internal
19 6 revenue service rules for state business use of
19 7 substantially modified or specially equipped privately
19 8 owned vehicles required by persons with disabilities.
19 9 A statutory provision establishing reimbursement for
19 10 necessary mileage, travel, or actual expenses to a
19 11 state officer falls under the private motor vehicle
19 12 mileage rate limitation provided in this section
19 13 unless specifically provided otherwise. Any peace
19 14 officer employed by the state as defined in section
19 15 801.4 who is required to use a private motor vehicle
19 16 in the performance of official duties shall receive
19 17 the private vehicle mileage rate at the rate provided
19 18 in this section. However, the director may delegate
19 19 authority to officials of the state, and department
19 20 heads, for the use of private vehicles on state
19 21 business up to a yearly mileage figure established
19 22 by the director. If a ~~state~~ motor vehicle has been
19 23 assigned to a state officer or employee, the officer
19 24 or employee shall not collect mileage for the use of a
19 25 privately owned motor vehicle unless the ~~state~~ motor
19 26 vehicle assigned is not usable.
19 27 Sec. 42. NEW SECTION. 8A.367 State=owned passenger
19 28 vehicles ==== disposition and sale ==== fleet privatization.
19 29 1. For purposes of this section, "passenger
19 30 vehicles" means United States environmental protection
19 31 agency designated compact sedans, compact wagons,
19 32 midsize sedans, midsize wagons, full=size sedans,
19 33 and passenger minivans, and additional vehicle
19 34 classes determined by the department to be able to be
19 35 reasonably supported by a private entity for rental or
19 36 leasing. "Passenger vehicles" does not mean utility
19 37 vehicles, vans other than passenger minivans, fire
19 38 trucks, ambulances, motor homes, buses, medium=duty and
19 39 heavy=duty trucks, heavy construction equipment and
19 40 other highway maintenance vehicles, vehicles assigned
19 41 for law enforcement purposes, and any other classes
19 42 of vehicles of limited application approved by the
19 43 director of the department of administrative services.
19 44 2. On or before September 30, 2011, the department
19 45 shall implement a request for proposal process to enter
19 46 into a contract for the purpose of state passenger
19 47 vehicle rental or leasing from a private entity.
19 48 Prior to awarding a contract, a private entity shall
19 49 demonstrate the following:
19 50 a. Existence of sufficient inventory of passenger

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20 1 vehicles within this state to accommodate the needs of
20 2 the state in assigning passenger vehicles.
20 3 b. Existence of adequate personnel in any county
20 4 within the state where rental and leasing activity can
20 5 be supported to satisfy the terms of the contract in
20 6 renting or leasing state=assigned vehicles.
20 7 c. Existence of adequate personnel to facilitate
20 8 the sale and disposition of the existing state=owned
20 9 passenger vehicles returned to the department pursuant
20 10 to subsection 3 or otherwise under the control of the
20 11 department. Notwithstanding the provisions of section
20 12 8A.364 to the contrary, proceeds from the sale of
20 13 motor vehicles as provided by this subsection shall be
20 14 credited to the fund from which the motor vehicles were
20 15 purchased.
20 16 3. By March 1, 2012, the department shall award
20 17 a vehicle rental or leasing contract to a private
20 18 entity, and shall assign passenger vehicles for rental
20 19 or lease pursuant to that contract, to the extent the
20 20 department determines doing so would be economically
20 21 feasible and financially advantageous. By March 1,
20 22 2012, all state=assigned passenger vehicles designated
20 23 for use by multiple drivers, and located in any county
20 24 of this state which can support the operation of a
20 25 private entity for rental and leasing purposes, which
20 26 the department determines would be suitable for rental
20 27 or leasing shall be returned to the department for use
20 28 and disposition as provided in this section.
20 29 4. Notwithstanding any other provision of state law
20 30 to the contrary, a private entity awarded a contract
20 31 pursuant to this section shall not be required to
20 32 indemnify or hold harmless the state for any liability
20 33 the state might have to any third party due to the
20 34 negligence of the state or any of its employees.
20 35 5. The department shall conduct an ongoing
20 36 evaluation regarding the economic advantages of
20 37 renting or leasing state=assigned vehicles versus state
20 38 ownership of such vehicles, and shall accordingly
20 39 adjust the number of vehicles subject to the rental and
20 40 leasing contract pursuant to this section at intervals
20 41 specified in the contract.
20 42 Sec. 43. Section 8A.512, subsection 2, Code 2011,
20 43 is amended by striking the subsection.
20 44 Sec. 44. NEW SECTION. 8A.512A Executive branch
20 45 employee travel ==== information and database.
20 46 1. The department shall develop and maintain the
20 47 following:
20 48 a. An electronic travel authorization form to be
20 49 used for any executive branch employee's out=of=state
20 50 travel, conference, or related expenditures associated

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21 1 with the employee's official duties. The electronic
21 2 travel authorization form shall include all of the
21 3 following:
21 4 (1) The identification of the employee, the
21 5 employee's title, and the employee's department or
21 6 agency.
21 7 (2) The travel departure point and destination
21 8 point.
21 9 (3) The reason for the travel.
21 10 (4) The estimated reimbursable expenses.
21 11 (5) The date or dates upon which the travel is to
21 12 occur.
21 13 b. A searchable database available on the
21 14 department's internet site containing information
21 15 related to all executive branch employee travel that
21 16 includes all of the following:
21 17 (1) The identification of the employee who engaged
21 18 in the travel, the employee's department or agency, and
21 19 the employee's title.
21 20 (2) The travel departure point and destination
21 21 point.
21 22 (3) The reason for the travel.
21 23 (4) The actual amount of expenses reimbursed.
21 24 (5) The date or dates upon which the travel
21 25 occurred.
21 26 c. Notwithstanding paragraph "b" of this
21 27 subsection, the searchable database shall not
21 28 include information regarding travel by officers and
21 29 employees of the department of public safety occurring
21 30 in relation to or during the course of criminal
21 31 investigations, including but not limited to undercover
21 32 operations.
21 33 2. A claim for reimbursement for any out=of=state
21 34 travel, conference, or related expenditures shall
21 35 only be allowed after the occurrence of both of the
21 36 following:
21 37 a. The electronic travel authorization form is
21 38 approved by the head of the employee's department.
21 39 b. The request for reimbursement is submitted by
21 40 the employee on the appropriate form with required
21 41 approvals.
21 42 3. For purposes of this section, "executive branch
21 43 employee" means an employee of the executive branch
21 44 as defined in section 7E.2, other than a member or
21 45 employee of the state board of regents and institutions
21 46 under the control of the state board of regents.
21 47 Sec. 45. Section 22.3A, subsection 1, paragraph e,
21 48 Code 2011, is amended to read as follows:
21 49 e. "Data processing software" means an ordered set
21 50 of instructions or statements that, when executed by

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22 1 a computer, causes the computer to process data, and
22 2 includes any program or set of programs, procedures,
22 3 or routines used to employ and control capabilities of
22 4 computer hardware. As used in this paragraph "data
22 5 processing software" includes but is not limited to an
22 6 operating system, compiler, assembler, utility, library
22 7 resource, maintenance routine, application, ~~or~~ computer
22 8 networking program, or the associated documentation.
22 9 Sec. 46. Section 99D.14, subsection 2, Code 2011,
22 10 is amended by adding the following new paragraph:
22 11 NEW PARAGRAPH. c. Notwithstanding sections 8.60
22 12 and 99D.17, the portion of the fee paid pursuant to
22 13 paragraph "a" relating to the costs of the commission,
22 14 shall not be deposited in the general fund of the
22 15 state but instead shall be deposited into the gaming
22 16 regulatory revolving fund established in section
22 17 99F.20.
22 18 Sec. 47. Section 99F.10, subsection 4, Code 2011,
22 19 is amended by adding the following new paragraph:
22 20 NEW PARAGRAPH. c. Notwithstanding sections 8.60
22 21 and 99F.4, the portion of the fee paid pursuant to
22 22 paragraph "a" relating to the costs of the commission,
22 23 shall not be deposited in the general fund of the
22 24 state but instead shall be deposited into the gaming
22 25 regulatory revolving fund established in section
22 26 99F.20.
22 27 Sec. 48. NEW SECTION. 99F.20 Gaming regulatory
22 28 revolving fund.
22 29 1. A gaming regulatory revolving fund is created in
22 30 the state treasury under the control of the department
22 31 of inspections and appeals. The fund shall consist
22 32 of fees collected and deposited into the fund paid by
22 33 licensees pursuant to section 99D.14, subsection 2,
22 34 paragraph "c", and fees paid by licensees pursuant to
22 35 section 99F.10, subsection 4, paragraph "c". All costs
22 36 relating to racetrack, excursion boat, and gambling
22 37 structure regulation shall be paid from the fund as
22 38 provided in appropriations made for this purpose by
22 39 the general assembly. The department shall provide
22 40 quarterly reports to the department of management and
22 41 the legislative services agency specifying revenues
22 42 billed and collected and expenditures from the fund in
22 43 a format as determined by the department of management
22 44 in consultation with the legislative services agency.
22 45 2. To meet the department's cash flow needs, the
22 46 department may temporarily use funds from the general
22 47 fund of the state to pay expenses in excess of moneys
22 48 available in the revolving fund if those additional
22 49 expenditures are fully reimbursable and the department
22 50 reimburses the general fund of the state and ensures

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23 1 all moneys are repaid in full by the close of the
23 2 fiscal year. Notwithstanding any provision to the
23 3 contrary, the department shall, to the fullest extent
23 4 possible, make an estimate of billings and make such
23 5 billings as early as possible in each fiscal year,
23 6 so that the need for the use of general fund moneys
23 7 is minimized to the lowest extent possible. Periodic
23 8 billings shall be deemed sufficient to satisfy this
23 9 requirement. Because any general fund moneys used
23 10 shall be fully reimbursed, such temporary use of funds
23 11 from the general fund of the state shall not constitute
23 12 an appropriation for purposes of calculating the state
23 13 general fund expenditure limitation pursuant to section
23 14 8.54.
23 15 3. Section 8.33 does not apply to any moneys
23 16 credited or appropriated to the revolving fund from any
23 17 other fund.
23 18 4. The establishment of the revolving fund pursuant
23 19 to this section shall not be interpreted in any manner
23 20 to compromise or impact the accountability of, or limit
23 21 authority with respect to, the department under state
23 22 law. Any provision applicable to, or responsibility
23 23 of, the department shall not be altered or impacted by
23 24 the existence of the fund and shall remain applicable
23 25 to the same extent as if the department were receiving
23 26 moneys pursuant to a general fund appropriation. The
23 27 department shall comply with directions by the governor
23 28 to executive branch departments regarding restrictions
23 29 on out=of=state travel, hiring justifications,
23 30 association memberships, equipment purchases,
23 31 consulting contracts, and any other expenditure
23 32 efficiencies that the governor deems appropriate.
23 33 Sec. 49. Section 249A.7, subsection 3, as amended
23 34 by 2011 Iowa Acts, House File 389, section 1, is
23 35 amended by striking the subsection and inserting in
23 36 lieu thereof the following:
23 37 3. a. A Medicaid fraud fund is created in the
23 38 state treasury under the authority of the department
23 39 of inspections and appeals. Moneys from penalties,
23 40 investigative costs recouped by the Medicaid fraud
23 41 control unit, and other amounts received as a result of
23 42 prosecutions involving the department of inspections
23 43 and appeals investigations and audits to ensure
23 44 compliance with the medical assistance program that are
23 45 not credited to the program shall be credited to the
23 46 fund.
23 47 b. Notwithstanding section 8.33, moneys credited
23 48 to the fund from any other account or fund shall not
23 49 revert to the other account or fund. Moneys in the
23 50 fund shall only be used as provided in appropriations

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24 1 from the fund and shall be used in accordance with
24 2 applicable laws, regulations, and the policies of
24 3 the office of inspector general of the United States
24 4 department of health and human services.
24 5 c. For the purposes of this subsection,
24 6 "investigative costs" means the reasonable value of a
24 7 Medicaid fraud control unit investigator's, auditor's
24 8 or employee's time, any moneys expended by the Medicaid
24 9 fraud control unit, and the reasonable fair market
24 10 value of resources used or expended by the Medicaid
24 11 fraud control unit in a case resulting in a criminal
24 12 conviction of a provider under this chapter or chapter
24 13 714 or 715A.
24 14 Sec. 50. Section 542.3, subsection 1, paragraph
24 15 a, subparagraph (3), Code 2011, is amended to read as
24 16 follows:
24 17 (3) ~~An examination of prospective financial~~
24 18 ~~information~~ Any engagement to be performed in
24 19 accordance with the statements on standards for
24 20 attestation engagements.
24 21 Sec. 51. Section 546.12, Code 2011, is amended to
24 22 read as follows:
24 23 546.12 Department of commerce revolving fund.
24 24 1. A department of commerce revolving fund is
24 25 created in the state treasury. The fund shall consist
24 26 of moneys collected by the banking division; credit
24 27 union division; utilities division, including moneys
24 28 collected on behalf of the office of consumer advocate
24 29 established in section 475A.3; and the insurance
24 30 division of the department; and deposited into an
24 31 account for that division or office within the fund
24 32 on a monthly basis. Except as otherwise provided by
24 33 statute, all costs for operating the office of consumer
24 34 advocate and the banking division, the credit union
24 35 division, the utilities division, and the insurance
24 36 division of the department shall be paid from the
24 37 division's accounts within the fund, subject to
24 38 appropriation by the general assembly. The insurance
24 39 division shall administer the fund and all other
24 40 divisions shall work with the insurance division to
24 41 make sure the fund is properly accounted and reported
24 42 to the department of management and the department of
24 43 administrative services. The divisions shall provide
24 44 quarterly reports to the department of management and
24 45 the legislative services agency on revenues billed
24 46 and collected and expenditures from the fund in a
24 47 format as determined by the department of management in
24 48 consultation with the legislative services agency.
24 49 2. To meet cash flow needs for the office of
24 50 consumer advocate and the banking division, credit

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25 1 union division, utilities division, or the insurance
25 2 division of the department, the administrative head of
25 3 that division or office may temporarily use funds from
25 4 the general fund of the state to pay expenses in excess
25 5 of moneys available in the revolving fund for that
25 6 division or office if those additional expenditures
25 7 are fully reimbursable and the division or office
25 8 reimburses the general fund of the state and ensures
25 9 all moneys are repaid in full by the close of the
25 10 fiscal year. Notwithstanding any provision to the
25 11 contrary, the divisions shall, to the fullest extent
25 12 possible, make an estimate of billings and make such
25 13 billings as early as possible in each fiscal year,
25 14 so that the need for the use of general fund moneys
25 15 is minimized to the lowest extent possible. Periodic
25 16 billings shall be deemed sufficient to satisfy this
25 17 requirement. Because any general fund moneys used
25 18 shall be fully reimbursed, such temporary use of funds
25 19 from the general fund of the state shall not constitute
25 20 an appropriation for purposes of calculating the state
25 21 general fund expenditure limitation pursuant to section
25 22 8.54.
25 23 3. Section 8.33 does not apply to any moneys
25 24 credited or appropriated to the revolving fund from any
25 25 other fund.
25 26 4. The establishment of the revolving fund pursuant
25 27 to this section shall not be interpreted in any manner
25 28 to compromise or impact the accountability of, or
25 29 limit authority with respect to, an agency or entity
25 30 under state law. Any provision applicable to, or
25 31 responsibility of, a division or office collecting
25 32 moneys for deposit into the fund established pursuant
25 33 to this section shall not be altered or impacted by
25 34 the existence of the fund and shall remain applicable
25 35 to the same extent as if the division or office
25 36 were receiving moneys pursuant to a general fund
25 37 appropriation. Appropriations from the revolving
25 38 fund shall not be subject to the provisions of section
25 39 8.31, subsection 5. The divisions of the department of
25 40 commerce shall comply with directions by the governor
25 41 to executive branch departments regarding restrictions
25 42 on out=of=state travel, hiring justifications,
25 43 association memberships, equipment purchases,
25 44 consulting contracts, and any other expenditure
25 45 efficiencies that the governor deems appropriate.
25 46 Sec. 52. Section 904.114, Code 2011, is amended to
25 47 read as follows:
25 48 904.114 Travel expenses.
25 49 The director, staff members, assistants, and
25 50 employees, in addition to salary, shall receive their

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26 1 necessary traveling expenses by the nearest practicable
26 2 route, when engaged in the performance of official
26 3 business. Permission shall not be granted to any
26 4 person to travel to another state except by approval of
26 5 the board ~~and the executive council~~.
26 6 Sec. 53. 2009 Iowa Acts, chapter 169, section 4,
26 7 subsection 2, is amended to read as follows:
26 8 2. From the moneys appropriated in this section,
26 9 there is transferred to the department of human rights
26 10 two hundred fifty thousand dollars for deposit in the
26 11 individual development account state match fund created
26 12 in section 541A.7. Notwithstanding other provisions to
26 13 the contrary in section 541A.3, subsection 1, moneys
26 14 appropriated to the individual development account
26 15 state match fund under this subsection shall be used
26 16 to provide the state match to account holders affected
26 17 by a natural disaster ~~occurring in 2008~~ for which the
26 18 president of the United States declared a disaster
26 19 area, and who have a household income that is equal
26 20 to or less than three hundred percent of the federal
26 21 poverty level as defined by the most recently revised
26 22 poverty income guidelines published by the United
26 23 States department of health and human services.
26 24 Sec. 54. 2010 Iowa Acts, chapter 1193, section 29,
26 25 is amended to read as follows:
26 26 SEC. 29. DEPARTMENT OF ADMINISTRATIVE SERVICES ====
26 27 INFORMATION TECHNOLOGY.
26 28 1. There is appropriated from the general fund of
26 29 the state to the department of administrative services
26 30 for the fiscal year beginning July 1, 2010, and
26 31 ending June 30, 2011, the following amount, or so much
26 32 thereof as is necessary, to be used for the purposes
26 33 designated:
26 34 For implementing 2010 Iowa Acts, Senate File 2088,
26 35 division I, including salaries, support, maintenance,
26 36 and miscellaneous purposes:
26 37 ..... $ 2,300,000
26 38 2. Notwithstanding section 8.33, moneys
26 39 appropriated in this section that remain unencumbered
26 40 or unobligated at the close of the fiscal year ending
26 41 June 30, 2011, shall not revert but shall remain
26 42 available for expenditure for the purposes designated
26 43 until the close of the fiscal year ending June 30,
26 44 2012.
26 45 Sec. 55. 2011 Iowa Acts, House File 45, section 8,
26 46 is amended to read as follows:
26 47 SEC. 8. SALE OR LEASE OF IOWA COMMUNICATIONS
26 48 NETWORK. The Iowa telecommunications and technology
26 49 commission shall implement a request for proposals
26 50 process to sell or lease the Iowa communications

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27 1 network. The request for proposals shall provide for
27 2 the sale to be concluded or the lease to commence
27 3 during the fiscal year beginning July 1, ~~2011~~ 2012.
27 4 The commission shall condition the sale or lease of the
27 5 Iowa communications network with terms that will allow
27 6 existing authorized users of the network to continue
27 7 such use at a lower overall long=term cost when
27 8 compared to the anticipated operation and maintenance
27 9 costs if state ownership and control were to continue.
27 10 Public funds shall not be used to secure the purchase
27 11 of the network. The commission shall submit periodic
27 12 status reports to the general assembly at three=month
27 13 intervals, beginning on October 1, 2011, regarding
27 14 progress made toward selling or leasing the network.
27 15 The prior authorization and approval requirements
27 16 specified in section 8D.12 shall be complied with prior
27 17 to a sale or lease of the network pursuant to this
27 18 section.
27 19 Sec. 56. REPEAL. Section 217.20, Code 2011, is
27 20 repealed.
27 21 Sec. 57. REPEAL. 2009 Iowa Acts, chapter 179,
27 22 section 146, is repealed.
27 23 Sec. 58. CODE EDITOR DIRECTIVE. The Code editor
27 24 is directed to change the words "state=owned" to
27 25 "state=assigned", to the extent not otherwise changed
27 26 pursuant to this Act, in Code sections 8A.362, 8A.363,
27 27 8A.364, and 8A.366.
27 28 Sec. 59. MEDICAID FRAUD FUND TRANSITION.
27 29 1. Unencumbered and unobligated moneys in and
27 30 moneys reverting to the Medicaid fraud account created
27 31 in section 249A.7, Code 2011, on or after June 30,
27 32 2011, shall be credited to the Medicaid fraud fund
27 33 created in section 249A.7, by this division of this
27 34 Act.
27 35 2. The appropriations made from the Medicaid fraud
27 36 account for the fiscal years beginning July 1, 2011,
27 37 and July 1, 2012, shall instead be charged to the
27 38 Medicaid fraud fund created in section 249A.7, by this
27 39 division of this Act.
27 40 3. This section of this Act, being deemed of
27 41 immediate importance, takes effect upon enactment, and,
27 42 if this Act is approved by the governor on or after
27 43 July 1, 2011, subsection 1 of this section applies
27 44 retroactively to June 30, 2011.
27 45 Sec. 60. EFFECTIVE UPON ENACTMENT.
27 46 1. The section of this division of this Act
27 47 directing the department of administrative services
27 48 to disconnect electricity to the heated sidewalk
27 49 installed at the state capitol building, being deemed
27 50 of immediate importance, takes effect upon enactment.

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28 1 2. The section of this division of this Act
28 2 providing implementation provisions regarding leasing
28 3 authority of the department of administrative services,
28 4 being deemed of immediate importance, takes effect upon
28 5 enactment.
28 6 3. The sections of this division of this Act
28 7 relating to executive branch employee travel and travel
28 8 reimbursement implementation, being deemed of immediate
28 9 importance, take effect upon enactment.
28 10 4. The section of this division of this Act
28 11 relating to nonreversion of moneys appropriated
28 12 to the department of administrative services for
28 13 implementation of 2010 Iowa Acts, chapter 1031,
28 14 division I, being deemed of immediate importance, takes
28 15 effect upon enactment.
28 16 DIVISION II
28 17 FY 2012=2013
28 18 Sec. 61. DEPARTMENT OF ADMINISTRATIVE SERVICES.
28 19 1. There is appropriated from the general fund of
28 20 the state to the department of administrative services
28 21 for the fiscal year beginning July 1, 2012, and ending
28 22 June 30, 2013, the following amounts, or so much
28 23 thereof as is necessary, to be used for the purposes
28 24 designated, and for not more than the following
28 25 full=time equivalent positions:
28 26 a. For salaries, support, maintenance, and
28 27 miscellaneous purposes:
28 28 ..... $ 2,010,172
28 29 ..... FTEs 84.18
28 30 b. For the payment of utility costs:
28 31 ..... $ 1,313,230
28 32 ..... FTEs 1.00
28 33 Notwithstanding section 8.33, any excess funds
28 34 appropriated for utility costs in this lettered
28 35 paragraph shall not revert to the general fund of the
28 36 state at the end of the fiscal year but shall remain
28 37 available for expenditure for the purposes of this
28 38 lettered paragraph during the succeeding fiscal year.
28 39 c. For Terrace Hill operations:
28 40 ..... $ 202,957
28 41 ..... FTEs 6.88
28 42 d. For the I3 distribution account:
28 43 ..... $ 1,638,973
28 44 e. For operations and maintenance of the Iowa
28 45 building:
28 46 ..... $ 497,768
28 47 ..... FTEs 7.00
28 48 2. Members of the general assembly serving as
28 49 members of the deferred compensation advisory board
28 50 shall be entitled to receive per diem and necessary

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29 1 travel and actual expenses pursuant to section 2.10,
29 2 subsection 5, while carrying out their official duties
29 3 as members of the board.
29 4 3. Any funds and premiums collected by the
29 5 department for workers' compensation shall be
29 6 segregated into a separate workers' compensation
29 7 fund in the state treasury to be used for payment of
29 8 state employees' workers' compensation claims and
29 9 administrative costs. Notwithstanding section 8.33,
29 10 unencumbered or unobligated moneys remaining in this
29 11 workers' compensation fund at the end of the fiscal
29 12 year shall not revert but shall be available for
29 13 expenditure for purposes of the fund for subsequent
29 14 fiscal years.
29 15 Sec. 62. REVOLVING FUNDS. There is appropriated
29 16 to the department of administrative services for the
29 17 fiscal year beginning July 1, 2012, and ending June
29 18 30, 2013, from the revolving funds designated in
29 19 chapter 8A and from internal service funds created
29 20 by the department such amounts as the department
29 21 deems necessary for the operation of the department
29 22 consistent with the requirements of chapter 8A.
29 23 Sec. 63. FUNDING FOR IOWACCESS.
29 24 1. Notwithstanding section 321A.3, subsection
29 25 1, for the fiscal year beginning July 1, 2012, and
29 26 ending June 30, 2013, the first $750,000 collected
29 27 and transferred by the department of transportation
29 28 to the treasurer of state with respect to the fees
29 29 for transactions involving the furnishing of a
29 30 certified abstract of a vehicle operating record under
29 31 section 321A.3, subsection 1, shall be transferred
29 32 to the IowAccess revolving fund for the purposes of
29 33 developing, implementing, maintaining, and expanding
29 34 electronic access to government records as provided by
29 35 law.
29 36 2. All fees collected with respect to transactions
29 37 involving IowAccess shall be deposited in the IowAccess
29 38 revolving fund and shall be used only for the support
29 39 of IowAccess projects.
29 40 Sec. 64. STATE EMPLOYEE HEALTH INSURANCE
29 41 ADMINISTRATION CHARGE. For the fiscal year beginning
29 42 July 1, 2012, and ending June 30, 2013, the monthly per
29 43 contract administrative charge which may be assessed by
29 44 the department of administrative services shall be $2
29 45 per contract on all health insurance plans administered
29 46 by the department.
29 47 Sec. 65. AUDITOR OF STATE.
29 48 1. There is appropriated from the general fund of
29 49 the state to the office of the auditor of state for the
29 50 fiscal year beginning July 1, 2012, and ending June

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30 1 30, 2013, subject to subsection 3 of this section, the
30 2 following amount, or so much thereof as is necessary,
30 3 to be used for the purposes designated, and for not
30 4 more than the following full=time equivalent positions:
30 5 For salaries, support, maintenance, and
30 6 miscellaneous purposes:
30 7 ..... $ 452,734
30 8 ..... FTEs 103.00
30 9 2. The auditor of state may retain additional
30 10 full=time equivalent positions as is reasonable and
30 11 necessary to perform governmental subdivision audits
30 12 which are reimbursable pursuant to section 11.20
30 13 or 11.21, to perform audits which are requested by
30 14 and reimbursable from the federal government, and
30 15 to perform work requested by and reimbursable from
30 16 departments or agencies pursuant to section 11.5A
30 17 or 11.5B. The auditor of state shall notify the
30 18 department of management, the legislative fiscal
30 19 committee, and the legislative services agency of the
30 20 additional full=time equivalent positions retained.
30 21 3. The auditor of state shall allocate resources
30 22 from the appropriation in this section solely for audit
30 23 work related to the comprehensive annual financial
30 24 report, federally required audits, and investigations
30 25 of embezzlement, theft, or other significant financial
30 26 irregularities until the audit of the comprehensive
30 27 annual financial report is complete.
30 28 Sec. 66. IOWA ETHICS AND CAMPAIGN DISCLOSURE
30 29 BOARD. There is appropriated from the general fund of
30 30 the state to the Iowa ethics and campaign disclosure
30 31 board for the fiscal year beginning July 1, 2012, and
30 32 ending June 30, 2013, the following amount, or so much
30 33 thereof as is necessary, for the purposes designated:
30 34 For salaries, support, maintenance, and
30 35 miscellaneous purposes, and for not more than the
30 36 following full=time equivalent positions:
30 37 ..... $ 237,500
30 38 ..... FTEs 5.00
30 39 Sec. 67. DEPARTMENT OF COMMERCE.
30 40 1. There is appropriated from the general fund
30 41 of the state to the department of commerce for the
30 42 fiscal year beginning July 1, 2012, and ending June 30,
30 43 2013, the following amounts, or so much thereof as is
30 44 necessary, for the purposes designated:
30 45 a. ALCOHOLIC BEVERAGES DIVISION
30 46 For salaries, support, maintenance, and
30 47 miscellaneous purposes, and for not more than the
30 48 following full=time equivalent positions:
30 49 ..... $ 610,196
30 50 ..... FTEs 21.00

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31 1 b. PROFESSIONAL LICENSING AND REGULATION BUREAU
31 2 For salaries, support, maintenance, and
31 3 miscellaneous purposes, and for not more than the
31 4 following full=time equivalent positions:
31 5 ..... $ 300,177
31 6 ..... FTEs 12.00
31 7 2. There is appropriated from the department of
31 8 commerce revolving fund created in section 546.12
31 9 to the department of commerce for the fiscal year
31 10 beginning July 1, 2012, and ending June 30, 2013, the
31 11 following amounts, or so much thereof as is necessary,
31 12 for the purposes designated:
31 13 a. BANKING DIVISION
31 14 For salaries, support, maintenance, and
31 15 miscellaneous purposes, and for not more than the
31 16 following full=time equivalent positions:
31 17 ..... $ 4,425,835
31 18 ..... FTEs 80.00
31 19 b. CREDIT UNION DIVISION
31 20 For salaries, support, maintenance, and
31 21 miscellaneous purposes, and for not more than the
31 22 following full=time equivalent positions:
31 23 ..... $ 863,998
31 24 ..... FTEs 19.00
31 25 c. INSURANCE DIVISION
31 26 (1) For salaries, support, maintenance, and
31 27 miscellaneous purposes, and for not more than the
31 28 following full=time equivalent positions:
31 29 ..... $ 2,491,622
31 30 ..... FTEs 106.50
31 31 (2) The insurance division may reallocate
31 32 authorized full=time equivalent positions as necessary
31 33 to respond to accreditation recommendations or
31 34 requirements. The insurance division expenditures
31 35 for examination purposes may exceed the projected
31 36 receipts, refunds, and reimbursements, estimated
31 37 pursuant to section 505.7, subsection 7, including the
31 38 expenditures for retention of additional personnel,
31 39 if the expenditures are fully reimbursable and the
31 40 division first does both of the following:
31 41 (a) Notifies the department of management, the
31 42 legislative services agency, and the legislative fiscal
31 43 committee of the need for the expenditures.
31 44 (b) Files with each of the entities named in
31 45 subparagraph division (a) the legislative and
31 46 regulatory justification for the expenditures, along
31 47 with an estimate of the expenditures.
31 48 d. UTILITIES DIVISION
31 49 (1) For salaries, support, maintenance, and
31 50 miscellaneous purposes, and for not more than the

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32 1 following full=time equivalent positions:
32 2 ..... $ 4,086,535
32 3 ..... FTEs 79.00
32 4 (2) The utilities division may expend additional
32 5 funds, including funds for additional personnel, if
32 6 those additional expenditures are actual expenses which
32 7 exceed the funds budgeted for utility regulation and
32 8 the expenditures are fully reimbursable. Before the
32 9 division expends or encumbers an amount in excess of
32 10 the funds budgeted for regulation, the division shall
32 11 first do both of the following:
32 12 (a) Notify the department of management, the
32 13 legislative services agency, and the legislative fiscal
32 14 committee of the need for the expenditures.
32 15 (b) File with each of the entities named in
32 16 subparagraph division (a) the legislative and
32 17 regulatory justification for the expenditures, along
32 18 with an estimate of the expenditures.
32 19 (3) Notwithstanding sections 8.33 and 476.10 or
32 20 any other provisions to the contrary, any unencumbered
32 21 or unobligated balance of the appropriation made in
32 22 this paragraph for the utilities division or any other
32 23 operational appropriation made for the fiscal year
32 24 beginning July 1, 2012, and ending June 30, 2013,
32 25 that remains unused, unencumbered, or unobligated
32 26 at the close of the fiscal year shall not revert but
32 27 shall remain available to be used for purposes of the
32 28 energy=efficient building project authorized under
32 29 section 476.10B, or for relocation costs in succeeding
32 30 fiscal years.
32 31 (4) In addition to the funds otherwise appropriated
32 32 to the division in subparagraph (1), and contingent
32 33 upon the enactment of legislation during the 2011
32 34 legislative session relating to the permitting,
32 35 licensing, construction, and operation of nuclear
32 36 generation facilities and establishing rate=making
32 37 principles in relation thereto, for salaries, support,
32 38 maintenance, and miscellaneous purposes, and for not
32 39 more than the following full=time equivalent positions:
32 40 ..... $ 425,000
32 41 ..... FTEs 3.50
32 42 3. CHARGES. Each division and the office of
32 43 consumer advocate shall include in its charges
32 44 assessed or revenues generated an amount sufficient
32 45 to cover the amount stated in its appropriation and
32 46 any state=assessed indirect costs determined by the
32 47 department of administrative services.
32 48 Sec. 68. DEPARTMENT OF COMMERCE ==== PROFESSIONAL
32 49 LICENSING AND REGULATION BUREAU. There is appropriated
32 50 from the housing trust fund of the Iowa finance

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33 1 authority created in section 16.181, to the bureau of
33 2 professional licensing and regulation of the banking
33 3 division of the department of commerce for the fiscal
33 4 year beginning July 1, 2012, and ending June 30,
33 5 2013, the following amount, or so much thereof as is
33 6 necessary, to be used for the purposes designated:
33 7 For salaries, support, maintenance, and
33 8 miscellaneous purposes:
33 9 ..... $ 31,159
33 10 Sec. 69. GOVERNOR AND LIEUTENANT GOVERNOR. There
33 11 is appropriated from the general fund of the state to
33 12 the offices of the governor and the lieutenant governor
33 13 for the fiscal year beginning July 1, 2012, and ending
33 14 June 30, 2013, the following amounts, or so much
33 15 thereof as is necessary, to be used for the purposes
33 16 designated:
33 17 For salaries, support, maintenance, and
33 18 miscellaneous purposes:
33 19 ..... $ 1,144,013
33 20 ..... FTEs 22.88
33 21 Sec. 70. GOVERNOR'S OFFICE OF DRUG CONTROL
33 22 POLICY. There is appropriated from the general fund
33 23 of the state to the governor's office of drug control
33 24 policy for the fiscal year beginning July 1, 2012, and
33 25 ending June 30, 2013, the following amount, or so much
33 26 thereof as is necessary, to be used for the purposes
33 27 designated:
33 28 For salaries, support, maintenance, and
33 29 miscellaneous purposes, including statewide
33 30 coordination of the drug abuse resistance education
33 31 (D.A.R.E.) programs or similar programs, and for not
33 32 more than the following full=time equivalent positions:
33 33 ..... $ 145,000
33 34 ..... FTEs 8.00
33 35 Sec. 71. DEPARTMENT OF HUMAN RIGHTS. There is
33 36 appropriated from the general fund of the state to
33 37 the department of human rights for the fiscal year
33 38 beginning July 1, 2012, and ending June 30, 2013, the
33 39 following amounts, or so much thereof as is necessary,
33 40 to be used for the purposes designated:
33 41 1. CENTRAL ADMINISTRATION DIVISION
33 42 For salaries, support, maintenance, and
33 43 miscellaneous purposes, and for not more than the
33 44 following full=time equivalent positions:
33 45 ..... $ 103,052
33 46 ..... FTEs 7.00
33 47 2. COMMUNITY ADVOCACY AND SERVICES DIVISION
33 48 For salaries, support, maintenance, and
33 49 miscellaneous purposes, and for not more than the
33 50 following full=time equivalent positions:

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34 1 ..... $ 514,039
34 2 ..... FTEs 17.00
34 3 3. CRIMINAL AND JUVENILE JUSTICE PLANNING DIVISION
34 4 For salaries, support, maintenance, and
34 5 miscellaneous purposes, and for not more than the
34 6 following full=time equivalent positions:
34 7 ..... $ 511,946
34 8 ..... FTEs 10.00
34 9 The criminal and juvenile justice planning advisory
34 10 council and the juvenile justice advisory council
34 11 shall coordinate their efforts in carrying out their
34 12 respective duties relative to juvenile justice.
34 13 Sec. 72. DEPARTMENT OF INSPECTIONS AND
34 14 APPEALS. There is appropriated from the general fund
34 15 of the state to the department of inspections and
34 16 appeals for the fiscal year beginning July 1, 2012, and
34 17 ending June 30, 2013, the following amounts, or so much
34 18 thereof as is necessary, for the purposes designated:
34 19 1. ADMINISTRATION DIVISION
34 20 For salaries, support, maintenance, and
34 21 miscellaneous purposes, and for not more than the
34 22 following full=time equivalent positions:
34 23 ..... $ 763,870
34 24 ..... FTEs 37.40
34 25 2. ADMINISTRATIVE HEARINGS DIVISION
34 26 For salaries, support, maintenance, and
34 27 miscellaneous purposes, and for not more than the
34 28 following full=time equivalent positions:
34 29 ..... $ 264,377
34 30 ..... FTEs 23.00
34 31 3. INVESTIGATIONS DIVISION
34 32 a. For salaries, support, maintenance, and
34 33 miscellaneous purposes, and for not more than the
34 34 following full=time equivalent positions:
34 35 ..... $ 584,320
34 36 ..... FTEs 58.50
34 37 b. The department, in coordination with the
34 38 investigations division, shall provide a report to
34 39 the general assembly by January 10, 2013, concerning
34 40 the fiscal impact of additional full=time equivalent
34 41 positions on the department's efforts relative to the
34 42 Medicaid divestiture program under chapter 249F.
34 43 4. HEALTH FACILITIES DIVISION
34 44 a. For salaries, support, maintenance, and
34 45 miscellaneous purposes, and for not more than the
34 46 following full=time equivalent positions:
34 47 ..... $ 1,777,664
34 48 ..... FTEs 134.75
34 49 b. The department shall, in coordination with
34 50 the health facilities division, make the following

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35 1 information available to the public in a timely
35 2 manner, to include providing the information on the
35 3 department's internet website, during the fiscal year
35 4 beginning July 1, 2012, and ending June 30, 2013:
35 5 (1) The number of inspections conducted by the
35 6 division annually by type of service provider and type
35 7 of inspection.
35 8 (2) The total annual operations budget for the
35 9 division, including general fund appropriations and
35 10 federal contract dollars received by type of service
35 11 provider inspected.
35 12 (3) The total number of full=time equivalent
35 13 positions in the division, to include the number of
35 14 full=time equivalent positions serving in a supervisory
35 15 capacity, and serving as surveyors, inspectors, or
35 16 monitors in the field by type of service provider
35 17 inspected.
35 18 (4) Identification of state and federal survey
35 19 trends, cited regulations, the scope and severity of
35 20 deficiencies identified, and federal and state fines
35 21 assessed and collected concerning nursing and assisted
35 22 living facilities and programs.
35 23 c. It is the intent of the general assembly that
35 24 the department and division continuously solicit input
35 25 from facilities regulated by the division to assess and
35 26 improve the division's level of collaboration and to
35 27 identify new opportunities for cooperation.
35 28 5. EMPLOYMENT APPEAL BOARD
35 29 a. For salaries, support, maintenance, and
35 30 miscellaneous purposes, and for not more than the
35 31 following full=time equivalent positions:
35 32 ..... $ 21,108
35 33 ..... FTEs 14.00
35 34 b. The employment appeal board shall be reimbursed
35 35 by the labor services division of the department
35 36 of workforce development for all costs associated
35 37 with hearings conducted under chapter 91C, related
35 38 to contractor registration. The board may expend,
35 39 in addition to the amount appropriated under this
35 40 subsection, additional amounts as are directly billable
35 41 to the labor services division under this subsection
35 42 and to retain the additional full=time equivalent
35 43 positions as needed to conduct hearings required
35 44 pursuant to chapter 91C.
35 45 6. CHILD ADVOCACY BOARD
35 46 a. For foster care review and the court appointed
35 47 special advocate program, including salaries, support,
35 48 maintenance, and miscellaneous purposes, and for not
35 49 more than the following full=time equivalent positions:
35 50 ..... $ 1,340,145

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36 1 ..... FTEs 40.80
36 2 b. The department of human services, in
36 3 coordination with the child advocacy board and the
36 4 department of inspections and appeals, shall submit an
36 5 application for funding available pursuant to Tit. IV=E
36 6 of the federal Social Security Act for claims for child
36 7 advocacy board administrative review costs.
36 8 c. The court appointed special advocate program
36 9 shall investigate and develop opportunities for
36 10 expanding fund=raising for the program.
36 11 d. Administrative costs charged by the department
36 12 of inspections and appeals for items funded under this
36 13 subsection shall not exceed 4 percent of the amount
36 14 appropriated in this subsection.
36 15 Sec. 73. DEPARTMENT OF INSPECTIONS AND APPEALS
36 16 ==== MUNICIPAL CORPORATION FOOD INSPECTIONS. For the
36 17 fiscal year beginning July 1, 2012, and ending June 30,
36 18 2013, the department of inspections and appeals shall
36 19 retain any license fees generated during the fiscal
36 20 year as a result of actions under section 137F.3A
36 21 occurring during the period beginning July 1, 2009, and
36 22 ending June 30, 2011, for the purpose of enforcing the
36 23 provisions of chapters 137C, 137D, and 137F.
36 24 Sec. 74. DEPARTMENT OF INSPECTIONS AND APPEALS ====
36 25 HEALTH CARE FACILITIES INSPECTIONS. Notwithstanding
36 26 any provision of section 135C.16 to the contrary,
36 27 inspections of health care facilities that are only
36 28 state=licensed and not certified under the Medicare
36 29 or Medicaid programs shall not be inspected by the
36 30 department of inspections and appeals every thirty
36 31 months, but only as provided pursuant to sections
36 32 135C.9 and 135C.38.
36 33 Sec. 75. DEPARTMENT OF INSPECTIONS AND
36 34 APPEALS ==== GENERAL SUPPORT ==== MEDICAID FRAUD FUND
36 35 APPROPRIATION. There is appropriated from the Medicaid
36 36 fraud fund created in section 249A.7 to the department
36 37 of inspections and appeals for the fiscal year
36 38 beginning July 1, 2012, and ending June 30, 2013, the
36 39 following amount, or so much thereof as is necessary,
36 40 to be used for the purposes designated:
36 41 For additional health facility surveyors, compliance
36 42 officers, and residential care facility surveyors:
36 43 ..... $ 325,000
36 44 Sec. 76. DEPARTMENT OF INSPECTIONS AND APPEALS
36 45 ==== STATE MATCH REQUIREMENTS ==== MEDICAID FRAUD FUND
36 46 APPROPRIATION. There is appropriated from the Medicaid
36 47 fraud fund created in section 249A.7 to the department
36 48 of inspections and appeals for the fiscal year
36 49 beginning July 1, 2012, and ending June 30, 2013, the
36 50 amounts necessary for the purposes designated:

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37 1 1. To cover the cost of any state match to draw
37 2 down matching federal funds through the department of
37 3 human services for additional full=time equivalent
37 4 positions for conducting investigations of alleged
37 5 fraud and overpayments of food assistance benefits
37 6 through electronic benefits transfer.
37 7 2. For the state financial match requirement
37 8 for meeting the federal mandates connected with the
37 9 department's Medicaid fraud and abuse activities, and
37 10 the amount necessary to cover costs incurred by the
37 11 department or other agencies in providing regulation,
37 12 responding to allegations, or other activity involving
37 13 chapter 135O.
37 14 Sec. 77. DEPARTMENT OF INSPECTIONS AND APPEALS
37 15 ==== LEGISLATIVE IMPLEMENTATION ==== MEDICAID FRAUD FUND
37 16 APPROPRIATION. There is appropriated from the Medicaid
37 17 fraud fund created in section 249A.7 to the department
37 18 of inspections and appeals for the fiscal year
37 19 beginning July 1, 2012, and ending June 30, 2013, the
37 20 following amount, or so much thereof as is necessary,
37 21 to be used for the purposes designated:
37 22 For salaries, support, maintenance, miscellaneous
37 23 purposes, administration, and other costs associated
37 24 with implementation of 2010 Iowa Acts, chapter 1177:
37 25 ..... $ 125,000
37 26 Sec. 78. RACING AND GAMING COMMISSION.
37 27 1. RACETRACK REGULATION
37 28 There is appropriated from the gaming regulatory
37 29 revolving fund established in section 99F.20 to the
37 30 racing and gaming commission of the department of
37 31 inspections and appeals for the fiscal year beginning
37 32 July 1, 2012, and ending June 30, 2013, the following
37 33 amount, or so much thereof as is necessary, to be used
37 34 for the purposes designated:
37 35 For salaries, support, maintenance, and
37 36 miscellaneous purposes for the regulation of
37 37 pari=mutuel racetracks, and for not more than the
37 38 following full=time equivalent positions:
37 39 ..... $ 1,255,720
37 40 ..... FTEs 28.53
37 41 2. EXCURSION BOAT AND GAMBLING STRUCTURE REGULATION
37 42 There is appropriated from the gaming regulatory
37 43 revolving fund established in section 99F.20 to the
37 44 racing and gaming commission of the department of
37 45 inspections and appeals for the fiscal year beginning
37 46 July 1, 2012, and ending June 30, 2013, the following
37 47 amount, or so much thereof as is necessary, to be used
37 48 for the purposes designated:
37 49 For salaries, support, maintenance, and
37 50 miscellaneous purposes for administration and

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38 1 enforcement of the excursion boat gambling and gambling
38 2 structure laws, and for not more than the following
38 3 full=time equivalent positions:
38 4 ..... $ 1,539,050
38 5 ..... FTEs 44.22
38 6 Sec. 79. ROAD USE TAX FUND APPROPRIATION ====
38 7 DEPARTMENT OF INSPECTIONS AND APPEALS. There is
38 8 appropriated from the road use tax fund created in
38 9 section 312.1 to the administrative hearings division
38 10 of the department of inspections and appeals for the
38 11 fiscal year beginning July 1, 2012, and ending June 30,
38 12 2013, the following amount, or so much thereof as is
38 13 necessary, for the purposes designated:
38 14 For salaries, support, maintenance, and
38 15 miscellaneous purposes:
38 16 ..... $ 811,949
38 17 Sec. 80. DEPARTMENT OF MANAGEMENT.
38 18 1. There is appropriated from the general fund
38 19 of the state to the department of management for the
38 20 fiscal year beginning July 1, 2012, and ending June 30,
38 21 2013, the following amounts, or so much thereof as is
38 22 necessary, to be used for the purposes designated:
38 23 For salaries, support, maintenance, and
38 24 miscellaneous purposes, and for not more than the
38 25 following full=time equivalent positions:
38 26 ..... $ 1,196,999
38 27 ..... FTEs 25.00
38 28 2. Of the moneys appropriated in this section, the
38 29 department shall use a portion for enterprise resource
38 30 planning, providing for a salary model administrator,
38 31 conducting performance audits, and for the department's
38 32 LEAN process.
38 33 Sec. 81. ROAD USE TAX APPROPRIATION ==== DEPARTMENT
38 34 OF MANAGEMENT. There is appropriated from the road use
38 35 tax fund created in section 312.1 to the department
38 36 of management for the fiscal year beginning July 1,
38 37 2012, and ending June 30, 2013, the following amount,
38 38 or so much thereof as is necessary, to be used for the
38 39 purposes designated:
38 40 For salaries, support, maintenance, and
38 41 miscellaneous purposes:
38 42 ..... $ 28,000
38 43 Sec. 82. DEPARTMENT OF REVENUE.
38 44 1. There is appropriated from the general fund
38 45 of the state to the department of revenue for the
38 46 fiscal year beginning July 1, 2012, and ending June 30,
38 47 2013, the following amounts, or so much thereof as is
38 48 necessary, to be used for the purposes designated:
38 49 For salaries, support, maintenance, and
38 50 miscellaneous purposes, and for not more than the

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39 1 following full=time equivalent positions:
39 2 ..... $ 8,829,742
39 3 ..... FTEs 303.48
39 4 2. Of the funds appropriated pursuant to this
39 5 section, $400,000 shall be used to pay the direct
39 6 costs of compliance related to the collection and
39 7 distribution of local sales and services taxes imposed
39 8 pursuant to chapters 423B and 423E.
39 9 3. The director of revenue shall prepare and issue
39 10 a state appraisal manual and the revisions to the
39 11 state appraisal manual as provided in section 421.17,
39 12 subsection 17, without cost to a city or county.
39 13 Sec. 83. MOTOR VEHICLE FUEL TAX
39 14 APPROPRIATION. There is appropriated from the motor
39 15 fuel tax fund created by section 452A.77 to the
39 16 department of revenue for the fiscal year beginning
39 17 July 1, 2012, and ending June 30, 2013, the following
39 18 amount, or so much thereof as is necessary, to be used
39 19 for the purposes designated:
39 20 For salaries, support, maintenance, miscellaneous
39 21 purposes, and for administration and enforcement of the
39 22 provisions of chapter 452A and the motor vehicle use
39 23 tax program:
39 24 ..... $ 652,888
39 25 Sec. 84. SECRETARY OF STATE.
39 26 1. There is appropriated from the general fund of
39 27 the state to the office of the secretary of state for
39 28 the fiscal year beginning July 1, 2012, and ending June
39 29 30, 2013, the following amounts, or so much thereof as
39 30 is necessary, to be used for the purposes designated:
39 31 For salaries, support, maintenance, and
39 32 miscellaneous purposes, and for not more than the
39 33 following full=time equivalent positions:
39 34 ..... $ 1,447,793
39 35 ..... FTEs 45.00
39 36 2. The state department or state agency which
39 37 provides data processing services to support voter
39 38 registration file maintenance and storage shall provide
39 39 those services without charge.
39 40 Sec. 85. SECRETARY OF STATE FILING FEES REFUND.
39 41 Notwithstanding the obligation to collect fees pursuant
39 42 to the provisions of section 490.122, subsection 1,
39 43 paragraphs "a" and "s", and section 504.113, subsection
39 44 1, paragraphs "a", "c", "d", "j", "k", "l", and
39 45 "m", for the fiscal year beginning July 1, 2012, the
39 46 secretary of state may refund these fees to the filer
39 47 pursuant to rules established by the secretary of
39 48 state. The decision of the secretary of state not to
39 49 issue a refund under rules established by the secretary
39 50 of state is final and not subject to review pursuant

House Amendment 1750 continued

40 1 to chapter 17A.
40 2 Sec. 86. TREASURER.
40 3 1. There is appropriated from the general fund of
40 4 the state to the office of treasurer of state for the
40 5 fiscal year beginning July 1, 2012, and ending June 30,
40 6 2013, the following amount, or so much thereof as is
40 7 necessary, to be used for the purposes designated:
40 8 For salaries, support, maintenance, and
40 9 miscellaneous purposes, and for not more than the
40 10 following full=time equivalent positions:
40 11 ..... $ 427,145
40 12 ..... FTEs 28.80
40 13 2. The office of treasurer of state shall supply
40 14 clerical and secretarial support for the executive
40 15 council.
40 16 Sec. 87. ROAD USE TAX APPROPRIATION ==== OFFICE
40 17 OF TREASURER OF STATE. There is appropriated from
40 18 the road use tax fund created in section 312.1 to
40 19 the office of treasurer of state for the fiscal year
40 20 beginning July 1, 2012, and ending June 30, 2013, the
40 21 following amount, or so much thereof as is necessary,
40 22 to be used for the purposes designated:
40 23 For enterprise resource management costs related to
40 24 the distribution of road use tax funds:
40 25 ..... $ 46,574
40 26 Sec. 88. IPERS ==== GENERAL OFFICE. There is
40 27 appropriated from the Iowa public employees' retirement
40 28 system fund to the Iowa public employees' retirement
40 29 system for the fiscal year beginning July 1, 2012, and
40 30 ending June 30, 2013, the following amount, or so much
40 31 thereof as is necessary, to be used for the purposes
40 32 designated:
40 33 For salaries, support, maintenance, and other
40 34 operational purposes to pay the costs of the Iowa
40 35 public employees' retirement system, and for not more
40 36 than the following full=time equivalent positions:
40 37 ..... $ 8,843,484
40 38 ..... FTEs 90.13
40 39 DIVISION III
40 40 CONDITIONAL EFFECTIVE DATE AND RETROACTIVE
40 41 APPLICABILITY
40 42 Sec. 89. EFFECTIVE DATE AND RETROACTIVE
40 43 APPLICABILITY. Unless otherwise provided, this Act,
40 44 if approved by the governor on or after July 1, 2011,
40 45 takes effect upon enactment and applies retroactively
40 46 to July 1, 2011.>

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# House Amendment 1751

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1 1 Amend the Senate amendment, H=1732, to House File
1 2 649, as amended, passed, and reprinted by the House, as
1 3 follows:
1 4 #1. By striking page 1, line 1, through page 53,
1 5 line 18, and inserting:
1 6 <Amend House File 649, as amended, passed, and
1 7 reprinted by the House, as follows:
1 8 ___. By striking everything after the enacting
1 9 clause and inserting:
1 10 <DIVISION I
1 11 HEALTH AND HUMAN SERVICES
1 12 DEPARTMENT ON AGING ==== FY 2011=2012
1 13 Section 1. DEPARTMENT ON AGING. There is
1 14 appropriated from the general fund of the state to
1 15 the department on aging for the fiscal year beginning
1 16 July 1, 2011, and ending June 30, 2012, the following
1 17 amount, or so much thereof as is necessary, to be used
1 18 for the purposes designated:
1 19 For aging programs for the department on aging and
1 20 area agencies on aging to provide citizens of Iowa who
1 21 are 60 years of age and older with case management for
1 22 frail elders, Iowa's aging and disabilities resource
1 23 center, and other services which may include but are
1 24 not limited to adult day services, respite care, chore
1 25 services, information and assistance, and material aid,
1 26 for information and options counseling for persons with
1 27 disabilities who are 18 years of age or older, and
1 28 for salaries, support, administration, maintenance,
1 29 and miscellaneous purposes, and for not more than the
1 30 following full=time equivalent positions:
1 31 ..... $ 10,302,577
1 32 ..... FTEs 35.00
1 33 1. Funds appropriated in this section may be used
1 34 to supplement federal funds under federal regulations.
1 35 To receive funds appropriated in this section, a local
1 36 area agency on aging shall match the funds with moneys
1 37 from other sources according to rules adopted by the
1 38 department. Funds appropriated in this section may be
1 39 used for elderly services not specifically enumerated
1 40 in this section only if approved by an area agency on
1 41 aging for provision of the service within the area.
1 42 2. The amount appropriated in this section includes
1 43 additional funding of $450,000 for delivery of
1 44 long=term care services to older individuals with low
1 45 or moderate incomes.
1 46 3. Of the funds appropriated in this section,
1 47 $179,946 shall be transferred to the department
1 48 of economic development for the Iowa commission on
1 49 volunteer services to be used for the retired and
1 50 senior volunteer program.

House Amendment 1751 continued

2 1 4. a. The department on aging shall establish and
2 2 enforce procedures relating to expenditure of state and
2 3 federal funds by area agencies on aging that require
2 4 compliance with both state and federal laws, rules, and
2 5 regulations, including but not limited to all of the
2 6 following:
2 7 (1) Requiring that expenditures are incurred only
2 8 for goods or services received or performed prior to
2 9 the end of the fiscal period designated for use of the
2 10 funds.
2 11 (2) Prohibiting prepayment for goods or services
2 12 not received or performed prior to the end of the
2 13 fiscal period designated for use of the funds.
2 14 (3) Prohibiting the prepayment for goods or
2 15 services not defined specifically by good or service,
2 16 time period, or recipient.
2 17 (4) Prohibiting the establishment of accounts from
2 18 which future goods or services which are not defined
2 19 specifically by good or service, time period, or
2 20 recipient, may be purchased.
2 21 b. The procedures shall provide that if any funds
2 22 are expended in a manner that is not in compliance with
2 23 the procedures and applicable federal and state laws,
2 24 rules, and regulations, and are subsequently subject
2 25 to repayment, the area agency on aging expending such
2 26 funds in contravention of such procedures, laws, rules
2 27 and regulations, not the state, shall be liable for
2 28 such repayment.
2 29 DIVISION II
2 30 HEALTH AND HUMAN SERVICES
2 31 DEPARTMENT OF PUBLIC HEALTH ==== FY 2011=2012
2 32 Sec. 2. DEPARTMENT OF PUBLIC HEALTH. There is
2 33 appropriated from the general fund of the state to
2 34 the department of public health for the fiscal year
2 35 beginning July 1, 2011, and ending June 30, 2012, the
2 36 following amounts, or so much thereof as is necessary,
2 37 to be used for the purposes designated:
2 38 1. ADDICTIVE DISORDERS
2 39 For reducing the prevalence of use of tobacco,
2 40 alcohol, and other drugs, and treating individuals
2 41 affected by addictive behaviors, including gambling,
2 42 and for not more than the following full=time
2 43 equivalent positions:
2 44 ..... $ 20,703,190
2 45 ..... FTEs 13.00
2 46 a. (1) Of the funds appropriated in this
2 47 subsection 1, $453,830 shall be transferred to the
2 48 alcoholic beverages division of the department of
2 49 commerce for enforcement of tobacco laws, regulations,
2 50 and ordinances in accordance with 2011 Iowa Acts, House

House Amendment 1751 continued

3 1 File 467, as enacted.
3 2 (2) Implementation of the tobacco use prevention
3 3 and control initiative for the fiscal year beginning
3 4 July 1, 2011, including efforts at the state and local
3 5 levels, as provided in chapter 142A, shall be limited
3 6 to the extent of the funding available.
3 7 b. Of the funds appropriated in this subsection
3 8 1, $20,249,360 shall be used for problem gambling and
3 9 substance abuse prevention, treatment, and recovery
3 10 services, including a 24=hour helpline, public
3 11 information resources, professional training, and
3 12 program evaluation.
3 13 (1) Of the funds allocated in this paragraph
3 14 "b", $17,132,508 shall be used for substance abuse
3 15 prevention and treatment.
3 16 (a) Of the funds allocated in this subparagraph
3 17 (1), $899,300 shall be used for the public purpose of
3 18 a grant program to provide substance abuse prevention
3 19 programming for children.
3 20 (i) Of the funds allocated in this subparagraph
3 21 division (a), $427,539 shall be used for grant funding
3 22 for organizations that provide programming for
3 23 children by utilizing mentors. Programs approved for
3 24 such grants shall be certified or will be certified
3 25 within six months of receiving the grant award by the
3 26 Iowa commission on volunteer services as utilizing
3 27 the standards for effective practice for mentoring
3 28 programs.
3 29 (ii) Of the funds allocated in this subparagraph
3 30 division (a), $426,839 shall be used for grant
3 31 funding for organizations that provide programming
3 32 that includes youth development and leadership. The
3 33 programs shall also be recognized as being programs
3 34 that are scientifically based with evidence of their
3 35 effectiveness in reducing substance abuse in children.
3 36 (iii) The department of public health shall utilize
3 37 a request for proposals process to implement the grant
3 38 program.
3 39 (iv) All grant recipients shall participate in a
3 40 program evaluation as a requirement for receiving grant
3 41 funds.
3 42 (v) Of the funds allocated in this subparagraph
3 43 division (a), up to $44,922 may be used to administer
3 44 substance abuse prevention grants and for program
3 45 evaluations.
3 46 (b) Of the funds allocated in this subparagraph
3 47 (1), $273,062 shall be used for culturally competent
3 48 substance abuse treatment pilot projects.
3 49 (i) The department shall utilize the amount
3 50 allocated in this subparagraph division (b) for at

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4 1 least three pilot projects to provide culturally
4 2 competent substance abuse treatment in various areas
4 3 of the state. Each pilot project shall target a
4 4 particular ethnic minority population. The populations
4 5 targeted shall include but are not limited to African
4 6 American, Asian, and Latino.
4 7 (ii) The pilot project requirements shall provide
4 8 for documentation or other means to ensure access
4 9 to the cultural competence approach used by a pilot
4 10 project so that such approach can be replicated and
4 11 improved upon in successor programs.
4 12 (2) Of the funds allocated in this paragraph "b",
4 13 up to $3,116,852 may be used for problem gambling
4 14 prevention, treatment, and recovery services.
4 15 (a) Of the funds allocated in this subparagraph
4 16 (2), $2,579,000 shall be used for problem gambling
4 17 prevention and treatment.
4 18 (b) Of the funds allocated in this subparagraph
4 19 (2), up to $437,852 may be used for a 24=hour helpline,
4 20 public information resources, professional training,
4 21 and program evaluation.
4 22 (c) Of the funds allocated in this subparagraph
4 23 (2), up to $100,000 may be used for the licensing of
4 24 problem gambling treatment programs.
4 25 (3) It is the intent of the general assembly that
4 26 from the moneys allocated in this paragraph "b",
4 27 persons with a dual diagnosis of substance abuse
4 28 and gambling addictions shall be given priority in
4 29 treatment services.
4 30 c. Notwithstanding any provision of law to the
4 31 contrary, to standardize the availability, delivery,
4 32 cost of delivery, and accountability of problem
4 33 gambling and substance abuse treatment services
4 34 statewide, the department shall continue implementation
4 35 of a process to create a system for delivery of
4 36 treatment services in accordance with the requirements
4 37 specified in 2008 Iowa Acts, chapter 1187, section
4 38 3, subsection 4. To ensure the system provides a
4 39 continuum of treatment services that best meets the
4 40 needs of Iowans, the problem gambling and substance
4 41 abuse treatment services in any area may be provided
4 42 either by a single agency or by separate agencies
4 43 submitting a joint proposal.
4 44 (1) The system for delivery of substance abuse
4 45 and problem gambling treatment shall include problem
4 46 gambling prevention by July 1, 2012. The department
4 47 shall submit a proposed legislative bill in accordance
4 48 with section 2.16, for consideration during the 2012
4 49 legislative session, addressing any statutory revisions
4 50 necessary for full implementation of the system.

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5 1 (2) The system for delivery of substance abuse and
5 2 problem gambling treatment shall include substance
5 3 abuse prevention by July 1, 2014.
5 4 (3) Of the funds allocated in paragraph "b", the
5 5 department may use up to $100,000 for administrative
5 6 costs to continue developing and implementing the
5 7 process in accordance with this paragraph "c".
5 8 d. The requirement of section 123.53, subsection
5 9 5, is met by the appropriations and allocations made
5 10 in the health and human services divisions of this Act
5 11 for purposes of substance abuse treatment and addictive
5 12 disorders for the fiscal year beginning July 1, 2011.
5 13 e. The department of public health shall work
5 14 with all other departments that fund substance
5 15 abuse prevention and treatment services and all
5 16 such departments shall, to the extent necessary,
5 17 collectively meet the state maintenance of effort
5 18 requirements for expenditures for substance abuse
5 19 services as required under the federal substance abuse
5 20 prevention and treatment block grant.
5 21 f. The department shall amend or otherwise
5 22 revise departmental policies and contract provisions
5 23 in order to eliminate free t=shirt distribution,
5 24 banner production, and other unnecessary promotional
5 25 expenditures.
5 26 2. HEALTHY CHILDREN AND FAMILIES
5 27 For promoting the optimum health status for
5 28 children, adolescents from birth through 21 years of
5 29 age, and families, and for not more than the following
5 30 full=time equivalent positions:
5 31 ..... $ 2,594,270
5 32 ..... FTEs 10.00
5 33 a. Of the funds appropriated in this subsection,
5 34 not more than $739,318 shall be used for the healthy
5 35 opportunities to experience success (HOPES)=healthy
5 36 families Iowa (HFI) program established pursuant to
5 37 section 135.106. The funding shall be distributed to
5 38 renew the grants that were provided to the grantees
5 39 that operated the program during the fiscal year ending
5 40 June 30, 2011.
5 41 b. Of the funds appropriated in this subsection,
5 42 $329,885 shall be used to continue to address the
5 43 healthy mental development of children from birth
5 44 through five years of age through local evidence=based
5 45 strategies that engage both the public and private
5 46 sectors in promoting healthy development, prevention,
5 47 and treatment for children.
5 48 c. Of the funds appropriated in this subsection,
5 49 $31,597 shall be distributed to a statewide dental
5 50 carrier to provide funds to continue the donated dental

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6 1 services program patterned after the projects developed
6 2 by the dental lifeline network to provide dental
6 3 services to indigent elderly and disabled individuals.
6 4 d. Of the funds appropriated in this subsection,
6 5 $112,677 shall be used for childhood obesity
6 6 prevention.
6 7 e. Of the funds appropriated in this subsection,
6 8 $163,760 shall be used to provide audiological services
6 9 and hearing aids for children. The department may
6 10 enter into a contract to administer this paragraph.
6 11 3. CHRONIC CONDITIONS
6 12 For serving individuals identified as having chronic
6 13 conditions or special health care needs, and for not
6 14 more than the following full=time equivalent positions:
6 15 ..... $ 3,438,591
6 16 ..... FTEs 4.00
6 17 a. Of the funds appropriated in this subsection,
6 18 $160,582 shall be used for grants to individual
6 19 patients who have phenylketonuria (PKU) to assist with
6 20 the costs of necessary special foods.
6 21 b. Of the funds appropriated in this subsection,
6 22 $483,600 is allocated for continuation of the contracts
6 23 for resource facilitator services in accordance with
6 24 section 135.22B, subsection 9, and for brain injury
6 25 training services and recruiting of service providers
6 26 to increase the capacity within this state to address
6 27 the needs of individuals with brain injuries and such
6 28 individuals' families.
6 29 c. Of the funds appropriated in this subsection,
6 30 $468,874 shall be used as additional funding to
6 31 leverage federal funding through the federal Ryan
6 32 White Care Act, Tit. II, AIDS drug assistance program
6 33 supplemental drug treatment grants.
6 34 d. Of the funds appropriated in this subsection,
6 35 $31,254 shall be used for the public purpose of
6 36 providing a grant to an existing national=affiliated
6 37 organization to provide education, client=centered
6 38 programs, and client and family support for people
6 39 living with epilepsy and their families.
6 40 e. Of the funds appropriated in this subsection,
6 41 $12,500 shall be used for the purposes of the epilepsy
6 42 treatment and education task force as specified in 2011
6 43 Iowa Acts, House File 322, as enacted.
6 44 f. Of the funds appropriated in this subsection,
6 45 $788,303 shall be used for child health specialty
6 46 clinics.
6 47 g. Of the funds appropriated in this subsection,
6 48 $711,052 shall be used for the comprehensive cancer
6 49 control program to reduce the burden of cancer in
6 50 Iowa through prevention, early detection, effective

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7 1 treatment, and ensuring quality of life. Of the funds
7 2 allocated in this lettered paragraph, $363,987 shall
7 3 be used to support a melanoma research symposium,
7 4 a melanoma biorepository and registry, basic and
7 5 translational melanoma research, and clinical trials.
7 6 h. Of the funds appropriated in this subsection,
7 7 $126,450 shall be used for cervical and colon cancer
7 8 screening.
7 9 i. Of the funds appropriated in this subsection,
7 10 $421,782 shall be used for the center for congenital
7 11 and inherited disorders.
7 12 j. Of the funds appropriated in this subsection,
7 13 $129,937 shall be used for the prescription drug
7 14 donation repository program created in chapter 135M.
7 15 4. COMMUNITY CAPACITY
7 16 For strengthening the health care delivery system at
7 17 the local level, and for not more than the following
7 18 full=time equivalent positions:
7 19 ..... $ 4,414,063
7 20 ..... FTEs 14.00
7 21 a. Of the funds appropriated in this subsection,
7 22 $100,000 is allocated for a child vision screening
7 23 program implemented through the university of Iowa
7 24 hospitals and clinics in collaboration with early
7 25 childhood Iowa areas.
7 26 b. Of the funds appropriated in this subsection,
7 27 $111,308 is allocated for continuation of an initiative
7 28 implemented at the university of Iowa and $100,493 is
7 29 allocated for continuation of an initiative at the
7 30 state mental health institute at Cherokee to expand
7 31 and improve the workforce engaged in mental health
7 32 treatment and services. The initiatives shall receive
7 33 input from the university of Iowa, the department of
7 34 human services, the department of public health, and
7 35 the mental health, mental retardation, developmental
7 36 disabilities, and brain injury commission to address
7 37 the focus of the initiatives.
7 38 c. Of the funds appropriated in this subsection,
7 39 $1,171,491 shall be used for essential public health
7 40 services that promote healthy aging throughout the
7 41 lifespan, contracted through a formula for local boards
7 42 of health, to enhance health promotion and disease
7 43 prevention services.
7 44 d. Of the funds appropriated in this section,
7 45 $121,817 shall be deposited in the governmental public
7 46 health system fund created in section 135A.8 to be used
7 47 for the purposes of the fund.
7 48 e. Of the funds appropriated in this subsection,
7 49 $106,279 shall be used for the mental health
7 50 professional shortage area program implemented pursuant

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8 1 to section 135.80.
8 2 f. Of the funds appropriated in this subsection,
8 3 $38,263 shall be used for a grant to a statewide
8 4 association of psychologists that is affiliated
8 5 with the American psychological association to be
8 6 used for continuation of a program to rotate intern
8 7 psychologists in placements in urban and rural mental
8 8 health professional shortage areas, as defined in
8 9 section 135.80.
8 10 g. Of the funds appropriated in this subsection,
8 11 the following amounts shall be allocated to the Iowa
8 12 collaborative safety net provider network established
8 13 pursuant to section 135.153 to be used for the purposes
8 14 designated. The following amounts allocated under
8 15 this lettered paragraph shall be distributed to
8 16 the specified provider and shall not be reduced for
8 17 administrative or other costs prior to distribution:
8 18 (1) For distribution to the Iowa primary care
8 19 association for statewide coordination of the Iowa
8 20 collaborative safety net provider network:
8 21 ..... $ 116,597
8 22 (2) For distribution to the local boards of health
8 23 that provide direct services for pilot programs in
8 24 three counties to assist patients in determining an
8 25 appropriate medical home:
8 26 ..... $ 68,332
8 27 (3) For distribution to maternal and child health
8 28 centers for pilot programs in three counties to assist
8 29 patients in determining an appropriate medical home:
8 30 ..... $ 68,332
8 31 (4) For distribution to free clinics for necessary
8 32 infrastructure, statewide coordination, provider
8 33 recruitment, service delivery, and provision of
8 34 assistance to patients in determining an appropriate
8 35 medical home:
8 36 ..... $ 113,754
8 37 (5) For distribution to rural health clinics for
8 38 necessary infrastructure, statewide coordination,
8 39 provider recruitment, service delivery, and provision
8 40 of assistance to patients in determining an appropriate
8 41 medical home:
8 42 ..... $ 101,264
8 43 (6) For continuation of the safety net provider
8 44 patient access to specialty health care initiative as
8 45 described in 2007 Iowa Acts, chapter 218, section 109:
8 46 ..... $ 238,420
8 47 (7) For continuation of the pharmaceutical
8 48 infrastructure for safety net providers as described in
8 49 2007 Iowa Acts, chapter 218, section 108:
8 50 ..... $ 247,590

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9 1 The Iowa collaborative safety net provider network
9 2 may continue to distribute funds allocated pursuant to
9 3 this lettered paragraph through existing contracts or
9 4 renewal of existing contracts.
9 5 h. (1) Of the funds appropriated in this
9 6 subsection, $100,000 shall be used for continued
9 7 implementation of the recommendations of the direct
9 8 care worker task force established pursuant to 2005
9 9 Iowa Acts, chapter 88, based upon the report submitted
9 10 to the governor and the general assembly in December
9 11 2006. The department may use a portion of the funds
9 12 allocated in this lettered paragraph for an additional
9 13 position to assist in the continued implementation.
9 14 (2) The direct care worker advisory council
9 15 shall submit a final report no later than March 1,
9 16 2012, to the governor and the general assembly, in
9 17 accordance with 2010 Iowa Acts, chapter 1192, section
9 18 2, subsection 4, paragraph "h", subparagraph (3).
9 19 (3) The department of public health shall report
9 20 to the persons designated in the department of human
9 21 services division of this Act for FY 2011=2012 for
9 22 submission of reports regarding use of the funds
9 23 allocated in this lettered paragraph, on or before
9 24 January 15, 2012.
9 25 i. Of the funds appropriated in this subsection,
9 26 $150,000 shall be used for allocation through a request
9 27 for proposals process to a statewide direct care worker
9 28 association for education, outreach, and mentoring
9 29 intended to enhance the recruitment and retention of
9 30 direct care workers in health care and long=term care
9 31 settings. Funding allocated in this lettered paragraph
9 32 shall not be used by the recipient association for
9 33 lobbying activities as described in section 689B.36.
9 34 j. The department may utilize one of the full=time
9 35 equivalent positions authorized in this subsection for
9 36 administration of the activities related to the Iowa
9 37 collaborative safety net provider network.
9 38 k. Of the funds appropriated in this subsection,
9 39 the department may use up to $60,000 for up to one
9 40 full=time equivalent position to administer the
9 41 volunteer health care provider program pursuant to
9 42 section 135.24.
9 43 l. Of the funds appropriated in this subsection,
9 44 $50,000 shall be used for a matching dental education
9 45 loan repayment program to be allocated to a dental
9 46 nonprofit health service corporation to develop the
9 47 criteria and implement the loan repayment program.
9 48 m. Of the funds appropriated in this subsection,
9 49 $363,987 shall be used as state matching funds for
9 50 the health information network as established by the

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10 1 department of public health.
10 2 5. HEALTHY AGING
10 3 To provide public health services that reduce risks
10 4 and invest in promoting and protecting good health over
10 5 the course of a lifetime with a priority given to older
10 6 Iowans and vulnerable populations:
10 7 ..... $ 7,297,142
10 8 a. Of the funds appropriated in this subsection,
10 9 $2,009,187 shall be used for local public health
10 10 nursing services.
10 11 b. Of the funds appropriated in this subsection,
10 12 $5,287,955 shall be used for home care aide services.
10 13 6. ENVIRONMENTAL HAZARDS
10 14 For reducing the public's exposure to hazards in the
10 15 environment, primarily chemical hazards, and for not
10 16 more than the following full=time equivalent positions:
10 17 ..... $ 813,777
10 18 ..... FTEs 4.00
10 19 Of the funds appropriated in this subsection,
10 20 $544,377 shall be used for childhood lead poisoning
10 21 provisions.
10 22 7. INFECTIOUS DISEASES
10 23 For reducing the incidence and prevalence of
10 24 communicable diseases, and for not more than the
10 25 following full=time equivalent positions:
10 26 ..... $ 1,345,847
10 27 ..... FTEs 4.00
10 28 8. PUBLIC PROTECTION
10 29 For protecting the health and safety of the
10 30 public through establishing standards and enforcing
10 31 regulations, and for not more than the following
10 32 full=time equivalent positions:
10 33 ..... $ 2,776,232
10 34 ..... FTEs 125.00
10 35 a. Of the funds appropriated in this subsection,
10 36 not more than $471,690 shall be credited to the
10 37 emergency medical services fund created in section
10 38 135.25. Moneys in the emergency medical services fund
10 39 are appropriated to the department to be used for the
10 40 purposes of the fund.
10 41 b. Of the funds appropriated in this subsection,
10 42 $210,619 shall be used for sexual violence prevention
10 43 programming through a statewide organization
10 44 representing programs serving victims of sexual
10 45 violence through the department's sexual violence
10 46 prevention program. The amount allocated in this
10 47 lettered paragraph shall not be used to supplant
10 48 funding administered for other sexual violence
10 49 prevention or victims assistance programs.
10 50 c. Of the funds appropriated in this subsection,

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11 1 not more than $436,582 shall be used for the state
11 2 poison control center.
11 3 9. RESOURCE MANAGEMENT
11 4 For establishing and sustaining the overall
11 5 ability of the department to deliver services to the
11 6 public, and for not more than the following full=time
11 7 equivalent positions:
11 8 ..... $ 819,554
11 9 ..... FTEs 7.00
11 10 The university of Iowa hospitals and clinics under
11 11 the control of the state board of regents shall not
11 12 receive indirect costs from the funds appropriated in
11 13 this section. The university of Iowa hospitals and
11 14 clinics billings to the department shall be on at least
11 15 a quarterly basis.
11 16 DIVISION III
11 17 HEALTH AND HUMAN SERVICES
11 18 DEPARTMENT OF VETERANS AFFAIRS ==== FY 2011=2012
11 19 Sec. 3. DEPARTMENT OF VETERANS AFFAIRS. There is
11 20 appropriated from the general fund of the state to the
11 21 department of veterans affairs for the fiscal year
11 22 beginning July 1, 2011, and ending June 30, 2012, the
11 23 following amounts, or so much thereof as is necessary,
11 24 to be used for the purposes designated:
11 25 1. DEPARTMENT OF VETERANS AFFAIRS ADMINISTRATION
11 26 For salaries, support, maintenance, and
11 27 miscellaneous purposes, including the war orphans
11 28 educational assistance fund created in section
11 29 35.8, and for not more than the following full=time
11 30 equivalent positions:
11 31 ..... $ 998,832
11 32 ..... FTEs 16.34
11 33 2. IOWA VETERANS HOME
11 34 For salaries, support, maintenance, and
11 35 miscellaneous purposes:
11 36 ..... $ 8,952,151
11 37 a. The Iowa veterans home billings involving the
11 38 department of human services shall be submitted to the
11 39 department on at least a monthly basis.
11 40 b. If there is a change in the employer of
11 41 employees providing services at the Iowa veterans home
11 42 under a collective bargaining agreement, such employees
11 43 and the agreement shall be continued by the successor
11 44 employer as though there had not been a change in
11 45 employer.
11 46 c. Within available resources and in conformance
11 47 with associated state and federal program eligibility
11 48 requirements, the Iowa veterans home may implement
11 49 measures to provide financial assistance to or on
11 50 behalf of veterans or their spouses participating in

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12 1 the community reentry program.
12 2 3. STATE EDUCATIONAL ASSISTANCE ==== CHILDREN OF
12 3 DECEASED VETERANS
12 4 For provision of educational assistance pursuant to
12 5 section 35.9:
12 6 ..... $ 12,416
12 7 Sec. 4. LIMITATION OF COUNTY COMMISSION OF VETERANS
12 8 AFFAIRS FUND STANDING APPROPRIATIONS. Notwithstanding
12 9 the standing appropriation in the following designated
12 10 section for the fiscal year beginning July 1, 2011, and
12 11 ending June 30, 2012, the amounts appropriated from the
12 12 general fund of the state pursuant to that section for
12 13 the following designated purposes shall not exceed the
12 14 following amount:
12 15 For the county commissions of veterans affairs fund
12 16 under section 35A.16:
12 17 ..... $ 990,000
12 18 DIVISION IV
12 19 HEALTH AND HUMAN SERVICES
12 20 DEPARTMENT OF HUMAN SERVICES ==== FY 2011=2012
12 21 Sec. 5. TEMPORARY ASSISTANCE FOR NEEDY FAMILIES
12 22 BLOCK GRANT. There is appropriated from the fund
12 23 created in section 8.41 to the department of human
12 24 services for the fiscal year beginning July 1, 2011,
12 25 and ending June 30, 2012, from moneys received under
12 26 the federal temporary assistance for needy families
12 27 (TANF) block grant pursuant to the federal Personal
12 28 Responsibility and Work Opportunity Reconciliation
12 29 Act of 1996, Pub. L. No. 104=193, and successor
12 30 legislation, and from moneys received under the
12 31 emergency contingency fund for temporary assistance
12 32 for needy families state program established pursuant
12 33 to the federal American Recovery and Reinvestment
12 34 Act of 2009, Pub. L. No. 111=5 { 2101, and successor
12 35 legislation, the following amounts, or so much
12 36 thereof as is necessary, to be used for the purposes
12 37 designated:
12 38 1. To be credited to the family investment program
12 39 account and used for assistance under the family
12 40 investment program under chapter 239B:
12 41 ..... $ 21,500,738
12 42 2. To be credited to the family investment program
12 43 account and used for the job opportunities and
12 44 basic skills (JOBS) program and implementing family
12 45 investment agreements in accordance with chapter 239B:
12 46 ..... $ 12,411,528
12 47 3. To be used for the family development and
12 48 self=sufficiency grant program in accordance with
12 49 section 216A.107:
12 50 ..... $ 2,898,980

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13 1 Notwithstanding section 8.33, moneys appropriated in
13 2 this subsection that remain unencumbered or unobligated
13 3 at the close of the fiscal year shall not revert but
13 4 shall remain available for expenditure for the purposes
13 5 designated until the close of the succeeding fiscal
13 6 year. However, unless such moneys are encumbered or
13 7 obligated on or before September 30, 2012, the moneys
13 8 shall revert.
13 9 4. For field operations:
13 10 ..... $ 31,296,232
13 11 5. For general administration:
13 12 ..... $ 3,744,000
13 13 6. For state child care assistance:
13 14 ..... $ 16,382,687
13 15 The funds appropriated in this subsection shall be
13 16 transferred to the child care and development block
13 17 grant appropriation made by the Eighty=fourth General
13 18 Assembly, 2011 Session, for the federal fiscal year
13 19 beginning October 1, 2011, and ending September 30,
13 20 2012. Of this amount, $200,000 shall be used for
13 21 provision of educational opportunities to registered
13 22 child care home providers in order to improve services
13 23 and programs offered by this category of providers and
13 24 to increase the number of providers. The department
13 25 may contract with institutions of higher education or
13 26 child care resource and referral centers to provide the
13 27 educational opportunities. Allowable administrative
13 28 costs under the contracts shall not exceed 5 percent.
13 29 The application for a grant shall not exceed two pages
13 30 in length.
13 31 7. For mental health and developmental disabilities
13 32 community services:
13 33 ..... $ 4,894,052
13 34 8. For child and family services:
13 35 ..... $ 32,084,430
13 36 9. For child abuse prevention grants:
13 37 ..... $ 125,000
13 38 10. For pregnancy prevention grants on the
13 39 condition that family planning services are funded:
13 40 ..... $ 1,930,067
13 41 Pregnancy prevention grants shall be awarded
13 42 to pregnancy prevention programs that are based
13 43 on existing models that have demonstrated positive
13 44 outcomes. Grants shall comply with the requirements
13 45 provided in 1997 Iowa Acts, chapter 208, section 14,
13 46 subsections 1 and 2, including the requirement that
13 47 grant programs must emphasize sexual abstinence.
13 48 Priority in the awarding of grants shall be given
13 49 to programs that serve areas of the state which
13 50 demonstrate the highest percentage of unplanned

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14 1 pregnancies of females of childbearing age within the
14 2 geographic area to be served by the grant.
14 3 11. For technology needs and other resources
14 4 necessary to meet federal welfare reform reporting,
14 5 tracking, and case management requirements:
14 6 ..... $ 1,037,186
14 7 12. To be credited to the state child care
14 8 assistance appropriation made in this section to be
14 9 used for funding of community=based early childhood
14 10 programs targeted to children from birth through five
14 11 years of age developed by early childhood Iowa areas as
14 12 provided in section 256I.11:
14 13 ..... $ 6,350,000
14 14 The department shall transfer TANF block grant
14 15 funding appropriated and allocated in this subsection
14 16 to the child care and development block grant
14 17 appropriation in accordance with federal law as
14 18 necessary to comply with the provisions of this
14 19 subsection.
14 20 13. a. Notwithstanding any provision to the
14 21 contrary, including but not limited to requirements
14 22 in section 8.41 or provisions in 2010 or 2011 Iowa
14 23 Acts regarding the receipt and appropriation of
14 24 federal block grants, federal funds from the emergency
14 25 contingency fund for temporary assistance for needy
14 26 families state program established pursuant to the
14 27 federal American Recovery and Reinvestment Act of
14 28 2009, Pub. L. No. 111=5 { 2101, received by the state
14 29 during the fiscal year beginning July 1, 2010, and
14 30 ending June 30, 2011, not otherwise appropriated in
14 31 this section and remaining available as of July 1,
14 32 2011, and received by the state during the fiscal year
14 33 beginning July 1, 2011, and ending June 30, 2012, are
14 34 appropriated to the extent as may be necessary to be
14 35 used in the following priority order: the family
14 36 investment program for the fiscal year and for state
14 37 child care assistance program payments for individuals
14 38 enrolled in the family investment program who are
14 39 employed. The federal funds appropriated in this
14 40 paragraph "a" shall be expended only after all other
14 41 funds appropriated in subsection 1 for the assistance
14 42 under the family investment program under chapter 239B
14 43 have been expended.
14 44 b. The department shall, on a quarterly basis,
14 45 advise the legislative services agency and department
14 46 of management of the amount of funds appropriated in
14 47 this subsection that was expended in the prior quarter.
14 48 14. Of the amounts appropriated in this section,
14 49 $12,962,008 for the fiscal year beginning July 1,
14 50 2011, shall be transferred to the appropriation of

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15 1 the federal social services block grant made for that
15 2 fiscal year.
15 3 15. For continuation of the program allowing the
15 4 department to maintain categorical eligibility for the
15 5 food assistance program as required under the section
15 6 of this division of this Act relating to the family
15 7 investment account:
15 8 ..... $ 146,072
15 9 16. The department may transfer funds allocated
15 10 in this section to the appropriations made in this
15 11 division of this Act for general administration and
15 12 field operations for resources necessary to implement
15 13 and operate the services referred to in this section
15 14 and those funded in the appropriation made in this
15 15 division of this Act for the family investment program
15 16 from the general fund of the state.
15 17 Sec. 6. FAMILY INVESTMENT PROGRAM ACCOUNT.
15 18 1. Moneys credited to the family investment program
15 19 (FIP) account for the fiscal year beginning July
15 20 1, 2011, and ending June 30, 2012, shall be used to
15 21 provide assistance in accordance with chapter 239B.
15 22 2. The department may use a portion of the moneys
15 23 credited to the FIP account under this section as
15 24 necessary for salaries, support, maintenance, and
15 25 miscellaneous purposes.
15 26 3. The department may transfer funds allocated in
15 27 this section to the appropriations in this division
15 28 of this Act for general administration and field
15 29 operations for resources necessary to implement and
15 30 operate the services referred to in this section and
15 31 those funded in the appropriation made in this division
15 32 of this Act for the family investment program from the
15 33 general fund of the state.
15 34 4. Moneys appropriated in this division of this Act
15 35 and credited to the FIP account for the fiscal year
15 36 beginning July 1, 2011, and ending June 30, 2012, are
15 37 allocated as follows:
15 38 a. To be retained by the department of human
15 39 services to be used for coordinating with the
15 40 department of human rights to more effectively serve
15 41 participants in the FIP program and other shared
15 42 clients and to meet federal reporting requirements
15 43 under the federal temporary assistance for needy
15 44 families block grant:
15 45 ..... $ 20,000
15 46 b. To the department of human rights for staffing,
15 47 administration, and implementation of the family
15 48 development and self=sufficiency grant program in
15 49 accordance with section 216A.107:
15 50 ..... $ 5,342,834

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16 1 (1) Of the funds allocated for the family
16 2 development and self=sufficiency grant program in this
16 3 lettered paragraph, not more than 5 percent of the
16 4 funds shall be used for the administration of the grant
16 5 program.
16 6 (2) The department of human rights may continue to
16 7 implement the family development and self=sufficiency
16 8 grant program statewide during fiscal year 2011=2012.
16 9 c. For the diversion subaccount of the FIP account:
16 10 ..... $ 1,698,400
16 11 A portion of the moneys allocated for the subaccount
16 12 may be used for field operations salaries, data
16 13 management system development, and implementation
16 14 costs and support deemed necessary by the director of
16 15 human services in order to administer the FIP diversion
16 16 program.
16 17 d. For the food stamp employment and training
16 18 program:
16 19 ..... $ 66,588
16 20 (1) The department shall amend the food stamp
16 21 employment and training state plan in order to maximize
16 22 to the fullest extent permitted by federal law the
16 23 use of the 50=50 match provisions for the claiming
16 24 of allowable federal matching funds from the United
16 25 States department of agriculture pursuant to the
16 26 federal food stamp employment and training program for
16 27 providing education, employment, and training services
16 28 for eligible food assistance program participants,
16 29 including but not limited to related dependent care and
16 30 transportation expenses.
16 31 (2) The department shall continue the categorical
16 32 federal food assistance program eligibility at 160
16 33 percent of the federal poverty level and continue to
16 34 eliminate the asset test from eligibility requirements,
16 35 consistent with federal food assistance program
16 36 requirements. The department shall include as many
16 37 food assistance households as is allowed by federal
16 38 law. The eligibility provisions shall conform to all
16 39 federal requirements including requirements addressing
16 40 individuals who are incarcerated or otherwise
16 41 ineligible.
16 42 e. For the JOBS program:
16 43 ..... $ 20,235,905
16 44 5. Of the child support collections assigned under
16 45 FIP, an amount equal to the federal share of support
16 46 collections shall be credited to the child support
16 47 recovery appropriation made in this division of this
16 48 Act. Of the remainder of the assigned child support
16 49 collections received by the child support recovery
16 50 unit, a portion shall be credited to the FIP account,

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17 1 a portion may be used to increase recoveries, and a
17 2 portion may be used to sustain cash flow in the child
17 3 support payments account. If as a consequence of the
17 4 appropriations and allocations made in this section
17 5 the resulting amounts are insufficient to sustain
17 6 cash assistance payments and meet federal maintenance
17 7 of effort requirements, the department shall seek
17 8 supplemental funding. If child support collections
17 9 assigned under FIP are greater than estimated or are
17 10 otherwise determined not to be required for maintenance
17 11 of effort, the state share of either amount may be
17 12 transferred to or retained in the child support payment
17 13 account.
17 14 6. The department may adopt emergency rules for
17 15 the family investment, JOBS, food stamp, and medical
17 16 assistance programs if necessary to comply with federal
17 17 requirements.
17 18 Sec. 7. FAMILY INVESTMENT PROGRAM GENERAL
17 19 FUND. There is appropriated from the general fund of
17 20 the state to the department of human services for the
17 21 fiscal year beginning July 1, 2011, and ending June 30,
17 22 2012, the following amount, or so much thereof as is
17 23 necessary, to be used for the purpose designated:
17 24 To be credited to the family investment program
17 25 (FIP) account and used for family investment program
17 26 assistance under chapter 239B:
17 27 ..... $ 50,171,027
17 28 1. Of the funds appropriated in this section,
17 29 $7,824,377 is allocated for the JOBS program.
17 30 2. Of the funds appropriated in this section,
17 31 $2,463,854 is allocated for the family development and
17 32 self=sufficiency grant program.
17 33 3. Notwithstanding section 8.39, for the fiscal
17 34 year beginning July 1, 2011, if necessary to meet
17 35 federal maintenance of effort requirements or to
17 36 transfer federal temporary assistance for needy
17 37 families block grant funding to be used for purposes
17 38 of the federal social services block grant or to meet
17 39 cash flow needs resulting from delays in receiving
17 40 federal funding or to implement, in accordance with
17 41 this division of this Act, activities currently funded
17 42 with juvenile court services, county, or community
17 43 moneys and state moneys used in combination with such
17 44 moneys, the department of human services may transfer
17 45 funds within or between any of the appropriations made
17 46 in this division of this Act and appropriations in law
17 47 for the federal social services block grant to the
17 48 department for the following purposes, provided that
17 49 the combined amount of state and federal temporary
17 50 assistance for needy families block grant funding for

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18 1 each appropriation remains the same before and after
18 2 the transfer:
18 3 a. For the family investment program.
18 4 b. For child care assistance.
18 5 c. For child and family services.
18 6 d. For field operations.
18 7 e. For general administration.
18 8 f. MH/MR/DD/BI community services (local purchase).
18 9 This subsection shall not be construed to prohibit
18 10 the use of existing state transfer authority for other
18 11 purposes. The department shall report any transfers
18 12 made pursuant to this subsection to the legislative
18 13 services agency.
18 14 4. Of the funds appropriated in this section,
18 15 $195,678 shall be used for continuation of a grant to
18 16 an Iowa=based nonprofit organization with a history
18 17 of providing tax preparation assistance to low=income
18 18 Iowans in order to expand the usage of the earned
18 19 income tax credit. The purpose of the grant is to
18 20 supply this assistance to underserved areas of the
18 21 state.
18 22 Sec. 8. CHILD SUPPORT RECOVERY. There is
18 23 appropriated from the general fund of the state to
18 24 the department of human services for the fiscal year
18 25 beginning July 1, 2011, and ending June 30, 2012, the
18 26 following amount, or so much thereof as is necessary,
18 27 to be used for the purposes designated:
18 28 For child support recovery, including salaries,
18 29 support, maintenance, and miscellaneous purposes, and
18 30 for not more than the following full=time equivalent
18 31 positions:
18 32 ..... $ 13,044,451
18 33 ..... FTEs 475.00
18 34 1. The department shall expend up to $24,329,
18 35 including federal financial participation, for the
18 36 fiscal year beginning July 1, 2011, for a child support
18 37 public awareness campaign. The department and the
18 38 office of the attorney general shall cooperate in
18 39 continuation of the campaign. The public awareness
18 40 campaign shall emphasize, through a variety of media
18 41 activities, the importance of maximum involvement of
18 42 both parents in the lives of their children as well as
18 43 the importance of payment of child support obligations.
18 44 2. Federal access and visitation grant moneys shall
18 45 be issued directly to private not=for=profit agencies
18 46 that provide services designed to increase compliance
18 47 with the child access provisions of court orders,
18 48 including but not limited to neutral visitation sites
18 49 and mediation services.
18 50 3. The appropriation made to the department for

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19 1 child support recovery may be used throughout the
19 2 fiscal year in the manner necessary for purposes of
19 3 cash flow management, and for cash flow management
19 4 purposes the department may temporarily draw more
19 5 than the amount appropriated, provided the amount
19 6 appropriated is not exceeded at the close of the fiscal
19 7 year.
19 8 4. With the exception of the funding amount
19 9 specified, the requirements established under 2001
19 10 Iowa Acts, chapter 191, section 3, subsection 5,
19 11 paragraph "c", subparagraph (3), shall be applicable
19 12 to parental obligation pilot projects for the fiscal
19 13 year beginning July 1, 2011, and ending June 30,
19 14 2012. Notwithstanding 441 IAC 100.8, providing for
19 15 termination of rules relating to the pilot projects,
19 16 the rules shall remain in effect until June 30, 2012.
19 17 Sec. 9. HEALTH CARE TRUST FUND ==== MEDICAL
19 18 ASSISTANCE. Any funds remaining in the health
19 19 care trust fund created in section 453A.35A for the
19 20 fiscal year beginning July 1, 2011, and ending June
19 21 30, 2012, are appropriated to the department of
19 22 human services to supplement the medical assistance
19 23 program appropriations made in the health and human
19 24 services divisions of this Act, for medical assistance
19 25 reimbursement and associated costs, including
19 26 program administration and costs associated with
19 27 implementation.
19 28 Sec. 10. MEDICAL ASSISTANCE. There is appropriated
19 29 from the general fund of the state to the department of
19 30 human services for the fiscal year beginning July 1,
19 31 2011, and ending June 30, 2012, the following amount,
19 32 or so much thereof as is necessary, to be used for the
19 33 purpose designated:
19 34 For medical assistance reimbursement and associated
19 35 costs as specifically provided in the reimbursement
19 36 methodologies in effect on June 30, 2011, except as
19 37 otherwise expressly authorized by law, including
19 38 reimbursement for abortion services which shall be
19 39 available under the medical assistance program only for
19 40 those abortions which are medically necessary:
19 41 ..... $907,087,190
19 42 1. Medically necessary abortions are those
19 43 performed under any of the following conditions:
19 44 a. The attending physician certifies that
19 45 continuing the pregnancy would endanger the life of the
19 46 pregnant woman.
19 47 b. Any spontaneous abortion, commonly known as a
19 48 miscarriage, if not all of the products of conception
19 49 are expelled.
19 50 2. The department shall utilize not more than

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20 1 $60,000 of the funds appropriated in this section
20 2 to continue the AIDS/HIV health insurance premium
20 3 payment program as established in 1992 Iowa Acts,
20 4 Second Extraordinary Session, chapter 1001, section
20 5 409, subsection 6. Of the funds allocated in this
20 6 subsection, not more than $5,000 may be expended for
20 7 administrative purposes.
20 8 3. Of the funds appropriated in the department of
20 9 public health division of this Act for FY 2011=2012
20 10 to the department of public health for addictive
20 11 disorders, $950,000 for the fiscal year beginning
20 12 July 1, 2011, shall be transferred to the department
20 13 of human services for an integrated substance abuse
20 14 managed care system. The department shall not assume
20 15 management of the substance abuse system in place
20 16 of the managed care contractor unless such a change
20 17 in approach is specifically authorized in law. The
20 18 departments of human services and public health shall
20 19 work together to maintain the level of mental health
20 20 and substance abuse services provided by the managed
20 21 care contractor through the Iowa plan for behavioral
20 22 health. Each department shall take the steps necessary
20 23 to continue the federal waivers as necessary to
20 24 maintain the level of services.
20 25 4. a. The department shall aggressively pursue
20 26 options for providing medical assistance or other
20 27 assistance to individuals with special needs who become
20 28 ineligible to continue receiving services under the
20 29 early and periodic screening, diagnostic, and treatment
20 30 program under the medical assistance program due
20 31 to becoming 21 years of age who have been approved
20 32 for additional assistance through the department's
20 33 exception to policy provisions, but who have health
20 34 care needs in excess of the funding available through
20 35 the exception to policy provisions.
20 36 b. Of the funds appropriated in this section,
20 37 $100,000 shall be used for participation in one or more
20 38 pilot projects operated by a private provider to allow
20 39 the individual or individuals to receive service in the
20 40 community in accordance with principles established in
20 41 Olmstead v. L.C., 527 U.S. 581 (1999), for the purpose
20 42 of providing medical assistance or other assistance to
20 43 individuals with special needs who become ineligible
20 44 to continue receiving services under the early and
20 45 periodic screening, diagnosis, and treatment program
20 46 under the medical assistance program due to becoming
20 47 21 years of age who have been approved for additional
20 48 assistance through the department's exception to policy
20 49 provisions, but who have health care needs in excess
20 50 of the funding available through the exception to the

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21 1 policy provisions.
21 2 5. Of the funds appropriated in this section, up to
21 3 $3,050,082 may be transferred to the field operations
21 4 or general administration appropriations in this
21 5 division of this Act for operational costs associated
21 6 with Part D of the federal Medicare Prescription Drug
21 7 Improvement and Modernization Act of 2003, Pub. L. No.
21 8 108=173.
21 9 6. Of the funds appropriated in this section, up
21 10 to $442,100 may be transferred to the appropriation
21 11 in this division of this Act for medical contracts
21 12 to be used for clinical assessment services and prior
21 13 authorization of services.
21 14 7. A portion of the funds appropriated in this
21 15 section may be transferred to the appropriations in
21 16 this division of this Act for general administration,
21 17 medical contracts, the children's health insurance
21 18 program, or field operations to be used for the
21 19 state match cost to comply with the payment error
21 20 rate measurement (PERM) program for both the medical
21 21 assistance and children's health insurance programs
21 22 as developed by the centers for Medicare and Medicaid
21 23 services of the United States department of health and
21 24 human services to comply with the federal Improper
21 25 Payments Information Act of 2002, Pub. L. No. 107=300.
21 26 8. It is the intent of the general assembly
21 27 that the department continue to implement the
21 28 recommendations of the assuring better child health
21 29 and development initiative II (ABCDII) clinical panel
21 30 to the Iowa early and periodic screening, diagnostic,
21 31 and treatment services healthy mental development
21 32 collaborative board regarding changes to billing
21 33 procedures, codes, and eligible service providers.
21 34 9. Of the funds appropriated in this section,
21 35 a sufficient amount is allocated to supplement
21 36 the incomes of residents of nursing facilities,
21 37 intermediate care facilities for persons with mental
21 38 illness, and intermediate care facilities for persons
21 39 with mental retardation, with incomes of less than $50
21 40 in the amount necessary for the residents to receive a
21 41 personal needs allowance of $50 per month pursuant to
21 42 section 249A.30A.
21 43 10. Of the funds appropriated in this section,
21 44 the following amounts shall be transferred to the
21 45 appropriations made in this division of this Act for
21 46 the state mental health institutes:
21 47 a. Cherokee mental health institute ..... $
21 48 9,098,425
21 49 b. Clarinda mental health institute ..... $
21 50 1,977,305

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22 1 c. Independence mental health institute ..... $
22 2 9,045,894
22 3 d. Mount Pleasant mental health institute .... $
22 4 5,752,587
22 5 11. a. Of the funds appropriated in this section,
22 6 $7,425,684 is allocated for the state match for a
22 7 disproportionate share hospital payment of $19,133,430
22 8 to hospitals that meet both of the conditions specified
22 9 in subparagraphs (1) and (2). In addition, the
22 10 hospitals that meet the conditions specified shall
22 11 either certify public expenditures or transfer to
22 12 the medical assistance program an amount equal to
22 13 provide the nonfederal share for a disproportionate
22 14 share hospital payment of $7,500,000. The hospitals
22 15 that meet the conditions specified shall receive and
22 16 retain 100 percent of the total disproportionate share
22 17 hospital payment of $26,633,430.
22 18 (1) The hospital qualifies for disproportionate
22 19 share and graduate medical education payments.
22 20 (2) The hospital is an Iowa state=owned hospital
22 21 with more than 500 beds and eight or more distinct
22 22 residency specialty or subspecialty programs recognized
22 23 by the American college of graduate medical education.
22 24 b. Distribution of the disproportionate share
22 25 payments shall be made on a monthly basis. The total
22 26 amount of disproportionate share payments including
22 27 graduate medical education, enhanced disproportionate
22 28 share, and Iowa state=owned teaching hospital payments
22 29 shall not exceed the amount of the state's allotment
22 30 under Pub. L. No. 102=234. In addition, the total
22 31 amount of all disproportionate share payments shall not
22 32 exceed the hospital=specific disproportionate share
22 33 limits under Pub. L. No. 103=66.
22 34 12. The university of Iowa hospitals and clinics
22 35 shall either certify public expenditures or transfer to
22 36 the medical assistance appropriation an amount equal
22 37 to provide the nonfederal share for increased medical
22 38 assistance payments for inpatient and outpatient
22 39 hospital services of $9,900,000. The university of
22 40 Iowa hospitals and clinics shall receive and retain 100
22 41 percent of the total increase in medical assistance
22 42 payments.
22 43 13. Of the funds appropriated in this section,
22 44 up to $4,480,304 may be transferred to the IowaCare
22 45 account created in section 249J.24.
22 46 14. Of the funds appropriated in this section,
22 47 $200,000 shall be used for the Iowa chronic care
22 48 consortium pursuant to 2003 Iowa Acts, chapter 112,
22 49 section 12, as amended by 2003 Iowa Acts, chapter 179,
22 50 sections 166 and 167.

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23 1 15. One hundred percent of the nonfederal share of
23 2 payments to area education agencies that are medical
23 3 assistance providers for medical assistance=covered
23 4 services provided to medical assistance=covered
23 5 children, shall be made from the appropriation made in
23 6 this section.
23 7 16. Any new or renewed contract entered into by the
23 8 department with a third party to administer behavioral
23 9 health services under the medical assistance program
23 10 shall provide that any interest earned on payments
23 11 from the state during the state fiscal year shall be
23 12 remitted to the department and treated as recoveries to
23 13 offset the costs of the medical assistance program.
23 14 17. The department shall continue to implement the
23 15 provisions in 2007 Iowa Acts, chapter 218, section
23 16 124 and section 126, as amended by 2008 Iowa Acts,
23 17 chapter 1188, section 55, relating to eligibility for
23 18 certain persons with disabilities under the medical
23 19 assistance program in accordance with the federal
23 20 family opportunity Act.
23 21 18. A portion of the funds appropriated in this
23 22 section may be transferred to the appropriation in this
23 23 division of this Act for medical contracts to be used
23 24 for administrative activities associated with the money
23 25 follows the person demonstration project.
23 26 19. Of the funds appropriated in this section,
23 27 $349,011 shall be used for the administration of the
23 28 health insurance premium payment program, including
23 29 salaries, support, maintenance, and miscellaneous
23 30 purposes for the fiscal year beginning July 1, 2011.
23 31 20. a. The department may implement cost
23 32 containment strategies recommended by the governor, and
23 33 may adopt emergency rules for such implementation.
23 34 b. The department may increase the amounts
23 35 allocated for salaries, support, maintenance, and
23 36 miscellaneous purposes associated with the medical
23 37 assistance program, as necessary, to implement the cost
23 38 containment strategies. The department shall report
23 39 any such increase to the legislative services agency
23 40 and the department of management.
23 41 c. If the savings to the medical assistance
23 42 program exceed the cost, the department may transfer
23 43 any savings generated for the fiscal year due to
23 44 medical assistance program cost containment efforts
23 45 initiated pursuant to 2010 Iowa Acts, chapter 1031,
23 46 Executive Order No. 20, issued December 16, 2009, or
23 47 cost containment strategies initiated pursuant to
23 48 this subsection, to the appropriation made in this
23 49 division of this Act for medical contracts or general
23 50 administration to defray the increased contract costs

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24 1 associated with implementing such efforts.
24 2 d. The department shall report the implementation
24 3 of any cost containment strategies under this
24 4 subsection to the individuals specified in this
24 5 division of this Act for submission of reports on a
24 6 quarterly basis.
24 7 21. Notwithstanding any provision of law to the
24 8 contrary, the department of human services shall amend
24 9 the section 1915(b) waiver and Iowa plan contract to
24 10 include remedial services under the Iowa plan contract
24 11 effective July 1, 2011.
24 12 22. a. The department may submit medical
24 13 assistance program state plan amendments to the centers
24 14 for Medicare and Medicaid services of the United
24 15 States department of health and human services, and may
24 16 adopt administrative rules pursuant to chapter 17A to
24 17 implement any of the following if the respective state
24 18 plan amendment is approved:
24 19 (1) Health homes pursuant to section 2703 of the
24 20 federal Patient Protection and Affordable Care Act,
24 21 Pub. L. No. 111=148. The department shall collaborate
24 22 with the medical home system advisory council created
24 23 pursuant to section 135.159 in developing such health
24 24 homes.
24 25 (2) Accountable care organization pilot programs,
24 26 if such programs are advantageous to the medical
24 27 assistance program.
24 28 b. Any health home or accountable care organization
24 29 pilot program implemented pursuant to this subsection
24 30 shall demonstrate value to the state with a
24 31 positive return on investment within two years of
24 32 implementation, and may utilize care coordination fees,
24 33 pay=for=performance fees, or shared saving strategies
24 34 if approved as part of the state plan amendment.
24 35 23. The department, in consultation with the
24 36 Iowa pharmacy association and other appropriate
24 37 entities, shall develop recommendations to replace the
24 38 reimbursement methodology of average wholesale price
24 39 minus 12 percent for covered brand=name prescription
24 40 drugs, generic drugs, and over=the=counter drugs. The
24 41 department shall report the recommendations to the
24 42 persons designated in this division of this Act for
24 43 submission of reports by December 15, 2011.
24 44 Sec. 11. MEDICAL CONTRACTS. There is appropriated
24 45 from the general fund of the state to the department of
24 46 human services for the fiscal year beginning July 1,
24 47 2011, and ending June 30, 2012, the following amount,
24 48 or so much thereof as is necessary, to be used for the
24 49 purpose designated:
24 50 For medical contracts:

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25 1 ..... $ 5,823,844
25 2 1. The department of inspections and appeals
25 3 shall provide all state matching funds for survey and
25 4 certification activities performed by the department
25 5 of inspections and appeals. The department of human
25 6 services is solely responsible for distributing the
25 7 federal matching funds for such activities.
25 8 2. The department shall amend the state Medicaid
25 9 health information technology plan to include costs
25 10 related to the one=time development costs of the health
25 11 information network established by the department of
25 12 public health.
25 13 3. Of the amount appropriated in this section, up
25 14 to $200,000 may be transferred to the appropriation for
25 15 general administration in this division of this Act to
25 16 be used for additional full=time equivalent positions
25 17 in the development of key health initiatives such as
25 18 cost containment, development and oversight of managed
25 19 care programs, and development of health strategies
25 20 targeted toward improved quality and reduced costs in
25 21 the Medicaid program.
25 22 4. Of the funds appropriated in this section,
25 23 $50,000 shall be used for home and community=based
25 24 services waiver quality assurance programs, including
25 25 the review and streamlining of processes and policies
25 26 related to oversight and quality management to meet
25 27 state and federal requirements. The department shall
25 28 submit a report to the persons designated in this
25 29 division of this Act for submission of reports by
25 30 December 15, 2011, regarding the modifications to the
25 31 quality assurance programs.
25 32 Sec. 12. STATE SUPPLEMENTARY ASSISTANCE.
25 33 1. There is appropriated from the general fund of
25 34 the state to the department of human services for the
25 35 fiscal year beginning July 1, 2011, and ending June 30,
25 36 2012, the following amount, or so much thereof as is
25 37 necessary, to be used for the purpose designated:
25 38 For the state supplementary assistance program:
25 39 ..... $ 16,850,747
25 40 2. The department shall increase the personal needs
25 41 allowance for residents of residential care facilities
25 42 by the same percentage and at the same time as federal
25 43 supplemental security income and federal social
25 44 security benefits are increased due to a recognized
25 45 increase in the cost of living. The department may
25 46 adopt emergency rules to implement this subsection.
25 47 3. If during the fiscal year beginning July 1,
25 48 2011, the department projects that state supplementary
25 49 assistance expenditures for a calendar year will not
25 50 meet the federal pass=through requirement specified

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26 1 in Tit. XVI of the federal Social Security Act,
26 2 section 1618, as codified in 42 U.S.C. { 1382g,
26 3 the department may take actions including but not
26 4 limited to increasing the personal needs allowance
26 5 for residential care facility residents and making
26 6 programmatic adjustments or upward adjustments of the
26 7 residential care facility or in=home health=related
26 8 care reimbursement rates prescribed in this division of
26 9 this Act to ensure that federal requirements are met.
26 10 In addition, the department may make other programmatic
26 11 and rate adjustments necessary to remain within the
26 12 amount appropriated in this section while ensuring
26 13 compliance with federal requirements. The department
26 14 may adopt emergency rules to implement the provisions
26 15 of this subsection.
26 16 Sec. 13. CHILDREN'S HEALTH INSURANCE PROGRAM.
26 17 There is appropriated from the general fund of the
26 18 state to the department of human services for the
26 19 fiscal year beginning July 1, 2011, and ending June 30,
26 20 2012, the following amount, or so much thereof as is
26 21 necessary, to be used for the purpose designated:
26 22 For maintenance of the healthy and well kids in Iowa
26 23 (hawk=i) program pursuant to chapter 514I, including
26 24 supplemental dental services, for receipt of federal
26 25 financial participation under Tit. XXI of the federal
26 26 Social Security Act, which creates the children's
26 27 health insurance program:
26 28 ..... $ 32,677,152
26 29 Sec. 14. CHILD CARE ASSISTANCE. There is
26 30 appropriated from the general fund of the state to
26 31 the department of human services for the fiscal year
26 32 beginning July 1, 2011, and ending June 30, 2012, the
26 33 following amount, or so much thereof as is necessary,
26 34 to be used for the purpose designated:
26 35 For child care programs:
26 36 ..... $ 55,237,662
26 37 1. Of the funds appropriated in this section,
26 38 $51,868,235 shall be used for state child care
26 39 assistance in accordance with section 237A.13.
26 40 2. Nothing in this section shall be construed or
26 41 is intended as or shall imply a grant of entitlement
26 42 for services to persons who are eligible for assistance
26 43 due to an income level consistent with the waiting
26 44 list requirements of section 237A.13. Any state
26 45 obligation to provide services pursuant to this section
26 46 is limited to the extent of the funds appropriated in
26 47 this section.
26 48 3. Of the funds appropriated in this section,
26 49 $432,453 is allocated for the statewide program for
26 50 child care resource and referral services under section

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27 1 237A.26. A list of the registered and licensed child
27 2 care facilities operating in the area served by a
27 3 child care resource and referral service shall be made
27 4 available to the families receiving state child care
27 5 assistance in that area.
27 6 4. Of the funds appropriated in this section,
27 7 $936,974 is allocated for child care quality
27 8 improvement initiatives including but not limited to
27 9 the voluntary quality rating system in accordance with
27 10 section 237.30.
27 11 5. The department may use any of the funds
27 12 appropriated in this section as a match to obtain
27 13 federal funds for use in expanding child care
27 14 assistance and related programs. For the purpose of
27 15 expenditures of state and federal child care funding,
27 16 funds shall be considered obligated at the time
27 17 expenditures are projected or are allocated to the
27 18 department's service areas. Projections shall be based
27 19 on current and projected caseload growth, current and
27 20 projected provider rates, staffing requirements for
27 21 eligibility determination and management of program
27 22 requirements including data systems management,
27 23 staffing requirements for administration of the
27 24 program, contractual and grant obligations and any
27 25 transfers to other state agencies, and obligations for
27 26 decategorization or innovation projects.
27 27 6. A portion of the state match for the federal
27 28 child care and development block grant shall be
27 29 provided as necessary to meet federal matching
27 30 funds requirements through the state general fund
27 31 appropriation made for child development grants and
27 32 other programs for at=risk children in section 279.51.
27 33 7. If a uniform reduction ordered by the governor
27 34 under section 8.31 or other operation of law,
27 35 transfer, or federal funding reduction reduces the
27 36 appropriation made in this section for the fiscal year,
27 37 the percentage reduction in the amount paid out to or
27 38 on behalf of the families participating in the state
27 39 child care assistance program shall be equal to or
27 40 less than the percentage reduction made for any other
27 41 purpose payable from the appropriation made in this
27 42 section and the federal funding relating to it. The
27 43 percentage reduction to the other allocations made in
27 44 this section shall be the same as the uniform reduction
27 45 ordered by the governor or the percentage change of the
27 46 federal funding reduction, as applicable. If there is
27 47 an unanticipated increase in federal funding provided
27 48 for state child care assistance, the entire amount
27 49 of the increase shall be used for state child care
27 50 assistance payments. If the appropriations made for

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28 1 purposes of the state child care assistance program for
28 2 the fiscal year are determined to be insufficient, it
28 3 is the intent of the general assembly to appropriate
28 4 sufficient funding for the fiscal year in order to
28 5 avoid establishment of waiting list requirements.
28 6 8. Notwithstanding section 8.33, moneys
28 7 appropriated in this section or received from the
28 8 federal appropriations made for the purposes of this
28 9 section that remain unencumbered or unobligated at the
28 10 close of the fiscal year shall not revert to any fund
28 11 but shall remain available for expenditure for the
28 12 purposes designated until the close of the succeeding
28 13 fiscal year.
28 14 Sec. 15. JUVENILE INSTITUTIONS. There is
28 15 appropriated from the general fund of the state to
28 16 the department of human services for the fiscal year
28 17 beginning July 1, 2011, and ending June 30, 2012, the
28 18 following amounts, or so much thereof as is necessary,
28 19 to be used for the purposes designated:
28 20 1. For operation of the Iowa juvenile home at
28 21 Toledo and for salaries, support, maintenance, and
28 22 miscellaneous purposes, and for not more than the
28 23 following full=time equivalent positions:
28 24 ..... $ 8,258,251
28 25 ..... FTEs 114.00
28 26 2. For operation of the state training school at
28 27 Eldora and for salaries, support, maintenance, and
28 28 miscellaneous purposes, and for not more than the
28 29 following full=time equivalent positions:
28 30 ..... $ 10,638,677
28 31 ..... FTEs 164.30
28 32 Of the funds appropriated in this subsection,
28 33 $91,150 shall be used for distribution to licensed
28 34 classroom teachers at this and other institutions under
28 35 the control of the department of human services based
28 36 upon the average student yearly enrollment at each
28 37 institution as determined by the department.
28 38 3. A portion of the moneys appropriated in this
28 39 section shall be used by the state training school and
28 40 by the Iowa juvenile home for grants for adolescent
28 41 pregnancy prevention activities at the institutions in
28 42 the fiscal year beginning July 1, 2011.
28 43 Sec. 16. CHILD AND FAMILY SERVICES.
28 44 1. There is appropriated from the general fund of
28 45 the state to the department of human services for the
28 46 fiscal year beginning July 1, 2011, and ending June 30,
28 47 2012, the following amount, or so much thereof as is
28 48 necessary, to be used for the purpose designated:
28 49 For child and family services:
28 50 ..... $ 82,330,967

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29 1 2. In order to address a reduction of $5,200,000
29 2 from the amount allocated under the appropriation made
29 3 for the purposes of this section in prior years for
29 4 purposes of juvenile delinquent graduated sanction
29 5 services, up to $5,200,000 of the amount of federal
29 6 temporary assistance for needy families block grant
29 7 funding appropriated in this division of this Act for
29 8 child and family services shall be made available for
29 9 purposes of juvenile delinquent graduated sanction
29 10 services.
29 11 3. The department may transfer funds appropriated
29 12 in this section as necessary to pay the nonfederal
29 13 costs of services reimbursed under the medical
29 14 assistance program, state child care assistance
29 15 program, or the family investment program which are
29 16 provided to children who would otherwise receive
29 17 services paid under the appropriation in this section.
29 18 The department may transfer funds appropriated in this
29 19 section to the appropriations made in this division
29 20 of this Act for general administration and for field
29 21 operations for resources necessary to implement and
29 22 operate the services funded in this section.
29 23 4. a. Of the funds appropriated in this section,
29 24 up to $30,169,129 is allocated as the statewide
29 25 expenditure target under section 232.143 for group
29 26 foster care maintenance and services. If the
29 27 department projects that such expenditures for the
29 28 fiscal year will be less than the target amount
29 29 allocated in this lettered paragraph, the department
29 30 may reallocate the excess to provide additional
29 31 funding for shelter care or the child welfare emergency
29 32 services addressed with the allocation for shelter
29 33 care.
29 34 b. If at any time after September 30, 2011,
29 35 annualization of a service area's current expenditures
29 36 indicates a service area is at risk of exceeding its
29 37 group foster care expenditure target under section
29 38 232.143 by more than 5 percent, the department and
29 39 juvenile court services shall examine all group
29 40 foster care placements in that service area in order
29 41 to identify those which might be appropriate for
29 42 termination. In addition, any aftercare services
29 43 believed to be needed for the children whose
29 44 placements may be terminated shall be identified. The
29 45 department and juvenile court services shall initiate
29 46 action to set dispositional review hearings for the
29 47 placements identified. In such a dispositional review
29 48 hearing, the juvenile court shall determine whether
29 49 needed aftercare services are available and whether
29 50 termination of the placement is in the best interest of

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30 1 the child and the community.
30 2 5. In accordance with the provisions of section
30 3 232.188, the department shall continue the child
30 4 welfare and juvenile justice funding initiative during
30 5 fiscal year 2011=2012. Of the funds appropriated in
30 6 this section, $1,717,753 is allocated specifically
30 7 for expenditure for fiscal year 2011=2012 through the
30 8 decategorization service funding pools and governance
30 9 boards established pursuant to section 232.188.
30 10 However, if this subsection is enacted on or after June
30 11 15, 2011, the determination shall be made not later
30 12 than 10 calendar days after the effective date.
30 13 6. A portion of the funds appropriated in this
30 14 section may be used for emergency family assistance
30 15 to provide other resources required for a family
30 16 participating in a family preservation or reunification
30 17 project or successor project to stay together or to be
30 18 reunified.
30 19 7. Notwithstanding section 234.35 or any other
30 20 provision of law to the contrary, state funding for
30 21 shelter care and the child welfare emergency services
30 22 contracting implemented to provide for or prevent the
30 23 need for shelter care shall be limited to $7,170,116.
30 24 The department may execute contracts that result from
30 25 the department's request for proposal, bid number
30 26 ACFS=11=114, to provide the range of child welfare
30 27 emergency services described in the request for
30 28 proposals, and any subsequent amendments to the request
30 29 for proposals.
30 30 8. Federal funds received by the state during
30 31 the fiscal year beginning July 1, 2011, as the
30 32 result of the expenditure of state funds appropriated
30 33 during a previous state fiscal year for a service or
30 34 activity funded under this section are appropriated
30 35 to the department to be used as additional funding
30 36 for services and purposes provided for under this
30 37 section. Notwithstanding section 8.33, moneys
30 38 received in accordance with this subsection that remain
30 39 unencumbered or unobligated at the close of the fiscal
30 40 year shall not revert to any fund but shall remain
30 41 available for the purposes designated until the close
30 42 of the succeeding fiscal year.
30 43 9. Of the funds appropriated in this section, at
30 44 least $3,696,285 shall be used for protective child
30 45 care assistance.
30 46 10. a. Of the funds appropriated in this section,
30 47 up to $2,062,488 is allocated for the payment of
30 48 the expenses of court=ordered services provided to
30 49 juveniles who are under the supervision of juvenile
30 50 court services, which expenses are a charge upon the

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31 1 state pursuant to section 232.141, subsection 4. Of
31 2 the amount allocated in this lettered paragraph,
31 3 up to $1,556,287 shall be made available to provide
31 4 school=based supervision of children adjudicated under
31 5 chapter 232, of which not more than $15,000 may be used
31 6 for the purpose of training. A portion of the cost of
31 7 each school=based liaison officer shall be paid by the
31 8 school district or other funding source as approved by
31 9 the chief juvenile court officer.
31 10 b. Of the funds appropriated in this section, up to
31 11 $748,985 is allocated for the payment of the expenses
31 12 of court=ordered services provided to children who are
31 13 under the supervision of the department, which expenses
31 14 are a charge upon the state pursuant to section
31 15 232.141, subsection 4.
31 16 c. Notwithstanding section 232.141 or any other
31 17 provision of law to the contrary, the amounts allocated
31 18 in this subsection shall be distributed to the
31 19 judicial districts as determined by the state court
31 20 administrator and to the department's service areas as
31 21 determined by the administrator of the department's
31 22 division of child and family services. The state court
31 23 administrator and the division administrator shall make
31 24 the determination of the distribution amounts on or
31 25 before June 15, 2011. However, if this subsection is
31 26 enacted on or after June 15, 2011, the determination
31 27 shall be made not later than 10 calendar days after the
31 28 effective date of this subsection.
31 29 d. Notwithstanding chapter 232 or any other
31 30 provision of law to the contrary, a district or
31 31 juvenile court shall not order any service which is
31 32 a charge upon the state pursuant to section 232.141
31 33 if there are insufficient court=ordered services
31 34 funds available in the district court or departmental
31 35 service area distribution amounts to pay for the
31 36 service. The chief juvenile court officer and the
31 37 departmental service area manager shall encourage use
31 38 of the funds allocated in this subsection such that
31 39 there are sufficient funds to pay for all court=related
31 40 services during the entire year. The chief juvenile
31 41 court officers and departmental service area managers
31 42 shall attempt to anticipate potential surpluses and
31 43 shortfalls in the distribution amounts and shall
31 44 cooperatively request the state court administrator
31 45 or division administrator to transfer funds between
31 46 the judicial districts' or departmental service areas'
31 47 distribution amounts as prudent.
31 48 e. Notwithstanding any provision of law to the
31 49 contrary, a district or juvenile court shall not order
31 50 a county to pay for any service provided to a juvenile

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32 1 pursuant to an order entered under chapter 232 which
32 2 is a charge upon the state under section 232.141,
32 3 subsection 4.
32 4 f. Of the funds allocated in this subsection, not
32 5 more than $83,000 may be used by the judicial branch
32 6 for administration of the requirements under this
32 7 subsection.
32 8 g. Of the funds allocated in this subsection,
32 9 $17,000 shall be used by the department of human
32 10 services to support the interstate commission for
32 11 juveniles in accordance with the interstate compact for
32 12 juveniles as provided in section 232.173.
32 13 11. Of the funds appropriated in this section,
32 14 $5,422,602 is allocated for juvenile delinquent
32 15 graduated sanctions services. Any state funds saved as
32 16 a result of efforts by juvenile court services to earn
32 17 federal Tit. IV=E match for juvenile court services
32 18 administration may be used for the juvenile delinquent
32 19 graduated sanctions services.
32 20 12. Of the funds appropriated in this section,
32 21 $988,285 shall be transferred to the department of
32 22 public health to be used for the child protection
32 23 center grant program in accordance with section
32 24 135.118.
32 25 13. If the department receives federal approval
32 26 to implement a waiver under Tit. IV=E of the federal
32 27 Social Security Act to enable providers to serve
32 28 children who remain in the children's families and
32 29 communities, for purposes of eligibility under the
32 30 medical assistance program, children who participate in
32 31 the waiver shall be considered to be placed in foster
32 32 care.
32 33 14. Of the funds appropriated in this section,
32 34 $3,069,832 is allocated for the preparation for adult
32 35 living program pursuant to section 234.46.
32 36 15. Of the funds appropriated in this section,
32 37 $520,150 shall be used for juvenile drug courts.
32 38 The amount allocated in this subsection shall be
32 39 distributed as follows:
32 40 To the judicial branch for salaries to assist with
32 41 the operation of juvenile drug court programs operated
32 42 in the following jurisdictions:
32 43 a. Marshall county:
32 44 ..... $ 62,708
32 45 b. Woodbury county:
32 46 ..... $ 125,682
32 47 c. Polk county:
32 48 ..... $ 195,892
32 49 d. The third judicial district:
32 50 ..... $ 67,934

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33 1 e. The eighth judicial district:
33 2 ..... $ 67,934
33 3 16. Of the funds appropriated in this section,
33 4 $227,337 shall be used for the public purpose of
33 5 providing a grant to a nonprofit human services
33 6 organization providing services to individuals and
33 7 families in multiple locations in southwest Iowa and
33 8 Nebraska for support of a project providing immediate,
33 9 sensitive support and forensic interviews, medical
33 10 exams, needs assessments, and referrals for victims of
33 11 child abuse and their nonoffending family members.
33 12 17. Of the funds appropriated in this section,
33 13 $125,590 is allocated for the elevate approach of
33 14 providing a support network to children placed in
33 15 foster care.
33 16 18. Of the funds appropriated in this section,
33 17 $202,000 is allocated for use pursuant to section
33 18 235A.1 for continuation of the initiative to address
33 19 child sexual abuse implemented pursuant to 2007 Iowa
33 20 Acts, chapter 218, section 18, subsection 21.
33 21 19. Of the funds appropriated in this section,
33 22 $630,240 is allocated for the community partnership for
33 23 child protection sites.
33 24 20. Of the funds appropriated in this section,
33 25 $371,250 is allocated for the department's minority
33 26 youth and family projects under the redesign of the
33 27 child welfare system.
33 28 21. Of the funds appropriated in this section,
33 29 $1,200,495 is allocated for funding of the state match
33 30 for the federal substance abuse and mental health
33 31 services administration (SAMHSA) system of care grant.
33 32 22. Of the funds appropriated in this section, at
33 33 least $147,158 shall be used for the child welfare
33 34 training academy.
33 35 23. Of the funds appropriated in this section,
33 36 $25,000 shall be used for the public purpose of
33 37 providing a grant to a child welfare services provider
33 38 headquartered in a county with a population between
33 39 205,000 and 215,000 in the latest certified federal
33 40 census that provides multiple services including but
33 41 not limited to a psychiatric medical institution for
33 42 children, shelter, residential treatment, after school
33 43 programs, school=based programming, and an Asperger's
33 44 syndrome program, to be used for support services
33 45 for children with autism spectrum disorder and their
33 46 families.
33 47 24. Of the funds appropriated in this section,
33 48 $250,804 shall be used for the public purpose of
33 49 continuing the central Iowa system of care program
33 50 grant through June 30, 2012.

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34 1 25. Of the funds appropriated in this section,
34 2 $160,000 shall be used for the public purpose of
34 3 providing a system of care grant to be implemented
34 4 in Mason City and Cedar Rapids by a nonprofit agency
34 5 which has been in existence more than 37 years and is
34 6 headquartered in a county with a population of more
34 7 than 200,000 but less than 300,000, according to the
34 8 2010 census issued by the United States bureau of the
34 9 census, and is providing child welfare treatment and
34 10 prevention services in at least 19 locations throughout
34 11 the state of Iowa.
34 12 Sec. 17. ADOPTION SUBSIDY.
34 13 1. There is appropriated from the general fund of
34 14 the state to the department of human services for the
34 15 fiscal year beginning July 1, 2011, and ending June 30,
34 16 2012, the following amount, or so much thereof as is
34 17 necessary, to be used for the purpose designated:
34 18 For adoption subsidy payments and services:
34 19 ..... $ 34,897,591
34 20 2. The department may transfer funds appropriated
34 21 in this section to the appropriation made in this
34 22 division of this Act for general administration for
34 23 costs paid from the appropriation relating to adoption
34 24 subsidy.
34 25 3. Federal funds received by the state during the
34 26 fiscal year beginning July 1, 2011, as the result of
34 27 the expenditure of state funds during a previous state
34 28 fiscal year for a service or activity funded under
34 29 this section are appropriated to the department to
34 30 be used as additional funding for the services and
34 31 activities funded under this section. Notwithstanding
34 32 section 8.33, moneys received in accordance with this
34 33 subsection that remain unencumbered or unobligated at
34 34 the close of the fiscal year shall not revert to any
34 35 fund but shall remain available for expenditure for the
34 36 purposes designated until the close of the succeeding
34 37 fiscal year.
34 38 Sec. 18. JUVENILE DETENTION HOME FUND.
34 39 1. Moneys deposited in the juvenile detention home
34 40 fund created in section 232.142 during the fiscal year
34 41 beginning July 1, 2011, and ending June 30, 2012, are
34 42 appropriated to the department of human services for
34 43 the fiscal year beginning July 1, 2011, and ending
34 44 June 30, 2012, for distribution of an amount equal
34 45 to a percentage of the costs of the establishment,
34 46 improvement, operation, and maintenance of county or
34 47 multicounty juvenile detention homes in the fiscal
34 48 year beginning July 1, 2010. Moneys appropriated for
34 49 distribution in accordance with this section shall be
34 50 allocated among eligible detention homes, prorated on

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35 1 the basis of an eligible detention home's proportion
35 2 of the costs of all eligible detention homes in the
35 3 fiscal year beginning July 1, 2010. The percentage
35 4 figure shall be determined by the department based on
35 5 the amount available for distribution for the fund.
35 6 Notwithstanding section 232.142, subsection 3, the
35 7 financial aid payable by the state under that provision
35 8 for the fiscal year beginning July 1, 2011, shall be
35 9 limited to the amount appropriated for the purposes of
35 10 this section.
35 11 2. Representatives of chief juvenile court
35 12 officers, the department of human rights, and the
35 13 department of human services shall work with juvenile
35 14 detention centers and other stakeholders to review the
35 15 current methodology for distribution of moneys from
35 16 the juvenile detention home fund, consider alternative
35 17 distribution methodologies, and report findings and
35 18 recommendations to the persons designated by this
35 19 division of this Act for the submission of reports by
35 20 December 15, 2011. It is the intent of the general
35 21 assembly to shift responsibility for administering
35 22 the fund from the department of human services to the
35 23 division of criminal and juvenile justice planning of
35 24 the department of human rights, effective with the
35 25 fiscal year beginning July 1, 2012.
35 26 Sec. 19. FAMILY SUPPORT SUBSIDY PROGRAM.
35 27 1. There is appropriated from the general fund of
35 28 the state to the department of human services for the
35 29 fiscal year beginning July 1, 2011, and ending June 30,
35 30 2012, the following amount, or so much thereof as is
35 31 necessary, to be used for the purpose designated:
35 32 For the family support subsidy program subject
35 33 to the enrollment restrictions in section 225C.37,
35 34 subsection 3:
35 35 ..... $ 1,167,998
35 36 2. The department shall use at least $385,500 of
35 37 the moneys appropriated in this section for the family
35 38 support center component of the comprehensive family
35 39 support program under section 225C.47. Not more than
35 40 $25,000 of the amount allocated in this subsection
35 41 shall be used for administrative costs.
35 42 3. If at any time during the fiscal year, the
35 43 amount of funding available for the family support
35 44 subsidy program is reduced from the amount initially
35 45 used to establish the figure for the number of family
35 46 members for whom a subsidy is to be provided at any one
35 47 time during the fiscal year, notwithstanding section
35 48 225C.38, subsection 2, the department shall revise the
35 49 figure as necessary to conform to the amount of funding
35 50 available.

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36 1 Sec. 20. CONNER DECREE. There is appropriated from
36 2 the general fund of the state to the department of
36 3 human services for the fiscal year beginning July 1,
36 4 2011, and ending June 30, 2012, the following amount,
36 5 or so much thereof as is necessary, to be used for the
36 6 purpose designated:
36 7 For building community capacity through the
36 8 coordination and provision of training opportunities
36 9 in accordance with the consent decree of Conner v.
36 10 Branstad, No. 4=86=CV=30871(S.D. Iowa, July 14, 1994):
36 11 ..... $ 33,622
36 12 Sec. 21. MENTAL HEALTH INSTITUTES.
36 13 There is appropriated from the general fund of
36 14 the state to the department of human services for the
36 15 fiscal year beginning July 1, 2011, and ending June 30,
36 16 2012, the following amounts, or so much thereof as is
36 17 necessary, to be used for the purposes designated:
36 18 1. For the state mental health institute at
36 19 Cherokee for salaries, support, maintenance, and
36 20 miscellaneous purposes, and for not more than the
36 21 following full=time equivalent positions:
36 22 ..... $ 5,877,308
36 23 ..... FTEs 168.50
36 24 2. For the state mental health institute at
36 25 Clarinda for salaries, support, maintenance, and
36 26 miscellaneous purposes, and for not more than the
36 27 following full=time equivalent positions:
36 28 ..... $ 6,411,734
36 29 ..... FTEs 86.10
36 30 3. For the state mental health institute at
36 31 Independence for salaries, support, maintenance, and
36 32 miscellaneous purposes, and for not more than the
36 33 following full=time equivalent positions:
36 34 ..... $ 10,275,685
36 35 ..... FTEs 233.00
36 36 4. For the state mental health institute at Mount
36 37 Pleasant for salaries, support, maintenance, and
36 38 miscellaneous purposes, and for not more than the
36 39 following full=time equivalent positions:
36 40 ..... $ 944,323
36 41 ..... FTEs 91.72
36 42 Sec. 22. STATE RESOURCE CENTERS.
36 43 1. There is appropriated from the general fund of
36 44 the state to the department of human services for the
36 45 fiscal year beginning July 1, 2011, and ending June 30,
36 46 2012, the following amounts, or so much thereof as is
36 47 necessary, to be used for the purposes designated:
36 48 a. For the state resource center at Glenwood for
36 49 salaries, support, maintenance, and miscellaneous
36 50 purposes:

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37 1 ..... $ 18,607,801
37 2 b. For the state resource center at Woodward for
37 3 salaries, support, maintenance, and miscellaneous
37 4 purposes:
37 5 ..... $ 12,885,658
37 6 2. The department may continue to bill for state
37 7 resource center services utilizing a scope of services
37 8 approach used for private providers of ICFMR services,
37 9 in a manner which does not shift costs between the
37 10 medical assistance program, counties, or other sources
37 11 of funding for the state resource centers.
37 12 3. The state resource centers may expand the
37 13 time=limited assessment and respite services during the
37 14 fiscal year.
37 15 4. If the department's administration and the
37 16 department of management concur with a finding by a
37 17 state resource center's superintendent that projected
37 18 revenues can reasonably be expected to pay the salary
37 19 and support costs for a new employee position, or
37 20 that such costs for adding a particular number of new
37 21 positions for the fiscal year would be less than the
37 22 overtime costs if new positions would not be added, the
37 23 superintendent may add the new position or positions.
37 24 If the vacant positions available to a resource center
37 25 do not include the position classification desired to
37 26 be filled, the state resource center's superintendent
37 27 may reclassify any vacant position as necessary to
37 28 fill the desired position. The superintendents of the
37 29 state resource centers may, by mutual agreement, pool
37 30 vacant positions and position classifications during
37 31 the course of the fiscal year in order to assist one
37 32 another in filling necessary positions.
37 33 5. If existing capacity limitations are reached
37 34 in operating units, a waiting list is in effect
37 35 for a service or a special need for which a payment
37 36 source or other funding is available for the service
37 37 or to address the special need, and facilities for
37 38 the service or to address the special need can be
37 39 provided within the available payment source or other
37 40 funding, the superintendent of a state resource center
37 41 may authorize opening not more than two units or
37 42 other facilities and begin implementing the service
37 43 or addressing the special need during fiscal year
37 44 2011=2012.
37 45 Sec. 23. MI/MR/DD STATE CASES.
37 46 1. There is appropriated from the general fund of
37 47 the state to the department of human services for the
37 48 fiscal year beginning July 1, 2011, and ending June 30,
37 49 2012, the following amount, or so much thereof as is
37 50 necessary, to be used for the purpose designated:

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38 1 For distribution to counties for state case services
38 2 for persons with mental illness, mental retardation,
38 3 and developmental disabilities in accordance with
38 4 section 331.440:
38 5 ..... $ 12,169,482
38 6 2. For the fiscal year beginning July 1, 2011,
38 7 and ending June 30, 2012, $200,000 is allocated for
38 8 state case services from the amounts appropriated from
38 9 the fund created in section 8.41 to the department
38 10 of human services from the funds received from the
38 11 federal government under 42 U.S.C. ch. 6A, subch. XVII,
38 12 relating to the community mental health center block
38 13 grant, for the federal fiscal years beginning October
38 14 1, 2009, and ending September 30, 2010, beginning
38 15 October 1, 2010, and ending September 30, 2011, and
38 16 beginning October 1, 2011, and ending September 30,
38 17 2012. The allocation made in this subsection shall be
38 18 made prior to any other distribution allocation of the
38 19 appropriated federal funds.
38 20 3. Notwithstanding section 8.33, moneys
38 21 appropriated in this section that remain unencumbered
38 22 or unobligated at the close of the fiscal year shall
38 23 not revert but shall remain available for expenditure
38 24 for the purposes designated until the close of the
38 25 succeeding fiscal year.
38 26 Sec. 24. MENTAL HEALTH AND DEVELOPMENTAL
38 27 DISABILITIES ==== COMMUNITY SERVICES FUND. There is
38 28 appropriated from the general fund of the state to the
38 29 mental health and developmental disabilities community
38 30 services fund created in section 225C.7 for the fiscal
38 31 year beginning July 1, 2011, and ending June 30,
38 32 2012, the following amount, or so much thereof as is
38 33 necessary, to be used for the purpose designated:
38 34 For mental health and developmental disabilities
38 35 community services in accordance with this division of
38 36 this Act:
38 37 ..... $ 14,211,100
38 38 1. Of the funds appropriated in this section,
38 39 $14,187,556 shall be allocated to counties for funding
38 40 of community=based mental health and developmental
38 41 disabilities services. The moneys shall be allocated
38 42 to a county as follows:
38 43 a. Fifty percent based upon the county's proportion
38 44 of the state's population of persons with an annual
38 45 income which is equal to or less than the poverty
38 46 guideline established by the federal office of
38 47 management and budget.
38 48 b. Fifty percent based upon the county's proportion
38 49 of the state's general population.
38 50 2. a. A county shall utilize the funding the

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39 1 county receives pursuant to subsection 1 for services
39 2 provided to persons with a disability, as defined in
39 3 section 225C.2. However, no more than 50 percent of
39 4 the funding shall be used for services provided to any
39 5 one of the service populations.
39 6 b. A county shall use at least 50 percent of
39 7 the funding the county receives under subsection 1
39 8 for contemporary services provided to persons with
39 9 a disability, as described in rules adopted by the
39 10 department.
39 11 3. Of the funds appropriated in this section,
39 12 $23,544 shall be used to support the Iowa compass
39 13 program providing computerized information and referral
39 14 services for Iowans with disabilities and their
39 15 families.
39 16 4. a. Funding appropriated for purposes of the
39 17 federal social services block grant is allocated for
39 18 distribution to counties for local purchase of services
39 19 for persons with mental illness or mental retardation
39 20 or other developmental disability.
39 21 b. The funds allocated in this subsection shall be
39 22 expended by counties in accordance with the county's
39 23 county management plan approved by the board of
39 24 supervisors. A county without an approved county
39 25 management plan shall not receive allocated funds until
39 26 the county's management plan is approved.
39 27 c. The funds provided by this subsection shall be
39 28 allocated to each county as follows:
39 29 (1) Fifty percent based upon the county's
39 30 proportion of the state's population of persons with
39 31 an annual income which is equal to or less than the
39 32 poverty guideline established by the federal office of
39 33 management and budget.
39 34 (2) Fifty percent based upon the amount provided
39 35 to the county for local purchase of services in the
39 36 preceding fiscal year.
39 37 5. A county is eligible for funds under this
39 38 section if the county qualifies for a state payment as
39 39 described in section 331.439.
39 40 6. The latest certified census issued by the United
39 41 States bureau of the census shall be applied for the
39 42 population factors utilized in this section.
39 43 Sec. 25. SEXUALLY VIOLENT PREDATORS.
39 44 1. There is appropriated from the general fund of
39 45 the state to the department of human services for the
39 46 fiscal year beginning July 1, 2011, and ending June 30,
39 47 2012, the following amount, or so much thereof as is
39 48 necessary, to be used for the purpose designated:
39 49 For costs associated with the commitment and
39 50 treatment of sexually violent predators in the unit

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40 1 located at the state mental health institute at
40 2 Cherokee, including costs of legal services and
40 3 other associated costs, including salaries, support,
40 4 maintenance, and miscellaneous purposes, and for not
40 5 more than the following full=time equivalent positions:
40 6 ..... $ 7,550,727
40 7 ..... FTEs 89.50
40 8 2. Unless specifically prohibited by law, if the
40 9 amount charged provides for recoupment of at least
40 10 the entire amount of direct and indirect costs, the
40 11 department of human services may contract with other
40 12 states to provide care and treatment of persons placed
40 13 by the other states at the unit for sexually violent
40 14 predators at Cherokee. The moneys received under such
40 15 a contract shall be considered to be repayment receipts
40 16 and used for the purposes of the appropriation made in
40 17 this section.
40 18 Sec. 26. FIELD OPERATIONS. There is appropriated
40 19 from the general fund of the state to the department of
40 20 human services for the fiscal year beginning July 1,
40 21 2011, and ending June 30, 2012, the following amount,
40 22 or so much thereof as is necessary, to be used for the
40 23 purposes designated:
40 24 For field operations, including salaries, support,
40 25 maintenance, and miscellaneous purposes, and for not
40 26 more than the following full=time equivalent positions:
40 27 ..... $ 55,339,921
40 28 ..... FTEs 1,781.00
40 29 Priority in filling full=time equivalent positions
40 30 shall be given to those positions related to child
40 31 protection services and eligibility determination for
40 32 low=income families.
40 33 Sec. 27. GENERAL ADMINISTRATION. There is
40 34 appropriated from the general fund of the state to
40 35 the department of human services for the fiscal year
40 36 beginning July 1, 2011, and ending June 30, 2012, the
40 37 following amount, or so much thereof as is necessary,
40 38 to be used for the purpose designated:
40 39 For general administration, including salaries,
40 40 support, maintenance, and miscellaneous purposes, and
40 41 for not more than the following full=time equivalent
40 42 positions:
40 43 ..... $ 15,146,745
40 44 ..... FTEs 290.00
40 45 1. Of the funds appropriated in this section,
40 46 $38,543 allocated for the prevention of disabilities
40 47 policy council established in section 225B.3.
40 48 2. The department shall report at least monthly
40 49 to the legislative services agency concerning the
40 50 department's operational and program expenditures.

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41 1 3. Of the funds appropriated in this section,
41 2 $132,300 shall be used to contract with a statewide
41 3 association representing community providers of mental
41 4 health, mental retardation and brain injury services
41 5 programs to provide technical assistance, support, and
41 6 consultation to providers of habilitation services and
41 7 home and community=based waiver services for adults
41 8 with disabilities under the medical assistance program.
41 9 Notwithstanding section 8.47 or any other provision of
41 10 law to the contrary, the department may utilize a sole
41 11 source approach to contract with the association.
41 12 4. Of the funds appropriated in this section,
41 13 $176,400 shall be used to contract with an appropriate
41 14 entity to expand the provision of nationally accredited
41 15 and recognized internet=based training to include
41 16 mental health and disability services providers.
41 17 Notwithstanding section 8.47 or any other provision of
41 18 law to the contrary, the department may utilize a sole
41 19 site source approach to enter into such contract.
41 20 5. Of the funds appropriated in this section,
41 21 $500,000 shall be used for implementation of child
41 22 protection system improvements addressed in 2011 Iowa
41 23 Acts, House File 562, as enacted.
41 24 Sec. 28. VOLUNTEERS. There is appropriated from
41 25 the general fund of the state to the department of
41 26 human services for the fiscal year beginning July 1,
41 27 2011, and ending June 30, 2012, the following amount,
41 28 or so much thereof as is necessary, to be used for the
41 29 purpose designated:
41 30 For development and coordination of volunteer
41 31 services:
41 32 ..... $ 84,660
41 33 Sec. 29. MEDICAL ASSISTANCE, STATE SUPPLEMENTARY
41 34 ASSISTANCE, AND SOCIAL SERVICE PROVIDERS REIMBURSED
41 35 UNDER THE DEPARTMENT OF HUMAN SERVICES.
41 36 1. a. (1) For the fiscal year beginning July 1,
41 37 2011, the total state funding amount for the nursing
41 38 facility budget shall not exceed $225,502,551.
41 39 (2) For the fiscal year beginning July 1, 2011,
41 40 the department shall rebase case=mix nursing facility
41 41 rates effective July 1, 2011. However, total nursing
41 42 facility budget expenditures, including both case=mix
41 43 and noncase=mix shall not exceed the amount specified
41 44 in subparagraph (1). When calculating case=mix per
41 45 diem cost and the patient=day=weighted medians used in
41 46 rate=setting for nursing facilities effective July 1,
41 47 2011, the inflation factor applied from the midpoint
41 48 of the cost report period to the first day of the
41 49 state fiscal year rate period shall be adjusted to
41 50 maintain state funding within the amount specified in

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42 1 subparagraph (1).
42 2 (3) The department, in cooperation with nursing
42 3 facility representatives, shall review projections for
42 4 state funding expenditures for reimbursement of nursing
42 5 facilities on a quarterly basis and the department
42 6 shall determine if an adjustment to the medical
42 7 assistance reimbursement rate is necessary in order to
42 8 provide reimbursement within the state funding amount
42 9 for the fiscal year. Notwithstanding 2001 Iowa Acts,
42 10 chapter 192, section 4, subsection 2, paragraph "c",
42 11 and subsection 3, paragraph "a", subparagraph (2), if
42 12 the state funding expenditures for the nursing facility
42 13 budget for the fiscal year is projected to exceed the
42 14 amount specified in subparagraph (1), the department
42 15 shall adjust the reimbursement for nursing facilities
42 16 reimbursed under the case=mix reimbursement system to
42 17 maintain expenditures of the nursing facility budget
42 18 within the specified amount for the fiscal year.
42 19 (4) For the fiscal year beginning July 1, 2011,
42 20 special population nursing facilities shall be
42 21 reimbursed in accordance with the methodology in effect
42 22 on June 30, 2011.
42 23 b. For the fiscal year beginning July 1, 2011, the
42 24 department shall reimburse pharmacy dispensing fees
42 25 using a single rate of $4.34 per prescription or the
42 26 pharmacy's usual and customary fee, whichever is lower.
42 27 However, the department shall adjust the dispensing fee
42 28 specified in this paragraph to distribute an additional
42 29 $3,000,000 in reimbursements for pharmacy dispensing
42 30 fees under this paragraph for the fiscal year.
42 31 c. (1) For the fiscal year beginning July 1, 2011,
42 32 reimbursement rates for outpatient hospital services
42 33 shall be rebased effective January 1, 2012.
42 34 (2) For the fiscal year beginning July 1, 2011,
42 35 reimbursement rates for inpatient hospital services
42 36 shall be rebased effective October 1, 2011.
42 37 (3) The total amount of increased funding available
42 38 for reimbursement attributable to rebasing under this
42 39 paragraph for the fiscal year beginning July 1, 2011,
42 40 shall not exceed $4,500,000.
42 41 (4) For the fiscal year beginning July 1, 2011,
42 42 the graduate medical education and disproportionate
42 43 share hospital fund shall remain at the amount in
42 44 effect on June 30, 2011, except that the portion of
42 45 the fund attributable to graduate medical education
42 46 shall be reduced in an amount that reflects the
42 47 elimination of graduate medical education payments made
42 48 to out=of=state hospitals.
42 49 (5) In order to ensure the efficient use of limited
42 50 state funds in procuring health care services for

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43 1 low=income Iowans, funds appropriated in this division
43 2 of this Act for hospital services shall not be used for
43 3 activities which would be excluded from a determination
43 4 of reasonable costs under the federal Medicare program
43 5 pursuant to 42 U.S.C. { 1395X(v)(1)(N).
43 6 d. For the fiscal year beginning July 1, 2011,
43 7 reimbursement rates for rural health clinics, hospices,
43 8 and acute mental hospitals shall be increased in
43 9 accordance with increases under the federal Medicare
43 10 program or as supported by their Medicare audited
43 11 costs.
43 12 e. For the fiscal year beginning July 1, 2011,
43 13 independent laboratories and rehabilitation agencies
43 14 shall be reimbursed using the same methodology in
43 15 effect on June 30, 2011.
43 16 f. For the fiscal year beginning July 1, 2011,
43 17 reimbursement rates for home health agencies shall
43 18 remain at the rates in effect on June 30, 2011, not to
43 19 exceed a home health agency's actual allowable cost.
43 20 g. For the fiscal year beginning July 1, 2011,
43 21 federally qualified health centers shall receive
43 22 cost=based reimbursement for 100 percent of the
43 23 reasonable costs for the provision of services to
43 24 recipients of medical assistance.
43 25 h. For the fiscal year beginning July 1, 2011, the
43 26 reimbursement rates for dental services shall remain at
43 27 the rates in effect on June 30, 2011.
43 28 i. (1) For the fiscal year beginning July 1,
43 29 2011, state=owned psychiatric medical institutions
43 30 for children shall receive cost=based reimbursement
43 31 for 100 percent of the actual and allowable costs for
43 32 the provision of services to recipients of medical
43 33 assistance.
43 34 (2) (a) For nonstate=owned psychiatric medical
43 35 institutions for children, reimbursement rates
43 36 shall remain at the rates in effect on June 30,
43 37 2011. However, the department shall adjust the
43 38 reimbursement rates in effect on June 30, 2011, to
43 39 distribute an additional $350,000 in reimbursements for
43 40 nonstate=owned psychiatric medical institutions for
43 41 children under this subparagraph (2) for the fiscal
43 42 year. Of the additional $350,000, the department shall
43 43 distribute $50,000 in reimbursements to qualified
43 44 outpatient services providers. For the purposes of
43 45 this subparagraph division (a), "qualified outpatient
43 46 services provider" means a nonprofit agency holding
43 47 an Iowa psychiatric medical institution for children
43 48 license that has an outpatient clinic for children's
43 49 mental health services in operation on or before
43 50 January 1, 2011, and whose client base consists

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44 1 of at least 40 percent medical assistance program
44 2 enrollees. The additional $50,000 shall be distributed
44 3 to qualified outpatient services providers based on
44 4 reimbursement at the federal maximum allowable rate for
44 5 mental health outpatient services for children.
44 6 (b) The department, in consultation with
44 7 representatives of the nonstate=owned psychiatric
44 8 medical institutions for children, shall develop a
44 9 reimbursement methodology to include all ancillary
44 10 medical services costs and any other changes required
44 11 for federal compliance, to be implemented on July
44 12 1, 2012. To the extent possible, the reimbursement
44 13 methodology shall be developed in a manner so as to be
44 14 budget neutral to the institutions and cost effective
44 15 for the state.
44 16 j. For the fiscal year beginning July 1, 2011,
44 17 unless otherwise specified in the health and human
44 18 services divisions of this Act, all noninstitutional
44 19 medical assistance provider reimbursement rates shall
44 20 remain at the rates in effect on June 30, 2011, except
44 21 for area education agencies, local education agencies,
44 22 infant and toddler services providers, and those
44 23 providers whose rates are required to be determined
44 24 pursuant to section 249A.20.
44 25 k. Notwithstanding any provision to the contrary,
44 26 for the fiscal year beginning July 1, 2011, the
44 27 reimbursement rate for anesthesiologists shall remain
44 28 at the rate in effect on June 30, 2011.
44 29 l. Notwithstanding section 249A.20, for the fiscal
44 30 year beginning July 1, 2011, the average reimbursement
44 31 rate for health care providers eligible for use of the
44 32 federal Medicare resource=based relative value scale
44 33 reimbursement methodology under that section shall
44 34 remain at the rate in effect on June 30, 2011; however,
44 35 this rate shall not exceed the maximum level authorized
44 36 by the federal government.
44 37 m. For the fiscal year beginning July 1, 2011, the
44 38 reimbursement rate for residential care facilities
44 39 shall not be less than the minimum payment level as
44 40 established by the federal government to meet the
44 41 federally mandated maintenance of effort requirement.
44 42 The flat reimbursement rate for facilities electing not
44 43 to file annual cost reports shall not be less than the
44 44 minimum payment level as established by the federal
44 45 government to meet the federally mandated maintenance
44 46 of effort requirement.
44 47 n. For the fiscal year beginning July 1, 2011,
44 48 inpatient mental health services provided at hospitals
44 49 shall be rebased effective October 1, 2011, subject to
44 50 Medicaid program upper payment limit rules; community

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45 1 mental health centers and providers of mental health
45 2 services to county residents pursuant to a waiver
45 3 approved under section 225C.7, subsection 3, shall be
45 4 reimbursed at 100 percent of the reasonable costs for
45 5 the provision of services to recipients of medical
45 6 assistance; and psychiatrists shall be reimbursed at
45 7 the medical assistance program fee for service rate.
45 8 o. For the fiscal year beginning July 1, 2011, the
45 9 reimbursement rate for consumer=directed attendant care
45 10 shall remain at the rates in effect on June 30, 2011.
45 11 p. For the fiscal year beginning July 1, 2011, the
45 12 reimbursement rate for providers of family planning
45 13 services that are eligible to receive a 90 percent
45 14 federal match shall remain at the rates in effect on
45 15 June 30, 2011.
45 16 q. For the fiscal year beginning July 1, 2011, the
45 17 department shall adjust the rates in effect on June
45 18 30, 2011, for providers of home and community=based
45 19 services waiver services to distribute an additional
45 20 $1,500,000 in reimbursements to such providers for the
45 21 fiscal year.
45 22 2. For the fiscal year beginning July 1, 2011, the
45 23 reimbursement rate for providers reimbursed under the
45 24 in=home=related care program shall not be less than the
45 25 minimum payment level as established by the federal
45 26 government to meet the federally mandated maintenance
45 27 of effort requirement.
45 28 3. Unless otherwise directed in this section, when
45 29 the department's reimbursement methodology for any
45 30 provider reimbursed in accordance with this section
45 31 includes an inflation factor, this factor shall not
45 32 exceed the amount by which the consumer price index for
45 33 all urban consumers increased during the calendar year
45 34 ending December 31, 2002.
45 35 4. For the fiscal year beginning July 1, 2011,
45 36 notwithstanding section 234.38, the foster family basic
45 37 daily maintenance rate and the maximum adoption subsidy
45 38 rate for children ages 0 through 5 years shall be
45 39 $15.74, the rate for children ages 6 through 11 years
45 40 shall be $16.37, the rate for children ages 12 through
45 41 15 years shall be $17.92, and the rate for children
45 42 and young adults ages 16 and older shall be $18.16.
45 43 The maximum supervised apartment living foster care
45 44 reimbursement rate shall be $25.00 per day. For youth
45 45 ages 18 to 21 who have exited foster care, the maximum
45 46 preparation for adult living program maintenance rate
45 47 shall be $574.00 per month. The maximum payment for
45 48 adoption subsidy nonrecurring expenses shall be limited
45 49 to $500 and the disallowance of additional amounts
45 50 for court costs and other related legal expenses

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46 1 implemented pursuant to 2010 Iowa Acts, chapter 1031,
46 2 section 408 shall be continued.
46 3 5. For the fiscal year beginning July 1, 2011,
46 4 the maximum reimbursement rates under the supervised
46 5 apartment living program and for social services
46 6 providers under contract shall remain at the rates
46 7 in effect on June 30, 2011, or the provider's actual
46 8 and allowable cost plus inflation for each service,
46 9 whichever is less. However, if a new service or
46 10 service provider is added after June 30, 2011, the
46 11 initial reimbursement rate for the service or provider
46 12 shall be based upon actual and allowable costs.
46 13 Providers may also be eligible for an additional
46 14 amount as specified under the department's request for
46 15 proposal, bid number ACFS=11=115.
46 16 6. For the fiscal year beginning July 1, 2011,
46 17 the reimbursement rates for family=centered service
46 18 providers, family foster care service providers, group
46 19 foster care service providers, and the resource family
46 20 recruitment and retention contractor shall remain at
46 21 the rates in effect on June 30, 2011.
46 22 7. The group foster care reimbursement rates
46 23 paid for placement of children out of state shall
46 24 be calculated according to the same rate=setting
46 25 principles as those used for in=state providers,
46 26 unless the director of human services or the director's
46 27 designee determines that appropriate care cannot be
46 28 provided within the state. The payment of the daily
46 29 rate shall be based on the number of days in the
46 30 calendar month in which service is provided.
46 31 8. a. For the fiscal year beginning July 1, 2011,
46 32 the reimbursement rate paid for shelter care and
46 33 the child welfare emergency services implemented to
46 34 provide or prevent the need for shelter care shall be
46 35 established in a contract based on the requirements
46 36 of the department's request for proposal, bid number
46 37 ACFS=11=114.
46 38 b. For the fiscal year beginning July 1, 2011,
46 39 the combined service and maintenance components of
46 40 the reimbursement rate paid for shelter care services
46 41 shall be based on the financial and statistical report
46 42 submitted to the department. The maximum reimbursement
46 43 rate shall be $92.36 per day. The department shall
46 44 reimburse a shelter care provider at the provider's
46 45 actual and allowable unit cost, plus inflation, not to
46 46 exceed the maximum reimbursement rate.
46 47 c. Notwithstanding section 232.141, subsection 8,
46 48 for the fiscal year beginning July 1, 2011, the amount
46 49 of the statewide average of the actual and allowable
46 50 rates for reimbursement of juvenile shelter care homes

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47 1 that is utilized for the limitation on recovery of
47 2 unpaid costs shall remain at the amount in effect for
47 3 this purpose in the fiscal year beginning July 1, 2010.
47 4 9. For the fiscal year beginning July 1, 2011, the
47 5 department shall calculate reimbursement rates for
47 6 intermediate care facilities for persons with mental
47 7 retardation at the 80th percentile. Beginning July 1,
47 8 2011, the rate calculation methodology shall utilize
47 9 the consumer price index inflation factor applicable to
47 10 the fiscal year beginning July 1, 2011.
47 11 10. For the fiscal year beginning July 1, 2011,
47 12 for child care providers reimbursed under the state
47 13 child care assistance program, the department shall
47 14 set provider reimbursement rates based on the rate
47 15 reimbursement survey completed in December 2004.
47 16 Effective July 1, 2011, the child care provider
47 17 reimbursement rates shall remain at the rates in effect
47 18 on June 30, 2011. The department shall set rates in a
47 19 manner so as to provide incentives for a nonregistered
47 20 provider to become registered by applying the increase
47 21 only to registered and licensed providers.
47 22 11. The department may adopt emergency rules to
47 23 implement this section.
47 24 Sec. 30. EMERGENCY RULES.
47 25 1. If specifically authorized by a provision of
47 26 this division of this Act, the department of human
47 27 services or the mental health, and disability services
47 28 commission may adopt administrative rules under section
47 29 17A.4, subsection 3, and section 17A.5, subsection
47 30 2, paragraph "b", to implement the provisions and
47 31 the rules shall become effective immediately upon
47 32 filing or on a later effective date specified in the
47 33 rules, unless the effective date is delayed by the
47 34 administrative rules review committee. Any rules
47 35 adopted in accordance with this section shall not
47 36 take effect before the rules are reviewed by the
47 37 administrative rules review committee. The delay
47 38 authority provided to the administrative rules review
47 39 committee under section 17A.4, subsection 7, and
47 40 section 17A.8, subsection 9, shall be applicable to a
47 41 delay imposed under this section, notwithstanding a
47 42 provision in those sections making them inapplicable
47 43 to section 17A.5, subsection 2, paragraph "b". Any
47 44 rules adopted in accordance with the provisions of this
47 45 section shall also be published as notice of intended
47 46 action as provided in section 17A.4.
47 47 2. If during the fiscal year beginning July 1,
47 48 2011, the department of human services is adopting
47 49 rules in accordance with this section or as otherwise
47 50 directed or authorized by state law, and the rules will

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48 1 result in an expenditure increase beyond the amount
48 2 anticipated in the budget process or if the expenditure
48 3 was not addressed in the budget process for the
48 4 fiscal year, the department shall notify the persons
48 5 designated by this division of this Act for submission
48 6 of reports, the chairpersons and ranking members of
48 7 the committees on appropriations, and the department
48 8 of management concerning the rules and the expenditure
48 9 increase. The notification shall be provided at least
48 10 30 calendar days prior to the date notice of the rules
48 11 is submitted to the administrative rules coordinator
48 12 and the administrative code editor.
48 13 Sec. 31. CIVIL MONETARY PENALTIES ==== DIRECT CARE
48 14 WORKER INITIATIVES PROPOSAL. The department of human
48 15 services shall develop a proposal, in collaboration
48 16 with the department of public health, requesting
48 17 federal approval for the use of a portion of the
48 18 funds received by the department of human services as
48 19 civil monetary penalties from nursing facilities to
48 20 support direct care worker initiatives that enhance the
48 21 quality of care in nursing facilities. The proposal
48 22 shall request use of the funds for direct care worker
48 23 initiatives based on recommendations of the direct care
48 24 worker task force established pursuant to 2005 Iowa
48 25 Acts, chapter 88, as included in the report submitted
48 26 to the governor and the general assembly in December
48 27 2006. Upon completion of the proposal, the department
48 28 of human services shall submit the proposal to the
48 29 centers for Medicare and Medicaid services of the
48 30 United States department of health and human services
48 31 for approval. The department of human services shall
48 32 notify the persons designated in this division of this
48 33 Act for submission of reports upon receipt of approval
48 34 of the proposal.
48 35 Sec. 32. FEDERAL GRANTS REPORTING. During the
48 36 fiscal year beginning July 1, 2011, the departments
48 37 and agencies receiving an appropriation in the health
48 38 and human services divisions of this Act from the
48 39 general fund of the state shall report to the persons
48 40 designated by this division of this Act for submission
48 41 of reports and the department of management within 60
48 42 calendar days of applying for or renewing a federal
48 43 grant with a value over $1,000. The report shall list
48 44 the federal funding source and address the potential
48 45 need for the commitment of state funding in order to
48 46 match or continue the funding provided by the federal
48 47 grant in the present or the future.
48 48 Sec. 33. REPORTS. Any reports or information
48 49 required to be compiled and submitted under the health
48 50 and human services divisions of this Act shall be

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49 1 submitted to the chairpersons and ranking members of
49 2 the joint appropriations subcommittee on health and
49 3 human services, the legislative services agency, and
49 4 the legislative caucus staffs on or before the dates
49 5 specified for submission of the reports or information.
49 6 Sec. 34. EFFECTIVE DATE. The following provision
49 7 of this division of this Act, being deemed of immediate
49 8 importance, take effect upon enactment:
49 9 The provision under the appropriation for child and
49 10 family services, relating to requirements of section
49 11 232.143 for representatives of the department of human
49 12 services and juvenile court services to establish a
49 13 plan for continuing group foster care expenditures for
49 14 fiscal year 2011=2012.
49 15 DIVISION V
49 16 HEALTH AND HUMAN SERVICES
49 17 PHARMACEUTICAL SETTLEMENT ACCOUNT,
49 18 IOWACARE ACCOUNT, NONPARTICIPATING PROVIDER
49 19 REIMBURSEMENT FUND, HEALTH CARE
49 20 TRANSFORMATION ACCOUNT, MEDICAID FRAUD ACCOUNT,
49 21 QUALITY ASSURANCE TRUST FUND,
49 22 AND HOSPITAL HEALTH CARE ACCESS TRUST FUND
49 23 Sec. 35. PHARMACEUTICAL SETTLEMENT ACCOUNT. There
49 24 is appropriated from the pharmaceutical settlement
49 25 account created in section 249A.33 to the department of
49 26 human services for the fiscal year beginning July 1,
49 27 2011, and ending June 30, 2012, the following amount,
49 28 or so much thereof as is necessary, to be used for the
49 29 purpose designated:
49 30 Notwithstanding any provision of law to the
49 31 contrary, to supplement the appropriations made in the
49 32 department of human services division of this Act for
49 33 medical contracts under the medical assistance program
49 34 for the same fiscal year:
49 35 ..... $ 5,433,613
49 36 Sec. 36. APPROPRIATIONS FROM IOWACARE ACCOUNT.
49 37 1. There is appropriated from the IowaCare account
49 38 created in section 249J.24 to the state board of
49 39 regents for distribution to the university of Iowa
49 40 hospitals and clinics for the fiscal year beginning
49 41 July 1, 2011, and ending June 30, 2012, the following
49 42 amount, or so much thereof as is necessary, to be used
49 43 for the purposes designated:
49 44 For salaries, support, maintenance, equipment, and
49 45 miscellaneous purposes, for the provision of medical
49 46 and surgical treatment of indigent patients, for
49 47 provision of services to members of the expansion
49 48 population pursuant to chapter 249J, and for medical
49 49 education:
49 50 ..... $ 27,284,584

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50 1 a. Funds appropriated in this subsection shall
50 2 not be used to perform abortions except medically
50 3 necessary abortions, and shall not be used to operate
50 4 the early termination of pregnancy clinic except for
50 5 the performance of medically necessary abortions. For
50 6 the purpose of this subsection, medically necessary
50 7 abortions are those performed under any of the
50 8 following conditions:
50 9 (1) The attending physician certifies that
50 10 continuing the pregnancy would endanger the life of the
50 11 pregnant woman.
50 12 (2) Any spontaneous abortion, commonly known as a
50 13 miscarriage, if not all of the products of conception
50 14 are expelled.
50 15 b. Notwithstanding any provision of law to the
50 16 contrary, the amount appropriated in this subsection
50 17 shall be distributed based on claims submitted,
50 18 adjudicated, and paid by the Iowa Medicaid enterprise.
50 19 c. The university of Iowa hospitals and clinics
50 20 shall certify public expenditures in an amount equal
50 21 to provide the nonfederal share on total expenditures
50 22 not to exceed $20,000,000.
50 23 2. There is appropriated from the IowaCare account
50 24 created in section 249J.24 to the state board of
50 25 regents for distribution to the university of Iowa
50 26 hospitals and clinics for the fiscal year beginning
50 27 July 1, 2011, and ending June 30, 2012, the following
50 28 amount, or so much thereof as is necessary, to be used
50 29 for the purposes designated:
50 30 For salaries, support, maintenance, equipment, and
50 31 miscellaneous purposes, for the provision of medical
50 32 and surgical treatment of indigent patients, for
50 33 provision of services to members of the expansion
50 34 population pursuant to chapter 249J, and for medical
50 35 education:
50 36 ..... $ 44,226,279
50 37 Notwithstanding any provision of law to the
50 38 contrary, the amount appropriated in this subsection
50 39 shall be distributed based on claims submitted,
50 40 adjudicated, and paid by the Iowa Medicaid enterprise.
50 41 3. There is appropriated from the IowaCare account
50 42 created in section 249J.24, to the state board
50 43 of regents for distribution to university of Iowa
50 44 physicians for the fiscal year beginning July 1, 2011,
50 45 and ending June 30, 2012, the following amount, or
50 46 so much thereof as is necessary to be used for the
50 47 purposes designated:
50 48 For salaries, support, maintenance, equipment, and
50 49 miscellaneous purposes for the provision of medical and
50 50 surgical treatment of indigent patients, for provision

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51 1 of services to members of the expansion population
51 2 pursuant to chapter 249J, and for medical education:
51 3 ..... $ 16,277,753
51 4 Notwithstanding any provision of law to the
51 5 contrary, the amount appropriated in this subsection
51 6 shall be distributed based on claims submitted,
51 7 adjudicated, and paid by the Iowa Medicaid enterprise.
51 8 Once the entire amount appropriated in this subsection
51 9 has been distributed, claims shall continue to
51 10 be submitted and adjudicated by the Iowa Medicaid
51 11 enterprise; however, no payment shall be made based
51 12 upon such claims.
51 13 4. There is appropriated from the IowaCare account
51 14 created in section 249J.24 to the department of human
51 15 services for the fiscal year beginning July 1, 2011,
51 16 and ending June 30, 2012, the following amount, or
51 17 so much thereof as is necessary, to be used for the
51 18 purposes designated:
51 19 For distribution to a publicly owned acute care
51 20 teaching hospital located in a county with a population
51 21 over 350,000 for the provision of medical and surgical
51 22 treatment of indigent patients, for provision of
51 23 services to members of the expansion population
51 24 pursuant to chapter 249J, and for medical education:
51 25 ..... $ 65,000,000
51 26 a. Notwithstanding any provision of law to the
51 27 contrary, the amount appropriated in this subsection
51 28 shall be distributed based on claims submitted,
51 29 adjudicated, and paid by the Iowa Medicaid enterprise
51 30 plus a monthly disproportionate share hospital payment.
51 31 Any amount appropriated in this subsection in excess
51 32 of $60,000,000 shall be distributed only if the sum of
51 33 the expansion population claims adjudicated and paid
51 34 by the Iowa Medicaid enterprise plus the estimated
51 35 disproportionate share hospital payments exceeds
51 36 $60,000,000. The amount paid in excess of $60,000,000
51 37 shall not adjust the original monthly payment amount
51 38 but shall be distributed monthly based on actual
51 39 claims adjudicated and paid by the Iowa Medicaid
51 40 enterprise plus the estimated disproportionate share
51 41 hospital amount. Any amount appropriated in this
51 42 subsection in excess of $60,000,000 shall be allocated
51 43 only if federal funds are available to match the
51 44 amount allocated. Pursuant to paragraph "b", of the
51 45 amount appropriated in this subsection, not more than
51 46 $4,000,000 shall be distributed for prescription drugs
51 47 and podiatry services.
51 48 b. Notwithstanding any provision of law to the
51 49 contrary, the hospital identified in this subsection,
51 50 shall be reimbursed for outpatient prescription drugs

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52 1 and podiatry services provided to members of the
52 2 expansion population pursuant to all applicable medical
52 3 assistance program rules, in an amount not to exceed
52 4 $4,000,000.
52 5 c. Notwithstanding the total amount of proceeds
52 6 distributed pursuant to section 249J.24, subsection 4,
52 7 paragraph "a", unnumbered paragraph 1, for the fiscal
52 8 year beginning July 1, 2011, and ending June 30, 2012,
52 9 the county treasurer of a county with a population
52 10 of over 350,000 in which a publicly owned acute care
52 11 teaching hospital is located shall distribute the
52 12 proceeds collected pursuant to section 347.7 in a
52 13 total amount of $38,000,000, which would otherwise be
52 14 distributed to the county hospital, to the treasurer of
52 15 state for deposit in the IowaCare account.
52 16 d. (1) Notwithstanding the amount collected
52 17 and distributed for deposit in the IowaCare account
52 18 pursuant to section 249J.24, subsection 4, paragraph
52 19 "a", subparagraph (1), the first $19,000,000 in
52 20 proceeds collected pursuant to section 347.7 between
52 21 July 1, 2011, and December 31, 2011, shall be
52 22 distributed to the treasurer of state for deposit in
52 23 the IowaCare account and collections during this time
52 24 period in excess of $19,000,000 shall be distributed
52 25 to the acute care teaching hospital identified in
52 26 this subsection. Of the collections in excess of
52 27 the $19,000,000 received by the acute care teaching
52 28 hospital under this subparagraph (1), $2,000,000 shall
52 29 be distributed by the acute care teaching hospital to
52 30 the treasurer of state for deposit in the IowaCare
52 31 account in the month of January 2012, following the
52 32 July 1 through December 31, 2011, period.
52 33 (2) Notwithstanding the amount collected and
52 34 distributed for deposit in the IowaCare account
52 35 pursuant to section 249J.24, subsection 4, paragraph
52 36 "a", subparagraph (2), the first $19,000,000 in
52 37 collections pursuant to section 347.7 between January
52 38 1, 2012, and June 30, 2012, shall be distributed to
52 39 the treasurer of state for deposit in the IowaCare
52 40 account and collections during this time period in
52 41 excess of $19,000,000 shall be distributed to the acute
52 42 care teaching hospital identified in this subsection.
52 43 Of the collections in excess of the $19,000,000
52 44 received by the acute care teaching hospital under this
52 45 subparagraph (2), $2,000,000 shall be distributed by
52 46 the acute care teaching hospital to the treasurer of
52 47 state for deposit in the IowaCare account in the month
52 48 of July 2012, following the January 1 through June 30,
52 49 2012, period.
52 50 5. There is appropriated from the IowaCare account

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53 1 created in section 249J.24 to the department of human
53 2 services for the fiscal year beginning July 1, 2011,
53 3 and ending June 30, 2012, the following amount, or so
53 4 much thereof as is necessary to be used for the purpose
53 5 designated:
53 6 For payment to the regional provider network
53 7 specified by the department pursuant to section 249J.7
53 8 for provision of covered services to members of the
53 9 expansion population pursuant to chapter 249J:
53 10 ..... $ 3,472,176
53 11 Notwithstanding any provision of law to the
53 12 contrary, the amount appropriated in this subsection
53 13 shall be distributed based on claims submitted,
53 14 adjudicated, and paid by the Iowa Medicaid enterprise.
53 15 Once the entire amount appropriated in this subsection
53 16 has been distributed, claims shall continue to
53 17 be submitted and adjudicated by the Iowa Medicaid
53 18 enterprise; however, no payment shall be made based
53 19 upon such claims.
53 20 6. There is appropriated from the IowaCare account
53 21 created in section 249J.24 to the department of human
53 22 services for the fiscal year beginning July 1, 2011,
53 23 and ending June 30, 2012, the following amount, or
53 24 so much thereof as is necessary to be used for the
53 25 purposes designated:
53 26 For a care coordination pool to pay the expansion
53 27 population providers consisting of the university of
53 28 Iowa hospitals and clinics, the publicly owned acute
53 29 care teaching hospital as specified in section 249J.7,
53 30 and current medical assistance program providers that
53 31 are not expansion population network providers pursuant
53 32 to section 249J.7, for services covered by the full
53 33 benefit medical assistance program but not under the
53 34 IowaCare program pursuant to section 249J.6, that are
53 35 provided to expansion population members:
53 36 ..... $ 1,500,000
53 37 a. Notwithstanding sections 249J.6 and 249J.7,
53 38 the amount appropriated in this subsection is
53 39 intended to provide payment for medically necessary
53 40 services provided to expansion population members for
53 41 continuation of care provided by the university of
53 42 Iowa hospitals and clinics or the publicly owned acute
53 43 care teaching hospital as specified in section 249J.7.
53 44 Payment may only be made for services that are not
53 45 otherwise covered under section 249J.6, and which are
53 46 follow=up services to covered services provided by the
53 47 hospitals specified in this paragraph "a".
53 48 b. The funds appropriated in this subsection are
53 49 intended to provide limited payment for continuity
53 50 of care services for an expansion population member,

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54 1 and are intended to cover the costs of services
54 2 to expansion population members, regardless of
54 3 the member's county of residence or medical home
54 4 assignment, if the care is related to specialty or
54 5 hospital services provided by the hospitals specified
54 6 in paragraph "a".
54 7 c. The funds appropriated in this subsection are
54 8 not intended to provide for expanded coverage under
54 9 the IowaCare program, and shall not be used to cover
54 10 emergency transportation services.
54 11 d. The department shall adopt administrative
54 12 rules pursuant to chapter 17A to establish a prior
54 13 authorization process and to identify covered services
54 14 for reimbursement under this subsection.
54 15 7. There is appropriated from the IowaCare account
54 16 created in section 249J.24 to the department of human
54 17 services for the fiscal year beginning July 1, 2011,
54 18 and ending June 30, 2012, the following amount or
54 19 so much thereof as is necessary to be used for the
54 20 purposes designated:
54 21 For a laboratory test and radiology pool for
54 22 services authorized by a federally qualified health
54 23 center designated by the department as part of the
54 24 IowaCare regional provider network that does not have
54 25 the capability to provide these services on site:
54 26 ..... $ 500,000
54 27 Notwithstanding sections 249J.6 and 249J.7, the
54 28 amount appropriated in this subsection is intended
54 29 to provide reimbursement for services provided to
54 30 expansion population members that have previously
54 31 been paid for through expenditure by designated
54 32 regional provider network providers of their own
54 33 funds, not to expand coverage under the IowaCare
54 34 program or to expand the expansion population
54 35 provider network. The department shall designate the
54 36 laboratory and radiology provider associated with
54 37 each designated regional provider network provider
54 38 that may receive reimbursement. The department shall
54 39 adopt administrative rules pursuant to chapter 17A
54 40 to establish a prior authorization process and to
54 41 identify covered services for reimbursement under this
54 42 subsection. All other medical assistance program
54 43 payment policies and rules for laboratory and radiology
54 44 services shall apply to services provided under this
54 45 subsection. If the entire amount appropriated under
54 46 this subsection is expended, laboratory tests and
54 47 radiology services ordered by a designated regional
54 48 provider network provider shall be the financial
54 49 responsibility of the regional provider network
54 50 provider.

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55 1 Sec. 37. APPROPRIATIONS FROM NONPARTICIPATING
55 2 PROVIDER REIMBURSEMENT FUND ==== DEPARTMENT OF HUMAN
55 3 SERVICES. Notwithstanding any provision to the
55 4 contrary, and subject to the availability of funds,
55 5 there is appropriated from the nonparticipating
55 6 provider reimbursement fund created in section 249J.24A
55 7 to the department of human services for the fiscal year
55 8 beginning July 1, 2011, and ending June 30, 2012, the
55 9 following amount or so much thereof as is necessary for
55 10 the purposes designated:
55 11 To reimburse nonparticipating providers in
55 12 accordance with section 249J.24A:
55 13 ..... $ 2,000,000
55 14 Sec. 38. APPROPRIATIONS FROM ACCOUNT FOR HEALTH
55 15 CARE
55 16 TRANSFORMATION ==== DEPARTMENT OF HUMAN SERVICES.
55 17 Notwithstanding any provision to the contrary, there
55 18 is appropriated from the account for health care
55 19 transformation created in section 249J.23 to the
55 20 department of human services for the fiscal year
55 21 beginning July 1, 2011, and ending June 30, 2012, the
55 22 following amounts, or so much thereof as is necessary,
55 23 to be used for the purposes designated:
55 24 1. For the provision of an IowaCare nurse helpline
55 25 for the expansion population as provided in section
55 26 249J.6:
55 27 ..... $ 100,000
55 28 2. For other health promotion partnership
55 29 activities pursuant to section 249J.14:
55 30 ..... $ 600,000
55 31 3. For the costs related to audits, performance
55 32 evaluations, and studies required pursuant to chapter
55 33 249J:
55 34 ..... $ 125,000
55 35 4. For administrative costs associated with chapter
55 36 249J:
55 37 ..... $ 1,132,412
55 38 5. For planning and development, in cooperation
55 39 with the department of public health, of a phased=in
55 40 program to provide a dental home for children in
55 41 accordance with section 249J.14:
55 42 ..... $ 1,000,000
55 43 6. For continuation of the establishment of the
55 44 tuition assistance for individuals serving individuals
55 45 with disabilities pilot program, as enacted in 2008
55 46 Iowa Acts, chapter 1187, section 130:
55 47 ..... $ 50,000
55 48 7. For medical contracts:
55 49 ..... $ 2,000,000
55 50 8. For payment to the publicly owned acute care

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56 1 teaching hospital located in a county with a population
56 2 of over 350,000 that is a participating provider
56 3 pursuant to chapter 249J:
56 4 ..... $ 290,000
56 5 Disbursements under this subsection shall be made
56 6 monthly. The hospital shall submit a report following
56 7 the close of the fiscal year regarding use of the
56 8 funds appropriated in this subsection to the persons
56 9 specified in this Act to receive reports.
56 10 9. For transfer to the department of public
56 11 health to be used for the costs of medical home
56 12 system advisory council established pursuant to
56 13 section 135.159, including for the incorporation of
56 14 the work and duties of the prevention and chronic
56 15 care management advisory council pursuant to section
56 16 135.161, as amended by the FY 2011=2012 health and
56 17 human services divisions of this Act:
56 18 ..... $ 233,357
56 19 10. For implementation of a uniform cost report:
56 20 ..... $ 100,000
56 21 The uniform cost report shall be used in the
56 22 development of specified Medicaid reimbursement rates
56 23 over a multiyear timeframe. The department of human
56 24 services, in collaboration with affected providers,
56 25 shall finalize a uniform cost report that includes
56 26 provider type=specific cost schedules by December 15,
56 27 2011. The uniform cost report shall be applied to
56 28 providers of home and community=based services waiver
56 29 services, habilitation services, case management
56 30 services and community mental health centers,
56 31 residential care facilities, psychiatric medical
56 32 institutions for children, and intermediate care
56 33 facilities for the mentally retarded in the development
56 34 of Medicaid reimbursement rates. The department
56 35 shall collaborate with affected Medicaid providers to
56 36 test the effectiveness of the uniform cost report and
56 37 determine the fiscal impact of implementing the uniform
56 38 cost report during the fiscal year beginning July 1,
56 39 2012. A report of the findings and fiscal impact shall
56 40 be submitted to the governor and the general assembly
56 41 by December 31, 2013. The rates paid in the fiscal
56 42 year beginning July 1, 2014, shall be established
56 43 using uniform cost reports submitted in the fiscal
56 44 year beginning July 1, 2012. Implementation of the
56 45 uniform cost report shall be limited to the extent of
56 46 the funding available.
56 47 11. For implementation of an electronic medical
56 48 records system:
56 49 ..... $ 100,000
56 50 a. The implementation of an electronic medical

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57 1 records system shall include system purchase or
57 2 development for home and community=based services
57 3 providers and mental health services providers that
57 4 comply with the requirements of federal and state laws
57 5 and regulation by the fiscal year beginning July 1,
57 6 2013.
57 7 b. The department shall analyze the costs and
57 8 benefits of providing an electronic medical records and
57 9 billing system for home and community=based services
57 10 providers and mental health services providers that
57 11 comply with the requirements of federal and state laws
57 12 and regulation. The analysis shall include a review of
57 13 all of the following: including the capability for an
57 14 electronic medical records and billing system within
57 15 the procurement for the Medicaid management information
57 16 system, developing the system, and utilizing capacity
57 17 within the health information network established
57 18 by the department of public health. If the analysis
57 19 demonstrates that a program may be implemented in a
57 20 cost=effective manner and within available funds,
57 21 the department may take steps to implement such a
57 22 system. The department shall report the results of
57 23 the analysis, activities, and recommendations to the
57 24 persons designated in the department of human services
57 25 division of this Act for submission of reports by
57 26 December 15, 2011.
57 27 c. Notwithstanding section 8.33, funds allocated in
57 28 this subsection that remain unencumbered or unobligated
57 29 at the close of the fiscal year shall not revert but
57 30 shall remain available in succeeding fiscal years to be
57 31 used for the purposes designated.
57 32 Notwithstanding section 8.39, subsection 1, without
57 33 the prior written consent and approval of the governor
57 34 and the director of the department of management, the
57 35 director of human services may transfer funds among
57 36 the appropriations made in this section as necessary
57 37 to carry out the purposes of the account for health
57 38 care transformation. The department shall report
57 39 any transfers made pursuant to this section to the
57 40 legislative services agency.
57 41 Sec. 39. MEDICAID FRAUD ACCOUNT ==== DEPARTMENT OF
57 42 INSPECTIONS AND APPEALS. There is appropriated from
57 43 the Medicaid fraud account created in section 249A.7
57 44 to the department of inspections and appeals for the
57 45 fiscal year beginning July 1, 2011, and ending June 30,
57 46 2012, the following amount, or so much thereof as is
57 47 necessary, to be used for the purposes designated:
57 48 For the inspection and certification of assisted
57 49 living programs and adult day care services, including
57 50 program administration and costs associated with

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58 1 implementation:
58 2 ..... $ 1,339,527
58 3 Sec. 40. MEDICAID FRAUD ACCOUNT ==== DEPARTMENT
58 4 OF HUMAN SERVICES. There is appropriated from the
58 5 Medicaid fraud account created in section 249A.7 to
58 6 the department of human services for the fiscal year
58 7 beginning July 1, 2011, and ending June 30, 2012, the
58 8 following amount, or so much thereof as is necessary,
58 9 to be used for the purposes designated:
58 10 To supplement the appropriation made in the
58 11 department of human services division of this Act
58 12 from the general fund of the state to the department
58 13 of human services for medical assistance for the same
58 14 fiscal year:
58 15 ..... $ 2,000,000
58 16 Sec. 41. QUALITY ASSURANCE TRUST FUND ==== DEPARTMENT
58 17 OF HUMAN SERVICES. Notwithstanding any provision to
58 18 the contrary and subject to the availability of funds,
58 19 there is appropriated from the quality assurance trust
58 20 fund created in section 249L.4 to the department of
58 21 human services for the fiscal year beginning July 1,
58 22 2011, and ending June 30, 2012, the following amounts,
58 23 or so much thereof as is necessary for the purposes
58 24 designated:
58 25 To supplement the appropriation made in the
58 26 department of human services division of this Act
58 27 from the general fund of the state to the department
58 28 of human services for medical assistance for the same
58 29 fiscal year:
58 30 ..... $ 29,000,000
58 31 Sec. 42. HOSPITAL HEALTH CARE ACCESS TRUST FUND
58 32 ==== DEPARTMENT OF HUMAN SERVICES. Notwithstanding
58 33 any provision to the contrary and subject to the
58 34 availability of funds, there is appropriated from
58 35 the hospital health care access trust fund created in
58 36 section 249M.4 to the department of human services for
58 37 the fiscal year beginning July 1, 2011, and ending June
58 38 30, 2012, the following amounts, or so much thereof as
58 39 is necessary, for the purposes designated:
58 40 1. To supplement the appropriation made in the
58 41 department of human services division of this Act
58 42 from the general fund of the state to the department
58 43 of human services for medical assistance for the same
58 44 fiscal year:
58 45 ..... $ 39,223,800
58 46 2. For deposit in the nonparticipating provider
58 47 reimbursement fund created in section 249J.24A to be
58 48 used for the purposes of the fund:
58 49 ..... $ 776,200
58 50 Sec. 43. MEDICAL ASSISTANCE PROGRAM ==== NONREVERSION

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59 1 FOR FY 2011=2012. Notwithstanding section 8.33,
59 2 if moneys appropriated for purposes of the medical
59 3 assistance program for the fiscal year beginning July
59 4 1, 2011, and ending June 30, 2012, in the health and
59 5 human services divisions of this Act from the general
59 6 fund of the state, the Medicaid fraud account, the
59 7 quality assurance trust fund, and the hospital health
59 8 care access trust fund, are in excess of actual
59 9 expenditures for the medical assistance program and
59 10 remain unencumbered or unobligated at the close of the
59 11 fiscal year, the excess moneys shall not revert but
59 12 shall remain available for expenditure for the purposes
59 13 of the medical assistance program until the close of
59 14 the succeeding fiscal year.
59 15 DIVISION VI
59 16 HEALTH AND HUMAN SERVICES
59 17 MH/MR/DD SERVICES ALLOWED GROWTH FUNDING FOR FISCAL
59 18 YEAR 2011=2012
59 19 Sec. 44. MENTAL HEALTH, MENTAL RETARDATION, AND
59 20 DEVELOPMENTAL DISABILITIES SERVICES PROPERTY TAX
59 21 RELIEF. Notwithstanding the standing appropriation
59 22 in section 426B.1, subsection 2, for the fiscal year
59 23 beginning July 1, 2011, and ending June 30, 2012,
59 24 the amount appropriated from the general fund of the
59 25 state pursuant to that provision shall not exceed the
59 26 following amount: ..... $
59 27 81,199,911
59 28 Sec. 45. SENATE FILE 209 APPROPRIATION ==== FY
59 29 2010=2011.
59 30 1. Of the amount credited to the property tax
59 31 relief fund from the appropriation made pursuant to
59 32 2011 Iowa Acts, Senate File 209, section 21, subsection
59 33 1, there is appropriated to the department of human
59 34 services for the fiscal year beginning July 1, 2010,
59 35 and ending June 30, 2011, the following amount, or
59 36 so much thereof as is necessary, to be used for the
59 37 purpose designated:
59 38 For distribution in accordance with this section:
59 39 ..... $ 10,000,000
59 40 2. a. For the purposes of this subsection, unless
59 41 the context otherwise requires:
59 42 (1) "County management plan" means the county
59 43 management plan for the county's mental health, mental
59 44 retardation, and developmental disabilities services
59 45 system in accordance with section 331.439.
59 46 (2) "Risk pool board" means the risk pool board
59 47 created in section 426B.5.
59 48 (3) "Services fund" means the county mental health,
59 49 mental retardation, and developmental disabilities
59 50 services fund created in section 331.424A.

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60 1 b. The appropriation made in this section shall be
60 2 distributed to counties with persons on a waiting list
60 3 as of April 21, 2011, for adult mental health, mental
60 4 retardation, and developmental disabilities services in
60 5 accordance with the county management plan in effect as
60 6 of January 1, 2011. All of the following provisions
60 7 shall apply to such distribution:
60 8 (1) A county's application for the funding
60 9 distribution must be received by the department on or
60 10 before July 15, 2011, or within 10 calendar days of the
60 11 enactment date of this section, whichever is later.
60 12 (2) The county's application shall provide all of
60 13 the following information:
60 14 (a) A declaration that the county cannot provide
60 15 services in accordance with the county's management
60 16 plan and remain in compliance with the 99 percent
60 17 budgeting requirement in section 331.439, subsection 5,
60 18 resulting in the creation of a waiting list.
60 19 (b) An accounting of the individuals to be removed
60 20 from the county's waiting list as a result of the
60 21 funding applied for under this subsection, along with
60 22 the following information in a format specified by the
60 23 department:
60 24 (i) Each individual's unique client identifier
60 25 established pursuant to section 225C.6A, subsection 3.
60 26 (ii) The date the individual was originally placed
60 27 on the county waiting list.
60 28 (iii) The services needed by the individual.
60 29 (iv) The projected cost for the fiscal year for
60 30 each service needed for that individual.
60 31 (v) The total cost for all of the services for each
60 32 individual for the fiscal year.
60 33 (3) The application shall be accompanied by a
60 34 signed statement by the county's board of supervisors
60 35 certifying that the individuals for whom funding is
60 36 provided under this subsection will not subsequently
60 37 be placed by the county on a waiting list for services
60 38 through June 30, 2012.
60 39 (4) The risk pool board may accept or reject an
60 40 application for assistance in whole or in part and may
60 41 prorate distribution of funding as necessary to conform
60 42 to the amount available for distribution. The decision
60 43 of the risk pool board is final. The risk pool board
60 44 shall issue a funding decision within 15 working days
60 45 of the final receipt date for applications.
60 46 (5) The funding under this subsection shall be
60 47 distributed within 15 working days of the date the risk
60 48 pool board's funding decision is issued.
60 49 c. If there is a balance remaining following the
60 50 distribution of funding under paragraph "b", the

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61 1 balance shall be distributed in a second distribution
61 2 process for individuals placed on a waiting list
61 3 after April 21, 2011, in accordance with the county
61 4 management plan provisions for the services in effect
61 5 as of January 1, 2011. In addition, notwithstanding
61 6 2010 Iowa Acts, chapter 1192, section 48, subsection 4,
61 7 paragraph "c", any funding rebated by counties pursuant
61 8 to that provision and any moneys otherwise available in
61 9 the risk pool in the property tax relief fund for the
61 10 fiscal year beginning July 1, 2011, pursuant to section
61 11 426B.5, subsection 2, shall also be included in the
61 12 second distribution process. The distribution process
61 13 under this lettered paragraph shall be in lieu of any
61 14 risk pool distribution for the fiscal year beginning
61 15 July 1, 2011, under section 426B.5. All provisions
61 16 applicable under paragraph "b" shall apply except
61 17 that a county's application for the second funding
61 18 distribution process must be received by the department
61 19 on or before December 1, 2011.
61 20 d. If moneys from a distribution made under this
61 21 subsection are not expended by a county by November
61 22 1, 2012, for services provided prior to July 1, 2012,
61 23 the county shall reimburse the unexpended moneys to
61 24 the department by November 30, 2012, and the moneys
61 25 reimbursed shall be credited to the risk pool in the
61 26 property tax relief fund.
61 27 e. The risk pool board shall submit a report to the
61 28 governor and general assembly on or before December 31,
61 29 2012, regarding the expenditure of funds distributed
61 30 under this subsection.
61 31 Sec. 46. SENATE FILE 209 APPROPRIATION ==== FY
61 32 2011=2012. In addition to the appropriations made in
61 33 this division of this Act for distribution to counties
61 34 of the county mental health, mental retardation, and
61 35 developmental disabilities allowed growth factor
61 36 adjustment for FY 2011=2012, and for county waiting
61 37 lists beginning with the fiscal year beginning July 1,
61 38 2010, of the amount credited to the property tax relief
61 39 fund from the appropriation made pursuant to 2011 Iowa
61 40 Acts, Senate File 209, section 21, subsection 1, there
61 41 is appropriated to the department of human services for
61 42 the fiscal year beginning July 1, 2011, and ending June
61 43 30, 2012, the following amounts, or so much thereof as
61 44 is necessary, to be used for the purposes designated:
61 45 To be credited to the appropriation made in the
61 46 department of human services division of this Act from
61 47 the general fund of the state to the department of
61 48 human services for the medical assistance program for
61 49 the fiscal year beginning July 1, 2011, and used to
61 50 reduce home and community=based services waiver waiting

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62 1 lists for children's mental health, intellectual
62 2 disabilities, and brain injury:
62 3 ..... $ 5,000,000
62 4 Sec. 47. 2010 Iowa Acts, chapter 1193, section 1,
62 5 is amended to read as follows:
62 6 SECTION 1. ADULT MH/MR/DD SERVICES ALLOWED GROWTH
62 7 FUNDING ==== FY 2011=2012.
62 8 1. Notwithstanding section 331.439, subsection
62 9 3, the allowed growth factor adjustment for county
62 10 mental health, mental retardation, and developmental
62 11 disabilities service expenditures for the fiscal year
62 12 beginning July 1, 2011, shall be established by statute
62 13 which shall be enacted within thirty calendar days of
62 14 the convening of the Eighty=fourth General Assembly,
62 15 2011 Session, on January 10, 2011. The governor shall
62 16 submit to the general assembly a recommendation for
62 17 such allowed growth factor adjustment and the amounts
62 18 of related appropriations to the general assembly on
62 19 or before January 11, 2011.
62 20 2. The appropriation and allocations made in this
62 21 section fulfill the requirements of the governor and
62 22 general assembly under subsection 1.
62 23 3. a. There is appropriated from the general fund
62 24 of the state to the department of human services for
62 25 the fiscal year beginning July 1, 2011, and ending June
62 26 30, 2012, the following amount, or so much thereof as
62 27 is necessary, to be used for the purpose designated:
62 28 For distribution to counties of the county mental
62 29 health, mental retardation, and developmental
62 30 disabilities allowed growth factor adjustment for
62 31 fiscal year 2011=2012 as provided in this section in
62 32 lieu of the allowed growth factor provisions of section
62 33 331.438, subsection 2, and section 331.439, subsection
62 34 3, and chapter 426B:
62 35 ..... $ 68,697,893
62 36 b. Of the amount credited to the property tax
62 37 relief fund from the appropriation made pursuant to
62 38 2011 Iowa Acts, Senate File 209, section 21, subsection
62 39 1, there is appropriated to the department of human
62 40 services for the fiscal year beginning July 1, 2011,
62 41 and ending June 30, 2012, the following amount, or
62 42 so much thereof as is necessary, to be used for the
62 43 purpose designated:
62 44 For distribution to counties as described in
62 45 paragraph "a":
62 46 ..... $ 5,000,000
62 47 Sec. 48. 2010 Iowa Acts, chapter 1193, section 1,
62 48 as amended by this division of this Act, is amended by
62 49 adding the following new subsections:
62 50 NEW SUBSECTION. 4. Of the amounts appropriated

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63 1 in this section, $12,000,000 shall be distributed as
63 2 provided in this subsection.
63 3 a. To be eligible to receive a distribution under
63 4 this subsection, a county must meet the following
63 5 requirements:
63 6 (1) The county is levying for the maximum amount
63 7 allowed for the county's mental health, mental
63 8 retardation, and developmental disabilities services
63 9 fund under section 331.424A for taxes due and payable
63 10 in the fiscal year beginning July 1, 2011, or the
63 11 county is levying for at least 90 percent of the
63 12 maximum amount allowed for the county's services fund
63 13 and that levy rate is more than $2 per $1,000 of the
63 14 assessed value of all taxable property in the county.
63 15 (2) In the fiscal year beginning July 1, 2009,
63 16 the county's mental health, mental retardation, and
63 17 developmental disabilities services fund ending balance
63 18 under generally accepted accounting principles was
63 19 equal to or less than 15 percent of the county's actual
63 20 gross expenditures for that fiscal year.
63 21 b. The amount of a county's distribution from
63 22 the allocation made in this subsection shall be
63 23 determined based upon the county's proportion of the
63 24 general population of the counties eligible to receive
63 25 a distribution under this subsection. The latest
63 26 certified federal census issued by the United States
63 27 bureau of the census shall be applied in determining
63 28 population for the purposes of this paragraph.
63 29 c. The distributions made pursuant to this
63 30 subsection are subject to the distribution provisions
63 31 and withholding requirements established in this
63 32 section for the county mental health, mental
63 33 retardation, and developmental disabilities allowed
63 34 growth factor adjustment for the fiscal year beginning
63 35 July 1, 2011.
63 36 NEW SUBSECTION. 5. The following amount of the
63 37 funding appropriated in this section for distribution
63 38 to counties is the allowed growth factor adjustment for
63 39 fiscal year 2011=2012, and shall be credited to the
63 40 allowed growth funding pool created in the property tax
63 41 relief fund and for distribution in accordance with
63 42 section 426B.5, subsection 1:
63 43 ..... $ 61,697,893
63 44 For the distribution made for the fiscal year
63 45 beginning July 1, 2011, a county that is levying
63 46 at least 92 percent of the maximum amount allowed
63 47 for the county's mental health, mental retardation,
63 48 and developmental disabilities services fund under
63 49 section 331.424A for the fiscal year and that had
63 50 a negative services fund balance for the fiscal

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64 1 year beginning July 1, 2009, after disregarding the
64 2 temporary funding increase provided to counties for
64 3 the fiscal year beginning July 1, 2009, through the
64 4 federal American Recovery and Reinvestment Act of
64 5 2009, Pub. L. No. 111=5, shall be deemed to have met
64 6 the allocation eligibility requirement under section
64 7 426B.5, subsection 1, paragraph "d", subparagraph (1),
64 8 subparagraph division (a).
64 9 NEW SUBSECTION. 6. The following formula amounts
64 10 shall be utilized only to calculate preliminary
64 11 distribution amounts for the allowed growth factor
64 12 adjustment for fiscal year 2011=2012 under this
64 13 section by applying the indicated formula provisions
64 14 to the formula amounts and producing a preliminary
64 15 distribution total for each county:
64 16 a. For calculation of a distribution amount for
64 17 eligible counties from the allowed growth funding pool
64 18 created in the property tax relief fund in accordance
64 19 with the requirements in section 426B.5, subsection
64 20 1, and including the allocation eligibility provision
64 21 authorized in subsection 5 of this section:
64 22 ..... $ 74,773,346
64 23 b. For calculation of a distribution amount for
64 24 counties from the mental health and developmental
64 25 disabilities (MH/DD) community services fund
64 26 in accordance with the formula provided in the
64 27 appropriation made for the MH/DD community services
64 28 fund for the fiscal year beginning July 1, 2011:
64 29 ..... $ 14,187,556
64 30 NEW SUBSECTION. 7. a. After applying the
64 31 applicable statutory distribution formulas to the
64 32 amounts indicated in subsection 6 for purposes of
64 33 producing preliminary distribution totals, the
64 34 department of human services shall apply a withholding
64 35 factor to adjust an eligible individual county's
64 36 preliminary distribution total. In order to be
64 37 eligible for a distribution under this section, a
64 38 county must be levying 90 percent or more of the
64 39 maximum amount allowed for the county's mental health,
64 40 mental retardation, and developmental disabilities
64 41 services fund under section 331.424A for taxes due and
64 42 payable in the fiscal year for which the distribution
64 43 is payable.
64 44 b. An ending balance percentage for each county
64 45 shall be determined by expressing the county's ending
64 46 balance on a modified accrual basis under generally
64 47 accepted accounting principles for the fiscal year
64 48 beginning July 1, 2009, in the county's mental health,
64 49 mental retardation, and developmental disabilities
64 50 services fund created under section 331.424A, as a

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65 1 percentage of the county's gross expenditures from that
65 2 fund for that fiscal year. If a county borrowed moneys
65 3 for purposes of providing services from the county's
65 4 services fund on or before July 1, 2009, and the
65 5 county's services fund ending balance for that fiscal
65 6 year includes the loan proceeds or an amount designated
65 7 in the county budget to service the loan for the
65 8 borrowed moneys, those amounts shall not be considered
65 9 to be part of the county's ending balance for purposes
65 10 of calculating an ending balance percentage under this
65 11 subsection.
65 12 c. For purposes of calculating withholding
65 13 factors and for ending balance amounts used for other
65 14 purposes under law, the county ending balances shall
65 15 be adjusted, using forms developed for this purpose
65 16 by the county finance committee, to disregard the
65 17 temporary funding increase provided to the counties for
65 18 the fiscal year through the federal American Recovery
65 19 and Reinvestment Act of 2009, Pub. L. No. 111=5. In
65 20 addition, a county may adjust the ending balance amount
65 21 by rebating to the department all or a portion of
65 22 the allowed growth and MH/DD services fund moneys the
65 23 county received for the fiscal year beginning July 1,
65 24 2010, in accordance with 2009 Iowa Acts, chapter 179,
65 25 section 1, as amended by 2009 Iowa Acts, chapter 1192,
65 26 sections 47 and 48, or from any other services fund
65 27 moneys available to the county. The rebate must be
65 28 remitted to the department on or before June 1, 2011,
65 29 in order to be counted. However, if this division of
65 30 this Act is enacted after June 1, 2011, the rebate
65 31 must be remitted not later than 10 calendar days
65 32 after the date of the governor's approval of this Act.
65 33 The amount rebated by a county shall be subtracted
65 34 dollar=for=dollar from the county's ending balance
65 35 amount for the fiscal year beginning July 1, 2009, for
65 36 purposes of calculating the withholding factor and
65 37 for other ending balance purposes for the fiscal year
65 38 beginning July 1, 2011. The rebates received by the
65 39 department shall be credited to the property tax relief
65 40 fund and distributed as additional funding for the
65 41 fiscal year beginning July 1, 2011, in accordance with
65 42 the formula provisions in this section.
65 43 d. The withholding factor for a county shall be the
65 44 following applicable percent:
65 45 (1) For an ending balance percentage of less than
65 46 5 percent, a withholding factor of 0 percent. In
65 47 addition, a county that is subject to this lettered
65 48 paragraph shall receive an inflation adjustment equal
65 49 to 3 percent of the gross expenditures reported for the
65 50 county's services fund for the fiscal year.

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66 1 (2) For an ending balance percentage of 5 percent
66 2 or more but less than 10 percent, a withholding factor
66 3 of 0 percent. In addition, a county that is subject
66 4 to this lettered paragraph shall receive an inflation
66 5 adjustment equal to 2 percent of the gross expenditures
66 6 reported for the county's services fund for the fiscal
66 7 year.
66 8 (3) For an ending balance percentage of 10 percent
66 9 or more but less than 25 percent, a withholding factor
66 10 of 25 percent. However, for counties with an ending
66 11 balance percentage of 10 percent or more but less than
66 12 15 percent, the amount withheld shall be limited to
66 13 the amount by which the county's ending balance was in
66 14 excess of the ending balance percentage of 10 percent.
66 15 (4) For an ending balance percentage of 25 percent
66 16 or more, a withholding percentage of 100 percent.
66 17 NEW SUBSECTION. 8. The total withholding amounts
66 18 applied pursuant to subsection 7 shall be equal to
66 19 a withholding target amount of $13,075,453. If the
66 20 department of human services determines that the
66 21 amount appropriated is insufficient or the amount to be
66 22 withheld in accordance with subsection 7 is not equal
66 23 to the target withholding amount, the department shall
66 24 adjust the withholding factors listed in subsection 7
66 25 as necessary to achieve the target withholding amount.
66 26 However, in making such adjustments to the withholding
66 27 factors, the department shall strive to minimize
66 28 changes to the withholding factors for those ending
66 29 balance percentage ranges that are lower than others
66 30 and shall only adjust the zero withholding factor
66 31 or the inflation adjustment percentages specified
66 32 in subsection 7, paragraph "d", when the amount
66 33 appropriated is insufficient.
66 34 Sec. 49. 2010 Iowa Acts, chapter 1193, section 99,
66 35 is amended to read as follows:
66 36 SEC. 99. MH/MR/DD SERVICES FUND
66 37 TRANSFER. Notwithstanding section 331.424A, subsection
66 38 5, and section 331.432, subsection 3, for the
66 39 fiscal year beginning July 1, 2010, and ending June
66 40 30, 2011, a county may transfer moneys from other
66 41 funds of the county to the county's mental health,
66 42 mental retardation, and developmental disabilities
66 43 services fund created in section 331.424A. A county
66 44 transferring moneys from other funds of the county
66 45 to the county's services fund pursuant to this
66 46 section shall submit a report detailing the transfers
66 47 made and funds affected. The county shall submit
66 48 the report along with the county expenditure and
66 49 information report submitted by December 1, ~~2010~~ 2011,
66 50 in accordance with section 331.439.

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67 1 Sec. 50. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
67 2 APPLICABILITY. The section of this division of this
67 3 Act amending 2010 Iowa Acts, chapter 1193, section 99,
67 4 being deemed of immediate importance, takes effect upon
67 5 enactment and is retroactively applicable to December
67 6 1, 2010.
67 7 Sec. 51. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
67 8 APPLICABILITY. The section of this division of
67 9 this Act making an appropriation for the fiscal year
67 10 beginning July 1, 2010, of moneys credited to the
67 11 property tax relief fund pursuant to 2011 Iowa Acts,
67 12 Senate File 209, being deemed of immediate importance,
67 13 takes effect upon enactment and applies retroactively
67 14 to April 21, 2011.
67 15 DIVISION VII
67 16 HEALTH AND HUMAN SERVICES
67 17 PRIOR APPROPRIATIONS AND RELATED CHANGES
67 18 VIETNAM CONFLICT VETERANS BONUS
67 19 Sec. 52. Section 35A.8A, subsection 2, paragraph d,
67 20 Code 2011, is amended to read as follows:
67 21 d. The person files an application for compensation
67 22 under this section, in a manner determined by the
67 23 department of veterans affairs, by ~~July 1, 2010~~ May 1,
67 24 2011.
67 25 COMMUNITY HOUSING AND SERVICES REVOLVING LOAN PROGRAM
67 26 Sec. 53. NEW SECTION. 16.185 Community housing and
67 27 services for persons with disabilities revolving loan
67 28 program fund.
67 29 1. A community housing and services for persons
67 30 with disabilities loan program fund is created
67 31 within the authority to further the availability of
67 32 affordable housing and supportive services for Medicaid
67 33 waiver=eligible individuals with behaviors that
67 34 provide significant barriers to accessing traditional
67 35 rental and supportive services opportunities. The
67 36 moneys in the fund are annually appropriated to the
67 37 authority to be used for the development and operation
67 38 of a revolving loan program to provide financing to
67 39 construct affordable permanent supportive housing or
67 40 develop infrastructure in which to provide supportive
67 41 services, including through new construction,
67 42 acquisition and rehabilitation of existing housing or
67 43 infrastructure, or conversion or adaptive reuse.
67 44 2. Moneys transferred by the authority for deposit
67 45 in the community housing and services for persons
67 46 with disabilities revolving loan program fund, moneys
67 47 appropriated to the community housing and services
67 48 for persons with disabilities revolving loan program,
67 49 and any other moneys available to and obtained or
67 50 accepted by the authority for placement in the fund

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68 1 shall be credited to the fund. Additionally, payment
68 2 of interest, recaptures of awards, and other repayments
68 3 to the community housing and services for persons with
68 4 disabilities loan program fund shall be credited to
68 5 the fund. Notwithstanding section 12C.7, subsection
68 6 2, interest or earnings on moneys in the fund shall be
68 7 credited to the fund. Notwithstanding section 8.33,
68 8 moneys credited to the fund from any other fund that
68 9 remain unencumbered or unobligated at the close of the
68 10 fiscal year shall not revert to the other fund.
68 11 3. a. The authority shall annually allocate moneys
68 12 available in the fund for the development of permanent
68 13 supportive housing for Medicaid waiver=eligible
68 14 individuals. The authority shall develop a joint
68 15 application process for the allocation of United
68 16 States housing and urban development HOME investment
68 17 partnerships program funding and the funds available
68 18 under this section. Moneys allocated to such projects
68 19 may be in the form of loans, forgivable loans, or a
68 20 combination of loans and forgivable loans.
68 21 b. The authority shall annually allocate moneys
68 22 available in the fund for the development of
68 23 infrastructure in which to provide supportive services
68 24 for Medicaid waiver=eligible individuals who meet the
68 25 psychiatric medical institution for children level of
68 26 care. Moneys allocated to such projects may be in the
68 27 form of loans, forgivable loans, or a combination of
68 28 loans and forgivable loans.
68 29 4. a. A project shall demonstrate written approval
68 30 of the project by the department of human services to
68 31 the authority prior to application for funding under
68 32 this section.
68 33 b. In order to be approved by the department
68 34 of human services for application for funding for
68 35 development of permanent supportive housing under this
68 36 section, a project shall include all of the following
68 37 components:
68 38 (1) Provision of services to any of the following
68 39 Medicaid waiver=eligible individuals:
68 40 (a) Individuals who are currently underserved
68 41 in community placements, including individuals who
68 42 are physically aggressive or have behaviors that
68 43 are difficult to manage or individuals who meet the
68 44 psychiatric medical institution for children level of
68 45 care.
68 46 (b) Individuals who are currently residing in
68 47 out=of=state facilities.
68 48 (c) Individuals who are currently receiving care in
68 49 a licensed health care facility.
68 50 (2) A plan to provide each individual with crisis

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69 1 stabilization services to ensure that the individual's
69 2 behavioral issues are appropriately addressed by the
69 3 provider.
69 4 (3) Policies and procedures that prohibit discharge
69 5 of the individual from the waiver services provided by
69 6 the project provider unless an alternative placement
69 7 that is acceptable to the client or the client's
69 8 guardian is identified.
69 9 c. In order to be approved by the department
69 10 of human services for application for funding for
69 11 development of infrastructure in which to provide
69 12 supportive services under this section, a project shall
69 13 include all of the following components:
69 14 (1) Provision of services to Medicaid
69 15 waiver=eligible individuals who meet the psychiatric
69 16 medical institution for children level of care.
69 17 (2) Policies and procedures that prohibit discharge
69 18 of the individual from the waiver services provided by
69 19 the project provider unless an alternative placement
69 20 that is acceptable to the client or the client's
69 21 guardian is identified.
69 22 d. Housing provided through a project under this
69 23 section is exempt from the requirements of chapter
69 24 135O.
69 25 5. The authority, in collaboration with the
69 26 department of human services, shall adopt rules
69 27 pursuant to chapter 17A to administer this section.
69 28 VIETNAM CONFLICT VETERANS
69 29 BONUS FUND
69 30 Sec. 54. 2008 Iowa Acts, chapter 1187, section 68,
69 31 as amended by 2009 Iowa Acts, chapter 182, section
69 32 82, and 2010 Iowa Acts, chapter 1192, section 55, is
69 33 amended to read as follows:
69 34 Notwithstanding section 8.33, moneys appropriated in
69 35 this section that remain unencumbered or unobligated
69 36 at the close of the fiscal year shall not revert but
69 37 shall remain available for expenditure for the purposes
69 38 designated until the ~~close of the fiscal year beginning~~
~~69 39 July 1, 2010~~ repeal of section 35A.8A. Upon such
69 40 repeal, the remaining moneys shall be transferred to
69 41 the veterans trust fund and, notwithstanding section
69 42 35A.13, subsection 3, shall only be expended in
69 43 accordance with an appropriation for purposes of a
69 44 bonus enacted for veterans of the conflicts in Panama,
69 45 Grenada, Lebanon, or the Persian Gulf.
69 46 INJURED VETERANS GRANT PROGRAM
69 47 Sec. 55. 2008 Iowa Acts, chapter 1187, section 69,
69 48 unnumbered paragraph 1, as amended by 2009 Iowa Acts,
69 49 chapter 182, section 83, and 2010 Iowa Acts, chapter
69 50 1192, section 56, is amended to read as follows:

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70 1 Notwithstanding section 8.33, moneys appropriated in
70 2 this subsection that remain unencumbered or unobligated
70 3 at the close of the fiscal year shall not revert but
70 4 shall remain available for expenditure for the purposes
70 5 designated until the close of the fiscal year beginning
70 6 July 1, ~~2010~~ 2011.
70 7 BEHAVIORAL HEALTH SERVICES
70 8 ACCOUNT ==== MEDICAL ASSISTANCE
70 9 Sec. 56. 2009 Iowa Acts, chapter 182, section 9,
70 10 subsection 16, paragraph b, as amended by 2010 Iowa
70 11 Acts, chapter 1192, section 63, is amended to read as
70 12 follows:
70 13 b. The department shall continue to maintain a
70 14 separate account within the medical assistance budget
70 15 for the deposit of all funds remitted pursuant to a
70 16 contract with a third party to administer behavioral
70 17 health services under the medical assistance program
70 18 established pursuant to 2008 Iowa Acts, chapter
70 19 1187, section 9, subsection 20. Notwithstanding
70 20 section 8.33, other than funds remaining from the
70 21 appropriation allocations made for implementation of
70 22 the emergency mental health crisis services and system,
70 23 for implementation of the mental health services
70 24 system for children and youth, and for training of
70 25 child welfare services providers in 2008 Iowa Acts,
70 26 chapter 1187, section 9, subsection 20, paragraph
70 27 "c", subparagraphs (1), (2), and (6), as authorized
70 28 in 2009 Iowa Acts, chapter 182, section 72, shall
70 29 not revert but shall remain available in succeeding
70 30 fiscal years to be used for the purposes designated
70 31 until expended and any other funds remaining in the
70 32 account that remain unencumbered or unobligated at
70 33 the end of the fiscal year shall not revert but shall
70 34 remain available in succeeding fiscal years ~~and are~~
70 35 ~~appropriated to the department to be used for the~~
70 36 ~~medical assistance program~~ to be used for purposes of
70 37 crisis stabilization and other mental and behavioral
70 38 health service improvements.
70 39 CHILD WELFARE DECATEGORIZATION
70 40 FY 2009=2010 NONREVERSION
70 41 Sec. 57. 2009 Iowa Acts, chapter 182, section 14,
70 42 subsection 5, is amended by adding the following new
70 43 unnumbered paragraph:
70 44 NEW UNNUMBERED PARAGRAPH Notwithstanding section
70 45 232.188, subsection 5, moneys from the allocations
70 46 made in this subsection or made from any other
70 47 source for the decategorization of child welfare and
70 48 juvenile justice funding initiative under section
70 49 232.188 for the fiscal year beginning July 1, 2009,
70 50 that are designated as carryover funding that remain

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71 1 unencumbered or unobligated at the close of the fiscal
71 2 year beginning July 1, 2010, shall not revert but shall
71 3 be transferred to the community housing and services
71 4 for persons with disabilities revolving loan program
71 5 fund created in section 16.185, as enacted by this
71 6 division of this Act.
71 7 AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 ====
71 8 ALLOCATION FOR INFANT AND TODDLER CARE QUALITY
71 9 Sec. 58. 2009 Iowa Acts, chapter 183, section 62,
71 10 subsection 3, is amended to read as follows:
71 11 3. For the purposes of this subsection, "federal
71 12 poverty level" means the poverty level defined by
71 13 the most recently revised poverty income guidelines
71 14 published by the United States department of health and
71 15 human services. The program shall provide financial
71 16 assistance to families with infants and toddlers less
71 17 than thirty=six months of age ~~two~~ that have a family
71 18 income of more than 145 percent but not more than 185
71 19 percent of the federal poverty level. However, the
71 20 department may adjust the qualifying criteria or the
71 21 financial assistance purpose provisions specified in
71 22 this subsection or make other changes as necessary for
71 23 implementation to conform with federal requirements
71 24 for the funding. Outcome reporting and other grant
71 25 requirements shall be developed by the department in
71 26 cooperation with the Iowa empowerment board.
71 27 Sec. 59. 2009 Iowa Acts, chapter 183, section 62,
71 28 subsection 4, is amended to read as follows:
71 29 4. The financial assistance shall be for any of the
71 30 following purposes:
71 31 a. For making temporary payments to qualifying
71 32 families whose members are recently unemployed and
71 33 seeking work to use in meeting immediate family needs.
71 34 b. For providing sliding scale subsidies for
71 35 qualifying families for child care provided to the
71 36 families' infants and toddlers by providers who
71 37 are accredited by the national association for the
71 38 education of young children or the national association
71 39 for family child care, or who have a rating at level ~~3~~
71 40 2 or higher under the child care quality rating system
71 41 implemented pursuant to section 237A.30.
71 42 c. For expanding training and other support for
71 43 infant care providers in the community and this state.
71 44 d. For ensuring child care environments are healthy
71 45 and safe.
71 46 e. For promoting positive relationships between
71 47 parents and providers in their mutual efforts to care
71 48 for very young children.
71 49 f. For ensuring that parents have the information
71 50 and resources needed to choose quality child care.

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IOWA DEPARTMENT ON AGING CASE MANAGEMENT REVIEW

Sec. 60. 2010 Iowa Acts, chapter 1192, section 1, subsection 2, is amended to read as follows:

2. ~~a.~~ Of the funds appropriated in this section, $1,246,514 shall be transferred to the department of human services in equal amounts on a quarterly basis for reimbursement of case management services provided under the medical assistance elderly waiver. The department of human services shall adopt rules for case management services provided under the medical assistance elderly waiver in consultation with the department on aging.

~~b. The department of human services shall review projections for state funding expenditures for reimbursement of case management services under the medical assistance elderly waiver on a quarterly basis and shall determine if an adjustment to the medical assistance reimbursement rates are necessary to provide reimbursement within the state funding amounts budgeted under the appropriations made for the fiscal year for the medical assistance program. Any temporary enhanced federal financial participation that may become available for the medical assistance program during the fiscal year shall not be used in projecting the medical assistance elderly waiver case management budget. The department of human services shall revise such reimbursement rates as necessary to maintain expenditures for medical assistance elderly waiver case management services within the state funding amounts budgeted under the appropriations made for the fiscal year for the medical assistance program.~~

IOWA VETERANS HOME

Sec. 61. 2010 Iowa Acts, chapter 1192, section 3, subsection 2, is amended by adding the following new paragraph:

NEW PARAGRAPH. d. The funds appropriated in this subsection to the Iowa veterans home that remain available for expenditure for the succeeding fiscal year pursuant to section 35D.18, subsection 5, shall be distributed to be used in the succeeding fiscal year in accordance with this lettered paragraph. The first $500,000 shall remain available to be used for the purposes of the Iowa veterans home. On or before October 15, 2011, the department of management shall transfer the remaining balance to the appropriation to the department of human services for medical assistance.

MEDICAL ASSISTANCE PROGRAM

Sec. 62. 2010 Iowa Acts, chapter 1192, section 11, is amended by adding the following new subsection:

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NEW SUBSECTION. 25. The department may increase the amounts allocated for salaries, support, maintenance, and miscellaneous purposes associated with the medical assistance program as necessary to implement cost containment efforts in order to accomplish medical assistance program savings. These amounts may be transferred to the appropriation made in this division of this Act for the health insurance premium payment program.

STATE SUPPLEMENTARY ASSISTANCE PROGRAM

Sec. 63. 2010 Iowa Acts, chapter 1192, section 14, is amended by adding the following new subsection:

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

ADOPTION SUBSIDY TRANSFER

Sec. 64. 2010 Iowa Acts, chapter 1192, section 20, is amended by adding the following new subsection:

NEW SUBSECTION. 4. Of the funds appropriated in this section, $60,000 shall be transferred to the appropriation made in this division of this Act for the state mental health institute at Cherokee to be used for children's beds at the institute.

IOWA DEPARTMENT ON AGING CASE MANAGEMENT REVIEW

Sec. 65. 2010 Iowa Acts, chapter 1192, section 37, subsection 1, is amended to read as follows:

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

~~b. The department of human services shall review projections for state funding expenditures for reimbursement of case management services under the medical assistance elderly waiver on a quarterly basis and shall determine if an adjustment to the medical assistance reimbursement rates are necessary to provide reimbursement within the state funding amounts budgeted under the appropriations made for the fiscal year for the medical assistance program. Any temporary enhanced federal financial participation that may become available for the medical assistance program during the fiscal year shall not be used in projecting the medical assistance elderly waiver case management budget. The department of human services shall revise such reimbursement rates as necessary to maintain expenditures for medical assistance elderly waiver case~~

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~~74 1 management services within the state funding amounts~~
~~74 2 budgeted under the appropriations made for the fiscal~~
~~74 3 year for the medical assistance program.~~
74 4 QUALITY ASSURANCE TRUST FUND ==== DEPARTMENT OF HUMAN
74 5 SERVICES
74 6 Sec. 66. 2010 Iowa Acts, chapter 1192, section 44,
74 7 is amended to read as follows:
74 8 SEC. 44. QUALITY ASSURANCE TRUST FUND ==== DEPARTMENT
74 9 OF HUMAN SERVICES. Notwithstanding any provision to
74 10 the contrary and subject to the availability of funds,
74 11 there is appropriated from the quality assurance trust
74 12 fund created in section 249L.4 to the department of
74 13 human services for the fiscal year beginning July 1,
74 14 2010, and ending June 30, 2011, the following amounts,
74 15 or so much thereof as is necessary for the purposes
74 16 designated:
74 17 To supplement the appropriation made in this Act
74 18 from the general fund of the state to the department of
74 19 human services for medical assistance:
74 20 ..... $ ~~13,900,000~~
74 21 33,708,458
74 22 1. Of the funds appropriated in this section,
74 23 $7,500,000 shall be used for nursing facility
74 24 reimbursement under the medical assistance program in
74 25 accordance with the nursing facility reimbursement
74 26 provisions of division IV of this Act, to continue
74 27 application of the administrative rules changes
74 28 relating to nursing facility reimbursement and payment
74 29 procedures made pursuant to 2010 Iowa Acts, Senate
74 30 File 2366, if enacted, for the fiscal year beginning
74 31 July 1, 2010, and ending June 30, 2011, and to restore
74 32 the 5 percent reduction made in nursing facility
74 33 reimbursement in accordance with executive order number
74 34 19 issued October 8, 2009.
74 35 2. The costs associated with the implementation of
74 36 this section shall be funded exclusively through moneys
74 37 appropriated from the quality assurance trust fund,
74 38 and shall result in budget neutrality to the general
74 39 fund of the state for the fiscal year beginning July 1,
74 40 2010, and ending June 30, 2011.
74 41 INJURED VETERANS TRUST FUND
74 42 Sec. 67. INJURED VETERANS TRUST FUND. There is
74 43 appropriated from the general fund of the state to the
74 44 department of veterans affairs for the fiscal year
74 45 beginning July 1, 2010, and ending June 30, 2011, the
74 46 following amount, or so much thereof as is necessary,
74 47 to be used for the purposes designated:
74 48 To be credited to the injured veterans trust fund
74 49 created pursuant to section 35A.14 to be used for the
74 50 injured veterans grant program:

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75 1 ..... $ 1,000,000
75 2 The department shall review the rules and statutory
75 3 provisions pertaining to the injured veterans grant
75 4 program and propose amendments to improve the program.
75 5 Notwithstanding section 8.33, moneys appropriated in
75 6 this section that remain unencumbered or unobligated
75 7 at the close of the fiscal year shall not revert but
75 8 shall remain available for expenditure for the purposes
75 9 designated until expended.
75 10 MERCHANT MARINE BONUS FUND TRANSFER
75 11 Sec. 68. DEPARTMENT OF CULTURAL AFFAIRS ==== MERCHANT
75 12 MARINE BONUS FUND.
75 13 1. The appropriation made from the merchant marine
75 14 bonus fund to the department of cultural affairs for
75 15 the fiscal year beginning July 1, 2010, and ending June
75 16 30, 2011, in 2010 Iowa Acts, chapter 1193, section 82,
75 17 shall be transferred on the effective date of this
75 18 section to the department of veterans affairs to be
75 19 used for departmental costs.
75 20 2. Moneys transferred pursuant to this section that
75 21 remain unencumbered or unobligated at the close of the
75 22 fiscal year shall be credited to the veterans trust
75 23 fund created in section 35A.13.
75 24 STATE INSTITUTION ==== APPROPRIATION TRANSFERS
75 25 Sec. 69. DEPARTMENT OF HUMAN SERVICES. There
75 26 is transferred between the following designated
75 27 appropriations made to the department of human services
75 28 for the fiscal year beginning July 1, 2010, and ending
75 29 June 30, 2011, not more than the following amounts:
75 30 1. From the appropriation made for purposes of the
75 31 state resource center at Glenwood in 2010 Iowa Acts,
75 32 chapter 1192, section 25, subsection 1, paragraph "a",
75 33 to the appropriation made for purposes of the Iowa
75 34 juvenile home at Toledo in 2010 Iowa Acts, chapter
75 35 1192, section 17, subsection 1:
75 36 ..... $ 400,000
75 37 2. From the appropriation made for purposes of the
75 38 state resource center at Woodward in 2010 Iowa Acts,
75 39 chapter 1192, section 25, subsection 1, paragraph "b",
75 40 to the appropriation made for purposes of the state
75 41 mental health institute at Independence in 2010 Iowa
75 42 Acts, chapter 1192, section 24, subsection 1, paragraph
75 43 "c":
75 44 ..... $ 400,000
75 45 Sec. 70. FAMILY PLANNING WAIVER AND MAINTENANCE OF
75 46 EFFORT. Notwithstanding 2010 Iowa Acts, chapter 1192,
75 47 section 11, subsection 24, the department of human
75 48 services shall not amend the medical assistance waiver
75 49 for the Iowa family planning network in accordance
75 50 with that provision, but shall instead continue the

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76 1 Iowa family planning waiver in effect prior to June
76 2 30, 2011, and shall only amend the waiver to increase
76 3 the income eligibility percentage above the percentage
76 4 provided in the waiver in effect if necessary and only
76 5 by the minimum percentage required to comply with
76 6 maintenance of effort requirements.
76 7 Sec. 71. DECATEGORIZATION PROJECT FUNDING. For
76 8 the period beginning June 1, 2010, and ending June
76 9 30, 2012, a child welfare and juvenile justice
76 10 funding decategorization initiative project that is
76 11 incorporated and owns real property may utilize project
76 12 funding to purchase liability insurance.
76 13 Sec. 72. ACCOUNTABLE CARE ORGANIZATION ==== PILOT.
76 14 1. a. If an entity applies for certification from
76 15 the secretary of the United States department of health
76 16 and human services prior to January 1, 2012, and is
76 17 subsequently certified to administer an accountable
76 18 care organization pilot project, pursuant to the
76 19 federal Patient Protection and Accountability Act, Pub.
76 20 L. No. 111=148, the department of human services shall
76 21 work with the entity to provide access to the complete
76 22 deidentified claims data of the medical assistance
76 23 recipients receiving health care services through the
76 24 pilot project for the purposes of identifying areas of
76 25 utilization, need, and potential cost savings to the
76 26 medical assistance program subject to all applicable
76 27 state and federal laws and regulations. The department
76 28 may also employ new payment models, information
76 29 technology, and data analytics provisions necessary to
76 30 the administration of the pilot project.
76 31 b. The department of human services shall work
76 32 with an entity to administer an accountable care
76 33 organization pilot project, only if the centers for
76 34 Medicare and Medicaid services of the United States
76 35 department of health and human services approves
76 36 participation of the medical assistance program in the
76 37 pilot project and the entity meets all of the following
76 38 requirements:
76 39 (1) At a minimum, includes the participation of a
76 40 prospective payment system hospital, ten primary care
76 41 physicians, a home health care practice, a palliative
76 42 care services, a hospice service, and a community
76 43 mental health center, all of which agree to be paid
76 44 under a partial or global payment for identified
76 45 services.
76 46 (2) Requires all participating providers to utilize
76 47 electronic health records.
76 48 (3) Includes delivery of mental health services to
76 49 recipients of medical assistance through collaboration
76 50 with the regional community mental health center, a

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77 1 federally qualified health center, and at least one
77 2 nursing facility as consistent with any other law
77 3 enacted by the Eighty=fourth general assembly, 2011
77 4 session, that redesigns the mental health delivery
77 5 system in the state.
77 6 c. The entity certified to implement the pilot
77 7 project shall report to the joint appropriations
77 8 subcommittee for health and human services during the
77 9 2012 legislative session detailing the progress and
77 10 expected outcomes of the pilot project.
77 11 Sec. 73. EMERGENCY RULES. For purposes of the
77 12 initial rules to implement the provisions of section
77 13 16.185, as enacted by this division of this Act,
77 14 the Iowa finance authority may adopt administrative
77 15 rules under section 17A.4, subsection 3, and section
77 16 17A.5, subsection 2, paragraph "b", to implement
77 17 the provisions and the rules shall become effective
77 18 immediately upon filing or on a later effective date
77 19 specified in the rules, unless the effective date is
77 20 delayed by the administrative rules review committee.
77 21 Any rules adopted in accordance with this section
77 22 shall not take effect before the rules are reviewed
77 23 by the administrative rules review committee. The
77 24 delay authority provided to the administrative rules
77 25 review committee under section 17A.4, subsection 7, and
77 26 section 17A.8, subsection 9, shall be applicable to a
77 27 delay imposed under this section, notwithstanding a
77 28 provision in those sections making them inapplicable
77 29 to section 17A.5, subsection 2, paragraph "b". Any
77 30 rules adopted in accordance with the provisions of this
77 31 section shall also be published as a notice of intended
77 32 action as provided in section 17A.4.
77 33 Sec. 74. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
77 34 APPLICABILITY. Except as otherwise provided by this
77 35 division of this Act, this division of this Act, being
77 36 deemed of immediate importance, takes effect upon
77 37 enactment and if approved by the governor after July 1,
77 38 2011, applies retroactively to June 30, 2011.
77 39 Sec. 75. RETROACTIVE APPLICABILITY. The section of
77 40 this division of this Act addressing child welfare and
77 41 juvenile justice funding decategorization initiative
77 42 project funding for the period beginning June 1, 2010,
77 43 and ending June 30, 2012, applies retroactively to June
77 44 1, 2010.
77 45 Sec. 76. RETROACTIVE APPLICABILITY. The section
77 46 of this division of this Act amending section 35A.8A,
77 47 applies retroactively to July 1, 2010.
77 48 Sec. 77. RETROACTIVE APPLICABILITY. The section
77 49 of this division of this Act making transfers between
77 50 appropriations made to the department of human services

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for state institutions in 2010 Iowa Acts, chapter 1192, applies retroactively to January 1, 2011.

DIVISION VII

HEALTH AND HUMAN SERVICES

PREVENTION AND CHRONIC CARE MANAGEMENT

Sec. 78. Section 135.159, subsection 10, Code 2011, is amended to read as follows:

10. The department shall integrate the recommendations and policies developed ~~by the prevention and chronic care management advisory council~~ pursuant to section 135.161, Code 2011, into the medical home system and shall incorporate the development and implementation of the state initiative for prevention and chronic care management as developed pursuant to section 135.161, Code 2011, into the duties of the medical home system advisory council beginning January 1, 2012.

Sec. 79. Section 135.162, subsections 1 and 3, Code 2011, are amended to read as follows:

1. The director shall convene a clinicians advisory panel to advise and recommend to the department clinically appropriate, evidence=based best practices regarding the implementation of the medical home as defined in section 135.157 ~~and the prevention and chronic care management initiative pursuant to section 135.161~~. The director shall act as chairperson of the advisory panel.

3. The clinicians advisory panel shall meet on a quarterly basis to receive updates from the director regarding strategic planning and implementation progress on the medical home ~~and the prevention and chronic care management initiative~~ and shall provide clinical consultation to the department regarding the medical home ~~and the initiative~~.

Sec. 80. Section 136.3, subsection 14, Code 2011, is amended to read as follows:

14. Perform those duties authorized pursuant to sections 135.156~~,~~ and 135.159~~, and 135.161,~~ and other provisions of law.

Sec. 81. REPEAL. Section 135.161, Code 2011, is repealed.

Sec. 82. EFFECTIVE DATE. This division of this Act takes effect December 31, 2011.

DIVISION IX

HEALTH AND HUMAN SERVICES

MISCELLANEOUS

Sec. 83. Section 29C.20B, Code 2011, is amended to read as follows:

29C.20B Disaster case management.

1. The ~~rebuild Iowa office~~ homeland security

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and emergency management division shall work with the department of human services and nonprofit, voluntary, and faith=based organizations active in disaster recovery and response in coordination with ~~the homeland security and emergency management division~~ the department of human services to establish a statewide system of disaster case management to be activated following the governor's proclamation of a disaster emergency or the declaration of a major disaster by the president of the United States for individual assistance purposes. Under the system, the ~~department of human services~~ homeland security and emergency management division shall coordinate case management services locally through local committees as established in each local emergency management commission's emergency plan. ~~Beginning July 1, 2011, the department of human services shall assume the duties of the rebuild Iowa office under this subsection.~~

2. The ~~department of human services~~ homeland security and emergency management division, in conjunction with the ~~rebuild Iowa office, the homeland security and emergency management division~~ department of human services, and an Iowa representative to the national voluntary organizations active in disaster, shall adopt rules pursuant to chapter 17A to create coordination mechanisms and standards for the establishment and implementation of a statewide system of disaster case management which shall include at least all of the following:

a. Disaster case management standards.

b. Disaster case management policies.

c. Reporting requirements.

d. Eligibility criteria.

e. Coordination mechanisms necessary to carry out the services provided.

f. Develop formal working relationships with agencies and create interagency agreements for those considered to provide disaster case management services.

g. Coordination of all available services for individuals from multiple agencies.

Sec. 84. Section 135.106, Code 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 4. It is the intent of the general assembly that priority for home visitation funding be given to approaches using evidence=based or promising models for home visitation.

Sec. 85. Section 135C.4, Code 2011, is amended to read as follows:

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80 1 135C.4 Residential care facilities.
80 2 1. Each facility licensed as a residential care
80 3 facility shall provide an organized continuous
80 4 twenty=four=hour program of care commensurate with
80 5 the needs of the residents of the home and under
80 6 the immediate direction of a person approved and
80 7 certified by the department whose combined training and
80 8 supervised experience is such as to ensure adequate and
80 9 competent care.
80 10 2. All admissions to residential care facilities
80 11 shall be based on an order written by a physician
80 12 certifying that the individual being admitted does
80 13 not require nursing services or that the individual's
80 14 need for nursing services can be avoided if home and
80 15 community=based services, other than nursing care, as
80 16 defined by this chapter and departmental rule, are
80 17 provided.
80 18 3. For the purposes of this section, the home
80 19 and community=based services to be provided shall
80 20 be limited to the type included under the medical
80 21 assistance program provided pursuant to chapter 249A,
80 22 shall be subject to cost limitations established by
80 23 the department of human services under the medical
80 24 assistance program, and except as otherwise provided
80 25 by the department of inspections and appeals with
80 26 the concurrence of the department of human services,
80 27 shall be limited in capacity to the number of licensed
80 28 residential care facilities and the number of licensed
80 29 residential care facility beds in the state as of
80 30 December 1, 2003.
80 31 4. A residential care facility is not required
80 32 to admit an individual through court order, referral,
80 33 or other means if the individual has been arrested,
80 34 charged, or convicted of assault, a forcible felony,
80 35 arson, or an offense that requires registration as a
80 36 sex offender under chapter 692A. The court order,
80 37 referral, or other documentation for admission of
80 38 an individual to a residential care facility shall
80 39 contain sufficient information relating to the criminal
80 40 history of the individual in order for the facility
80 41 to make an informed decision about the admittance of
80 42 the individual. The court order, referral, or other
80 43 documentation shall be provided to the facility prior
80 44 to the facility determining whether to admit the
80 45 individual.
80 46 Sec. 86. Section 147.136, Code 2011, is amended to
80 47 read as follows:
80 48 147.136 Scope of recovery.
80 49 1. ~~In~~ Except as otherwise provided in subsection 2,
80 50 in an action for damages for personal injury against

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81 1 a physician and surgeon, osteopathic physician and
81 2 surgeon, dentist, podiatric physician, optometrist,
81 3 pharmacist, chiropractor, or nurse licensed to
81 4 practice that profession in this state, or against a
81 5 hospital licensed for operation in this state, based
81 6 on the alleged negligence of the practitioner in the
81 7 practice of the profession or occupation, or upon the
81 8 alleged negligence of the hospital in patient care,
81 9 in which liability is admitted or established, the
81 10 damages awarded shall not include actual economic
81 11 losses incurred or to be incurred in the future
81 12 by the claimant by reason of the personal injury,
81 13 including but not limited to, the cost of reasonable
81 14 and necessary medical care, rehabilitation services,
81 15 and custodial care, and the loss of services and loss
81 16 of earned income, to the extent that those losses
81 17 are replaced or are indemnified by insurance, or by
81 18 governmental, employment, or service benefit programs
81 19 or from any other source ~~except the assets of the~~
~~81 20 claimant or of the members of the claimant's immediate~~
~~81 21 family~~.
81 22 2. This section shall not bar recovery of economic
81 23 losses replaced or indemnified by any of the following:
81 24 a. Benefits received under the medical assistance
81 25 program under chapter 249A.
81 26 b. The assets of the claimant or of the members of
81 27 the claimant's immediate family.
81 28 Sec. 87. Section 153.14, subsection 1, Code 2011,
81 29 is amended to read as follows:
81 30 1. Students of dentistry who practice dentistry
81 31 upon patients at clinics in connection with their
81 32 regular course of instruction at ~~the state~~ an
81 33 accredited dental college, students of dental
81 34 hygiene who practice upon patients at clinics in
81 35 connection with their regular course of instruction
81 36 at state=approved schools, and students of dental
81 37 assisting who practice upon patients at clinics
81 38 in connection with a regular course of instruction
81 39 determined by the board pursuant to section 153.39.
81 40 Sec. 88. NEW SECTION. 155A.43 Pharmaceutical
81 41 collection and disposal program ==== annual allocation.
81 42 Of the fees collected pursuant to sections 124.301
81 43 and 147.80 and chapter 155A by the board of pharmacy,
81 44 and retained by the board pursuant to section 147.82,
81 45 not more than one hundred twenty=five thousand
81 46 dollars, may be allocated annually by the board for
81 47 administering the pharmaceutical collection and
81 48 disposal program originally established pursuant to
81 49 2009 Iowa Acts, chapter 175, section 9. The program
81 50 shall provide for the management and disposal of

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82 1 unused, excess, and expired pharmaceuticals. The
82 2 board of pharmacy may cooperate with the Iowa pharmacy
82 3 association and may consult with the department and
82 4 sanitary landfill operators in administering the
82 5 program.
82 6 Sec. 89. Section 225B.8, Code 2011, is amended to
82 7 read as follows:
82 8 225B.8 Repeal.
82 9 This chapter is repealed July 1, ~~2011~~ 2012.
82 10 Sec. 90. Section 232.188, subsection 5, paragraph
82 11 b, unnumbered paragraph 1, Code 2011, is amended to
82 12 read as follows:
82 13 Notwithstanding section 8.33, moneys designated for
82 14 a project's decategorization services funding pool that
82 15 remain unencumbered or unobligated at the close of the
82 16 fiscal year shall not revert but shall remain available
82 17 for expenditure as directed by the project's governance
82 18 board for child welfare and juvenile justice systems
82 19 enhancements and other purposes of the project ~~until~~
82 20 ~~the close of the succeeding fiscal year and~~ for the
82 21 next two succeeding fiscal years. Such moneys shall
82 22 be known as "carryover funding". Moneys may be made
82 23 available to a funding pool from one or more of the
82 24 following sources:
82 25 Sec. 91. Section 249A.4B, subsection 2, paragraph
82 26 a, subparagraph (18), Code 2011, is amended to read as
82 27 follows:
82 28 (18) The ~~Iowa/Nebraska~~ Iowa primary care
82 29 association.
82 30 Sec. 92. REPEAL. Section 135.27A, Code 2011, is
82 31 repealed December 31, 2011.
82 32 DIVISION X
82 33 HEALTH AND HUMAN SERVICES
82 34 MEDICAID PRESCRIPTION DRUGS
82 35 Sec. 93. Section 249A.20A, subsection 4, Code 2011,
82 36 is amended to read as follows:
82 37 4. With the exception of drugs prescribed for the
82 38 treatment of human immunodeficiency virus or acquired
82 39 immune deficiency syndrome, transplantation, or cancer
82 40 and drugs prescribed for mental illness with the
82 41 exception of drugs and drug compounds that do not
82 42 have a significant variation in a therapeutic profile
82 43 or side effect profile within a therapeutic class,
82 44 prescribing and dispensing of prescription drugs not
82 45 included on the preferred drug list shall be subject to
82 46 prior authorization.
82 47 Sec. 94. 2010 Iowa Acts, chapter 1031, section 348,
82 48 is amended to read as follows:
82 49 SEC. 348. MEDICAID NONPREFERRED DRUG LIST
82 50 PRESCRIBING.

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83 1 ~~1.~~ The department shall adopt rules pursuant
83 2 to chapter 17A to restrict physicians and other
83 3 prescribers to prescribing not more than a 72=hour
83 4 or three=day supply of a prescription drug not
83 5 included on the medical assistance preferred drug list
83 6 while seeking approval to continue prescribing the
83 7 medication.
83 8 ~~2. Notwithstanding subsection 1, the department~~
~~83 9 shall adopt rules pursuant to chapter 17A to restrict a~~
~~83 10 physician or other prescriber prescribing a chemically~~
~~83 11 unique mental health prescription drug to prescribing~~
~~83 12 not more than a seven=day supply of the prescription~~
~~83 13 drug while requesting approval to continue to prescribe~~
~~83 14 the medication. The rules shall provide that if~~
~~83 15 an approval or disapproval is not received by the~~
~~83 16 physician or other prescriber within 48 hours of the~~
~~83 17 request, the request is deemed approved.~~
83 18 Sec. 95. REPEAL. 2010 Iowa Acts, chapter 1031,
83 19 section 349, is repealed.
83 20 Sec. 96. RESCINDING AND ADOPTION OF RULES. The
83 21 department of human services shall rescind the rules
83 22 adopted pursuant to 2010 Iowa Acts, chapter 1031,
83 23 section 347, chapter 1031, section 348, subsection
83 24 2, and chapter 1031, section 349, and shall instead
83 25 adopt emergency rules under section 17A.4, subsection
83 26 3, and section 17A.5, subsection 2, paragraph "b",
83 27 to implement section 249A.20A, as amended in this
83 28 division of this Act, and the rules shall be effective
83 29 immediately upon filing and retroactively applicable to
83 30 January 1, 2011, unless a later date is specified in
83 31 the rules. Any rules adopted in accordance with this
83 32 section shall also be published as a notice of intended
83 33 action as provided in section 17A.4.
83 34 Sec. 97. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
83 35 APPLICABILITY. This division of this Act, being deemed
83 36 of immediate importance, takes effect upon enactment
83 37 and applies retroactively to January 1, 2011.
83 38 DIVISION XI
83 39 HEALTH AND HUMAN SERVICES
83 40 IOWA FALSE CLAIMS ACT
83 41 Sec. 98. Section 685.1, subsection 11, Code 2011,
83 42 is amended to read as follows:
83 43 11. "Original source" means an individual who ~~has~~
~~83 44 direct and independent~~ prior to a public disclosure
83 45 under section 685.3, subsection 5, paragraph "c", has
83 46 voluntarily disclosed to the state the information on
83 47 which the allegations or transactions in a claim are
83 48 based; or who has knowledge ~~of the information on which~~
~~83 49 the allegations are based~~ that is independent of and
83 50 materially adds to the publicly disclosed allegations

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84 1 or transactions, and has voluntarily provided the
84 2 information to the state before filing an action under
84 3 ~~section 685.3 which is based on the information~~ this
84 4 chapter.
84 5 Sec. 99. Section 685.1, Code 2011, is amended by
84 6 adding the following new subsection:
84 7 NEW SUBSECTION. 15. "State" means the state of
84 8 Iowa.
84 9 Sec. 100. Section 685.2, subsection 1, unnumbered
84 10 paragraph 1, Code 2011, is amended to read as follows:
84 11 A person who commits any of the following acts is
84 12 liable to the state for a civil penalty of not less
84 13 than ~~five thousand dollars~~ and not more than ~~ten~~
84 14 ~~thousand dollars~~ the civil penalty allowed under the
84 15 federal False Claims Act, as codified in 31 U.S.C. {
84 16 3729 et seq., as may be adjusted in accordance with
84 17 the inflation adjustment procedures prescribed in the
84 18 federal Civil Penalties Inflation Adjustment Act of
84 19 1990, Pub. L. No. 101=410, for each false or fraudulent
84 20 claim, plus three times the amount of damages which the
84 21 state sustains ~~because of the act of that person~~:
84 22 Sec. 101. Section 685.3, subsection 5, paragraph
84 23 c, Code 2011, is amended by striking the paragraph and
84 24 inserting in lieu thereof the following:
84 25 c. A court shall dismiss an action or claim
84 26 under this section, unless opposed by the state, if
84 27 substantially the same allegations or transactions as
84 28 alleged in the action or claim were publicly disclosed
84 29 in a state criminal, civil, or administrative hearing
84 30 in which the state or an agent of the state is a
84 31 party; in a state legislative, state auditor, or other
84 32 state report, hearing, audit, or investigation; or
84 33 by the news media, unless the action is brought by
84 34 the attorney general or the qui tam plaintiff is an
84 35 original source of the information.
84 36 Sec. 102. Section 685.3, subsection 6, Code 2011,
84 37 is amended to read as follows:
84 38 6. a. Any employee, contractor, or agent ~~who~~
84 39 shall be entitled to all relief necessary to make
84 40 that employee, contractor, or agent whole, if that
84 41 employee, contractor, or agent is discharged, demoted,
84 42 suspended, threatened, harassed, or in any other manner
84 43 discriminated against in the terms and conditions of
84 44 employment because of lawful acts ~~performed~~ done by
84 45 the employee, contractor, or agent ~~on behalf of the~~
84 46 ~~employee, contractor, or agent~~ or associated others in
84 47 furtherance of an action under this section or other
84 48 efforts to stop ~~a violation~~ one or more violations of
84 49 this chapter~~, shall be entitled to all relief necessary~~
84 50 ~~to make the employee, contractor, or agent whole~~. ~~Such~~

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~~85 1 relief~~
85 2 b. Relief under paragraph "a" shall include
85 3 reinstatement with the same seniority status ~~such~~
~~85 4~~ that employee, contractor, or agent would have had
85 5 but for the discrimination, two times the amount of
85 6 back pay, interest on the back pay, and compensation
85 7 for any special damages sustained as a result of
85 8 the discrimination, including litigation costs and
85 9 reasonable attorney fees. An ~~employee, contractor, or~~
~~85 10 agent may bring an~~ action under this subsection may be
85 11 brought in the appropriate district court of the state
85 12 for the relief provided in this subsection.
85 13 c. A civil action under this subsection shall not
85 14 be brought more than three years after the date when
85 15 the retaliation occurred.
85 16 DIVISION XII
85 17 HEALTH AND HUMAN SERVICES
85 18 VOLUNTEER HEALTH CARE PROVIDER PROGRAM
85 19 Sec. 103. Section 135.24, subsection 2, paragraphs
85 20 b and c, Code 2011, are amended to read as follows:
85 21 b. Procedures for registration of hospitals, free
85 22 clinics, field dental clinics, and specialty health
85 23 care provider offices.
85 24 c. Criteria for and identification of hospitals,
85 25 clinics, free clinics, field dental clinics, specialty
85 26 health care provider offices, or other health care
85 27 facilities, health care referral programs, or
85 28 charitable organizations, eligible to participate in
85 29 the provision of free medical, dental, chiropractic,
85 30 pharmaceutical, nursing, optometric, psychological,
85 31 social work, behavioral science, podiatric, physical
85 32 therapy, occupational therapy, respiratory therapy, or
85 33 emergency medical care services through the volunteer
85 34 health care provider program. A hospital, a clinic, a
85 35 free clinic, a field dental clinic, a specialty health
85 36 care provider office, a health care facility, a health
85 37 care referral program, a charitable organization, or
85 38 a health care provider participating in the program
85 39 shall not bill or charge a patient for any health care
85 40 provider service provided under the volunteer health
85 41 care provider program.
85 42 Sec. 104. Section 135.24, Code 2011, is amended by
85 43 adding the following new subsection:
85 44 NEW SUBSECTION. 6A. A hospital providing free care
85 45 under this section shall be considered a state agency
85 46 solely for the purposes of this section and chapter 669
85 47 and shall be afforded protection under chapter 669 as a
85 48 state agency for all claims arising from the provision
85 49 of free care by a health care provider registered under
85 50 subsection 3 who is providing services at the hospital

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86 1 in accordance with this section, if the hospital has
86 2 registered with the department pursuant to subsection
86 3 1.
86 4 Sec. 105. Section 135.24, subsection 7, Code 2011,
86 5 is amended by adding the following new paragraph:
86 6 NEW PARAGRAPH. 0e. "Hospital" means hospital as
86 7 defined in section 135B.1.
86 8 DIVISION XIII
86 9 HEALTH AND HUMAN SERVICES
86 10 DEPARTMENT ON AGING ==== FY 2012=2013
86 11 Sec. 106. DEPARTMENT ON AGING. There is
86 12 appropriated from the general fund of the state to
86 13 the department on aging for the fiscal year beginning
86 14 July 1, 2012, and ending June 30, 2013, the following
86 15 amount, or so much thereof as is necessary, to be used
86 16 for the purposes designated:
86 17 For aging programs for the department on aging and
86 18 area agencies on aging to provide citizens of Iowa who
86 19 are 60 years of age and older with case management for
86 20 frail elders, Iowa's aging and disabilities resource
86 21 center, and other services which may include but are
86 22 not limited to adult day services, respite care, chore
86 23 services, information and assistance, and material aid,
86 24 for information and options counseling for persons with
86 25 disabilities who are 18 years of age or older, and
86 26 for salaries, support, administration, maintenance,
86 27 and miscellaneous purposes, and for not more than the
86 28 following full=time equivalent positions:
86 29 ..... $ 8,757,190
86 30 ..... FTEs 35.00
86 31 1. Funds appropriated in this section may be used
86 32 to supplement federal funds under federal regulations.
86 33 To receive funds appropriated in this section, a local
86 34 area agency on aging shall match the funds with moneys
86 35 from other sources according to rules adopted by the
86 36 department. Funds appropriated in this section may be
86 37 used for elderly services not specifically enumerated
86 38 in this section only if approved by an area agency on
86 39 aging for provision of the service within the area.
86 40 2. The amount appropriated in this section includes
86 41 additional funding of $382,500 for delivery of
86 42 long=term care services to older individuals with low
86 43 or moderate incomes.
86 44 3. Of the funds appropriated in this section,
86 45 $152,954 shall be transferred to the department
86 46 of economic development for the Iowa commission on
86 47 volunteer services to be used for the retired and
86 48 senior volunteer program.
86 49 4. a. The department on aging shall establish and
86 50 enforce procedures relating to expenditure of state and

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87 1 federal funds by area agencies on aging that require
87 2 compliance with both state and federal laws, rules, and
87 3 regulations, including but not limited to all of the
87 4 following:
87 5 (1) Requiring that expenditures are incurred only
87 6 for goods or services received or performed prior to
87 7 the end of the fiscal period designated for use of the
87 8 funds.
87 9 (2) Prohibiting prepayment for goods or services
87 10 not received or performed prior to the end of the
87 11 fiscal period designated for use of the funds.
87 12 (3) Prohibiting the prepayment for goods or
87 13 services not defined specifically by good or service,
87 14 time period, or recipient.
87 15 (4) Prohibiting the establishment of accounts from
87 16 which future goods or services which are not defined
87 17 specifically by good or service, time period, or
87 18 recipient, may be purchased.
87 19 b. The procedures shall provide that if any funds
87 20 are expended in a manner that is not in compliance with
87 21 the procedures and applicable federal and state laws,
87 22 rules, and regulations, and are subsequently subject
87 23 to repayment, the area agency on aging expending such
87 24 funds in contravention of such procedures, laws, rules
87 25 and regulations, not the state, shall be liable for
87 26 such repayment.
87 27 DIVISION XIV
87 28 HEALTH AND HUMAN SERVICES
87 29 DEPARTMENT OF PUBLIC HEALTH ==== FY 2012=2013
87 30 Sec. 107. DEPARTMENT OF PUBLIC HEALTH. There is
87 31 appropriated from the general fund of the state to
87 32 the department of public health for the fiscal year
87 33 beginning July 1, 2012, and ending June 30, 2013, the
87 34 following amounts, or so much thereof as is necessary,
87 35 to be used for the purposes designated:
87 36 1. ADDICTIVE DISORDERS
87 37 For reducing the prevalence of use of tobacco,
87 38 alcohol, and other drugs, and treating individuals
87 39 affected by addictive behaviors, including gambling,
87 40 and for not more than the following full=time
87 41 equivalent positions:
87 42 ..... $ 17,597,712
87 43 ..... FTEs 13.00
87 44 a. (1) Of the funds appropriated in this
87 45 subsection, $385,756 shall be transferred to the
87 46 alcoholic beverages division of the department of
87 47 commerce for enforcement of tobacco laws, regulations,
87 48 and ordinances in accordance with 2011 Iowa Acts, House
87 49 File 467, as enacted.
87 50 (2) Implementation of the tobacco use prevention

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88 1 and control initiative for the fiscal year beginning
88 2 July 1, 2011, including efforts at the state and local
88 3 levels, as provided in chapter 142A, shall be limited
88 4 to the extent of the funding available.
88 5 b. Of the funds appropriated in this subsection
88 6 1, $17,211,956 shall be used for problem gambling and
88 7 substance abuse prevention, treatment, and recovery
88 8 services, including a 24=hour helpline, public
88 9 information resources, professional training, and
88 10 program evaluation.
88 11 (1) Of the funds allocated in this paragraph
88 12 "b", $14,562,632 shall be used for substance abuse
88 13 prevention and treatment.
88 14 (a) Of the funds allocated in this subparagraph
88 15 (1), $764,405 shall be used for the public purpose of
88 16 a grant program to provide substance abuse prevention
88 17 programming for children.
88 18 (i) Of the funds allocated in this subparagraph
88 19 division (a), $363,408 shall be used for grant funding
88 20 for organizations that provide programming for
88 21 children by utilizing mentors. Programs approved for
88 22 such grants shall be certified or will be certified
88 23 within six months of receiving the grant award by the
88 24 Iowa commission on volunteer services as utilizing
88 25 the standards for effective practice for mentoring
88 26 programs.
88 27 (ii) Of the funds allocated in this subparagraph
88 28 division (a), $362,813 shall be used for grant
88 29 funding for organizations that provide programming
88 30 that includes youth development and leadership. The
88 31 programs shall also be recognized as being programs
88 32 that are scientifically based with evidence of their
88 33 effectiveness in reducing substance abuse in children.
88 34 (iii) The department of public health shall utilize
88 35 a request for proposals process to implement the grant
88 36 program.
88 37 (iv) All grant recipients shall participate in a
88 38 program evaluation as a requirement for receiving grant
88 39 funds.
88 40 (v) Of the funds allocated in this subparagraph
88 41 division (a), up to $38,184 may be used to administer
88 42 substance abuse prevention grants and for program
88 43 evaluations.
88 44 (b) Of the funds allocated in this subparagraph
88 45 (1), $232,103 shall be used for culturally competent
88 46 substance abuse treatment pilot projects.
88 47 (i) The department shall utilize the amount
88 48 allocated in this subparagraph division (b) for at
88 49 least three pilot projects to provide culturally
88 50 competent substance abuse treatment in various areas

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89 1 of the state. Each pilot project shall target a
89 2 particular ethnic minority population. The populations
89 3 targeted shall include but are not limited to African
89 4 American, Asian, and Latino.
89 5 (ii) The pilot project requirements shall provide
89 6 for documentation or other means to ensure access
89 7 to the cultural competence approach used by a pilot
89 8 project so that such approach can be replicated and
89 9 improved upon in successor programs.
89 10 (2) Of the funds allocated in this paragraph "b",
89 11 up to $2,649,324 may be used for problem gambling
89 12 prevention, treatment, and recovery services.
89 13 (a) Of the funds allocated in this subparagraph
89 14 (2), $2,192,150 shall be used for problem gambling
89 15 prevention and treatment.
89 16 (b) Of the funds allocated in this subparagraph
89 17 (2), up to $372,174 may be used for a 24=hour helpline,
89 18 public information resources, professional training,
89 19 and program evaluation.
89 20 (c) Of the funds allocated in this subparagraph
89 21 (2), up to $85,000 may be used for the licensing of
89 22 problem gambling treatment programs.
89 23 (3) It is the intent of the general assembly that
89 24 from the moneys allocated in this paragraph "b",
89 25 persons with a dual diagnosis of substance abuse
89 26 and gambling addictions shall be given priority in
89 27 treatment services.
89 28 c. Notwithstanding any provision of law to the
89 29 contrary, to standardize the availability, delivery,
89 30 cost of delivery, and accountability of problem
89 31 gambling and substance abuse treatment services
89 32 statewide, the department shall continue implementation
89 33 of a process to create a system for delivery of
89 34 treatment services in accordance with the requirements
89 35 specified in 2008 Iowa Acts, chapter 1187, section
89 36 3, subsection 4. To ensure the system provides a
89 37 continuum of treatment services that best meets the
89 38 needs of Iowans, the problem gambling and substance
89 39 abuse treatment services in any area may be provided
89 40 either by a single agency or by separate agencies
89 41 submitting a joint proposal.
89 42 (1) The system for delivery of substance abuse
89 43 and problem gambling treatment shall include problem
89 44 gambling prevention by July 1, 2012. The department
89 45 shall submit a proposed legislative bill in accordance
89 46 with section 2.16, for consideration during the 2012
89 47 legislative session, addressing any statutory revisions
89 48 necessary for full implementation of the system.
89 49 (2) The system for delivery of substance abuse and
89 50 problem gambling treatment shall include substance

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90 1 abuse prevention by July 1, 2014.
90 2 (3) Of the funds allocated in paragraph "b", the
90 3 department may use up to $85,000 for administrative
90 4 costs to continue developing and implementing the
90 5 process in accordance with this paragraph "c".
90 6 d. The requirement of section 123.53, subsection
90 7 5, is met by the appropriations and allocations made
90 8 in the health and human services divisions of this Act
90 9 for purposes of substance abuse treatment and addictive
90 10 disorders for the fiscal year beginning July 1, 2012.
90 11 e. The department of public health shall work
90 12 with all other departments that fund substance
90 13 abuse prevention and treatment services and all
90 14 such departments shall, to the extent necessary,
90 15 collectively meet the state maintenance of effort
90 16 requirements for expenditures for substance abuse
90 17 services as required under the federal substance abuse
90 18 prevention and treatment block grant.
90 19 f. The department shall amend or otherwise
90 20 revise departmental policies and contract provisions
90 21 in order to eliminate free t=shirt distribution,
90 22 banner production, and other unnecessary promotional
90 23 expenditures.
90 24 2. HEALTHY CHILDREN AND FAMILIES
90 25 For promoting the optimum health status for
90 26 children, adolescents from birth through 21 years of
90 27 age, and families, and for not more than the following
90 28 full=time equivalent positions:
90 29 ..... $ 2,205,130
90 30 ..... FTEs 10.00
90 31 a. Of the funds appropriated in this subsection,
90 32 not more than $628,420 shall be used for the healthy
90 33 opportunities to experience success (HOPES)=healthy
90 34 families Iowa (HFI) program established pursuant to
90 35 section 135.106. The funding shall be distributed to
90 36 renew the grants that were provided to the grantees
90 37 that operated the program during the fiscal year ending
90 38 June 30, 2012.
90 39 b. Of the funds appropriated in this subsection,
90 40 $280,402 shall be used to continue to address the
90 41 healthy mental development of children from birth
90 42 through five years of age through local evidence=based
90 43 strategies that engage both the public and private
90 44 sectors in promoting healthy development, prevention,
90 45 and treatment for children.
90 46 c. Of the funds appropriated in this subsection,
90 47 $26,857 shall be distributed to a statewide dental
90 48 carrier to provide funds to continue the donated dental
90 49 services program patterned after the projects developed
90 50 by the lifeline network to provide dental services to

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91 1 indigent elderly and disabled individuals.
91 2 d. Of the funds appropriated in this subsection,
91 3 $95,775 shall be used for childhood obesity prevention.
91 4 e. Of the funds appropriated in this subsection,
91 5 $139,196 shall be used to provide audiological services
91 6 and hearing aids for children. The department may
91 7 enter into a contract to administer this paragraph.
91 8 3. CHRONIC CONDITIONS
91 9 For serving individuals identified as having chronic
91 10 conditions or special health care needs, and for not
91 11 more than the following full=time equivalent positions:
91 12 ..... $ 2,922,802
91 13 ..... FTEs 4.00
91 14 a. Of the funds appropriated in this subsection,
91 15 $136,495 shall be used for grants to individual
91 16 patients who have phenylketonuria (PKU) to assist with
91 17 the costs of necessary special foods.
91 18 b. Of the funds appropriated in this subsection,
91 19 $411,060 is allocated for continuation of the contracts
91 20 for resource facilitator services in accordance with
91 21 section 135.22B, subsection 9, and for brain injury
91 22 training services and recruiting of service providers
91 23 to increase the capacity within this state to address
91 24 the needs of individuals with brain injuries and such
91 25 individuals' families.
91 26 c. Of the funds appropriated in this subsection,
91 27 $398,543 shall be used as additional funding to
91 28 leverage federal funding through the federal Ryan
91 29 White Care Act, Tit. II, AIDS drug assistance program
91 30 supplemental drug treatment grants.
91 31 d. Of the funds appropriated in this subsection,
91 32 $26,566 shall be used for the public purpose of
91 33 providing a grant to an existing national=affiliated
91 34 organization to provide education, client=centered
91 35 programs, and client and family support for people
91 36 living with epilepsy and their families.
91 37 e. Of the funds appropriated in this subsection,
91 38 $670,057 shall be used for child health specialty
91 39 clinics.
91 40 f. Of the funds appropriated in this subsection,
91 41 $604,394 shall be used for the comprehensive cancer
91 42 control program to reduce the burden of cancer in
91 43 Iowa through prevention, early detection, effective
91 44 treatment, and ensuring quality of life. Of the funds
91 45 allocated in this lettered paragraph, $309,389 shall
91 46 be used to support a melanoma research symposium,
91 47 a melanoma biorepository and registry, basic and
91 48 translational melanoma research, and clinical trials.
91 49 g. Of the funds appropriated in this subsection,
91 50 $107,483 shall be used for cervical and colon cancer

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92 1 screening.
92 2 h. Of the funds appropriated in this subsection,
92 3 $358,515 shall be used for the center for congenital
92 4 and inherited disorders.
92 5 i. Of the funds appropriated in this subsection,
92 6 $110,446 shall be used for the prescription drug
92 7 donation repository program created in chapter 135M.
92 8 4. COMMUNITY CAPACITY
92 9 For strengthening the health care delivery system at
92 10 the local level, and for not more than the following
92 11 full=time equivalent positions:
92 12 ..... $ 3,751,954
92 13 ..... FTEs 14.00
92 14 a. Of the funds appropriated in this subsection,
92 15 $85,000 is allocated for a child vision screening
92 16 program implemented through the university of Iowa
92 17 hospitals and clinics in collaboration with early
92 18 childhood Iowa areas.
92 19 b. Of the funds appropriated in this subsection,
92 20 $94,612 is allocated for continuation of an initiative
92 21 implemented at the university of Iowa and $85,419 is
92 22 allocated for continuation of an initiative at the
92 23 state mental health institute at Cherokee to expand
92 24 and improve the workforce engaged in mental health
92 25 treatment and services. The initiatives shall receive
92 26 input from the university of Iowa, the department of
92 27 human services, the department of public health, and
92 28 the mental health, mental retardation, developmental
92 29 disabilities, and brain injury commission to address
92 30 the focus of the initiatives.
92 31 c. Of the funds appropriated in this subsection,
92 32 $995,767 shall be used for essential public health
92 33 services that promote healthy aging throughout the
92 34 lifespan, contracted through a formula for local boards
92 35 of health, to enhance health promotion and disease
92 36 prevention services.
92 37 d. Of the funds appropriated in this section,
92 38 $103,544 shall be deposited in the governmental public
92 39 health system fund created in section 135A.8 to be used
92 40 for the purposes of the fund.
92 41 e. Of the funds appropriated in this subsection,
92 42 $90,337 shall be used for the mental health
92 43 professional shortage area program implemented pursuant
92 44 to section 135.80.
92 45 f. Of the funds appropriated in this subsection,
92 46 $32,524 shall be used for a grant to a statewide
92 47 association of psychologists that is affiliated
92 48 with the American psychological association to be
92 49 used for continuation of a program to rotate intern
92 50 psychologists in placements in urban and rural mental

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93 1 health professional shortage areas, as defined in
93 2 section 135.80.
93 3 g. Of the funds appropriated in this subsection,
93 4 the following amounts shall be allocated to the Iowa
93 5 collaborative safety net provider network established
93 6 pursuant to section 135.153 to be used for the purposes
93 7 designated. The following amounts allocated under
93 8 this lettered paragraph shall be distributed to
93 9 the specified provider and shall not be reduced for
93 10 administrative or other costs prior to distribution:
93 11 (1) For distribution to the Iowa primary care
93 12 association for statewide coordination of the Iowa
93 13 collaborative safety net provider network:
93 14 ..... $ 99,107
93 15 (2) For distribution to the local boards of health
93 16 that provide direct services for pilot programs in
93 17 three counties to assist patients in determining an
93 18 appropriate medical home:
93 19 ..... $ 58,082
93 20 (3) For distribution to maternal and child health
93 21 centers for pilot programs in three counties to assist
93 22 patients in determining an appropriate medical home:
93 23 ..... $ 58,082
93 24 (4) For distribution to free clinics for necessary
93 25 infrastructure, statewide coordination, provider
93 26 recruitment, service delivery, and provision of
93 27 assistance to patients in determining an appropriate
93 28 medical home:
93 29 ..... $ 96,691
93 30 (5) For distribution to rural health clinics for
93 31 necessary infrastructure, statewide coordination,
93 32 provider recruitment, service delivery, and provision
93 33 of assistance to patients in determining an appropriate
93 34 medical home:
93 35 ..... $ 86,074
93 36 (6) For continuation of the safety net provider
93 37 patient access to specialty health care initiative as
93 38 described in 2007 Iowa Acts, chapter 218, section 109:
93 39 ..... $ 202,657
93 40 (7) For continuation of the pharmaceutical
93 41 infrastructure for safety net providers as described in
93 42 2007 Iowa Acts, chapter 218, section 108:
93 43 ..... $ 210,452
93 44 The Iowa collaborative safety net provider network
93 45 may continue to distribute funds allocated pursuant to
93 46 this lettered paragraph through existing contracts or
93 47 renewal of existing contracts.
93 48 h. Of the funds appropriated in this subsection,
93 49 $85,000 shall be used for continued implementation of
93 50 the recommendations of the direct care worker task

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94 1 force established pursuant to 2005 Iowa Acts, chapter
94 2 88, based upon the report submitted to the governor and
94 3 the general assembly in December 2006. The department
94 4 may use a portion of the funds allocated in this
94 5 lettered paragraph for an additional position to assist
94 6 in the continued implementation.
94 7 i. Of the funds appropriated in this subsection,
94 8 $127,500 shall be used for allocation through a request
94 9 for proposals process to a statewide direct care worker
94 10 association for education, outreach, and mentoring
94 11 intended to enhance the recruitment and retention of
94 12 direct care workers in health care and long=term care
94 13 settings. Funding allocated under this paragraph shall
94 14 not be used by the recipient association for lobbying
94 15 activities as described in section 689B.36.
94 16 j. The department may utilize one of the full=time
94 17 equivalent positions authorized in this subsection for
94 18 administration of the activities related to the Iowa
94 19 collaborative safety net provider network.
94 20 k. Of the funds appropriated in this subsection,
94 21 the department may use up to $51,000 for up to one
94 22 full=time equivalent position to administer the
94 23 volunteer health care provider program pursuant to
94 24 section 135.24.
94 25 l. Of the funds appropriated in this subsection,
94 26 $42,500 shall be used for a matching dental education
94 27 loan repayment program to be allocated to a dental
94 28 nonprofit health service corporation to develop the
94 29 criteria and implement the loan repayment program.
94 30 m. Of the funds appropriated in this subsection,
94 31 $309,389 shall be used as state matching funds for
94 32 the health information network as established by the
94 33 department of public health.
94 34 5. HEALTHY AGING
94 35 To provide public health services that reduce risks
94 36 and invest in promoting and protecting good health over
94 37 the course of a lifetime with a priority given to older
94 38 Iowans and vulnerable populations:
94 39 ..... $ 6,202,571
94 40 a. Of the funds appropriated in this subsection,
94 41 $1,707,809 shall be used for local public health
94 42 nursing services.
94 43 b. Of the funds appropriated in this subsection,
94 44 $4,494,762 shall be used for home care aide services.
94 45 6. ENVIRONMENTAL HAZARDS
94 46 For reducing the public's exposure to hazards in the
94 47 environment, primarily chemical hazards, and for not
94 48 more than the following full=time equivalent positions:
94 49 ..... $ 691,710
94 50 ..... FTEs 4.00

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95 1 Of the funds appropriated in this subsection,
95 2 $462,720 shall be used for childhood lead poisoning
95 3 provisions.
95 4 7. INFECTIOUS DISEASES
95 5 For reducing the incidence and prevalence of
95 6 communicable diseases, and for not more than the
95 7 following full=time equivalent positions:
95 8 ..... $ 1,143,970
95 9 ..... FTEs 4.00
95 10 8. PUBLIC PROTECTION
95 11 For protecting the health and safety of the
95 12 public through establishing standards and enforcing
95 13 regulations, and for not more than the following
95 14 full=time equivalent positions:
95 15 ..... $ 2,359,797
95 16 ..... FTEs 125.00
95 17 a. Of the funds appropriated in this subsection,
95 18 not more than $400,936 shall be credited to the
95 19 emergency medical services fund created in section
95 20 135.25. Moneys in the emergency medical services fund
95 21 are appropriated to the department to be used for the
95 22 purposes of the fund.
95 23 b. Of the funds appropriated in this subsection,
95 24 $179,026 shall be used for sexual violence prevention
95 25 programming through a statewide organization
95 26 representing programs serving victims of sexual
95 27 violence through the department's sexual violence
95 28 prevention program. The amount allocated in this
95 29 lettered paragraph shall not be used to supplant
95 30 funding administered for other sexual violence
95 31 prevention or victims assistance programs.
95 32 c. Of the funds appropriated in this subsection,
95 33 not more than $371,095 shall be used for the state
95 34 poison control center.
95 35 9. RESOURCE MANAGEMENT
95 36 For establishing and sustaining the overall
95 37 ability of the department to deliver services to the
95 38 public, and for not more than the following full=time
95 39 equivalent positions:
95 40 ..... $ 696,621
95 41 ..... FTEs 7.00
95 42 The university of Iowa hospitals and clinics under
95 43 the control of the state board of regents shall not
95 44 receive indirect costs from the funds appropriated in
95 45 this section. The university of Iowa hospitals and
95 46 clinics billings to the department shall be on at least
95 47 a quarterly basis.
95 48 DIVISION XV
95 49 HEALTH AND HUMAN SERVICES
95 50 DEPARTMENT OF VETERANS AFFAIRS ==== FY 2012=2013

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96 1 Sec. 108. DEPARTMENT OF VETERANS AFFAIRS. There
96 2 is appropriated from the general fund of the state to
96 3 the department of veterans affairs for the fiscal year
96 4 beginning July 1, 2012, and ending June 30, 2013, the
96 5 following amounts, or so much thereof as is necessary,
96 6 to be used for the purposes designated:
96 7 1. DEPARTMENT OF VETERANS AFFAIRS ADMINISTRATION
96 8 For salaries, support, maintenance, and
96 9 miscellaneous purposes, including the war orphans
96 10 educational assistance fund created in section
96 11 35.8, and for not more than the following full=time
96 12 equivalent positions:
96 13 ..... $ 849,007
96 14 ..... FTEs 16.34
96 15 2. IOWA VETERANS HOME
96 16 For salaries, support, maintenance, and
96 17 miscellaneous purposes:
96 18 ..... $ 7,609,328
96 19 a. The Iowa veterans home billings involving the
96 20 department of human services shall be submitted to the
96 21 department on at least a monthly basis.
96 22 b. If there is a change in the employer of
96 23 employees providing services at the Iowa veterans home
96 24 under a collective bargaining agreement, such employees
96 25 and the agreement shall be continued by the successor
96 26 employer as though there had not been a change in
96 27 employer.
96 28 c. Within available resources and in conformance
96 29 with associated state and federal program eligibility
96 30 requirements, the Iowa veterans home may implement
96 31 measures to provide financial assistance to or on
96 32 behalf of veterans or their spouses participating in
96 33 the community reentry program.
96 34 3. STATE EDUCATIONAL ASSISTANCE ==== CHILDREN OF
96 35 DECEASED VETERANS
96 36 For provision of educational assistance pursuant to
96 37 section 35.9:
96 38 ..... $ 10,554
96 39 Sec. 109. LIMITATION OF COUNTY
96 40 COMMISSION OF VETERANS AFFAIRS FUND STANDING
96 41 APPROPRIATIONS. Notwithstanding the standing
96 42 appropriation in the following designated section for
96 43 the fiscal year beginning July 1, 2012, and ending June
96 44 30, 2013, the amounts appropriated from the general
96 45 fund of the state pursuant to that section for the
96 46 following designated purposes shall not exceed the
96 47 following amount:
96 48 For the county commissions of veterans affairs fund
96 49 under section 35A.16:
96 50 ..... $ 841,500

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97 1 DIVISION XVI
97 2 HEALTH AND HUMAN SERVICES
97 3 DEPARTMENT OF HUMAN SERVICES ==== FY 2012=2013
97 4 Sec. 110. TEMPORARY ASSISTANCE FOR NEEDY FAMILIES
97 5 BLOCK GRANT. There is appropriated from the fund
97 6 created in section 8.41 to the department of human
97 7 services for the fiscal year beginning July 1, 2012,
97 8 and ending June 30, 2013, from moneys received under
97 9 the federal temporary assistance for needy families
97 10 (TANF) block grant pursuant to the federal Personal
97 11 Responsibility and Work Opportunity Reconciliation
97 12 Act of 1996, Pub. L. No. 104=193, and successor
97 13 legislation, and from moneys received under the
97 14 emergency contingency fund for temporary assistance
97 15 for needy families state program established pursuant
97 16 to the federal American Recovery and Reinvestment
97 17 Act of 2009, Pub. L. No. 111=5 { 2101, and successor
97 18 legislation, the following amounts, or so much
97 19 thereof as is necessary, to be used for the purposes
97 20 designated:
97 21 1. To be credited to the family investment program
97 22 account and used for assistance under the family
97 23 investment program under chapter 239B:
97 24 ..... $ 18,275,627
97 25 2. To be credited to the family investment program
97 26 account and used for the job opportunities and
97 27 basic skills (JOBS) program and implementing family
97 28 investment agreements in accordance with chapter 239B:
97 29 ..... $ 10,549,799
97 30 3. To be used for the family development and
97 31 self=sufficiency grant program in accordance with
97 32 section 216A.107:
97 33 ..... $ 2,464,133
97 34 Notwithstanding section 8.33, moneys appropriated in
97 35 this subsection that remain unencumbered or unobligated
97 36 at the close of the fiscal year shall not revert but
97 37 shall remain available for expenditure for the purposes
97 38 designated until the close of the succeeding fiscal
97 39 year. However, unless such moneys are encumbered or
97 40 obligated on or before September 30, 2013, the moneys
97 41 shall revert.
97 42 4. For field operations:
97 43 ..... $ 26,601,797
97 44 5. For general administration:
97 45 ..... $ 3,182,400
97 46 6. For state child care assistance:
97 47 ..... $ 13,925,284
97 48 The funds appropriated in this subsection shall be
97 49 transferred to the child care and development block
97 50 grant appropriation made by the Eighty=fourth General

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98 1 Assembly, 2012 Session, for the federal fiscal year
98 2 beginning October 1, 2012, and ending September 30,
98 3 2013. Of this amount, $170,000 shall be used for
98 4 provision of educational opportunities to registered
98 5 child care home providers in order to improve services
98 6 and programs offered by this category of providers and
98 7 to increase the number of providers. The department
98 8 may contract with institutions of higher education or
98 9 child care resource and referral centers to provide the
98 10 educational opportunities. Allowable administrative
98 11 costs under the contracts shall not exceed 5 percent.
98 12 The application for a grant shall not exceed two pages
98 13 in length.
98 14 7. For mental health and developmental disabilities
98 15 community services:
98 16 ..... $ 4,159,944
98 17 8. For child and family services:
98 18 ..... $ 27,271,766
98 19 9. For child abuse prevention grants:
98 20 ..... $ 106,250
98 21 10. For pregnancy prevention grants on the
98 22 condition that family planning services are funded:
98 23 ..... $ 1,640,557
98 24 Pregnancy prevention grants shall be awarded
98 25 to pregnancy prevention programs that are based
98 26 on existing models that have demonstrated positive
98 27 outcomes. Grants shall comply with the requirements
98 28 provided in 1997 Iowa Acts, chapter 208, section 14,
98 29 subsections 1 and 2, including the requirement that
98 30 grant programs must emphasize sexual abstinence.
98 31 Priority in the awarding of grants shall be given
98 32 to programs that serve areas of the state which
98 33 demonstrate the highest percentage of unplanned
98 34 pregnancies of females of childbearing age within the
98 35 geographic area to be served by the grant.
98 36 11. For technology needs and other resources
98 37 necessary to meet federal welfare reform reporting,
98 38 tracking, and case management requirements:
98 39 ..... $ 881,608
98 40 12. To be credited to the state child care
98 41 assistance appropriation made in this section to be
98 42 used for funding of community=based early childhood
98 43 programs targeted to children from birth through five
98 44 years of age developed by early childhood Iowa areas as
98 45 provided in section 256I.11:
98 46 ..... $ 5,397,500
98 47 The department shall transfer TANF block grant
98 48 funding appropriated and allocated in this subsection
98 49 to the child care and development block grant
98 50 appropriation in accordance with federal law as

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99 1 necessary to comply with the provisions of this
99 2 subsection.
99 3 13. a. Notwithstanding any provision to the
99 4 contrary, including but not limited to requirements
99 5 in section 8.41 or provisions in 2011 or 2012 Iowa
99 6 Acts regarding the receipt and appropriation of
99 7 federal block grants, federal funds from the emergency
99 8 contingency fund for temporary assistance for needy
99 9 families state program established pursuant to the
99 10 federal American Recovery and Reinvestment Act of
99 11 2009, Pub. L. No. 111=5 { 2101, received by the state
99 12 during the fiscal year beginning July 1, 2011, and
99 13 ending June 30, 2012, not otherwise appropriated in
99 14 this section and remaining available as of July 1,
99 15 2012, and received by the state during the fiscal year
99 16 beginning July 1, 2012, and ending June 30, 2013, are
99 17 appropriated to the extent as may be necessary to be
99 18 used in the following priority order: the family
99 19 investment program for the fiscal year and for state
99 20 child care assistance program payments for individuals
99 21 enrolled in the family investment program who are
99 22 employed. The federal funds appropriated in this
99 23 paragraph "a" shall be expended only after all other
99 24 funds appropriated in subsection 1 for the assistance
99 25 under the family investment program under chapter 239B
99 26 have been expended.
99 27 b. The department shall, on a quarterly basis,
99 28 advise the legislative services agency and department
99 29 of management of the amount of funds appropriated in
99 30 this subsection that was expended in the prior quarter.
99 31 14. Of the amounts appropriated in this section,
99 32 $11,017,707 for the fiscal year beginning July 1,
99 33 2012, shall be transferred to the appropriation of
99 34 the federal social services block grant made for that
99 35 fiscal year.
99 36 15. For continuation of the program allowing the
99 37 department to maintain categorical eligibility for the
99 38 food assistance program as required under the section
99 39 of this division of this Act relating to the family
99 40 investment account:
99 41 ..... $ 124,161
99 42 16. The department may transfer funds allocated
99 43 in this section to the appropriations made in this
99 44 division of this Act for general administration and
99 45 field operations for resources necessary to implement
99 46 and operate the services referred to in this section
99 47 and those funded in the appropriation made in this
99 48 division of this Act for the family investment program
99 49 from the general fund of the state.
99 50 Sec. 111. FAMILY INVESTMENT PROGRAM ACCOUNT.

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100 1 1. Moneys credited to the family investment program
100 2 (FIP) account for the fiscal year beginning July
100 3 1, 2012, and ending June 30, 2013, shall be used to
100 4 provide assistance in accordance with chapter 239B.
100 5 2. The department may use a portion of the moneys
100 6 credited to the FIP account under this section as
100 7 necessary for salaries, support, maintenance, and
100 8 miscellaneous purposes.
100 9 3. The department may transfer funds allocated in
100 10 this section to the appropriations in this division
100 11 of this Act for general administration and field
100 12 operations for resources necessary to implement and
100 13 operate the services referred to in this section and
100 14 those funded in the appropriation made in this division
100 15 of this Act for the family investment program from the
100 16 general fund of the state.
100 17 4. Moneys appropriated in this division of this Act
100 18 and credited to the FIP account for the fiscal year
100 19 beginning July 1, 2012, and ending June 30, 2013, are
100 20 allocated as follows:
100 21 a. To be retained by the department of human
100 22 services to be used for coordinating with the
100 23 department of human rights to more effectively serve
100 24 participants in the FIP program and other shared
100 25 clients and to meet federal reporting requirements
100 26 under the federal temporary assistance for needy
100 27 families block grant:
100 28 ..... $ 17,000
100 29 b. To the department of human rights for staffing,
100 30 administration, and implementation of the family
100 31 development and self=sufficiency grant program in
100 32 accordance with section 216A.107:
100 33 ..... $ 4,541,409
100 34 (1) Of the funds allocated for the family
100 35 development and self=sufficiency grant program in this
100 36 lettered paragraph, not more than 5 percent of the
100 37 funds shall be used for the administration of the grant
100 38 program.
100 39 (2) The department of human rights may continue to
100 40 implement the family development and self=sufficiency
100 41 grant program statewide during fiscal year 2012=2013.
100 42 c. For the diversion subaccount of the FIP account:
100 43 ..... $ 1,443,640
100 44 A portion of the moneys allocated for the subaccount
100 45 may be used for field operations salaries, data
100 46 management system development, and implementation
100 47 costs and support deemed necessary by the director of
100 48 human services in order to administer the FIP diversion
100 49 program.
100 50 d. For the food stamp employment and training

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101 1 program:
101 2 ..... $ 56,600
101 3 (1) The department shall amend the food stamp
101 4 employment and training state plan in order to maximize
101 5 to the fullest extent permitted by federal law the
101 6 use of the 50=50 match provisions for the claiming
101 7 of allowable federal matching funds from the United
101 8 States department of agriculture pursuant to the
101 9 federal food stamp employment and training program for
101 10 providing education, employment, and training services
101 11 for eligible food assistance program participants,
101 12 including but not limited to related dependent care and
101 13 transportation expenses.
101 14 (2) The department shall continue the categorical
101 15 federal food assistance program eligibility at 160
101 16 percent of the federal poverty level and continue to
101 17 eliminate the asset test from eligibility requirements,
101 18 consistent with federal food assistance program
101 19 requirements. The department shall include as many
101 20 food assistance households as is allowed by federal
101 21 law. The eligibility provisions shall conform to all
101 22 federal requirements including requirements addressing
101 23 individuals who are incarcerated or otherwise
101 24 ineligible.
101 25 e. For the JOBS program:
101 26 ..... $ 17,200,519
101 27 5. Of the child support collections assigned under
101 28 FIP, an amount equal to the federal share of support
101 29 collections shall be credited to the child support
101 30 recovery appropriation made in this division of this
101 31 Act. Of the remainder of the assigned child support
101 32 collections received by the child support recovery
101 33 unit, a portion shall be credited to the FIP account,
101 34 a portion may be used to increase recoveries, and a
101 35 portion may be used to sustain cash flow in the child
101 36 support payments account. If as a consequence of the
101 37 appropriations and allocations made in this section
101 38 the resulting amounts are insufficient to sustain
101 39 cash assistance payments and meet federal maintenance
101 40 of effort requirements, the department shall seek
101 41 supplemental funding. If child support collections
101 42 assigned under FIP are greater than estimated or are
101 43 otherwise determined not to be required for maintenance
101 44 of effort, the state share of either amount may be
101 45 transferred to or retained in the child support payment
101 46 account.
101 47 6. The department may adopt emergency rules for
101 48 the family investment, JOBS, food stamp, and medical
101 49 assistance programs if necessary to comply with federal
101 50 requirements.

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102 1 Sec. 112. FAMILY INVESTMENT PROGRAM GENERAL
102 2 FUND. There is appropriated from the general fund of
102 3 the state to the department of human services for the
102 4 fiscal year beginning July 1, 2012, and ending June 30,
102 5 2013, the following amount, or so much thereof as is
102 6 necessary, to be used for the purpose designated:
102 7 To be credited to the family investment program
102 8 (FIP) account and used for family investment program
102 9 assistance under chapter 239B:
102 10 ..... $ 42,645,373
102 11 1. Of the funds appropriated in this section,
102 12 $6,650,720 is allocated for the JOBS program.
102 13 2. Of the funds appropriated in this section,
102 14 $2,094,276 is allocated for the family development and
102 15 self=sufficiency grant program.
102 16 3. Notwithstanding section 8.39, for the fiscal
102 17 year beginning July 1, 2012, if necessary to meet
102 18 federal maintenance of effort requirements or to
102 19 transfer federal temporary assistance for needy
102 20 families block grant funding to be used for purposes
102 21 of the federal social services block grant or to meet
102 22 cash flow needs resulting from delays in receiving
102 23 federal funding or to implement, in accordance with
102 24 this division of this Act, activities currently funded
102 25 with juvenile court services, county, or community
102 26 moneys and state moneys used in combination with such
102 27 moneys, the department of human services may transfer
102 28 funds within or between any of the appropriations made
102 29 in this division of this Act and appropriations in law
102 30 for the federal social services block grant to the
102 31 department for the following purposes, provided that
102 32 the combined amount of state and federal temporary
102 33 assistance for needy families block grant funding for
102 34 each appropriation remains the same before and after
102 35 the transfer:
102 36 a. For the family investment program.
102 37 b. For child care assistance.
102 38 c. For child and family services.
102 39 d. For field operations.
102 40 e. For general administration.
102 41 f. MH/MR/DD/BI community services (local purchase).
102 42 This subsection shall not be construed to prohibit
102 43 the use of existing state transfer authority for other
102 44 purposes. The department shall report any transfers
102 45 made pursuant to this subsection to the legislative
102 46 services agency.
102 47 4. Of the funds appropriated in this section,
102 48 $166,326 shall be used for continuation of a grant to
102 49 an Iowa=based nonprofit organization with a history
102 50 of providing tax preparation assistance to low=income

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103 1 Iowans in order to expand the usage of the earned
103 2 income tax credit. The purpose of the grant is to
103 3 supply this assistance to underserved areas of the
103 4 state.
103 5 Sec. 113. CHILD SUPPORT RECOVERY. There is
103 6 appropriated from the general fund of the state to
103 7 the department of human services for the fiscal year
103 8 beginning July 1, 2012, and ending June 30, 2013, the
103 9 following amount, or so much thereof as is necessary,
103 10 to be used for the purposes designated:
103 11 For child support recovery, including salaries,
103 12 support, maintenance, and miscellaneous purposes, and
103 13 for not more than the following full=time equivalent
103 14 positions:
103 15 ..... $ 11,087,783
103 16 ..... FTEs 475.00
103 17 1. The department shall expend up to $20,680,
103 18 including federal financial participation, for the
103 19 fiscal year beginning July 1, 2012, for a child support
103 20 public awareness campaign. The department and the
103 21 office of the attorney general shall cooperate in
103 22 continuation of the campaign. The public awareness
103 23 campaign shall emphasize, through a variety of media
103 24 activities, the importance of maximum involvement of
103 25 both parents in the lives of their children as well as
103 26 the importance of payment of child support obligations.
103 27 2. Federal access and visitation grant moneys shall
103 28 be issued directly to private not=for=profit agencies
103 29 that provide services designed to increase compliance
103 30 with the child access provisions of court orders,
103 31 including but not limited to neutral visitation sites
103 32 and mediation services.
103 33 3. The appropriation made to the department for
103 34 child support recovery may be used throughout the
103 35 fiscal year in the manner necessary for purposes of
103 36 cash flow management, and for cash flow management
103 37 purposes the department may temporarily draw more
103 38 than the amount appropriated, provided the amount
103 39 appropriated is not exceeded at the close of the fiscal
103 40 year.
103 41 4. With the exception of the funding amount
103 42 specified, the requirements established under 2001
103 43 Iowa Acts, chapter 191, section 3, subsection 5,
103 44 paragraph "c", subparagraph (3), shall be applicable
103 45 to parental obligation pilot projects for the fiscal
103 46 year beginning July 1, 2012, and ending June 30,
103 47 2013. Notwithstanding 441 IAC 100.8, providing for
103 48 termination of rules relating to the pilot projects,
103 49 the rules shall remain in effect until June 30, 2013.
103 50 Sec. 114. HEALTH CARE TRUST FUND ==== MEDICAL

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104 1 ASSISTANCE. Any funds remaining in the health
104 2 care trust fund created in section 453A.35A for the
104 3 fiscal year beginning July 1, 2012, and ending June
104 4 30, 2013, are appropriated to the department of
104 5 human services to supplement the medical assistance
104 6 program appropriations made in the health and human
104 7 services divisions of this Act, for medical assistance
104 8 reimbursement and associated costs, including
104 9 program administration and costs associated with
104 10 implementation.
104 11 Sec. 115. MEDICAL ASSISTANCE. There is
104 12 appropriated from the general fund of the state to
104 13 the department of human services for the fiscal year
104 14 beginning July 1, 2012, and ending June 30, 2013, the
104 15 following amount, or so much thereof as is necessary,
104 16 to be used for the purpose designated:
104 17 For medical assistance reimbursement and associated
104 18 costs as specifically provided in the reimbursement
104 19 methodologies in effect on June 30, 2012, except as
104 20 otherwise expressly authorized by law, including
104 21 reimbursement for abortion services which shall be
104 22 available under the medical assistance program only for
104 23 those abortions which are medically necessary:
104 24 ..... $907,162,189
104 25 1. Medically necessary abortions are those
104 26 performed under any of the following conditions:
104 27 a. The attending physician certifies that
104 28 continuing the pregnancy would endanger the life of the
104 29 pregnant woman.
104 30 b. Any spontaneous abortion, commonly known as a
104 31 miscarriage, if not all of the products of conception
104 32 are expelled.
104 33 2. The department shall utilize not more than
104 34 $60,000 of the funds appropriated in this section
104 35 to continue the AIDS/HIV health insurance premium
104 36 payment program as established in 1992 Iowa Acts,
104 37 Second Extraordinary Session, chapter 1001, section
104 38 409, subsection 6. Of the funds allocated in this
104 39 subsection, not more than $5,000 may be expended for
104 40 administrative purposes.
104 41 3. Of the funds appropriated in the department of
104 42 public health division of this Act to the department of
104 43 public health for addictive disorders for FY 2012=2013,
104 44 $950,000 for the fiscal year beginning July 1, 2012,
104 45 shall be transferred to the department of human
104 46 services for an integrated substance abuse managed care
104 47 system. The department shall not assume management
104 48 of the substance abuse system in place of the managed
104 49 care contractor unless such a change in approach is
104 50 specifically authorized in law. The departments of

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105 1 human services and public health shall work together
105 2 to maintain the level of mental health and substance
105 3 abuse services provided by the managed care contractor
105 4 through the Iowa plan for behavioral health. Each
105 5 department shall take the steps necessary to continue
105 6 the federal waivers as necessary to maintain the level
105 7 of services.
105 8 4. a. The department shall aggressively pursue
105 9 options for providing medical assistance or other
105 10 assistance to individuals with special needs who become
105 11 ineligible to continue receiving services under the
105 12 early and periodic screening, diagnostic, and treatment
105 13 program under the medical assistance program due
105 14 to becoming 21 years of age who have been approved
105 15 for additional assistance through the department's
105 16 exception to policy provisions, but who have health
105 17 care needs in excess of the funding available through
105 18 the exception to policy provisions.
105 19 b. Of the funds appropriated in this section,
105 20 $100,000 shall be used for participation in one or more
105 21 pilot projects operated by a private provider to allow
105 22 the individual or individuals to receive service in the
105 23 community in accordance with principles established in
105 24 Olmstead v. L.C., 527 U.S. 581 (1999), for the purpose
105 25 of providing medical assistance or other assistance to
105 26 individuals with special needs who become ineligible
105 27 to continue receiving services under the early and
105 28 periodic screening, diagnosis, and treatment program
105 29 under the medical assistance program due to becoming
105 30 21 years of age who have been approved for additional
105 31 assistance through the department's exception to policy
105 32 provisions, but who have health care needs in excess
105 33 of the funding available through the exception to the
105 34 policy provisions.
105 35 5. Of the funds appropriated in this section, up to
105 36 $3,050,082 may be transferred to the field operations
105 37 or general administration appropriations in this
105 38 division of this Act for operational costs associated
105 39 with Part D of the federal Medicare Prescription Drug
105 40 Improvement and Modernization Act of 2003, Pub. L. No.
105 41 108=173.
105 42 6. Of the funds appropriated in this section, up
105 43 to $442,100 may be transferred to the appropriation
105 44 in this division of this Act for medical contracts
105 45 to be used for clinical assessment services and prior
105 46 authorization of services.
105 47 7. A portion of the funds appropriated in this
105 48 section may be transferred to the appropriations in
105 49 this division of this Act for general administration,
105 50 medical contracts, the children's health insurance

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106 1 program, or field operations to be used for the
106 2 state match cost to comply with the payment error
106 3 rate measurement (PERM) program for both the medical
106 4 assistance and children's health insurance programs
106 5 as developed by the centers for Medicare and Medicaid
106 6 services of the United States department of health and
106 7 human services to comply with the federal Improper
106 8 Payments Information Act of 2002, Pub. L. No. 107=300.
106 9 8. It is the intent of the general assembly
106 10 that the department continue to implement the
106 11 recommendations of the assuring better child health
106 12 and development initiative II (ABCDII) clinical panel
106 13 to the Iowa early and periodic screening, diagnostic,
106 14 and treatment services healthy mental development
106 15 collaborative board regarding changes to billing
106 16 procedures, codes, and eligible service providers.
106 17 9. Of the funds appropriated in this section,
106 18 a sufficient amount is allocated to supplement
106 19 the incomes of residents of nursing facilities,
106 20 intermediate care facilities for persons with mental
106 21 illness, and intermediate care facilities for persons
106 22 with mental retardation, with incomes of less than $50
106 23 in the amount necessary for the residents to receive a
106 24 personal needs allowance of $50 per month pursuant to
106 25 section 249A.30A.
106 26 10. Of the funds appropriated in this section,
106 27 the following amounts shall be transferred to the
106 28 appropriations made in this division of this Act for
106 29 the state mental health institutes:
106 30 a. Cherokee mental health institute ..... $
106 31 9,098,425
106 32 b. Clarinda mental health institute ..... $
106 33 1,977,305
106 34 c. Independence mental health institute ..... $
106 35 9,045,894
106 36 d. Mount Pleasant mental health institute .... $
106 37 5,752,587
106 38 11. a. Of the funds appropriated in this section,
106 39 $7,425,684 is allocated for the state match for a
106 40 disproportionate share hospital payment of $19,133,430
106 41 to hospitals that meet both of the conditions specified
106 42 in subparagraphs (1) and (2). In addition, the
106 43 hospitals that meet the conditions specified shall
106 44 either certify public expenditures or transfer to
106 45 the medical assistance program an amount equal to
106 46 provide the nonfederal share for a disproportionate
106 47 share hospital payment of $7,500,000. The hospitals
106 48 that meet the conditions specified shall receive and
106 49 retain 100 percent of the total disproportionate share
106 50 hospital payment of $26,633,430.

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107 1 (1) The hospital qualifies for disproportionate
107 2 share and graduate medical education payments.
107 3 (2) The hospital is an Iowa state=owned hospital
107 4 with more than 500 beds and eight or more distinct
107 5 residency specialty or subspecialty programs recognized
107 6 by the American college of graduate medical education.
107 7 b. Distribution of the disproportionate share
107 8 payments shall be made on a monthly basis. The total
107 9 amount of disproportionate share payments including
107 10 graduate medical education, enhanced disproportionate
107 11 share, and Iowa state=owned teaching hospital payments
107 12 shall not exceed the amount of the state's allotment
107 13 under Pub. L. No. 102=234. In addition, the total
107 14 amount of all disproportionate share payments shall not
107 15 exceed the hospital=specific disproportionate share
107 16 limits under Pub. L. No. 103=66.
107 17 12. The university of Iowa hospitals and clinics
107 18 shall either certify public expenditures or transfer to
107 19 the medical assistance appropriation an amount equal
107 20 to provide the nonfederal share for increased medical
107 21 assistance payments for inpatient and outpatient
107 22 hospital services of $9,900,000. The university of
107 23 Iowa hospitals and clinics shall receive and retain 100
107 24 percent of the total increase in medical assistance
107 25 payments.
107 26 13. Of the funds appropriated in this section,
107 27 up to $4,480,304 may be transferred to the IowaCare
107 28 account created in section 249J.24.
107 29 14. Of the funds appropriated in this section,
107 30 $200,000 shall be used for the Iowa chronic care
107 31 consortium pursuant to 2003 Iowa Acts, chapter 112,
107 32 section 12, as amended by 2003 Iowa Acts, chapter 179,
107 33 sections 166 and 167.
107 34 15. One hundred percent of the nonfederal share of
107 35 payments to area education agencies that are medical
107 36 assistance providers for medical assistance=covered
107 37 services provided to medical assistance=covered
107 38 children, shall be made from the appropriation made in
107 39 this section.
107 40 16. Any new or renewed contract entered into by the
107 41 department with a third party to administer behavioral
107 42 health services under the medical assistance program
107 43 shall provide that any interest earned on payments
107 44 from the state during the state fiscal year shall be
107 45 remitted to the department and treated as recoveries to
107 46 offset the costs of the medical assistance program.
107 47 17. The department shall continue to implement the
107 48 provisions in 2007 Iowa Acts, chapter 218, section
107 49 124 and section 126, as amended by 2008 Iowa Acts,
107 50 chapter 1188, section 55, relating to eligibility for

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108 1 certain persons with disabilities under the medical
108 2 assistance program in accordance with the federal
108 3 family opportunity Act.
108 4 18. A portion of the funds appropriated in this
108 5 section may be transferred to the appropriation in this
108 6 division of this Act for medical contracts to be used
108 7 for administrative activities associated with the money
108 8 follows the person demonstration project.
108 9 19. Of the funds appropriated in this section,
108 10 $349,011 shall be used for the administration of the
108 11 health insurance premium payment program, including
108 12 salaries, support, maintenance, and miscellaneous
108 13 purposes for the fiscal year beginning July 1, 2012.
108 14 20. Notwithstanding any provision of law to the
108 15 contrary, the department of human services shall
108 16 continue implementation of the amended section 1915(b)
108 17 waiver and Iowa plan contract for inclusion of remedial
108 18 services under the Iowa plan contract for the fiscal
108 19 year beginning July 1, 2012.
108 20 Sec. 116. MEDICAL CONTRACTS. There is appropriated
108 21 from the general fund of the state to the department of
108 22 human services for the fiscal year beginning July 1,
108 23 2012, and ending June 30, 2013, the following amount,
108 24 or so much thereof as is necessary, to be used for the
108 25 purpose designated:
108 26 For medical contracts:
108 27 ..... $ 4,950,267
108 28 The department of inspections and appeals shall
108 29 provide all state matching funds for survey and
108 30 certification activities performed by the department
108 31 of inspections and appeals. The department of human
108 32 services is solely responsible for distributing the
108 33 federal matching funds for such activities.
108 34 Sec. 117. STATE SUPPLEMENTARY ASSISTANCE.
108 35 1. There is appropriated from the general fund of
108 36 the state to the department of human services for the
108 37 fiscal year beginning July 1, 2012, and ending June 30,
108 38 2013, the following amount, or so much thereof as is
108 39 necessary, to be used for the purpose designated:
108 40 For the state supplementary assistance program:
108 41 ..... $ 14,323,135
108 42 2. The department shall increase the personal needs
108 43 allowance for residents of residential care facilities
108 44 by the same percentage and at the same time as federal
108 45 supplemental security income and federal social
108 46 security benefits are increased due to a recognized
108 47 increase in the cost of living. The department may
108 48 adopt emergency rules to implement this subsection.
108 49 3. If during the fiscal year beginning July 1,
108 50 2012, the department projects that state supplementary

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109 1 assistance expenditures for a calendar year will not
109 2 meet the federal pass=through requirement specified
109 3 in Tit. XVI of the federal Social Security Act,
109 4 section 1618, as codified in 42 U.S.C. { 1382g,
109 5 the department may take actions including but not
109 6 limited to increasing the personal needs allowance
109 7 for residential care facility residents and making
109 8 programmatic adjustments or upward adjustments of the
109 9 residential care facility or in=home health=related
109 10 care reimbursement rates prescribed in this division of
109 11 this Act to ensure that federal requirements are met.
109 12 In addition, the department may make other programmatic
109 13 and rate adjustments necessary to remain within the
109 14 amount appropriated in this section while ensuring
109 15 compliance with federal requirements. The department
109 16 may adopt emergency rules to implement the provisions
109 17 of this subsection.
109 18 Sec. 118. CHILDREN'S HEALTH INSURANCE
109 19 PROGRAM. There is appropriated from the general
109 20 fund of the state to the department of human services
109 21 for the fiscal year beginning July 1, 2012, and ending
109 22 June 30, 2013, the following amount, or so much thereof
109 23 as is necessary, to be used for the purpose designated:
109 24 For maintenance of the healthy and well kids in Iowa
109 25 (hawk=i) program pursuant to chapter 514I, including
109 26 supplemental dental services, for receipt of federal
109 27 financial participation under Tit. XXI of the federal
109 28 Social Security Act, which creates the children's
109 29 health insurance program:
109 30 ..... $ 27,775,579
109 31 Sec. 119. CHILD CARE ASSISTANCE. There is
109 32 appropriated from the general fund of the state to
109 33 the department of human services for the fiscal year
109 34 beginning July 1, 2012, and ending June 30, 2013, the
109 35 following amount, or so much thereof as is necessary,
109 36 to be used for the purpose designated:
109 37 For child care programs:
109 38 ..... $ 46,952,013
109 39 1. Of the funds appropriated in this section,
109 40 $44,088,000 shall be used for state child care
109 41 assistance in accordance with section 237A.13.
109 42 2. Nothing in this section shall be construed or
109 43 is intended as or shall imply a grant of entitlement
109 44 for services to persons who are eligible for assistance
109 45 due to an income level consistent with the waiting
109 46 list requirements of section 237A.13. Any state
109 47 obligation to provide services pursuant to this section
109 48 is limited to the extent of the funds appropriated in
109 49 this section.
109 50 3. Of the funds appropriated in this section,

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110 1 $367,585 is allocated for the statewide program for
110 2 child care resource and referral services under section
110 3 237A.26. A list of the registered and licensed child
110 4 care facilities operating in the area served by a
110 5 child care resource and referral service shall be made
110 6 available to the families receiving state child care
110 7 assistance in that area.
110 8 4. Of the funds appropriated in this section,
110 9 $796,428 is allocated for child care quality
110 10 improvement initiatives including but not limited to
110 11 the voluntary quality rating system in accordance with
110 12 section 237A.30.
110 13 5. The department may use any of the funds
110 14 appropriated in this section as a match to obtain
110 15 federal funds for use in expanding child care
110 16 assistance and related programs. For the purpose of
110 17 expenditures of state and federal child care funding,
110 18 funds shall be considered obligated at the time
110 19 expenditures are projected or are allocated to the
110 20 department's service areas. Projections shall be based
110 21 on current and projected caseload growth, current and
110 22 projected provider rates, staffing requirements for
110 23 eligibility determination and management of program
110 24 requirements including data systems management,
110 25 staffing requirements for administration of the
110 26 program, contractual and grant obligations and any
110 27 transfers to other state agencies, and obligations for
110 28 decategorization or innovation projects.
110 29 6. A portion of the state match for the federal
110 30 child care and development block grant shall be
110 31 provided as necessary to meet federal matching
110 32 funds requirements through the state general fund
110 33 appropriation made for child development grants and
110 34 other programs for at=risk children in section 279.51.
110 35 7. If a uniform reduction ordered by the governor
110 36 under section 8.31 or other operation of law,
110 37 transfer, or federal funding reduction reduces the
110 38 appropriation made in this section for the fiscal year,
110 39 the percentage reduction in the amount paid out to or
110 40 on behalf of the families participating in the state
110 41 child care assistance program shall be equal to or
110 42 less than the percentage reduction made for any other
110 43 purpose payable from the appropriation made in this
110 44 section and the federal funding relating to it. The
110 45 percentage reduction to the other allocations made in
110 46 this section shall be the same as the uniform reduction
110 47 ordered by the governor or the percentage change of the
110 48 federal funding reduction, as applicable. If there is
110 49 an unanticipated increase in federal funding provided
110 50 for state child care assistance, the entire amount

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111 1 of the increase shall be used for state child care
111 2 assistance payments. If the appropriations made for
111 3 purposes of the state child care assistance program for
111 4 the fiscal year are determined to be insufficient, it
111 5 is the intent of the general assembly to appropriate
111 6 sufficient funding for the fiscal year in order to
111 7 avoid establishment of waiting list requirements.
111 8 8. Notwithstanding section 8.33, moneys
111 9 appropriated in this section or received from the
111 10 federal appropriations made for the purposes of this
111 11 section that remain unencumbered or unobligated at the
111 12 close of the fiscal year shall not revert to any fund
111 13 but shall remain available for expenditure for the
111 14 purposes designated until the close of the succeeding
111 15 fiscal year.
111 16 Sec. 120. JUVENILE INSTITUTIONS. There is
111 17 appropriated from the general fund of the state to
111 18 the department of human services for the fiscal year
111 19 beginning July 1, 2012, and ending June 30, 2013, the
111 20 following amounts, or so much thereof as is necessary,
111 21 to be used for the purposes designated:
111 22 1. For operation of the Iowa juvenile home at
111 23 Toledo and for salaries, support, maintenance, and
111 24 miscellaneous purposes, and for not more than the
111 25 following full=time equivalent positions:
111 26 ..... $ 7,019,513
111 27 ..... FTEs 114.00
111 28 2. For operation of the state training school at
111 29 Eldora and for salaries, support, maintenance, and
111 30 miscellaneous purposes, and for not more than the
111 31 following full=time equivalent positions:
111 32 ..... $ 9,042,875
111 33 ..... FTEs 164.30
111 34 Of the funds appropriated in this subsection,
111 35 $77,478 shall be used for distribution to licensed
111 36 classroom teachers at this and other institutions under
111 37 the control of the department of human services based
111 38 upon the average student yearly enrollment at each
111 39 institution as determined by the department.
111 40 3. A portion of the moneys appropriated in this
111 41 section shall be used by the state training school and
111 42 by the Iowa juvenile home for grants for adolescent
111 43 pregnancy prevention activities at the institutions in
111 44 the fiscal year beginning July 1, 2012.
111 45 Sec. 121. CHILD AND FAMILY SERVICES.
111 46 1. There is appropriated from the general fund of
111 47 the state to the department of human services for the
111 48 fiscal year beginning July 1, 2012, and ending June 30,
111 49 2013, the following amount, or so much thereof as is
111 50 necessary, to be used for the purpose designated:

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112 1 For child and family services:
112 2 ..... $ 69,981,332
112 3 2. In order to address a reduction of $5,200,000
112 4 from the amount allocated under the appropriation made
112 5 for the purposes of this section in prior years for
112 6 purposes of juvenile delinquent graduated sanction
112 7 services, up to $4,420,000 of the amount of federal
112 8 temporary assistance for needy families block grant
112 9 funding appropriated in this division of this Act for
112 10 child and family services shall be made available for
112 11 purposes of juvenile delinquent graduated sanction
112 12 services.
112 13 3. The department may transfer funds appropriated
112 14 in this section as necessary to pay the nonfederal
112 15 costs of services reimbursed under the medical
112 16 assistance program, state child care assistance
112 17 program, or the family investment program which are
112 18 provided to children who would otherwise receive
112 19 services paid under the appropriation in this section.
112 20 The department may transfer funds appropriated in this
112 21 section to the appropriations made in this division
112 22 of this Act for general administration and for field
112 23 operations for resources necessary to implement and
112 24 operate the services funded in this section.
112 25 4. a. Of the funds appropriated in this section,
112 26 up to $25,643,760 is allocated as the statewide
112 27 expenditure target under section 232.143 for group
112 28 foster care maintenance and services. If the
112 29 department projects that such expenditures for the
112 30 fiscal year will be less than the target amount
112 31 allocated in this lettered paragraph, the department
112 32 may reallocate the excess to provide additional
112 33 funding for shelter care or the child welfare emergency
112 34 services addressed with the allocation for shelter
112 35 care.
112 36 b. If at any time after September 30, 2012,
112 37 annualization of a service area's current expenditures
112 38 indicates a service area is at risk of exceeding its
112 39 group foster care expenditure target under section
112 40 232.143 by more than 5 percent, the department and
112 41 juvenile court services shall examine all group
112 42 foster care placements in that service area in order
112 43 to identify those which might be appropriate for
112 44 termination. In addition, any aftercare services
112 45 believed to be needed for the children whose
112 46 placements may be terminated shall be identified. The
112 47 department and juvenile court services shall initiate
112 48 action to set dispositional review hearings for the
112 49 placements identified. In such a dispositional review
112 50 hearing, the juvenile court shall determine whether

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113 1 needed aftercare services are available and whether
113 2 termination of the placement is in the best interest of
113 3 the child and the community.
113 4 5. In accordance with the provisions of section
113 5 232.188, the department shall continue the child
113 6 welfare and juvenile justice funding initiative during
113 7 fiscal year 2012=2013. Of the funds appropriated in
113 8 this section, $1,460,090 is allocated specifically
113 9 for expenditure for fiscal year 2012=2013 through the
113 10 decategorization service funding pools and governance
113 11 boards established pursuant to section 232.188.
113 12 6. A portion of the funds appropriated in this
113 13 section may be used for emergency family assistance
113 14 to provide other resources required for a family
113 15 participating in a family preservation or reunification
113 16 project or successor project to stay together or to be
113 17 reunified.
113 18 7. Notwithstanding section 234.35 or any other
113 19 provision of law to the contrary, state funding for
113 20 shelter care and the child welfare emergency services
113 21 contracting implemented to provide for or prevent the
113 22 need for shelter care shall be limited to $6,094,599.
113 23 The department may execute contracts that result from
113 24 the department's request for proposal, bid number
113 25 ACFS=11=114, to provide the range of child welfare
113 26 emergency services described in the request for
113 27 proposals, and any subsequent amendments to the request
113 28 for proposals.
113 29 8. Federal funds received by the state during
113 30 the fiscal year beginning July 1, 2012, as the
113 31 result of the expenditure of state funds appropriated
113 32 during a previous state fiscal year for a service or
113 33 activity funded under this section are appropriated
113 34 to the department to be used as additional funding
113 35 for services and purposes provided for under this
113 36 section. Notwithstanding section 8.33, moneys
113 37 received in accordance with this subsection that remain
113 38 unencumbered or unobligated at the close of the fiscal
113 39 year shall not revert to any fund but shall remain
113 40 available for the purposes designated until the close
113 41 of the succeeding fiscal year.
113 42 9. Of the funds appropriated in this section, at
113 43 least $3,141,842 shall be used for protective child
113 44 care assistance.
113 45 10. a. Of the funds appropriated in this section,
113 46 up to $1,753,115 is allocated for the payment of
113 47 the expenses of court=ordered services provided to
113 48 juveniles who are under the supervision of juvenile
113 49 court services, which expenses are a charge upon the
113 50 state pursuant to section 232.141, subsection 4. Of

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114 1 the amount allocated in this lettered paragraph,
114 2 up to $1,322,844 shall be made available to provide
114 3 school=based supervision of children adjudicated under
114 4 chapter 232, of which not more than $12,750 may be used
114 5 for the purpose of training. A portion of the cost of
114 6 each school=based liaison officer shall be paid by the
114 7 school district or other funding source as approved by
114 8 the chief juvenile court officer.
114 9 b. Of the funds appropriated in this section, up to
114 10 $636,637 is allocated for the payment of the expenses
114 11 of court=ordered services provided to children who are
114 12 under the supervision of the department, which expenses
114 13 are a charge upon the state pursuant to section
114 14 232.141, subsection 4.
114 15 c. Notwithstanding section 232.141 or any other
114 16 provision of law to the contrary, the amounts allocated
114 17 in this subsection shall be distributed to the
114 18 judicial districts as determined by the state court
114 19 administrator and to the department's service areas as
114 20 determined by the administrator of the department's
114 21 division of child and family services. The state court
114 22 administrator and the division administrator shall make
114 23 the determination of the distribution amounts on or
114 24 before June 15, 2012.
114 25 d. Notwithstanding chapter 232 or any other
114 26 provision of law to the contrary, a district or
114 27 juvenile court shall not order any service which is
114 28 a charge upon the state pursuant to section 232.141
114 29 if there are insufficient court=ordered services
114 30 funds available in the district court or departmental
114 31 service area distribution amounts to pay for the
114 32 service. The chief juvenile court officer and the
114 33 departmental service area manager shall encourage use
114 34 of the funds allocated in this subsection such that
114 35 there are sufficient funds to pay for all court=related
114 36 services during the entire year. The chief juvenile
114 37 court officers and departmental service area managers
114 38 shall attempt to anticipate potential surpluses and
114 39 shortfalls in the distribution amounts and shall
114 40 cooperatively request the state court administrator
114 41 or division administrator to transfer funds between
114 42 the judicial districts' or departmental service areas'
114 43 distribution amounts as prudent.
114 44 e. Notwithstanding any provision of law to the
114 45 contrary, a district or juvenile court shall not order
114 46 a county to pay for any service provided to a juvenile
114 47 pursuant to an order entered under chapter 232 which
114 48 is a charge upon the state under section 232.141,
114 49 subsection 4.
114 50 f. Of the funds allocated in this subsection, not

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115 1 more than $70,550 may be used by the judicial branch
115 2 for administration of the requirements under this
115 3 subsection.
115 4 g. Of the funds allocated in this subsection,
115 5 $14,450 shall be used by the department of human
115 6 services to support the interstate commission for
115 7 juveniles in accordance with the interstate compact for
115 8 juveniles as provided in section 232.173.
115 9 11. Of the funds appropriated in this section,
115 10 $4,609,212 is allocated for juvenile delinquent
115 11 graduated sanctions services. Any state funds saved as
115 12 a result of efforts by juvenile court services to earn
115 13 federal Tit. IV=E match for juvenile court services
115 14 administration may be used for the juvenile delinquent
115 15 graduated sanctions services.
115 16 12. Of the funds appropriated in this section,
115 17 $840,042 shall be transferred to the department of
115 18 public health to be used for the child protection
115 19 center grant program in accordance with section
115 20 135.118.
115 21 13. If the department receives federal approval
115 22 to implement a waiver under Tit. IV=E of the federal
115 23 Social Security Act to enable providers to serve
115 24 children who remain in the children's families and
115 25 communities, for purposes of eligibility under the
115 26 medical assistance program, children who participate in
115 27 the waiver shall be considered to be placed in foster
115 28 care.
115 29 14. Of the funds appropriated in this section,
115 30 $2,609,357 is allocated for the preparation for adult
115 31 living program pursuant to section 234.46.
115 32 15. Of the funds appropriated in this section,
115 33 $442,128 shall be used for juvenile drug courts.
115 34 The amount allocated in this subsection shall be
115 35 distributed as follows:
115 36 To the judicial branch for salaries to assist with
115 37 the operation of juvenile drug court programs operated
115 38 in the following jurisdictions:
115 39 a. Marshall county:
115 40 ..... $ 53,302
115 41 b. Woodbury county:
115 42 ..... $ 106,830
115 43 c. Polk county:
115 44 ..... $ 166,508
115 45 d. The third judicial district:
115 46 ..... $ 57,744
115 47 e. The eighth judicial district:
115 48 ..... $ 57,744
115 49 16. Of the funds appropriated in this section,
115 50 $193,236 shall be used for the public purpose of

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116 1 providing a grant to a nonprofit human services
116 2 organization providing services to individuals and
116 3 families in multiple locations in southwest Iowa and
116 4 Nebraska for support of a project providing immediate,
116 5 sensitive support and forensic interviews, medical
116 6 exams, needs assessments, and referrals for victims of
116 7 child abuse and their nonoffending family members.
116 8 17. Of the funds appropriated in this section,
116 9 $106,752 is allocated for the elevate approach of
116 10 providing a support network to children placed in
116 11 foster care.
116 12 18. Of the funds appropriated in this section,
116 13 $171,700 is allocated for use pursuant to section
116 14 235A.1 for continuation of the initiative to address
116 15 child sexual abuse implemented pursuant to 2007 Iowa
116 16 Acts, chapter 218, section 18, subsection 21.
116 17 19. Of the funds appropriated in this section,
116 18 $535,704 is allocated for the community partnership for
116 19 child protection sites.
116 20 20. Of the funds appropriated in this section,
116 21 $315,563 is allocated for the department's minority
116 22 youth and family projects under the redesign of the
116 23 child welfare system.
116 24 21. Of the funds appropriated in this section,
116 25 $1,020,421 is allocated for funding of the state match
116 26 for the federal substance abuse and mental health
116 27 services administration (SAMHSA) system of care grant.
116 28 22. Of the funds appropriated in this section, at
116 29 least $125,084 shall be used for the child welfare
116 30 training academy.
116 31 23. Of the funds appropriated in this section,
116 32 $21,250 shall be used for the public purpose of
116 33 providing a grant to a child welfare services provider
116 34 headquartered in a county with a population between
116 35 205,000 and 215,000 in the latest certified federal
116 36 census that provides multiple services including but
116 37 not limited to a psychiatric medical institution for
116 38 children, shelter, residential treatment, after school
116 39 programs, school=based programming, and an Asperger's
116 40 syndrome program, to be used for support services
116 41 for children with autism spectrum disorder and their
116 42 families.
116 43 24. Of the funds appropriated in this section,
116 44 $213,183 shall be used for the public purpose of
116 45 continuing the central Iowa system of care program
116 46 grant through June 30, 2013.
116 47 25. Of the funds appropriated in this section,
116 48 $136,000 shall be used for the public purpose of
116 49 continuing the system of care grant in Mason City and
116 50 Cedar Rapids through June 30, 2013.

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117 1 Sec. 122. ADOPTION SUBSIDY.
117 2 1. There is appropriated from the general fund of
117 3 the state to the department of human services for the
117 4 fiscal year beginning July 1, 2012, and ending June 30,
117 5 2013, the following amount, or so much thereof as is
117 6 necessary, to be used for the purpose designated:
117 7 For adoption subsidy payments and services:
117 8 ..... $ 29,662,952
117 9 2. The department may transfer funds appropriated
117 10 in this section to the appropriation made in this
117 11 division of this Act for general administration for
117 12 costs paid from the appropriation relating to adoption
117 13 subsidy.
117 14 3. Federal funds received by the state during the
117 15 fiscal year beginning July 1, 2012, as the result of
117 16 the expenditure of state funds during a previous state
117 17 fiscal year for a service or activity funded under
117 18 this section are appropriated to the department to
117 19 be used as additional funding for the services and
117 20 activities funded under this section. Notwithstanding
117 21 section 8.33, moneys received in accordance with this
117 22 subsection that remain unencumbered or unobligated at
117 23 the close of the fiscal year shall not revert to any
117 24 fund but shall remain available for expenditure for the
117 25 purposes designated until the close of the succeeding
117 26 fiscal year.
117 27 Sec. 123. JUVENILE DETENTION HOME FUND. Moneys
117 28 deposited in the juvenile detention home fund
117 29 created in section 232.142 during the fiscal year
117 30 beginning July 1, 2012, and ending June 30, 2013, are
117 31 appropriated to the department of human services for
117 32 the fiscal year beginning July 1, 2012, and ending
117 33 June 30, 2013, for distribution of an amount equal
117 34 to a percentage of the costs of the establishment,
117 35 improvement, operation, and maintenance of county or
117 36 multicounty juvenile detention homes in the fiscal
117 37 year beginning July 1, 2011. Moneys appropriated for
117 38 distribution in accordance with this section shall be
117 39 allocated among eligible detention homes, prorated on
117 40 the basis of an eligible detention home's proportion
117 41 of the costs of all eligible detention homes in the
117 42 fiscal year beginning July 1, 2011. The percentage
117 43 figure shall be determined by the department based on
117 44 the amount available for distribution for the fund.
117 45 Notwithstanding section 232.142, subsection 3, the
117 46 financial aid payable by the state under that provision
117 47 for the fiscal year beginning July 1, 2012, shall be
117 48 limited to the amount appropriated for the purposes of
117 49 this section.
117 50 Sec. 124. FAMILY SUPPORT SUBSIDY PROGRAM.

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118 1 1. There is appropriated from the general fund of
118 2 the state to the department of human services for the
118 3 fiscal year beginning July 1, 2012, and ending June 30,
118 4 2013, the following amount, or so much thereof as is
118 5 necessary, to be used for the purpose designated:
118 6 For the family support subsidy program subject
118 7 to the enrollment restrictions in section 225C.37,
118 8 subsection 3:
118 9 ..... $ 992,798
118 10 2. The department shall use at least $327,675 of
118 11 the moneys appropriated in this section for the family
118 12 support center component of the comprehensive family
118 13 support program under section 225C.47. Not more than
118 14 $21,250 of the amount allocated in this subsection
118 15 shall be used for administrative costs.
118 16 3. If at any time during the fiscal year, the
118 17 amount of funding available for the family support
118 18 subsidy program is reduced from the amount initially
118 19 used to establish the figure for the number of family
118 20 members for whom a subsidy is to be provided at any one
118 21 time during the fiscal year, notwithstanding section
118 22 225C.38, subsection 2, the department shall revise the
118 23 figure as necessary to conform to the amount of funding
118 24 available.
118 25 Sec. 125. CONNER DECREE. There is appropriated
118 26 from the general fund of the state to the department of
118 27 human services for the fiscal year beginning July 1,
118 28 2012, and ending June 30, 2013, the following amount,
118 29 or so much thereof as is necessary, to be used for the
118 30 purpose designated:
118 31 For building community capacity through the
118 32 coordination and provision of training opportunities
118 33 in accordance with the consent decree of Conner v.
118 34 Branstad, No. 4=86=CV=30871(S.D. Iowa, July 14, 1994):
118 35 ..... $ 28,579
118 36 Sec. 126. MENTAL HEALTH INSTITUTES. There is
118 37 appropriated from the general fund of the state to
118 38 the department of human services for the fiscal year
118 39 beginning July 1, 2012, and ending June 30, 2013, the
118 40 following amounts, or so much thereof as is necessary,
118 41 to be used for the purposes designated:
118 42 1. For the state mental health institute at
118 43 Cherokee for salaries, support, maintenance, and
118 44 miscellaneous purposes, and for not more than the
118 45 following full=time equivalent positions:
118 46 ..... $ 4,995,712
118 47 ..... FTEs 168.50
118 48 2. For the state mental health institute at
118 49 Clarinda for salaries, support, maintenance, and
118 50 miscellaneous purposes, and for not more than the

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119 1 following full=time equivalent positions:
119 2 ..... $ 5,449,974
119 3 ..... FTEs 86.10
119 4 3. For the state mental health institute at
119 5 Independence for salaries, support, maintenance, and
119 6 miscellaneous purposes, and for not more than the
119 7 following full=time equivalent positions:
119 8 ..... $ 8,734,332
119 9 ..... FTEs 233.00
119 10 4. For the state mental health institute at Mount
119 11 Pleasant for salaries, support, maintenance, and
119 12 miscellaneous purposes, and for not more than the
119 13 following full=time equivalent positions:
119 14 ..... $ 802,675
119 15 ..... FTEs 91.72
119 16 Sec. 127. STATE RESOURCE CENTERS.
119 17 1. There is appropriated from the general fund of
119 18 the state to the department of human services for the
119 19 fiscal year beginning July 1, 2012, and ending June 30,
119 20 2013, the following amounts, or so much thereof as is
119 21 necessary, to be used for the purposes designated:
119 22 a. For the state resource center at Glenwood for
119 23 salaries, support, maintenance, and miscellaneous
119 24 purposes:
119 25 ..... $ 15,816,631
119 26 b. For the state resource center at Woodward for
119 27 salaries, support, maintenance, and miscellaneous
119 28 purposes:
119 29 ..... $ 10,952,809
119 30 2. The department may continue to bill for state
119 31 resource center services utilizing a scope of services
119 32 approach used for private providers of ICFMR services,
119 33 in a manner which does not shift costs between the
119 34 medical assistance program, counties, or other sources
119 35 of funding for the state resource centers.
119 36 3. The state resource centers may expand the
119 37 time=limited assessment and respite services during the
119 38 fiscal year.
119 39 4. If the department's administration and the
119 40 department of management concur with a finding by a
119 41 state resource center's superintendent that projected
119 42 revenues can reasonably be expected to pay the salary
119 43 and support costs for a new employee position, or
119 44 that such costs for adding a particular number of new
119 45 positions for the fiscal year would be less than the
119 46 overtime costs if new positions would not be added, the
119 47 superintendent may add the new position or positions.
119 48 If the vacant positions available to a resource center
119 49 do not include the position classification desired to
119 50 be filled, the state resource center's superintendent

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120 1 may reclassify any vacant position as necessary to
120 2 fill the desired position. The superintendents of the
120 3 state resource centers may, by mutual agreement, pool
120 4 vacant positions and position classifications during
120 5 the course of the fiscal year in order to assist one
120 6 another in filling necessary positions.
120 7 5. If existing capacity limitations are reached
120 8 in operating units, a waiting list is in effect
120 9 for a service or a special need for which a payment
120 10 source or other funding is available for the service
120 11 or to address the special need, and facilities for
120 12 the service or to address the special need can be
120 13 provided within the available payment source or other
120 14 funding, the superintendent of a state resource center
120 15 may authorize opening not more than two units or
120 16 other facilities and begin implementing the service
120 17 or addressing the special need during fiscal year
120 18 2012=2013.
120 19 Sec. 128. MI/MR/DD STATE CASES.
120 20 1. There is appropriated from the general fund of
120 21 the state to the department of human services for the
120 22 fiscal year beginning July 1, 2012, and ending June 30,
120 23 2013, the following amount, or so much thereof as is
120 24 necessary, to be used for the purpose designated:
120 25 For distribution to counties for state case services
120 26 for persons with mental illness, mental retardation,
120 27 and developmental disabilities in accordance with
120 28 section 331.440:
120 29 ..... $ 10,344,060
120 30 2. For the fiscal year beginning July 1, 2012,
120 31 and ending June 30, 2013, $170,000 is allocated for
120 32 state case services from the amounts appropriated from
120 33 the fund created in section 8.41 to the department
120 34 of human services from the funds received from the
120 35 federal government under 42 U.S.C. ch. 6A, subch. XVII,
120 36 relating to the community mental health center block
120 37 grant, for the federal fiscal years beginning October
120 38 1, 2010, and ending September 30, 2011, beginning
120 39 October 1, 2011, and ending September 30, 2012, and
120 40 beginning October 1, 2012, and ending September 30,
120 41 2013. The allocation made in this subsection shall be
120 42 made prior to any other distribution allocation of the
120 43 appropriated federal funds.
120 44 3. Notwithstanding section 8.33, moneys
120 45 appropriated in this section that remain unencumbered
120 46 or unobligated at the close of the fiscal year shall
120 47 not revert but shall remain available for expenditure
120 48 for the purposes designated until the close of the
120 49 succeeding fiscal year.
120 50 Sec. 129. MENTAL HEALTH AND DEVELOPMENTAL

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121 1 DISABILITIES ==== COMMUNITY SERVICES FUND. There is
121 2 appropriated from the general fund of the state to the
121 3 mental health and developmental disabilities community
121 4 services fund created in section 225C.7 for the fiscal
121 5 year beginning July 1, 2012, and ending June 30,
121 6 2013, the following amount, or so much thereof as is
121 7 necessary, to be used for the purpose designated:
121 8 For mental health and developmental disabilities
121 9 community services in accordance with this division of
121 10 this Act:
121 11 ..... $ 14,211,100
121 12 1. Of the funds appropriated in this section,
121 13 $14,187,556 shall be allocated to counties for funding
121 14 of community=based mental health and developmental
121 15 disabilities services. The moneys shall be allocated
121 16 to a county as follows:
121 17 a. Fifty percent based upon the county's proportion
121 18 of the state's population of persons with an annual
121 19 income which is equal to or less than the poverty
121 20 guideline established by the federal office of
121 21 management and budget.
121 22 b. Fifty percent based upon the county's proportion
121 23 of the state's general population.
121 24 2. a. A county shall utilize the funding the
121 25 county receives pursuant to subsection 1 for services
121 26 provided to persons with a disability, as defined in
121 27 section 225C.2. However, no more than 50 percent of
121 28 the funding shall be used for services provided to any
121 29 one of the service populations.
121 30 b. A county shall use at least 50 percent of
121 31 the funding the county receives under subsection 1
121 32 for contemporary services provided to persons with
121 33 a disability, as described in rules adopted by the
121 34 department.
121 35 3. Of the funds appropriated in this section,
121 36 $20,012 shall be used to support the Iowa compass
121 37 program providing computerized information and referral
121 38 services for Iowans with disabilities and their
121 39 families.
121 40 4. a. Funding appropriated for purposes of the
121 41 federal social services block grant is allocated for
121 42 distribution to counties for local purchase of services
121 43 for persons with mental illness or mental retardation
121 44 or other developmental disability.
121 45 b. The funds allocated in this subsection shall be
121 46 expended by counties in accordance with the county's
121 47 county management plan approved by the board of
121 48 supervisors. A county without an approved county
121 49 management plan shall not receive allocated funds until
121 50 the county's management plan is approved.

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122 1 c. The funds provided by this subsection shall be
122 2 allocated to each county as follows:
122 3 (1) Fifty percent based upon the county's
122 4 proportion of the state's population of persons with
122 5 an annual income which is equal to or less than the
122 6 poverty guideline established by the federal office of
122 7 management and budget.
122 8 (2) Fifty percent based upon the amount provided
122 9 to the county for local purchase of services in the
122 10 preceding fiscal year.
122 11 5. A county is eligible for funds under this
122 12 section if the county qualifies for a state payment as
122 13 described in section 331.439.
122 14 6. The most recent population estimates issued by
122 15 the United States bureau of the census shall be applied
122 16 for the population factors utilized in this section.
122 17 Sec. 130. SEXUALLY VIOLENT PREDATORS.
122 18 1. There is appropriated from the general fund of
122 19 the state to the department of human services for the
122 20 fiscal year beginning July 1, 2012, and ending June 30,
122 21 2013, the following amount, or so much thereof as is
122 22 necessary, to be used for the purpose designated:
122 23 For costs associated with the commitment and
122 24 treatment of sexually violent predators in the unit
122 25 located at the state mental health institute at
122 26 Cherokee, including costs of legal services and
122 27 other associated costs, including salaries, support,
122 28 maintenance, and miscellaneous purposes, and for not
122 29 more than the following full=time equivalent positions:
122 30 ..... $ 6,418,118
122 31 ..... FTEs 89.50
122 32 2. Unless specifically prohibited by law, if the
122 33 amount charged provides for recoupment of at least
122 34 the entire amount of direct and indirect costs, the
122 35 department of human services may contract with other
122 36 states to provide care and treatment of persons placed
122 37 by the other states at the unit for sexually violent
122 38 predators at Cherokee. The moneys received under such
122 39 a contract shall be considered to be repayment receipts
122 40 and used for the purposes of the appropriation made in
122 41 this section.
122 42 Sec. 131. FIELD OPERATIONS. There is appropriated
122 43 from the general fund of the state to the department of
122 44 human services for the fiscal year beginning July 1,
122 45 2012, and ending June 30, 2013, the following amount,
122 46 or so much thereof as is necessary, to be used for the
122 47 purposes designated:
122 48 For field operations, including salaries, support,
122 49 maintenance, and miscellaneous purposes, and for not
122 50 more than the following full=time equivalent positions:

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123 1 ..... $ 47,038,933
123 2 ..... FTEs 1,781.00
123 3 Priority in filling full=time equivalent positions
123 4 shall be given to those positions related to child
123 5 protection services and eligibility determination for
123 6 low=income families.
123 7 Sec. 132. GENERAL ADMINISTRATION. There is
123 8 appropriated from the general fund of the state to
123 9 the department of human services for the fiscal year
123 10 beginning July 1, 2012, and ending June 30, 2013, the
123 11 following amount, or so much thereof as is necessary,
123 12 to be used for the purpose designated:
123 13 For general administration, including salaries,
123 14 support, maintenance, and miscellaneous purposes, and
123 15 for not more than the following full=time equivalent
123 16 positions:
123 17 ..... $ 12,874,733
123 18 ..... FTEs 290.00
123 19 1. Of the funds appropriated in this section,
123 20 $32,762 allocated for the prevention of disabilities
123 21 policy council established in section 225B.3.
123 22 2. The department shall report at least monthly
123 23 to the legislative services agency concerning the
123 24 department's operational and program expenditures.
123 25 3. Of the funds appropriated in this section,
123 26 $112,455 shall be used to continue to contract with
123 27 a statewide association representing community
123 28 providers of mental health, mental retardation and
123 29 brain injury services programs to provide technical
123 30 assistance, support, and consultation to providers of
123 31 habilitation services and home and community=based
123 32 waiver services for adults with disabilities under the
123 33 medical assistance program. Notwithstanding section
123 34 8.47 or any other provision of law to the contrary,
123 35 the department may utilize a sole source approach to
123 36 contract with the association.
123 37 4. Of the funds appropriated in this section,
123 38 $149,940 shall be used to continue to contract with
123 39 an appropriate entity to expand the provision of
123 40 nationally accredited and recognized internet=based
123 41 training to include mental health and disability
123 42 services providers. Notwithstanding section 8.47
123 43 or any other provision of law to the contrary, the
123 44 department may utilize a sole site source approach to
123 45 enter into such contract.
123 46 5. Of the funds appropriated in this section,
123 47 $425,000 shall be used for continued implementation of
123 48 child protection system improvements addressed in 2011
123 49 Iowa Acts, House File 562, as enacted.
123 50 Sec. 133. VOLUNTEERS. There is appropriated from

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124 1 the general fund of the state to the department of
124 2 human services for the fiscal year beginning July 1,
124 3 2012, and ending June 30, 2013, the following amount,
124 4 or so much thereof as is necessary, to be used for the
124 5 purpose designated:
124 6 For development and coordination of volunteer
124 7 services:
124 8 ..... $ 71,961
124 9 Sec. 134. MEDICAL ASSISTANCE, STATE SUPPLEMENTARY
124 10 ASSISTANCE, AND SOCIAL SERVICE PROVIDERS REIMBURSED
124 11 UNDER THE DEPARTMENT OF HUMAN SERVICES.
124 12 1. a. (1) For the fiscal year beginning July 1,
124 13 2012, the total state funding amount for the nursing
124 14 facility budget shall not exceed $225,502,551.
124 15 (2) The department, in cooperation with nursing
124 16 facility representatives, shall review projections for
124 17 state funding expenditures for reimbursement of nursing
124 18 facilities on a quarterly basis and the department
124 19 shall determine if an adjustment to the medical
124 20 assistance reimbursement rate is necessary in order to
124 21 provide reimbursement within the state funding amount
124 22 for the fiscal year. Notwithstanding 2001 Iowa Acts,
124 23 chapter 192, section 4, subsection 2, paragraph "c",
124 24 and subsection 3, paragraph "a", subparagraph (2), if
124 25 the state funding expenditures for the nursing facility
124 26 budget for the fiscal year is projected to exceed the
124 27 amount specified in subparagraph (1), the department
124 28 shall adjust the reimbursement for nursing facilities
124 29 reimbursed under the case=mix reimbursement system to
124 30 maintain expenditures of the nursing facility budget
124 31 within the specified amount for the fiscal year.
124 32 (3) For the fiscal year beginning July 1, 2012,
124 33 special population nursing facilities shall be
124 34 reimbursed in accordance with the methodology in effect
124 35 on June 30, 2012.
124 36 b. For the fiscal year beginning July 1, 2012, the
124 37 department shall reimburse pharmacy dispensing fees
124 38 using a single rate of $4.34 per prescription or the
124 39 pharmacy's usual and customary fee, whichever is lower.
124 40 However, the department shall adjust the dispensing fee
124 41 specified in this paragraph to distribute an additional
124 42 $3,000,000 in reimbursements for pharmacy dispensing
124 43 fees under this paragraph for the fiscal year.
124 44 c. (1) For the fiscal year beginning July 1, 2012,
124 45 reimbursement rates for outpatient hospital services
124 46 shall remain at the rates in effect on June 30, 2012.
124 47 (2) For the fiscal year beginning July 1, 2012,
124 48 reimbursement rates for inpatient hospital services
124 49 shall remain at the rates in effect on June 30, 2012.
124 50 (3) For the fiscal year beginning July 1, 2012,

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125 1 the graduate medical education and disproportionate
125 2 share hospital fund shall remain at the amount in
125 3 effect on June 30, 2012, except that the portion of
125 4 the fund attributable to graduate medical education
125 5 shall be reduced in an amount that reflects the
125 6 elimination of graduate medical education payments made
125 7 to out=of=state hospitals.
125 8 (4) In order to ensure the efficient use of limited
125 9 state funds in procuring health care services for
125 10 low=income Iowans, funds appropriated in this division
125 11 of this Act for hospital services shall not be used for
125 12 activities which would be excluded from a determination
125 13 of reasonable costs under the federal Medicare program
125 14 pursuant to 42 U.S.C. { 1395X(v)(1)(N).
125 15 d. For the fiscal year beginning July 1, 2012,
125 16 reimbursement rates for rural health clinics, hospices,
125 17 and acute mental hospitals shall be increased in
125 18 accordance with increases under the federal Medicare
125 19 program or as supported by their Medicare audited
125 20 costs.
125 21 e. For the fiscal year beginning July 1, 2012,
125 22 independent laboratories and rehabilitation agencies
125 23 shall be reimbursed using the same methodology in
125 24 effect on June 30, 2012.
125 25 f. For the fiscal year beginning July 1, 2012,
125 26 reimbursement rates for home health agencies shall
125 27 remain at the rates in effect on June 30, 2012, not to
125 28 exceed a home health agency's actual allowable cost.
125 29 g. For the fiscal year beginning July 1, 2012,
125 30 federally qualified health centers shall receive
125 31 cost=based reimbursement for 100 percent of the
125 32 reasonable costs for the provision of services to
125 33 recipients of medical assistance.
125 34 h. For the fiscal year beginning July 1, 2012, the
125 35 reimbursement rates for dental services shall remain at
125 36 the rates in effect on June 30, 2012.
125 37 i. (1) For the fiscal year beginning July 1,
125 38 2012, state=owned psychiatric medical institutions
125 39 for children shall receive cost=based reimbursement
125 40 for 100 percent of the actual and allowable costs for
125 41 the provision of services to recipients of medical
125 42 assistance.
125 43 (2) For the nonstate=owned psychiatric medical
125 44 institutions for children, reimbursement rates shall
125 45 be based on the reimbursement methodology developed by
125 46 the department in consultation with representatives of
125 47 the nonstate=owned psychiatric medical institutions
125 48 for children to include all ancillary medical services
125 49 costs and any other changes required for federal
125 50 compliance.

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126 1 j. For the fiscal year beginning July 1, 2012,
126 2 unless otherwise specified in the health and human
126 3 services divisions of this Act, all noninstitutional
126 4 medical assistance provider reimbursement rates shall
126 5 remain at the rates in effect on June 30, 2012, except
126 6 for area education agencies, local education agencies,
126 7 infant and toddler services providers, and those
126 8 providers whose rates are required to be determined
126 9 pursuant to section 249A.20.
126 10 k. Notwithstanding any provision to the contrary,
126 11 for the fiscal year beginning July 1, 2012, the
126 12 reimbursement rate for anesthesiologists shall remain
126 13 at the rate in effect on June 30, 2012.
126 14 l. Notwithstanding section 249A.20, for the fiscal
126 15 year beginning July 1, 2012, the average reimbursement
126 16 rate for health care providers eligible for use of the
126 17 federal Medicare resource=based relative value scale
126 18 reimbursement methodology under that section shall
126 19 remain at the rate in effect on June 30, 2012; however,
126 20 this rate shall not exceed the maximum level authorized
126 21 by the federal government.
126 22 m. For the fiscal year beginning July 1, 2012, the
126 23 reimbursement rate for residential care facilities
126 24 shall not be less than the minimum payment level as
126 25 established by the federal government to meet the
126 26 federally mandated maintenance of effort requirement.
126 27 The flat reimbursement rate for facilities electing not
126 28 to file annual cost reports shall not be less than the
126 29 minimum payment level as established by the federal
126 30 government to meet the federally mandated maintenance
126 31 of effort requirement.
126 32 n. For the fiscal year beginning July 1, 2012,
126 33 inpatient mental health services provided at hospitals
126 34 shall remain at the rates in effect on June 30, 2012,
126 35 subject to Medicaid program upper payment limit rules;
126 36 community mental health centers and providers of mental
126 37 health services to county residents pursuant to a
126 38 waiver approved under section 225C.7, subsection 3,
126 39 shall be reimbursed at 100 percent of the reasonable
126 40 costs for the provision of services to recipients
126 41 of medical assistance; and psychiatrists shall be
126 42 reimbursed at the medical assistance program fee for
126 43 service rate.
126 44 o. For the fiscal year beginning July 1, 2012, the
126 45 reimbursement rate for consumer=directed attendant care
126 46 shall remain at the rates in effect on June 30, 2012.
126 47 p. For the fiscal year beginning July 1, 2012, the
126 48 reimbursement rate for providers of family planning
126 49 services that are eligible to receive a 90 percent
126 50 federal match shall remain at the rates in effect on

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127 1 June 30, 2012.
127 2 q. For the fiscal year beginning July 1, 2012, the
127 3 department shall adjust the rates in effect on June
127 4 30, 2012, for providers of home and community=based
127 5 services waiver services to distribute an additional
127 6 $1,500,000 in reimbursements to such providers for the
127 7 fiscal year.
127 8 2. For the fiscal year beginning July 1, 2012, the
127 9 reimbursement rate for providers reimbursed under the
127 10 in=home=related care program shall not be less than the
127 11 minimum payment level as established by the federal
127 12 government to meet the federally mandated maintenance
127 13 of effort requirement.
127 14 3. Unless otherwise directed in this section, when
127 15 the department's reimbursement methodology for any
127 16 provider reimbursed in accordance with this section
127 17 includes an inflation factor, this factor shall not
127 18 exceed the amount by which the consumer price index for
127 19 all urban consumers increased during the calendar year
127 20 ending December 31, 2002.
127 21 4. For the fiscal year beginning July 1, 2012,
127 22 notwithstanding section 234.38, the foster family basic
127 23 daily maintenance rate and the maximum adoption subsidy
127 24 rate for children ages 0 through 5 years shall be
127 25 $15.74, the rate for children ages 6 through 11 years
127 26 shall be $16.37, the rate for children ages 12 through
127 27 15 years shall be $17.92, and the rate for children
127 28 and young adults ages 16 and older shall be $18.16.
127 29 The maximum supervised apartment living foster care
127 30 reimbursement rate shall be $25.00 per day. For youth
127 31 ages 18 to 21 who have exited foster care, the maximum
127 32 preparation for adult living program maintenance rate
127 33 shall be $574.00 per month. The maximum payment for
127 34 adoption subsidy nonrecurring expenses shall be limited
127 35 to $500 and the disallowance of additional amounts
127 36 for court costs and other related legal expenses
127 37 implemented pursuant to 2010 Iowa Acts, chapter 1031,
127 38 section 408 shall be continued.
127 39 5. For the fiscal year beginning July 1, 2012,
127 40 the maximum reimbursement rates under the supervised
127 41 apartment living program and for social services
127 42 providers under contract shall remain at the rates
127 43 in effect on June 30, 2012, or the provider's actual
127 44 and allowable cost plus inflation for each service,
127 45 whichever is less. However, if a new service or
127 46 service provider is added after June 30, 2012, the
127 47 initial reimbursement rate for the service or provider
127 48 shall be based upon actual and allowable costs.
127 49 Providers may also be eligible for an additional
127 50 amount as specified under the department's request for

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128 1 proposal, bid number ACFS=11=115.
128 2 6. For the fiscal year beginning July 1, 2012,
128 3 the reimbursement rates for family=centered service
128 4 providers, family foster care service providers, group
128 5 foster care service providers, and the resource family
128 6 recruitment and retention contractor shall remain at
128 7 the rates in effect on June 30, 2012.
128 8 7. The group foster care reimbursement rates
128 9 paid for placement of children out of state shall
128 10 be calculated according to the same rate=setting
128 11 principles as those used for in=state providers,
128 12 unless the director of human services or the director's
128 13 designee determines that appropriate care cannot be
128 14 provided within the state. The payment of the daily
128 15 rate shall be based on the number of days in the
128 16 calendar month in which service is provided.
128 17 8. a. For the fiscal year beginning July 1, 2012,
128 18 the reimbursement rate paid for shelter care and
128 19 the child welfare emergency services implemented to
128 20 provide or prevent the need for shelter care shall be
128 21 established in a contract based on the requirements
128 22 of the department's request for proposal, bid number
128 23 ACFS=11=114.
128 24 b. For the fiscal year beginning July 1, 2012,
128 25 the combined service and maintenance components of
128 26 the reimbursement rate paid for shelter care services
128 27 shall be based on the financial and statistical report
128 28 submitted to the department. The maximum reimbursement
128 29 rate shall be $92.36 per day. The department shall
128 30 reimburse a shelter care provider at the provider's
128 31 actual and allowable unit cost, plus inflation, not to
128 32 exceed the maximum reimbursement rate.
128 33 c. Notwithstanding section 232.141, subsection 8,
128 34 for the fiscal year beginning July 1, 2012, the amount
128 35 of the statewide average of the actual and allowable
128 36 rates for reimbursement of juvenile shelter care homes
128 37 that is utilized for the limitation on recovery of
128 38 unpaid costs shall remain at the amount in effect for
128 39 this purpose in the fiscal year beginning July 1, 2011.
128 40 9. For the fiscal year beginning July 1, 2012, the
128 41 department shall calculate reimbursement rates for
128 42 intermediate care facilities for persons with mental
128 43 retardation at the 80th percentile. Beginning July 1,
128 44 2012, the rate calculation methodology shall utilize
128 45 the consumer price index inflation factor applicable to
128 46 the fiscal year beginning July 1, 2012.
128 47 10. For the fiscal year beginning July 1, 2012,
128 48 for child care providers reimbursed under the state
128 49 child care assistance program, the department shall
128 50 set provider reimbursement rates based on the rate

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129 1 reimbursement survey completed in December 2004.
129 2 Effective July 1, 2012, the child care provider
129 3 reimbursement rates shall remain at the rates in effect
129 4 on June 30, 2012. The department shall set rates in a
129 5 manner so as to provide incentives for a nonregistered
129 6 provider to become registered by applying the increase
129 7 only to registered and licensed providers.
129 8 11. The department may adopt emergency rules to
129 9 implement this section.
129 10 Sec. 135. EMERGENCY RULES.
129 11 1. If specifically authorized by a provision of
129 12 this division of this Act, the department of human
129 13 services or the mental health, and disability services
129 14 commission may adopt administrative rules under section
129 15 17A.4, subsection 3, and section 17A.5, subsection
129 16 2, paragraph "b", to implement the provisions and
129 17 the rules shall become effective immediately upon
129 18 filing or on a later effective date specified in the
129 19 rules, unless the effective date is delayed by the
129 20 administrative rules review committee. Any rules
129 21 adopted in accordance with this section shall not
129 22 take effect before the rules are reviewed by the
129 23 administrative rules review committee. The delay
129 24 authority provided to the administrative rules review
129 25 committee under section 17A.4, subsection 7, and
129 26 section 17A.8, subsection 9, shall be applicable to a
129 27 delay imposed under this section, notwithstanding a
129 28 provision in those sections making them inapplicable
129 29 to section 17A.5, subsection 2, paragraph "b". Any
129 30 rules adopted in accordance with the provisions of this
129 31 section shall also be published as notice of intended
129 32 action as provided in section 17A.4.
129 33 2. If during the fiscal year beginning July 1,
129 34 2012, the department of human services is adopting
129 35 rules in accordance with this section or as otherwise
129 36 directed or authorized by state law, and the rules will
129 37 result in an expenditure increase beyond the amount
129 38 anticipated in the budget process or if the expenditure
129 39 was not addressed in the budget process for the
129 40 fiscal year, the department shall notify the persons
129 41 designated by this division of this Act for submission
129 42 of reports, the chairpersons and ranking members of
129 43 the committees on appropriations, and the department
129 44 of management concerning the rules and the expenditure
129 45 increase. The notification shall be provided at least
129 46 30 calendar days prior to the date notice of the rules
129 47 is submitted to the administrative rules coordinator
129 48 and the administrative code editor.
129 49 Sec. 136. FEDERAL GRANTS REPORTING. During the
129 50 fiscal year beginning July 1, 2012, the departments

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130 1 and agencies receiving an appropriation in the health
130 2 and human services divisions of this Act from the
130 3 general fund of the state shall report to the persons
130 4 designated by this division of this Act for submission
130 5 of reports and the department of management within 60
130 6 calendar days of applying for or renewing a federal
130 7 grant with a value over $1,000. The report shall list
130 8 the federal funding source and address the potential
130 9 need for the commitment of state funding in order to
130 10 match or continue the funding provided by the federal
130 11 grant in the present or the future.
130 12 Sec. 137. REPORTS. Any reports or information
130 13 required to be compiled and submitted under the health
130 14 and human services divisions of this Act shall be
130 15 submitted to the chairpersons and ranking members of
130 16 the joint appropriations subcommittee on health and
130 17 human services, the legislative services agency, and
130 18 the legislative caucus staffs on or before the dates
130 19 specified for submission of the reports or information.
130 20 Sec. 138. EFFECTIVE DATE. The following provision
130 21 of this division of this Act, being deemed of immediate
130 22 importance, take effect upon enactment:
130 23 The provision under the appropriation for child and
130 24 family services, relating to requirements of section
130 25 232.143 for representatives of the department of human
130 26 services and juvenile court services to establish a
130 27 plan for continuing group foster care expenditures for
130 28 fiscal year 2012=2013.
130 29 DIVISION XVII
130 30 HEALTH AND HUMAN SERVICES
130 31 PHARMACEUTICAL SETTLEMENT ACCOUNT,
130 32 IOWACARE ACCOUNT, NONPARTICIPATING PROVIDER
130 33 REIMBURSEMENT FUND, HEALTH CARE
130 34 TRANSFORMATION ACCOUNT, MEDICAID FRAUD ACCOUNT,
130 35 QUALITY ASSURANCE TRUST FUND,
130 36 AND HOSPITAL HEALTH CARE ACCESS TRUST FUND ==== FY
130 37 2012=2013
130 38 Sec. 139. PHARMACEUTICAL SETTLEMENT ACCOUNT. There
130 39 is appropriated from the pharmaceutical settlement
130 40 account created in section 249A.33 to the department of
130 41 human services for the fiscal year beginning July 1,
130 42 2012, and ending June 30, 2013, the following amount,
130 43 or so much thereof as is necessary, to be used for the
130 44 purpose designated:
130 45 Notwithstanding any provision of law to the
130 46 contrary, to supplement the appropriations made in the
130 47 department of human services division in this Act for
130 48 medical contracts under the medical assistance program
130 49 for the same fiscal year:
130 50 ..... $ 4,618,571

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131 1 Sec. 140. APPROPRIATIONS FROM IOWACARE ACCOUNT.
131 2 1. There is appropriated from the IowaCare account
131 3 created in section 249J.24 to the state board of
131 4 regents for distribution to the university of Iowa
131 5 hospitals and clinics for the fiscal year beginning
131 6 July 1, 2012, and ending June 30, 2013, the following
131 7 amount, or so much thereof as is necessary, to be used
131 8 for the purposes designated:
131 9 For salaries, support, maintenance, equipment, and
131 10 miscellaneous purposes, for the provision of medical
131 11 and surgical treatment of indigent patients, for
131 12 provision of services to members of the expansion
131 13 population pursuant to chapter 249J, and for medical
131 14 education:
131 15 ..... $ 27,284,584
131 16 a. Funds appropriated in this subsection shall
131 17 not be used to perform abortions except medically
131 18 necessary abortions, and shall not be used to operate
131 19 the early termination of pregnancy clinic except for
131 20 the performance of medically necessary abortions. For
131 21 the purpose of this subsection, medically necessary
131 22 abortions are those performed under any of the
131 23 following conditions:
131 24 (1) The attending physician certifies that
131 25 continuing the pregnancy would endanger the life of the
131 26 pregnant woman.
131 27 (2) Any spontaneous abortion, commonly known as a
131 28 miscarriage, if not all of the products of conception
131 29 are expelled.
131 30 b. Notwithstanding any provision of law to the
131 31 contrary, the amount appropriated in this subsection
131 32 shall be distributed based on claims submitted,
131 33 adjudicated, and paid by the Iowa Medicaid enterprise.
131 34 c. The university of Iowa hospitals and clinics
131 35 shall certify public expenditures in an amount equal
131 36 to provide the nonfederal share on total expenditures
131 37 not to exceed $20,000,000.
131 38 2. There is appropriated from the IowaCare account
131 39 created in section 249J.24 to the state board of
131 40 regents for distribution to the university of Iowa
131 41 hospitals and clinics for the fiscal year beginning
131 42 July 1, 2012, and ending June 30, 2013, the following
131 43 amount, or so much thereof as is necessary, to be used
131 44 for the purposes designated:
131 45 For salaries, support, maintenance, equipment, and
131 46 miscellaneous purposes, for the provision of medical
131 47 and surgical treatment of indigent patients, for
131 48 provision of services to members of the expansion
131 49 population pursuant to chapter 249J, and for medical
131 50 education:

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132 1 ..... $ 44,226,279
132 2 Notwithstanding any provision of law to the
132 3 contrary, the amount appropriated in this subsection
132 4 shall be distributed based on claims submitted,
132 5 adjudicated, and paid by the Iowa Medicaid enterprise.
132 6 3. There is appropriated from the IowaCare account
132 7 created in section 249J.24, to the state board
132 8 of regents for distribution to university of Iowa
132 9 physicians for the fiscal year beginning July 1, 2012,
132 10 and ending June 30, 2013, the following amount, or
132 11 so much thereof as is necessary to be used for the
132 12 purposes designated:
132 13 For salaries, support, maintenance, equipment, and
132 14 miscellaneous purposes for the provision of medical and
132 15 surgical treatment of indigent patients, for provision
132 16 of services to members of the expansion population
132 17 pursuant to chapter 249J, and for medical education:
132 18 ..... $ 16,277,753
132 19 Notwithstanding any provision of law to the
132 20 contrary, the amount appropriated in this subsection
132 21 shall be distributed based on claims submitted,
132 22 adjudicated, and paid by the Iowa Medicaid enterprise.
132 23 Once the entire amount appropriated in this subsection
132 24 has been distributed, claims shall continue to
132 25 be submitted and adjudicated by the Iowa Medicaid
132 26 enterprise; however, no payment shall be made based
132 27 upon such claims.
132 28 4. There is appropriated from the IowaCare account
132 29 created in section 249J.24 to the department of human
132 30 services for the fiscal year beginning July 1, 2012,
132 31 and ending June 30, 2013, the following amount, or
132 32 so much thereof as is necessary, to be used for the
132 33 purposes designated:
132 34 For distribution to a publicly owned acute care
132 35 teaching hospital located in a county with a population
132 36 over 350,000 for the provision of medical and surgical
132 37 treatment of indigent patients, for provision of
132 38 services to members of the expansion population
132 39 pursuant to chapter 249J, and for medical education:
132 40 ..... $ 65,000,000
132 41 a. Notwithstanding any provision of law to the
132 42 contrary, the amount appropriated in this subsection
132 43 shall be distributed based on claims submitted,
132 44 adjudicated, and paid by the Iowa Medicaid enterprise
132 45 plus a monthly disproportionate share hospital payment.
132 46 Any amount appropriated in this subsection in excess
132 47 of $60,000,000 shall be distributed only if the sum of
132 48 the expansion population claims adjudicated and paid
132 49 by the Iowa Medicaid enterprise plus the estimated
132 50 disproportionate share hospital payments exceeds

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133 1 $60,000,000. The amount paid in excess of $60,000,000
133 2 shall not adjust the original monthly payment amount
133 3 but shall be distributed monthly based on actual
133 4 claims adjudicated and paid by the Iowa Medicaid
133 5 enterprise plus the estimated disproportionate share
133 6 hospital amount. Any amount appropriated in this
133 7 subsection in excess of $60,000,000 shall be allocated
133 8 only if federal funds are available to match the
133 9 amount allocated. Pursuant to paragraph "b", of the
133 10 amount appropriated in this subsection, not more than
133 11 $4,000,000 shall be distributed for prescription drugs
133 12 and podiatry services.
133 13 b. Notwithstanding any provision of law to the
133 14 contrary, the hospital identified in this subsection,
133 15 shall be reimbursed for outpatient prescription drugs
133 16 and podiatry services provided to members of the
133 17 expansion population pursuant to all applicable medical
133 18 assistance program rules, in an amount not to exceed
133 19 $4,000,000.
133 20 c. Notwithstanding the total amount of proceeds
133 21 distributed pursuant to section 249J.24, subsection 4,
133 22 paragraph "a", unnumbered paragraph 1, for the fiscal
133 23 year beginning July 1, 2012, and ending June 30, 2013,
133 24 the county treasurer of a county with a population
133 25 of over 350,000 in which a publicly owned acute care
133 26 teaching hospital is located shall distribute the
133 27 proceeds collected pursuant to section 347.7 in a
133 28 total amount of $38,000,000, which would otherwise be
133 29 distributed to the county hospital, to the treasurer of
133 30 state for deposit in the IowaCare account.
133 31 d. (1) Notwithstanding the amount collected
133 32 and distributed for deposit in the IowaCare account
133 33 pursuant to section 249J.24, subsection 4, paragraph
133 34 "a", subparagraph (1), the first $19,000,000 in
133 35 proceeds collected pursuant to section 347.7 between
133 36 July 1, 2012, and December 31, 2012, shall be
133 37 distributed to the treasurer of state for deposit in
133 38 the IowaCare account and collections during this time
133 39 period in excess of $19,000,000 shall be distributed
133 40 to the acute care teaching hospital identified in
133 41 this subsection. Of the collections in excess of
133 42 the $19,000,000 received by the acute care teaching
133 43 hospital under this subparagraph (1), $2,000,000 shall
133 44 be distributed by the acute care teaching hospital to
133 45 the treasurer of state for deposit in the IowaCare
133 46 account in the month of January 2013, following the
133 47 July 1 through December 31, 2012, period.
133 48 (2) Notwithstanding the amount collected and
133 49 distributed for deposit in the IowaCare account
133 50 pursuant to section 249J.24, subsection 4, paragraph

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134 1 "a", subparagraph (2), the first $19,000,000 in
134 2 collections pursuant to section 347.7 between January
134 3 1, 2013, and June 30, 2013, shall be distributed to
134 4 the treasurer of state for deposit in the IowaCare
134 5 account and collections during this time period in
134 6 excess of $19,000,000 shall be distributed to the acute
134 7 care teaching hospital identified in this subsection.
134 8 Of the collections in excess of the $19,000,000
134 9 received by the acute care teaching hospital under this
134 10 subparagraph (2), $2,000,000 shall be distributed by
134 11 the acute care teaching hospital to the treasurer of
134 12 state for deposit in the IowaCare account in the month
134 13 of July 2013, following the January 1 through June 30,
134 14 2013, period.
134 15 5. There is appropriated from the IowaCare account
134 16 created in section 249J.24 to the department of human
134 17 services for the fiscal year beginning July 1, 2012,
134 18 and ending June 30, 2013, the following amount, or so
134 19 much thereof as is necessary to be used for the purpose
134 20 designated:
134 21 For payment to the regional provider network
134 22 specified by the department pursuant to section 249J.7
134 23 for provision of covered services to members of the
134 24 expansion population pursuant to chapter 249J:
134 25 ..... $ 3,472,176
134 26 Notwithstanding any provision of law to the
134 27 contrary, the amount appropriated in this subsection
134 28 shall be distributed based on claims submitted,
134 29 adjudicated, and paid by the Iowa Medicaid enterprise.
134 30 Once the entire amount appropriated in this subsection
134 31 has been distributed, claims shall continue to
134 32 be submitted and adjudicated by the Iowa Medicaid
134 33 enterprise; however, no payment shall be made based
134 34 upon such claims.
134 35 6. There is appropriated from the IowaCare account
134 36 created in section 249J.24 to the department of human
134 37 services for the fiscal year beginning July 1, 2012,
134 38 and ending June 30, 2013, the following amount, or
134 39 so much thereof as is necessary to be used for the
134 40 purposes designated:
134 41 For a care coordination pool to pay the expansion
134 42 population providers consisting of the university of
134 43 Iowa hospitals and clinics, the publicly owned acute
134 44 care teaching hospital as specified in section 249J.7,
134 45 and current medical assistance program providers that
134 46 are not expansion population network providers pursuant
134 47 to section 249J.7, for services covered by the full
134 48 benefit medical assistance program but not under the
134 49 IowaCare program pursuant to section 249J.6, that are
134 50 provided to expansion population members:

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135 1 ..... $ 1,500,000
135 2 a. Notwithstanding sections 249J.6 and 249J.7,
135 3 the amount appropriated in this subsection is
135 4 intended to provide payment for medically necessary
135 5 services provided to expansion population members for
135 6 continuation of care provided by the university of
135 7 Iowa hospitals and clinics or the publicly owned acute
135 8 care teaching hospital as specified in section 249J.7.
135 9 Payment may only be made for services that are not
135 10 otherwise covered under section 249J.6, and which are
135 11 follow=up services to covered services provided by the
135 12 hospitals specified in this paragraph "a".
135 13 b. The funds appropriated in this subsection are
135 14 intended to provide limited payment for continuity
135 15 of care services for an expansion population member,
135 16 and are intended to cover the costs of services
135 17 to expansion population members, regardless of
135 18 the member's county of residence or medical home
135 19 assignment, if the care is related to specialty or
135 20 hospital services provided by the hospitals specified
135 21 in paragraph "a".
135 22 c. The funds appropriated in this subsection are
135 23 not intended to provide for expanded coverage under
135 24 the IowaCare program, and shall not be used to cover
135 25 emergency transportation services.
135 26 d. The department shall adopt administrative
135 27 rules pursuant to chapter 17A to establish a prior
135 28 authorization process and to identify covered services
135 29 for reimbursement under this subsection.
135 30 7. There is appropriated from the IowaCare account
135 31 created in section 249J.24 to the department of human
135 32 services for the fiscal year beginning July 1, 2012,
135 33 and ending June 30, 2013, the following amount or
135 34 so much thereof as is necessary to be used for the
135 35 purposes designated:
135 36 For a laboratory test and radiology pool for
135 37 services authorized by a federally qualified health
135 38 center designated by the department as part of the
135 39 IowaCare regional provider network that does not have
135 40 the capability to provide these services on site:
135 41 ..... $ 500,000
135 42 Notwithstanding sections 249J.6 and 249J.7, the
135 43 amount appropriated in this subsection is intended
135 44 to provide reimbursement for services provided to
135 45 expansion population members that have previously
135 46 been paid for through expenditure by designated
135 47 regional provider network providers of their own
135 48 funds, not to expand coverage under the IowaCare
135 49 program or to expand the expansion population
135 50 provider network. The department shall designate the

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136 1 laboratory and radiology provider associated with
136 2 each designated regional provider network provider
136 3 that may receive reimbursement. The department shall
136 4 adopt administrative rules pursuant to chapter 17A
136 5 to establish a prior authorization process and to
136 6 identify covered services for reimbursement under this
136 7 subsection. All other medical assistance program
136 8 payment policies and rules for laboratory and radiology
136 9 services shall apply to services provided under this
136 10 subsection. If the entire amount appropriated under
136 11 this subsection is expended, laboratory tests and
136 12 radiology services ordered by a designated regional
136 13 provider network provider shall be the financial
136 14 responsibility of the regional provider network
136 15 provider.
136 16 Sec. 141. APPROPRIATIONS FROM NONPARTICIPATING
136 17 PROVIDER REIMBURSEMENT FUND ==== DEPARTMENT OF HUMAN
136 18 SERVICES. Notwithstanding any provision to the
136 19 contrary, and subject to the availability of funds,
136 20 there is appropriated from the nonparticipating
136 21 provider reimbursement fund created in section 249J.24A
136 22 to the department of human services for the fiscal year
136 23 beginning July 1, 2012, and ending June 30, 2013, the
136 24 following amount or so much thereof as is necessary for
136 25 the purposes designated:
136 26 To reimburse nonparticipating providers in
136 27 accordance with section 249J.24A:
136 28 ..... $ 2,000,000
136 29 Sec. 142. APPROPRIATIONS FROM ACCOUNT FOR HEALTH
136 30 CARE TRANSFORMATION ==== DEPARTMENT OF HUMAN SERVICES.
136 31 Notwithstanding any provision to the contrary, there
136 32 is appropriated from the account for health care
136 33 transformation created in section 249J.23 to the
136 34 department of human services for the fiscal year
136 35 beginning July 1, 2012, and ending June 30, 2013, the
136 36 following amounts, or so much thereof as is necessary,
136 37 to be used for the purposes designated:
136 38 1. For the provision of an IowaCare nurse helpline
136 39 for the expansion population as provided in section
136 40 249J.6:
136 41 ..... $ 85,000
136 42 2. For other health promotion partnership
136 43 activities pursuant to section 249J.14:
136 44 ..... $ 510,000
136 45 3. For the costs related to audits, performance
136 46 evaluations, and studies required pursuant to chapter
136 47 249J:
136 48 ..... $ 106,250
136 49 4. For administrative costs associated with chapter
136 50 249J:

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137 1 ..... $ 962,550
137 2 5. For planning and development, in cooperation
137 3 with the department of public health, of a phased=in
137 4 program to provide a dental home for children in
137 5 accordance with section 249J.14:
137 6 ..... $ 850,000
137 7 6. For continuation of the establishment of the
137 8 tuition assistance for individuals serving individuals
137 9 with disabilities pilot program, as enacted in 2008
137 10 Iowa Acts, chapter 1187, section 130:
137 11 ..... $ 42,500
137 12 7. For medical contracts:
137 13 ..... $ 1,700,000
137 14 8. For payment to the publicly owned acute care
137 15 teaching hospital located in a county with a population
137 16 of over 350,000 that is a participating provider
137 17 pursuant to chapter 249J:
137 18 ..... $ 246,500
137 19 Disbursements under this subsection shall be made
137 20 monthly. The hospital shall submit a report following
137 21 the close of the fiscal year regarding use of the
137 22 funds appropriated in this subsection to the persons
137 23 specified in this Act to receive reports.
137 24 9. For transfer to the department of public health
137 25 to be used for the costs of medical home system
137 26 advisory council established pursuant to section
137 27 135.159:
137 28 ..... $ 198,353
137 29 10. For continued implementation of a uniform cost
137 30 report:
137 31 ..... $ 85,000
137 32 11. For continued implementation of an electronic
137 33 medical records system:
137 34 ..... $ 85,000
137 35 Notwithstanding section 8.39, subsection 1, without
137 36 the prior written consent and approval of the governor
137 37 and the director of the department of management, the
137 38 director of human services may transfer funds among
137 39 the appropriations made in this section as necessary
137 40 to carry out the purposes of the account for health
137 41 care transformation. The department shall report
137 42 any transfers made pursuant to this section to the
137 43 legislative services agency.
137 44 Sec. 143. MEDICAID FRAUD ACCOUNT ==== DEPARTMENT OF
137 45 INSPECTIONS AND APPEALS. There is appropriated from
137 46 the Medicaid fraud account created in section 249A.7
137 47 to the department of inspections and appeals for the
137 48 fiscal year beginning July 1, 2012, and ending June 30,
137 49 2013, the following amount, or so much thereof as is
137 50 necessary, to be used for the purposes designated:

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138 1 For the inspection and certification of assisted
138 2 living programs and adult day care services, including
138 3 program administration and costs associated with
138 4 implementation:
138 5 ..... $ 1,138,598
138 6 Sec. 144. MEDICAID FRAUD ACCOUNT ==== DEPARTMENT
138 7 OF HUMAN SERVICES. There is appropriated from the
138 8 Medicaid fraud account created in section 249A.7 to
138 9 the department of human services for the fiscal year
138 10 beginning July 1, 2012, and ending June 30, 2013, the
138 11 following amount, or so much thereof as is necessary,
138 12 to be used for the purposes designated:
138 13 To supplement the appropriation made in the
138 14 department of human services division of this Act
138 15 from the general fund of the state to the department
138 16 of human services for medical assistance for the same
138 17 fiscal year:
138 18 ..... $ 2,000,000
138 19 Sec. 145. QUALITY ASSURANCE TRUST FUND ====
138 20 DEPARTMENT OF HUMAN SERVICES. Notwithstanding
138 21 any provision to the contrary and subject to the
138 22 availability of funds, there is appropriated from the
138 23 quality assurance trust fund created in section 249L.4
138 24 to the department of human services for the fiscal year
138 25 beginning July 1, 2012, and ending June 30, 2013, the
138 26 following amounts, or so much thereof as is necessary
138 27 for the purposes designated:
138 28 To supplement the appropriation made in the
138 29 department of human services division of this Act
138 30 from the general fund of the state to the department
138 31 of human services for medical assistance for the same
138 32 fiscal year:
138 33 ..... $ 29,000,000
138 34 Sec. 146. HOSPITAL HEALTH CARE ACCESS TRUST FUND
138 35 ==== DEPARTMENT OF HUMAN SERVICES. Notwithstanding
138 36 any provision to the contrary and subject to the
138 37 availability of funds, there is appropriated from
138 38 the hospital health care access trust fund created in
138 39 section 249M.4 to the department of human services for
138 40 the fiscal year beginning July 1, 2012, and ending June
138 41 30, 2013, the following amounts, or so much thereof as
138 42 is necessary, for the purposes designated:
138 43 1. To supplement the appropriation made in the
138 44 health and human services division of this Act from the
138 45 general fund of the state to the department of human
138 46 services for medical assistance:
138 47 ..... $ 39,223,800
138 48 2. For deposit in the nonparticipating provider
138 49 reimbursement fund created in section 249J.24A to be
138 50 used for the purposes of the fund:

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139 1 ..... $ 776,200
139 2 Sec. 147. MEDICAL ASSISTANCE PROGRAM ====
139 3 NONREVERSION FOR FY 2012=2013. Notwithstanding
139 4 section 8.33, if moneys appropriated for purposes of
139 5 the medical assistance program for the fiscal year
139 6 beginning July 1, 2012, and ending June 30, 2013, in
139 7 the health and human services divisions of this Act
139 8 from the general fund of the state, the Medicaid fraud
139 9 account, the quality assurance trust fund, and the
139 10 hospital health care access trust fund, are in excess
139 11 of actual expenditures for the medical assistance
139 12 program and remain unencumbered or unobligated at the
139 13 close of the fiscal year, the excess moneys shall not
139 14 revert but shall remain available for expenditure for
139 15 the purposes of the medical assistance program until
139 16 the close of the succeeding fiscal year.
139 17 DIVISION XVIII
139 18 HEALTH AND HUMAN SERVICES
139 19 MH/MR/DD SERVICES ALLOWED GROWTH FUNDING FOR FISCAL
139 20 YEAR 2012=2013
139 21 Sec. 148. MENTAL HEALTH, MENTAL RETARDATION, AND
139 22 DEVELOPMENTAL DISABILITIES SERVICES PROPERTY TAX
139 23 RELIEF. Notwithstanding the standing appropriation
139 24 in section 426B.1, subsection 2, for the fiscal year
139 25 beginning July 1, 2012, and ending June 30, 2013,
139 26 the amount appropriated from the general fund of the
139 27 state pursuant to that provision shall not exceed the
139 28 following amount: ..... $
139 29 81,199,911
139 30 Sec. 149. ADULT MH/MR/DD SERVICES ALLOWED GROWTH
139 31 FUNDING ==== FY 2012=2013.
139 32 1. There is appropriated from the general fund of
139 33 the state to the department of human services for the
139 34 fiscal year beginning July 1, 2012, and ending June 30,
139 35 2013, the following amount, or so much thereof as is
139 36 necessary, to be used for the purpose designated:
139 37 For distribution to counties of the county mental
139 38 health, mental retardation, and developmental
139 39 disabilities allowed growth factor adjustment for
139 40 fiscal year 2012=2013 as provided in this section in
139 41 lieu of the allowed growth factor provisions of section
139 42 331.438, subsection 2, and section 331.439, subsection
139 43 3, and chapter 426B and for transfer for the medical
139 44 assistance program:
139 45 ..... $ 88,697,893
139 46 Of the amount appropriated in this subsection,
139 47 $5,000,000 shall be transferred to the appropriation
139 48 made in the department of human services division of
139 49 this Act from the general fund of the state to the
139 50 department of human services for the medical assistance

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140 1 program for the fiscal year beginning July 1, 2012, and
140 2 shall be used to continue the funding designated in the
140 3 previous fiscal year to reduce home and community=based
140 4 services waiver waiting lists for children's mental
140 5 health, intellectual disabilities, and brain injury.
140 6 2. Of the amount appropriated in this section,
140 7 $12,000,000 shall be distributed as provided in this
140 8 subsection.
140 9 a. To be eligible to receive a distribution under
140 10 this subsection, a county must meet the following
140 11 requirements:
140 12 (1) The county is levying for the maximum amount
140 13 allowed for the county's mental health, mental
140 14 retardation, and developmental disabilities services
140 15 fund under section 331.424A for taxes due and payable
140 16 in the fiscal year beginning July 1, 2012, or the
140 17 county is levying for at least 90 percent of the
140 18 maximum amount allowed for the county's services fund
140 19 and that levy rate is more than $2 per $1,000 of the
140 20 assessed value of all taxable property in the county.
140 21 (2) In the fiscal year beginning July 1, 2010,
140 22 the county's mental health, mental retardation, and
140 23 developmental disabilities services fund ending balance
140 24 under generally accepted accounting principles was
140 25 equal to or less than 15 percent of the county's actual
140 26 gross expenditures for that fiscal year.
140 27 b. The amount of a county's distribution from the
140 28 allocation made in this subsection shall be determined
140 29 based upon the county's proportion of the general
140 30 population of the counties eligible to receive a
140 31 distribution under this subsection. The most recent
140 32 population estimates issued by the United States
140 33 bureau of the census shall be applied in determining
140 34 population for the purposes of this paragraph.
140 35 c. The distributions made pursuant to this
140 36 subsection are subject to the distribution provisions
140 37 and withholding requirements established in this
140 38 section for the county mental health, mental
140 39 retardation, and developmental disabilities allowed
140 40 growth factor adjustment for the fiscal year beginning
140 41 July 1, 2012.
140 42 3. The following amount of the funding appropriated
140 43 in this section is the allowed growth factor adjustment
140 44 for fiscal year 2012=2013, and shall be credited to the
140 45 allowed growth funding pool created in the property tax
140 46 relief fund and for distribution in accordance with
140 47 section 426B.5, subsection 1:
140 48 ..... $ 71,697,893
140 49 4. The following formula amounts shall be utilized
140 50 only to calculate preliminary distribution amounts for

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141 1 the allowed growth factor adjustment for fiscal year
141 2 2012=2013 under this section by applying the indicated
141 3 formula provisions to the formula amounts and producing
141 4 a preliminary distribution total for each county:
141 5 a. For calculation of a distribution amount for
141 6 eligible counties from the allowed growth funding pool
141 7 created in the property tax relief fund in accordance
141 8 with the requirements in section 426B.5, subsection 1:
141 9 ..... $ 84,773,346
141 10 b. For calculation of a distribution amount for
141 11 counties from the mental health and developmental
141 12 disabilities (MH/DD) community services fund
141 13 in accordance with the formula provided in the
141 14 appropriation made for the MH/DD community services
141 15 fund for the fiscal year beginning July 1, 2012:
141 16 ..... $ 14,187,556
141 17 5. a. After applying the applicable statutory
141 18 distribution formulas to the amounts indicated in
141 19 subsection 4 for purposes of producing preliminary
141 20 distribution totals, the department of human services
141 21 shall apply a withholding factor to adjust an eligible
141 22 individual county's preliminary distribution total.
141 23 In order to be eligible for a distribution under
141 24 this section, a county must be levying 90 percent or
141 25 more of the maximum amount allowed for the county's
141 26 mental health, mental retardation, and developmental
141 27 disabilities services fund under section 331.424A for
141 28 taxes due and payable in the fiscal year for which the
141 29 distribution is payable.
141 30 b. An ending balance percentage for each county
141 31 shall be determined by expressing the county's ending
141 32 balance on a modified accrual basis under generally
141 33 accepted accounting principles for the fiscal year
141 34 beginning July 1, 2010, in the county's mental health,
141 35 mental retardation, and developmental disabilities
141 36 services fund created under section 331.424A, as a
141 37 percentage of the county's gross expenditures from that
141 38 fund for that fiscal year. If a county borrowed moneys
141 39 for purposes of providing services from the county's
141 40 services fund on or before July 1, 2010, and the
141 41 county's services fund ending balance for that fiscal
141 42 year includes the loan proceeds or an amount designated
141 43 in the county budget to service the loan for the
141 44 borrowed moneys, those amounts shall not be considered
141 45 to be part of the county's ending balance for purposes
141 46 of calculating an ending balance percentage under this
141 47 subsection.
141 48 c. For purposes of calculating withholding
141 49 factors and for ending balance amounts used for other
141 50 purposes under law, the county ending balances shall

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142 1 be adjusted, using forms developed for this purpose
142 2 by the county finance committee, to disregard the
142 3 temporary funding increase provided to the counties for
142 4 the fiscal year through the federal American Recovery
142 5 and Reinvestment Act of 2009, Pub. L. No. 111=5. In
142 6 addition, a county may adjust the ending balance amount
142 7 by rebating to the department all or a portion of
142 8 the allowed growth and MH/DD services fund moneys the
142 9 county received for the fiscal year beginning July 1,
142 10 2011, in accordance with this Act, or from any other
142 11 services fund moneys available to the county. The
142 12 rebate must be remitted to the department on or before
142 13 June 1, 2012, in order to be counted. However, if this
142 14 division of this Act is enacted after July 1, 2012, the
142 15 rebate must be remitted not later than 10 calendar days
142 16 after the date of the governor's approval of this Act.
142 17 The amount rebated by a county shall be subtracted
142 18 dollar=for=dollar from the county's ending balance
142 19 amount for the fiscal year beginning July 1, 2010, for
142 20 purposes of calculating the withholding factor and
142 21 for other ending balance purposes for the fiscal year
142 22 beginning July 1, 2012. The rebates received by the
142 23 department shall be credited to the property tax relief
142 24 fund and distributed as additional funding for the
142 25 fiscal year beginning July 1, 2012, in accordance with
142 26 the formula provisions in this section.
142 27 d. The withholding factor for a county shall be the
142 28 following applicable percent:
142 29 (1) For an ending balance percentage of less than
142 30 5 percent, a withholding factor of 0 percent. In
142 31 addition, a county that is subject to this lettered
142 32 paragraph shall receive an inflation adjustment equal
142 33 to 3 percent of the gross expenditures reported for the
142 34 county's services fund for the fiscal year.
142 35 (2) For an ending balance percentage of 5 percent
142 36 or more but less than 10 percent, a withholding factor
142 37 of 0 percent. In addition, a county that is subject
142 38 to this lettered paragraph shall receive an inflation
142 39 adjustment equal to 2 percent of the gross expenditures
142 40 reported for the county's services fund for the fiscal
142 41 year.
142 42 (3) For an ending balance percentage of 10 percent
142 43 or more but less than 25 percent, a withholding factor
142 44 of 25 percent. However, for counties with an ending
142 45 balance of 10 percent or more but less than 15 percent,
142 46 the amount withheld shall be limited to the amount by
142 47 which the county's ending balance was in excess of the
142 48 ending balance percentage of 10 percent.
142 49 (4) For an ending balance percentage of 25 percent
142 50 or more, a withholding percentage of 100 percent.

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143 1 6. The total withholding amounts applied pursuant
143 2 to subsection 5 shall be equal to a withholding target
143 3 amount of $13,075,453. If the department of human
143 4 services determines that the amount appropriated
143 5 is insufficient or the amount to be withheld in
143 6 accordance with subsection 5 is not equal to the target
143 7 withholding amount, the department shall adjust the
143 8 withholding factors listed in subsection 5 as necessary
143 9 to achieve the target withholding amount. However, in
143 10 making such adjustments to the withholding factors,
143 11 the department shall strive to minimize changes to the
143 12 withholding factors for those ending balance percentage
143 13 ranges that are lower than others and shall only adjust
143 14 the zero withholding factor or the inflation adjustment
143 15 percentages specified in subsection 5, paragraph "d",
143 16 when the amount appropriated is insufficient.
143 17 DIVISION XIX
143 18 CONDITIONAL RETROACTIVE APPLICABILITY
143 19 Sec. 150. EFFECTIVE DATE AND RETROACTIVE
143 20 APPLICABILITY. Unless otherwise provided, this Act,
143 21 if approved by the governor on or after July 1, 2011,
143 22 takes effect upon enactment and applies retroactively
143 23 to July 1, 2011.>
143 24 ___. Title page, line 3, after <appropriations,> by
143 25 inserting <providing penalties,>

HEATON of Henry
H1732.3416 (4) 84
pf/jp

# House Amendment 1752

PAG LIN

1 1 Amend the House amendment, S=3372, to Senate File
1 2 533, as amended, passed, and reprinted by the Senate,
1 3 as follows:
1 4 #1. By striking page 1, line 5, through page 52,
1 5 line 48, and inserting:
1 6 <DIVISION I
1 7 STANDING APPROPRIATIONS AND RELATED MATTERS ==== FY
1 8 2011=2012
1 9 Section 1. BUDGET PROCESS FOR FISCAL YEAR
1 10 2012=2013.
1 11 1. For the budget process applicable to the fiscal
1 12 year beginning July 1, 2012, on or before October 1,
1 13 2011, in lieu of the information specified in section
1 14 8.23, subsection 1, unnumbered paragraph 1, and
1 15 paragraph "a", all departments and establishments of
1 16 the government shall transmit to the director of the
1 17 department of management, on blanks to be furnished
1 18 by the director, estimates of their expenditure
1 19 requirements, including every proposed expenditure, for
1 20 the ensuing fiscal year, together with supporting data
1 21 and explanations as called for by the director of the
1 22 department of management after consultation with the
1 23 legislative services agency.
1 24 2. The estimates of expenditure requirements
1 25 shall be in a form specified by the director of
1 26 the department of management, and the expenditure
1 27 requirements shall include all proposed expenditures
1 28 and shall be prioritized by program or the results to
1 29 be achieved. The estimates shall be accompanied by
1 30 performance measures for evaluating the effectiveness
1 31 of the programs or results.
1 32 Sec. 2. LIMITATION OF STANDING APPROPRIATIONS.
1 33 Notwithstanding the standing appropriations in the
1 34 following designated sections for the fiscal year
1 35 beginning July 1, 2011, and ending June 30, 2012, the
1 36 amounts appropriated from the general fund of the state
1 37 pursuant to these sections for the following designated
1 38 purposes shall not exceed the following amounts:
1 39 1. For operational support grants and community
1 40 cultural grants under section 99F.11, subsection 3,
1 41 paragraph "d", subparagraph (1):
1 42 ..... $ 416,702
1 43 2. For regional tourism marketing under section
1 44 99F.11, subsection 3, paragraph "d", subparagraph (2):
1 45 ..... $ 810,306
1 46 3. For the center for congenital and inherited
1 47 disorders central registry under section 144.13A,
1 48 subsection 4, paragraph "a":
1 49 ..... $ 171,121
1 50 4. For primary and secondary child abuse prevention

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2 1 programs under section 144.13A, subsection 4, paragraph
2 2 "a":
2 3 ..... $ 217,772
2 4 5. For programs for at=risk children under section
2 5 279.51:
2 6 ..... $ 10,728,891
2 7 The amount of any reduction in this subsection shall
2 8 be prorated among the programs specified in section
2 9 279.51, subsection 1, paragraphs "a", "b", and "c".
2 10 6. For payment for nonpublic school transportation
2 11 under section 285.2:
2 12 ..... $ 7,060,931
2 13 If total approved claims for reimbursement for
2 14 nonpublic school pupil transportation exceed the amount
2 15 appropriated in accordance with this subsection, the
2 16 department of education shall prorate the amount of
2 17 each approved claim.
2 18 7. For reimbursement for the homestead property tax
2 19 credit under section 425.1:
2 20 ..... $ 86,188,387
2 21 8. For reimbursement for the family farm and
2 22 agricultural land tax credits under sections 425A.1 and
2 23 426.1:
2 24 ..... $ 32,395,131
2 25 9. For the enforcement of chapter 453D relating to
2 26 tobacco product manufacturers under section 453D.8:
2 27 ..... $ 18,416
2 28 Sec. 3. INSTRUCTIONAL SUPPORT STATE AID ==== FY
2 29 2011=2012. In lieu of the appropriation provided in
2 30 section 257.20, subsection 2, the appropriation for the
2 31 fiscal year beginning July 1, 2011, and ending June 30,
2 32 2012, for paying instructional support state aid under
2 33 section 257.20 for fiscal year 2011=2012 is zero.
2 34 Sec. 4. Section 256.30, unnumbered paragraph
2 35 1, Code 2011, is amended by striking the unnumbered
2 36 paragraph and inserting in lieu thereof the following:
2 37 For the fiscal year beginning July 1, 2011, and
2 38 ending June 30, 2012, and for each succeeding fiscal
2 39 year, there is appropriated from the general fund of
2 40 the state to the department the sum of one hundred
2 41 thousand dollars. The department shall distribute the
2 42 appropriation to the tribal council of the Sac and Fox
2 43 Indian settlement for expenses of educating American
2 44 Indian children residing in the Sac and Fox Indian
2 45 settlement on land held in trust by the secretary of
2 46 the interior of the United States in excess of federal
2 47 moneys paid to the tribal council for educating the
2 48 American Indian children when moneys are appropriated
2 49 for that purpose. The tribal council shall administer
2 50 the moneys distributed pursuant to this section and

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3 1 shall submit an annual report and other reports as
3 2 required by the department to the department on the
3 3 expenditure of the moneys.
3 4 Sec. 5. Section 257.35, Code 2011, is amended by
3 5 adding the following new subsection:
3 6 NEW SUBSECTION. 5A. Notwithstanding subsection 1,
3 7 and in addition to the reduction applicable pursuant
3 8 to subsection 2, the state aid for area education
3 9 agencies and the portion of the combined district cost
3 10 calculated for these agencies for the fiscal year
3 11 beginning July 1, 2011, and ending June 30, 2012, shall
3 12 be reduced by the department of management by twenty
3 13 million dollars. The reduction for each area education
3 14 agency shall be prorated based on the reduction that
3 15 the agency received in the fiscal year beginning July
3 16 1, 2003.
3 17 DIVISION II
3 18 SALARIES, COMPENSATION, AND RELATED MATTERS ==== FY
3 19 2011=2012
3 20 Sec. 6. APPOINTED STATE OFFICERS.
3 21 1. The governor shall establish a salary for
3 22 appointed nonelected persons in the executive branch
3 23 of state government holding a position enumerated in
3 24 and within the salary ranges provided in 2008 Iowa
3 25 Acts, chapter 1191, section 14, by considering, among
3 26 other items, the experience of the individual in
3 27 the position, changes in the duties of the position,
3 28 the incumbent's performance of assigned duties, and
3 29 subordinates' salaries. However, the attorney general
3 30 shall establish the salary for the consumer advocate,
3 31 the chief justice of the supreme court shall establish
3 32 the salary for the state court administrator, the
3 33 ethics and campaign disclosure board shall establish
3 34 the salary of the executive director, and the Iowa
3 35 public broadcasting board shall establish the salary of
3 36 the administrator of the public broadcasting division
3 37 of the department of education, each within the salary
3 38 range provided in 2008 Iowa Acts, chapter 1191, section
3 39 14.
3 40 2. The governor, in establishing salaries as
3 41 provided in this section, shall take into consideration
3 42 other employee benefits which may be provided for an
3 43 individual including but not limited to housing.
3 44 3. A person whose salary is established pursuant
3 45 to this section and who is a full=time, year=round
3 46 employee of the state shall not receive any other
3 47 remuneration from the state or from any other source
3 48 for the performance of that person's duties unless
3 49 the additional remuneration is first approved by the
3 50 governor or authorized by law. However, this provision

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4 1 does not exclude the reimbursement for necessary travel
4 2 and expenses incurred in the performance of duties or
4 3 fringe benefits normally provided to employees of the
4 4 state.
4 5 Sec. 7. COLLECTIVE BARGAINING AGREEMENTS
4 6 FUNDED. The various state departments, boards,
4 7 commissions, councils, and agencies, including the
4 8 state board of regents, for the fiscal year beginning
4 9 July 1, 2011, and ending June 30, 2012, shall provide
4 10 from available sources pay adjustments, expense
4 11 reimbursements, and related benefits to fully fund the
4 12 following:
4 13 1. The collective bargaining agreement negotiated
4 14 pursuant to chapter 20 for employees in the blue collar
4 15 bargaining unit.
4 16 2. The collective bargaining agreement negotiated
4 17 pursuant to chapter 20 for employees in the public
4 18 safety bargaining unit.
4 19 3. The collective bargaining agreement negotiated
4 20 pursuant to chapter 20 for employees in the security
4 21 bargaining unit.
4 22 4. The collective bargaining agreement negotiated
4 23 pursuant to chapter 20 for employees in the technical
4 24 bargaining unit.
4 25 5. The collective bargaining agreement negotiated
4 26 pursuant to chapter 20 for employees in the
4 27 professional fiscal and staff bargaining unit.
4 28 6. The collective bargaining agreement negotiated
4 29 pursuant to chapter 20 for employees in the clerical
4 30 bargaining unit.
4 31 7. The collective bargaining agreement negotiated
4 32 pursuant to chapter 20 for employees in the
4 33 professional social services bargaining unit.
4 34 8. The collective bargaining agreement negotiated
4 35 pursuant to chapter 20 for employees in the
4 36 community=based corrections bargaining unit.
4 37 9. The collective bargaining agreements negotiated
4 38 pursuant to chapter 20 for employees in the judicial
4 39 branch of government bargaining units.
4 40 10. The collective bargaining agreement negotiated
4 41 pursuant to chapter 20 for employees in the patient
4 42 care bargaining unit.
4 43 11. The collective bargaining agreement negotiated
4 44 pursuant to chapter 20 for employees in the science
4 45 bargaining unit.
4 46 12. The collective bargaining agreement negotiated
4 47 pursuant to chapter 20 for employees in the university
4 48 of northern Iowa faculty bargaining unit.
4 49 13. The collective bargaining agreement negotiated
4 50 pursuant to chapter 20 for employees in the state

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5 1 university of Iowa graduate student bargaining unit.
5 2 14. The collective bargaining agreement negotiated
5 3 pursuant to chapter 20 for employees in the state
5 4 university of Iowa hospital and clinics tertiary health
5 5 care bargaining unit.
5 6 15. The annual pay adjustments, related benefits,
5 7 and expense reimbursements referred to in the sections
5 8 of this division of this Act addressing state board of
5 9 regents employees who are not covered by a collective
5 10 bargaining agreement.
5 11 Sec. 8. STATE EMPLOYEES ==== STATE BOARD OF
5 12 REGENTS. For the fiscal year beginning July 1, 2011,
5 13 and ending June 30, 2012, funds shall be provided from
5 14 available sources of the state board of regents for
5 15 funding of collective bargaining agreements for state
5 16 board of regents employees covered by such agreements
5 17 and for the following state board of regents employees
5 18 not covered by a collective bargaining agreement:
5 19 1. Regents merit system employees and merit
5 20 supervisory employees.
5 21 2. Faculty members and professional and scientific
5 22 employees.
5 23 Sec. 9. BONUS PAY. For the fiscal year beginning
5 24 July 1, 2011, and ending June 30, 2012, employees of
5 25 the executive branch, judicial branch, and legislative
5 26 branch shall not receive bonus pay unless otherwise
5 27 authorized by law, required pursuant to a contract
5 28 of employment entered into before July 1, 2011,
5 29 or required pursuant to a collective bargaining
5 30 agreement. This section does not apply to employees
5 31 of the state board of regents. For purposes of this
5 32 section, "bonus pay" means any additional remuneration
5 33 provided an employee in the form of a bonus, including
5 34 but not limited to a retention bonus, recruitment
5 35 bonus, exceptional job performance pay, extraordinary
5 36 job performance pay, exceptional performance pay,
5 37 extraordinary duty pay, or extraordinary or special
5 38 duty pay, and any extra benefit not otherwise provided
5 39 to other similarly situated employees.
5 40 Sec. 10. STATE TROOPER MEAL ALLOWANCE. For the
5 41 fiscal year beginning July 1, 2011, the sworn peace
5 42 officers in the department of public safety who are not
5 43 covered by a collective bargaining agreement negotiated
5 44 pursuant to chapter 20 shall receive the same per
5 45 diem meal allowance as the sworn peace officers in
5 46 the department of public safety who are covered by a
5 47 collective bargaining agreement negotiated pursuant to
5 48 chapter 20.
5 49 Sec. 11. SALARY MODEL ADMINISTRATOR. The salary
5 50 model administrator shall work in conjunction with

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6 1 the legislative services agency to maintain the
6 2 state's salary model used for analyzing, comparing,
6 3 and projecting state employee salary and benefit
6 4 information, including information relating to
6 5 employees of the state board of regents. The
6 6 department of revenue, the department of administrative
6 7 services, the five institutions under the jurisdiction
6 8 of the state board of regents, the judicial district
6 9 departments of correctional services, and the state
6 10 department of transportation shall provide salary data
6 11 to the department of management and the legislative
6 12 services agency to operate the state's salary
6 13 model. The format and frequency of provision of the
6 14 salary data shall be determined by the department of
6 15 management and the legislative services agency. The
6 16 information shall be used in collective bargaining
6 17 processes under chapter 20 and in calculating the
6 18 funding needs contained within the annual salary
6 19 adjustment legislation. A state employee organization
6 20 as defined in section 20.3, subsection 4, may request
6 21 information produced by the model, but the information
6 22 provided shall not contain information attributable to
6 23 individual employees.
6 24 DIVISION III
6 25 PERFORMANCE OF DUTY
6 26 Sec. 12. Section 7D.10, Code 2011, is amended to
6 27 read as follows:
6 28 7D.10 Court costs.
6 29 If sufficient funds for court costs have not been
6 30 appropriated to a state department, or if sufficient
6 31 funds are not otherwise available for such purposes
6 32 within the budget of a state department, upon
6 33 authorization by the executive council ~~may pay, out of~~
6 34 ~~any money in the state treasury~~ there is appropriated
6 35 from moneys in the general fund of the state not
6 36 otherwise appropriated, an amount sufficient to pay
6 37 expenses incurred, or costs taxed to the state, in
6 38 any proceeding brought by or against any of the state
6 39 departments or in which the state is a party or is
6 40 interested. This section shall not be construed to
6 41 authorize the payment of travel or other personal
6 42 expenses of state officers or employees.
6 43 Sec. 13. Section 7D.10A, as amended by 2011 Iowa
6 44 Acts, Senate File 478, section 11, as enacted, is
6 45 amended to read as follows:
6 46 7D.10A ~~Allocation~~ Payment to livestock remediation
6 47 fund.
6 48 If moneys are not sufficient to support the
6 49 livestock remediation fund as provided in chapter 459,
6 50 subchapter V, the executive council may ~~allocate from~~

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~~7 1 moneys in the general fund of the state, which are~~
~~7 2 not otherwise obligated or encumbered,~~ authorize as
7 3 an expense paid from the appropriations addressed in
7 4 section 7D.29 the payment of an amount to the livestock
7 5 remediation fund as provided under section 459.501,
7 6 subsection 5. However, not more than a total of
7 7 one million dollars ~~shall be allocated~~ shall be paid
7 8 pursuant to this section to the livestock remediation
7 9 fund at any time.
7 10 Sec. 14. Section 7D.29, Code 2011, is amended to
7 11 read as follows:
7 12 7D.29 Performance of duty ==== expense.
7 13 1. The executive council shall not employ others,
7 14 or ~~incur~~ authorize any expense, for the purpose of
7 15 performing any duty imposed upon the council when
7 16 the duty may, without neglect of their usual duties,
7 17 be performed by the members, or by their regular
7 18 employees, but, subject to this limitation, the council
7 19 may ~~incur~~ authorize the necessary expense to perform
7 20 or cause to be performed any legal duty imposed on
7 21 the council~~, and pay the same out of any money in the~~
~~7 22 state treasury not otherwise appropriated~~. The expenses
7 23 authorized by the executive council in accordance
7 24 with this section and the expenses authorized by the
7 25 executive council in accordance with other statutory
7 26 provisions referencing the appropriations addressed in
7 27 this section shall be paid as follows:
7 28 a. From the appropriation made from the Iowa
7 29 economic emergency fund in section 8.55 for purposes of
7 30 paying such expenses.
7 31 b. To the extent the appropriation from the
7 32 Iowa economic emergency fund described in paragraph
7 33 "a" is insufficient to pay such expenses, there is
7 34 appropriated from moneys in the general fund of the
7 35 state not otherwise appropriated the amount necessary
7 36 to fund that deficiency.>
7 37 2. At least two weeks prior to the executive
7 38 council's approval of a payment authorization under
7 39 this section, the secretary of the executive council
7 40 shall notify the legislative services agency that
7 41 the authorization request will be considered by
7 42 the executive council and shall provide background
7 43 information justifying the request.
7 44 3. The executive council shall receive requests
7 45 from the Iowa department of public health relative to
7 46 the purchase, storing, and distribution of vaccines and
7 47 medication for prevention, prophylaxis, or treatment.
7 48 Upon review and after compliance with subsection 2,
7 49 the executive council may approve the request and may
7 50 ~~incur~~ authorize payment of the necessary expense ~~and~~

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~~pay the same out of any money in the state treasury not otherwise appropriated~~. The expense authorized by the executive council under this subsection shall be paid from the appropriations referred to in subsection 1.

Sec. 15. Section 7D.30, Code 2011, is amended to read as follows:

7D.30 Necessary record.

Before ~~incurring~~ authorizing any expense ~~authorized by~~ in accordance withsection 7D.29, the executive council shall, in each case, by resolution, entered upon its records, set forth the necessity for ~~incurring~~ authorizing such expense, the special fitness of the one employed to perform such work, the definite rate of compensation or salary allowed, and the total amount of money that may be expended. Compensation or salary for personal services in such cases must be determined by unanimous vote of all members of the council.

Sec. 16. Section 8.55, subsection 3, paragraph a, Code 2011, is amended to read as follows:

a. Except as provided in paragraphs "b", ~~and~~"c", and "0d", the moneys in the Iowa economic emergency fund shall only be used pursuant to an appropriation made by the general assembly. An appropriation shall only be made for the fiscal year in which the appropriation is made. The moneys shall only be appropriated by the general assembly for emergency expenditures.

Sec. 17. Section 8.55, subsection 3, Code 2011, is amended by adding the following new paragraph:

NEW PARAGRAPH. 0d. There is appropriated from the Iowa economic emergency fund to the executive council an amount sufficient to pay the expenses authorized by the executive council, as addressed in section 7D.29.

Sec. 18. Section 8A.321, subsection 4, Code 2011, is amended to read as follows:

4. Contract, with the approval of the executive council, for the repair, remodeling, or, if the condition warrants, demolition of all buildings and grounds of the state at the seat of government, at the state laboratories facility in Ankeny, and the institutions of the department of human services and the department of corrections for which no specific appropriation has been made, if the cost of repair, remodeling, or demolition will not exceed one hundred thousand dollars when completed. The cost of repair projects for which no specific appropriation has been made shall be paid ~~from the fund~~ as an expense authorized by the executive council as provided in section 7D.29.

Sec. 19. Section 8A.321, subsection 6, paragraphs a and b, Code 2011, are amended to read as follows:

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9 1 a. Lease all buildings and office space necessary
9 2 to carry out the provisions of this subchapter or
9 3 necessary for the proper functioning of any state
9 4 agency at the seat of government. For state agencies
9 5 at the seat of government, the director may lease
9 6 buildings and office space in Polk county or in a
9 7 county contiguous to Polk county. If no specific
9 8 appropriation has been made, the proposed lease shall
9 9 be submitted to the executive council for ~~approval~~
9 10 authorization and if authorized lease expense shall
9 11 be paid from the appropriations addressed in section
9 12 7D.29. ~~The cost of any lease for which no specific~~
9 13 ~~appropriation has been made shall be paid from the fund~~
9 14 ~~provided in section 7D.29.~~
9 15 b. When the general assembly is not in session, the
9 16 director may request ~~moneys~~ an expense authorization
9 17 from the executive council for moving state agencies
9 18 located at the seat of government from one location
9 19 to another. The request may include moving costs,
9 20 telecommunications costs, repair costs, or any other
9 21 costs relating to the move. The executive council may
9 22 ~~approve and shall pay the costs from funds~~ authorize
9 23 the expenses ~~provided~~ and may authorize the expenses to
9 24 be paid from the appropriations addressed in section
9 25 7D.29 if it determines the agency or department ~~has~~
9 26 ~~no available~~ does not have funds available for these
9 27 expenses.
9 28 Sec. 20. Section 11.32, as amended by 2011 Iowa
9 29 Acts, House File 536, section 26, as enacted, is
9 30 amended to read as follows:
9 31 11.32 Certified accountants employed.
9 32 Nothing in this chapter shall prohibit the auditor
9 33 of state, with the prior written permission of the
9 34 state executive council, from employing certified
9 35 public accountants for specific assignments. The
9 36 auditor of state may employ such accountants for any
9 37 assignment ~~now~~ expressly reserved to the auditor of
9 38 state. Payments, after approval by the executive
9 39 council, ~~will~~ shall be made to the accountants so
9 40 employed from funds from which the auditor of state
9 41 would have been paid had the auditor of state performed
9 42 the assignment, or if ~~no~~ such specific funds are
9 43 ~~indicated~~ not available, then ~~payment will be made~~
9 44 ~~from the funds of~~ authorization of the expense by the
9 45 executive council shall be requested, and if authorized
9 46 shall be paid from the appropriations addressed in
9 47 section 7D.29.
9 48 Sec. 21. Section 13.3, Code 2011, is amended to
9 49 read as follows:
9 50 13.3 Disqualification ==== substitute.

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1. If, for any reason, the attorney general ~~be~~ is disqualified from appearing in any action or proceeding, the executive council shall ~~appoint some~~ authorize the appointment of a suitable person for that purpose ~~and defray the~~. There is appropriated from moneys in the general fund not otherwise appropriated an amount necessary to pay the reasonable expense ~~thereof from any unappropriated funds in the state treasury~~ for the person appointed. The department involved in the action or proceeding shall be requested to recommend a suitable person to represent the department and when the executive council concurs in the recommendation, the person recommended shall be appointed.

2. If the governor or a department is represented by an attorney other than the attorney general in a court proceeding as provided in this section, at the conclusion of the court proceedings, the court shall review the fees charged to the state to determine if the fees are fair and reasonable. The executive council shall not ~~reimburse~~ authorize reimbursement of attorney fees in excess of those determined by the court to be fair and reasonable.

Sec. 22. Section 13.7, Code 2011, is amended to read as follows:

13.7 Special counsel.

Compensation shall not be allowed to any person for services as an attorney or counselor to an executive department of the state government, or the head ~~thereof~~ of an executive department of state government, or to a state board or commission. However, the executive council may ~~employ~~ authorize employment of legal assistance, at a reasonable compensation, in a pending action or proceeding to protect the interests of the state, but only upon a sufficient showing, in writing, made by the attorney general, that the department of justice cannot for reasons stated by the attorney general perform the service~~, which~~. The reasons and action of the council shall be entered upon its records. ~~When~~ If the attorney general determines that the department of justice cannot perform legal service in an action or proceeding, the executive council shall request the department involved in the action or proceeding to recommend legal counsel to represent the department. If the attorney general concurs with the department that the person recommended is qualified and suitable to represent the department, the person recommended shall be employed. If the attorney general does not concur in the recommendation, the department shall submit a new recommendation. This section does

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11 1 not affect the general counsel for the utilities board
11 2 of the department of commerce, the legal counsel of the
11 3 department of workforce development, or the general
11 4 counsel for the property assessment appeal board.
11 5 Sec. 23. Section 29A.27, unnumbered paragraph 8,
11 6 Code 2011, is amended to read as follows:
11 7 All payments ~~herein~~ provided for under this section
11 8 shall be paid on the approval of the adjutant general
11 9 from the contingent fund of the executive council
11 10 created in section 29C.20.
11 11 Sec. 24. Section 29C.8, subsection 3, paragraph
11 12 f, subparagraph (3), Code 2011, is amended to read as
11 13 follows:
11 14 (3) Upon notification of a compensable loss to a
11 15 member of a homeland security and emergency management
11 16 response team, the department of administrative
11 17 services shall process the claim and seek ~~funding~~
11 18 authorization from the executive council ~~for~~ to pay
11 19 as an expense paid from the appropriations addressed
11 20 in section 7D.29 those costs associated with covered
11 21 benefits.
11 22 Sec. 25. Section 29C.20, subsection 1, paragraph a,
11 23 unnumbered paragraph 1, Code 2011, is amended to read
11 24 as follows:
11 25 A contingent fund is created in the state treasury
11 26 for the use of the executive council ~~which~~. Funding
11 27 for the contingent fund, if authorized by the executive
11 28 council, shall be paid from the appropriations
11 29 addressed in section 7D.29. Moneys in the contingent
11 30 fund may be expended for the following purposes:
11 31 Sec. 26. Section 96.13, subsection 3, paragraph c,
11 32 Code 2011, is amended to read as follows:
11 33 c. The department may appear before the executive
11 34 council and request ~~funds~~ authorization of moneys to
11 35 meet unanticipated emergencies as an expense from the
11 36 appropriations addressed in section 7D.29.
11 37 Sec. 27. Section 135.143, subsection 5, Code 2011,
11 38 is amended to read as follows:
11 39 5. Upon notification of a compensable loss, the
11 40 department of administrative services shall seek
11 41 ~~funding~~ authorization from the executive council ~~for~~
11 42 to pay as an expense from the appropriations addressed
11 43 in section 7D.29 those costs associated with covered
11 44 workers' compensation benefits.
11 45 Sec. 28. Section 135.144, subsection 11, Code 2011,
11 46 is amended to read as follows:
11 47 11. If a public health disaster or other public
11 48 health emergency situation exists which poses an
11 49 imminent threat to the public health, safety, and
11 50 welfare, the department, in conjunction with the

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12 1 governor, may provide financial assistance, from funds
12 2 appropriated to the department that are not otherwise
12 3 encumbered, to political subdivisions as needed to
12 4 alleviate the disaster or the emergency. If the
12 5 department does not have sufficient unencumbered funds,
12 6 the governor may request ~~that~~ the executive council~~,~~
12 7 ~~pursuant to the authority of section 7D.29, commit~~
12 8 ~~sufficient funds,~~ to authorize the payment of up to one
12 9 million dollars~~, that are not otherwise encumbered from~~
12 10 ~~the general fund, as needed and available, for~~ as an
12 11 expense from the appropriations addressed in section
12 12 7D.29 to alleviate the disaster or the emergency. If
12 13 additional financial assistance is required in excess
12 14 of one million dollars, approval by the legislative
12 15 council is also required.
12 16 Sec. 29. Section 163.3A, subsection 4, paragraph b,
12 17 Code 2011, is amended to read as follows:
12 18 b. The department shall provide and update a list
12 19 of the registered members of each emergency response
12 20 team, including the members' names and identifying
12 21 information, to the department of administrative
12 22 services. Upon notification of a compensable loss
12 23 suffered by a registered member, the department
12 24 of administrative services shall seek ~~funding~~
12 25 authorization from the executive council ~~for~~ to pay as
12 26 an expense from the appropriations addressed in section
12 27 7D.29 those costs associated with covered benefits.
12 28 Sec. 30. Section 163.10, Code 2011, is amended to
12 29 read as follows:
12 30 163.10 Quarantining or destroying animals.
12 31 The department may quarantine or destroy any
12 32 animal exposed to or afflicted with an infectious or
12 33 contagious disease. However, cattle exposed to or
12 34 infected with tuberculosis shall not be destroyed
12 35 without the owner's consent, unless there are
12 36 sufficient moneys to reimburse the owner for the
12 37 cattle, which may be paid ~~from the appropriation~~ as
12 38 an expense authorized as provided in section 163.15,
12 39 from moneys in the brucellosis and tuberculosis
12 40 eradication fund created in section 165.18, or from
12 41 moneys made available by the United States department
12 42 of agriculture.
12 43 Sec. 31. Section 163.15, subsection 2, paragraph
12 44 a, subparagraph (3), Code 2011, is amended to read as
12 45 follows:
12 46 (3) A claim for an indemnity by the owner and a
12 47 claim for compensation and expenses by the appraisers
12 48 shall be filed with the department and submitted by the
12 49 secretary of agriculture to the executive council for
12 50 ~~its approval or disapproval~~ authorization of payment

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of the claim as an expense from the appropriations addressed in section 7D.29.

Sec. 32. Section 163.15, subsection 2, paragraph a, subparagraph (4), Code 2011, is amended by striking the subparagraph.

Sec. 33. Section 163.15, subsection 2, paragraph b, unnumbered paragraph 1, Code 2011, is amended to read as follows:

A formula established by rule adopted by the department that is effective as determined by the department in accordance with chapter 17A and applicable upon approval of the ~~plan~~ program of eradication ~~approved~~ by the executive council. The formula shall be applicable to indemnify owners if the executive council, upon recommendation by the secretary of agriculture, determines that an animal population in this state is threatened with infection from an exceptionally contagious disease.

Sec. 34. Section 163.15, subsection 2, paragraph b, subparagraph (4), Code 2011, is amended to read as follows:

(4) ~~Upon approval by the~~ The executive council~~, there is appropriated to the department from any moneys in the general fund of the state not otherwise appropriated moneys sufficient to carry out the~~ may authorize payment under the provisions of this paragraph "b" as an expense from the appropriations addressed in section 7D.29.

Sec. 35. Section 307.45, subsection 3, Code 2011, is amended to read as follows:

3. Assessments against property owned by the state and not under the jurisdiction and control of the department's administrator of highways shall be made in the same manner as those made against private property and payment shall be ~~made~~ subject to authorization by the executive council ~~from any funds of the state not otherwise appropriated~~. There is appropriated from moneys in the general fund not otherwise appropriated an amount necessary to pay the expense authorized by the executive council.

Sec. 36. Section 384.56, subsection 1, Code 2011, is amended to read as follows:

1. Cities may assess the cost of a public improvement which extends through, abuts upon, or is adjacent to lands owned by the state, and ~~the executive council shall pay~~ payment for the assessable portion of the cost of the improvement through or along the lands as provided shall be subject to authorization by the executive council~~. The executive council shall pay assessments as~~ and payable in the manner provided

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14 1 in section 307.45 for property owned by the state and
14 2 not under the jurisdiction and control of the state
14 3 department of transportation.
14 4 Sec. 37. Section 459.501, subsection 5, as amended
14 5 by 2011 Iowa Acts, Senate File 478, section 1, as
14 6 enacted, is amended to read as follows:
14 7 5. The following shall apply to moneys in the fund:
14 8 a. (1) The executive council may ~~allocate moneys~~
14 9 ~~from the general fund of the state as~~ authorize payment
14 10 of moneys as an expense paid from the appropriations
14 11 addressed in section 7D.29 and in the manner provided
14 12 in section 7D.10A in an amount necessary to support the
14 13 fund, including the following:
14 14 (a) The payment of claims as provided in section
14 15 459.505.
14 16 (b) The allocation of moneys to the department
14 17 of agriculture and land stewardship for the payment
14 18 of expenses incurred by the department of agriculture
14 19 and land stewardship associated with providing for the
14 20 sustenance and disposition of livestock pursuant to
14 21 chapter 717.
14 22 (2) Notwithstanding subparagraph (1), the
14 23 ~~allocation of moneys from the general fund of the state~~
14 24 executive council's authorization for payment shall be
14 25 ~~made~~ provided only if the amount of moneys in the fund,
14 26 which are not obligated or encumbered, and not counting
14 27 the department's estimate of the cost to the fund for
14 28 pending or unsettled claims, the amount to be allocated
14 29 to the department of agriculture and land stewardship,
14 30 and any amount required to be credited to the general
14 31 fund of the state under this subsection, is less than
14 32 one million dollars.
14 33 b. The department of natural resources shall
14 34 credit an amount to the ~~general~~ fund ~~of the state~~
14 35 from which the expense authorized by the executive
14 36 council as provided in paragraph "a" was appropriated
14 37 which is equal to an amount allocated to support the
14 38 livestock remediation fund by the executive council
14 39 under paragraph "a". ~~The~~ However, the department shall
14 40 only be required to credit the moneys to ~~the general~~
14 41 such fund ~~of the state~~ if the moneys in the livestock
14 42 remediation fund which are not obligated or encumbered,
14 43 and not counting the department's estimate of the
14 44 cost to the livestock remediation fund for pending or
14 45 unsettled claims, the amount to be allocated to the
14 46 department of agriculture and land stewardship, and
14 47 any amount required to be transferred to the ~~general~~
14 48 fund ~~under~~ from which appropriated as described in this
14 49 paragraph, are in excess of two million five hundred
14 50 thousand dollars. The department is not required to

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15 1 credit the total amount to the ~~general~~ fund ~~of the~~
15 2 ~~state~~ from which appropriated as described in this
15 3 paragraph during any one fiscal year.
15 4 Sec. 38. Section 468.43, unnumbered paragraph 4,
15 5 Code 2011, is amended to read as follows:
15 6 The assessments against lands under the jurisdiction
15 7 of the department of natural resources shall be paid as
15 8 an expense from the appropriations addressed in section
15 9 7D.29, if authorized by the executive council upon
15 10 certification of the amount by the county treasurer.
15 11 ~~There is appropriated from any funds in the general~~
15 12 ~~fund of the state not otherwise appropriated amounts~~
15 13 ~~sufficient to pay the certified assessments.~~
15 14 Sec. 39. Section 568.16, Code 2011, is amended to
15 15 read as follows:
15 16 568.16 Purchase money refunded.
15 17 If the grantee of the state, or the grantee's
15 18 successors, administrators, or assigns, shall be
15 19 deprived of the land conveyed by the state under this
15 20 chapter by the final decree of a court of record for
15 21 the reason that the conveyance by the state ~~passed~~
15 22 ~~no title whatever to the land therein~~ did not pass
15 23 title to the land described, because title ~~thereto~~ to
15 24 the land had previously for any reason been vested
15 25 in others, then the money ~~so~~ paid by the state for
15 26 the ~~said~~ land shall be refunded by the state to the
15 27 person or persons entitled ~~thereto~~ to the refund,
15 28 provided the ~~said~~ grantee, or the grantee's successors,
15 29 administrators, or assigns, shall file a certified
15 30 copy of the transcript of the ~~said~~ final decree with
15 31 the executive council within one year from the date
15 32 of the issuance of such decree, and shall also file
15 33 satisfactory proof with the executive council that the
15 34 action over the title to the land was commenced within
15 35 ten years from the date of the issuance of patent or
15 36 deed by the state. The amount of money to be refunded
15 37 under the provisions of this section shall be ~~certified~~
15 38 ~~-~~ authorized and paid by the executive council ~~to the~~
15 39 ~~director of the department of administrative services,~~
15 40 ~~who shall draw a warrant therefor, and the same shall~~
15 41 ~~be paid out of the general fund~~ as an expense from the
15 42 appropriations addressed in section 7D.29.
15 43 Sec. 40. Section 602.10133, Code 2011, is amended
15 44 to read as follows:
15 45 602.10133 Costs and expenses.
15 46 The court costs incident to such proceedings~~,~~
15 47 and the reasonable expense of ~~said~~ the judges in
15 48 attending ~~said~~ the hearing after being approved by
15 49 the supreme court shall be paid as ~~court costs~~ an
15 50 expense authorized by the executive council from the

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16 1 appropriations addressed in section 7D.29.
16 2 Sec. 41. Section 663.44, Code 2011, is amended to
16 3 read as follows:
16 4 663.44 Costs.
16 5 1. If the plaintiff is discharged, the costs shall
16 6 be assessed to the defendant, unless the defendant
16 7 is an officer holding the plaintiff in custody under
16 8 a commitment, or under other legal process, in which
16 9 case the costs shall be assessed to the county. If the
16 10 plaintiff's application is refused, the costs shall be
16 11 assessed against the plaintiff, and, in the discretion
16 12 of the court, against the person who filed the petition
16 13 in the plaintiff's behalf.
16 14 2. ~~However, where~~ Notwithstanding subsection 1, if
16 15 the plaintiff is confined in any state institution~~,~~ and
16 16 is discharged in habeas corpus proceedings, or ~~where~~ if
16 17 the habeas corpus proceedings fail, and costs and fees
16 18 cannot be collected from the person liable to pay ~~the~~
16 19 ~~same~~ costs and fees, ~~such~~ the costs and fees shall be
16 20 paid by the county in which such state institution is
16 21 located. The facts of such payment and the proceedings
16 22 on which it is based, with a statement of the amount
16 23 of fees or costs incurred, with approval in writing
16 24 by the presiding judge appended to ~~such~~ the statement
16 25 or endorsed ~~thereon~~ on the statement, shall ~~then~~ be
16 26 certified by the clerk of the district court under the
16 27 seal of office to the state executive council. The
16 28 executive council shall ~~then~~ review the proceedings and
16 29 authorize reimbursement for all such fees and costs
16 30 or such part ~~thereof~~ of the fees and costs as the
16 31 executive council ~~shall find~~ finds justified, and shall
16 32 notify the director of the department of administrative
16 33 services to draw a warrant to such county treasurer
16 34 ~~on the state general fund~~ for the amount authorized.
16 35 There is appropriated from moneys in the general fund
16 36 not otherwise appropriated an amount necessary to pay
16 37 the reimbursement authorized by the executive council.
16 38 The costs and fees referred to above shall include
16 39 any award of fees made to a court appointed attorney
16 40 representing an indigent party bringing the habeas
16 41 corpus action.
16 42 DIVISION IV
16 43 STANDING APPROPRIATIONS AND RELATED MATTERS ==== FY
16 44 2012=2013
16 45 Sec. 42. BUDGET PROCESS FOR FISCAL YEAR 2013=2014.
16 46 1. For the budget process applicable to the fiscal
16 47 year beginning July 1, 2013, on or before October 1,
16 48 2012, in lieu of the information specified in section
16 49 8.23, subsection 1, unnumbered paragraph 1, and
16 50 paragraph "a", all departments and establishments of

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17 1 the government shall transmit to the director of the
17 2 department of management, on blanks to be furnished
17 3 by the director, estimates of their expenditure
17 4 requirements, including every proposed expenditure, for
17 5 the ensuing fiscal year, together with supporting data
17 6 and explanations as called for by the director of the
17 7 department of management after consultation with the
17 8 legislative services agency.
17 9 2. The estimates of expenditure requirements
17 10 shall be in a form specified by the director of
17 11 the department of management, and the expenditure
17 12 requirements shall include all proposed expenditures
17 13 and shall be prioritized by program or the results to
17 14 be achieved. The estimates shall be accompanied by
17 15 performance measures for evaluating the effectiveness
17 16 of the programs or results.
17 17 Sec. 43. LIMITATION OF STANDING APPROPRIATIONS.
17 18 Notwithstanding the standing appropriations in the
17 19 following designated sections for the fiscal year
17 20 beginning July 1, 2012, and ending June 30, 2013, the
17 21 amounts appropriated from the general fund of the state
17 22 pursuant to these sections for the following designated
17 23 purposes shall not exceed the following amounts:
17 24 1. For operational support grants and community
17 25 cultural grants under section 99F.11, subsection 3,
17 26 paragraph "d", subparagraph (1):
17 27 ..... $ 208,351
17 28 2. For regional tourism marketing under section
17 29 99F.11, subsection 3, paragraph "d", subparagraph (2):
17 30 ..... $ 405,153
17 31 3. For the center for congenital and inherited
17 32 disorders central registry under section 144.13A,
17 33 subsection 4, paragraph "a":
17 34 ..... $ 85,560
17 35 4. For primary and secondary child abuse prevention
17 36 programs under section 144.13A, subsection 4, paragraph
17 37 "a":
17 38 ..... $ 108,886
17 39 5. For programs for at=risk children under section
17 40 279.51:
17 41 ..... $ 10,728,891
17 42 The amount of any reduction in this subsection shall
17 43 be prorated among the programs specified in section
17 44 279.51, subsection 1, paragraphs "a", "b", and "c".
17 45 6. For payment for nonpublic school transportation
17 46 under section 285.2:
17 47 ..... $ 3,530,465
17 48 If total approved claims for reimbursement for
17 49 nonpublic school pupil transportation exceed the amount
17 50 appropriated in accordance with this subsection, the

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18 1 department of education shall prorate the amount of
18 2 each approved claim.
18 3 7. For reimbursement for the homestead property tax
18 4 credit under section 425.1:
18 5 ..... $ 86,188,387
18 6 8. For reimbursement for the family farm and
18 7 agricultural land tax credits under sections 425A.1 and
18 8 426.1:
18 9 ..... $ 32,395,131
18 10 9. For the enforcement of chapter 453D relating to
18 11 tobacco product manufacturers under section 453D.8:
18 12 ..... $ 9,208
18 13 Sec. 44. INSTRUCTIONAL SUPPORT STATE AID ==== FY
18 14 2012=2013. In lieu of the appropriation provided in
18 15 section 257.20, subsection 2, the appropriation for the
18 16 fiscal year beginning July 1, 2012, and ending June 30,
18 17 2013, for paying instructional support state aid under
18 18 section 257.20 for fiscal year 2012=2013 is zero.
18 19 DIVISION V
18 20 SALARIES, COMPENSATION, AND RELATED MATTERS ==== FY
18 21 2012=2013
18 22 Sec. 45. COLLECTIVE BARGAINING AGREEMENTS
18 23 FUNDED. The various state departments, boards,
18 24 commissions, councils, and agencies, including the
18 25 state board of regents, for the fiscal year beginning
18 26 July 1, 2012, and ending June 30, 2013, shall provide
18 27 from available sources pay adjustments, expense
18 28 reimbursements, and related benefits to fully fund the
18 29 following:
18 30 1. The collective bargaining agreement negotiated
18 31 pursuant to chapter 20 for employees in the blue collar
18 32 bargaining unit.
18 33 2. The collective bargaining agreement negotiated
18 34 pursuant to chapter 20 for employees in the public
18 35 safety bargaining unit.
18 36 3. The collective bargaining agreement negotiated
18 37 pursuant to chapter 20 for employees in the security
18 38 bargaining unit.
18 39 4. The collective bargaining agreement negotiated
18 40 pursuant to chapter 20 for employees in the technical
18 41 bargaining unit.
18 42 5. The collective bargaining agreement negotiated
18 43 pursuant to chapter 20 for employees in the
18 44 professional fiscal and staff bargaining unit.
18 45 6. The collective bargaining agreement negotiated
18 46 pursuant to chapter 20 for employees in the clerical
18 47 bargaining unit.
18 48 7. The collective bargaining agreement negotiated
18 49 pursuant to chapter 20 for employees in the
18 50 professional social services bargaining unit.

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19 1 8. The collective bargaining agreement negotiated
19 2 pursuant to chapter 20 for employees in the
19 3 community=based corrections bargaining unit.
19 4 9. The collective bargaining agreements negotiated
19 5 pursuant to chapter 20 for employees in the judicial
19 6 branch of government bargaining units.
19 7 10. The collective bargaining agreement negotiated
19 8 pursuant to chapter 20 for employees in the patient
19 9 care bargaining unit.
19 10 11. The collective bargaining agreement negotiated
19 11 pursuant to chapter 20 for employees in the science
19 12 bargaining unit.
19 13 12. The collective bargaining agreement negotiated
19 14 pursuant to chapter 20 for employees in the university
19 15 of northern Iowa faculty bargaining unit.
19 16 13. The collective bargaining agreement negotiated
19 17 pursuant to chapter 20 for employees in the state
19 18 university of Iowa graduate student bargaining unit.
19 19 14. The collective bargaining agreement negotiated
19 20 pursuant to chapter 20 for employees in the state
19 21 university of Iowa hospital and clinics tertiary health
19 22 care bargaining unit.
19 23 15. The annual pay adjustments, related benefits,
19 24 and expense reimbursements referred to in the sections
19 25 of this division of this Act addressing state board of
19 26 regents employees who are not covered by a collective
19 27 bargaining agreement.
19 28 Sec. 46. STATE EMPLOYEES ==== STATE BOARD OF
19 29 REGENTS. For the fiscal year beginning July 1, 2012,
19 30 and ending June 30, 2013, funds shall be provided from
19 31 available sources of the state board of regents for
19 32 funding of collective bargaining agreements for state
19 33 board of regents employees covered by such agreements
19 34 and for the following state board of regents employees
19 35 not covered by a collective bargaining agreement:
19 36 1. Regents merit system employees and merit
19 37 supervisory employees.
19 38 2. Faculty members and professional and scientific
19 39 employees.
19 40 Sec. 47. BONUS PAY. For the fiscal year beginning
19 41 July 1, 2012, and ending June 30, 2013, employees of
19 42 the executive branch, judicial branch, and legislative
19 43 branch shall not receive bonus pay unless otherwise
19 44 authorized by law, required pursuant to a contract
19 45 of employment entered into before July 1, 2012,
19 46 or required pursuant to a collective bargaining
19 47 agreement. This section does not apply to employees
19 48 of the state board of regents. For purposes of this
19 49 section, "bonus pay" means any additional remuneration
19 50 provided an employee in the form of a bonus, including

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20 1 but not limited to a retention bonus, recruitment
20 2 bonus, exceptional job performance pay, extraordinary
20 3 job performance pay, exceptional performance pay,
20 4 extraordinary duty pay, or extraordinary or special
20 5 duty pay, and any extra benefit not otherwise provided
20 6 to other similarly situated employees.
20 7 Sec. 48. STATE TROOPER MEAL ALLOWANCE. For the
20 8 fiscal year beginning July 1, 2012, the sworn peace
20 9 officers in the department of public safety who are not
20 10 covered by a collective bargaining agreement negotiated
20 11 pursuant to chapter 20 shall receive the same per
20 12 diem meal allowance as the sworn peace officers in
20 13 the department of public safety who are covered by a
20 14 collective bargaining agreement negotiated pursuant to
20 15 chapter 20.
20 16 Sec. 49. SALARY MODEL ADMINISTRATOR. The salary
20 17 model administrator shall work in conjunction with
20 18 the legislative services agency to maintain the
20 19 state's salary model used for analyzing, comparing,
20 20 and projecting state employee salary and benefit
20 21 information, including information relating to
20 22 employees of the state board of regents. The
20 23 department of revenue, the department of administrative
20 24 services, the five institutions under the jurisdiction
20 25 of the state board of regents, the judicial district
20 26 departments of correctional services, and the state
20 27 department of transportation shall provide salary data
20 28 to the department of management and the legislative
20 29 services agency to operate the state's salary
20 30 model. The format and frequency of provision of the
20 31 salary data shall be determined by the department of
20 32 management and the legislative services agency. The
20 33 information shall be used in collective bargaining
20 34 processes under chapter 20 and in calculating the
20 35 funding needs contained within the annual salary
20 36 adjustment legislation. A state employee organization
20 37 as defined in section 20.3, subsection 4, may request
20 38 information produced by the model, but the information
20 39 provided shall not contain information attributable to
20 40 individual employees.
20 41 DIVISION VI
20 42 CORRECTIVE PROVISIONS
20 43 Sec. 50. Section 8.6, subsection 9A, as enacted by
20 44 2011 Iowa Acts, House File 45, section 39, is amended
20 45 to read as follows:
20 46 9A. Budget and tax rate databases. To develop
20 47 and make available to the public a searchable budget
20 48 database and internet site as required under chapter
20 49 8G, ~~division~~ subchapter I, and to develop and make
20 50 available to the public a searchable tax rate database

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21 1 and internet site as required under chapter 8G,
21 2 ~~division~~ subchapter II.
21 3 Sec. 51. Section 8.57E, subsection 3, paragraph a,
21 4 as enacted by 2011 Iowa Acts, Senate File 209, section
21 5 30, is amended to read as follows:
21 6 a. Moneys in the ~~taxpayer's~~ taxpayers trust fund
21 7 may be used for cash flow purposes during a fiscal year
21 8 provided that any moneys so allocated are returned to
21 9 the fund by the end of that fiscal year.
21 10 Sec. 52. Section 8G.13, as enacted by 2011 Iowa
21 11 Acts, House File 45, section 50, is amended to read as
21 12 follows:
21 13 8G.13 Updating database.
21 14 To facilitate the department of management's efforts
21 15 in creating and maintaining a searchable database of
21 16 the taxes identified in section 8G.12, subsection ~~3~~ 1,
21 17 for all taxing jurisdictions in the state, each taxing
21 18 jurisdiction may annually be required to report its tax
21 19 rates to the department of management or the department
21 20 of revenue and shall report any changes to its tax
21 21 rates within thirty days of the change.
21 22 Sec. 53. Section 16.193, subsection 3, paragraph a,
21 23 Code 2011, as amended by 2011 Iowa Acts, Senate File
21 24 475, section 11, is amended to read as follows:
21 25 a. During the term of the Iowa jobs program and
21 26 Iowa jobs II program, the Iowa finance authority shall
21 27 collect data on all of the projects approved for the
21 28 ~~program~~ programs. The department of management and
21 29 the state agencies associated with the projects shall
21 30 assist the authority with the data collection and in
21 31 developing the report required by this subsection. The
21 32 authority shall report quarterly to the governor and
21 33 the general assembly concerning the data.
21 34 Sec. 54. Section 68A.401, subsection 4, Code 2011,
21 35 as amended by 2011 Iowa Acts, Senate File 475, section
21 36 17, is amended to read as follows:
21 37 4. Political committees expressly advocating the
21 38 nomination, election, or defeat of candidates for
21 39 both federal office and any elected office created
21 40 by law or the Constitution of the State of Iowa
21 41 shall file statements and reports with the board in
21 42 addition to any federal reports required to be filed
21 43 with the board. However, a political committee that
21 44 is registered and filing full disclosure reports of
21 45 all financial activities with the federal election
21 46 commission may file verified statements as provided in
21 47 section ~~68B.201A~~ 68A.201A.
21 48 Sec. 55. Section 139A.19, subsection 3, as enacted
21 49 by 2011 Iowa Acts, House File 467, section 20, is
21 50 amended to read as follows:

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22 1 3. This section does not preclude a hospital,
22 2 clinic, other health facility, or a health care
22 3 provider from providing notification to a care
22 4 provider under circumstances in which the hospital's,
22 5 clinic's, other health facility's, or health care
22 6 provider's policy provides for notification of the
22 7 hospital's, ~~clinics~~ clinic's, other health facility's,
22 8 or health care provider's own employees of exposure
22 9 to a contagious or infectious disease that is not
22 10 life=threatening if the notice does not reveal a
22 11 patient's name, unless the patient consents.
22 12 Sec. 56. Section 175.3, subsection 1, paragraph a,
22 13 Code 2011, as amended by 2011 Iowa Acts, Senate File
22 14 429, section 1, is amended to read as follows:
22 15 a. The agricultural development authority is
22 16 established within the department of agriculture and
22 17 land stewardship. The ~~agency~~ authority is constituted
22 18 as a public instrumentality and agency of the state
22 19 exercising public and essential governmental functions.
22 20 Sec. 57. Section 207.22, subsection 3, paragraph b,
22 21 Code 2011, as amended by 2011 Iowa Acts, Senate File
22 22 475, section 47, is amended to read as follows:
22 23 b. Acquisition of coal refuse disposal sites and
22 24 all coal refuse thereon will serve the purposes of
22 25 ~~Tit. IV of~~Pub. L. No. 95=87, Tit. IV, codified at 30
22 26 U.S.C. ch. 25, subch. IV, or that public ownership
22 27 is desirable to meet emergency situations and prevent
22 28 recurrences of the adverse effect of past coal mining
22 29 practices.
22 30 Sec. 58. Section 232.71D, subsection 3, paragraph
22 31 a, unnumbered paragraph 1, as enacted by 2011 Iowa
22 32 Acts, House File 562, section 3, is amended to read as
22 33 follows:
22 34 Unless any of the circumstances listed in paragraph
22 35 "b" are applicable, cases to which any of the following
22 36 circumstances apply shall not be placed ~~on~~ in the
22 37 central registry:
22 38 Sec. 59. Section 256.7, subsection 26, paragraph a,
22 39 subparagraph (1), as enacted by 2011 Iowa Acts, Senate
22 40 File 453, section 1, is amended to read as follows:
22 41 (1) The rules establishing high school graduation
22 42 requirements shall authorize a school district
22 43 or accredited nonpublic school to consider that
22 44 any student who satisfactorily completes a high
22 45 school=level unit of English or language arts,
22 46 mathematics, science, or social studies has
22 47 satisfactorily completed a unit of the high school
22 48 graduation requirements for that area as specified in
22 49 this lettered paragraph, and ~~to~~ shall authorize the
22 50 school district or accredited nonpublic school to issue

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23 1 high school credit for the unit to the student.
23 2 Sec. 60. Section 321.34, subsection 20C, paragraph
23 3 a, if enacted by 2011 Iowa Acts, House File 651,
23 4 section 2, is amended to read as follows:
23 5 a. The department, in consultation with the
23 6 adjutant general, shall design combat infantryman
23 7 badge, combat action badge, combat action ribbon, air
23 8 force combat action medal, and combat medical badge
23 9 distinguishing processed emblems. Upon receipt of two
23 10 hundred fifty orders for ~~special~~ combat infantryman
23 11 badge, combat action badge, combat action ribbon, air
23 12 force combat action medal, or combat medical badge
23 13 special registration plates, accompanied by a start=up
23 14 fee of twenty dollars per order, the department
23 15 shall begin issuing special registration plates with
23 16 the applicable distinguishing processed emblem as
23 17 provided in paragraphs "b" and "c". The minimum
23 18 order requirement shall apply separately to each of
23 19 the special registration plates created under this
23 20 subsection.
23 21 Sec. 61. Section 321.34, subsection 25, paragraph
23 22 a, if enacted by 2011 Iowa Acts, House File 651,
23 23 section 2, is amended to read as follows:
23 24 a. The department, in consultation with
23 25 the adjutant general, shall design a civil war
23 26 sesquicentennial distinguishing processed emblem. Upon
23 27 receipt of two hundred fifty orders for ~~special~~ civil
23 28 war sesquicentennial special registration plates,
23 29 accompanied by a start=up fee of twenty dollars per
23 30 order, the department shall begin issuing special
23 31 registration plates with a civil war sesquicentennial
23 32 processed emblem as provided in paragraph "b".
23 33 Sec. 62. Section 327B.5, Code 2011, is amended to
23 34 read as follows:
23 35 327B.5 Penalty.
23 36 Any person violating the provisions of this chapter
23 37 shall, upon conviction, be subject to a scheduled
23 38 fine as provided in section 805.8A, subsection 13,
23 39 ~~paragraphs~~ paragraph"f"~~and "g"~~.
23 40 Sec. 63. Section 422.11O, subsection 5, paragraph
23 41 a, subparagraph (2), if enacted by 2011 Iowa Acts,
23 42 Senate File 531, section 17, is amended to read as
23 43 follows:
23 44 (2) The E=15 plus gasoline promotion tax credit
23 45 pursuant to section 422.11Y.
23 46 Sec. 64. Section 422.11Y, subsection 1, paragraph
23 47 d, if enacted by 2011 Iowa Acts, Senate File 531,
23 48 section 35, is amended to read as follows:
23 49 d. "Tax credit" means the E=15 plus gasoline
23 50 promotion tax credit as provided in this section.

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24 1 Sec. 65. Section 422.11Y, subsection 3, unnumbered
24 2 paragraph 1, if enacted by 2011 Iowa Acts, Senate File
24 3 531, section 35, is amended to read as follows:
24 4 The taxes imposed under this division, less the
24 5 credits allowed under section 422.12, shall be reduced
24 6 by the amount of the E=15 plus gasoline promotion tax
24 7 credit for each tax year that the taxpayer is eligible
24 8 to claim a tax credit under this subsection.
24 9 Sec. 66. Section 422.11Y, subsection 6, paragraph
24 10 b, subparagraph (2), if enacted by 2011 Iowa Acts,
24 11 Senate File 531, section 35, is amended to read as
24 12 follows:
24 13 (2) The retail dealer may claim the ethanol
24 14 promotion tax credit as provided in paragraph "a" for
24 15 the same ethanol gallonage used to calculate and claim
24 16 the E=15 plus gasoline promotion tax credit.
24 17 Sec. 67. Section 423.4, subsection 9, unnumbered
24 18 paragraph 1, if enacted by 2011 Iowa Acts, Senate File
24 19 531, section 59, is amended to read as follows:
24 20 A person who qualifies as a biodiesel producer as
24 21 provided in this subsection may apply to the director
24 22 for a refund of the amount of the sales or use tax
24 23 imposed and paid upon purchases made by the person.
24 24 Sec. 68. Section 483A.24A, Code 2011, as amended by
24 25 2011 Iowa Acts, Senate File 194, section 10, is amended
24 26 to read as follows:
24 27 483A.24A License refunds ==== military service.
24 28 Notwithstanding any provision of this chapter to
24 29 the contrary, a service member deployed for military
24 30 service, ~~both~~ as defined in section 29A.1, subsection
24 31 3, shall receive a refund of that portion of any
24 32 license fee paid by the service member representing the
24 33 service member's period of military service.
24 34 Sec. 69. Section 501.101, subsection 01, as enacted
24 35 by 2011 Iowa Acts, House File 348, section 7, is
24 36 amended to read as follows:
24 37 01. "Alternative voting method" means a method of
24 38 voting other than a written ballot, including voting
24 39 by electronic, telephonic, internet, or other means
24 40 that reasonably ~~allow~~ allows members the opportunity
24 41 to vote.
24 42 Sec. 70. Section 501A.703, subsection 5, paragraph
24 43 d, Code 2011, as amended by 2011 Iowa Acts, House File
24 44 348, section 19, is amended to read as follows:
24 45 d. If the ballot of the member is received by
24 46 the cooperative on or before the date of the regular
24 47 members' meeting or as otherwise prescribed for an
24 48 alternative~~,~~ voting method, the ballot or alternative
24 49 voting method shall be accepted and counted as the vote
24 50 of the absent member.

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Sec. 71. Section 511.8, subsection 22, paragraph i, unnumbered paragraph 1, as enacted by 2011 Iowa Acts, Senate File 406, section 25, is amended to read as follows:

Securities held in the legal reserve of a life insurance company or association pledged as collateral for financial instruments used in highly effective hedging transactions as defined in the national association of insurance commissioners' ~~Statement~~ statement of ~~Statutory Accounting Principles No.~~ statutory accounting principles no. 86 shall continue to be eligible for inclusion ~~on~~ in the legal reserve of the life insurance company or association subject to all of the following:

Sec. 72. Section 514J.109, subsection 3, paragraph f, if enacted by 2011 Iowa Acts, House File 597, section 9, is amended to read as follows:

f. The covered person or the covered person's authorized representative has provided all the information and forms required by the commissioner that are necessary to process an external review request pursuant to this section.

Sec. 73. Section 521F.4, subsection 1, paragraph b, as enacted by 2011 Iowa Acts, Senate File 406, section 44, is amended to read as follows:

b. The filing of a risk=based capital report by a health organization which indicates that the health organization has total adjusted capital which is greater than or equal to its company=action=level risk=based capital but less than the product of its authorized=control=level risk=based capital and three and triggers the trend test determined in accordance with the trend test ~~calculations~~ calculation included in the health risk=based capital instructions.

Sec. 74. Section 524.310, subsection 5, paragraph b, Code 2011, as amended by 2011 Iowa Acts, Senate File 475, section 120, is amended to read as follows:

b. A corporate or company name reserved, registered, or protected as provided in section 489.109,490.402, 490.403, ~~490A.402,~~504.402, or 504.403.

Sec. 75. Section 717.3, subsection 5, paragraph b, Code 2011, as enacted by 2011 Iowa Acts, Senate File 478, section 6, is amended to read as follows:

b. That the department shall assume supervision of and provide for the sustenance of the livestock ~~and~~ as provided in section 717.4.

Sec. 76. Section 717.4, subsection 2, as enacted by 2011 Iowa Acts, Senate File 478, section 7, is amended to read as follows:

2. The court ordered lien shall be for the benefit

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26 1 of the department. The amount of the lien shall not
26 2 be ~~not~~ more than for expenses incurred in providing
26 3 sustenance to the livestock pursuant to section 717.3
26 4 and providing for the disposition of the livestock
26 5 pursuant to section 717.5.
26 6 Sec. 77. Section 717.4A, as enacted by 2011 Iowa
26 7 Acts, Senate File 478, section 8, is amended to read
26 8 as follows:
26 9 717.4A Livestock in immediate need of sustenance ====
26 10 livestock remediation fund.
26 11 The department may utilize the moneys deposited
26 12 into the livestock remediation fund pursuant to
26 13 section 459.501 to pay for any expenses associated
26 14 with providing sustenance to or the disposition of the
26 15 livestock pursuant to a court order entered pursuant to
26 16 section 717.3 or 717.5. The department shall utilize
26 17 moneys from the fund only to the extent that the
26 18 department determines that expenses cannot be timely
26 19 paid by utilizing the available provisions of sections
26 20 717.4 and 717.5. The department shall deposit any
26 21 unexpended and unobligated moneys in the fund. The
26 22 department shall pay to the fund the proceeds from the
26 23 disposition of the livestock and associated products
26 24 less expenses incurred by the department in providing
26 25 for the sustenance and disposition of the livestock, as
26 26 provided in section 717.5.
26 27 Sec. 78. Section 903A.5, subsection 1, as enacted
26 28 by 2011 Iowa Acts, House File 271, section 3, is
26 29 amended to read as follows:
26 30 1. An inmate shall not be discharged from the
26 31 custody of the director of the Iowa department of
26 32 corrections until the inmate has served the full term
26 33 for which the inmate was sentenced, less earned time
26 34 and other credits earned and not forfeited, unless
26 35 the inmate is pardoned or otherwise legally released.
26 36 Earned time accrued and not forfeited shall apply
26 37 to reduce a mandatory minimum sentence being served
26 38 pursuant to section 124.406, 124.413, 902.7, 902.8,
26 39 902.8A, or 902.11. An inmate shall be deemed to be
26 40 serving the sentence from the day on which the inmate
26 41 is received into the institution. If an inmate was
26 42 confined to a county jail or other correctional or
26 43 mental facility at any time prior to sentencing, or
26 44 after sentencing but prior to the case having been
26 45 decided on appeal, because of failure to furnish
26 46 bail or because of being charged with a nonbailable
26 47 offense, the inmate shall be given credit for the
26 48 days already served upon the term of the sentence.
26 49 However, if a person commits any offense while confined
26 50 in a county jail or other correctional or mental

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27 1 health facility, the person shall not be granted
27 2 ~~jail~~ credit for that offense. Unless the inmate was
27 3 confined in a correctional facility, the sheriff of
27 4 the county in which the inmate was confined shall
27 5 certify to the clerk of the district court from which
27 6 the inmate was sentenced and to the department of
27 7 corrections' records administrator at the Iowa medical
27 8 and classification center the number of days so served.
27 9 The department of corrections' records administrator,
27 10 or the administrator's designee, shall apply jail
27 11 credit as ordered by the court of proper jurisdiction
27 12 or as authorized by this section and section 907.3,
27 13 subsection 3.
27 14 Sec. 79. EFFECTIVE DATES.
27 15 1. The section of this division of this Act
27 16 amending section 422.11O, subsection 5, paragraph a,
27 17 subparagraph (2), if enacted by 2011 Iowa Acts, Senate
27 18 File 531, section 17, takes effect January 1, 2012.
27 19 2. Section 423.4, subsection 9, unnumbered
27 20 paragraph 1, if enacted by 2011 Iowa Acts, Senate File
27 21 531, section 59, takes effect January 1, 2012.
27 22 Sec. 80. APPLICABILITY.
27 23 1. The section of this division of this Act
27 24 amending section 422.11O, subsection 5, paragraph a,
27 25 subparagraph (2), if enacted by 2011 Iowa Acts, Senate
27 26 File 531, section 17, applies to tax years beginning on
27 27 and after January 1, 2012.
27 28 2. The section of this division of this Act
27 29 amending section 422.11Y, subsection 1, paragraph d, if
27 30 enacted by 2011 Iowa Acts, Senate File 531, section 35,
27 31 applies to tax years beginning on and after January 1,
27 32 2012, and to that part of a retail dealer's tax year or
27 33 tax years occurring during that portion of the calendar
27 34 year beginning on and after July 1, 2011, and ending
27 35 on December 31, 2011.
27 36 3. The section of this division of this Act
27 37 amending section 422.11Y, subsection 3, unnumbered
27 38 paragraph 1, if enacted by 2011 Iowa Acts, Senate File
27 39 531, section 35, applies to tax years beginning on and
27 40 after January 1, 2012, and to that part of a retail
27 41 dealer's tax year or tax years occurring during that
27 42 portion of the calendar year beginning on and after
27 43 July 1, 2011, and ending on December 31, 2011.
27 44 4. The section of this division of this Act
27 45 amending section 422.11Y, subsection 6, paragraph b,
27 46 subparagraph (2), if enacted by 2011 Iowa Acts, Senate
27 47 File 531, section 35, applies to tax years beginning on
27 48 and after January 1, 2012, and to that part of a retail
27 49 dealer's tax year or tax years occurring during that
27 50 portion of the calendar year beginning on and after

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28 1 July 1, 2011, and ending on December 31, 2011.
28 2 DIVISION VII
28 3 MISCELLANEOUS PROVISIONS AND APPROPRIATIONS
28 4 Sec. 81. VISION SCREENING PROGRAM ==== DEPARTMENT
28 5 OF PUBLIC HEALTH. There is appropriated from the
28 6 general fund of the state to the department of public
28 7 health for the fiscal year beginning July 1, 2011, and
28 8 ending June 30, 2012, the following amount, or so much
28 9 thereof as is necessary, to be used for the purposes
28 10 designated:
28 11 For a grant to a national affiliated volunteer
28 12 eye organization that has an established program for
28 13 children and adults and that is solely dedicated to
28 14 preserving sight and preventing blindness through
28 15 education, nationally certified vision screening and
28 16 training, and community and patient service programs:
28 17 ..... $ 100,000
28 18 Sec. 82. APPROPRIATION ==== FARMERS WITH
28 19 DISABILITIES. There is appropriated from the general
28 20 fund of the state to the department of agriculture and
28 21 land stewardship for the fiscal year beginning July 1,
28 22 2011, and ending June 30, 2012, the following amount,
28 23 or so much thereof as is necessary, for a program for
28 24 farmers with disabilities:
28 25 ..... $ 97,000
28 26 The moneys appropriated in this section shall be
28 27 used for the public purpose of providing a grant to
28 28 a national nonprofit organization with over 80 years
28 29 of experience in assisting children and adults with
28 30 disabilities and special needs. The moneys shall
28 31 be used to support a nationally recognized program
28 32 that began in 1986 and has been replicated in at
28 33 least 30 other states, but which is not available
28 34 through any other entity in this state, and that
28 35 provides assistance to farmers with disabilities in
28 36 all 99 counties to allow the farmers to remain in
28 37 their own homes and be gainfully engaged in farming
28 38 through provision of agricultural worksite and home
28 39 modification consultations, peer support services,
28 40 services to families, information and referral, and
28 41 equipment loan services. Notwithstanding section
28 42 8.33, moneys appropriated in this section that remain
28 43 unencumbered or unobligated at the close of the fiscal
28 44 year shall not revert but shall remain available for
28 45 expenditure for the purposes designated until the close
28 46 of the succeeding fiscal year.
28 47 Sec. 83. APPROPRIATION ==== BATTLESHIP IOWA, BB=61.
28 48 1. There is appropriated from the general fund of
28 49 the state to the department of cultural affairs for the
28 50 fiscal year beginning July 1, 2010, and ending June 30,

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29 1 2011, the following amount, or so much thereof as is
29 2 necessary, to be credited to the BB=61 fund created in
29 3 2010 Iowa Acts, chapter 1194:
29 4 ..... $ 3,000,000
29 5 2. If the department of the navy, pursuant to a
29 6 process outlined in a notice published in the federal
29 7 register on May 24, 2010, volume 75, number 99, awards
29 8 possession or conditionally awards possession of the
29 9 battleship Iowa, BB=61, to a nonprofit group that is
29 10 eligible to receive the battleship, the department of
29 11 cultural affairs shall award a grant to the nonprofit
29 12 group in an amount equal to $3 million in addition to
29 13 any moneys awarded as a grant from the BB=61 fund.
29 14 3. Notwithstanding section 8.33, moneys
29 15 appropriated in this section that remain unencumbered
29 16 or unobligated at the close of the fiscal year shall
29 17 not revert but shall remain available for expenditure
29 18 for the purposes designated for succeeding fiscal
29 19 years.
29 20 Sec. 84. GROUP HOME GRANT. There is appropriated
29 21 from the general fund of the state to the Iowa finance
29 22 authority for the fiscal year beginning July 1, 2010,
29 23 and ending June 30, 2011, the following amount, or
29 24 so much thereof as is necessary, to be used for the
29 25 purposes designated:
29 26 For a grant to a nonprofit organization providing
29 27 residential services for persons with an intellectual
29 28 disability at the intermediate care facility level
29 29 and services under the medical assistance program
29 30 habilitation and brain injury home and community=based
29 31 services waivers, that is located in and providing such
29 32 services in a county with a population between 90,000
29 33 and 95,000, according to the latest certified federal
29 34 census:
29 35 ..... $ 100,000
29 36 The grant under this section shall be used for
29 37 purchase or remodeling costs to develop a group home
29 38 for not more than four individuals with intellectual
29 39 disabilities or brain injury. Notwithstanding section
29 40 8.33, moneys appropriated in this section that remain
29 41 unencumbered or unobligated at the close of the fiscal
29 42 year shall not revert but shall remain available for
29 43 expenditure for the purposes designated until the close
29 44 of the succeeding fiscal year.
29 45 Sec. 85. INVESTIGATIONS DIVISION OF DEPARTMENT
29 46 OF INSPECTIONS AND APPEALS ==== CONTINGENT FTE
29 47 AUTHORIZATION. If Senate File 313 or successor
29 48 legislation providing for debt setoff or other
29 49 recovery activities for nonpayment of premiums
29 50 pursuant to section 249A.3, subsection 2, paragraph

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30 1 "a", subparagraph (1), relating to a special income
30 2 eligibility group under the Medicaid program, or
30 3 pursuant to section 249J.8, subsection 1, relating
30 4 to the expansion population eligibility group under
30 5 the IowaCare program, is enacted by the Eighty=fourth
30 6 General Assembly, 2011 Session, in addition to
30 7 other full=time equivalent positions authorized for
30 8 the investigations division of the department of
30 9 inspections and appeals for the fiscal year beginning
30 10 July 1, 2011, not more than 2.00 FTEs are authorized,
30 11 to the extent funded through moneys available to the
30 12 department of human services, to be used to implement
30 13 such provisions of Senate File 313 or successor
30 14 legislation.
30 15 Sec. 86. SPECIAL EDUCATION INSTRUCTIONAL
30 16 PROGRAM. If a school district that is participating
30 17 on a contractual basis in a special education
30 18 instructional program operated by an area education
30 19 agency, in which the area education agency employed
30 20 teachers on behalf of the school district at the time
30 21 the department of management calculated the teacher
30 22 salary supplement cost per pupil under section 257.10,
30 23 subsection 9, the professional development supplement
30 24 cost per pupil under section 257.10, subsection 10,
30 25 the area education agency teacher salary supplement
30 26 cost per pupil under section 257.37A, subsection 1,
30 27 and the area education agency professional development
30 28 supplement cost per pupil under section 257.37A,
30 29 subsection 2, for the fiscal year beginning July 1,
30 30 2009, terminates the contract for participation in
30 31 the special education instructional program, the area
30 32 education agency operating the program shall notify the
30 33 department of management of the contract termination by
30 34 the following April 1. The department of management
30 35 shall recalculate the cost per pupil amounts for
30 36 the area education agency and the school district
30 37 for the fiscal year succeeding the notification date
30 38 for the teacher salary supplement cost per pupil
30 39 under section 257.10, subsection 9, the professional
30 40 development supplement cost per pupil under section
30 41 257.10, subsection 10, the area education agency
30 42 teacher salary supplement cost per pupil under section
30 43 257.37A, subsection 1, and the area education agency
30 44 professional development supplement cost per pupil
30 45 under section 257.37A, subsection 2, by estimating the
30 46 amount of the original allocations used in the cost
30 47 per pupil calculation that would have been allocated
30 48 to the school district rather than the area education
30 49 agency had the special education instructional program
30 50 not existed, and the department of management shall

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31 1 increase the annual supplement cost per pupil for
31 2 the school district and area education agency by the
31 3 appropriate allowable growth for the appropriate fiscal
31 4 years.
31 5 Sec. 87. TASK FORCE ON THE PREVENTION OF SEXUAL
31 6 ABUSE OF CHILDREN.
31 7 1. A task force on the prevention of sexual abuse
31 8 of children is established consisting of the following
31 9 members:
31 10 a. Four members of the general assembly serving as
31 11 ex officio, nonvoting members, with not more than one
31 12 member from each chamber being from the same political
31 13 party. The two senators shall be appointed, one
31 14 each, by the majority leader of the senate and by the
31 15 minority leader of the senate. The two representatives
31 16 shall be appointed, one each, by the speaker of the
31 17 house of representatives and by the minority leader of
31 18 the house of representatives.
31 19 b. The director of human services or the director's
31 20 designee.
31 21 c. The director of the department of education or
31 22 the director's designee.
31 23 d. The director of public health or the director's
31 24 designee.
31 25 e. The state court administrator or the state court
31 26 administrator's designee.
31 27 f. A representative of the Iowa county attorneys
31 28 association, appointed by the president of that
31 29 association.
31 30 g. A representative of the chief juvenile court
31 31 officers, appointed by the chief justice of the supreme
31 32 court.
31 33 h. A representative of the Iowa state education
31 34 association, appointed by the president of that
31 35 organization.
31 36 i. A representative of prevent child abuse Iowa,
31 37 appointed by the director of human services.
31 38 j. A representative of school administrators of
31 39 Iowa, appointed by the president of that organization.
31 40 k. A representative of the Iowa association of
31 41 school boards, appointed by the executive director of
31 42 that organization.
31 43 l. A representative of the Iowa psychological
31 44 association, appointed by the president of that
31 45 association.
31 46 m. A representative of the Iowa coalition against
31 47 sexual assault, appointed by the executive director of
31 48 that coalition.
31 49 n. A representative of prevent child abuse
31 50 Iowa, appointed by the executive director of that

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32 1 organization.
32 2 o. A child abuse expert employed by or under
32 3 contract with one of Iowa's nationally accredited child
32 4 protection centers, appointed by the director of the
32 5 regional child protection center located in Des Moines.
32 6 2. Members of the task force shall be individuals
32 7 who are actively involved in the fields of child abuse
32 8 prevention. To the extent possible, appointment of
32 9 members shall reflect the geographic diversity of the
32 10 state. The voting members of the task force shall
32 11 serve without compensation and shall not be reimbursed
32 12 for their expenses.
32 13 3. The director of prevent child abuse Iowa, or the
32 14 director's designee, shall convene the organizational
32 15 meeting of the task force. The task force shall
32 16 elect from among its members a chairperson. Meetings
32 17 shall be held at the call of the chairperson or at the
32 18 request of two or more task force members. Six members
32 19 shall constitute a quorum and the affirmative vote of
32 20 six members shall be necessary for any action taken by
32 21 the task force.
32 22 4. Prevent child abuse Iowa shall provide staff
32 23 support to the task force.
32 24 5. The task force shall consult with employees of
32 25 the department of human services, the Iowa coalition
32 26 against sexual assault, the department of public
32 27 safety, the state board of education, and any other
32 28 state agency or department as necessary to accomplish
32 29 the task force's responsibilities under this section.
32 30 6. The task force shall develop a model policy
32 31 addressing sexual abuse of children that may include
32 32 but is not limited to the following:
32 33 a. Age=appropriate curricula for students enrolled
32 34 in prekindergarten through grade five.
32 35 b. Training options for school personnel on child
32 36 sexual abuse.
32 37 c. Educational information for parents and
32 38 guardians that may be provided in a school handbook and
32 39 may include the warning signs of a child being abused,
32 40 along with any needed assistance, referral, or resource
32 41 information.
32 42 d. Counseling options and resources available
32 43 statewide for students affected by sexual abuse.
32 44 e. Emotional and educational support services
32 45 that may be available for a child subject to abuse to
32 46 continue to be successful in school.
32 47 f. Methods for increasing teacher, student, and
32 48 parent awareness of issues regarding sexual abuse of
32 49 children, including but not limited to knowledge of
32 50 likely warning signs indicating that a child may be a

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33 1 victim of sexual abuse.
33 2 g. Actions that a child who is a victim of
33 3 sexual abuse should take to obtain assistance and
33 4 intervention.
33 5 7. The task force shall make recommendations for
33 6 preventing the sexual abuse of children in Iowa. In
33 7 making those recommendations, the task force shall do
33 8 the following:
33 9 a. Gather information concerning child sexual abuse
33 10 throughout the state.
33 11 b. Receive reports and testimony from individuals,
33 12 state and local agencies, community=based
33 13 organizations, and other public and private
33 14 organizations.
33 15 c. Create goals for state policy that would prevent
33 16 child sexual abuse.
33 17 d. Submit a final report with its recommendations
33 18 to the governor and the general assembly on or before
33 19 January 16, 2012. The recommendations may include
33 20 proposals for specific statutory changes and methods
33 21 to foster cooperation among state agencies and between
33 22 the state, local school districts, and other local
33 23 governments.
33 24 Sec. 88. RAILROAD COMPANY ==== LIMITED LIABILITY. A
33 25 railroad company which alters facilities described in
33 26 section 327F.2 pursuant to a written agreement executed
33 27 on or before December 31, 2012, with a political
33 28 subdivision with a population of more than 67,800,
33 29 but less than 67,900, according to the 2010 certified
33 30 federal census, to construct a flood mitigation project
33 31 shall receive the limitation on liability contained
33 32 in section 670.4, subsection 8, for its facilities
33 33 described in section 327F.2 governed by the written
33 34 agreement for any damages caused by the alteration due
33 35 to a flood.
33 36 Sec. 89. STATE AGENCY OFFICE SUPPLIES PURCHASE,
33 37 EQUIPMENT PURCHASES, PRINTING AND BINDING, AND
33 38 MARKETING ==== APPLICABILITY. The limitation on
33 39 expenditures made for office supplies, purchases
33 40 of equipment, office equipment, and equipment
33 41 noninventory, printing and binding, and marketing
33 42 implemented pursuant to 2011 Iowa Acts, House File 45,
33 43 section 2, does not apply to a department or agency
33 44 receiving a supplemental appropriation for the fiscal
33 45 year beginning July 1, 2010, pursuant to 2011 Iowa
33 46 Acts, Senate File 209, division III.
33 47 Sec. 90. ELECTIONS=RELATED SOFTWARE.
33 48 Any computer software developed by a county for
33 49 purposes of election activities is the property of
33 50 the county unless the county sells the rights to the

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34 1 software.
34 2 Sec. 91. EFFECTIVE DATE ==== 2011 IOWA ACTS, SENATE
34 3 FILE 205.
34 4 1. 2011 Iowa Acts, Senate File 205, section 3,
34 5 amending section 321.47, subsection 2, being deemed of
34 6 immediate importance, takes effect on the effective
34 7 date of this section of this division of this Act.
34 8 2. 2011 Iowa Acts, Senate File 205, section 4,
34 9 enacting section 321.113, subsection 5, being deemed
34 10 of immediate importance, takes effect on the effective
34 11 date of this section of this division of this Act.
34 12 3. 2011 Iowa Acts, Senate File 205, section 5,
34 13 amending section 321.121, subsection 1, paragraph "b",
34 14 being deemed of immediate importance, takes effect on
34 15 the effective date of this section of this division of
34 16 this Act.
34 17 4. 2011 Iowa Acts, Senate File 205, section 6,
34 18 enacting section 321.122, subsection 1, paragraph "b",
34 19 subparagraph (3), being deemed of immediate importance,
34 20 takes effect on the effective date of this section of
34 21 this division of this Act.
34 22 Sec. 92. Section 80B.6, subsection 1, as amended by
34 23 2011 Iowa Acts, Senate File 236, section 1, is amended
34 24 to read as follows:
34 25 1. An Iowa law enforcement academy council is
34 26 created consisting of the following ~~thirteen~~ fifteen
34 27 voting members appointed by the governor, subject to
34 28 confirmation by the senate, to terms of four years
34 29 commencing as provided in section 69.19:
34 30 a. Three residents of the state.
34 31 b. A sheriff of a county with a population of fifty
34 32 thousand persons or more who is a member of the Iowa
34 33 state sheriffs and deputies association.
34 34 c. A sheriff of a county with a population of less
34 35 than fifty thousand persons who is a member of the Iowa
34 36 state sheriffs and deputies association.
34 37 d. A deputy sheriff of a county who is a member of
34 38 the Iowa state sheriffs and deputies association.
34 39 e. A member of the Iowa peace officers association.
34 40 f. A member of the Iowa state police association.
34 41 g. A member of the Iowa police chiefs association.
34 42 h. A police officer who is a member of a police
34 43 department of a city with a population of fifty
34 44 thousand persons or more.
34 45 i. A police officer who is a member of a police
34 46 department of a city with a population of less than
34 47 fifty thousand persons.
34 48 j. A member of the department of public safety.
34 49 k. A member of the office of motor vehicle
34 50 enforcement of the department of transportation.

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35 1 l. An employee of a county conservation board who
35 2 is a certified peace officer.
35 3 m. A conservation peace officer employed under
35 4 section 456A.13.
35 5 Sec. 93. Section 256C.5, subsection 1, paragraph c,
35 6 Code 2011, is amended to read as follows:
35 7 c. "Preschool budget enrollment" means the figure
35 8 that is equal to ~~sixty~~ fifty percent of the actual
35 9 enrollment of eligible students in the preschool
35 10 programming provided by a school district approved
35 11 to participate in the preschool program on October 1
35 12 of the base year, or the first Monday in October if
35 13 October 1 falls on a Saturday or Sunday.
35 14 Sec. 94. Section 279.51, subsection 2, Code 2011,
35 15 is amended to read as follows:
35 16 2. a. Funds allocated under subsection 1,
35 17 paragraph "b", shall be used by the child development
35 18 coordinating council for the following:
35 19 ~~a.~~ (1) To continue funding for programs previously
35 20 funded by grants awarded under section 256A.3 and to
35 21 provide additional grants under section 256A.3. The
35 22 council shall seek to provide grants on the basis of
35 23 the location within the state of children meeting
35 24 at=risk definitions.
35 25 ~~b.~~ (2) At the discretion of the child development
35 26 coordinating council, award grants for the following:
35 27 ~~(1)~~ (a) To school districts to establish programs
35 28 for three=year=old, four=year=old, and five=year=old
35 29 at=risk children which are a combination of preschool
35 30 and full=day kindergarten.
35 31 ~~(2)~~ (b) To provide grants to provide educational
35 32 support services to parents of at=risk children age
35 33 birth through three years.
35 34 b. A grantee under this subsection may direct the
35 35 use of moneys received to serve any qualifying child
35 36 ranging in age from three years old to five years old,
35 37 regardless of the age of population indicated on the
35 38 grant request in its initial year of application. A
35 39 grantee is encouraged to consider the degree to which
35 40 the program complements existing programs and services
35 41 for three=year=old, four=year=old, and five=year=old
35 42 at=risk children available in the area, including other
35 43 child care and preschool services, services provided
35 44 through a school district, and services available
35 45 through an area education agency.
35 46 Sec. 95. Section 303.19A, subsection 1, as enacted
35 47 by 2011 Iowa Acts, House File 267, section 2, is
35 48 amended to read as follows:
35 49 1. The state historic preservation officer shall
35 50 only recommend that a rural electric cooperative or a

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36 1 municipal utility constructing electric distribution
36 2 and transmission facilities for which it is receiving
36 3 federal funding conduct an archeological site survey
36 4 of its proposed route when, based upon a review of
36 5 existing information on historic properties within the
36 6 area of potential effects of the construction, the
36 7 state historic preservation officer has determined
36 8 that a historic property, as defined by the federal
36 9 National Historic Preservation Act of 1966, as amended,
36 10 is likely to exist within the proposed route.
36 11 Sec. 96. Section 321J.2, subsection 4, paragraph b,
36 12 Code 2011, is amended to read as follows:
36 13 b. Assessment of a minimum fine of one thousand
36 14 eight hundred ~~fifty~~ seventy=five dollars and a maximum
36 15 fine of six thousand two hundred fifty dollars.
36 16 Surcharges and fees shall be assessed pursuant to
36 17 chapter 911.
36 18 Sec. 97. Section 422.11S, subsection 7, paragraph
36 19 a, subparagraph (2), Code 2011, is amended to read as
36 20 follows:
36 21 (2) "Total approved tax credits" means for the
36 22 tax year beginning in the 2006 calendar year, two
36 23 million five hundred thousand dollars, for the tax
36 24 year beginning in the 2007 calendar year, five million
36 25 dollars, and for tax years beginning on or after
36 26 January 1, 2008, seven million five hundred thousand
36 27 dollars. However, for tax years beginning on or
36 28 after January 1, 2012, and only if legislation is
36 29 enacted by the eighty=fourth general assembly, 2011
36 30 session, amending section 257.8, subsections 1 and 2,
36 31 to establish both the state percent of growth and the
36 32 categorical state percent of growth for the budget
36 33 year beginning July 1, 2012, at three percent, "total
36 34 approved tax credits" means ten million dollars.
36 35 Sec. 98. Section 453A.35, subsection 1, Code 2011,
36 36 is amended to read as follows:
36 37 1. a. ~~The~~ With the exception of revenues credited
36 38 to the health care trust fund pursuant to paragraph
36 39 "b", the proceeds derived from the sale of stamps and
36 40 the payment of taxes, fees, and penalties provided for
36 41 under this chapter, and the permit fees received from
36 42 all permits issued by the department, shall be credited
36 43 to the general fund of the state. ~~However, of~~
36 44 b. Of the revenues generated from the tax on
36 45 cigarettes pursuant to section 453A.6, subsection
36 46 1, and from the tax on tobacco products as specified
36 47 in section 453A.43, subsections 1, 2, 3, and 4, ~~and~~
36 48 ~~credited to the general fund of the state under this~~
36 49 ~~subsection, there is appropriated, annually, to the~~
36 50 ~~health care trust fund created in section 453A.35A,~~ the

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first one hundred six million sixteen thousand four hundred dollars shall be credited to the health care trust fund created in section 453A.35A.

Sec. 99. Section 453A.35A, subsection 1, Code 2011, is amended to read as follows:

1. A health care trust fund is created in the office of the treasurer of state. The fund consists of the revenues generated from the tax on cigarettes pursuant to section 453A.6, subsection 1, and from the tax on tobacco products as specified in section 453A.43, subsections 1, 2, 3, and 4, that are credited to the ~~general fund of the state and appropriated to the~~ health care trust fund, annually, pursuant to section 453A.35. Moneys in the fund shall be separate from the general fund of the state and shall not be considered part of the general fund of the state. However, the fund shall be considered a special account for the purposes of section 8.53 relating to generally accepted accounting principles. Moneys in the fund shall be used only as specified in this section and shall be appropriated only for the uses specified. Moneys in the fund are not subject to section 8.33 and shall not be transferred, used, obligated, appropriated, or otherwise encumbered, except as provided in this section. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys deposited in the fund shall be credited to the fund.

Sec. 100. Section 466B.31, subsection 2, paragraph a, Code 2011, is amended by adding the following new subparagraphs:

NEW SUBPARAGRAPH. (17) One member selected by the agribusiness association of Iowa.

NEW SUBPARAGRAPH. (18) One member selected by the Iowa floodplain and stormwater management association.

NEW SUBPARAGRAPH. (19) One member selected by Iowa rivers revival.

Sec. 101. Section 523I.102, subsection 6, paragraph c, Code 2011, is amended to read as follows:

c. A pioneer cemetery. However, a pioneer cemetery is a cemetery for purposes of sections 523I.316, 523I.317, 523I.401, and 523I.402.

Sec. 102. Section 537A.5, subsection 1, as enacted by 2011 Iowa Acts, Senate File 396, section 1, is amended to read as follows:

1. As used in this section, "construction contract" means an agreement relating to the construction, alteration, improvement, development, demolition, excavation, rehabilitation, maintenance, or repair of buildings, ~~highways, roads, streets, bridges, tunnels, transportation facilities, airports,~~ water or

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38 1 sewage treatment plants, power plants, or any other
38 2 improvements to real property in this state, including
38 3 shafts, wells, and structures, whether on ground, above
38 4 ground, or underground, and includes agreements for
38 5 architectural services, design services, engineering
38 6 services, construction services, construction
38 7 management services, development services, maintenance
38 8 services, material purchases, equipment rental, and
38 9 labor. "Construction contract" includes all public,
38 10 private, foreign, or domestic agreements as described
38 11 in this subsection other than such public agreements
38 12 relating to highways, roads, and streets.
38 13 Sec. 103. Section 654.4B, subsection 2, paragraph
38 14 b, Code 2011, is amended to read as follows:
38 15 b. This subsection is repealed July 1, ~~2011~~ 2012.
38 16 Sec. 104. APPLICABILITY. The section of this
38 17 division of this Act amending section 256C.5,
38 18 subsection 1, takes effect upon enactment, and applies
38 19 to budget years beginning on or after July 1, 2011.
38 20 Sec. 105. EFFECTIVE UPON ENACTMENT. The following
38 21 provision or provisions of this division of this Act,
38 22 being deemed of immediate importance, take effect upon
38 23 enactment:
38 24 1. The section of this division of this Act
38 25 amending section 303.19A.
38 26 2. The section of this division of this Act
38 27 amending section 654.4B.
38 28 3. The section of this division of this Act
38 29 appropriating moneys to the department of cultural
38 30 affairs for purposes of a grant for the battleship
38 31 Iowa, BB=61.
38 32 4. The section of this division of this Act
38 33 creating a task force on the prevention of sexual abuse
38 34 of children.
38 35 5. The section of this division of this Act
38 36 providing effective dates for certain provisions in
38 37 2011 Iowa Acts, Senate File 205.
38 38 6. The section in this division of this Act making
38 39 an appropriation to the Iowa finance authority for a
38 40 group home grant.
38 41 7. The section of this division of this Act
38 42 relating to a school district participating on a
38 43 contractual basis in a special education instructional
38 44 program operated by an area education agency.
38 45 Sec. 106. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
38 46 APPLICABILITY. The provision of this division of this
38 47 Act relating to a limitation on state agency office
38 48 supplies purchase, equipment purchases, printing and
38 49 binding, and marketing as enacted by 2011 Iowa Acts,
38 50 House File 45, being deemed of immediate importance,

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39 1 takes effect upon enactment and applies retroactively
39 2 to March 7, 2011.
39 3 DIVISION VIII
39 4 APPROPRIATION TRANSFERS
39 5 REBUILD IOWA INFRASTRUCTURE FUND
39 6 Sec. 107. 2010 Iowa Acts, chapter 1184, section 26,
39 7 is amended to read as follows:
39 8 SEC. 26. There is appropriated from the rebuild
39 9 Iowa infrastructure fund to the department of economic
39 10 development for deposit in the grow Iowa values fund,
39 11 for the fiscal year beginning July 1, 2010, and ending
39 12 June 30, 2011, the following amount, notwithstanding
39 13 section 8.57, subsection 6, paragraph "c":
39 14 ..... $ 38,000,000
39 15 Of the moneys appropriated in this section, from
39 16 the amount allocated to the department of economic
39 17 development in accordance with 2010 Iowa Acts, chapter
39 18 1184, section 28, subsection 1, $1,200,000 shall
39 19 be used for the department's Iowans helping Iowans
39 20 business assistance program. Notwithstanding section
39 21 8.33, moneys designated pursuant to this unnumbered
39 22 paragraph that remain unencumbered or unobligated at
39 23 the close of the fiscal year shall not revert but shall
39 24 remain available for expenditure for the purposes
39 25 designated until the close of the succeeding fiscal
39 26 year.
39 27 CASH RESERVE FUND
39 28 Sec. 108. 2010 Iowa Acts, chapter 1193, section 90,
39 29 subsection 1, is amended to read as follows:
39 30 1. DEPARTMENT OF HUMAN SERVICES
39 31 For the medical assistance program:
39 32 ..... $187,800,000
39 33 a. Of the moneys appropriated in this subsection,
39 34 the following amounts shall be transferred as follows:
39 35 (1) To the Iowa finance authority to be used for
39 36 the Iowans helping Iowans housing assistance program:
39 37 ..... $ 6,050,000
39 38 (2) To the department of human services to be
39 39 used for the unmet needs program administered by the
39 40 department:
39 41 ..... $ 3,056,603
39 42 b. Notwithstanding section 8.33, moneys transferred
39 43 pursuant to paragraph "a" that remain unencumbered
39 44 or unobligated at the close of the fiscal year shall
39 45 not revert but shall remain available for expenditure
39 46 for the purposes designated until the close of the
39 47 succeeding fiscal year.
39 48 Sec. 109. EFFECTIVE DATE ==== APPLICABILITY.
39 49 1. This division of this Act being deemed of
39 50 immediate importance takes effect upon enactment, and

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40 1 if approved by the governor on or after July 1, 2011,
40 2 are retroactively applicable to the date specified in
40 3 subsection 2.
40 4 2. The provisions of this division of this Act
40 5 providing for transfers are retroactively applicable
40 6 to August 27, 2010, and apply in lieu of the transfers
40 7 made for the same purposes by the executive branch,
40 8 as reported by the department of management in the
40 9 transfer notice to the governor and lieutenant governor
40 10 dated August 27, 2010.
40 11 DIVISION IX
40 12 REORGANIZATION
40 13 Sec. 110. NEW SECTION. 8.75 Contract services ====
40 14 training.
40 15 1. Each department, as defined in section
40 16 8.2, shall separately track the budget and actual
40 17 expenditures for contract services and for employee
40 18 training for each appropriation line item.
40 19 2. The terms of the contracts for contracted
40 20 services entered into or revised during the fiscal year
40 21 shall incorporate quality assurance and cost control
40 22 measures.
40 23 3. The employee training tracking information
40 24 shall be further divided into training categories.
40 25 Each department's report on training tracking shall
40 26 specifically address the use of electronically based
40 27 training.
40 28 4. Each department shall report to the legislative
40 29 services agency on January 15 and July 15 of each year
40 30 concerning the budget, expenditure, quality assurance,
40 31 and cost control information addressed by this section
40 32 for the previous six calendar months.
40 33 Sec. 111. NEW SECTION. 8A.319 State government
40 34 purchasing efforts ==== department of administrative
40 35 services.
40 36 In order to facilitate efficient and cost=effective
40 37 purchasing, the department of administrative services
40 38 shall do the following:
40 39 1. Require state agencies to provide the department
40 40 with a report regarding planned purchases on an annual
40 41 basis and to report on an annual basis regarding
40 42 efforts to standardize products and services within
40 43 their own agencies and with other state agencies.
40 44 2. Require state employees who conduct bids for
40 45 services to receive training on an annual basis about
40 46 procurement rules and procedures and procurement best
40 47 practices.
40 48 3. Identify procurement compliance employees within
40 49 the department.
40 50 4. Review the process and basis for establishing

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41 1 departmental fees for purchasing.
41 2 5. Establish a work group to collaborate on best
41 3 practices to implement the best cost savings for the
41 4 state concerning purchasing.
41 5 6. Explore interstate and intergovernmental
41 6 purchasing opportunities and encourage the legislative
41 7 and judicial branches to participate in consolidated
41 8 purchasing and efficiencies wherever possible.
41 9 7. Expand the use of procurement cards throughout
41 10 state government to facilitate purchasing of items by
41 11 state agencies.
41 12 Sec. 112. DEPARTMENT OF ADMINISTRATIVE SERVICES
41 13 INFORMATION TECHNOLOGY ==== UTILIZATION BY LEGISLATIVE
41 14 AND JUDICIAL BRANCH. The department of administrative
41 15 services shall consult with and explore opportunities
41 16 with the legislative and judicial branches of
41 17 government relative to the providing of information
41 18 technology services to those branches of government.
41 19 Sec. 113. STATE AGENCY ELECTRONIC RENEWAL
41 20 NOTICES. State agencies, as defined in section 8A.101,
41 21 should, to the greatest extent possible, utilize
41 22 electronic mail or similar electronic means to notify
41 23 holders of licenses or permits issued by that state
41 24 agency that the license or permit needs to be renewed.
41 25 The chief information officer of the state shall assist
41 26 state agencies in implementing the directive in this
41 27 section.
41 28 Sec. 114. STATE AGENCY EFFICIENCY EFFORTS.
41 29 1. LEAN EFFORTS. State agencies shall budget for
41 30 and plan to conduct lean projects as described in
41 31 section 8.70. Each state agency shall coordinate its
41 32 activities with the office of lean enterprise created
41 33 in section 8.70 in developing plans to conduct lean
41 34 projects.
41 35 2. SHARED RESOURCES. State agencies are encouraged
41 36 to share resources and services, including staff,
41 37 training, and educational services, to the greatest
41 38 extent possible in order to best fulfill the duties of
41 39 each agency at the least cost.
41 40 Sec. 115. JOINT APPROPRIATIONS SUBCOMMITTEES ====
41 41 REVIEW OF AGENCY FEES. Each joint appropriations
41 42 subcommittee of the general assembly shall examine and
41 43 review on an annual basis the fees charged by state
41 44 agencies under the purview of that joint appropriations
41 45 subcommittee.
41 46 Sec. 116. DEPARTMENT OF ADMINISTRATIVE SERVICES ====
41 47 STREAMLINED HIRING. The department of administrative
41 48 services shall, in consultation with the department of
41 49 management, examine the process by which state agencies
41 50 hire personnel with the goal of simplifying and

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42 1 reducing the steps needed for state agencies to hire
42 2 personnel. The department shall provide information
42 3 to the general assembly concerning steps taken to
42 4 implement a more streamlined hiring process and any
42 5 recommendations for legislative action.
42 6 Sec. 117. TOBACCO RETAIL COMPLIANCE CHECKS. For
42 7 the fiscal year beginning July 1, 2011, and ending June
42 8 30, 2012, the terms of a chapter 28D agreement, entered
42 9 into between the division of tobacco use prevention
42 10 and control of the department of public health and
42 11 the alcoholic beverages division of the department of
42 12 commerce, governing compliance checks conducted to
42 13 ensure licensed retail tobacco outlet conformity with
42 14 tobacco laws, regulations, and ordinances relating to
42 15 persons under eighteen years of age, shall restrict the
42 16 number of such checks to one check per retail outlet,
42 17 and one additional check for any retail outlet found to
42 18 be in violation during the first check.
42 19 Sec. 118. DEPARTMENT OF ADMINISTRATIVE SERVICES
42 20 ==== CENTRALIZED PAYROLL SYSTEM. The department of
42 21 administrative services shall examine the possibility
42 22 of merging all state payroll systems into the
42 23 centralized payroll system operated by the department.
42 24 The department shall consult with those entities
42 25 of state government not utilizing the centralized
42 26 payroll system, including but not limited to the state
42 27 department of transportation, about strategies for
42 28 encouraging utilization of the state's centralized
42 29 payroll system and by identifying those barriers
42 30 preventing merging of the payroll systems. The
42 31 department shall provide information to the joint
42 32 appropriations subcommittee on administration and
42 33 regulation concerning efforts by the department to
42 34 merge payroll systems and any recommendations for
42 35 legislative action to encourage, or eliminate barriers
42 36 to, the provision of payroll services by the department
42 37 to other state agencies.
42 38 DIVISION X
42 39 MEDICATION THERAPY MANAGEMENT
42 40 Sec. 119. 2010 Iowa Acts, chapter 1193, section
42 41 166, subsections 2 and 3, are amended to read as
42 42 follows:
42 43 2. a. Prior to July 1, 2010, the department of
42 44 administrative services shall utilize a request for
42 45 proposals process to contract for the provision of
42 46 medication therapy management services beginning
42 47 July 1, 2010, <u>and prior to July 1, 2011, shall amend</u>
42 48 <u>the contract to continue the provision of medication</u>
42 49 <u>therapy management services beginning July 1, 2011,</u>
42 50 for eligible employees who meet any of the following

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43 1 criteria:
43 2 (1) An individual who takes four or more
43 3 prescription drugs to treat or prevent two or more
43 4 chronic medical conditions.
43 5 (2) An individual with a prescription drug therapy
43 6 problem who is identified by the prescribing physician
43 7 or other appropriate prescriber, and referred to a
43 8 pharmacist for medication therapy management services.
43 9 (3) An individual who meets other criteria
43 10 established by the third=party payment provider
43 11 contract, policy, or plan.
43 12 ~~b. The department of administrative services shall~~
~~43 13 utilize an advisory committee comprised of an equal~~
~~43 14 number of physicians and pharmacists to provide advice~~
~~43 15 and oversight regarding the request for proposals and~~
~~43 16 evaluation processes. The department shall appoint the~~
~~43 17 members of the advisory council based upon designees~~
~~43 18 of the Iowa pharmacy association, the Iowa medical~~
~~43 19 society, and the Iowa osteopathic medical association.~~
43 20 ~~c.~~ b. The contract shall require the company
43 21 to provide annual reports to the general assembly
43 22 detailing the costs, savings, estimated cost avoidance
43 23 and return on investment, and patient outcomes
43 24 related to the medication therapy management services
43 25 provided. The company shall guarantee demonstrated
43 26 annual savings, including any savings associated with
43 27 cost avoidance at least equal to the program's costs
43 28 with any shortfall amount refunded to the state. As
43 29 a proof of concept in the program for the period
43 30 beginning July 1, 2010, and ending June 30, 2011, the
43 31 company shall offer a dollar=for=dollar guarantee for
43 32 drug product costs savings alone. Prior to entering
43 33 into a contract with a company, the department and
43 34 the company shall agree on the terms, conditions,
43 35 and applicable measurement standards associated
43 36 with the demonstration of savings. The department
43 37 shall verify the demonstrated savings reported by
43 38 the company was performed in accordance with the
43 39 agreed upon measurement standards. The company shall
43 40 be prohibited from using the company's employees to
43 41 provide the medication therapy management services and
43 42 shall instead be required to contract with licensed
43 43 pharmacies, pharmacists, or physicians.
43 44 d. The fees for pharmacist=delivered medication
43 45 therapy management services shall be separate from
43 46 the reimbursement for prescription drug product or
43 47 dispensing services; shall be determined by each
43 48 third=party payment provider contract, policy, or plan;
43 49 and must be reasonable based on the resources and time
43 50 required to provide the service.

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44 1 e. A fee shall be established for physician
44 2 reimbursement for services delivered for medication
44 3 therapy management as determined by each third=party
44 4 payment provider contract, policy, or plan, and must be
44 5 reasonable based on the resources and time required to
44 6 provide the service.
44 7 f. If any part of the medication therapy management
44 8 plan developed by a pharmacist incorporates services
44 9 which are outside the pharmacist's independent scope
44 10 of practice including the initiation of therapy,
44 11 modification of dosages, therapeutic interchange, or
44 12 changes in drug therapy, the express authorization
44 13 of the individual's physician or other appropriate
44 14 prescriber is required.
44 15 g. For the contract period beginning July 1, 2011,
44 16 the department shall utilize the services of the
44 17 college of pharmacy at a state university to validate
44 18 reported drug cost savings.
44 19 h. The results of the pilot program for the period
44 20 beginning July 1, 2010, and ending December 31, 2011,
44 21 shall be submitted to the general assembly no later
44 22 than March 1, 2012.
44 23 3. This section is repealed December 31, ~~2011~~ 2012.
44 24 Sec. 120. TRANSFER ==== MEDICATION THERAPY MANAGEMENT
44 25 PROGRAM. There is transferred $510,000 from the
44 26 fees collected by the board of pharmacy pursuant to
44 27 chapter 155A and retained by the board pursuant to the
44 28 authority granted in section 147.82 to the department
44 29 of administrative services for the fiscal year
44 30 beginning July 1, 2011, and ending June 30, 2012, to be
44 31 used to be used for the medication therapy management
44 32 program.
44 33 Sec. 121. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
44 34 APPLICABILITY. This division of this Act, being deemed
44 35 of immediate importance, takes effect upon enactment,
44 36 and is retroactively applicable to June 15, 2011.
44 37 DIVISION XI
44 38 EARNED INCOME TAX CREDIT
44 39 Sec. 122. Section 422.12B, subsection 1, Code 2011,
44 40 is amended to read as follows:
44 41 1. The taxes imposed under this division less the
44 42 credits allowed under section 422.12 shall be reduced
44 43 by an earned income credit equal to ~~seven~~ ten percent
44 44 of the federal earned income credit provided in section
44 45 32 of the Internal Revenue Code. Any credit in excess
44 46 of the tax liability is refundable.
44 47 Sec. 123. RETROACTIVE APPLICABILITY. This division
44 48 of this Act applies retroactively to January 1, 2011,
44 49 for tax years beginning on or after that date.
44 50 DIVISION XII

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45 1 REGULAR PROGRAM AND CATEGORICAL STATE PERCENT
45 2 OF GROWTH FOR EDUCATION ==== FY 2012=2013
45 3 Sec. 124. Section 257.8, subsection 1, Code 2011,
45 4 is amended to read as follows:
45 5 1. State percent of growth. ~~The state percent of~~
45 6 ~~growth for the budget year beginning July 1, 2009, is~~
45 7 ~~four percent.~~ The state percent of growth for the
45 8 budget year beginning July 1, 2010, is two percent.
45 9 The state percent of growth for the budget year
45 10 beginning July 1, 2012, is three percent. The state
45 11 percent of growth for each subsequent budget year shall
45 12 be established by statute which shall be enacted within
45 13 thirty days of the submission in the year preceding the
45 14 base year of the governor's budget under section 8.21.
45 15 The establishment of the state percent of growth for
45 16 a budget year shall be the only subject matter of the
45 17 bill which enacts the state percent of growth for a
45 18 budget year.
45 19 Sec. 125. Section 257.8, subsection 2, Code 2011,
45 20 is amended to read as follows:
45 21 2. Categorical state percent of growth. The
45 22 categorical state percent of growth for the budget
45 23 year beginning July 1, 2010, is two percent. The
45 24 categorical state percent of growth for the budget
45 25 year beginning July 1, 2012, is three percent. The
45 26 categorical state percent of growth for each budget
45 27 year shall be established by statute which shall
45 28 be enacted within thirty days of the submission in
45 29 the year preceding the base year of the governor's
45 30 budget under section 8.21. The establishment of the
45 31 categorical state percent of growth for a budget year
45 32 shall be the only subject matter of the bill which
45 33 enacts the categorical state percent of growth for a
45 34 budget year. The categorical state percent of growth
45 35 may include state percents of growth for the teacher
45 36 salary supplement, the professional development
45 37 supplement, and the early intervention supplement.
45 38 Sec. 126. CODE SECTION 257.8 ==== APPLICABILITY. The
45 39 requirements of section 257.8 regarding the time period
45 40 of enactment and the subject matter of the legislation
45 41 establishing the state percent of growth and the
45 42 categorical state percent of growth for a budget year
45 43 are not applicable to the division. The requirements
45 44 of section 257.8 regarding enactment of the regular
45 45 program state percent of growth and categorical state
45 46 percent of growth within thirty days of the submission
45 47 in the year preceding the base year of the governor's
45 48 budget and the requirements that the subject matter
45 49 of each bill establishing the state percent of growth
45 50 or the categorical state percent of growth be the

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46 1 only subject matter of the bill do not apply to this
46 2 division of this Act.
46 3 Sec. 127. APPLICABILITY. This division of this Act
46 4 is applicable for computing state aid under the state
46 5 school foundation program for the school budget year
46 6 beginning July 1, 2012.
46 7 DIVISION XIII
46 8 WITHHOLDING AGREEMENTS
46 9 Sec. 128. Section 403.19A, subsection 1, paragraphs
46 10 c and f, Code 2011, are amended to read as follows:
46 11 c. "Employer" means a business creating or
46 12 retaining targeted jobs in an urban renewal area of a
46 13 pilot project city pursuant to a withholding agreement.
46 14 f. "Targeted job" means a job in a business which
46 15 is or will be located in an urban renewal area of a
46 16 pilot project city that pays a wage at least equal to
46 17 the countywide average wage. "Targeted job" includes
46 18 new or retained jobs from Iowa business expansions
46 19 or retentions within the city limits of the pilot
46 20 project city and those jobs resulting from established
46 21 out=of=state businesses, as defined by the department
46 22 of economic development, moving to or expanding in
46 23 Iowa.
46 24 Sec. 129. Section 403.19A, subsection 3, paragraph
46 25 c, subparagraph (1), Code 2011, is amended to read as
46 26 follows:
46 27 (1) The pilot project city shall enter into a
46 28 withholding agreement with each employer concerning
46 29 the targeted jobs withholding credit. The withholding
46 30 agreement shall provide for the total amount of
46 31 withholding tax credits awarded. An agreement shall
46 32 not provide for an amount of withholding credits that
46 33 exceeds the amount of the qualifying investment made in
46 34 the project. An agreement shall not be entered into by
46 35 a pilot project city with a business currently located
46 36 in this state unless the business either creates or
46 37 retains ten new jobs or makes a qualifying investment
46 38 of at least five hundred thousand dollars within
46 39 the urban renewal area. The withholding agreement
46 40 may have a term of up to ten years. An employer
46 41 shall not be obligated to enter into a withholding
46 42 agreement. An agreement shall not be entered into with
46 43 an employer not already located in a pilot project
46 44 city when another Iowa community is competing for the
46 45 same project and both the pilot project city and the
46 46 other Iowa community are seeking assistance from the
46 47 department.
46 48 Sec. 130. Section 403.19A, subsection 3, paragraph
46 49 f, Code 2011, is amended to read as follows:
46 50 f. If the employer ceases to meet the requirements

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47 1 of the withholding agreement, the agreement shall be
47 2 terminated and any withholding tax credits for the
47 3 benefit of the employer shall cease. However, in
47 4 regard to the number of ~~new~~ jobs that are to be created
47 5 or retained, if the employer has met the number of
47 6 ~~new~~ jobs to be created or retained pursuant to the
47 7 withholding agreement and subsequently the number of
47 8 ~~new~~ jobs falls below the required level, the employer
47 9 shall not be considered as not meeting the ~~new~~ job
47 10 requirement until eighteen months after the date of the
47 11 decrease in the number of ~~new~~ jobs created or retained.
47 12 Sec. 131. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
47 13 APPLICABILITY. This division of this Act, being
47 14 deemed of immediate importance, takes effect upon
47 15 enactment and applies retroactively to July 1, 2006,
47 16 for agreements entered into on or after that date.
47 17 DIVISION XIV
47 18 SCHOOL EMPLOYEE MISCONDUCT
47 19 Sec. 132. Section 272.2, subsection 1, paragraph
47 20 b, Code 2011, is amended by striking the paragraph and
47 21 inserting in lieu thereof the following:
47 22 b. Provide annually to any person who holds a
47 23 license, certificate, authorization, or statement of
47 24 recognition issued by the board, training relating
47 25 to the knowledge and understanding of the board's
47 26 code of professional conduct and ethics. The board
47 27 shall develop a curriculum that addresses the code of
47 28 professional conduct and ethics and shall annually
47 29 provide regional training opportunities throughout the
47 30 state.
47 31 Sec. 133. Section 272.15, subsection 1, Code 2011,
47 32 is amended to read as follows:
47 33 1. a. The board of directors of a school district
47 34 or area education agency, the superintendent of a
47 35 school district or the chief administrator of an
47 36 area education agency, and the authorities in charge
47 37 of a nonpublic school shall report to the board the
47 38 nonrenewal or termination, for reasons of alleged or
47 39 actual misconduct, of a person's contract executed
47 40 under sections 279.12, 279.13, 279.15 through 279.21,
47 41 279.23, and 279.24, and the resignation of a person
47 42 who holds a license, certificate, or authorization
47 43 issued by the board as a result of or following an
47 44 incident or allegation of misconduct that, if proven,
47 45 would constitute a violation of the rules adopted by
47 46 the board to implement section 272.2, subsection 14,
47 47 paragraph "b", subparagraph (1), when the board or
47 48 reporting official has a good faith belief that the
47 49 incident occurred or the allegation is true. The
47 50 board may deny a license or revoke the license of an

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48 1 administrator if the board finds by a preponderance
48 2 of the evidence that the administrator failed to
48 3 report the termination or resignation of a school
48 4 employee holding a license, certificate, statement of
48 5 professional recognition, or coaching authorization,
48 6 for reasons of alleged or actual misconduct, as defined
48 7 by this section.
48 8 b. Information reported to the board in accordance
48 9 with this section is privileged and confidential, and
48 10 except as provided in section 272.13, is not subject to
48 11 discovery, subpoena, or other means of legal compulsion
48 12 for its release to a person other than the respondent
48 13 and the board and its employees and agents involved in
48 14 licensee discipline, and is not admissible in evidence
48 15 in a judicial or administrative proceeding other
48 16 than the proceeding involving licensee discipline.
48 17 The board shall review the information reported to
48 18 determine whether a complaint should be initiated. In
48 19 making that determination, the board shall consider the
48 20 factors enumerated in section 272.2, subsection 14,
48 21 paragraph "a".
48 22 c. For purposes of this section, unless the context
48 23 otherwise requires, "misconduct" means an action
48 24 disqualifying an applicant for a license or causing
48 25 the license of a person to be revoked or suspended
48 26 in accordance with the rules adopted by the board to
48 27 implement section 272.2, subsection 14, paragraph "b",
48 28 subparagraph (1).
48 29 Sec. 134. Section 280.17, Code 2011, is amended to
48 30 read as follows:
48 31 280.17 Procedures for handling child abuse reports.
48 32 1. The board of directors of a ~~public~~ school
48 33 district and the authorities in ~~control~~ charge of
48 34 a nonpublic school shall prescribe procedures, in
48 35 accordance with the guidelines contained in the model
48 36 policy developed by the department of education in
48 37 consultation with the department of human services,
48 38 and adopted by the department of education pursuant
48 39 to chapter 17A, for the handling of reports of child
48 40 abuse, as defined in section 232.68, subsection 2,
48 41 paragraph "a", "c", or "e", alleged to have been
48 42 committed by an employee or agent of the public or
48 43 nonpublic school.
48 44 2. a. The board of directors of a school district
48 45 and the authorities in charge of an accredited
48 46 nonpublic school shall place on administrative leave a
48 47 school employee who is the subject of an investigation
48 48 of an alleged incident of abuse of a student conducted
48 49 in accordance with 281 IAC 102.
48 50 b. If the results of an investigation of abuse of

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49 1 a student by a school employee who holds a license,
49 2 certificate, authorization, or statement of recognition
49 3 issued by the board of educational examiners finds
49 4 that the school employee's conduct constitutes a crime
49 5 under any other statute, the board or the authorities,
49 6 as appropriate, shall report the results of the
49 7 investigation to the board of educational examiners.
49 8 Sec. 135. Section 280.27, Code 2011, is amended to
49 9 read as follows:
49 10 280.27 Reporting violence ==== immunity.
49 11 An employee of a school district, an accredited
49 12 nonpublic school, or an area education agency who
49 13 participates in good faith and acts reasonably in
49 14 the making of a report to, or investigation by, an
49 15 appropriate person or agency regarding violence,
49 16 threats of violence, physical or sexual abuse of a
49 17 student, or other inappropriate activity against a
49 18 school employee or student in a school building, on
49 19 school grounds, or at a school=sponsored function shall
49 20 be immune from civil or criminal liability relating
49 21 to such action, as well as for participating in any
49 22 administrative or judicial proceeding resulting from or
49 23 relating to the report or investigation.
49 24 DIVISION XV
49 25 STATE FAIR AUTHORITY
49 26 Sec. 136. Section 173.1, subsection 4, Code 2011,
49 27 is amended to read as follows:
49 28 4. A treasurer to be elected by the board ~~who shall~~
49 29 ~~serve as a nonvoting member~~ from the elected directors.
49 30 Sec. 137. REPEAL. Section 173.12, Code 2011, is
49 31 repealed.
49 32 DIVISION XVI
49 33 CONTROLLED SUBSTANCES
49 34 Sec. 138. CONTROLLED SUBSTANCE COLLECTION AND
49 35 DISPOSAL PROGRAM. A person in possession of or a
49 36 retailer selling a controlled substance designated
49 37 in section 124.204, subsection 4, paragraph "ai",
49 38 subparagraphs (1) through (4), if enacted, shall
49 39 be required to transfer such controlled substance
49 40 to the department of public safety for destruction.
49 41 The department of public safety shall establish a
49 42 controlled substance collection and disposal program
49 43 for a controlled substance designated in section
49 44 124.204, subsection 4, paragraph "ai", subparagraphs
49 45 (1) through (4). The department of public safety
49 46 may partner with a third party, including a local
49 47 enforcement agency, to implement and administer the
49 48 program. The program shall be dissolved thirty days
49 49 after the enactment date of section 124.204, subsection
49 50 4, paragraph "ai", subparagraphs (1) through (4).

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Sec. 139. APPLICABILITY ==== CRIMINAL PENALTIES. Criminal penalties do not apply to violations associated with the substances designated controlled substances in section 124.204, subsection 4, paragraph "ai", subparagraphs (1) through (4), if enacted, until thirty days after the enactment date of section 124.204, subsection 4, paragraph "ai", subparagraphs (1) through (4).

Sec. 140. 2011 Iowa Acts, Senate File 510, section 28, if enacted, is amended to read as follows:

SEC. 28. EFFECTIVE DATE. The following provision of this division of this Act takes effect thirty days after enactment~~, notwithstanding section 3.7~~ of this Act or thirty days after the enactment of 2011 Iowa Acts, Senate File 538, if enacted, whichever is later:

The section of this division of this Act ~~amending~~ enacting section 124.204, subsection 4, paragraph "ai", subparagraphs (1) through (4).

Sec. 141. 2011 Iowa Acts, Senate File 510, section 29, if enacted, is amended to read as follows:

SEC. 29. EFFECTIVE UPON ENACTMENT. The following provision of this division of this Act, being deemed of immediate importance, ~~and notwithstanding section 3.7~~ takes effect upon enactment of this Act or upon enactment of 2011 Iowa Acts, Senate File 538, if enacted, whichever is later:

The section of this Act ~~amending~~ enacting section 124.204, subsection 4, paragraph "ai", subparagraph (5).

Sec. 142. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment of this Act or upon the enactment of 2011 Iowa Acts, Senate File 510, if enacted, whichever is later.

DIVISION XVII
RADIOS

Sec. 143. 2011 Iowa Acts, Senate File 509, section 22, subsections 2 and 3, if enacted, are amended to read as follows:

2. ~~Of the amount appropriated in subsection 1, the department of natural resources may enter into a public-private partnership, through a competitive bidding process, for the provision of the statewide network and the purchase of compatible equipment.~~ The mobile radios purchased by the department pursuant to subsection 1 shall be compatible with a statewide public safety radio network created pursuant to legislation enacted by the 2011 session of the general assembly. The department shall purchase the mobile radios after conducting a competitive bidding process.

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51 1 3. On or before January 13, 2012, the department of
51 2 natural resources in cooperation with the department of
51 3 public safety shall provide a report to the legislative
51 4 services agency and the department of management.
51 5 The report shall detail the status of the moneys
51 6 appropriated in subsection 1 and shall include the
51 7 estimated needs of the department of natural resources
51 8 to achieve interoperability and to meet the federal
51 9 narrowbanding mandate, and any changes in estimated
51 10 costs to meet those needs~~, and the status of requests~~
~~51 11 for proposals to develop a public-private partnership~~.
51 12 Sec. 144. EFFECTIVE UPON ENACTMENT. This division
51 13 of this Act, being deemed of immediate importance,
51 14 takes effect upon enactment and, if approved by
51 15 the governor on or after July 1, 2011, shall apply
51 16 retroactively to June 30, 2011.
51 17 DIVISION XVIII
51 18 BUSINESS PROPERTY TAX CREDITS
51 19 Sec. 145. Section 331.512, Code 2011, is amended by
51 20 adding the following new subsection:
51 21 NEW SUBSECTION. 13A. Carry out duties relating to
51 22 the business property tax credit as provided in chapter
51 23 426C.
51 24 Sec. 146. Section 331.559, Code 2011, is amended by
51 25 adding the following new subsection:
51 26 NEW SUBSECTION. 14A. Carry out duties relating to
51 27 the business property tax credit as provided in chapter
51 28 426C.
51 29 Sec. 147. NEW SECTION. 426C.1 Definitions.
51 30 1. For the purposes of this chapter, unless the
51 31 context otherwise requires:
51 32 a. "Contiguous parcels" means any of the following:
51 33 (1) Parcels that share one or more common
51 34 boundaries.
51 35 (2) Parcels within the same building or structure
51 36 regardless of whether the parcels share one or more
51 37 common boundaries.
51 38 (3) Improvements to the land that are situated on
51 39 one or more parcels of land that are assessed and taxed
51 40 separately from the improvements if the parcels of land
51 41 upon which the improvements are situated share one or
51 42 more common boundaries.
51 43 b. "Department" means the department of revenue.
51 44 c. "Fund" means the business property tax credit
51 45 fund created in section 426C.2.
51 46 d. "Parcel" means as defined in section 445.1.
51 47 e. "Property unit" means contiguous parcels all of
51 48 which are located within the same county, with the same
51 49 property tax classification, each of which contains
51 50 permanent improvements, are owned by the same person,

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52 1 and are operated by that person for a common use and
52 2 purpose.
52 3 2. For purposes of this chapter, two or more
52 4 parcels are considered to be owned by the same person
52 5 if the owners of the parcels are business entities that
52 6 share common ownership of each entity in an amount
52 7 equal to or in excess of fifty percent.
52 8 Sec. 148. NEW SECTION. 426C.2 Business property
52 9 tax credit fund ==== appropriation.
52 10 1. A business property tax credit fund is created
52 11 in the state treasury under the authority of the
52 12 department. For the fiscal year beginning July 1,
52 13 2012, there is appropriated from the general fund of
52 14 the state to the department to be credited to the
52 15 fund, the sum of fifty million dollars to be used
52 16 for business property tax credits authorized in this
52 17 chapter. For the fiscal year beginning July 1, 2013,
52 18 and each fiscal year thereafter, there is appropriated
52 19 from the general fund of the state to the department
52 20 to be credited to the fund an amount equal to the
52 21 total amount appropriated by the general assembly to
52 22 the fund in the previous fiscal year. In addition,
52 23 the sum of fifty million dollars shall be added to the
52 24 appropriation in each fiscal year beginning on or after
52 25 July 1, 2013, if the revenue estimating conference
52 26 certifies during its final meeting of the calendar year
52 27 ending prior to the beginning of the fiscal year that
52 28 the total amount of general fund revenues collected
52 29 during the fiscal year ending during such calendar year
52 30 was at least one hundred four percent of the total
52 31 amount of general fund revenues collected during the
52 32 previous fiscal year. However, the total appropriation
52 33 to the fund shall not exceed two hundred million
52 34 dollars for any one fiscal year.
52 35 2. Notwithstanding section 12C.7, subsection 2,
52 36 interest or earnings on moneys deposited in the fund
52 37 shall be credited to the fund. Moneys in the fund are
52 38 not subject to the provisions of section 8.33 and shall
52 39 not be transferred, used, obligated, appropriated,
52 40 or otherwise encumbered except as provided in this
52 41 chapter.
52 42 Sec. 149. NEW SECTION. 426C.3 Claims for credit.
52 43 1. Each person who wishes to claim the credit
52 44 allowed under this chapter shall obtain the appropriate
52 45 forms from the assessor and file the claim with the
52 46 assessor. The director of revenue shall prescribe
52 47 suitable forms and instructions for such claims, and
52 48 make such forms and instructions available to the
52 49 assessors.
52 50 2. a. Claims for the business property tax credit

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53 1 shall be filed not later than March 15 preceding the
53 2 fiscal year during which the taxes for which the credit
53 3 is claimed are due and payable.
53 4 b. A claim filed after the deadline for filing
53 5 claims shall be considered as a claim for the following
53 6 year.
53 7 3. Upon the filing of a claim and allowance of the
53 8 credit, the credit shall be allowed on the parcel or
53 9 property unit for successive years without further
53 10 filing as long as the parcel or property unit satisfies
53 11 the requirements for the credit. If the parcel or
53 12 property unit owner ceases to qualify for the credit
53 13 under this chapter, the owner shall provide written
53 14 notice to the assessor by the date for filing claims
53 15 specified in subsection 2 following the date on which
53 16 the parcel or property unit ceases to qualify for the
53 17 credit.
53 18 4. When all or a portion of a parcel or property
53 19 unit that is allowed a credit under this chapter is
53 20 sold, transferred, or ownership otherwise changes, the
53 21 buyer, transferee, or new owner who wishes to receive
53 22 the credit shall refile the claim for credit. When a
53 23 portion of a parcel or property unit that is allowed
53 24 a credit under this chapter is sold, transferred, or
53 25 ownership otherwise changes, the owner of the portion
53 26 of the parcel or property unit for which ownership did
53 27 not change shall refile the claim for credit.
53 28 5. The assessor shall remit the claims for
53 29 credit to the county auditor with the assessor's
53 30 recommendation for allowance or disallowance. If
53 31 the assessor recommends disallowance of a claim,
53 32 the assessor shall submit the reasons for the
53 33 recommendation, in writing, to the county auditor. The
53 34 county auditor shall forward the claims to the board
53 35 of supervisors. The board shall allow or disallow the
53 36 claims.
53 37 6. For each claim and allowance of a credit for
53 38 a property unit, the county auditor shall calculate
53 39 the average of all consolidated levy rates applicable
53 40 to the several parcels within the property unit. All
53 41 claims for credit which have been allowed by the board
53 42 of supervisors, the actual value of the improvements
53 43 to such parcels and property units applicable to
53 44 the fiscal year for which the credit is claimed
53 45 that are subject to assessment and taxation prior to
53 46 imposition of any applicable assessment limitation,
53 47 the consolidated levy rates for such parcels and the
53 48 average consolidated levy rates for such property units
53 49 applicable to the fiscal year for which the credit is
53 50 claimed, and the taxing districts in which the parcel

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54 1 or property unit is located, shall be certified on or
54 2 before June 15, in each year, by the county auditor to
54 3 the department.
54 4 7. The assessor shall maintain a permanent file of
54 5 current business property tax credits. The assessor
54 6 shall file a notice of transfer of property for which a
54 7 credit has been allowed when notice is received from
54 8 the office of the county recorder, from the person
54 9 who sold or transferred the property, or from the
54 10 personal representative of a deceased property owner.
54 11 The county recorder shall give notice to the assessor
54 12 of each transfer of title filed in the recorder's
54 13 office. The notice from the county recorder shall
54 14 describe the property transferred, the name of the
54 15 person transferring title to the property, and the name
54 16 of the person to whom title to the property has been
54 17 transferred.
54 18 Sec. 150. NEW SECTION. 426C.4 Eligibility and
54 19 amount of credit.
54 20 1. Each parcel classified and taxed as commercial
54 21 property, industrial property, or railway property
54 22 under chapter 434, and improved with permanent
54 23 construction, is eligible for a credit under this
54 24 chapter. A person may claim and receive one credit
54 25 under this chapter for each eligible parcel unless
54 26 the parcel is part of a property unit. A person
54 27 may only claim and receive one credit under this
54 28 chapter for each property unit. A credit approved
54 29 for a property unit shall be allocated to the several
54 30 parcels within the property unit in the proportion
54 31 that each parcel's total amount of property taxes due
54 32 and payable attributable to the improvements bears to
54 33 the total amount of property taxes due and payable
54 34 attributable to the improvements for the property unit.
54 35 Only property units comprised of commercial property,
54 36 comprised of industrial property, or comprised of
54 37 railway property under chapter 434 are eligible for a
54 38 credit under this chapter.
54 39 2. Using the actual value of the improvements and
54 40 the consolidated levy rate for each parcel or the
54 41 average consolidated levy rate for each property unit,
54 42 as certified by the county auditor to the department
54 43 under section 426C.3, subsection 6, the department
54 44 shall calculate, for each fiscal year, an initial
54 45 amount of actual value of improvements for use in
54 46 determining the amount of the credit for each such
54 47 parcel or property unit so as to provide the maximum
54 48 possible credit according to the credit formula and
54 49 limitations under subsection 3, and to provide a
54 50 total dollar amount of credits against the taxes due

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55 1 and payable in the fiscal year equal to ninety=eight
55 2 percent of the moneys in the fund following the deposit
55 3 of the total appropriation for the fiscal year.
55 4 3. a. The amount of the credit for each parcel or
55 5 property unit for which a claim for credit under this
55 6 chapter has been approved shall be calculated under
55 7 paragraph "b" using the lesser of the initial amount
55 8 of actual value of the improvements determined by the
55 9 department under subsection 2, and the actual value
55 10 of the improvements to the parcel or property unit as
55 11 certified by the county auditor under section 426C.3,
55 12 subsection 6.
55 13 b. The amount of the credit for each parcel or
55 14 property unit for which a claim for credit under
55 15 this chapter has been approved shall be equal to the
55 16 amount of actual value determined under paragraph "a"
55 17 multiplied by the difference, stated as a percentage,
55 18 between the assessment limitation applicable to
55 19 the parcel or property unit under section 441.21,
55 20 subsection 5, and the assessment limitation applicable
55 21 to residential property under section 441.21,
55 22 subsection 4, divided by one thousand dollars, and then
55 23 multiplied by the consolidated levy rate or average
55 24 consolidated levy rate per one thousand dollars of
55 25 taxable value applicable to the parcel or property unit
55 26 for the fiscal year for which the credit is claimed as
55 27 certified by the county auditor under section 426C.3,
55 28 subsection 6.
55 29 Sec. 151. NEW SECTION. 426C.5 Payment to counties.
55 30 1. Annually the department shall certify to the
55 31 county auditor of each county the amounts of the
55 32 business property tax credits allowed in the county.
55 33 Each county auditor shall then enter the credits
55 34 against the tax levied on each eligible parcel or
55 35 property unit in the county, designating on the tax
55 36 lists the credit as being from the fund. Each taxing
55 37 district shall receive its share of the business
55 38 property tax credit allowed on each eligible parcel
55 39 or property unit in such taxing district, in the
55 40 proportion that the levy made by such taxing district
55 41 upon the parcel or property unit bears to the total
55 42 levy upon the parcel or property unit by all taxing
55 43 districts imposing a property tax in such taxing
55 44 district. However, the several taxing districts
55 45 shall not draw the moneys so credited until after the
55 46 semiannual allocations have been received by the county
55 47 treasurer, as provided in this section. Each county
55 48 treasurer shall show on each tax receipt the amount of
55 49 credit received from the fund.
55 50 2. The director of the department of administrative

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56 1 services shall issue warrants on the fund payable to
56 2 the county treasurers of the several counties of the
56 3 state under this chapter.
56 4 3. The amount due each county shall be paid in two
56 5 payments on November 15 and March 15 of each fiscal
56 6 year, drawn upon warrants payable to the respective
56 7 county treasurers. The two payments shall be as nearly
56 8 equal as possible.
56 9 Sec. 152. NEW SECTION. 426C.6 Appeals.
56 10 1. If the board of supervisors disallows a claim
56 11 for credit under section 426C.3, subsection 5, the
56 12 board of supervisors shall send written notice, by
56 13 mail, to the claimant at the claimant's last known
56 14 address. The notice shall state the reasons for
56 15 disallowing the claim for the credit. The board of
56 16 supervisors is not required to send notice that a claim
56 17 for credit is disallowed if the claimant voluntarily
56 18 withdraws the claim. Any person whose claim is denied
56 19 under the provisions of this chapter may appeal from
56 20 the action of the board of supervisors to the district
56 21 court of the county in which the parcel or property
56 22 unit is located by giving written notice of such appeal
56 23 to the county auditor within twenty days from the date
56 24 of mailing of notice of such action by the board of
56 25 supervisors.
56 26 2. If any claim for credit has been denied by the
56 27 board of supervisors, and such action is subsequently
56 28 reversed on appeal, the credit shall be allowed on the
56 29 applicable parcel or property unit, and the director of
56 30 revenue, the county auditor, and the county treasurer
56 31 shall provide the credit and change their books and
56 32 records accordingly. In the event the appealing
56 33 taxpayer has paid one or both of the installments of
56 34 the tax payable in the year or years in question,
56 35 remittance shall be made to such taxpayer of the amount
56 36 of such credit. The amount of such credit awarded on
56 37 appeal shall be allocated and paid from the balance
56 38 remaining in the fund.
56 39 Sec. 153. NEW SECTION. 426C.7 Audit ==== denial.
56 40 1. If on the audit of a credit provided under this
56 41 chapter, the director of revenue determines the amount
56 42 of the credit to have been incorrectly calculated or
56 43 that the credit is not allowable, the director shall
56 44 recalculate the credit and notify the taxpayer and the
56 45 county auditor of the recalculation or denial and the
56 46 reasons for it. The director shall not adjust a credit
56 47 after three years from October 31 of the year in which
56 48 the claim for the credit was filed. If the credit has
56 49 been paid, the director shall give notification to the
56 50 taxpayer, the county treasurer, and the applicable

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57 1 assessor of the recalculation or denial of the credit
57 2 and the county treasurer shall proceed to collect the
57 3 tax owed in the same manner as other property taxes due
57 4 and payable are collected, if the parcel or property
57 5 unit for which the credit was allowed is still owned
57 6 by the taxpayer. If the parcel or property unit
57 7 for which the credit was allowed is not owned by the
57 8 taxpayer, the amount may be recovered from the taxpayer
57 9 by assessment in the same manner that income taxes are
57 10 assessed under sections 422.26 and 422.30. The amount
57 11 of such erroneous credit, when collected, shall be
57 12 deposited in the fund.
57 13 2. The taxpayer or board of supervisors may
57 14 appeal any decision of the director of revenue to the
57 15 state board of tax review pursuant to section 421.1,
57 16 subsection 5. The taxpayer, the board of supervisors,
57 17 or the director of revenue may seek judicial review
57 18 of the action of the state board of tax review in
57 19 accordance with chapter 17A.
57 20 Sec. 154. NEW SECTION. 426C.8 False claim ====
57 21 penalty.
57 22 A person who makes a false claim for the purpose of
57 23 obtaining a credit provided for in this chapter or who
57 24 knowingly receives the credit without being legally
57 25 entitled to it is guilty of a fraudulent practice. The
57 26 claim for a credit of such a person shall be disallowed
57 27 and if the credit has been paid the amount shall be
57 28 recovered in the manner provided in section 426C.7. In
57 29 such cases, the director of revenue shall send a notice
57 30 of disallowance of the credit.
57 31 Sec. 155. NEW SECTION. 426C.9 Rules.
57 32 The director of revenue shall prescribe forms,
57 33 instructions, and rules pursuant to chapter 17A, as
57 34 necessary, to carry out the purposes of this chapter.
57 35 Sec. 156. IMPLEMENTATION. Notwithstanding the
57 36 deadline for filing claims established in section
57 37 426C.3, for a credit against property taxes due and
57 38 payable during the fiscal year beginning July 1, 2012,
57 39 the claim for the credit shall be filed not later than
57 40 January 15, 2012.
57 41 Sec. 157. APPLICABILITY. This division of this Act
57 42 applies to property taxes due and payable in fiscal
57 43 years beginning on or after July 1, 2012.
57 44 DIVISION XIX
57 45 COUNTY AND CITY BUDGET LIMITATION
57 46 Sec. 158. Section 28M.5, subsection 2, Code 2011,
57 47 is amended to read as follows:
57 48 2. If a regional transit district budget allocates
57 49 revenue responsibilities to the board of supervisors
57 50 of a participating county, the amount of the regional

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58 1 transit district levy that is the responsibility of the
58 2 participating county shall be deducted from the maximum
58 3 ~~rates~~ amount of taxes authorized to be levied by the
58 4 county pursuant to section 331.423, ~~subsections 1 and~~
58 5 ~~2~~ subsection 3, paragraphs "b" and "c", as applicable,
58 6 unless the county meets its revenue responsibilities as
58 7 allocated in the budget from other available revenue
58 8 sources. However, for a regional transit district
58 9 that includes a county with a population of less than
58 10 three hundred thousand, the amount of the regional
58 11 transit district levy that is the responsibility of
58 12 such participating county shall be deducted from the
58 13 maximum ~~rate~~ amount of taxes authorized to be levied
58 14 by the county pursuant to section 331.423, subsection
58 15 ~~1~~ 3, paragraph "b".
58 16 Sec. 159. Section 331.263, subsection 2, Code 2011,
58 17 is amended to read as follows:
58 18 2. The governing body of the community commonwealth
58 19 shall have the authority to levy county taxes and shall
58 20 have the authority to levy city taxes to the extent the
58 21 city tax levy authority is transferred by the charter
58 22 to the community commonwealth. A city participating
58 23 in the community commonwealth shall transfer a portion
58 24 of the city's tax levy authorized under section 384.1
58 25 or 384.12, whichever is applicable, to the governing
58 26 body of the community commonwealth. The maximum
58 27 ~~rates~~ amount of taxes authorized to be levied under
58 28 ~~sections~~ section 384.1 and the maximum amount of taxes
58 29 authorized to be levied under section 384.12 by a city
58 30 participating in the community commonwealth shall be
58 31 reduced by an amount equal to the rates of the same or
58 32 similar taxes levied in the city by the governing body
58 33 of the community commonwealth.
58 34 Sec. 160. Section 331.421, Code 2011, is amended by
58 35 adding the following new subsection:
58 36 NEW SUBSECTION. 7A. "Item" means a budgeted
58 37 expenditure, appropriation, or cash reserve from a
58 38 fund for a service area, program, program element, or
58 39 purpose.
58 40 Sec. 161. Section 331.423, Code 2011, is amended by
58 41 striking the section and inserting in lieu thereof the
58 42 following:
58 43 331.423 Property tax dollars ==== basic levy maximums.
58 44 1. Annually, the board shall determine separate
58 45 property tax levy limits to pay for general county
58 46 services and rural county services in accordance with
58 47 this section. The basic levies separately certified
58 48 for general county services and rural county services
58 49 under section 331.434 shall not raise property tax
58 50 dollars that exceed the amount determined under this

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59 1 section.
59 2 2. For purposes of this section and section
59 3 331.423B, unless the context otherwise requires:
59 4 a. "Annual growth factor" means an index, expressed
59 5 as a percentage, determined by the department of
59 6 management by November 1 of the calendar year preceding
59 7 the calendar year in which the budget year begins. In
59 8 determining the annual growth factor, the department
59 9 shall calculate the average of the preceding three=year
59 10 percentage change, which shall be computed on an annual
59 11 basis, in the midwest consumer price index, ending
59 12 with the percentage change for the month of September.
59 13 The department shall then add that average percentage
59 14 change to one hundred percent.
59 15 b. "Boundary adjustment" means annexation,
59 16 severance, incorporation, or discontinuance as those
59 17 terms are defined in section 368.1.
59 18 c. "Budget year" is the fiscal year beginning
59 19 during the calendar year in which a budget is
59 20 certified.
59 21 d. "Current fiscal year" is the fiscal year
59 22 ending during the calendar year in which a budget is
59 23 certified.
59 24 e. "Net new valuation taxes" means the amount
59 25 of property tax dollars equal to the current fiscal
59 26 year's basic levy rate in the county for general county
59 27 services or for rural county services, as applicable,
59 28 multiplied by the increase from the current fiscal year
59 29 to the budget year in taxable valuation due to the
59 30 following:
59 31 (1) Net new construction, including all incremental
59 32 valuation that is released in any one year from a
59 33 division of revenue under section 260E.4 or an urban
59 34 renewal area for which taxes were being divided under
59 35 section 403.19, regardless of whether the property
59 36 for the valuation being released remains subject
59 37 to the division of revenue under section 260E.4 or
59 38 remains part of the urban renewal area that is subject
59 39 to a division of revenue under section 403.19. The
59 40 amount of property tax dollars attributable to such
59 41 incremental valuation being released from a division
59 42 of revenue shall be subtracted from the maximum amount
59 43 of property tax dollars which may be certified for
59 44 the next following fiscal year if such incremental
59 45 valuation is not released for the next following fiscal
59 46 year.
59 47 (2) Additions or improvements to existing
59 48 structures.
59 49 (3) Remodeling of existing structures for which a
59 50 building permit is required.

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60 1 (4) Net boundary adjustment.
60 2 (5) A municipality no longer dividing tax revenues
60 3 in an urban renewal area as provided in section 403.19
60 4 or a community college no longer dividing revenues as
60 5 provided in section 260E.4.
60 6 (6) That portion of taxable property located in an
60 7 urban revitalization area on which an exemption was
60 8 allowed and such exemption has expired.
60 9 f. "Unfunded federal and state mandate cost growth"
60 10 means an amount of increased expenditures for a
60 11 county from the previous fiscal year, to the extent
60 12 such expenditures are not funded by the county's
60 13 supplemental levy under section 331.424, resulting from
60 14 any of the following:
60 15 (1) A federal statutory requirement or
60 16 appropriation that requires the county to establish,
60 17 expand, or modify its activities in a manner which
60 18 necessitates additional annual expenditures and for
60 19 which insufficient funding is provided to the county to
60 20 satisfy such requirements.
60 21 (2) A state mandate as defined in section 25B.3,
60 22 and for which insufficient funding is provided to
60 23 the county to satisfy the requirements of the state
60 24 mandate.
60 25 3. a. For the fiscal year beginning July 1, 2013,
60 26 and subsequent fiscal years, the maximum amount of
60 27 property tax dollars which may be certified for levy by
60 28 a county for general county services and rural county
60 29 services shall be the maximum property tax dollars
60 30 calculated under paragraphs "b" and "c", respectively.
60 31 b. The maximum property tax dollars that may be
60 32 levied for general county services is an amount equal
60 33 to the sum of the following:
60 34 (1) The annual growth factor times the current
60 35 fiscal year's maximum property tax dollars for general
60 36 county services.
60 37 (2) The amount of net new valuation taxes in the
60 38 county.
60 39 (3) The unfunded federal and state mandate cost
60 40 growth minus the amount specified in paragraph "c",
60 41 subparagraph (3).
60 42 c. The maximum property tax dollars that may be
60 43 levied for rural county services is an amount equal to
60 44 the sum of the following:
60 45 (1) The annual growth factor times the current
60 46 fiscal year's maximum property tax dollars for rural
60 47 county services.
60 48 (2) The amount of net new valuation taxes in the
60 49 unincorporated area of the county.
60 50 (3) The unfunded federal and state mandate cost

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61 1 growth attributable to the costs incurred by the county
61 2 for rural county services.
61 3 4. a. For purposes of calculating maximum property
61 4 tax dollars for general county services for the fiscal
61 5 year beginning July 1, 2013, only, the term "current
61 6 fiscal year's maximum property tax dollars" shall mean
61 7 the total amount of property tax dollars certified by
61 8 the county for general county services for the fiscal
61 9 year beginning July 1, 2012, excluding those property
61 10 tax dollars that resulted from a supplemental levy
61 11 under section 331.424, subsection 1.
61 12 b. For purposes of calculating maximum property tax
61 13 dollars for rural county services for the fiscal year
61 14 beginning July 1, 2013, only, the term "current fiscal
61 15 year's maximum property tax dollars" shall mean the
61 16 total amount of property tax dollars certified by the
61 17 county for rural county services for the fiscal year
61 18 beginning July 1, 2012, excluding those property tax
61 19 dollars that resulted from a supplemental levy under
61 20 section 331.424, subsection 2.
61 21 5. Property taxes certified under section
61 22 331.424, property taxes certified for deposit in the
61 23 mental health, mental retardation, and developmental
61 24 disabilities services fund in section 331.424A, for the
61 25 emergency services fund in section 331.424C, for the
61 26 debt service fund in section 331.430, for any capital
61 27 projects fund established by the county for deposit of
61 28 bond, loan, or note proceeds, and for any temporary
61 29 increase approved pursuant to section 331.423C, are
61 30 not included in the maximum amount of property tax
61 31 dollars that may be certified for a budget year under
61 32 subsection 3.
61 33 6. The department of management, in consultation
61 34 with the county finance committee, shall adopt rules
61 35 to administer this section. The department shall
61 36 prescribe forms to be used by counties when making
61 37 calculations required by this section.
61 38 Sec. 162. NEW SECTION. 331.423B Ending fund
61 39 balance.
61 40 1. a. Budgeted ending fund balances for a budget
61 41 year in excess of twenty=five percent of budgeted
61 42 expenditures in either the general fund or rural
61 43 services fund for that budget year shall be explicitly
61 44 committed or assigned for a specific purpose.
61 45 b. A county is encouraged, but not required, to
61 46 reduce budgeted, uncommitted, or unassigned ending
61 47 fund balances for the budget year to an amount equal
61 48 to approximately twenty=five percent of budgeted
61 49 expenditures and transfers from the general fund
61 50 and rural services fund for that budget year unless

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62 1 a decision is certified by the state appeal board
62 2 ordering a reduction in the ending fund balance of any
62 3 of those funds.
62 4 c. In a protest to the county budget under section
62 5 331.436, the county shall have the burden of proving
62 6 that the budgeted balances in excess of twenty=five
62 7 percent are reasonably likely to be appropriated for
62 8 the explicitly committed or assigned specific purpose.
62 9 The excess budgeted balance for the specific purpose
62 10 shall be considered an increase in an item in the
62 11 budget for purposes of section 24.28.
62 12 2. a. For a county that has, as of June 30, 2012,
62 13 reduced its actual ending fund balance to less than
62 14 twenty=five percent of actual expenditures, additional
62 15 property taxes may be computed and levied as provided
62 16 in this subsection. The additional property tax levy
62 17 amount is an amount not to exceed twenty=five percent
62 18 of actual expenditures from the general fund and rural
62 19 services fund for the fiscal year beginning July 1,
62 20 2011, minus the combined ending fund balances for those
62 21 funds for that year.
62 22 b. The amount of the additional property taxes
62 23 shall be apportioned between the general fund and the
62 24 rural services fund. However, the amount apportioned
62 25 for general county services and for rural county
62 26 services shall not exceed for each fund twenty=five
62 27 percent of actual expenditures for the fiscal year
62 28 beginning July 1, 2011.
62 29 c. All or a portion of additional property tax
62 30 dollars may be levied for the purpose of increasing
62 31 cash reserves for general county services and rural
62 32 county services in the budget year. The additional
62 33 property tax dollars authorized under this subsection
62 34 but not levied may be carried forward as unused ending
62 35 fund balance taxing authority until and for the fiscal
62 36 year beginning July 1, 2018. The amount carried
62 37 forward shall not exceed twenty=five percent of the
62 38 maximum amount of property tax dollars available in
62 39 the current fiscal year. Additionally, property taxes
62 40 that are levied as unused ending fund balance taxing
62 41 authority under this subsection may be the subject of
62 42 a protest under section 331.436, and the amount will
62 43 be considered an increase in an item in the budget for
62 44 purposes of section 24.28. The amount of additional
62 45 property taxes levied under this subsection shall not
62 46 be included in the computation of the maximum amount of
62 47 property tax dollars which may be certified and levied
62 48 under section 331.423.
62 49 Sec. 163. NEW SECTION. 331.423C Authority to levy
62 50 beyond maximum property tax dollars.

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63 1 1. The board may certify additions to the maximum
63 2 amount of property tax dollars to be levied for a
63 3 budget year if the county conducts a second public
63 4 hearing prior to certification of the budget to the
63 5 county auditor, in addition to the hearing held as
63 6 required under section 331.434. The second public
63 7 hearing shall be conducted in the same manner as
63 8 the public hearing on the budget required in section
63 9 331.434.
63 10 2. The amount of additional property tax dollars
63 11 certified under this section shall not be included in
63 12 the computation of the maximum amount of property tax
63 13 dollars which may be certified and levied under section
63 14 331.423 for future budget years.
63 15 Sec. 164. Section 331.424, unnumbered paragraph 1,
63 16 Code 2011, is amended to read as follows:
63 17 To the extent that the basic levies authorized under
63 18 section 331.423 are insufficient to meet the county's
63 19 needs for the following services, the board may certify
63 20 supplemental levies as follows:
63 21 Sec. 165. Section 331.424A, subsection 4, Code
63 22 2011, is amended to read as follows:
63 23 4. For the fiscal year beginning July 1, 1996,
63 24 and for each subsequent fiscal year, the county shall
63 25 certify a levy for payment of services. For each
63 26 fiscal year, county revenues from taxes imposed by the
63 27 county credited to the services fund shall not exceed
63 28 an amount equal to the amount of base year expenditures
63 29 for services as defined in section 331.438, less the
63 30 amount of property tax relief to be received pursuant
63 31 to section 426B.2, in the fiscal year for which the
63 32 budget is certified. The county auditor and the
63 33 board of supervisors shall reduce the amount of the
63 34 levy certified for the services fund by the amount of
63 35 property tax relief to be received. A levy certified
63 36 under this section is not subject to ~~the appeal~~
63 37 ~~provisions of section 331.426 or to~~ any other provision
63 38 in law authorizing a county to exceed, increase, or
63 39 appeal a property tax levy limit.
63 40 Sec. 166. Section 331.434, subsection 1, Code 2011,
63 41 is amended to read as follows:
63 42 1. The budget shall show the amount required for
63 43 each class of proposed expenditures, a comparison of
63 44 the amounts proposed to be expended with the amounts
63 45 expended for like purposes for the two preceding years,
63 46 the revenues from sources other than property taxation,
63 47 and the amount to be raised by property taxation, in
63 48 the detail and form prescribed by the director of the
63 49 department of management. For each county that has
63 50 established an urban renewal area, the budget shall

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include estimated and actual tax increment financing revenues and all estimated and actual expenditures of the revenues, proceeds from debt and all estimated and actual expenditures of the debt proceeds, and identification of any entity receiving a direct payment of taxes funded by tax increment financing revenues and shall include the total amount of loans, advances, indebtedness, or bonds outstanding at the close of the most recently ended fiscal year, which qualify for payment from the special fund created in section 403.19, including interest negotiated on such loans, advances, indebtedness, or bonds. For purposes of this subsection, "indebtedness" includes written agreements whereby the county agrees to suspend, abate, exempt, rebate, refund, or reimburse property taxes, provide a grant for property taxes paid, or make a direct payment of taxes, with moneys in the special fund. The amount of loans, advances, indebtedness, or bonds shall be listed in the aggregate for each county reporting. ~~The county finance committee, in consultation with the department of management and the legislative services agency, shall determine reporting criteria and shall prepare a form for reports filed with the department pursuant to this section. The department shall make the information available by electronic means.~~

Sec. 167. Section 373.10, Code 2011, is amended to read as follows:

373.10 Taxing authority.

The metropolitan council shall have the authority to levy city taxes to the extent the city tax levy authority is transferred by the charter to the metropolitan council. A member city shall transfer a portion of the city's tax levy authorized under section 384.1 or 384.12, whichever is applicable, to the metropolitan council. The maximum ~~rates~~ amount of taxes authorized to be levied under ~~sections~~ section 384.1 and the taxes authorized to be levied under section384.12 by a member city shall be reduced by an amount equal to the rates of the same or similar taxes levied in the city by the metropolitan council.

Sec. 168. Section 384.1, Code 2011, is amended by striking the section and inserting in lieu thereof the following:

384.1 Property tax dollars ==== maximums.

1. A city shall certify taxes to be levied by the city on all taxable property within the city limits, for all city government purposes. Annually, the city council may certify basic levies for city government purposes, subject to the limitation on property tax dollars provided in this section.

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65 1 2. For purposes of this section and section 384.1B,
65 2 unless the context otherwise requires:
65 3 a. "Annual growth factor" means an index, expressed
65 4 as a percentage, determined by the department of
65 5 management by November 1 of the calendar year preceding
65 6 the calendar year in which the budget year begins. In
65 7 determining the annual growth factor, the department
65 8 shall calculate the average of the preceding three=year
65 9 percentage change, which shall be computed on an annual
65 10 basis, in the midwest consumer price index, ending
65 11 with the percentage change for the month of September.
65 12 The department shall then add that average percentage
65 13 change to one hundred percent.
65 14 b. "Boundary adjustment" means annexation,
65 15 severance, incorporation, or discontinuance as those
65 16 terms are defined in section 368.1.
65 17 c. "Budget year" is the fiscal year beginning
65 18 during the calendar year in which a budget is
65 19 certified.
65 20 d. "Current fiscal year" is the fiscal year
65 21 ending during the calendar year in which a budget is
65 22 certified.
65 23 e. "Net new valuation taxes" means the amount of
65 24 property tax dollars equal to the current fiscal year's
65 25 levy rate in the city for the general fund multiplied
65 26 by the increase from the current fiscal year to the
65 27 budget year in taxable valuation due to the following:
65 28 (1) Net new construction, including all incremental
65 29 valuation that is released in any one year from a
65 30 division of revenue under section 260E.4 or an urban
65 31 renewal area for which taxes were being divided under
65 32 section 403.19, regardless of whether the property
65 33 for the valuation being released remains subject
65 34 to the division of revenue under section 260E.4 or
65 35 remains part of the urban renewal area that is subject
65 36 to a division of revenue under section 403.19. The
65 37 amount of property tax dollars attributable to such
65 38 incremental valuation being released from a division
65 39 of revenue shall be subtracted from the maximum amount
65 40 of property tax dollars which may be certified for
65 41 the next following fiscal year if such incremental
65 42 valuation is not released for the next following fiscal
65 43 year.
65 44 (2) Additions or improvements to existing
65 45 structures.
65 46 (3) Remodeling of existing structures for which a
65 47 building permit is required.
65 48 (4) Net boundary adjustment.
65 49 (5) A municipality no longer dividing tax revenues
65 50 in an urban renewal area as provided in section 403.19

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66 1 or a community college no longer dividing revenues as
66 2 provided in section 260E.4.
66 3 (6) That portion of taxable property located in an
66 4 urban revitalization area on which an exemption was
66 5 allowed and such exemption has expired.
66 6 f. "Unfunded federal and state mandate cost growth"
66 7 means an amount of increased expenditures for a city
66 8 from the previous fiscal year resulting from any of the
66 9 following:
66 10 (1) A federal statutory requirement or
66 11 appropriation that requires the city to establish,
66 12 expand, or modify its activities in a manner which
66 13 necessitates additional annual expenditures and for
66 14 which insufficient funding is provided to the city to
66 15 satisfy such requirements.
66 16 (2) A state mandate as defined in section 25B.3,
66 17 and for which insufficient funding is provided to the
66 18 city to satisfy the requirements of the state mandate.
66 19 3. a. For the fiscal year beginning July 1, 2013,
66 20 and subsequent fiscal years, the maximum amount of
66 21 property tax dollars which may be certified for levy
66 22 by a city for the general fund shall be the maximum
66 23 property tax dollars calculated under paragraph "b".
66 24 b. The maximum property tax dollars that may be
66 25 levied for deposit in the general fund is an amount
66 26 equal to the sum of the following:
66 27 (1) The annual growth factor times the current
66 28 fiscal year's maximum property tax dollars for the
66 29 general fund.
66 30 (2) The amount of net new valuation taxes in the
66 31 city.
66 32 (3) The unfunded federal and state mandate cost
66 33 growth.
66 34 4. For purposes of calculating maximum property tax
66 35 dollars for the city general fund for the fiscal year
66 36 beginning July 1, 2013, only, the term "current fiscal
66 37 year's maximum property tax dollars" shall mean the
66 38 total amount of property tax dollars certified by the
66 39 city for the city's general fund for the fiscal year
66 40 beginning July 1, 2012.
66 41 5. Property taxes certified for deposit in the
66 42 debt service fund in section 384.4, trust and agency
66 43 funds in section 384.6, capital improvements reserve
66 44 fund in section 384.7, the emergency fund in section
66 45 384.8, any capital projects fund established by the
66 46 city for deposit of bond, loan, or note proceeds,
66 47 any temporary increase approved pursuant to section
66 48 384.12A, property taxes collected from a voted levy
66 49 in section 384.12, and property taxes levied under
66 50 section 384.12, subsection 18, are not counted against

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67 1 the maximum amount of property tax dollars that may be
67 2 certified for a fiscal year under subsection 3.
67 3 6. Notwithstanding the maximum amount of taxes
67 4 a city may certify for levy, the tax levied by a
67 5 city on tracts of land and improvements on the
67 6 tracts of land used and assessed for agricultural or
67 7 horticultural purposes shall not exceed three dollars
67 8 and three=eighths cents per thousand dollars of
67 9 assessed value in any year. Improvements located on
67 10 such tracts of land and not used for agricultural or
67 11 horticultural purposes and all residential dwellings
67 12 are subject to the same rate of tax levied by the city
67 13 on all other taxable property within the city.
67 14 7. The department of management, in consultation
67 15 with the city finance committee, shall adopt rules
67 16 to administer this section. The department shall
67 17 prescribe forms to be used by cities when making
67 18 calculations required by this section.
67 19 Sec. 169. NEW SECTION. 384.1B Ending fund balance.
67 20 1. a. Budgeted general fund ending fund balances
67 21 for a budget year in excess of twenty=five percent of
67 22 budgeted expenditures from the general fund for that
67 23 budget year shall be explicitly committed or assigned
67 24 for a specific purpose.
67 25 b. A city is encouraged, but not required, to
67 26 reduce budgeted, uncommitted, or unassigned ending
67 27 fund balances for the budget year to an amount equal
67 28 to approximately twenty=five percent of budgeted
67 29 expenditures and transfers from the general fund for
67 30 that budget year unless a decision is certified by the
67 31 state appeal board ordering a reduction in the ending
67 32 fund balance of the fund.
67 33 c. In a protest to the city budget under section
67 34 384.19, the city shall have the burden of proving that
67 35 the budgeted balances in excess of twenty=five percent
67 36 are reasonably likely to be appropriated for the
67 37 explicitly committed or assigned specific purpose. The
67 38 excess budgeted balance for the specific purpose shall
67 39 be considered an increase in an item in the budget for
67 40 purposes of section 24.28.
67 41 2. a. For a city that has, as of June 30,
67 42 2012, reduced its ending fund balance to less than
67 43 twenty=five percent of actual expenditures, additional
67 44 property taxes may be computed and levied as provided
67 45 in this subsection. The additional property tax levy
67 46 amount is an amount not to exceed the difference
67 47 between twenty=five percent of actual expenditures for
67 48 city government purposes for the fiscal year beginning
67 49 July 1, 2011, minus the ending fund balance for that
67 50 year.

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68 1 b. All or a portion of additional property tax
68 2 dollars may be levied for the purpose of increasing
68 3 cash reserves for city government purposes in the
68 4 budget year. The additional property tax dollars
68 5 authorized under this subsection but not levied may be
68 6 carried forward as unused ending fund balance taxing
68 7 authority until and for the fiscal year beginning
68 8 July 1, 2018. The amount carried forward shall not
68 9 exceed twenty=five percent of the maximum amount of
68 10 property tax dollars available in the current fiscal
68 11 year. Additionally, property taxes that are levied
68 12 as unused ending fund balance taxing authority under
68 13 this subsection may be the subject of a protest under
68 14 section 384.19, and the amount will be considered an
68 15 increase in an item in the budget for purposes of
68 16 section 24.28. The amount of additional property tax
68 17 dollars levied under this subsection shall not be
68 18 included in the computation of the maximum amount of
68 19 property tax dollars which may be certified and levied
68 20 under section 384.1.
68 21 Sec. 170. Section 384.12, unnumbered paragraph
68 22 1, Code 2011, is amended by striking the unnumbered
68 23 paragraph and inserting in lieu thereof the following:
68 24 A city may certify taxes for deposit in the general
68 25 fund, subject to the limit provided in section 384.1
68 26 if applicable, which are in addition to any other
68 27 moneys the city may wish to spend for such purposes,
68 28 as follows:
68 29 Sec. 171. Section 384.12, subsection 20, Code 2011,
68 30 is amended by striking the subsection.
68 31 Sec. 172. NEW SECTION. 384.12A Authority to levy
68 32 beyond maximum property tax dollars.
68 33 1. The city council may certify additions to the
68 34 maximum amount of property tax dollars to be levied
68 35 for a budget year if the city conducts a second public
68 36 hearing prior to certification of the budget to the
68 37 county auditor, in addition to the hearing held as
68 38 required under section 384.16. The second public
68 39 hearing shall be conducted in the same manner as
68 40 the public hearing on the budget required in section
68 41 384.16.
68 42 2. The amount of additional property tax dollars
68 43 certified under this section shall not be included in
68 44 the computation of the maximum amount of property tax
68 45 dollars which may be certified and levied under section
68 46 384.1 for future budget years.
68 47 Sec. 173. Section 384.16, subsection 1, paragraph
68 48 b, Code 2011, is amended to read as follows:
68 49 b. A budget must show comparisons between the
68 50 estimated expenditures in each program in the following

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69 1 year, the latest estimated expenditures in each program
69 2 in the current year, and the actual expenditures in
69 3 each program from the annual report as provided in
69 4 section 384.22, or as corrected by a subsequent audit
69 5 report. Wherever practicable, as provided in rules
69 6 of the committee, a budget must show comparisons
69 7 between the levels of service provided by each program
69 8 as estimated for the following year, and actual
69 9 levels of service provided by each program during
69 10 the two preceding years. For each city that has
69 11 established an urban renewal area, the budget shall
69 12 include estimated and actual tax increment financing
69 13 revenues and all estimated and actual expenditures of
69 14 the revenues, proceeds from debt and all estimated
69 15 and actual expenditures of the debt proceeds, and
69 16 identification of any entity receiving a direct payment
69 17 of taxes funded by tax increment financing revenues
69 18 and shall include the total amount of loans, advances,
69 19 indebtedness, or bonds outstanding at the close of
69 20 the most recently ended fiscal year, which qualify
69 21 for payment from the special fund created in section
69 22 403.19, including interest negotiated on such loans,
69 23 advances, indebtedness, or bonds. The amount of loans,
69 24 advances, indebtedness, or bonds shall be listed in the
69 25 aggregate for each city reporting. ~~The city finance~~
~~69 26 committee, in consultation with the department of~~
~~69 27 management and the legislative services agency, shall~~
~~69 28 determine reporting criteria and shall prepare a form~~
~~69 29 for reports filed with the department pursuant to this~~
~~69 30 section. The department shall make the information~~
~~69 31 available by electronic means.~~
69 32 Sec. 174. Section 384.19, Code 2011, is amended by
69 33 adding the following new unnumbered paragraph:
69 34 NEW UNNUMBERED PARAGRAPH For purposes of a tax
69 35 protest filed under this section, "item" means a
69 36 budgeted expenditure, appropriation, or cash reserve
69 37 from a fund for a service area, program, program
69 38 element, or purpose.
69 39 Sec. 175. Section 386.8, Code 2011, is amended to
69 40 read as follows:
69 41 386.8 Operation tax.
69 42 A city may establish a self=supported improvement
69 43 district operation fund, and may certify taxes not
69 44 to exceed the rate limitation as established in the
69 45 ordinance creating the district, or any amendment
69 46 thereto, each year to be levied for the fund against
69 47 all of the property in the district, for the purpose
69 48 of paying the administrative expenses of the district,
69 49 which may include but are not limited to administrative
69 50 personnel salaries, a separate administrative office,

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70 1 planning costs including consultation fees, engineering
70 2 fees, architectural fees, and legal fees and all other
70 3 expenses reasonably associated with the administration
70 4 of the district and the fulfilling of the purposes of
70 5 the district. The taxes levied for this fund may also
70 6 be used for the purpose of paying maintenance expenses
70 7 of improvements or self=liquidating improvements for a
70 8 specified length of time with one or more options to
70 9 renew if such is clearly stated in the petition which
70 10 requests the council to authorize construction of the
70 11 improvement or self=liquidating improvement, whether
70 12 or not such petition is combined with the petition
70 13 requesting creation of a district. Parcels of property
70 14 which are assessed as residential property for property
70 15 tax purposes are exempt from the tax levied under this
70 16 section except residential properties within a duly
70 17 designated historic district. A tax levied under
70 18 this section is not subject to the ~~levy~~ limitation in
70 19 section 384.1.
70 20 Sec. 176. Section 386.9, Code 2011, is amended to
70 21 read as follows:
70 22 386.9 Capital improvement tax.
70 23 A city may establish a capital improvement fund
70 24 for a district and may certify taxes, not to exceed
70 25 the rate established by the ordinance creating the
70 26 district, or any subsequent amendment thereto,
70 27 each year to be levied for the fund against all of
70 28 the property in the district, for the purpose of
70 29 accumulating moneys for the financing or payment
70 30 of a part or all of the costs of any improvement or
70 31 self=liquidating improvement. However, parcels of
70 32 property which are assessed as residential property
70 33 for property tax purposes are exempt from the tax
70 34 levied under this section except residential properties
70 35 within a duly designated historic district. A tax
70 36 levied under this section is not subject to the ~~levy~~
70 37 limitations in section 384.1 or 384.7.
70 38 Sec. 177. REPEAL. Sections 331.425 and 331.426,
70 39 Code 2011, are repealed.
70 40 Sec. 178. EFFECTIVE DATE AND APPLICABILITY. This
70 41 division of this Act takes effect July 1, 2012, and
70 42 applies to fiscal years beginning on or after July 1,
70 43 2013.
70 44 DIVISION XX
70 45 RESIDENTIAL PROPERTY ASSESSMENT LIMITATION
70 46 Sec. 179. Section 441.21, subsection 4, Code 2011,
70 47 is amended to read as follows:
70 48 4. For valuations established as of January
70 49 1, 1979, the percentage of actual value at which
70 50 agricultural and residential property shall be assessed

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71 1 shall be the quotient of the dividend and divisor as
71 2 defined in this section. The dividend for each class
71 3 of property shall be the dividend as determined for
71 4 each class of property for valuations established as
71 5 of January 1, 1978, adjusted by the product obtained
71 6 by multiplying the percentage determined for that year
71 7 by the amount of any additions or deletions to actual
71 8 value, excluding those resulting from the revaluation
71 9 of existing properties, as reported by the assessors
71 10 on the abstracts of assessment for 1978, plus six
71 11 percent of the amount so determined. However, if the
71 12 difference between the dividend so determined for
71 13 either class of property and the dividend for that
71 14 class of property for valuations established as of
71 15 January 1, 1978, adjusted by the product obtained by
71 16 multiplying the percentage determined for that year
71 17 by the amount of any additions or deletions to actual
71 18 value, excluding those resulting from the revaluation
71 19 of existing properties, as reported by the assessors
71 20 on the abstracts of assessment for 1978, is less than
71 21 six percent, the 1979 dividend for the other class of
71 22 property shall be the dividend as determined for that
71 23 class of property for valuations established as of
71 24 January 1, 1978, adjusted by the product obtained by
71 25 multiplying the percentage determined for that year
71 26 by the amount of any additions or deletions to actual
71 27 value, excluding those resulting from the revaluation
71 28 of existing properties, as reported by the assessors on
71 29 the abstracts of assessment for 1978, plus a percentage
71 30 of the amount so determined which is equal to the
71 31 percentage by which the dividend as determined for the
71 32 other class of property for valuations established as
71 33 of January 1, 1978, adjusted by the product obtained
71 34 by multiplying the percentage determined for that year
71 35 by the amount of any additions or deletions to actual
71 36 value, excluding those resulting from the revaluation
71 37 of existing properties, as reported by the assessors
71 38 on the abstracts of assessment for 1978, is increased
71 39 in arriving at the 1979 dividend for the other class
71 40 of property. The divisor for each class of property
71 41 shall be the total actual value of all such property
71 42 in the state in the preceding year, as reported by the
71 43 assessors on the abstracts of assessment submitted
71 44 for 1978, plus the amount of value added to said
71 45 total actual value by the revaluation of existing
71 46 properties in 1979 as equalized by the director of
71 47 revenue pursuant to section 441.49. The director shall
71 48 utilize information reported on abstracts of assessment
71 49 submitted pursuant to section 441.45 in determining
71 50 such percentage. For valuations established as

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72 1 of January 1, 1980, and each year thereafter, the
72 2 percentage of actual value as equalized by the director
72 3 of revenue as provided in section 441.49 at which
72 4 agricultural and residential property shall be assessed
72 5 shall be calculated in accordance with the methods
72 6 provided herein including the limitation of increases
72 7 in agricultural and residential assessed values to the
72 8 percentage increase of the other class of property if
72 9 the other class increases less than the allowable limit
72 10 adjusted to include the applicable and current values
72 11 as equalized by the director of revenue, except that
72 12 any references to six percent in this subsection shall
72 13 be four percent. For valuations established as of
72 14 January 1, 2012, and each assessment year thereafter,
72 15 the percentage of actual value as equalized by the
72 16 director of revenue as provided in section 441.49 at
72 17 which residential property shall be assessed shall be
72 18 calculated in accordance with the methods provided
72 19 herein including the limitation of increases in
72 20 agricultural and residential assessed values to the
72 21 percentage increase of the other class of property if
72 22 the other class increases less than the allowable limit
72 23 adjusted to include the applicable and current values
72 24 as equalized by the director of revenue, except that
72 25 in no assessment year shall the percentage of actual
72 26 value at which residential property is assessed be less
72 27 than fifty percent.
72 28 DIVISION XXI
72 29 CONDITIONAL EFFECTIVE DATE AND RETROACTIVE
72 30 APPLICABILITY
72 31 Sec. 180. EFFECTIVE DATE AND RETROACTIVE
72 32 APPLICABILITY. Unless otherwise provided, this Act,
72 33 if approved by the governor on or after July 1, 2011,
72 34 takes effect upon enactment and applies retroactively
72 35 to July 1, 2011.>
72 36 #2. By renumbering as necessary.
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# Senate Amendment 3371

PAG LIN

1 1 Amend the Senate amendment, H=1702, to House File
1 2 648, as amended, passed, and reprinted by the House, as
1 3 follows:
1 4 #1. By striking page 1, line 5, through page 18,
1 5 line 5, and inserting:
1 6 <DIVISION I
1 7 REBUILD IOWA INFRASTRUCTURE FUND
1 8 Section 1. There is appropriated from the rebuild
1 9 Iowa infrastructure fund to the following departments
1 10 and agencies for the following fiscal years, the
1 11 following amounts, or so much thereof as is necessary,
1 12 to be used for the purposes designated:
1 13 1. DEPARTMENT OF ADMINISTRATIVE SERVICES
1 14 a. For projects related to major repairs and major
1 15 maintenance for state buildings and facilities:
1 16 FY 2012=2013..... $ 6,000,000
1 17 b. For exterior repairs and related improvements to
1 18 the state historical building:
1 19 FY 2011=2012..... $ 1,200,000
1 20 c. For infrastructure improvements, including fire
1 21 safety and security systems, in the secretary of state
1 22 offices in the Lucas state office building:
1 23 FY 2011=2012..... $ 45,000
1 24 d. For fire protection improvements at the
1 25 facilities management center and central energy plant
1 26 on the capitol complex:
1 27 FY 2012=2013..... $ 2,000,000
1 28 e. For renovation, repairs, replacement, and
1 29 related improvements to extend the useful life
1 30 of buildings on the capitol complex and to make
1 31 improvements, including improvements relating to safety
1 32 and building code requirements, to the capitol complex
1 33 grounds:
1 34 FY 2012=2013..... $ 2,000,000
1 35 2. DEPARTMENT FOR THE BLIND
1 36 For replacement of air handlers and related
1 37 improvements:
1 38 FY 2011=2012..... $ 1,065,674
1 39 3. DEPARTMENT OF CORRECTIONS
1 40 a. For the construction project and one=time
1 41 furniture, fixture, and equipment costs at Fort
1 42 Madison:
1 43 FY 2011=2012..... $ 5,155,077
1 44 FY 2012=2013..... $ 18,269,124
1 45 FY 2013=2014..... $ 3,000,000
1 46 b. For the construction project and one=time
1 47 equipment costs at the Iowa correctional facility for
1 48 women at Mitchellville:
1 49 FY 2011=2012..... $ 3,061,556
1 50 FY 2012=2013..... $ 5,391,062

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2 1 FY 2013=2014..... $ 26,769,040
2 2 4. DEPARTMENT OF CULTURAL AFFAIRS
2 3 For deposit into the Iowa great places program
2 4 fund created in section 303.3D for Iowa great places
2 5 program projects that meet the definition of the term
2 6 "vertical infrastructure" in section 8.57, subsection
2 7 6, paragraph "c":
2 8 FY 2011=2012..... $ 1,000,000
2 9 FY 2012=2013..... $ 2,000,000
2 10 Of the amounts appropriated in this subsection,
2 11 up to $45,000 may be used per fiscal year for
2 12 administration of the Iowa great places grant program,
2 13 notwithstanding section 8.57, subsection 6, paragraph
2 14 "c".
2 15 5. DEPARTMENT OF ECONOMIC DEVELOPMENT
2 16 For accelerated career education program capital
2 17 projects at community colleges that are authorized
2 18 under chapter 260G and that meet the definition of
2 19 the term "vertical infrastructure" in section 8.57,
2 20 subsection 6, paragraph "c":
2 21 FY 2011=2012..... $ 5,000,000
2 22 FY 2012=2013..... $ 5,500,000
2 23 6. DEPARTMENT OF EDUCATION
2 24 a. To the public broadcasting division for the
2 25 purchase of a building in the city of Johnston:
2 26 FY 2011=2012..... $ 1,255,550
2 27 b. For major renovation and major repair needs,
2 28 including health, life, and fire safety needs and for
2 29 compliance with the federal Americans with Disabilities
2 30 Act, for state buildings and facilities under the
2 31 purview of the community colleges:
2 32 FY 2011=2012..... $ 1,000,000
2 33 FY 2012=2013..... $ 1,000,000
2 34 7. DEPARTMENT OF HUMAN SERVICES
2 35 For the renovation and construction of certain
2 36 nursing facilities, consistent with the provisions of
2 37 chapter 249K:
2 38 FY 2011=2012..... $ 285,000
2 39 8. DEPARTMENT OF NATURAL RESOURCES
2 40 a. For floodplain management and dam safety,
2 41 notwithstanding section 8.57, subsection 6,
2 42 paragraph "c":
2 43 FY 2011=2012..... $ 2,000,000
2 44 Of the amounts appropriated in this lettered
2 45 paragraph, up to $400,000 is authorized for stream
2 46 gages to be used for tracking and predicting flood
2 47 events and for compiling necessary data relating to
2 48 flood frequency analysis.
2 49 b. For implementation of lake projects that
2 50 have established watershed improvement initiatives

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3 1 and community support in accordance with the
3 2 department's annual lake restoration plan and report,
3 3 notwithstanding section 8.57, subsection 6, paragraph
3 4 "c":
3 5 FY 2011=2012..... $ 8,600,000
3 6 Of the amount appropriated in this lettered
3 7 paragraph, $350,000 shall be allocated for a lake with
3 8 public access that has the support of a benefited
3 9 lake district located in a county with a population
3 10 between seventeen thousand seven hundred and seventeen
3 11 thousand eight hundred as determined by the 2010
3 12 federal decennial census. The allocated moneys shall
3 13 be used for purposes of completing a preconstruction
3 14 dam restoration study that would include a geotechnical
3 15 evaluation, hydrological studies, restoration
3 16 alternatives, and construction specifications.
3 17 9. DEPARTMENT OF PUBLIC DEFENSE
3 18 a. For major maintenance projects at national guard
3 19 armories and facilities:
3 20 FY 2011=2012..... $ 2,000,000
3 21 FY 2012=2013..... $ 2,000,000
3 22 b. For renovation and facility improvements at the
3 23 Muscatine readiness center:
3 24 FY 2011=2012..... $ 100,000
3 25 c. For construction improvement projects at
3 26 statewide readiness centers:
3 27 FY 2011=2012..... $ 1,800,000
3 28 FY 2012=2013..... $ 1,800,000
3 29 d. For construction upgrades at Camp Dodge
3 30 including sanitary system and sewer system
3 31 improvements:
3 32 FY 2011=2012..... $ 1,000,000
3 33 FY 2012=2013..... $ 1,000,000
3 34 e. For renovation, repair, and related improvements
3 35 at the joint forces headquarters building:
3 36 FY 2011=2012..... $ 1,000,000
3 37 f. For renovation and facility improvements at the
3 38 Dubuque readiness center:
3 39 FY 2012=2013..... $ 500,000
3 40 10. BOARD OF REGENTS
3 41 a. For allocation by the state board of regents to
3 42 the state university of Iowa, Iowa state university of
3 43 science and technology, and the university of northern
3 44 Iowa to reimburse the institutions for deficiencies
3 45 in the operating funds resulting from the pledging of
3 46 tuition, student fees and charges, and institutional
3 47 income to finance the cost of providing academic and
3 48 administrative buildings and facilities and utility
3 49 services at the institutions:
3 50 FY 2011=2012..... $ 24,305,412

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4 1 b. For the Iowa flood center at the state
4 2 university of Iowa for use by the university's
4 3 college of engineering, pursuant to section 466C.1,
4 4 notwithstanding section 8.57, subsection 6, paragraph
4 5 "c":
4 6 FY 2011=2012..... $ 1,300,000
4 7 c. For fire, safety and other major maintenance
4 8 projects at the regents institutions:
4 9 FY 2011=2012..... $ 2,000,000
4 10 FY 2012=2013..... $ 4,000,000
4 11 d. For construction, renovation, and related
4 12 improvements for phase II of the agricultural and
4 13 biosystems engineering complex, including classrooms,
4 14 laboratories, and offices at Iowa state university of
4 15 science and technology:
4 16 FY 2011=2012..... $ 1,000,000
4 17 FY 2012=2013..... $ 20,800,000
4 18 FY 2013=2014..... $ 20,000,000
4 19 FY 2014=2015..... $ 18,600,000
4 20 e. For the renovation and related improvements to
4 21 the dental science building at the state university
4 22 of Iowa including but not limited to renovation of
4 23 clinical spaces and development of a multidisciplinary
4 24 clinical area:
4 25 FY 2011=2012..... $ 1,000,000
4 26 FY 2012=2013..... $ 12,000,000
4 27 FY 2013=2014..... $ 8,000,000
4 28 FY 2014=2015..... $ 8,000,000
4 29 f. For renovation and related improvements for
4 30 Bartlett hall at the university of northern Iowa
4 31 including providing faculty offices, seminar rooms,
4 32 and laboratories in the building and the associated
4 33 demolition of Baker hall:
4 34 FY 2011=2012..... $ 1,000,000
4 35 FY 2012=2013..... $ 8,286,000
4 36 FY 2013=2014..... $ 9,767,000
4 37 FY 2014=2015..... $ 1,947,000
4 38 11. DEPARTMENT OF TRANSPORTATION
4 39 a. For acquiring, constructing, and improving
4 40 recreational trails within the state:
4 41 FY 2011=2012..... $ 2,000,000
4 42 FY 2012=2013..... $ 2,000,000
4 43 b. For deposit into the public transit
4 44 infrastructure grant fund created in section 324A.6A,
4 45 for projects that meet the definition of "vertical
4 46 infrastructure" in section 8.57, subsection 6,
4 47 paragraph "c":
4 48 FY 2011=2012..... $ 1,500,000
4 49 FY 2012=2013..... $ 1,500,000
4 50 c. For infrastructure improvements at the

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5 1 commercial service airports within the state:
5 2 FY 2011=2012..... $ 1,500,000
5 3 FY 2012=2013..... $ 1,500,000
5 4 d. For infrastructure improvements at general
5 5 aviation airports within the state:
5 6 FY 2011=2012..... $ 750,000
5 7 FY 2012=2013..... $ 750,000
5 8 12. TREASURER OF STATE
5 9 For distribution in accordance with chapter 174 to
5 10 qualified fairs which belong to the association of Iowa
5 11 fairs for county fair infrastructure improvements:
5 12 FY 2011=2012..... $ 1,060,000
5 13 FY 2012=2013..... $ 1,060,000
5 14 13. DEPARTMENT OF VETERANS AFFAIRS
5 15 a. For transfer to the Iowa finance authority for
5 16 the continuation of the home ownership assistance
5 17 program for persons who are or were eligible members
5 18 of the armed forces of the United States, pursuant to
5 19 section 16.54, notwithstanding section 8.57, subsection
5 20 6, paragraph "c":
5 21 FY 2011=2012..... $ 1,000,000
5 22 b. For the Iowa veterans home to upgrade generator
5 23 emissions controls to meet required stack emissions for
5 24 four generators and related improvements:
5 25 FY 2011=2012..... $ 250,000
5 26 Sec. ___. REVERSION. For purposes of section 8.33,
5 27 unless specifically provided otherwise, unencumbered
5 28 or unobligated moneys made from an appropriation in
5 29 this division of this Act shall not revert but shall
5 30 remain available for expenditure for the purposes
5 31 designated until the close of the fiscal year that ends
5 32 three years after the end of the fiscal year for which
5 33 the appropriation is made. However, if the project
5 34 or projects for which such appropriation was made are
5 35 completed in an earlier fiscal year, unencumbered or
5 36 unobligated moneys shall revert at the close of that
5 37 same fiscal year.
5 38 DIVISION II
5 39 TECHNOLOGY REINVESTMENT FUND
5 40 Sec. ___. There is appropriated from the technology
5 41 reinvestment fund created in section 8.57C to the
5 42 following departments and agencies for the following
5 43 fiscal years, the following amounts, or so much
5 44 thereof as is necessary, to be used for the purposes
5 45 designated:
5 46 1. DEPARTMENT OF ADMINISTRATIVE SERVICES
5 47 For technology improvement projects:
5 48 FY 2011=2012..... $ 1,643,728
5 49 FY 2012=2013..... $ 2,500,000
5 50 2. DEPARTMENT OF CORRECTIONS

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6 1 For costs associated with the Iowa corrections
6 2 offender network data system:
6 3 FY 2011=2012..... $ 500,000
6 4 FY 2012=2013..... $ 500,000
6 5 3. DEPARTMENT OF EDUCATION
6 6 a. For maintenance and lease costs associated with
6 7 connections for part III of the Iowa communications
6 8 network:
6 9 FY 2011=2012..... $ 2,727,000
6 10 FY 2012=2013..... $ 2,727,000
6 11 b. For the implementation of an educational data
6 12 warehouse that will be utilized by teachers, parents,
6 13 school district administrators, area education agency
6 14 staff, department of education staff, and policymakers:
6 15 FY 2011=2012..... $ 600,000
6 16 FY 2012=2013..... $ 600,000
6 17 The department may use a portion of the moneys
6 18 appropriated in this lettered paragraph for an
6 19 e=transcript data system capable of tracking students
6 20 throughout their education via interconnectivity with
6 21 multiple schools.
6 22 4. DEPARTMENT OF HUMAN RIGHTS
6 23 For the cost of equipment and computer software
6 24 for the implementation of Iowa's criminal justice
6 25 information system:
6 26 FY 2011=2012..... $ 1,689,307
6 27 FY 2012=2013..... $ 1,756,747
6 28 5. DEPARTMENT OF HUMAN SERVICES
6 29 To be used for medical contracts under the
6 30 medical assistance program for technology upgrades
6 31 necessary to support Medicaid claims and other health
6 32 operations, worldwide HIPAA claims transactions and
6 33 coding requirements, and the Iowa automated benefits
6 34 calculation system:
6 35 FY 2011=2012..... $ 3,494,176
6 36 FY 2012=2013..... $ 4,667,600
6 37 FY 2013=2014..... $ 4,267,600
6 38 FY 2014=2015..... $ 1,945,684
6 39 6. IOWA TELECOMMUNICATIONS AND TECHNOLOGY
6 40 COMMISSION
6 41 For replacement of equipment for the Iowa
6 42 communications network:
6 43 FY 2011=2012..... $ 2,248,653
6 44 FY 2012=2013..... $ 2,248,653
6 45 The commission may continue to enter into contracts
6 46 pursuant to section 8D.13 for the replacement of
6 47 equipment and for operation and maintenance costs of
6 48 the network.
6 49 In addition to funds appropriated in this
6 50 subsection, the commission may use a financing

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7 1 agreement entered into by the treasurer of state in
7 2 accordance with section 12.28 for the replacement
7 3 of equipment for the network. For purposes of this
7 4 subsection, the treasurer of state is not subject to
7 5 the maximum principal limitation contained in section
7 6 12.28, subsection 6. Repayment of any amounts financed
7 7 shall be made from receipts associated with fees
7 8 charged for use of the network.
7 9 7. DEPARTMENT OF MANAGEMENT
7 10 To develop a searchable database that can be placed
7 11 on the internet for budget and financial information:
7 12 FY 2011=2012..... $ 600,000
7 13 8. DEPARTMENT OF PUBLIC SAFETY
7 14 For the provision of a statewide public safety
7 15 radio network and the purchase of compatible radio
7 16 communications equipment with the goal of achieving
7 17 compliance with the federal communications commission's
7 18 narrowbanding mandate deadline, and for achieving
7 19 "interoperability", as defined in section 80.28:
7 20 FY 2011=2012..... $ 2,500,000
7 21 FY 2012=2013..... $ 2,500,000
7 22 FY 2013=2014..... $ 2,500,000
7 23 Of the amounts appropriated in this subsection,
7 24 the department of public safety may enter into a
7 25 public=private partnership, through a competitive
7 26 bidding process, for the provision of the statewide
7 27 network and the purchase of compatible equipment.
7 28 On or before January 13, 2012, the department of
7 29 public safety shall provide a report to the legislative
7 30 services agency and the department of management.
7 31 The report shall detail the status of the funds
7 32 appropriated in this subsection and shall include
7 33 the estimated needs of the departments of public
7 34 safety, corrections, and natural resources to achieve
7 35 interoperability and to meet the federal narrowbanding
7 36 mandate, any changes in estimated costs to meet those
7 37 needs, and the status of requests for proposals to
7 38 develop a public=private partnership.
7 39 Sec. ___. REVERSION. For purposes of section 8.33,
7 40 unless specifically provided otherwise, unencumbered
7 41 or unobligated moneys made from an appropriation in
7 42 this division of this Act shall not revert but shall
7 43 remain available for expenditure for the purposes
7 44 designated until the close of the fiscal year that ends
7 45 three years after the end of the fiscal year for which
7 46 the appropriation is made. However, if the project
7 47 or projects for which such appropriation was made are
7 48 completed in an earlier fiscal year, unencumbered or
7 49 unobligated moneys shall revert at the close of that
7 50 same fiscal year.

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8 1 DIVISION III
8 2 REVENUE BONDS CAPITALS
8 3 FUND ==== APPROPRIATIONS
8 4 Sec. ___. There is appropriated from the revenue
8 5 bonds capitals fund created in section 12.88, to the
8 6 following departments for the fiscal year beginning
8 7 July 1, 2011, and ending June 30, 2012, the following
8 8 amount, or so much thereof as is necessary, to be used
8 9 for the purposes designated:
8 10 a. DEPARTMENT OF CORRECTIONS
8 11 For the construction project and one=time equipment
8 12 costs at the Iowa correctional facility for women at
8 13 Mitchellville:
8 14 ..... $ 4,430,952
8 15 b. DEPARTMENT OF ADMINISTRATIVE SERVICES
8 16 For projects related to major repairs and major
8 17 maintenance for state buildings and facilities:
8 18 ..... $ 500,000
8 19 For purposes of section 8.33, unless specifically
8 20 provided otherwise, unencumbered or unobligated moneys
8 21 made from an appropriation in this section shall not
8 22 revert but shall remain available for expenditure for
8 23 the purposes designated until the close of the fiscal
8 24 year that ends three years after the end of the fiscal
8 25 year for which the appropriation was made. However, if
8 26 the project or projects for which such appropriation
8 27 was made are completed in an earlier fiscal year,
8 28 unencumbered or unobligated moneys shall revert at the
8 29 close of that same fiscal year.
8 30 DIVISION IV
8 31 REVENUE BONDS CAPITALS II FUND ==== APPROPRIATIONS
8 32 Sec. ___. There is appropriated from the revenue
8 33 bonds capitals II fund created in section 12.88A, to
8 34 the department of administrative services for the
8 35 fiscal year beginning July 1, 2011, and ending June 30,
8 36 2012, the following amount, or so much thereof as is
8 37 necessary, to be used for the purposes designated:
8 38 For projects related to major repairs and major
8 39 maintenance for state buildings and facilities:
8 40 FY 2011=2012..... $ 4,040,000
8 41 For purposes of section 8.33, unless specifically
8 42 provided otherwise, unencumbered or unobligated moneys
8 43 made from an appropriation in this section shall not
8 44 revert but shall remain available for expenditures for
8 45 the purposes designated until the close of the fiscal
8 46 year that ends three years after the end of the fiscal
8 47 year for which the appropriation was made. However, if
8 48 the project or projects for which such appropriation
8 49 was made are completed in an earlier fiscal year,
8 50 unencumbered or unobligated moneys shall revert at the

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9 1 close of that same fiscal year.
9 2 DIVISION V
9 3 GENERAL FUND ==== APPROPRIATION
9 4 Sec. ___. There is appropriated from the general
9 5 fund of the state to the department of transportation
9 6 for the fiscal year beginning July 1, 2012, and
9 7 ending June 30, 2013, the following amount, or so much
9 8 thereof as is necessary, to be used for the purposes
9 9 designated:
9 10 For deposit into the railroad revolving loan and
9 11 grant fund created in section 327H.20A:
9 12 ..... $ 2,000,000
9 13 DIVISION VI
9 14 PUBLIC BIDDING AND CONTRACTING
9 15 Sec. ___. Section 73A.21, Code 2011, is amended to
9 16 read as follows:
9 17 73A.21 Reciprocal resident bidder and resident labor
9 18 force preference by state, its agencies, and political
9 19 subdivisions ==== penalties.
9 20 1. For purposes of this section:
9 21 a. "Commissioner" means the labor commissioner
9 22 appointed pursuant to section 91.2, or the labor
9 23 commissioner's designee.
9 24 b. "Division" means the division of labor of the
9 25 department of workforce development.
9 26 c. "Nonresident bidder" means a person or entity who
9 27 does not meet the definition of a resident bidder.
9 28 d. "Public body" means the state and any of its
9 29 political subdivisions, including a school district,
9 30 public utility, or the state board of regents.
9 31 ~~a.~~ e. "Public improvement" means ~~public~~
9 32 ~~improvements as defined in section 73A.1~~ a building or
9 33 other construction work to be paid for in whole or in
9 34 part by the use of funds of the state, its agencies,
9 35 and any of its political subdivisions and includes road
9 36 construction, reconstruction, and maintenance projects.
9 37 f. "Public utility" includes municipally owned
9 38 utilities and municipally owned waterworks.
9 39 ~~b.~~ g. "Resident bidder" means a person or entity
9 40 authorized to transact business in this state and
9 41 having a place of business for transacting business
9 42 within the state at which it is conducting and has
9 43 conducted business for at least ~~six months~~ three years
9 44 prior to the date of the first advertisement for the
9 45 public improvement ~~and in the case of a corporation,~~
9 46 ~~having at least fifty percent of its common stock~~
9 47 ~~owned by residents of this state~~. If another state
9 48 or foreign country has a more stringent definition of
9 49 a resident bidder, the more stringent definition is
9 50 applicable as to bidders from that state or foreign

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10 1 country.
10 2 h. "Resident labor force preference" means a
10 3 requirement in which all or a portion of a labor force
10 4 working on a public improvement is a resident of a
10 5 particular state or country.
10 6 2. Notwithstanding this chapter, chapter 73,
10 7 chapter 309, chapter 310, chapter 331, or chapter
10 8 384, when a contract for a public improvement is
10 9 to be awarded to the lowest responsible bidder, a
10 10 resident bidder shall be allowed a preference as
10 11 against a nonresident bidder from a state or foreign
10 12 country ~~which~~ if that state or foreign country gives
10 13 or requires ~~a~~ any preference to bidders from that
10 14 state or foreign country, including but not limited
10 15 to any preference to bidders, the imposition of any
10 16 type of labor force preference, or any other form of
10 17 preferential treatment to bidders or laborers from that
10 18 state or foreign country. The preference ~~is~~ allowed
10 19 shall be equal to the preference given or required by
10 20 the state or foreign country in which the nonresident
10 21 bidder is a resident. In the instance of a resident
10 22 labor force preference, a nonresident bidder shall
10 23 apply the same resident labor force preference to a
10 24 public improvement in this state as would be required
10 25 in the construction of a public improvement by the
10 26 state or foreign country in which the nonresident
10 27 bidder is a resident.
10 28 ~~3. This section applies to the state, its agencies,~~
10 29 ~~and any political subdivisions of the state.~~
10 30 ~~4.~~ 3. If it is determined that this may cause
10 31 denial of federal funds which would otherwise be
10 32 available, or would otherwise be inconsistent with
10 33 requirements of any federal law or regulation, this
10 34 section shall be suspended, but only to the extent
10 35 necessary to prevent denial of the funds or to
10 36 eliminate the inconsistency with federal requirements.
10 37 4. The public body involved in a public improvement
10 38 shall require a nonresident bidder to specify on all
10 39 project bid specifications and contract documents
10 40 whether any preference as described in subsection 2 is
10 41 in effect in the nonresident bidder's state or country
10 42 of domicile at the time of a bid submittal.
10 43 5. The commissioner and the division shall
10 44 administer and enforce this section, and the
10 45 commissioner shall adopt rules for the administration
10 46 and enforcement of this section as provided in section
10 47 91.6.
10 48 6. The commissioner shall have the following powers
10 49 and duties for the purposes of this section:
10 50 a. The commissioner may hold hearings and

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11 1 investigate charges of violations of this section.
11 2 b. The commissioner may, consistent with due
11 3 process of law, enter any place of employment to
11 4 inspect records concerning labor force residency, to
11 5 question an employer or employee, and to investigate
11 6 such facts, conditions, or matters as are deemed
11 7 appropriate in determining whether any person
11 8 has violated the provisions of this section. The
11 9 commissioner shall only make such an entry in response
11 10 to a written complaint.
11 11 c. The commissioner shall develop a written
11 12 complaint form applicable to this section and make it
11 13 available in division offices and on the department of
11 14 workforce development's internet site.
11 15 d. The commissioner may sue for injunctive relief
11 16 against the awarding of a contract, the undertaking of
11 17 a public improvement, or the continuation of a public
11 18 improvement in response to a violation of this section.
11 19 e. The commissioner may investigate and ascertain
11 20 the residency of a worker engaged in any public
11 21 improvement in this state.
11 22 f. The commissioner may administer oaths, take
11 23 or cause to be taken deposition of witnesses, and
11 24 require by subpoena the attendance and testimony of
11 25 witnesses and the production of all books, registers,
11 26 payrolls, and other evidence relevant to a matter under
11 27 investigation or hearing.
11 28 g. The commissioner may employ qualified personnel
11 29 as are necessary for the enforcement of this section.
11 30 Such personnel shall be employed pursuant to the merit
11 31 system provisions of chapter 8A, subchapter IV.
11 32 h. The commissioner shall require a contractor or
11 33 subcontractor to file, within ten days of receipt of a
11 34 request, any records enumerated in subsection 7. If
11 35 the contractor or subcontractor fails to provide the
11 36 requested records within ten days, the commissioner
11 37 may direct, within fifteen days after the end of the
11 38 ten=day period, that the fiscal or financial office
11 39 charged with the custody and disbursement of funds of
11 40 the public body that contracted for construction of the
11 41 public improvement or undertook the public improvement,
11 42 to immediately withhold from payment to the contractor
11 43 or subcontractor up to twenty=five percent of the
11 44 amount to be paid to the contractor or subcontractor
11 45 under the terms of the contract or written instrument
11 46 under which the public improvement is being performed.
11 47 The amount withheld shall be immediately released
11 48 upon receipt by the public body of a notice from the
11 49 commissioner indicating that the request for records as
11 50 required by this section has been satisfied.

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12 1 7. While participating in a public improvement,
12 2 a nonresident bidder domiciled in a state or country
12 3 that has established a resident labor force preference
12 4 shall make and keep, for a period of not less than
12 5 three years, accurate records of all workers employed
12 6 by the contractor or subcontractor on the public
12 7 improvement. The records shall include each worker's
12 8 name, address, telephone number when available, social
12 9 security number, trade classification, and the starting
12 10 and ending time of employment.
12 11 8. Any person or entity that violates the
12 12 provisions of this section is subject to a civil
12 13 penalty in an amount not to exceed one thousand dollars
12 14 for each violation found in a first investigation by
12 15 the division, not to exceed five thousand dollars
12 16 for each violation found in a second investigation
12 17 by the division, and not to exceed fifteen thousand
12 18 dollars for a third or subsequent violation found
12 19 in any subsequent investigation by the division.
12 20 Each violation of this section for each worker and
12 21 for each day the violation continues constitutes a
12 22 separate and distinct violation. In determining the
12 23 amount of the penalty, the division shall consider the
12 24 appropriateness of the penalty to the person or entity
12 25 charged, upon determination of the gravity of the
12 26 violations. The collection of these penalties shall
12 27 be enforced in a civil action brought by the attorney
12 28 general on behalf of the division.
12 29 9. A party seeking review of the division's
12 30 determination pursuant to this section may file a
12 31 written request for an informal conference. The
12 32 request must be received by the division within fifteen
12 33 days after the date of issuance of the division's
12 34 determination. During the conference, the party
12 35 seeking review may present written or oral information
12 36 and arguments as to why the division's determination
12 37 should be amended or vacated. The division shall
12 38 consider the information and arguments presented and
12 39 issue a written decision advising all parties of the
12 40 outcome of the conference.
12 41 Sec. ___. Section 331.341, subsection 2, Code 2011,
12 42 is amended to read as follows:
12 43 2. The board shall give preference to Iowa products
12 44 ~~and labor~~ in accordance with chapter 73 and shall
12 45 comply with bid and contract requirements in chapter
12 46 26.
12 47 Sec. ___. REPEAL. Sections 73.3 and 73.4, Code
12 48 2011, are repealed.
12 49 Sec. ___. EFFECTIVE UPON ENACTMENT. This division
12 50 of this Act, being deemed of immediate importance,

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13 1 takes effect upon enactment.
13 2 Sec. ___. APPLICABILITY. This division of this Act
13 3 applies to all public improvement, public works, and
13 4 public road projects, and to public improvement, public
13 5 works, and public road contracts entered into on or
13 6 after the effective date of this Act.
13 7 DIVISION VII
13 8 BUSINESS DEVELOPMENT ASSISTANCE ==== APPROPRIATION
13 9 Sec. ___. BUSINESS DEVELOPMENT ASSISTANCE ==== USE OF
13 10 EXISTING FUNDS.
13 11 1. a. There is appropriated from the rebuild Iowa
13 12 infrastructure fund to the department of economic
13 13 development for the fiscal year beginning July 1, 2011,
13 14 and ending June 30, 2012, the following amount, or
13 15 so much thereof as is necessary, to be used for the
13 16 purposes designated:
13 17 For marketing and promotional activities; for
13 18 information technology development; for laborshed
13 19 studies conducted for the department by the department
13 20 of workforce development; for administrative purposes,
13 21 including salaries, support, maintenance, and
13 22 miscellaneous purposes; and for providing financial
13 23 assistance to businesses expanding or locating in the
13 24 state, notwithstanding section 8.57, subsection 6,
13 25 paragraph "c":
13 26 ..... $ 15,000,000
13 27 b. Of the moneys appropriated pursuant to paragraph
13 28 "a" for purposes of marketing and promotional
13 29 activities, the department shall not use more than
13 30 $2,300,000.
13 31 c. Of the moneys appropriated pursuant to paragraph
13 32 "a" for purposes of information technology development,
13 33 the department shall not use more than $350,000.
13 34 d. Of the moneys appropriated pursuant to paragraph
13 35 "a" for purposes of laborshed studies conducted by the
13 36 department of workforce development, the department
13 37 shall not use more than $145,000.
13 38 e. Of the moneys appropriated pursuant to paragraph
13 39 "a" for administrative purposes, the department shall
13 40 not use more than 5 percent.
13 41 f. (1) The department may use the remainder of the
13 42 moneys appropriated pursuant to paragraph "a" that are
13 43 not expended for the purposes described in paragraphs
13 44 "b" through "e" to provide financial assistance to
13 45 businesses expanding or locating in the state.
13 46 (2) An award of financial assistance pursuant to
13 47 this paragraph "f" shall be approved by the economic
13 48 development board which shall review with due diligence
13 49 the merits of each application for assistance.
13 50 (3) For each award of financial assistance made

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14 1 pursuant to this paragraph "f", the department shall
14 2 enter into an agreement with the recipient of the
14 3 financial assistance, and each agreement shall meet
14 4 the requirements for financial assistance agreements
14 5 described in section 15G.112, subsections 1 through 3,
14 6 Code 2011.
14 7 (4) In providing financial assistance pursuant
14 8 to this paragraph "f", the department shall allocate
14 9 the available moneys to a diverse range of projects
14 10 that create or retain jobs including projects that pay
14 11 better than average wages, projects that represent
14 12 early=stage business development, projects that build
14 13 the physical infrastructure necessary for business
14 14 growth and expansion, projects that enhance the
14 15 growth of value=added agriculture in the state, and
14 16 projects that involve recovery from significant natural
14 17 disasters.
14 18 (5) The department shall adopt rules for the
14 19 implementation of this paragraph "f". Such rules
14 20 may be adopted as emergency rules under section
14 21 17A.4, subsection 3, and section 17A.5, subsection
14 22 2, paragraph "b". Such rules shall be effective
14 23 immediately upon filing unless a later date is
14 24 specified in the rules. Any rules adopted in
14 25 accordance with this section shall also be published
14 26 as a notice of intended action as provided in section
14 27 17A.4.
14 28 (6) For purposes of this paragraph "f", "financial
14 29 assistance" means assistance provided only from the
14 30 funds, rights, and assets legally available to the
14 31 department pursuant to this chapter and includes but is
14 32 not limited to assistance in the form of grants, loans,
14 33 forgivable loans, and royalty payments.
14 34 2. There is appropriated to the department of
14 35 economic development for the fiscal year beginning
14 36 July 1, 2011, and ending June 30, 2012, the following
14 37 amounts, or so much thereof as is necessary, to be used
14 38 for the purposes described in subsection 1:
14 39 a. Payments of interest, repayments of moneys
14 40 loaned, and recaptures of grants and loans made
14 41 pursuant to chapter 15G, Code 2011.
14 42 b. All moneys accruing to the department, including
14 43 payments of interest, repayments of moneys loaned,
14 44 royalty payments received, and recaptures of grants,
14 45 loans, or other forms of financial assistance provided
14 46 to recipients, from the department's administration of
14 47 the following preexisting programs:
14 48 (1) The community economic betterment program
14 49 established pursuant to section 15.317, Code 2009.
14 50 (2) The entrepreneurial ventures assistance program

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15 1 established pursuant to section 15.339, Code 2009.
15 2 (3) The value=added agricultural products and
15 3 processes financial assistance program established
15 4 pursuant to section 15E.111, Code 2009.
15 5 (4) The physical infrastructure assistance program
15 6 established pursuant to section 15E.175, Code 2009.
15 7 (5) The loan and credit guarantee program
15 8 established pursuant to section 15E.224, Code 2009.
15 9 c. The moneys transferred to the grow Iowa values
15 10 fund pursuant to 2009 Iowa Acts, chapter 123, section
15 11 9, subsections 1 and 2.
15 12 3. The moneys appropriated pursuant to this section
15 13 are not subject to section 8.33. Notwithstanding
15 14 section 12C.7, interest or earnings on the appropriated
15 15 moneys shall be credited to the department and may
15 16 be used in subsequent fiscal years for the purposes
15 17 described in subsection 1.
15 18 DIVISION VIII
15 19 MISCELLANEOUS CODE CHANGES
15 20 Sec. ___. Section 8.57, subsection 6, paragraph c,
15 21 Code 2011, is amended to read as follows:
15 22 c. Moneys in the fund in a fiscal year shall
15 23 be used as directed by the general assembly for
15 24 public vertical infrastructure projects. For the
15 25 purposes of this subsection, "vertical infrastructure"
15 26 includes only land acquisition and construction~~,~~;
15 27 major renovation and major repair of buildings~~,~~; all
15 28 appurtenant structures~~,~~; utilities~~,~~; site development~~,~~
15 29 ~~and~~; recreational trails; and debt service payments
15 30 on academic revenue bonds issued in accordance with
15 31 chapter 262A for capital projects at board of regents
15 32 institutions. "Vertical infrastructure" does not
15 33 include routine, recurring maintenance or operational
15 34 expenses or leasing of a building, appurtenant
15 35 structure, or utility without a lease=purchase
15 36 agreement.
15 37 Sec. ___. Section 8.57, subsection 6, paragraph f,
15 38 Code 2011, is amended to read as follows:
15 39 f. There is appropriated from the rebuild Iowa
15 40 infrastructure fund to the secure an advanced vision
15 41 for education fund created in section 423F.2, for each
15 42 fiscal year of the fiscal period beginning July 1,
15 43 2008, and ending June 30, 2010, ~~and for each fiscal~~
15 44 ~~year of the fiscal period beginning July 1, 2011,~~
15 45 ~~and ending June 30, 2014,~~ the amount of the moneys
15 46 in excess of the first forty=seven million dollars
15 47 credited to the rebuild Iowa infrastructure fund during
15 48 the fiscal year, not to exceed ten million dollars.
15 49 Sec. ___. Section 8.57A, subsection 4, Code 2011,
15 50 is amended to read as follows:

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16 1 4. a. There is appropriated from the rebuild Iowa
16 2 infrastructure fund for the fiscal ~~years~~ year beginning
16 3 July ~~1, 2008, July 1, 2009, and July~~ 1, ~~2011~~ 2012, and
16 4 for each fiscal year thereafter, the sum of ~~forty=two~~
~~16 5~~ thirty=five million dollars to the environment first
16 6 fund, notwithstanding section 8.57, subsection 6,
16 7 paragraph "c".
16 8 b. There is appropriated from the rebuild Iowa
16 9 infrastructure fund each fiscal year for the ~~fiscal~~
~~16 10 year~~ period beginning July 1, 2010, and ending June 30,
16 11 ~~2011~~ 2012, the sum of thirty=three million dollars to
16 12 the environment first fund, notwithstanding section
16 13 8.57, subsection 6, paragraph "c".
16 14 Sec. ___. Section 8.57C, subsection 3, paragraphs a
16 15 and c, Code 2011, are amended to read as follows:
16 16 a. There is appropriated from the general fund of
16 17 the state for the fiscal ~~years~~ year beginning ~~July 1,~~
~~16 18 2006, July 1, 2007,~~ July 1, ~~2011~~ 2012, and for each
16 19 subsequent fiscal year thereafter, the sum of seventeen
16 20 million five hundred thousand dollars to the technology
16 21 reinvestment fund.
16 22 c. There is appropriated from the rebuild Iowa
16 23 infrastructure fund for the fiscal year beginning
16 24 July 1, 2010, and ending June 30, 2011, the sum of ten
16 25 million dollars to the technology reinvestment fund,
16 26 notwithstanding section 8.57, subsection 6, paragraph
16 27 "c".
16 28 Sec. ___. Section 8.57C, subsection 3, Code 2011,
16 29 is amended by adding the following new paragraph:
16 30 NEW PARAGRAPH. d. There is appropriated from the
16 31 rebuild Iowa infrastructure fund for the fiscal year
16 32 beginning July 1, 2011, and ending June 30, 2012,
16 33 the sum of sixteen million dollars to the technology
16 34 reinvestment fund, notwithstanding section 8.57,
16 35 subsection 6, paragraph "c".
16 36 Sec. ___. Section 8A.321, subsection 6, Code 2011,
16 37 is amended by adding the following new paragraph:
16 38 NEW PARAGRAPH. d. The department shall issue a
16 39 request for proposals for leasing privately owned
16 40 office space for state employees in the downtown
16 41 area of the city of Des Moines prior to replacing or
16 42 renovating publicly owned buildings or relocating
16 43 any state agencies to any space in publicly owned
16 44 buildings. The department shall locate state employees
16 45 in office space in the most cost=efficient manner
16 46 possible. In determining cost efficiency, the
16 47 department shall consider all costs of the publicly
16 48 owned space, the costs of the original acquisition
16 49 of the publicly owned space, the costs of tenant
16 50 improvements to the publicly owned space, and the

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17 1 anticipated economic and useful life of the publicly
17 2 owned building space.
17 3 Sec. ___. Section 12.82, subsection 1, Code 2011,
17 4 is amended to read as follows:
17 5 1. A school infrastructure fund is created and
17 6 established as a separate and distinct fund in the
17 7 state treasury under the control of the department of
17 8 education. ~~The~~ Notwithstanding any other provision
17 9 of this chapter, the fund shall be used for purposes
17 10 of the school infrastructure program established in
17 11 section 292.2.
17 12 Sec. ___. Section 12.82, Code 2011, is amended by
17 13 adding the following new subsection:
17 14 NEW SUBSECTION. 3A. Any amounts remaining in the
17 15 school infrastructure fund at the end of the fiscal
17 16 year beginning July 1, 2010, and for each fiscal year
17 17 thereafter, which are determined by the treasurer of
17 18 state to be unencumbered and unobligated and otherwise
17 19 unnecessary to make the payments for such fiscal year,
17 20 shall be transferred to the rebuild Iowa infrastructure
17 21 fund.
17 22 Sec. ___. Section 15F.204, subsection 8, paragraph
17 23 a, subparagraph (6), Code 2011, is amended to read as
17 24 follows:
17 25 (6) For the fiscal year beginning July 1, 2011,
17 26 and ending June 30, 2012, the sum of five million one
17 27 hundred thousand dollars.
17 28 Sec. ___. Section 15F.204, subsection 8, paragraph
17 29 b, Code 2011, is amended by striking the paragraph.
17 30 Sec. ___. Section 16.181A, subsection 1, Code 2011,
17 31 is amended to read as follows:
17 32 1. There is appropriated from the rebuild Iowa
17 33 infrastructure fund to the Iowa finance authority for
17 34 deposit in the housing trust fund created in section
17 35 16.181, for the fiscal year beginning July 1, 2009, and
17 36 beginning July 1, ~~2011~~ 2012, and for each succeeding
17 37 fiscal year, the sum of three million dollars.
17 38 Sec. ___. Section 16.181A, Code 2011, is amended by
17 39 adding the following new subsection:
17 40 NEW SUBSECTION. 3. There is appropriated from the
17 41 rebuild Iowa infrastructure fund to the Iowa finance
17 42 authority for deposit in the housing trust fund created
17 43 in section 16.181, for the fiscal year beginning July
17 44 1, 2011, and ending June 30, 2012, the sum of two
17 45 million dollars.
17 46 Sec. ___. Section 16.193, subsection 2, Code 2011,
17 47 is amended to read as follows:
17 48 2. ~~During the term of the Iowa jobs program~~
17 49 ~~established in section 16.194 and the Iowa jobs II~~
17 50 ~~program established in section 16.194A~~ For the period

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18 1 beginning July 1, 2009, and ending June 30, 2011, two
18 2 hundred thousand dollars of the moneys deposited in the
18 3 rebuild Iowa infrastructure fund shall be allocated
18 4 each fiscal year to the Iowa finance authority for
18 5 purposes of administering the Iowa jobs program,
18 6 notwithstanding section 8.57, subsection 6, paragraph
18 7 "c".
18 8 Sec. ___. EFFECTIVE AND APPLICABILITY DATES. The
18 9 sections of this division amending section 12.82,
18 10 being deemed of immediate importance, take effect upon
18 11 enactment and, if approved by the governor on or after
18 12 July 1, 2011, shall apply retroactively to June 30,
18 13 2011.
18 14 DIVISION IX
18 15 CHANGES TO PRIOR APPROPRIATIONS
18 16 Sec. ___. 2006 Iowa Acts, chapter 1179, section 18,
18 17 is amended by adding the following new subsection:
18 18 NEW SUBSECTION. 5. Except for the allocation to
18 19 Des Moines area community college and notwithstanding
18 20 section 8.33, moneys appropriated from the endowment
18 21 for Iowa's health restricted capitals fund for the
18 22 fiscal year beginning July 1, 2006, and ending June 30,
18 23 2007, in this division of this Act to the department of
18 24 public safety for allocation to the division of fire
18 25 protection that remain unencumbered or unobligated
18 26 at the close of the fiscal year shall not revert
18 27 but shall remain available for expenditure for the
18 28 purposes designated until the close of the fiscal year
18 29 beginning July 1, 2011, or until the project for which
18 30 the appropriation was made is completed, whichever
18 31 is earlier. This subsection shall apply in lieu of
18 32 subsection 1 of this section.
18 33 Sec. ___. 2007 Iowa Acts, chapter 219, section 2,
18 34 is amended to read as follows:
18 35 SEC. 2. REVERSION.
18 36 1. ~~Notwithstanding~~ Except as provided in subsection
18 37 2 and notwithstanding section 8.33, moneys appropriated
18 38 for the fiscal year beginning July 1, 2007, in this
18 39 division of this Act that remain unencumbered or
18 40 unobligated at the close of the fiscal year shall not
18 41 revert but shall remain available for the purposes
18 42 designated until the close of the fiscal year that
18 43 begins July 1, 2010, or until the project for which
18 44 the appropriation was made is completed, whichever is
18 45 earlier.
18 46 2. a. Notwithstanding section 8.33, moneys
18 47 appropriated in section 1, subsection 1, paragraphs
18 48 "a" and "f" of this division of this Act that remain
18 49 unencumbered or unobligated at the close of the fiscal
18 50 year for which they were appropriated shall not revert

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19 1 but shall remain available for the purposes designated
19 2 until the close of the fiscal year that begins July 1,
19 3 2011, or until the project for which the appropriation
19 4 was made is completed, whichever is earlier.
19 5 b. The department of administrative services
19 6 is authorized to provide for the disposition and
19 7 relocation of structures located at 707 east locust
19 8 and 709 east locust, Des Moines, Iowa, in a manner as
19 9 deemed appropriate by the department. The disposition
19 10 of the structures, if possible, shall be completed in
19 11 a manner that reduces or eliminates the costs of the
19 12 state associated with the removal of the structures
19 13 from their current locations. Any amount received from
19 14 the disposition of the structures as permitted under
19 15 this section shall be retained by the department to pay
19 16 for improvement costs associated with the restoration
19 17 of the west capitol terrace. The department, if unable
19 18 to otherwise dispose of the structures, is authorized
19 19 to demolish the structures using other appropriate
19 20 funding available to the department.
19 21 Sec. ___. 2008 Iowa Acts, chapter 1179, section 1,
19 22 subsection 13, paragraph c, as amended by 2009 Iowa
19 23 Acts, chapter 184, section 22, is amended to read as
19 24 follows:
19 25 c. For the construction of a depot and platform to
19 26 accommodate the future Amtrak service from Dubuque to
19 27 Chicago, notwithstanding section 8.57, subsection 6,
19 28 paragraph "c":
19 29 ..... $ ~~300,000~~
19 30 60,000
19 31 Sec. ___. 2008 Iowa Acts, chapter 1179, section
19 32 7, as amended by 2009 Iowa Acts, chapter 173, section
19 33 21, and 2010 Iowa Acts, chapter 1184, section 58, is
19 34 amended to read as follows:
19 35 SEC. 7. DEPARTMENT OF ECONOMIC DEVELOPMENT. There
19 36 is appropriated from the rebuild Iowa infrastructure
19 37 fund to the department of economic development for
19 38 the designated fiscal years the following amounts, or
19 39 so much thereof as is necessary, to be used for the
19 40 purposes designated:
19 41 For deposit into the river enhancement community
19 42 attraction and tourism fund created in 2008 Iowa Acts,
19 43 Senate File 2430, if enacted:
19 44 FY 2009=2010 ..... $ 0
19 45 FY 2010=2011..... $ 0
19 46 FY 2011=2012 ..... $ ~~10,000,000~~
19 47 0
19 48 FY 2012=2013 ..... $ ~~10,000,000~~
19 49 0
19 50 ~~Notwithstanding section 8.33, moneys appropriated~~

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~~in this section for the fiscal year beginning July 1, 2011, and ending June 30, 2012, shall not revert at the close of the fiscal year for which they are appropriated but shall remain available for the purpose designated until the close of the fiscal year that begins July 1, 2014, or until the project for which the appropriation was made is completed, whichever is earlier.~~

~~Notwithstanding section 8.33, moneys appropriated in this section for the fiscal year beginning July 1, 2012, and ending June 30, 2013, shall not revert at the close of the fiscal year for which they are appropriated but shall remain available for the purpose designated until the close of the fiscal year that begins July 1, 2015, or until the project for which the appropriation was made is completed, whichever is earlier.~~

Sec. ___. 2008 Iowa Acts, chapter 1179, section 18, as amended by 2009 Iowa Acts, chapter 173, section 24, subsection 4, paragraph b, unnumbered paragraph 1, is amended to read as follows:

For deposit into the river enhancement community attraction and tourism fund created in section 15F.205:
..... $~~10,000,000~~
9,200,000

Sec. ___. 2009 Iowa Acts, chapter 184, section 1, subsection 12, paragraph a, as amended by 2010 Iowa Acts, chapter 1184, section 71, is amended to read as follows:

a. For deposit in the passenger rail service revolving fund created in section 327J.2, notwithstanding section 8.57, subsection 6, paragraph "c":
..... $ ~~3,000,000~~
500,000

Sec. ___. 2010 Iowa Acts, chapter 1184, section 2, subsection 3, is amended to read as follows:

3. DEPARTMENT OF TRANSPORTATION

For deposit into the passenger rail service revolving fund created in section 327J.2 for matching federal funding available through the federal Passenger Rail Investment and Improvement Act of 2008 for passenger rail service, notwithstanding section 8.57, subsection 6, paragraph "c":
FY 2011=2012..... $ ~~6,500,000~~
0

~~It is the intent of the general assembly to fund up to $20 million over a four-year period to fully fund the state commitment for matching federal funding available through the federal Passenger Rail Investment~~

~~Senate Amendment 3371 continued~~

~~21 1 and Improvement Act of 2008.~~
21 2 Sec. ___. 2010 Iowa Acts, chapter 1184, section
21 3 10, subsection 2, paragraph b, is amended to read as
21 4 follows:
21 5 b. For deposit into the river enhancement community
21 6 attraction and tourism fund created in section 15F.205:
21 7 ..... $ ~~4,000,000~~
21 8 0
21 9 Sec. ___. 2010 Iowa Acts, chapter 1184, section 10,
21 10 subsection 2, paragraph b, unnumbered paragraph 2, is
21 11 amended to read as follows:
21 12 Moneys appropriated for grants awarded in ~~paragraphs~~
~~21 13~~ paragraph "a" ~~and "b"~~ shall be used to assist
21 14 communities in the development and creation of multiple
21 15 purpose attractions or community service facilities for
21 16 public use.
21 17 Sec. ___. 2010 Iowa Acts, chapter 1184, section 10,
21 18 subsection 8, is amended to read as follows:
21 19 8. TREASURER OF STATE
21 20 For transfer to the watershed improvement review
21 21 board created in section 466A.3 for grants associated
21 22 with ~~the construction and restoration of wetland~~
~~21 23 easements and flood prevention~~ watershed improvement
21 24 projects:
21 25 ..... $ 2,000,000
21 26 Notwithstanding section 466A.5, moneys from the
21 27 appropriation in this subsection shall not be used for
21 28 administrative purposes.
21 29 Sec. ___. 2010 Iowa Acts, chapter 1184, section 14,
21 30 is amended to read as follows:
21 31 SEC. 14. There is appropriated from the ~~FY 2009~~
~~21 32 prison bonding fund created pursuant to section~~
~~21 33 12.79~~rebuild Iowa infrastructure fund to the department
21 34 of corrections for the fiscal year beginning July 1,
21 35 2010, and ending June 30, 2011, the following amount,
21 36 or so much thereof as is necessary, to be used for
21 37 the purpose designated, notwithstanding section 8.57,
21 38 subsection 6, paragraph "c":
21 39 For ~~costs associated with the building of a new~~
~~21 40 Iowa State penitentiary at Fort Madison~~ project
21 41 management costs at Fort Madison and Mitchellville
21 42 prisons, associated with construction projects at the
21 43 department:
21 44 ..... $ 322,500
21 45 ~~The appropriation made in this section constitutes~~
~~21 46 approval by the general assembly for the issuance of~~
~~21 47 bonds by the treasurer of state pursuant to section~~
~~21 48 12.80.~~
21 49 Sec. ___. 2010 Iowa Acts, chapter 1184, section 16,
21 50 is amended to read as follows:

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22 1 SEC. 16. There is appropriated from the Iowa
22 2 comprehensive petroleum underground storage tank fund
22 3 to the department of transportation for the fiscal year
22 4 beginning July 1, 2010, and ending June 30, 2011, the
22 5 following amount, or so much thereof as is necessary,
22 6 to be used for the purposes designated:
22 7 Notwithstanding section 455G.3, subsection 1, for
22 8 deposit in the passenger rail service revolving fund
22 9 created in section 327J.2:
22 10 ..... $ ~~2,000,000~~
22 11 500,000
22 12 ~~Such funds shall be coupled with the remaining~~
~~22 13 unobligated balance of up to one million five hundred~~
~~22 14 thousand dollars from the appropriation made in 2009~~
~~22 15 Iowa Acts, chapter 184, section 1, subsection 12,~~
~~22 16 paragraph "a", for a total commitment of three million~~
~~22 17 five hundred thousand dollars for the fiscal year~~
~~22 18 beginning July 1, 2010, and ending June 30, 2011,~~
~~22 19 for matching federal funding available through the~~
~~22 20 Passenger Rail Investment and Improvement Act of 2008.~~
22 21 Sec. ___. 2010 Iowa Acts, chapter 1184, section 37,
22 22 is amended to read as follows:
22 23 SEC. 37. SITE DEVELOPMENT CONSULTATIONS
22 24 APPROPRIATION. There is appropriated from the school
22 25 infrastructure fund created in section 12.82 to the
22 26 department of economic development for the fiscal year
22 27 beginning July 1, 2010, and ending June 30, 2011, the
22 28 following amount, or so much thereof as is necessary,
22 29 to be used for the purposes designated:
22 30 For providing site development consultations
22 31 pursuant to section 15E.18, including salaries,
22 32 support, maintenance, miscellaneous purposes, and
22 33 for not more than the following full=time equivalent
22 34 positions, notwithstanding section 12.82, subsection 1:
22 35 ..... $ 175,000
22 36 ..... FTEs 1.00
22 37 Of the moneys appropriated to the department
22 38 pursuant to this section, the department may allocate
22 39 up to $75,000 for purposes of contracting with third
22 40 parties to provide site development consultations.
22 41 Sec. ___. 2010 Iowa Acts, chapter 1184, section 39,
22 42 is amended to read as follows:
22 43 SEC. 39. BUSINESS ASSISTANCE INTERNET SITE
22 44 APPROPRIATION.
22 45 There is appropriated from the school infrastructure
22 46 fund created in section 12.82 to the department of
22 47 economic development for the fiscal year beginning
22 48 July 1, 2010, and ending June 30, 2011, the following
22 49 amount, or so much thereof as is necessary, to be used
22 50 for the purposes designated:

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23 1 For purposes of creating a business assistance
23 2 internet site, notwithstanding section 12.82,
23 3 subsection 1:
23 4 ..... $ 20,000
23 5 Sec. ___. 2010 Iowa Acts, chapter 1184, section 43,
23 6 is amended to read as follows:
23 7 SEC. 43. SAVE OUR SMALL BUSINESSES FUND
23 8 APPROPRIATION. There is appropriated from the school
23 9 infrastructure fund created in section 12.82 to the
23 10 department of economic development for deposit in the
23 11 save our small businesses fund for the fiscal year
23 12 beginning July 1, 2010, and ending June 30, 2011, the
23 13 following amount, or so much thereof as is necessary,
23 14 to be used for the purposes designated, notwithstanding
23 15 section 12.82, subsection 1:
23 16 For purposes of providing financial assistance under
23 17 the save our small businesses program under section
23 18 15.301:
23 19 ..... $ 5,000,000
23 20 Of the moneys appropriated pursuant to this section,
23 21 the department may allocate an amount not to exceed
23 22 two percent of the moneys appropriated for purposes of
23 23 retaining the services of an organization designated
23 24 pursuant to section 15.301, subsection 2, paragraph
23 25 "b".
23 26 Sec. ___. 2010 Iowa Acts, chapter 1193, section 6,
23 27 is amended to read as follows:
23 28 SEC. 6. INSTRUCTIONAL SUPPORT STATE AID ====
23 29 APPROPRIATION. In lieu of the appropriation provided
23 30 in section 257.20, there is appropriated from the
23 31 school infrastructure fund created in section 12.82,
23 32 subsection 1, to the department of education for the
23 33 fiscal year beginning July 1, 2010, and ending June 30,
23 34 2011, the following amount, or so much thereof as is
23 35 necessary, to be used for the purposes designated:
23 36 For paying instructional support state aid for
23 37 fiscal year 2010=2011, notwithstanding section 12.82,
23 38 subsection 1:
23 39 ..... $ 7,500,000
23 40 Notwithstanding section 257.20, subsection 3, the
23 41 appropriation made in this lettered paragraph shall
23 42 be allocated in the same manner as the allocation of
23 43 the appropriation was made for the same purpose in the
23 44 previous fiscal year.
23 45 Sec. ___. 2011 Iowa Acts, House File 45, section 2,
23 46 subsection 2, is amended by adding the following new
23 47 paragraph:
23 48 NEW PARAGRAPH. c. This subsection shall not apply
23 49 to any appropriations for the fiscal year beginning
23 50 July 1, 2010, receiving a supplemental appropriation

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24 1 under 2011 Iowa Acts, Senate File 209, or any multiyear
24 2 appropriation that includes the fiscal year beginning
24 3 July 1, 2009, for equipment as determined by the
24 4 department of management.
24 5 Sec. ___. EFFECTIVE AND APPLICABILITY DATES. This
24 6 division of this Act, being deemed of immediate
24 7 importance, takes effect upon enactment and, unless
24 8 otherwise provided, if approved by the governor on or
24 9 after July 1, 2011, shall apply retroactively to June
24 10 30, 2011.
24 11 Sec. ___. RETROACTIVE APPLICABILITY. The provision
24 12 of this division of this Act amending 2011 Iowa
24 13 Acts, House File 45, section 2, subsection 2, applies
24 14 retroactively to March 7, 2011.
24 15 DIVISION X
24 16 CONDITIONAL EFFECTIVE DATE
24 17 AND RETROACTIVE APPLICABILITY
24 18 Sec. ___. EFFECTIVE DATE AND RETROACTIVE
24 19 APPLICABILITY. Unless otherwise provided, this Act,
24 20 if approved by the governor on or after July 1, 2011,
24 21 takes effect upon enactment and applies retroactively
24 22 to July 1, 2011.>
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# Senate Amendment 3372

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1 1 Amend Senate File 533, as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. By striking everything after the enacting clause
1 4 and inserting:
1 5 <DIVISION I
1 6 STANDING APPROPRIATIONS AND RELATED MATTERS ==== FY
1 7 2011=2012
1 8 Section 1. BUDGET PROCESS FOR FISCAL YEAR
1 9 2012=2013.
1 10 1. For the budget process applicable to the fiscal
1 11 year beginning July 1, 2012, on or before October 1,
1 12 2011, in lieu of the information specified in section
1 13 8.23, subsection 1, unnumbered paragraph 1, and
1 14 paragraph "a", all departments and establishments of
1 15 the government shall transmit to the director of the
1 16 department of management, on blanks to be furnished
1 17 by the director, estimates of their expenditure
1 18 requirements, including every proposed expenditure, for
1 19 the ensuing fiscal year, together with supporting data
1 20 and explanations as called for by the director of the
1 21 department of management after consultation with the
1 22 legislative services agency.
1 23 2. The estimates of expenditure requirements
1 24 shall be in a form specified by the director of
1 25 the department of management, and the expenditure
1 26 requirements shall include all proposed expenditures
1 27 and shall be prioritized by program or the results to
1 28 be achieved. The estimates shall be accompanied by
1 29 performance measures for evaluating the effectiveness
1 30 of the programs or results.
1 31 Sec. 2. LIMITATION OF STANDING APPROPRIATIONS.
1 32 Notwithstanding the standing appropriations in the
1 33 following designated sections for the fiscal year
1 34 beginning July 1, 2011, and ending June 30, 2012, the
1 35 amounts appropriated from the general fund of the state
1 36 pursuant to these sections for the following designated
1 37 purposes shall not exceed the following amounts:
1 38 1. For operational support grants and community
1 39 cultural grants under section 99F.11, subsection 3,
1 40 paragraph "d", subparagraph (1):
1 41 ..... $ 416,702
1 42 2. For regional tourism marketing under section
1 43 99F.11, subsection 3, paragraph "d", subparagraph (2):
1 44 ..... $ 810,306
1 45 3. For the center for congenital and inherited
1 46 disorders central registry under section 144.13A,
1 47 subsection 4, paragraph "a":
1 48 ..... $ 171,121
1 49 4. For primary and secondary child abuse prevention
1 50 programs under section 144.13A, subsection 4, paragraph

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2 1 "a":
2 2 ..... $ 217,772
2 3 5. For programs for at=risk children under section
2 4 279.51:
2 5 ..... $ 8,504,258
2 6 The amount of any reduction in this subsection shall
2 7 be prorated among the programs specified in section
2 8 279.51, subsection 1, paragraphs "a", "b", and "c".
2 9 6. For payment for nonpublic school transportation
2 10 under section 285.2:
2 11 ..... $ 7,060,931
2 12 If total approved claims for reimbursement for
2 13 nonpublic school pupil transportation exceed the amount
2 14 appropriated in accordance with this subsection, the
2 15 department of education shall prorate the amount of
2 16 each approved claim.
2 17 7. For reimbursement for the homestead property tax
2 18 credit under section 425.1:
2 19 ..... $ 86,188,387
2 20 8. For reimbursement for the family farm and
2 21 agricultural land tax credits under sections 425A.1 and
2 22 426.1:
2 23 ..... $ 32,395,131
2 24 9. For the enforcement of chapter 453D relating to
2 25 tobacco product manufacturers under section 453D.8:
2 26 ..... $ 18,416
2 27 Sec. 3. INSTRUCTIONAL SUPPORT STATE AID ==== FY
2 28 2011=2012. In lieu of the appropriation provided in
2 29 section 257.20, subsection 2, the appropriation for the
2 30 fiscal year beginning July 1, 2011, and ending June 30,
2 31 2012, for paying instructional support state aid under
2 32 section 257.20 for fiscal year 2011=2012 is zero.
2 33 Sec. 4. APPROPRIATION ==== FARMERS WITH
2 34 DISABILITIES. There is appropriated from the general
2 35 fund of the state to the department of agriculture and
2 36 land stewardship for the fiscal year beginning July 1,
2 37 2011, and ending June 30, 2012, the following amount,
2 38 or so much thereof as is necessary, for a program for
2 39 farmers with disabilities:
2 40 ..... $ 97,000
2 41 The moneys appropriated in this section shall be
2 42 used for the public purpose of providing a grant to
2 43 a national nonprofit organization with over 80 years
2 44 of experience in assisting children and adults with
2 45 disabilities and special needs. The moneys shall
2 46 be used to support a nationally recognized program
2 47 that began in 1986 and has been replicated in at
2 48 least 30 other states, but which is not available
2 49 through any other entity in this state, and that
2 50 provides assistance to farmers with disabilities in

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3 1 all 99 counties to allow the farmers to remain in
3 2 their own homes and be gainfully engaged in farming
3 3 through provision of agricultural worksite and home
3 4 modification consultations, peer support services,
3 5 services to families, information and referral, and
3 6 equipment loan services. Notwithstanding section
3 7 8.33, moneys appropriated in this section that remain
3 8 unencumbered or unobligated at the close of the fiscal
3 9 year shall not revert but shall remain available for
3 10 expenditure for the purposes designated until the close
3 11 of the succeeding fiscal year.
3 12 Sec. 5. Section 256.30, unnumbered paragraph
3 13 1, Code 2011, is amended by striking the unnumbered
3 14 paragraph and inserting in lieu thereof the following:
3 15 For the fiscal year beginning July 1, 2011, and
3 16 ending June 30, 2012, there is appropriated from the
3 17 general fund of the state to the department the sum
3 18 of one hundred thousand dollars. For the fiscal year
3 19 beginning July 1, 2012, and ending June 30, 2013, and
3 20 for each succeeding fiscal year, there is appropriated
3 21 from the general fund of the state to the department
3 22 the sum of fifty thousand dollars. The department
3 23 shall distribute the appropriation to the tribal
3 24 council of the Sac and Fox Indian settlement for
3 25 expenses of educating American Indian children residing
3 26 in the Sac and Fox Indian settlement on land held in
3 27 trust by the secretary of the interior of the United
3 28 States in excess of federal moneys paid to the tribal
3 29 council for educating the American Indian children
3 30 when moneys are appropriated for that purpose. The
3 31 tribal council shall administer the moneys distributed
3 32 pursuant to this section and shall submit an annual
3 33 report and other reports as required by the department
3 34 to the department on the expenditure of the moneys.
3 35 Sec. 6. Section 257.35, Code 2011, is amended by
3 36 adding the following new subsection:
3 37 NEW SUBSECTION. 5A. Notwithstanding subsection 1,
3 38 and in addition to the reduction applicable pursuant
3 39 to subsection 2, the state aid for area education
3 40 agencies and the portion of the combined district cost
3 41 calculated for these agencies for the fiscal year
3 42 beginning July 1, 2011, and ending June 30, 2012, shall
3 43 be reduced by the department of management by twenty
3 44 million dollars. The reduction for each area education
3 45 agency shall be prorated based on the reduction that
3 46 the agency received in the fiscal year beginning July
3 47 1, 2003.
3 48 Sec. 7. Section 453A.35, subsection 1, Code 2011,
3 49 is amended to read as follows:
3 50 1. a. ~~The~~ With the exception of revenues credited

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4 1 to the health care trust fund pursuant to paragraph
4 2 "b", the proceeds derived from the sale of stamps and
4 3 the payment of taxes, fees, and penalties provided for
4 4 under this chapter, and the permit fees received from
4 5 all permits issued by the department, shall be credited
4 6 to the general fund of the state. ~~However, of~~
4 7 b. Of the revenues generated from the tax on
4 8 cigarettes pursuant to section 453A.6, subsection
4 9 1, and from the tax on tobacco products as specified
4 10 in section 453A.43, subsections 1, 2, 3, and 4, ~~and~~
~~4 11 credited to the general fund of the state under this~~
~~4 12 subsection, there is appropriated, annually, to the~~
~~4 13 health care trust fund created in section 453A.35A,~~ the
4 14 first one hundred six million sixteen thousand four
4 15 hundred dollars shall be credited to the health care
4 16 trust fund created in section 453A.35A.
4 17 Sec. 8. Section 453A.35A, subsection 1, Code 2011,
4 18 is amended to read as follows:
4 19 1. A health care trust fund is created in the
4 20 office of the treasurer of state. The fund consists
4 21 of the revenues generated from the tax on cigarettes
4 22 pursuant to section 453A.6, subsection 1, and from
4 23 the tax on tobacco products as specified in section
4 24 453A.43, subsections 1, 2, 3, and 4, that are credited
4 25 to the ~~general fund of the state and appropriated to~~
~~4 26 the~~ health care trust fund, annually, pursuant to
4 27 section 453A.35. Moneys in the fund shall be separate
4 28 from the general fund of the state and shall not be
4 29 considered part of the general fund of the state.
4 30 However, the fund shall be considered a special account
4 31 for the purposes of section 8.53 relating to generally
4 32 accepted accounting principles. Moneys in the fund
4 33 shall be used only as specified in this section and
4 34 shall be appropriated only for the uses specified.
4 35 Moneys in the fund are not subject to section 8.33
4 36 and shall not be transferred, used, obligated,
4 37 appropriated, or otherwise encumbered, except as
4 38 provided in this section. Notwithstanding section
4 39 12C.7, subsection 2, interest or earnings on moneys
4 40 deposited in the fund shall be credited to the fund.
4 41 DIVISION II
4 42 SALARIES, COMPENSATION, AND RELATED MATTERS ==== FY
4 43 2011=2012
4 44 Sec. 9. BONUS PAY. For the fiscal year beginning
4 45 July 1, 2011, employees of the executive branch,
4 46 judicial branch, and legislative branch shall not
4 47 receive bonus pay unless otherwise authorized by law,
4 48 required pursuant to a contract of employment entered
4 49 into before July 1, 2011, or required pursuant to a
4 50 collective bargaining agreement. This section does

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5 1 not apply to employees of the state board of regents
5 2 who receive bonuses funded by nonpublic moneys. For
5 3 purposes of this section, "bonus pay" means any
5 4 additional remuneration provided an employee in
5 5 the form of a bonus, including but not limited to a
5 6 retention bonus, recruitment bonus, exceptional job
5 7 performance pay, extraordinary job performance pay,
5 8 exceptional performance pay, extraordinary duty pay,
5 9 or extraordinary or special duty pay, and any extra
5 10 benefit not otherwise provided to other similarly
5 11 situated employees.
5 12 Sec. 10. SALARY INCREASES ==== CERTAIN REVOLVING
5 13 FUNDS.
5 14 1. For the fiscal years beginning July 1, 2011, and
5 15 July 1, 2012, there is appropriated from the gaming
5 16 enforcement revolving fund an amount necessary for
5 17 funding annual pay adjustments and related benefits
5 18 for agents and officers of the division of criminal
5 19 investigation's racetrack, excursion boat, or gambling
5 20 structure enforcement activities. Moneys appropriated
5 21 pursuant to this subsection shall be in addition to and
5 22 supplement other appropriations from the fund.
5 23 2. For the fiscal years beginning July 1, 2011,
5 24 and July 1, 2012, there is appropriated from the
5 25 gaming regulatory revolving fund, if enacted by the
5 26 Eighty=fourth General Assembly, 2011 session, an
5 27 amount necessary for funding annual pay adjustments and
5 28 related benefits for positions in the racing and gaming
5 29 commission of the department of inspections and appeals
5 30 who are assigned to administration and enforcement of
5 31 the excursion boat and gambling structure laws. Moneys
5 32 appropriated pursuant to this subsection shall be in
5 33 addition to and supplement other appropriations from
5 34 the fund.
5 35 Sec. 11. STATE TROOPER MEAL ALLOWANCE. For the
5 36 fiscal years beginning July 1, 2011, and July 1, 2012,
5 37 the sworn peace officers in the department of public
5 38 safety who are not covered by a collective bargaining
5 39 agreement negotiated pursuant to chapter 20 shall
5 40 receive the same per diem meal allowance as the sworn
5 41 peace officers in the department of public safety
5 42 who are covered by a collective bargaining agreement
5 43 negotiated pursuant to chapter 20.
5 44 Sec. 12. SALARY MODEL ADMINISTRATOR. The salary
5 45 model administrator shall work in conjunction with
5 46 the legislative services agency to maintain the
5 47 state's salary model used for analyzing, comparing,
5 48 and projecting state employee salary and benefit
5 49 information, including information relating to
5 50 employees of the state board of regents. The

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6 1 department of revenue, the department of administrative
6 2 services, the five institutions under the jurisdiction
6 3 of the state board of regents, the judicial district
6 4 departments of correctional services, and the state
6 5 department of transportation shall provide salary data
6 6 to the department of management and the legislative
6 7 services agency to operate the state's salary
6 8 model. The format and frequency of provision of the
6 9 salary data shall be determined by the department of
6 10 management and the legislative services agency. The
6 11 information shall be used in collective bargaining
6 12 processes under chapter 20 and in calculating the
6 13 funding needs contained within the annual salary
6 14 adjustment legislation. A state employee organization
6 15 as defined in section 20.3, subsection 4, may request
6 16 information produced by the model, but the information
6 17 provided shall not contain information attributable to
6 18 individual employees.
6 19 Sec. 13. GROUP HEALTH INSURANCE PREMIUM COSTS FOR
6 20 STATE EMPLOYEES.
6 21 1. The state's executive and judicial branch
6 22 authorities responsible for negotiating the collective
6 23 bargaining agreements entered into under chapter 20
6 24 shall engage in discussions with the applicable state
6 25 employee organizations to renegotiate provisions
6 26 involving health insurance coverage of state employees
6 27 and their families in order to achieve cost savings
6 28 for the state. The discussions shall include but are
6 29 not limited to a requirement for a state employee who
6 30 is covered by a collective bargaining agreement and
6 31 is a member of state group health insurance plan for
6 32 employees of the state established under chapter 509A
6 33 to pay at least one hundred dollars per month of the
6 34 total premium for such health plan coverage for single
6 35 persons or increase the amount paid per month for
6 36 family coverage by the same amount that would be paid
6 37 for the single person's coverage.
6 38 2. If collective bargaining agreements are
6 39 renegotiated to achieve cost savings pursuant to
6 40 subsection 1, the cost savings provisions shall
6 41 also apply to state employees who are not covered by
6 42 collective bargaining as provided in chapter 20 and
6 43 are members of a state group health insurance plan for
6 44 employees of the state established under chapter 509A.
6 45 3. Beginning on the effective date of this section,
6 46 a state legislator or legislative staff member who is
6 47 a member of a state group health insurance plan for
6 48 employees of the state established under chapter 509A
6 49 shall pay at least one hundred dollars per month of the
6 50 total premium for such health care coverage for single

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7 1 persons or increase the amount paid per month for
7 2 family coverage by the same amount that would be paid
7 3 for the single persons coverage. The payment amount
7 4 shall be determined by the legislative council, subject
7 5 to the minimum amount specified in this subsection.
7 6 Sec. 14. NEW SECTION. 8A.440 Group health
7 7 insurance premium costs.
7 8 1. Collective bargaining agreements entered into
7 9 pursuant to chapter 20 for state employees shall
7 10 provide that a state employee covered by that agreement
7 11 who is a member of a state group health insurance plan
7 12 for employees of the state established under chapter
7 13 509A shall pay at least one hundred dollars per month
7 14 of the total premium for such insurance for single
7 15 persons or increase the amount paid per month for
7 16 family coverage by the same amount that would be paid
7 17 for the single person's coverage.
7 18 2. A state employee not covered by a collective
7 19 bargaining agreement as provided in chapter 20 who
7 20 is a member of a state group health insurance plan
7 21 for employees of the state established under chapter
7 22 509A shall pay the same amount per month of the
7 23 total premium for such insurance as is paid under
7 24 the collective bargaining agreement that covers
7 25 the greatest number of state employees in the state
7 26 government entity employing the state employee.
7 27 Sec. 15. APPLICABILITY. The section of this
7 28 division of this Act enacting section 8A.440, applies
7 29 to collective bargaining agreements entered into on
7 30 or after the effective date of that section of this
7 31 division of this Act.
7 32 Sec. 16. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
7 33 APPLICABILITY. The following sections of this division
7 34 of this Act, being deemed of immediate importance, take
7 35 effect upon enactment and, if approved by the governor
7 36 on or after July 1, 2011, apply retroactively to June
7 37 30, 2011:
7 38 1. The section of this division relating to group
7 39 health insurance premium costs for state employees.
7 40 2. The section of this division enacting section
7 41 8A.440.
7 42 3. The section of this division relating to
7 43 applicability.
7 44 DIVISION III
7 45 CORRECTIVE PROVISIONS
7 46 Sec. 17. Section 8.6, subsection 9A, as enacted by
7 47 2011 Iowa Acts, House File 45, section 39, is amended
7 48 to read as follows:
7 49 9A. Budget and tax rate databases. To develop
7 50 and make available to the public a searchable budget

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8 1 database and internet site as required under chapter
8 2 8G, ~~division~~ subchapter I, and to develop and make
8 3 available to the public a searchable tax rate database
8 4 and internet site as required under chapter 8G,
8 5 ~~division~~ subchapter II.
8 6 Sec. 18. Section 8.57E, subsection 3, paragraph a,
8 7 as enacted by 2011 Iowa Acts, Senate File 209, section
8 8 30, is amended to read as follows:
8 9 a. Moneys in the ~~taxpayer's~~ taxpayers trust fund
8 10 may be used for cash flow purposes during a fiscal year
8 11 provided that any moneys so allocated are returned to
8 12 the fund by the end of that fiscal year.
8 13 Sec. 19. Section 8G.13, as enacted by 2011 Iowa
8 14 Acts, House File 45, section 50, is amended to read as
8 15 follows:
8 16 8G.13 Updating database.
8 17 To facilitate the department of management's efforts
8 18 in creating and maintaining a searchable database of
8 19 the taxes identified in section 8G.12, subsection ~~3~~ 1,
8 20 for all taxing jurisdictions in the state, each taxing
8 21 jurisdiction may annually be required to report its tax
8 22 rates to the department of management or the department
8 23 of revenue and shall report any changes to its tax
8 24 rates within thirty days of the change.
8 25 Sec. 20. Section 16.193, subsection 3, paragraph a,
8 26 Code 2011, as amended by 2011 Iowa Acts, Senate File
8 27 475, section 11, is amended to read as follows:
8 28 a. During the term of the Iowa jobs program and
8 29 Iowa jobs II program, the Iowa finance authority shall
8 30 collect data on all of the projects approved for the
8 31 ~~program~~ programs. The department of management and
8 32 the state agencies associated with the projects shall
8 33 assist the authority with the data collection and in
8 34 developing the report required by this subsection. The
8 35 authority shall report quarterly to the governor and
8 36 the general assembly concerning the data.
8 37 Sec. 21. Section 68A.401, subsection 4, Code 2011,
8 38 as amended by 2011 Iowa Acts, Senate File 475, section
8 39 17, is amended to read as follows:
8 40 4. Political committees expressly advocating the
8 41 nomination, election, or defeat of candidates for
8 42 both federal office and any elected office created
8 43 by law or the Constitution of the State of Iowa
8 44 shall file statements and reports with the board in
8 45 addition to any federal reports required to be filed
8 46 with the board. However, a political committee that
8 47 is registered and filing full disclosure reports of
8 48 all financial activities with the federal election
8 49 commission may file verified statements as provided in
8 50 section ~~68B.201A~~ 68A.201A.

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9 1 Sec. 22. Section 139A.19, subsection 3, as enacted
9 2 by 2011 Iowa Acts, House File 467, section 20, is
9 3 amended to read as follows:
9 4 3. This section does not preclude a hospital,
9 5 clinic, other health facility, or a health care
9 6 provider from providing notification to a care
9 7 provider under circumstances in which the hospital's,
9 8 clinic's, other health facility's, or health care
9 9 provider's policy provides for notification of the
9 10 hospital's, ~~clinics~~ clinic's, other health facility's,
9 11 or health care provider's own employees of exposure
9 12 to a contagious or infectious disease that is not
9 13 life=threatening if the notice does not reveal a
9 14 patient's name, unless the patient consents.
9 15 Sec. 23. Section 175.3, subsection 1, paragraph a,
9 16 Code 2011, as amended by 2011 Iowa Acts, Senate File
9 17 429, section 1, is amended to read as follows:
9 18 a. The agricultural development authority is
9 19 established within the department of agriculture and
9 20 land stewardship. The ~~agency~~ authority is constituted
9 21 as a public instrumentality and agency of the state
9 22 exercising public and essential governmental functions.
9 23 Sec. 24. Section 207.22, subsection 3, paragraph b,
9 24 Code 2011, as amended by 2011 Iowa Acts, Senate File
9 25 475, section 47, is amended to read as follows:
9 26 b. Acquisition of coal refuse disposal sites and
9 27 all coal refuse thereon will serve the purposes of
9 28 ~~Tit. IV of~~Pub. L. No. 95=87, Tit. IV, codified at 30
9 29 U.S.C. ch. 25, subch. IV, or that public ownership
9 30 is desirable to meet emergency situations and prevent
9 31 recurrences of the adverse effect of past coal mining
9 32 practices.
9 33 Sec. 25. Section 232.71D, subsection 3, paragraph
9 34 a, unnumbered paragraph 1, as enacted by 2011 Iowa
9 35 Acts, House File 562, section 3, is amended to read as
9 36 follows:
9 37 Unless any of the circumstances listed in paragraph
9 38 "b" are applicable, cases to which any of the following
9 39 circumstances apply shall not be placed ~~on~~ in the
9 40 central registry:
9 41 Sec. 26. Section 256.7, subsection 26, paragraph a,
9 42 subparagraph (1), as enacted by 2011 Iowa Acts, Senate
9 43 File 453, section 1, is amended to read as follows:
9 44 (1) The rules establishing high school graduation
9 45 requirements shall authorize a school district
9 46 or accredited nonpublic school to consider that
9 47 any student who satisfactorily completes a high
9 48 school=level unit of English or language arts,
9 49 mathematics, science, or social studies has
9 50 satisfactorily completed a unit of the high school

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10 1 graduation requirements for that area as specified in
10 2 this lettered paragraph, and ~~to~~ shall authorize the
10 3 school district or accredited nonpublic school to issue
10 4 high school credit for the unit to the student.
10 5 Sec. 27. Section 321.34, subsection 20C, paragraph
10 6 a, if enacted by 2011 Iowa Acts, House File 651,
10 7 section 2, is amended to read as follows:
10 8 a. The department, in consultation with the
10 9 adjutant general, shall design combat infantryman
10 10 badge, combat action badge, combat action ribbon, air
10 11 force combat action medal, and combat medical badge
10 12 distinguishing processed emblems. Upon receipt of two
10 13 hundred fifty orders for ~~special~~ combat infantryman
10 14 badge, combat action badge, combat action ribbon, air
10 15 force combat action medal, or combat medical badge
10 16 special registration plates, accompanied by a start=up
10 17 fee of twenty dollars per order, the department
10 18 shall begin issuing special registration plates with
10 19 the applicable distinguishing processed emblem as
10 20 provided in paragraphs "b" and "c". The minimum
10 21 order requirement shall apply separately to each of
10 22 the special registration plates created under this
10 23 subsection.
10 24 Sec. 28. Section 321.34, subsection 25, paragraph
10 25 a, if enacted by 2011 Iowa Acts, House File 651,
10 26 section 2, is amended to read as follows:
10 27 a. The department, in consultation with
10 28 the adjutant general, shall design a civil war
10 29 sesquicentennial distinguishing processed emblem. Upon
10 30 receipt of two hundred fifty orders for ~~special~~ civil
10 31 war sesquicentennial special registration plates,
10 32 accompanied by a start=up fee of twenty dollars per
10 33 order, the department shall begin issuing special
10 34 registration plates with a civil war sesquicentennial
10 35 processed emblem as provided in paragraph "b".
10 36 Sec. 29. Section 327B.5, Code 2011, is amended to
10 37 read as follows:
10 38 327B.5 Penalty.
10 39 Any person violating the provisions of this chapter
10 40 shall, upon conviction, be subject to a scheduled
10 41 fine as provided in section 805.8A, subsection 13,
10 42 ~~paragraphs~~ paragraph"f"~~and "g"~~.
10 43 Sec. 30. Section 422.11O, subsection 5, paragraph
10 44 a, subparagraph (2), if enacted by 2011 Iowa Acts,
10 45 Senate File 531, section 17, is amended to read as
10 46 follows:
10 47 (2) The E=15 plus gasoline promotion tax credit
10 48 pursuant to section 422.11Y.
10 49 Sec. 31. Section 422.11Y, subsection 1, paragraph
10 50 d, if enacted by 2011 Iowa Acts, Senate File 531,

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11 1 section 35, is amended to read as follows:
11 2 d. "Tax credit" means the E=15 plus gasoline
11 3 promotion tax credit as provided in this section.
11 4 Sec. 32. Section 422.11Y, subsection 3, unnumbered
11 5 paragraph 1, if enacted by 2011 Iowa Acts, Senate File
11 6 531, section 35, is amended to read as follows:
11 7 The taxes imposed under this division, less the
11 8 credits allowed under section 422.12, shall be reduced
11 9 by the amount of the E=15 plus gasoline promotion tax
11 10 credit for each tax year that the taxpayer is eligible
11 11 to claim a tax credit under this subsection.
11 12 Sec. 33. Section 422.11Y, subsection 6, paragraph
11 13 b, subparagraph (2), if enacted by 2011 Iowa Acts,
11 14 Senate File 531, section 35, is amended to read as
11 15 follows:
11 16 (2) The retail dealer may claim the ethanol
11 17 promotion tax credit as provided in paragraph "a" for
11 18 the same ethanol gallonage used to calculate and claim
11 19 the E=15 plus gasoline promotion tax credit.
11 20 Sec. 34. Section 423.4, subsection 9, unnumbered
11 21 paragraph 1, if enacted by 2011 Iowa Acts, Senate File
11 22 531, section 59, is amended to read as follows:
11 23 A person who qualifies as a biodiesel producer as
11 24 provided in this subsection may apply to the director
11 25 for a refund of the amount of the sales or use tax
11 26 imposed and paid upon purchases made by the person.
11 27 Sec. 35. Section 483A.24A, Code 2011, as amended by
11 28 2011 Iowa Acts, Senate File 194, section 10, is amended
11 29 to read as follows:
11 30 483A.24A License refunds ==== military service.
11 31 Notwithstanding any provision of this chapter to
11 32 the contrary, a service member deployed for military
11 33 service, ~~both~~ as defined in section 29A.1, subsection
11 34 3, shall receive a refund of that portion of any
11 35 license fee paid by the service member representing the
11 36 service member's period of military service.
11 37 Sec. 36. Section 501.101, subsection 01, as enacted
11 38 by 2011 Iowa Acts, House File 348, section 7, is
11 39 amended to read as follows:
11 40 01. "Alternative voting method" means a method of
11 41 voting other than a written ballot, including voting
11 42 by electronic, telephonic, internet, or other means
11 43 that reasonably ~~allow~~ allows members the opportunity
11 44 to vote.
11 45 Sec. 37. Section 501A.703, subsection 5, paragraph
11 46 d, Code 2011, as amended by 2011 Iowa Acts, House File
11 47 348, section 19, is amended to read as follows:
11 48 d. If the ballot of the member is received by
11 49 the cooperative on or before the date of the regular
11 50 members' meeting or as otherwise prescribed for an

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12 1 alternative~~,~~ voting method, the ballot or alternative
12 2 voting method shall be accepted and counted as the vote
12 3 of the absent member.
12 4 Sec. 38. Section 511.8, subsection 22, paragraph i,
12 5 unnumbered paragraph 1, as enacted by 2011 Iowa Acts,
12 6 Senate File 406, section 25, is amended to read as
12 7 follows:
12 8 Securities held in the legal reserve of a life
12 9 insurance company or association pledged as collateral
12 10 for financial instruments used in highly effective
12 11 hedging transactions as defined in the national
12 12 association of insurance commissioners' ~~Statement~~
~~12 13~~ statement of ~~Statutory Accounting Principles No.~~
~~12 14~~ statutory accounting principles no. 86 shall continue
12 15 to be eligible for inclusion ~~on~~ in the legal reserve of
12 16 the life insurance company or association subject to
12 17 all of the following:
12 18 Sec. 39. Section 514J.109, subsection 3, paragraph
12 19 f, if enacted by 2011 Iowa Acts, House File 597,
12 20 section 9, is amended to read as follows:
12 21 f. The covered person or the covered person's
12 22 authorized representative has provided all the
12 23 information and forms required by the commissioner that
12 24 are necessary to process an external review request
12 25 pursuant to this section.
12 26 Sec. 40. Section 521F.4, subsection 1, paragraph b,
12 27 as enacted by 2011 Iowa Acts, Senate File 406, section
12 28 44, is amended to read as follows:
12 29 b. The filing of a risk=based capital report by
12 30 a health organization which indicates that the health
12 31 organization has total adjusted capital which is
12 32 greater than or equal to its company=action=level
12 33 risk=based capital but less than the product of its
12 34 authorized=control=level risk=based capital and three
12 35 and triggers the trend test determined in accordance
12 36 with the trend test ~~calculations~~ calculation included
12 37 in the health risk=based capital instructions.
12 38 Sec. 41. Section 524.310, subsection 5, paragraph
12 39 b, Code 2011, as amended by 2011 Iowa Acts, Senate File
12 40 475, section 120, is amended to read as follows:
12 41 b. A corporate or company name reserved,
12 42 registered, or protected as provided in section
12 43 489.109,490.402, 490.403, ~~490A.402,~~504.402, or 504.403.
12 44 Sec. 42. Section 717.3, subsection 5, paragraph b,
12 45 Code 2011, as enacted by 2011 Iowa Acts, Senate File
12 46 478, section 6, is amended to read as follows:
12 47 b. That the department shall assume supervision of
12 48 and provide for the sustenance of the livestock ~~and~~ as
12 49 provided in section 717.4.
12 50 Sec. 43. Section 717.4, subsection 2, as enacted by

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13 1 2011 Iowa Acts, Senate File 478, section 7, is amended
13 2 to read as follows:
13 3 2. The court ordered lien shall be for the benefit
13 4 of the department. The amount of the lien shall not
13 5 be ~~not~~ more than for expenses incurred in providing
13 6 sustenance to the livestock pursuant to section 717.3
13 7 and providing for the disposition of the livestock
13 8 pursuant to section 717.5.
13 9 Sec. 44. Section 717.4A, as enacted by 2011 Iowa
13 10 Acts, Senate File 478, section 8, is amended to read
13 11 as follows:
13 12 717.4A Livestock in immediate need of sustenance ====
13 13 livestock remediation fund.
13 14 The department may utilize the moneys deposited
13 15 into the livestock remediation fund pursuant to
13 16 section 459.501 to pay for any expenses associated
13 17 with providing sustenance to or the disposition of the
13 18 livestock pursuant to a court order entered pursuant to
13 19 section 717.3 or 717.5. The department shall utilize
13 20 moneys from the fund only to the extent that the
13 21 department determines that expenses cannot be timely
13 22 paid by utilizing the available provisions of sections
13 23 717.4 and 717.5. The department shall deposit any
13 24 unexpended and unobligated moneys in the fund. The
13 25 department shall pay to the fund the proceeds from the
13 26 disposition of the livestock and associated products
13 27 less expenses incurred by the department in providing
13 28 for the sustenance and disposition of the livestock, as
13 29 provided in section 717.5.
13 30 Sec. 45. Section 903A.5, subsection 1, as enacted
13 31 by 2011 Iowa Acts, House File 271, section 3, is
13 32 amended to read as follows:
13 33 1. An inmate shall not be discharged from the
13 34 custody of the director of the Iowa department of
13 35 corrections until the inmate has served the full term
13 36 for which the inmate was sentenced, less earned time
13 37 and other credits earned and not forfeited, unless
13 38 the inmate is pardoned or otherwise legally released.
13 39 Earned time accrued and not forfeited shall apply
13 40 to reduce a mandatory minimum sentence being served
13 41 pursuant to section 124.406, 124.413, 902.7, 902.8,
13 42 902.8A, or 902.11. An inmate shall be deemed to be
13 43 serving the sentence from the day on which the inmate
13 44 is received into the institution. If an inmate was
13 45 confined to a county jail or other correctional or
13 46 mental facility at any time prior to sentencing, or
13 47 after sentencing but prior to the case having been
13 48 decided on appeal, because of failure to furnish
13 49 bail or because of being charged with a nonbailable
13 50 offense, the inmate shall be given credit for the

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14 1 days already served upon the term of the sentence.
14 2 However, if a person commits any offense while confined
14 3 in a county jail or other correctional or mental
14 4 health facility, the person shall not be granted
14 5 ~~jail~~ credit for that offense. Unless the inmate was
14 6 confined in a correctional facility, the sheriff of
14 7 the county in which the inmate was confined shall
14 8 certify to the clerk of the district court from which
14 9 the inmate was sentenced and to the department of
14 10 corrections' records administrator at the Iowa medical
14 11 and classification center the number of days so served.
14 12 The department of corrections' records administrator,
14 13 or the administrator's designee, shall apply jail
14 14 credit as ordered by the court of proper jurisdiction
14 15 or as authorized by this section and section 907.3,
14 16 subsection 3.
14 17 Sec. 46. EFFECTIVE DATES.
14 18 1. The section of this division of this Act
14 19 amending section 422.11O, subsection 5, paragraph a,
14 20 subparagraph (2), if enacted by 2011 Iowa Acts, Senate
14 21 File 531, section 17, takes effect January 1, 2012.
14 22 2. Section 423.4, subsection 9, unnumbered
14 23 paragraph 1, if enacted by 2011 Iowa Acts, Senate File
14 24 531, section 59, takes effect January 1, 2012.
14 25 Sec. 47. APPLICABILITY.
14 26 1. The section of this division of this Act
14 27 amending section 422.11O, subsection 5, paragraph a,
14 28 subparagraph (2), if enacted by 2011 Iowa Acts, Senate
14 29 File 531, section 17, applies to tax years beginning on
14 30 and after January 1, 2012.
14 31 2. The section of this division of this Act
14 32 amending section 422.11Y, subsection 1, paragraph d, if
14 33 enacted by 2011 Iowa Acts, Senate File 531, section 35,
14 34 applies to tax years beginning on and after January 1,
14 35 2012, and to that part of a retail dealer's tax year or
14 36 tax years occurring during that portion of the calendar
14 37 year beginning on and after July 1, 2011, and ending
14 38 on December 31, 2011.
14 39 3. The section of this division of this Act
14 40 amending section 422.11Y, subsection 3, unnumbered
14 41 paragraph 1, if enacted by 2011 Iowa Acts, Senate File
14 42 531, section 35, applies to tax years beginning on and
14 43 after January 1, 2012, and to that part of a retail
14 44 dealer's tax year or tax years occurring during that
14 45 portion of the calendar year beginning on and after
14 46 July 1, 2011, and ending on December 31, 2011.
14 47 4. The section of this division of this Act
14 48 amending section 422.11Y, subsection 6, paragraph b,
14 49 subparagraph (2), if enacted by 2011 Iowa Acts, Senate
14 50 File 531, section 35, applies to tax years beginning on

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15 1 and after January 1, 2012, and to that part of a retail
15 2 dealer's tax year or tax years occurring during that
15 3 portion of the calendar year beginning on and after
15 4 July 1, 2011, and ending on December 31, 2011.
15 5 DIVISION IV
15 6 MISCELLANEOUS PROVISIONS AND APPROPRIATIONS
15 7 Sec. 48. APPROPRIATION ==== BATTLESHIP IOWA, BB=61.
15 8 1. There is appropriated from the general fund of
15 9 the state to the department of cultural affairs for the
15 10 fiscal year beginning July 1, 2010, and ending June 30,
15 11 2011, the following amount, or so much thereof as is
15 12 necessary, to be credited to the BB=61 fund created in
15 13 2010 Iowa Acts, chapter 1194:
15 14 ..... $ 3,000,000
15 15 2. If the department of the navy, pursuant to a
15 16 process outlined in a notice published in the federal
15 17 register on May 24, 2010, volume 75, number 99, awards
15 18 possession or conditionally awards possession of the
15 19 battleship Iowa, BB=61, to a nonprofit group that is
15 20 eligible to receive the battleship, the department of
15 21 cultural affairs shall award a grant to the nonprofit
15 22 group in an amount equal to $3 million in addition to
15 23 any moneys awarded as a grant from the BB=61 fund.
15 24 3. Notwithstanding section 8.33, moneys
15 25 appropriated in this section that remain unencumbered
15 26 or unobligated at the close of the fiscal year shall
15 27 not revert but shall remain available for expenditure
15 28 for the purposes designated for succeeding fiscal
15 29 years.
15 30 Sec. 49. STATE AGENCY OFFICE SUPPLIES PURCHASE,
15 31 EQUIPMENT PURCHASES, PRINTING AND BINDING, AND
15 32 MARKETING ==== APPLICABILITY. The limitation on
15 33 expenditures made for office supplies, purchases
15 34 of equipment, office equipment, and equipment
15 35 noninventory, printing and binding, and marketing
15 36 implemented pursuant to 2011 Iowa Acts, House File 45,
15 37 section 2, does not apply to a department or agency
15 38 receiving a supplemental appropriation for the fiscal
15 39 year beginning July 1, 2010, pursuant to 2011 Iowa
15 40 Acts, Senate File 209, division III.
15 41 Sec. 50. NEW SECTION. 7E.8 Implementation of
15 42 federal statute, regulation, or policy.
15 43 1. Except as otherwise explicitly authorized by
15 44 state law, a state administrative agency charged with
15 45 the implementation of a federal statute, regulation, or
15 46 policy shall not exceed the specific requirements of
15 47 that statute, regulation, or policy.
15 48 2. Any portion of a state administrative agency
15 49 rule or policy that is in violation of subsection 1 is
15 50 void.

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16 1 Sec. 51. Section 256C.5, subsection 1, paragraph c,
16 2 Code 2011, is amended to read as follows:
16 3 c. "Preschool budget enrollment" means the figure
16 4 that is equal to ~~sixty~~ thirty percent of the actual
16 5 enrollment of eligible students in the preschool
16 6 programming provided by a school district approved
16 7 to participate in the preschool program on October 1
16 8 of the base year, or the first Monday in October if
16 9 October 1 falls on a Saturday or Sunday.
16 10 Sec. 52. NEW SECTION. 274.3 Exercise of powers ====
16 11 construction.
16 12 1. The board of directors of a school district
16 13 shall operate, control, and supervise all public
16 14 schools located within its district boundaries and may
16 15 exercise any broad and implied power related to the
16 16 operation, control, and supervision of those public
16 17 schools except as expressly prohibited or prescribed by
16 18 the Constitution of the State of Iowa or by statute.
16 19 2. Notwithstanding subsection 1, the board of
16 20 directors of a school district shall not have power to
16 21 levy any tax unless expressly authorized by the general
16 22 assembly.
16 23 3. This section shall not apply to a research and
16 24 development school as defined in section 256G.2 or to
16 25 a laboratory school as defined in section 265.1. The
16 26 board of directors of a school district in which such a
16 27 research and development school or laboratory school
16 28 is located shall not exercise over such a school any
16 29 powers granted to the board by subsection 1.
16 30 4. This chapter, chapter 257 and chapters 275
16 31 through 301, and other statutes relating to the
16 32 boards of directors of school districts and to school
16 33 districts shall be liberally construed to effectuate
16 34 the purposes of subsection 1.
16 35 Sec. 53. Section 321J.2, subsection 4, paragraph b,
16 36 Code 2011, is amended to read as follows:
16 37 b. Assessment of a minimum fine of one thousand
16 38 eight hundred ~~fifty~~ seventy=five dollars and a maximum
16 39 fine of six thousand two hundred fifty dollars.
16 40 Surcharges and fees shall be assessed pursuant to
16 41 chapter 911.
16 42 Sec. 54. Section 422.11P, subsection 2, paragraph
16 43 b, Code 2011, as enacted by 2011 Iowa Acts, Senate File
16 44 531, section 25, is amended to read as follows:
16 45 b. The tax credit shall apply to biodiesel blended
16 46 fuel classified as provided in this section, if the
16 47 classification meets the standards provided in section
16 48 214A.2. In ensuring that biodiesel blended fuel meets
16 49 the classification requirements of this section, the
16 50 department shall take into account reasonable variances

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17 1 due to testing and other limitations.
17 2 Sec. 55. Section 455A.6, subsection 5, Code 2011,
17 3 is amended by striking the subsection and inserting in
17 4 lieu thereof the following:
17 5 5. Six members of the commission is a quorum, and a
17 6 majority of the commission membership may act in any
17 7 matter within the jurisdiction of the commission.
17 8 Sec. 56. Section 455A.6, subsection 6, paragraph a,
17 9 Code 2011, is amended to read as follows:
17 10 a. Establish policy for the department and adopt
17 11 rules, pursuant to chapter 17A, necessary to provide
17 12 for the effective administration of chapter 455B, 455C,
17 13 or 459. The commission shall have only that authority
17 14 or discretion which is explicitly delegated to or
17 15 conferred upon the commission by chapter 455B, 455C, or
17 16 459, and shall not expand or enlarge on that authority
17 17 or discretion.
17 18 Sec. 57. REPEAL. Chapter 327K, Code 2011, is
17 19 repealed.
17 20 Sec. 58. EFFECTIVE AND APPLICABILITY DATES. The
17 21 section of this division of this Act appropriating
17 22 moneys to the department of cultural affairs for
17 23 purposes of a grant for the battleship Iowa, BB=61,
17 24 being deemed of immediate importance, takes effect upon
17 25 enactment and, if approved by the governor on or after
17 26 July 1, 2011, shall apply retroactively to June 30,
17 27 2011.
17 28 Sec. 59. APPLICABILITY. The section of this
17 29 division of this Act amending section 256C.5,
17 30 subsection 1, takes effect upon enactment, and applies
17 31 to budget years beginning on or after July 1, 2011.
17 32 Sec. 60. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
17 33 APPLICABILITY. The provision of this division of this
17 34 Act relating to a limitation on state agency office
17 35 supplies purchase, equipment purchases, printing and
17 36 binding, and marketing as enacted by 2011 Iowa Acts,
17 37 House File 45, being deemed of immediate importance,
17 38 takes effect upon enactment and applies retroactively
17 39 to March 7, 2011.
17 40 DIVISION V
17 41 PERFORMANCE OF DUTY
17 42 Sec. 61. Section 7D.10, Code 2011, is amended to
17 43 read as follows:
17 44 7D.10 Court costs.
17 45 If sufficient funds for court costs have not been
17 46 appropriated to a state department, or if sufficient
17 47 funds are not otherwise available for such purposes
17 48 within the budget of a state department, upon
17 49 authorization by the executive council ~~may pay, out of~~
17 50 ~~any money in the state treasury~~ there is appropriated

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18 1 from moneys in the general fund of the state not
18 2 otherwise appropriated, an amount sufficient to pay
18 3 expenses incurred, or costs taxed to the state, in
18 4 any proceeding brought by or against any of the state
18 5 departments or in which the state is a party or is
18 6 interested. This section shall not be construed to
18 7 authorize the payment of travel or other personal
18 8 expenses of state officers or employees.
18 9 Sec. 62. Section 7D.10A, as amended by 2011 Iowa
18 10 Acts, Senate File 478, section 11, as enacted, is
18 11 amended to read as follows:
18 12 7D.10A ~~Allocation~~ Payment to livestock remediation
18 13 fund.
18 14 If moneys are not sufficient to support the
18 15 livestock remediation fund as provided in chapter 459,
18 16 subchapter V, the executive council may ~~allocate from~~
18 17 ~~moneys in the general fund of the state, which are~~
18 18 ~~not otherwise obligated or encumbered,~~ authorize as
18 19 an expense paid from the appropriations addressed in
18 20 section 7D.29 the payment of an amount to the livestock
18 21 remediation fund as provided under section 459.501,
18 22 subsection 5. However, not more than a total of
18 23 one million dollars ~~shall be allocated~~ shall be paid
18 24 pursuant to this section to the livestock remediation
18 25 fund at any time.
18 26 Sec. 63. Section 7D.29, Code 2011, is amended to
18 27 read as follows:
18 28 7D.29 Performance of duty ==== expense.
18 29 1. The executive council shall not employ others,
18 30 or ~~incur~~ authorize any expense, for the purpose of
18 31 performing any duty imposed upon the council when
18 32 the duty may, without neglect of their usual duties,
18 33 be performed by the members, or by their regular
18 34 employees, but, subject to this limitation, the council
18 35 may ~~incur~~ authorize the necessary expense to perform
18 36 or cause to be performed any legal duty imposed on
18 37 the council~~, and pay the same out of any money in the~~
18 38 ~~state treasury not otherwise appropriated~~. The expenses
18 39 authorized by the executive council in accordance
18 40 with this section and the expenses authorized by the
18 41 executive council in accordance with other statutory
18 42 provisions referencing the appropriations addressed in
18 43 this section shall be paid as follows:
18 44 a. From the appropriation made from the Iowa
18 45 economic emergency fund in section 8.55 for purposes of
18 46 paying such expenses.
18 47 b. To the extent the appropriation from the
18 48 Iowa economic emergency fund described in paragraph
18 49 "a" is insufficient to pay such expenses, there is
18 50 appropriated from moneys in the general fund of the

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19 1 state not otherwise appropriated the amount necessary
19 2 to fund that deficiency.>
19 3 2. At least two weeks prior to the executive
19 4 council's approval of a payment authorization under
19 5 this section, the secretary of the executive council
19 6 shall notify the legislative services agency that
19 7 the authorization request will be considered by
19 8 the executive council and shall provide background
19 9 information justifying the request.
19 10 3. The executive council shall receive requests
19 11 from the Iowa department of public health relative to
19 12 the purchase, storing, and distribution of vaccines and
19 13 medication for prevention, prophylaxis, or treatment.
19 14 Upon review and after compliance with subsection 2,
19 15 the executive council may approve the request and may
19 16 ~~incur~~ authorize payment of the necessary expense ~~and~~
19 17 ~~pay the same out of any money in the state treasury not~~
19 18 ~~otherwise appropriated~~. The expense authorized by the
19 19 executive council under this subsection shall be paid
19 20 from the appropriations referred to in subsection 1.
19 21 Sec. 64. Section 7D.30, Code 2011, is amended to
19 22 read as follows:
19 23 7D.30 Necessary record.
19 24 Before ~~incurring~~ authorizing any expense ~~authorized~~
19 25 ~~by~~ in accordance withsection 7D.29, the executive
19 26 council shall, in each case, by resolution, entered
19 27 upon its records, set forth the necessity for ~~incurring~~
19 28 authorizing such expense, the special fitness of the
19 29 one employed to perform such work, the definite rate of
19 30 compensation or salary allowed, and the total amount of
19 31 money that may be expended. Compensation or salary for
19 32 personal services in such cases must be determined by
19 33 unanimous vote of all members of the council.
19 34 Sec. 65. Section 8.55, subsection 3, paragraph a,
19 35 Code 2011, is amended to read as follows:
19 36 a. Except as provided in paragraphs "b", ~~and~~"c", and
19 37 "0d", the moneys in the Iowa economic emergency fund
19 38 shall only be used pursuant to an appropriation made
19 39 by the general assembly. An appropriation shall only
19 40 be made for the fiscal year in which the appropriation
19 41 is made. The moneys shall only be appropriated by the
19 42 general assembly for emergency expenditures.
19 43 Sec. 66. Section 8.55, subsection 3, Code 2011, is
19 44 amended by adding the following new paragraph:
19 45 NEW PARAGRAPH. 0d. There is appropriated from the
19 46 Iowa economic emergency fund to the executive council
19 47 an amount sufficient to pay the expenses authorized by
19 48 the executive council, as addressed in section 7D.29.
19 49 Sec. 67. Section 8A.321, subsection 4, Code 2011,
19 50 is amended to read as follows:

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20 1 4. Contract, with the approval of the executive
20 2 council, for the repair, remodeling, or, if the
20 3 condition warrants, demolition of all buildings and
20 4 grounds of the state at the seat of government, at
20 5 the state laboratories facility in Ankeny, and the
20 6 institutions of the department of human services and
20 7 the department of corrections for which no specific
20 8 appropriation has been made, if the cost of repair,
20 9 remodeling, or demolition will not exceed one hundred
20 10 thousand dollars when completed. The cost of repair
20 11 projects for which no specific appropriation has
20 12 been made shall be paid ~~from the fund~~ as an expense
20 13 authorized by the executive council as provided in
20 14 section 7D.29.
20 15 Sec. 68. Section 8A.321, subsection 6, paragraphs a
20 16 and b, Code 2011, are amended to read as follows:
20 17 a. Lease all buildings and office space necessary
20 18 to carry out the provisions of this subchapter or
20 19 necessary for the proper functioning of any state
20 20 agency at the seat of government. For state agencies
20 21 at the seat of government, the director may lease
20 22 buildings and office space in Polk county or in a
20 23 county contiguous to Polk county. If no specific
20 24 appropriation has been made, the proposed lease shall
20 25 be submitted to the executive council for ~~approval~~
20 26 authorization and if authorized lease expense shall
20 27 be paid from the appropriations addressed in section
20 28 7D.29. ~~The cost of any lease for which no specific~~
20 29 ~~appropriation has been made shall be paid from the fund~~
20 30 ~~provided in section 7D.29.~~
20 31 b. When the general assembly is not in session, the
20 32 director may request ~~moneys~~ an expense authorization
20 33 from the executive council for moving state agencies
20 34 located at the seat of government from one location
20 35 to another. The request may include moving costs,
20 36 telecommunications costs, repair costs, or any other
20 37 costs relating to the move. The executive council may
20 38 ~~approve and shall pay the costs from funds~~ authorize
20 39 the expenses ~~provided~~ and may authorize the expenses to
20 40 be paid from the appropriations addressed in section
20 41 7D.29 if it determines the agency or department ~~has~~
20 42 ~~no available~~ does not have funds available for these
20 43 expenses.
20 44 Sec. 69. Section 11.32, as amended by 2011 Iowa
20 45 Acts, House File 536, section 26, as enacted, is
20 46 amended to read as follows:
20 47 11.32 Certified accountants employed.
20 48 Nothing in this chapter shall prohibit the auditor
20 49 of state, with the prior written permission of the
20 50 state executive council, from employing certified

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21 1 public accountants for specific assignments. The
21 2 auditor of state may employ such accountants for any
21 3 assignment ~~now~~ expressly reserved to the auditor of
21 4 state. Payments, after approval by the executive
21 5 council, ~~will~~ shall be made to the accountants so
21 6 employed from funds from which the auditor of state
21 7 would have been paid had the auditor of state performed
21 8 the assignment, or if ~~no~~ such specific funds are
21 9 ~~indicated~~ not available, then ~~payment will be made~~
21 10 ~~from the funds of~~ authorization of the expense by the
21 11 executive council shall be requested, and if authorized
21 12 shall be paid from the appropriations addressed in
21 13 section 7D.29.
21 14 Sec. 70. Section 13.3, Code 2011, is amended to
21 15 read as follows:
21 16 13.3 Disqualification ==== substitute.
21 17 1. If, for any reason, the attorney general ~~be~~
21 18 is disqualified from appearing in any action or
21 19 proceeding, the executive council shall ~~appoint some~~
21 20 authorize the appointment of a suitable person for that
21 21 purpose ~~and defray the~~. There is appropriated from
21 22 moneys in the general fund not otherwise appropriated
21 23 an amount necessary to pay the reasonable expense
21 24 ~~thereof from any unappropriated funds in the state~~
21 25 ~~treasury~~ for the person appointed. The department
21 26 involved in the action or proceeding shall be requested
21 27 to recommend a suitable person to represent the
21 28 department and when the executive council concurs in
21 29 the recommendation, the person recommended shall be
21 30 appointed.
21 31 2. If the governor or a department is represented
21 32 by an attorney other than the attorney general in a
21 33 court proceeding as provided in this section, at the
21 34 conclusion of the court proceedings, the court shall
21 35 review the fees charged to the state to determine
21 36 if the fees are fair and reasonable. The executive
21 37 council shall not ~~reimburse~~ authorize reimbursement
21 38 of attorney fees in excess of those determined by the
21 39 court to be fair and reasonable.
21 40 Sec. 71. Section 13.7, Code 2011, is amended to
21 41 read as follows:
21 42 13.7 Special counsel.
21 43 Compensation shall not be allowed to any person for
21 44 services as an attorney or counselor to an executive
21 45 department of the state government, or the head ~~thereof~~
21 46 of an executive department of state government, or to
21 47 a state board or commission. However, the executive
21 48 council may ~~employ~~ authorize employment of legal
21 49 assistance, at a reasonable compensation, in a pending
21 50 action or proceeding to protect the interests of the

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22 1 state, but only upon a sufficient showing, in writing,
22 2 made by the attorney general, that the department of
22 3 justice cannot for reasons stated by the attorney
22 4 general perform the service~~, which~~. The reasons
22 5 and action of the council shall be entered upon its
22 6 records. ~~When~~ If the attorney general determines that
22 7 the department of justice cannot perform legal service
22 8 in an action or proceeding, the executive council
22 9 shall request the department involved in the action or
22 10 proceeding to recommend legal counsel to represent the
22 11 department. If the attorney general concurs with the
22 12 department that the person recommended is qualified
22 13 and suitable to represent the department, the person
22 14 recommended shall be employed. If the attorney general
22 15 does not concur in the recommendation, the department
22 16 shall submit a new recommendation. This section does
22 17 not affect the general counsel for the utilities board
22 18 of the department of commerce, the legal counsel of the
22 19 department of workforce development, or the general
22 20 counsel for the property assessment appeal board.
22 21 Sec. 72. Section 29A.27, unnumbered paragraph 8,
22 22 Code 2011, is amended to read as follows:
22 23 All payments ~~herein~~ provided for under this section
22 24 shall be paid on the approval of the adjutant general
22 25 from the contingent fund of the executive council
22 26 created in section 29C.20.
22 27 Sec. 73. Section 29C.8, subsection 3, paragraph
22 28 f, subparagraph (3), Code 2011, is amended to read as
22 29 follows:
22 30 (3) Upon notification of a compensable loss to a
22 31 member of a homeland security and emergency management
22 32 response team, the department of administrative
22 33 services shall process the claim and seek ~~funding~~
22 34 authorization from the executive council ~~for~~ to pay
22 35 as an expense paid from the appropriations addressed
22 36 in section 7D.29 those costs associated with covered
22 37 benefits.
22 38 Sec. 74. Section 29C.20, subsection 1, paragraph a,
22 39 unnumbered paragraph 1, Code 2011, is amended to read
22 40 as follows:
22 41 A contingent fund is created in the state treasury
22 42 for the use of the executive council ~~which~~. Funding
22 43 for the contingent fund, if authorized by the executive
22 44 council, shall be paid from the appropriations
22 45 addressed in section 7D.29. Moneys in the contingent
22 46 fund may be expended for the following purposes:
22 47 Sec. 75. Section 96.13, subsection 3, paragraph c,
22 48 Code 2011, is amended to read as follows:
22 49 c. The department may appear before the executive
22 50 council and request ~~funds~~ authorization of moneys to

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23 1 meet unanticipated emergencies as an expense from the
23 2 appropriations addressed in section 7D.29.
23 3 Sec. 76. Section 135.143, subsection 5, Code 2011,
23 4 is amended to read as follows:
23 5 5. Upon notification of a compensable loss, the
23 6 department of administrative services shall seek
23 7 ~~funding~~ authorization from the executive council ~~for~~
23 8 to pay as an expense from the appropriations addressed
23 9 in section 7D.29 those costs associated with covered
23 10 workers' compensation benefits.
23 11 Sec. 77. Section 135.144, subsection 11, Code 2011,
23 12 is amended to read as follows:
23 13 11. If a public health disaster or other public
23 14 health emergency situation exists which poses an
23 15 imminent threat to the public health, safety, and
23 16 welfare, the department, in conjunction with the
23 17 governor, may provide financial assistance, from funds
23 18 appropriated to the department that are not otherwise
23 19 encumbered, to political subdivisions as needed to
23 20 alleviate the disaster or the emergency. If the
23 21 department does not have sufficient unencumbered funds,
23 22 the governor may request ~~that~~ the executive council~~,~~
23 23 ~~pursuant to the authority of section 7D.29, commit~~
23 24 ~~sufficient funds,~~ to authorize the payment of up to one
23 25 million dollars~~, that are not otherwise encumbered from~~
23 26 ~~the general fund, as needed and available, for~~ as an
23 27 expense from the appropriations addressed in section
23 28 7D.29 to alleviate the disaster or the emergency. If
23 29 additional financial assistance is required in excess
23 30 of one million dollars, approval by the legislative
23 31 council is also required.
23 32 Sec. 78. Section 163.3A, subsection 4, paragraph b,
23 33 Code 2011, is amended to read as follows:
23 34 b. The department shall provide and update a list
23 35 of the registered members of each emergency response
23 36 team, including the members' names and identifying
23 37 information, to the department of administrative
23 38 services. Upon notification of a compensable loss
23 39 suffered by a registered member, the department
23 40 of administrative services shall seek ~~funding~~
23 41 authorization from the executive council ~~for~~ to pay as
23 42 an expense from the appropriations addressed in section
23 43 7D.29 those costs associated with covered benefits.
23 44 Sec. 79. Section 163.10, Code 2011, is amended to
23 45 read as follows:
23 46 163.10 Quarantining or destroying animals.
23 47 The department may quarantine or destroy any
23 48 animal exposed to or afflicted with an infectious or
23 49 contagious disease. However, cattle exposed to or
23 50 infected with tuberculosis shall not be destroyed

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24 1 without the owner's consent, unless there are
24 2 sufficient moneys to reimburse the owner for the
24 3 cattle, which may be paid ~~from the appropriation~~ as
24 4 an expense authorized as provided in section 163.15,
24 5 from moneys in the brucellosis and tuberculosis
24 6 eradication fund created in section 165.18, or from
24 7 moneys made available by the United States department
24 8 of agriculture.
24 9 Sec. 80. Section 163.15, subsection 2, paragraph
24 10 a, subparagraph (3), Code 2011, is amended to read as
24 11 follows:
24 12 (3) A claim for an indemnity by the owner and a
24 13 claim for compensation and expenses by the appraisers
24 14 shall be filed with the department and submitted by the
24 15 secretary of agriculture to the executive council for
24 16 ~~its approval or disapproval~~ authorization of payment
24 17 of the claim as an expense from the appropriations
24 18 addressed in section 7D.29.
24 19 Sec. 81. Section 163.15, subsection 2, paragraph
24 20 a, subparagraph (4), Code 2011, is amended by striking
24 21 the subparagraph.
24 22 Sec. 82. Section 163.15, subsection 2, paragraph b,
24 23 unnumbered paragraph 1, Code 2011, is amended to read
24 24 as follows:
24 25 A formula established by rule adopted by the
24 26 department that is effective as determined by
24 27 the department in accordance with chapter 17A and
24 28 applicable upon approval of the ~~plan~~ program of
24 29 eradication ~~approved~~ by the executive council. The
24 30 formula shall be applicable to indemnify owners if the
24 31 executive council, upon recommendation by the secretary
24 32 of agriculture, determines that an animal population
24 33 in this state is threatened with infection from an
24 34 exceptionally contagious disease.
24 35 Sec. 83. Section 163.15, subsection 2, paragraph
24 36 b, subparagraph (4), Code 2011, is amended to read as
24 37 follows:
24 38 (4) ~~Upon approval by the~~ The executive council~~,~~
~~24 39 there is appropriated to the department from any~~
~~24 40 moneys in the general fund of the state not otherwise~~
~~24 41 appropriated moneys sufficient to carry out the~~
~~24 42~~ may authorize payment under the provisions of this
24 43 paragraph "b" as an expense from the appropriations
24 44 addressed in section 7D.29.
24 45 Sec. 84. Section 307.45, subsection 3, Code 2011,
24 46 is amended to read as follows:
24 47 3. Assessments against property owned by the state
24 48 and not under the jurisdiction and control of the
24 49 department's administrator of highways shall be made in
24 50 the same manner as those made against private property

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25 1 and payment shall be ~~made~~ subject to authorization by
25 2 the executive council ~~from any funds of the state not~~
25 3 ~~otherwise appropriated~~. There is appropriated from
25 4 moneys in the general fund not otherwise appropriated
25 5 an amount necessary to pay the expense authorized by
25 6 the executive council.
25 7 Sec. 85. Section 384.56, subsection 1, Code 2011,
25 8 is amended to read as follows:
25 9 1. Cities may assess the cost of a public
25 10 improvement which extends through, abuts upon, or is
25 11 adjacent to lands owned by the state, and ~~the executive~~
25 12 ~~council shall pay~~ payment for the assessable portion
25 13 of the cost of the improvement through or along the
25 14 lands as provided shall be subject to authorization by
25 15 the executive council~~. The executive council shall~~
25 16 ~~pay assessments as~~ and payable in the manner provided
25 17 in section 307.45 for property owned by the state and
25 18 not under the jurisdiction and control of the state
25 19 department of transportation.
25 20 Sec. 86. Section 459.501, subsection 5, as amended
25 21 by 2011 Iowa Acts, Senate File 478, section 1, as
25 22 enacted, is amended to read as follows:
25 23 5. The following shall apply to moneys in the fund:
25 24 a. (1) The executive council may ~~allocate moneys~~
25 25 ~~from the general fund of the state as~~ authorize payment
25 26 of moneys as an expense paid from the appropriations
25 27 addressed in section 7D.29 and in the manner provided
25 28 in section 7D.10A in an amount necessary to support the
25 29 fund, including the following:
25 30 (a) The payment of claims as provided in section
25 31 459.505.
25 32 (b) The allocation of moneys to the department
25 33 of agriculture and land stewardship for the payment
25 34 of expenses incurred by the department of agriculture
25 35 and land stewardship associated with providing for the
25 36 sustenance and disposition of livestock pursuant to
25 37 chapter 717.
25 38 (2) Notwithstanding subparagraph (1), the
25 39 ~~allocation of moneys from the general fund of the state~~
25 40 executive council's authorization for payment shall be
25 41 ~~made~~ provided only if the amount of moneys in the fund,
25 42 which are not obligated or encumbered, and not counting
25 43 the department's estimate of the cost to the fund for
25 44 pending or unsettled claims, the amount to be allocated
25 45 to the department of agriculture and land stewardship,
25 46 and any amount required to be credited to the general
25 47 fund of the state under this subsection, is less than
25 48 one million dollars.
25 49 b. The department of natural resources shall
25 50 credit an amount to the ~~general~~ fund ~~of the state~~

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~~26 1~~ from which the expense authorized by the executive
26 2 council as provided in paragraph "a" was appropriated
26 3 which is equal to an amount allocated to support the
26 4 livestock remediation fund by the executive council
26 5 under paragraph "a". ~~The~~ However, the department shall
26 6 only be required to credit the moneys to ~~the general~~
~~26 7~~ such fund ~~of the state~~ if the moneys in the livestock
26 8 remediation fund which are not obligated or encumbered,
26 9 and not counting the department's estimate of the
26 10 cost to the livestock remediation fund for pending or
26 11 unsettled claims, the amount to be allocated to the
26 12 department of agriculture and land stewardship, and
26 13 any amount required to be transferred to the ~~general~~
26 14 fund ~~under~~ from which appropriated as described in this
26 15 paragraph, are in excess of two million five hundred
26 16 thousand dollars. The department is not required to
26 17 credit the total amount to the ~~general~~ fund ~~of the~~
~~26 18 state~~ from which appropriated as described in this
26 19 paragraph during any one fiscal year.
26 20 Sec. 87. Section 468.43, unnumbered paragraph 4,
26 21 Code 2011, is amended to read as follows:
26 22 The assessments against lands under the jurisdiction
26 23 of the department of natural resources shall be paid as
26 24 an expense from the appropriations addressed in section
26 25 7D.29, if authorized by the executive council upon
26 26 certification of the amount by the county treasurer.
26 27 ~~There is appropriated from any funds in the general~~
~~26 28 fund of the state not otherwise appropriated amounts~~
~~26 29 sufficient to pay the certified assessments.~~
26 30 Sec. 88. Section 568.16, Code 2011, is amended to
26 31 read as follows:
26 32 568.16 Purchase money refunded.
26 33 If the grantee of the state, or the grantee's
26 34 successors, administrators, or assigns, shall be
26 35 deprived of the land conveyed by the state under this
26 36 chapter by the final decree of a court of record for
26 37 the reason that the conveyance by the state ~~passed~~
~~26 38 no title whatever to the land therein~~ did not pass
26 39 title to the land described, because title ~~thereto~~ to
26 40 the land had previously for any reason been vested
26 41 in others, then the money ~~so~~ paid by the state for
26 42 the ~~said~~ land shall be refunded by the state to the
26 43 person or persons entitled ~~thereto~~ to the refund,
26 44 provided the ~~said~~ grantee, or the grantee's successors,
26 45 administrators, or assigns, shall file a certified
26 46 copy of the transcript of the ~~said~~ final decree with
26 47 the executive council within one year from the date
26 48 of the issuance of such decree, and shall also file
26 49 satisfactory proof with the executive council that the
26 50 action over the title to the land was commenced within

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27 1 ten years from the date of the issuance of patent or
27 2 deed by the state. The amount of money to be refunded
27 3 under the provisions of this section shall be ~~certified~~
27 4 ~~-~~ authorized and paid by the executive council ~~to the~~
27 5 ~~director of the department of administrative services,~~
27 6 ~~who shall draw a warrant therefor, and the same shall~~
27 7 ~~be paid out of the general fund~~ as an expense from the
27 8 appropriations addressed in section 7D.29.
27 9 Sec. 89. Section 602.10133, Code 2011, is amended
27 10 to read as follows:
27 11 602.10133 Costs and expenses.
27 12 The court costs incident to such proceedings~~,~~
27 13 and the reasonable expense of ~~said~~ the judges in
27 14 attending ~~said~~ the hearing after being approved by
27 15 the supreme court shall be paid as ~~court costs~~ an
27 16 expense authorized by the executive council from the
27 17 appropriations addressed in section 7D.29.
27 18 Sec. 90. Section 663.44, Code 2011, is amended to
27 19 read as follows:
27 20 663.44 Costs.
27 21 1. If the plaintiff is discharged, the costs shall
27 22 be assessed to the defendant, unless the defendant
27 23 is an officer holding the plaintiff in custody under
27 24 a commitment, or under other legal process, in which
27 25 case the costs shall be assessed to the county. If the
27 26 plaintiff's application is refused, the costs shall be
27 27 assessed against the plaintiff, and, in the discretion
27 28 of the court, against the person who filed the petition
27 29 in the plaintiff's behalf.
27 30 2. ~~However, where~~ Notwithstanding subsection 1, if
27 31 the plaintiff is confined in any state institution~~,~~ and
27 32 is discharged in habeas corpus proceedings, or ~~where~~ if
27 33 the habeas corpus proceedings fail, and costs and fees
27 34 cannot be collected from the person liable to pay ~~the~~
27 35 ~~same~~ costs and fees, ~~such~~ the costs and fees shall be
27 36 paid by the county in which such state institution is
27 37 located. The facts of such payment and the proceedings
27 38 on which it is based, with a statement of the amount
27 39 of fees or costs incurred, with approval in writing
27 40 by the presiding judge appended to ~~such~~ the statement
27 41 or endorsed ~~thereon~~ on the statement, shall ~~then~~ be
27 42 certified by the clerk of the district court under the
27 43 seal of office to the state executive council. The
27 44 executive council shall ~~then~~ review the proceedings and
27 45 authorize reimbursement for all such fees and costs
27 46 or such part ~~thereof~~ of the fees and costs as the
27 47 executive council ~~shall find~~ finds justified, and shall
27 48 notify the director of the department of administrative
27 49 services to draw a warrant to such county treasurer
27 50 ~~on the state general fund~~ for the amount authorized.

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28 1 There is appropriated from moneys in the general fund
28 2 not otherwise appropriated an amount necessary to pay
28 3 the reimbursement authorized by the executive council.
28 4 The costs and fees referred to above shall include
28 5 any award of fees made to a court appointed attorney
28 6 representing an indigent party bringing the habeas
28 7 corpus action.
28 8 DIVISION VI
28 9 GROW IOWA VALUES FUND AND PROGRAM
28 10 Sec. 91. Section 15.103, subsection 6, Code 2011,
28 11 is amended to read as follows:
28 12 6. As part of the organizational structure of the
28 13 department, the board shall establish a due diligence
28 14 committee and a loan and credit guarantee committee
28 15 composed of members of the board. The committees shall
28 16 serve in an advisory capacity to the board and shall
28 17 carry out any duties assigned by the board in relation
28 18 to programs administered by the department. The loan
28 19 and credit guarantee committee shall advise the board
28 20 on the winding up of loan guarantees made under the
28 21 loan and credit guarantee program established pursuant
28 22 to section 15E.224, Code 2009~~, and on the proper~~
~~28 23 amount of the allocation described in section 15G.111,~~
~~28 24 subsection 4, paragraph "g"~~.
28 25 Sec. 92. Section 15.104, subsection 1, Code 2011,
28 26 is amended by striking the subsection.
28 27 Sec. 93. Section 15.104, subsection 8, paragraphs
28 28 b and i, Code 2011, are amended by striking the
28 29 paragraphs.
28 30 Sec. 94. Section 15.104, subsection 8, paragraph j,
28 31 Code 2011, is amended to read as follows:
28 32 j. Renewable fuel programs. A detailed accounting
28 33 of expenditures in support of renewable fuel
28 34 infrastructure programs, as provided in sections
28 35 15G.203 and 15G.204. ~~The renewable fuel infrastructure~~
~~28 36 board established in section 15G.202 shall approve that~~
~~28 37 portion of the department's annual report regarding~~
~~28 38 projects supported from the grow Iowa values fund~~
~~28 39 created in section 15G.111.~~ This paragraph is repealed
28 40 on July 1, 2012.
28 41 Sec. 95. Section 15.327, Code 2011, is amended by
28 42 adding the following new subsections:
28 43 NEW SUBSECTION. 01. "Base employment level" means
28 44 the number of full=time equivalent positions at a
28 45 business, as established by the department and a
28 46 business using the business's payroll records, as of
28 47 the date a business applies for financial assistance
28 48 under the program.
28 49 NEW SUBSECTION. 3A. "County wage" means the
28 50 average hourly compensation rates, excluding the value

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29 1 of nonwage benefits for comparable jobs, from the most
29 2 recent four quarters of wage and employment information
29 3 from the quarterly covered wage and employment
29 4 data report issued by the department of workforce
29 5 development.
29 6 NEW SUBSECTION. 7A. "Full=time equivalent position"
29 7 means a non=part=time position for the number of hours
29 8 or days per week considered to be full=time work for
29 9 the kind of service or work performed for an employer.
29 10 Typically, a full=time equivalent position requires
29 11 two thousand eighty hours of work in a calendar year,
29 12 including all paid holidays, vacations, sick time, and
29 13 other paid leave.
29 14 NEW SUBSECTION. 7B. "Maintenance period" means the
29 15 period of time between the project completion date and
29 16 maintenance period completion date.
29 17 NEW SUBSECTION. 12A. "Regional wage" means the
29 18 average hourly compensation rates, excluding the value
29 19 of nonwage benefits for comparable jobs, from the most
29 20 recent four quarters of wage and employment information
29 21 from the quarterly covered wage and employment
29 22 data report issued by the department of workforce
29 23 development.
29 24 Sec. 96. Section 15.327, subsections 1, 4, 7, 8,
29 25 10, 12, and 13, Code 2011, are amended by striking
29 26 the subsections and inserting in lieu thereof the
29 27 following:
29 28 1. "Benefit" means nonwage compensation provided
29 29 to an employee. Benefits typically include medical
29 30 and dental insurance plans, pension, retirement,
29 31 and profit=sharing plans, child care services,
29 32 life insurance coverage, vision insurance coverage,
29 33 disability insurance coverage, and any other nonwage
29 34 compensation as determined by the board.
29 35 4. "Created job" means a new, permanent, full=time
29 36 equivalent position added to a business's payroll in
29 37 excess of the business's base employment level.
29 38 7. "Fiscal impact ratio" means a ratio calculated
29 39 by estimating the amount of taxes to be received from
29 40 a business by the state and dividing the estimate by
29 41 the estimated cost to the state of providing certain
29 42 financial incentives to the business, reflecting
29 43 a ten=year period of taxation and incentives and
29 44 expressed in terms of current dollars. For purposes
29 45 of the program, "fiscal impact ratio" does not include
29 46 taxes received by political subdivisions.
29 47 8. "Maintenance period completion date" means the
29 48 date on which the maintenance period ends.
29 49 10. "Project completion date" means the date by
29 50 which a recipient of financial assistance has agreed

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30 1 to meet all the terms and obligations contained in an
30 2 agreement with the department as described in section
30 3 15.330.
30 4 12. "Qualifying wage threshold" means the county
30 5 wage or the regional wage, as calculated pursuant to
30 6 subsections 3A and 12A, whichever is lower.
30 7 13. "Retained job" means a full=time equivalent
30 8 position, in existence at the time an employer applies
30 9 for financial assistance which remains continuously
30 10 filled or authorized to be filled as soon as possible
30 11 and which is at risk of elimination if the project
30 12 for which the employer is seeking assistance does not
30 13 proceed.
30 14 Sec. 97. Section 15.329, subsection 2, Code 2011,
30 15 is amended to read as follows:
30 16 2. A business providing a sufficient package of
30 17 benefits to each employee holding a created or retained
30 18 job shall qualify for a credit against the qualifying
30 19 wage threshold requirements described in subsection
30 20 1, paragraph "c". The credit shall be calculated and
30 21 applied in the following manner:~~described in section~~
30 22 ~~15G.112, subsection 4, paragraph "b".~~
30 23 a. By multiplying the qualifying wage threshold of
30 24 the county in which the business is located by one and
30 25 three=tenths.
30 26 b. By multiplying the result of paragraph "a" by
30 27 one=tenth.
30 28 c. The amount of the result of paragraph "b" shall
30 29 be credited against the amount of the one hundred
30 30 thirty percent qualifying wage threshold requirement
30 31 that the business is required to meet under subsection
30 32 1, paragraph "c".
30 33 d. The credit shall not be applied against the
30 34 one hundred percent of qualifying wage threshold
30 35 requirement described in subsection 1, paragraph "c".
30 36 Sec. 98. Section 15.330, subsection 4, Code 2011,
30 37 is amended to read as follows:
30 38 4. A project completion date, a maintenance period
30 39 completion date, the number of jobs to be created
30 40 or retained, or certain other terms and obligations
30 41 described in ~~section 15G.112, subsection 1, paragraph~~
30 42 ~~"d"~~ an agreement, as the department deems necessary in
30 43 order to make the requirements in project agreements
30 44 uniform. The department, with the approval of
30 45 the board, may adopt rules as necessary for making
30 46 such requirements uniform. Such rules shall be in
30 47 compliance with the provisions of this part ~~and with~~
30 48 ~~the provisions of chapter 15G~~.
30 49 Sec. 99. Section 15.335A, subsection 1, unnumbered
30 50 paragraph 1, Code 2011, is amended to read as follows:

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31 1 Tax incentives are available to eligible businesses
31 2 as provided in this section. The incentives are based
31 3 upon the number of jobs created or retained that pay
31 4 at least one hundred thirty percent of the qualifying
31 5 wage threshold as computed pursuant to section
31 6 ~~15G.112~~ 15.329, subsection ~~4~~ 1, and the amount of the
31 7 qualifying investment made according to the following
31 8 schedule:
31 9 Sec. 100. Section 15.335A, subsection 2, paragraphs
31 10 b, c, f, and g, Code 2011, are amended by striking the
31 11 paragraphs.
31 12 Sec. 101. Section 15.335A, subsection 5, Code 2011,
31 13 is amended to read as follows:
31 14 5. The department shall negotiate the amount of tax
31 15 incentives provided to an applicant under the program
31 16 in accordance with this section~~and section 15G.112, as~~
31 17 ~~applicable~~.
31 18 Sec. 102. Section 15A.7, subsection 3, Code 2011,
31 19 is amended to read as follows:
31 20 3. That the employer shall agree to pay wages for
31 21 the jobs for which the credit is taken of at least the
31 22 county wage or the regional wage, as calculated ~~by the~~
31 23 ~~department~~ pursuant to section ~~15G.112, subsection 3~~
31 24 15.327, subsections 3A and 12A, whichever is lower.
31 25 Eligibility for the supplemental credit shall be based
31 26 on a one=time determination of starting wages by the
31 27 community college.
31 28 Sec. 103. Section 15E.193, subsection 1, paragraphs
31 29 b through d, Code 2011, are amended to read as follows:
31 30 b. (1) The business shall provide a sufficient
31 31 package of benefits to each employee holding a created
31 32 or retained job. For purposes of this paragraph,
31 33 "created job" and "retained job" have the same meaning
31 34 as defined in section ~~15G.101~~ 15.327.
31 35 (2) The board, upon the recommendation of the
31 36 department, shall adopt rules determining what
31 37 constitutes a sufficient package of benefits.
31 38 c. The business shall pay a wage that is at least
31 39 ninety percent of the qualifying wage threshold. For
31 40 purposes of this paragraph, "qualifying wage threshold"
31 41 has the same meaning as defined in section ~~15G.101~~
31 42 15.327.
31 43 d. Creates or retains at least ten full=time
31 44 equivalent positions and maintains them until the
31 45 maintenance period completion date. For purposes of
31 46 this paragraph, "maintenance period completion date" and
31 47 "full=time equivalent position" have the same meanings
31 48 as defined in section ~~15G.101~~ 15.327.
31 49 Sec. 104. Section 15E.231, unnumbered paragraph 1,
31 50 Code 2011, is amended to read as follows:

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32 1 ~~In order for an~~ An economic development region ~~to~~
~~32 2 receive moneys under the grow Iowa values financial~~
~~32 3 assistance program established in section 15G.112,~~
~~32 4 an~~ shall establish a regional development plan. An
32 5 economic development region's regional development
32 6 plan must be approved by the department. An economic
32 7 development region shall consist of not less than
32 8 three counties, unless two contiguous counties have a
32 9 combined population of at least three hundred thousand
32 10 based on the most recent federal decennial census. An
32 11 economic development region shall establish a focused
32 12 economic development effort that shall include a
32 13 regional development plan relating to one or more of
32 14 the following areas:
32 15 Sec. 105. Section 15E.232, subsections 1, 3, 4,
32 16 5, 6, and 7, Code 2011, are amended by striking the
32 17 subsections.
32 18 Sec. 106. Section 15E.351, subsection 1, Code 2011,
32 19 is amended to read as follows:
32 20 1. The department shall establish and administer
32 21 a business accelerator program to provide financial
32 22 assistance for the establishment and operation of a
32 23 business accelerator for technology=based, value=added
32 24 agricultural, information solutions, alternative
32 25 and renewable energy including the alternative and
32 26 renewable energy sectors listed in section 476.42,
32 27 subsection 1, paragraph "a", or advanced manufacturing
32 28 start=up businesses or for a satellite of an existing
32 29 business accelerator. The program shall be designed
32 30 to foster the accelerated growth of new and existing
32 31 businesses through the provision of technical
32 32 assistance. ~~The department, subject to the approval of~~
~~32 33 the economic development board, may provide financial~~
~~32 34 assistance under this section from moneys allocated~~
~~32 35 for regional financial assistance pursuant to section~~
~~32 36 15G.111, subsection 9.~~
32 37 Sec. 107. Section 159A.6B, subsection 2, Code 2011,
32 38 is amended to read as follows:
32 39 2. The office may execute contracts in order to
32 40 provide technical support and outreach services for
32 41 purposes of assisting and educating interested persons
32 42 as provided in this section. The office may also
32 43 contract with a consultant to provide part or all
32 44 of these services. The office may require that a
32 45 person receiving assistance pursuant to this section
32 46 contribute up to fifty percent of the amount required
32 47 to support the costs of contracting with the consultant
32 48 to provide assistance to the person. ~~The office~~
~~32 49 shall assist the person in completing any technical~~
~~32 50 information required in order to receive assistance~~

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~~33 1 by the department of economic development pursuant~~
~~33 2 to the value=added agriculture component of the grow~~
~~33 3 Iowa values financial assistance program established~~
~~33 4 pursuant to section 15G.112.~~
33 5 Sec. 108. Section 455B.104, subsection 2, Code
33 6 2011, is amended by striking the subsection.
33 7 Sec. 109. REPEAL. Section 15E.233, Code 2011, is
33 8 repealed.
33 9 Sec. 110. REPEAL. Sections 15G.101 and 15G.109
33 10 through 15G.115, Code 2011, are repealed.
33 11 Sec. 111. REPEAL. Section 266.19, Code 2011, is
33 12 repealed.
33 13 Sec. 112. REPEAL. Section 455B.433, Code 2011, is
33 14 repealed.
33 15 DIVISION VII
33 16 MH/MR/DD SERVICES ALLOWED GROWTH FUNDING ==== FY
33 17 2013=2014
33 18 Sec. 113. ADULT MH/MR/DD SERVICES ALLOWED
33 19 GROWTH FUNDING ==== FY 2013=2014. Notwithstanding
33 20 section 331.439, subsection 3, the allowed growth
33 21 factor adjustment for county mental health, mental
33 22 retardation, and developmental disabilities service
33 23 expenditures for the fiscal year beginning July 1,
33 24 2013, shall be established by statute which shall be
33 25 enacted within thirty calendar days of the convening
33 26 of the Eighty=fifth General Assembly, 2013 Session, on
33 27 January 14, 2013. The governor shall submit to the
33 28 general assembly a recommendation for such allowed
33 29 growth factor adjustment and the amounts of related
33 30 appropriations to the general assembly on or before
33 31 January 14, 2013.
33 32 DIVISION VIII
33 33 STANDING APPROPRIATIONS AND RELATED MATTERS ==== FY
33 34 2012=2013
33 35 Sec. 114. BUDGET PROCESS FOR FISCAL YEAR 2013=2014.
33 36 1. For the budget process applicable to the fiscal
33 37 year beginning July 1, 2013, on or before October 1,
33 38 2012, in lieu of the information specified in section
33 39 8.23, subsection 1, unnumbered paragraph 1, and
33 40 paragraph "a", all departments and establishments of
33 41 the government shall transmit to the director of the
33 42 department of management, on blanks to be furnished
33 43 by the director, estimates of their expenditure
33 44 requirements, including every proposed expenditure, for
33 45 the ensuing fiscal year, together with supporting data
33 46 and explanations as called for by the director of the
33 47 department of management after consultation with the
33 48 legislative services agency.
33 49 2. The estimates of expenditure requirements
33 50 shall be in a form specified by the director of

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34 1 the department of management, and the expenditure
34 2 requirements shall include all proposed expenditures
34 3 and shall be prioritized by program or the results to
34 4 be achieved. The estimates shall be accompanied by
34 5 performance measures for evaluating the effectiveness
34 6 of the programs or results.
34 7 Sec. 115. LIMITATION OF STANDING APPROPRIATIONS.
34 8 Notwithstanding the standing appropriations in the
34 9 following designated sections for the fiscal year
34 10 beginning July 1, 2012, and ending June 30, 2013, the
34 11 amounts appropriated from the general fund of the state
34 12 pursuant to these sections for the following designated
34 13 purposes shall not exceed the following amounts:
34 14 1. For operational support grants and community
34 15 cultural grants under section 99F.11, subsection 3,
34 16 paragraph "d", subparagraph (1):
34 17 ..... $ 416,702
34 18 2. For regional tourism marketing under section
34 19 99F.11, subsection 3, paragraph "d", subparagraph (2):
34 20 ..... $ 810,306
34 21 3. For the center for congenital and inherited
34 22 disorders central registry under section 144.13A,
34 23 subsection 4, paragraph "a":
34 24 ..... $ 171,121
34 25 4. For primary and secondary child abuse prevention
34 26 programs under section 144.13A, subsection 4, paragraph
34 27 "a":
34 28 ..... $ 217,772
34 29 5. For programs for at=risk children under section
34 30 279.51:
34 31 ..... $ 10,804,258
34 32 The amount of any reduction in this subsection shall
34 33 be prorated among the programs specified in section
34 34 279.51, subsection 1, paragraphs "a", "b", and "c".
34 35 6. For payment for nonpublic school transportation
34 36 under section 285.2:
34 37 ..... $ 7,060,931
34 38 If total approved claims for reimbursement for
34 39 nonpublic school pupil transportation exceed the amount
34 40 appropriated in accordance with this subsection, the
34 41 department of education shall prorate the amount of
34 42 each approved claim.
34 43 7. For the enforcement of chapter 453D relating to
34 44 tobacco product manufacturers under section 453D.8:
34 45 ..... $ 18,416
34 46 Sec. 116. APPROPRIATION ==== FARMERS WITH
34 47 DISABILITIES. There is appropriated from the general
34 48 fund of the state to the department of agriculture and
34 49 land stewardship for the fiscal year beginning July 1,
34 50 2012, and ending June 30, 2013, the following amount,

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35 1 or so much thereof as is necessary, for a program for
35 2 farmers with disabilities:
35 3 ..... $ 82,450
35 4 The moneys appropriated in this section shall be
35 5 used for the public purpose of providing a grant to
35 6 a national nonprofit organization with over 80 years
35 7 of experience in assisting children and adults with
35 8 disabilities and special needs. The moneys shall
35 9 be used to support a nationally recognized program
35 10 that began in 1986 and has been replicated in at
35 11 least 30 other states, but which is not available
35 12 through any other entity in this state, and that
35 13 provides assistance to farmers with disabilities in
35 14 all 99 counties to allow the farmers to remain in
35 15 their own homes and be gainfully engaged in farming
35 16 through provision of agricultural worksite and home
35 17 modification consultations, peer support services,
35 18 services to families, information and referral, and
35 19 equipment loan services. Notwithstanding section
35 20 8.33, moneys appropriated in this section that remain
35 21 unencumbered or unobligated at the close of the fiscal
35 22 year shall not revert but shall remain available for
35 23 expenditure for the purposes designated until the close
35 24 of the succeeding fiscal year.
35 25 Sec. 117. INSTRUCTIONAL SUPPORT STATE AID ==== FY
35 26 2012=2013. In lieu of the appropriation provided in
35 27 section 257.20, subsection 2, the appropriation for the
35 28 fiscal year beginning July 1, 2012, and ending June 30,
35 29 2013, for paying instructional support state aid under
35 30 section 257.20 for fiscal year 2012=2013 is zero.
35 31 Sec. 118. Section 257.35, Code 2011, is amended by
35 32 adding the following new subsection:
35 33 NEW SUBSECTION. 5B. Notwithstanding subsection 1,
35 34 and in addition to the reduction applicable pursuant
35 35 to subsection 2, the state aid for area education
35 36 agencies and the portion of the combined district cost
35 37 calculated for these agencies for the fiscal year
35 38 beginning July 1, 2012, and ending June 30, 2013, shall
35 39 be reduced by the department of management by twenty
35 40 million dollars. The reduction for each area education
35 41 agency shall be prorated based on the reduction that
35 42 the agency received in the fiscal year beginning July
35 43 1, 2003.
35 44 DIVISION IX
35 45 SALARIES, COMPENSATION, AND RELATED MATTERS ==== FY
35 46 2012=2013
35 47 Sec. 119. BONUS PAY. For the fiscal year beginning
35 48 July 1, 2012, employees of the executive branch,
35 49 judicial branch, and legislative branch shall not
35 50 receive bonus pay unless otherwise authorized by law,

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36 1 required pursuant to a contract of employment entered
36 2 into before July 1, 2012, or required pursuant to a
36 3 collective bargaining agreement. This section does
36 4 not apply to employees of the state board of regents
36 5 who receive bonuses funded by nonpublic moneys. For
36 6 purposes of this section, "bonus pay" means any
36 7 additional remuneration provided an employee in
36 8 the form of a bonus, including but not limited to a
36 9 retention bonus, recruitment bonus, exceptional job
36 10 performance pay, extraordinary job performance pay,
36 11 exceptional performance pay, extraordinary duty pay,
36 12 or extraordinary or special duty pay, and any extra
36 13 benefit not otherwise provided to other similarly
36 14 situated employees.
36 15 Sec. 120. SALARY INCREASES ==== CERTAIN REVOLVING
36 16 FUNDS.
36 17 1. For the fiscal years beginning July 1, 2012, and
36 18 July 1, 2013, there is appropriated from the gaming
36 19 enforcement revolving fund an amount necessary for
36 20 funding annual pay adjustments and related benefits
36 21 for agents and officers of the division of criminal
36 22 investigation's racetrack, excursion boat, or gambling
36 23 structure enforcement activities. Moneys appropriated
36 24 pursuant to this subsection shall be in addition to and
36 25 supplement other appropriations from the fund.
36 26 2. For the fiscal years beginning July 1, 2012,
36 27 and July 1, 2013, there is appropriated from the
36 28 gaming regulatory revolving fund, if enacted by the
36 29 Eighty=fourth General Assembly, 2011 or 2012 session,
36 30 an amount necessary for funding annual pay adjustments
36 31 and related benefits for positions in the racing and
36 32 gaming commission of the department of inspections
36 33 and appeals who are assigned to administration
36 34 and enforcement of the excursion boat and gambling
36 35 structure laws. Moneys appropriated pursuant to this
36 36 subsection shall be in addition to and supplement other
36 37 appropriations from the fund.
36 38 Sec. 121. STATE TROOPER MEAL ALLOWANCE. For the
36 39 fiscal years beginning July 1, 2012, and July 1, 2013,
36 40 the sworn peace officers in the department of public
36 41 safety who are not covered by a collective bargaining
36 42 agreement negotiated pursuant to chapter 20 shall
36 43 receive the same per diem meal allowance as the sworn
36 44 peace officers in the department of public safety
36 45 who are covered by a collective bargaining agreement
36 46 negotiated pursuant to chapter 20.
36 47 Sec. 122. SALARY MODEL ADMINISTRATOR. The salary
36 48 model administrator shall work in conjunction with
36 49 the legislative services agency to maintain the
36 50 state's salary model used for analyzing, comparing,

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and projecting state employee salary and benefit information, including information relating to employees of the state board of regents. The department of revenue, the department of administrative services, the five institutions under the jurisdiction of the state board of regents, the judicial district departments of correctional services, and the state department of transportation shall provide salary data to the department of management and the legislative services agency to operate the state's salary model. The format and frequency of provision of the salary data shall be determined by the department of management and the legislative services agency. The information shall be used in collective bargaining processes under chapter 20 and in calculating the funding needs contained within the annual salary adjustment legislation. A state employee organization as defined in section 20.3, subsection 4, may request information produced by the model, but the information provided shall not contain information attributable to individual employees.

DIVISION X

REGULAR PROGRAM AND CATEGORICAL STATE PERCENT OF GROWTH FOR EDUCATION ==== FY 2012=2013

Sec. 123. Section 257.8, subsection 1, Code 2011, is amended to read as follows:

1. State percent of growth. ~~The state percent of growth for the budget year beginning July 1, 2009, is four percent.~~ The state percent of growth for the budget year beginning July 1, 2010, is two percent. The state percent of growth for the budget year beginning July 1, 2012, is two percent. The state percent of growth for each subsequent budget year shall be established by statute which shall be enacted within thirty days of the submission in the year preceding the base year of the governor's budget under section 8.21. The establishment of the state percent of growth for a budget year shall be the only subject matter of the bill which enacts the state percent of growth for a budget year.

Sec. 124. Section 257.8, subsection 2, Code 2011, is amended to read as follows:

2. Categorical state percent of growth. The categorical state percent of growth for the budget year beginning July 1, 2010, is two percent. The categorical state percent of growth for the budget year beginning July 1, 2012, is two percent. The categorical state percent of growth for each budget year shall be established by statute which shall be enacted within thirty days of the submission in

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38 1 the year preceding the base year of the governor's
38 2 budget under section 8.21. The establishment of the
38 3 categorical state percent of growth for a budget year
38 4 shall be the only subject matter of the bill which
38 5 enacts the categorical state percent of growth for a
38 6 budget year. The categorical state percent of growth
38 7 may include state percents of growth for the teacher
38 8 salary supplement, the professional development
38 9 supplement, and the early intervention supplement.
38 10 Sec. 125. CODE SECTION 257.8 ==== APPLICABILITY. The
38 11 requirements of section 257.8 regarding the time period
38 12 of enactment and the subject matter of the legislation
38 13 establishing the state percent of growth and the
38 14 categorical state percent of growth for a budget year
38 15 are not applicable to the division. The requirements
38 16 of section 257.8 regarding enactment of the regular
38 17 program state percent of growth and categorical state
38 18 percent of growth within thirty days of the submission
38 19 in the year preceding the base year of the governor's
38 20 budget and the requirements that the subject matter
38 21 of each bill establishing the state percent of growth
38 22 or the categorical state percent of growth be the
38 23 only subject matter of the bill do not apply to this
38 24 division of this Act.
38 25 Sec. 126. APPLICABILITY. This division of this Act
38 26 is applicable for computing state aid under the state
38 27 school foundation program for the school budget year
38 28 beginning July 1, 2012.
38 29 DIVISION XI
38 30 APPROPRIATION TRANSFERS
38 31 REBUILD IOWA INFRASTRUCTURE FUND
38 32 Sec. 127. 2010 Iowa Acts, chapter 1184, section 26,
38 33 is amended to read as follows:
38 34 SEC. 26. There is appropriated from the rebuild
38 35 Iowa infrastructure fund to the department of economic
38 36 development for deposit in the grow Iowa values fund,
38 37 for the fiscal year beginning July 1, 2010, and ending
38 38 June 30, 2011, the following amount, notwithstanding
38 39 section 8.57, subsection 6, paragraph "c":
38 40 ..... $ 38,000,000
38 41 Of the moneys appropriated in this section, from
38 42 the amount allocated to the department of economic
38 43 development in accordance with 2010 Iowa Acts, chapter
38 44 1184, section 28, subsection 1, $1,200,000 shall
38 45 be used for the department's Iowans helping Iowans
38 46 business assistance program. Notwithstanding section
38 47 8.33, moneys designated pursuant to this unnumbered
38 48 paragraph that remain unencumbered or unobligated at
38 49 the close of the fiscal year shall not revert but shall
38 50 remain available for expenditure for the purposes

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39 1 designated until the close of the succeeding fiscal
39 2 year.
39 3 CASH RESERVE FUND
39 4 Sec. 128. 2010 Iowa Acts, chapter 1193, section 90,
39 5 subsection 1, is amended to read as follows:
39 6 1. DEPARTMENT OF HUMAN SERVICES
39 7 For the medical assistance program:
39 8 ..... $187,800,000
39 9 a. Of the moneys appropriated in this subsection,
39 10 the following amounts shall be transferred as follows:
39 11 (1) To the Iowa finance authority to be used for
39 12 the Iowans helping Iowans housing assistance program:
39 13 ..... $ 6,050,000
39 14 (2) To the department of human services to be
39 15 used for the unmet needs program administered by the
39 16 department:
39 17 ..... $ 3,056,603
39 18 b. Notwithstanding section 8.33, moneys transferred
39 19 pursuant to paragraph "a" that remain unencumbered
39 20 or unobligated at the close of the fiscal year shall
39 21 not revert but shall remain available for expenditure
39 22 for the purposes designated until the close of the
39 23 succeeding fiscal year.
39 24 Sec. 129. EFFECTIVE DATE ==== APPLICABILITY.
39 25 1. This division of this Act being deemed of
39 26 immediate importance takes effect upon enactment.
39 27 2. The provisions of this division of this Act
39 28 providing for transfers are retroactively applicable
39 29 to August 27, 2010, and apply in lieu of the transfers
39 30 made for the same purposes by the executive branch,
39 31 as reported by the department of management in the
39 32 transfer notice to the governor and lieutenant governor
39 33 dated August 27, 2010.
39 34 DIVISION XII
39 35 EARNED INCOME TAX CREDIT
39 36 Sec. 130. Section 422.12B, subsection 1, Code 2011,
39 37 is amended to read as follows:
39 38 1. The taxes imposed under this division less the
39 39 credits allowed under section 422.12 shall be reduced
39 40 by an earned income credit equal to ~~seven~~ ten percent
39 41 of the federal earned income credit provided in section
39 42 32 of the Internal Revenue Code. Any credit in excess
39 43 of the tax liability is refundable.
39 44 Sec. 131. RETROACTIVE APPLICABILITY. This division
39 45 of this Act applies retroactively to January 1, 2011,
39 46 for tax years beginning on or after that date.
39 47 DIVISION XIII
39 48 SCHOOL TUITION ORGANIZATION TAX CREDITS
39 49 Sec. 132. Section 422.11S, subsection 7, paragraph
39 50 a, subparagraph (2), Code 2011, is amended to read as

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40 1 follows:
40 2 (2) "Total approved tax credits" means ~~for the~~
~~40 3 tax year beginning in the 2006 calendar year, two~~
~~40 4 million five hundred thousand dollars, for the tax~~
~~40 5 year beginning in the 2007 calendar year, five million~~
~~40 6 dollars, and for tax years beginning on or after~~
~~40 7 January 1, 2008, seven million five hundred thousand~~
~~40 8 dollars.~~ the following:
40 9 (a) For tax years beginning on or after January 1,
40 10 2008, and before January 1, 2012, seven million five
40 11 hundred thousand dollars.
40 12 (b) For the tax year beginning on or after January
40 13 1, 2012, and before January 1, 2013, eight million
40 14 seven hundred fifty thousand dollars.
40 15 (c) For tax years beginning on or after January 1,
40 16 2013, ten million dollars.
40 17 DIVISION XIV
40 18 TEACHER EXPENSES
40 19 Sec. 133. Section 422.7, Code 2011, is amended by
40 20 adding the following new subsection:
40 21 NEW SUBSECTION. 54. A taxpayer is allowed to
40 22 take the deduction for certain expenses of elementary
40 23 and secondary school teachers allowed under section
40 24 62(a)(2)(D) of the Internal Revenue Code, as amended
40 25 by the federal Emergency Economic Stabilization Act of
40 26 2008, Pub. L. No. 110=343, in computing net income for
40 27 state tax purposes.
40 28 Sec. 134. REFUNDS. Notwithstanding any provision
40 29 to the contrary in section 422.25, subsection 3,
40 30 a taxpayer who files an amended return in the time
40 31 permitted by statute to claim a refund related to the
40 32 allowance of the deduction enacted in this division of
40 33 this Act is only entitled to a refund of the amount
40 34 paid that is in excess of tax liability. The taxpayer
40 35 shall not be entitled to interest on such excess.
40 36 Sec. 135. EFFECTIVE DATE AND RETROACTIVE
40 37 APPLICABILITY. This division of this Act, being deemed
40 38 of immediate importance, takes effect upon enactment
40 39 and applies retroactively to January 1, 2008, for
40 40 tax years beginning on or after that date and before
40 41 January 1, 2009.
40 42 DIVISION XV
40 43 QUALIFIED HIGHER EDUCATION EXPENSES
40 44 Sec. 136. Section 422.7, Code 2011, is amended by
40 45 adding the following new subsection:
40 46 NEW SUBSECTION. 54. A taxpayer is allowed to
40 47 take the deduction for qualified tuition and related
40 48 expenses allowed under section 222 of the Internal
40 49 Revenue Code, as amended by the federal Emergency
40 50 Economic Stabilization Act of 2008, Pub. L. No.

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110=343, in computing net income for state tax purposes.

Sec. 137. REFUNDS. Notwithstanding any provision to the contrary in section 422.25, subsection 3, a taxpayer who files an amended return in the time permitted by statute to claim a refund related to the allowance of the deduction enacted in this division of this Act is only entitled to a refund of the amount paid that is in excess of tax liability. The taxpayer shall not be entitled to interest on such excess.

Sec. 138. EFFECTIVE DATE AND RETROACTIVE APPLICABILITY. This division of this Act, being deemed of immediate importance, takes effect upon enactment and applies retroactively to January 1, 2008, for tax years beginning on or after that date and before January 1, 2009.

DIVISION XVI
STATE SALES/USE TAX DEDUCTION

Sec. 139. Section 422.9, subsection 2, paragraph i, Code 2011, is amended to read as follows:

i. The deduction for state sales and use taxes is allowable only if the taxpayer elected to deduct the state sales and use taxes in lieu of state income taxes under section 164 of the Internal Revenue Code. A deduction for state sales and use taxes is not allowed if the taxpayer has taken the deduction for state income taxes or claimed the standard deduction under section 63 of the Internal Revenue Code. This paragraph applies to taxable years beginning after December 31, 2003, and before January 1, ~~2006~~ 2009, and to taxable years beginning after December 31, 2009, and before January 1, 2012.

Sec. 140. REFUNDS. Notwithstanding any provision to the contrary in section 422.25, subsection 3, a taxpayer who files an amended return in the time permitted by statute to claim a refund related to the allowance of the deduction enacted in this division of this Act is only entitled to a refund of the amount paid that is in excess of tax liability. The taxpayer shall not be entitled to interest on such excess.

Sec. 141. EFFECTIVE DATE AND RETROACTIVE APPLICABILITY. This division of this Act, being deemed of immediate importance, takes effect upon enactment and applies retroactively to tax years beginning on or after January 1, 2006, and before January 1, 2009, and to tax years beginning on or after January 1, 2010, and before January 1, 2012.

DIVISION XVII
SPECIAL FILING PROVISIONS

Sec. 142. SPECIAL FILING PROVISIONS.

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42 1 1. Adjustments by individuals to federal adjusted
42 2 gross income and by corporations to federal taxable
42 3 income for tax returns filed prior to the enactment of
42 4 2011 Iowa Acts, Senate File 512, may be required as a
42 5 result of the provisions of the divisions of this Act
42 6 relating to the adjustment provisions enumerated in
42 7 this subsection. These adjustments are as follows:
42 8 a. The increased expensing allowance authorized in
42 9 section 179(b) of the Internal Revenue Code for tax
42 10 years beginning on or after January 1, 2010, but before
42 11 January 1, 2011.
42 12 b. The deduction for qualified tuition and related
42 13 expenses allowed under section 222 of the Internal
42 14 Revenue Code.
42 15 c. The deduction for certain expenses of elementary
42 16 and secondary school teachers allowed under section
42 17 62(a)(2)(D) of the Internal Revenue Code.
42 18 2. In lieu of filing an amended tax return,
42 19 taxpayers may make the adjustments, pursuant to rules
42 20 adopted by the director of revenue, on the next return
42 21 filed subsequent to the enactment of 2011 Iowa Acts,
42 22 Senate File 512. If the taxpayer elects not to file
42 23 an amended return, these provisions are suspended with
42 24 regard to the following adjustments otherwise available
42 25 as a result of this Act.
42 26 a. The limitation based on income provisions
42 27 and regulations of section 179(b)(3) of the Internal
42 28 Revenue Code with regard to the section 179(b)
42 29 adjustment.
42 30 b. The applicable dollar limit provisions of
42 31 section 222(b)(2)(B) of the Internal Revenue Code with
42 32 regard to the section 222 adjustment.
42 33 DIVISION XVIII
42 34 WITHHOLDING AGREEMENTS
42 35 Sec. 142. Section 403.19A, subsection 1, paragraphs
42 36 c and f, Code 2011, are amended to read as follows:
42 37 c. "Employer" means a business creating <u>or</u>
42 38 <u>retaining</u> targeted jobs in an urban renewal area of a
42 39 pilot project city pursuant to a withholding agreement.
42 40 f. "Targeted job" means a job in a business which
42 41 is or will be located in an urban renewal area of a
42 42 pilot project city that pays a wage at least equal to
42 43 the countywide average wage. "Targeted job" includes
42 44 new <u>or retained</u> jobs from Iowa business expansions
42 45 or retentions within the city limits of the pilot
42 46 project city and those jobs resulting from established
42 47 out=of=state businesses, as defined by the department
42 48 of economic development, moving to or expanding in
42 49 Iowa.
42 50 Sec. 143. Section 403.19A, subsection 3, paragraph

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43 1 c, subparagraph (1), Code 2011, is amended to read as
43 2 follows:
43 3 (1) The pilot project city shall enter into a
43 4 withholding agreement with each employer concerning
43 5 the targeted jobs withholding credit. The withholding
43 6 agreement shall provide for the total amount of
43 7 withholding tax credits awarded. An agreement shall
43 8 not provide for an amount of withholding credits that
43 9 exceeds the amount of the qualifying investment made in
43 10 the project. An agreement shall not be entered into by
43 11 a pilot project city with a business currently located
43 12 in this state unless the business either creates or
43 13 retains ten new jobs or makes a qualifying investment
43 14 of at least five hundred thousand dollars within
43 15 the urban renewal area. The withholding agreement
43 16 may have a term of up to ten years. An employer
43 17 shall not be obligated to enter into a withholding
43 18 agreement. An agreement shall not be entered into with
43 19 an employer not already located in a pilot project
43 20 city when another Iowa community is competing for the
43 21 same project and both the pilot project city and the
43 22 other Iowa community are seeking assistance from the
43 23 department.
43 24 Sec. 144. Section 403.19A, subsection 3, paragraph
43 25 f, Code 2011, is amended to read as follows:
43 26 f. If the employer ceases to meet the requirements
43 27 of the withholding agreement, the agreement shall be
43 28 terminated and any withholding tax credits for the
43 29 benefit of the employer shall cease. However, in
43 30 regard to the number of ~~new~~ jobs that are to be created
43 31 or retained, if the employer has met the number of
43 32 ~~new~~ jobs to be created or retained pursuant to the
43 33 withholding agreement and subsequently the number of
43 34 ~~new~~ jobs falls below the required level, the employer
43 35 shall not be considered as not meeting the ~~new~~ job
43 36 requirement until eighteen months after the date of the
43 37 decrease in the number of ~~new~~ jobs created or retained.
43 38 Sec. 145. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
43 39 APPLICABILITY. This division of this Act, being
43 40 deemed of immediate importance, takes effect upon
43 41 enactment and applies retroactively to July 1, 2006,
43 42 for agreements entered into on or after that date.
43 43 DIVISION XIX
43 44 DISASTER=RELATED PERSONAL CASUALTY LOSS DEDUCTIONS
43 45 Sec. 146. Section 422.9, Code 2011, is amended by
43 46 adding the following new subsection:
43 47 NEW SUBSECTION. 9. A taxpayer is allowed to take
43 48 the deduction for disaster=related casualty losses
43 49 under section 165(h) of the Internal Revenue Code, as
43 50 modified by the Heartland Disaster Relief Act of 2008,

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44 1 Pub. L. No. 110=343, in computing net income for state
44 2 tax purposes.
44 3 Sec. 147. Notwithstanding any provision to the
44 4 contrary in section 422.25, subsection 3, a taxpayer
44 5 who files an amended return in the time permitted by
44 6 statute to claim a refund related to the allowance of
44 7 the deduction enacted in this division of this Act is
44 8 only entitled to a refund of the amount paid that is
44 9 in excess of tax liability. The taxpayer shall not be
44 10 entitled to interest on such excess.
44 11 Sec. 148. EFFECTIVE DATE AND RETROACTIVE
44 12 APPLICABILITY. This division of this Act, being deemed
44 13 of immediate importance, takes effect upon enactment
44 14 and applies retroactively to January 1, 2008, for
44 15 tax years beginning on or after that date and before
44 16 January 1, 2009.
44 17 DIVISION XX
44 18 FIRE EXTINGUISHING AND ALARM SYSTEMS CONTRACTORS AND
44 19 INSTALLERS ==== ELECTRICIANS AND ELECTRICAL CONTRACTORS
44 20 ==== LICENSING
44 21 Sec. 149. Section 100C.1, subsection 13, Code 2011,
44 22 is amended by adding the following new paragraph:
44 23 NEW PARAGRAPH. c. For a telecommunications
44 24 company that has been issued a certificate of public
44 25 convenience and necessity pursuant to section 476.29,
44 26 a person with whom the telecommunications company
44 27 contracts, who is certified by the national institute
44 28 for certification in engineering technologies as
44 29 required in paragraph "a" or "b" or who meets any other
44 30 criteria established by rule.
44 31 Sec. 150. Section 100C.2, subsection 3, Code 2011,
44 32 is amended by adding the following new paragraph:
44 33 NEW PARAGRAPH. d. This subsection shall not
44 34 apply to a responsible managing employee with whom a
44 35 telecommunications company contracts as provided in
44 36 section 100C.1, subsection 13, paragraph "c".
44 37 Sec. 151. NEW SECTION. 103.1A Term "commercial"
44 38 applied.
44 39 As used in this chapter:
44 40 1. "Commercial" refers to a use, installation,
44 41 structure, or premises associated with a place of
44 42 business where goods, wares, services, or merchandise
44 43 is stored or offered for sale on a wholesale or retail
44 44 basis.
44 45 2. "Commercial" refers to a residence only if
44 46 the residence is also used as a place of business as
44 47 provided in subsection 1.
44 48 3. "Commercial" does not refer to a use,
44 49 installation, structure, or premises associated with
44 50 any of the following:

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45 1 a. A farm.
45 2 b. An industrial installation.
45 3 Sec. 152. Section 103.22, subsection 7, Code 2011,
45 4 is amended to read as follows:
45 5 7. Prohibit an owner of property from performing
45 6 work on the owner's principal residence, if such
45 7 residence is an existing dwelling rather than new
45 8 construction and is not an apartment that is attached
45 9 to any other apartment or building, as those terms are
45 10 defined in section 499B.2, and is not larger than a
45 11 single=family dwelling, ~~or farm property, excluding~~
~~45 12 commercial or industrial installations or installations~~
~~45 13 in public use buildings or facilities,~~ or require
45 14 such owner to be licensed under this chapter. In
45 15 order to qualify for inapplicability pursuant to this
45 16 subsection, a residence shall qualify for the homestead
45 17 tax exemption.
45 18 Sec. 153. Section 103.22, Code 2011, is amended by
45 19 adding the following new subsection:
45 20 NEW SUBSECTION. 15. Apply to a person performing
45 21 any installation on a farm, if the person is associated
45 22 with the farm as a holder of a legal or equitable
45 23 interest, a relative or employee of the holder, or
45 24 an operator or manager of the farm. The provisions
45 25 of this chapter do not require such person to be
45 26 licensed. In addition, a permit is not required for an
45 27 installation on a farm, and an installation on a farm
45 28 is not required to be inspected. In order for a farm
45 29 building to qualify under this subsection, the farm
45 30 building must not be regularly open to the public as a
45 31 place of business for the retail sale of goods, wares,
45 32 services, or merchandise.
45 33 DIVISION XXI
45 34 CLASS "A" FELONIES ==== JUVENILES
45 35 Sec. 154. Section 902.1, Code 2011, is amended to
45 36 read as follows:
45 37 902.1 Class "A" felony.
45 38 1. Upon a plea of guilty, a verdict of guilty, or
45 39 a special verdict upon which a judgment of conviction
45 40 of a class "A" felony may be rendered, the court shall
45 41 enter a judgment of conviction and shall commit the
45 42 defendant into the custody of the director of the
45 43 Iowa department of corrections for the rest of the
45 44 defendant's life. Nothing in the Iowa corrections code
45 45 pertaining to deferred judgment, deferred sentence,
45 46 suspended sentence, or reconsideration of sentence
45 47 applies to a class "A" felony, and a person convicted
45 48 of a class "A" felony shall not be released on parole
45 49 unless the governor commutes the sentence to a term of
45 50 years.

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46 1 2. a. Notwithstanding subsection 1, a person
46 2 convicted of a class "A" felony, and who was under the
46 3 age of eighteen at the time the offense was committed
46 4 shall be eligible for parole after serving a minimum
46 5 term of confinement of twenty=five years.
46 6 b. If a person is paroled pursuant to this
46 7 subsection the person shall be subject to the same set
46 8 of procedures set out in chapters 901B, 905, 906, and
46 9 chapter 908, and rules adopted under those chapters for
46 10 persons on parole.
46 11 c. A person convicted of murder in the first degree
46 12 in violation of section 707.2 shall not be eligible for
46 13 parole pursuant to this subsection.
46 14 Sec. 155. EFFECTIVE UPON ENACTMENT. This division
46 15 of this Act, being deemed of immediate importance,
46 16 takes effect upon enactment.
46 17 DIVISION XXII
46 18 SCHOOL DRESS CODES
46 19 Sec. 156. Section 279.58, subsection 1, Code 2011,
46 20 is amended by striking the subsection.
46 21 Sec. 157. Section 279.58, subsection 2, Code 2011,
46 22 is amended to read as follows:
46 23 2. The board of directors of a school district may
46 24 adopt, for the district or for an individual school
46 25 within the district, a dress code policy that ~~prohibits~~
46 26 ~~students from wearing gang=related or other specific~~
46 27 ~~apparel~~ prescribes standard dress, or that otherwise
46 28 imposes limitations on student dress without limiting
46 29 a student's constitutional rights and privileges,
46 30 if the board determines that the policy ~~is necessary~~
46 31 ~~for~~ would improve the health, safety, or positive
46 32 educational environment of students and staff in the
46 33 school environment or for the appropriate discipline
46 34 and operation of the school.
46 35 3. Adoption and enforcement of a dress code policy
46 36 pursuant to this section is not a violation of section
46 37 280.22.
46 38 Sec. 158. EFFECTIVE UPON ENACTMENT. This division
46 39 of this Act, being deemed of immediate importance,
46 40 takes effect upon enactment.
46 41 DIVISION XXIII
46 42 DAYS OF INSTRUCTION
46 43 Sec. 159. Section 256.7, subsection 19, Code 2011,
46 44 is amended to read as follows:
46 45 19. Define ~~the minimum school day as a day~~
46 46 ~~consisting of five and one=half hours of~~ instructional
46 47 ~~time for grades one through twelve. The minimum~~
46 48 hours as time spent with a licensed teacher that shall
46 49 be exclusive of the lunch period and parent=teacher
46 50 conferences, but may include passing time between

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47 1 classes. ~~Time spent on parent-teacher conferences~~
~~47 2 shall be considered instructional time. A school or~~
~~47 3 school district may record a day of school with less~~
~~47 4 than the minimum instructional hours as a minimum~~
~~47 5 school day if any of the following apply:~~
47 6 ~~a. If emergency health or safety factors require~~
~~47 7 the late arrival or early dismissal of students on a~~
~~47 8 specific day.~~
47 9 ~~b. If the total hours of instructional school~~
~~47 10 time for grades one through twelve for any five~~
~~47 11 consecutive school days equal a minimum of twenty-seven~~
~~47 12 and one-half hours, even though any one day of~~
~~47 13 school is less than the minimum instructional hours~~
~~47 14 because of a staff development opportunity provided~~
~~47 15 for the professional instructional staff or because~~
~~47 16 parent-teacher conferences have been scheduled~~
~~47 17 beyond the regular school day. Furthermore, if the~~
~~47 18 total hours of instructional time for the first four~~
~~47 19 consecutive days equal at least twenty-seven and~~
~~47 20 one-half hours because parent-teacher conferences~~
~~47 21 have been scheduled beyond the regular school day, a~~
~~47 22 school or school district may record zero hours of~~
~~47 23 instructional time on the fifth consecutive school day~~
~~47 24 as a minimum school day.~~
47 25 Sec. 160. Section 256F.4, subsection 5, Code 2011,
47 26 is amended to read as follows:
47 27 5. A charter school or innovation zone school shall
47 28 provide instruction for at least the number of ~~days~~
~~47 29~~ hours required by section 279.10, subsection 1~~, or~~
~~47 30 shall provide at least the equivalent number of total~~
~~47 31 hours~~.
47 32 Sec. 161. Section 279.10, subsection 1, Code 2011,
47 33 is amended to read as follows:
47 34 1. The school year for each school district and
47 35 accredited nonpublic school shall begin on ~~the first~~
~~47 36 day of~~ July 1 and each regularly established elementary
47 37 and secondary school shall begin no sooner than a day
47 38 during the calendar week in which the first day of
47 39 September falls but no later than the first Monday
47 40 in December. However, if the first day of September
47 41 falls on a Sunday, school may begin on a day during the
47 42 calendar week which immediately precedes the first day
47 43 of September. ~~School shall continue for at least one~~
~~47 44 hundred eighty days, except as provided in subsection~~
~~47 45 3, and may be maintained~~The school calendar shall
47 46 include not less than one thousand eighty hours of
47 47 instruction during the ~~entire~~ calendar year. ~~However,~~
~~47 48 if~~ The board of directors of a school district and the
47 49 authorities in charge of an accredited nonpublic school
47 50 shall set the number of days of required attendance

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48 1 for the school year as provided in section 299.1,
48 2 subsection 2, but the board of directors of a school
48 3 district shall hold a public hearing on any proposed
48 4 school calendar prior to adopting the school calendar.
48 5 If the board of directors of a district or the
48 6 authorities in charge of an accredited nonpublic school
48 7 extends the school calendar because inclement weather
48 8 caused the school district or accredited nonpublic
48 9 school to temporarily close ~~school~~ during the regular
48 10 school calendar, the school district or accredited
48 11 nonpublic school may excuse a graduating senior who
48 12 has met district or school requirements for graduation
48 13 from attendance during the extended school calendar. A
48 14 school corporation may begin employment of personnel
48 15 for in=service training and development purposes before
48 16 the date to begin elementary and secondary school.
48 17 Sec. 162. Section 279.10, subsections 2 and 3, Code
48 18 2011, are amended by striking the subsections.
48 19 Sec. 163. Section 299.4, subsection 1, Code 2011,
48 20 is amended to read as follows:
48 21 1. The parent, guardian, or legal custodian of a
48 22 child who is of compulsory attendance age, who places
48 23 the child under competent private instruction under
48 24 either section 299A.2 or 299A.3, not in an accredited
48 25 school or a home school assistance program operated
48 26 by a school district or accredited nonpublic school,
48 27 shall furnish a report in duplicate on forms provided
48 28 by the public school district, to the district by ~~the~~
48 29 ~~earliest starting date specified in section 279.10,~~
48 30 ~~subsection 1~~ September 1 of the school year in which
48 31 the child will be under competent private instruction.
48 32 The secretary shall retain and file one copy and
48 33 forward the other copy to the district's area education
48 34 agency. The report shall state the name and age of the
48 35 child, the period of time during which the child has
48 36 been or will be under competent private instruction
48 37 for the year, an outline of the course of study, texts
48 38 used, and the name and address of the instructor. The
48 39 parent, guardian, or legal custodian of a child, who is
48 40 placing the child under competent private instruction
48 41 for the first time, shall also provide the district
48 42 with evidence that the child has had the immunizations
48 43 required under section 139A.8, and, if the child is
48 44 elementary school age, a blood lead test in accordance
48 45 with section 135.105D. The term "outline of course of
48 46 study" shall include subjects covered, lesson plans,
48 47 and time spent on the areas of study.
48 48 Sec. 164. REPEAL. Section 256.22, Code 2011, is
48 49 repealed.
48 50 Sec. 165. EFFECTIVE DATE. This division of this

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Act takes effect July 1, 2012.

DIVISION XXIV

MEDICATION THERAPY MANAGEMENT

Sec. 166. 2010 Iowa Acts, chapter 1193, section 166, subsections 2 and 3, are amended to read as follows:

2. a. Prior to July 1, 2010, the department of administrative services shall utilize a request for proposals process to contract for the provision of medication therapy management services beginning July 1, 2010, and prior to July 1, 2011, shall amend the contract to continue the provision of medication therapy management services beginning July 1, 2011, for eligible employees who meet any of the following criteria:

(1) An individual who takes four or more prescription drugs to treat or prevent two or more chronic medical conditions.

(2) An individual with a prescription drug therapy problem who is identified by the prescribing physician or other appropriate prescriber, and referred to a pharmacist for medication therapy management services.

(3) An individual who meets other criteria established by the third=party payment provider contract, policy, or plan.

~~b. The department of administrative services shall utilize an advisory committee comprised of an equal number of physicians and pharmacists to provide advice and oversight regarding the request for proposals and evaluation processes. The department shall appoint the members of the advisory council based upon designees of the Iowa pharmacy association, the Iowa medical society, and the Iowa osteopathic medical association.~~

~~c.~~ b. The contract shall require the company to provide annual reports to the general assembly detailing the costs, savings, estimated cost avoidance and return on investment, and patient outcomes related to the medication therapy management services provided. The company shall guarantee demonstrated annual savings, including any savings associated with cost avoidance at least equal to the program's costs with any shortfall amount refunded to the state. As a proof of concept in the program for the period beginning July 1, 2010, and ending June 30, 2011, the company shall offer a dollar=for=dollar guarantee for drug product costs savings alone. Prior to entering into a contract with a company, the department and the company shall agree on the terms, conditions, and applicable measurement standards associated with the demonstration of savings. The department

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50 1 shall verify the demonstrated savings reported by
50 2 the company was performed in accordance with the
50 3 agreed upon measurement standards. The company shall
50 4 be prohibited from using the company's employees to
50 5 provide the medication therapy management services and
50 6 shall instead be required to contract with licensed
50 7 pharmacies, pharmacists, or physicians.
50 8 d. The fees for pharmacist=delivered medication
50 9 therapy management services shall be separate from
50 10 the reimbursement for prescription drug product or
50 11 dispensing services; shall be determined by each
50 12 third=party payment provider contract, policy, or plan;
50 13 and must be reasonable based on the resources and time
50 14 required to provide the service.
50 15 e. A fee shall be established for physician
50 16 reimbursement for services delivered for medication
50 17 therapy management as determined by each third=party
50 18 payment provider contract, policy, or plan, and must be
50 19 reasonable based on the resources and time required to
50 20 provide the service.
50 21 f. If any part of the medication therapy management
50 22 plan developed by a pharmacist incorporates services
50 23 which are outside the pharmacist's independent scope
50 24 of practice including the initiation of therapy,
50 25 modification of dosages, therapeutic interchange, or
50 26 changes in drug therapy, the express authorization
50 27 of the individual's physician or other appropriate
50 28 prescriber is required.
50 29 g. For the contract period beginning July 1, 2011,
50 30 the department shall utilize the services of the
50 31 college of pharmacy at a state university to validate
50 32 reported drug cost savings.
50 33 h. The results of the pilot program for the period
50 34 beginning July 1, 2010, and ending December 31, 2011,
50 35 shall be submitted to the general assembly no later
50 36 than March 1, 2012.
50 37 3. This section is repealed December 31, ~~2011~~ 2012.
50 38 Sec. 167. TRANSFER ==== MEDICATION THERAPY MANAGEMENT
50 39 PROGRAM. There is transferred $510,000 from the
50 40 fees collected by the board of pharmacy pursuant to
50 41 chapter 155A and retained by the board pursuant to the
50 42 authority granted in section 147.82 to the department
50 43 of administrative services for the fiscal year
50 44 beginning July 1, 2011, and ending June 30, 2012, to be
50 45 used to be used for the medication therapy management
50 46 program.
50 47 Sec. 168. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
50 48 APPLICABILITY. This division of this Act, being deemed
50 49 of immediate importance, takes effect upon enactment,
50 50 and is retroactively applicable to June 15, 2011.

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DIVISION XXV
CONDITIONAL EFFECTIVE DATES FOR 2011 IOWA ACTS

Sec. 169. SENATE FILE 508 EFFECTIVE DATE. Unless otherwise provided, if 2011 Iowa Acts, Senate File 508, as enacted, is approved by the governor on or after July 1, 2011, the Act takes effect upon enactment and applies retroactively to July 1, 2011.

Sec. 170. SENATE FILE 511 EFFECTIVE DATE. Unless otherwise provided, if 2011 Iowa Acts, Senate File 511, as enacted, is approved by the governor on or after July 1, 2011, the Act takes effect upon enactment and applies retroactively to July 1, 2011.

Sec. 171. SENATE FILE 525 EFFECTIVE DATE. Unless otherwise provided, if 2011 Iowa Acts, Senate File 525, as enacted, is approved by the governor on or after July 1, 2011, the Act takes effect upon enactment and applies retroactively to June 30, 2011.

Sec. 172. SENATE FILE 148 EFFECTIVE DATE. Unless otherwise provided, if 2011 Iowa Acts, House File 148, as enacted, is approved by the governor on or after July 1, 2011, the Act takes effect upon enactment and applies retroactively to June 30, 2011.

Sec. 173. EFFECTIVE UPON ENACTMENT AND APPLICABILITY. This division of this Act, being deemed of immediate importance, takes effect upon enactment and applies as provided by this division of this Act.

DIVISION XXVI
NOTICE OF MORTGAGE MEDIATION ASSISTANCE ==== SUNSET

Sec. 174. Section 654.4B, subsection 2, paragraph b, Code 2011, is amended to read as follows:

b. This subsection is repealed July 1, ~~2011~~ 2012.

Sec. 175. EFFECTIVE UPON ENACTMENT AND RETROACTIVE APPLICABILITY. This division of this Act, being deemed of immediate importance, takes effect upon enactment and, if approved by the governor on or after July 1, 2011, applies retroactively to June 30, 2011.

DIVISION XXVII
HOUSING DEVELOPMENT ==== TAX STATUS

Sec. 176. Section 405.1, Code 2011, is amended to read as follows:

405.1 Housing development ==== tax status ==== limitation.

~~1.~~ The board of supervisors of a county ~~with a population of less than twenty thousand~~ may adopt an ordinance providing that property acquired and subdivided for development of housing shall continue to be assessed for taxation in the manner that it was prior to the acquisition for housing. Each lot shall continue to be taxed in the manner it was prior to its acquisition for housing until the lot is sold for

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construction or occupancy of housing or ~~five~~ ten years from the date of subdivision, whichever is shorter. Upon the sale or the expiration of the ~~five-year~~ ten-year period, the property shall be assessed for taxation as residential or commercial multifamily property, whichever is applicable.

~~2. The board of supervisors of a county with a population of twenty thousand or more may adopt an ordinance providing that property acquired and subdivided for development of housing shall continue to be assessed for taxation in the manner that it was prior to the acquisition for housing. Each lot shall continue to be taxed in the manner it was prior to its acquisition for housing until the lot is sold for construction or occupancy of housing or three years from the date of subdivision, whichever is shorter. Upon the sale or the expiration of the three-year period, the property shall be assessed for taxation as residential or commercial multifamily property, whichever is applicable.~~

Sec. 177. Section 441.72, Code 2011, is amended to read as follows:

441.72 Assessment of platted lots.

When a subdivision plat is recorded pursuant to chapter 354, the individual lots within the subdivision plat shall not be assessed in excess of the total assessment of the land as acreage or unimproved property for ~~three~~ ten years after the recording of the plat or until the lot is actually improved with permanent construction, whichever occurs first. When an individual lot has been improved with permanent construction, the lot shall be assessed for taxation purposes as provided in chapter 428 and this chapter. This section does not apply to special assessment levies.

Sec. 178. EFFECTIVE UPON ENACTMENT AND RETROACTIVE APPLICABILITY. This division of this Act, being deemed of immediate importance, takes effect upon enactment and applies retroactively to assessment years beginning on or after January 1, 2011. The division applies to subdivision plats recorded on or after January 1, 2004.

DIVISION XXVIII

CONDITIONAL RETROACTIVE APPLICABILITY

Sec. 179. RETROACTIVE APPLICABILITY. Unless otherwise provided, this Act, if approved by the governor on or after July 1, 2011, applies retroactively to July 1, 2011.>

#2. By renumbering as necessary.

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# Senate Amendment 3373

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1 1 Amend the House amendment, S=3372, to Senate File
1 2 533, as amended, passed, and reprinted by the Senate,
1 3 as follows:
1 4 #1. By striking page 1, line 5, through page 52,
1 5 line 48, and inserting:
1 6 <DIVISION I
1 7 STANDING APPROPRIATIONS AND RELATED MATTERS ==== FY
1 8 2011=2012
1 9 Section 1. BUDGET PROCESS FOR FISCAL YEAR
1 10 2012=2013.
1 11 1. For the budget process applicable to the fiscal
1 12 year beginning July 1, 2012, on or before October 1,
1 13 2011, in lieu of the information specified in section
1 14 8.23, subsection 1, unnumbered paragraph 1, and
1 15 paragraph "a", all departments and establishments of
1 16 the government shall transmit to the director of the
1 17 department of management, on blanks to be furnished
1 18 by the director, estimates of their expenditure
1 19 requirements, including every proposed expenditure, for
1 20 the ensuing fiscal year, together with supporting data
1 21 and explanations as called for by the director of the
1 22 department of management after consultation with the
1 23 legislative services agency.
1 24 2. The estimates of expenditure requirements
1 25 shall be in a form specified by the director of
1 26 the department of management, and the expenditure
1 27 requirements shall include all proposed expenditures
1 28 and shall be prioritized by program or the results to
1 29 be achieved. The estimates shall be accompanied by
1 30 performance measures for evaluating the effectiveness
1 31 of the programs or results.
1 32 Sec. 2. LIMITATION OF STANDING APPROPRIATIONS.
1 33 Notwithstanding the standing appropriations in the
1 34 following designated sections for the fiscal year
1 35 beginning July 1, 2011, and ending June 30, 2012, the
1 36 amounts appropriated from the general fund of the state
1 37 pursuant to these sections for the following designated
1 38 purposes shall not exceed the following amounts:
1 39 1. For operational support grants and community
1 40 cultural grants under section 99F.11, subsection 3,
1 41 paragraph "d", subparagraph (1):
1 42 ..... $ 416,702
1 43 2. For regional tourism marketing under section
1 44 99F.11, subsection 3, paragraph "d", subparagraph (2):
1 45 ..... $ 810,306
1 46 3. For the center for congenital and inherited
1 47 disorders central registry under section 144.13A,
1 48 subsection 4, paragraph "a":
1 49 ..... $ 171,121
1 50 4. For primary and secondary child abuse prevention

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2 1 programs under section 144.13A, subsection 4, paragraph
2 2 "a":
2 3 ..... $ 217,772
2 4 5. For programs for at=risk children under section
2 5 279.51:
2 6 ..... $ 10,728,891
2 7 The amount of any reduction in this subsection shall
2 8 be prorated among the programs specified in section
2 9 279.51, subsection 1, paragraphs "a", "b", and "c".
2 10 6. For payment for nonpublic school transportation
2 11 under section 285.2:
2 12 ..... $ 7,060,931
2 13 If total approved claims for reimbursement for
2 14 nonpublic school pupil transportation exceed the amount
2 15 appropriated in accordance with this subsection, the
2 16 department of education shall prorate the amount of
2 17 each approved claim.
2 18 7. For reimbursement for the homestead property tax
2 19 credit under section 425.1:
2 20 ..... $ 86,188,387
2 21 8. For reimbursement for the family farm and
2 22 agricultural land tax credits under sections 425A.1 and
2 23 426.1:
2 24 ..... $ 32,395,131
2 25 9. For the enforcement of chapter 453D relating to
2 26 tobacco product manufacturers under section 453D.8:
2 27 ..... $ 18,416
2 28 Sec. 3. INSTRUCTIONAL SUPPORT STATE AID ==== FY
2 29 2011=2012. In lieu of the appropriation provided in
2 30 section 257.20, subsection 2, the appropriation for the
2 31 fiscal year beginning July 1, 2011, and ending June 30,
2 32 2012, for paying instructional support state aid under
2 33 section 257.20 for fiscal year 2011=2012 is zero.
2 34 Sec. 4. Section 256.30, unnumbered paragraph
2 35 1, Code 2011, is amended by striking the unnumbered
2 36 paragraph and inserting in lieu thereof the following:
2 37 For the fiscal year beginning July 1, 2011, and
2 38 ending June 30, 2012, and for each succeeding fiscal
2 39 year, there is appropriated from the general fund of
2 40 the state to the department the sum of one hundred
2 41 thousand dollars. The department shall distribute the
2 42 appropriation to the tribal council of the Sac and Fox
2 43 Indian settlement for expenses of educating American
2 44 Indian children residing in the Sac and Fox Indian
2 45 settlement on land held in trust by the secretary of
2 46 the interior of the United States in excess of federal
2 47 moneys paid to the tribal council for educating the
2 48 American Indian children when moneys are appropriated
2 49 for that purpose. The tribal council shall administer
2 50 the moneys distributed pursuant to this section and

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3 1 shall submit an annual report and other reports as
3 2 required by the department to the department on the
3 3 expenditure of the moneys.
3 4 Sec. 5. Section 257.35, Code 2011, is amended by
3 5 adding the following new subsection:
3 6 NEW SUBSECTION. 5A. Notwithstanding subsection 1,
3 7 and in addition to the reduction applicable pursuant
3 8 to subsection 2, the state aid for area education
3 9 agencies and the portion of the combined district cost
3 10 calculated for these agencies for the fiscal year
3 11 beginning July 1, 2011, and ending June 30, 2012, shall
3 12 be reduced by the department of management by twenty
3 13 million dollars. The reduction for each area education
3 14 agency shall be prorated based on the reduction that
3 15 the agency received in the fiscal year beginning July
3 16 1, 2003.
3 17 DIVISION II
3 18 SALARIES, COMPENSATION, AND RELATED MATTERS ==== FY
3 19 2011=2012
3 20 Sec. 6. APPOINTED STATE OFFICERS.
3 21 1. The governor shall establish a salary for
3 22 appointed nonelected persons in the executive branch
3 23 of state government holding a position enumerated in
3 24 and within the salary ranges provided in 2008 Iowa
3 25 Acts, chapter 1191, section 14, by considering, among
3 26 other items, the experience of the individual in
3 27 the position, changes in the duties of the position,
3 28 the incumbent's performance of assigned duties, and
3 29 subordinates' salaries. However, the attorney general
3 30 shall establish the salary for the consumer advocate,
3 31 the chief justice of the supreme court shall establish
3 32 the salary for the state court administrator, the
3 33 ethics and campaign disclosure board shall establish
3 34 the salary of the executive director, and the Iowa
3 35 public broadcasting board shall establish the salary of
3 36 the administrator of the public broadcasting division
3 37 of the department of education, each within the salary
3 38 range provided in 2008 Iowa Acts, chapter 1191, section
3 39 14.
3 40 2. The governor, in establishing salaries as
3 41 provided in this section, shall take into consideration
3 42 other employee benefits which may be provided for an
3 43 individual including but not limited to housing.
3 44 3. A person whose salary is established pursuant
3 45 to this section and who is a full=time, year=round
3 46 employee of the state shall not receive any other
3 47 remuneration from the state or from any other source
3 48 for the performance of that person's duties unless
3 49 the additional remuneration is first approved by the
3 50 governor or authorized by law. However, this provision

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4 1 does not exclude the reimbursement for necessary travel
4 2 and expenses incurred in the performance of duties or
4 3 fringe benefits normally provided to employees of the
4 4 state.
4 5 Sec. 7. COLLECTIVE BARGAINING AGREEMENTS
4 6 FUNDED. The various state departments, boards,
4 7 commissions, councils, and agencies, including the
4 8 state board of regents, for the fiscal year beginning
4 9 July 1, 2011, and ending June 30, 2012, shall provide
4 10 from available sources pay adjustments, expense
4 11 reimbursements, and related benefits to fully fund the
4 12 following:
4 13 1. The collective bargaining agreement negotiated
4 14 pursuant to chapter 20 for employees in the blue collar
4 15 bargaining unit.
4 16 2. The collective bargaining agreement negotiated
4 17 pursuant to chapter 20 for employees in the public
4 18 safety bargaining unit.
4 19 3. The collective bargaining agreement negotiated
4 20 pursuant to chapter 20 for employees in the security
4 21 bargaining unit.
4 22 4. The collective bargaining agreement negotiated
4 23 pursuant to chapter 20 for employees in the technical
4 24 bargaining unit.
4 25 5. The collective bargaining agreement negotiated
4 26 pursuant to chapter 20 for employees in the
4 27 professional fiscal and staff bargaining unit.
4 28 6. The collective bargaining agreement negotiated
4 29 pursuant to chapter 20 for employees in the clerical
4 30 bargaining unit.
4 31 7. The collective bargaining agreement negotiated
4 32 pursuant to chapter 20 for employees in the
4 33 professional social services bargaining unit.
4 34 8. The collective bargaining agreement negotiated
4 35 pursuant to chapter 20 for employees in the
4 36 community=based corrections bargaining unit.
4 37 9. The collective bargaining agreements negotiated
4 38 pursuant to chapter 20 for employees in the judicial
4 39 branch of government bargaining units.
4 40 10. The collective bargaining agreement negotiated
4 41 pursuant to chapter 20 for employees in the patient
4 42 care bargaining unit.
4 43 11. The collective bargaining agreement negotiated
4 44 pursuant to chapter 20 for employees in the science
4 45 bargaining unit.
4 46 12. The collective bargaining agreement negotiated
4 47 pursuant to chapter 20 for employees in the university
4 48 of northern Iowa faculty bargaining unit.
4 49 13. The collective bargaining agreement negotiated
4 50 pursuant to chapter 20 for employees in the state

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5 1 university of Iowa graduate student bargaining unit.
5 2 14. The collective bargaining agreement negotiated
5 3 pursuant to chapter 20 for employees in the state
5 4 university of Iowa hospital and clinics tertiary health
5 5 care bargaining unit.
5 6 15. The annual pay adjustments, related benefits,
5 7 and expense reimbursements referred to in the sections
5 8 of this division of this Act addressing state board of
5 9 regents employees who are not covered by a collective
5 10 bargaining agreement.
5 11 Sec. 8. STATE EMPLOYEES ==== STATE BOARD OF
5 12 REGENTS. For the fiscal year beginning July 1, 2011,
5 13 and ending June 30, 2012, funds shall be provided from
5 14 available sources of the state board of regents for
5 15 funding of collective bargaining agreements for state
5 16 board of regents employees covered by such agreements
5 17 and for the following state board of regents employees
5 18 not covered by a collective bargaining agreement:
5 19 1. Regents merit system employees and merit
5 20 supervisory employees.
5 21 2. Faculty members and professional and scientific
5 22 employees.
5 23 Sec. 9. BONUS PAY. For the fiscal year beginning
5 24 July 1, 2011, and ending June 30, 2012, employees of
5 25 the executive branch, judicial branch, and legislative
5 26 branch shall not receive bonus pay unless otherwise
5 27 authorized by law, required pursuant to a contract
5 28 of employment entered into before July 1, 2011,
5 29 or required pursuant to a collective bargaining
5 30 agreement. This section does not apply to employees
5 31 of the state board of regents. For purposes of this
5 32 section, "bonus pay" means any additional remuneration
5 33 provided an employee in the form of a bonus, including
5 34 but not limited to a retention bonus, recruitment
5 35 bonus, exceptional job performance pay, extraordinary
5 36 job performance pay, exceptional performance pay,
5 37 extraordinary duty pay, or extraordinary or special
5 38 duty pay, and any extra benefit not otherwise provided
5 39 to other similarly situated employees.
5 40 Sec. 10. STATE TROOPER MEAL ALLOWANCE. For the
5 41 fiscal year beginning July 1, 2011, the sworn peace
5 42 officers in the department of public safety who are not
5 43 covered by a collective bargaining agreement negotiated
5 44 pursuant to chapter 20 shall receive the same per
5 45 diem meal allowance as the sworn peace officers in
5 46 the department of public safety who are covered by a
5 47 collective bargaining agreement negotiated pursuant to
5 48 chapter 20.
5 49 Sec. 11. SALARY MODEL ADMINISTRATOR. The salary
5 50 model administrator shall work in conjunction with

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6 1 the legislative services agency to maintain the
6 2 state's salary model used for analyzing, comparing,
6 3 and projecting state employee salary and benefit
6 4 information, including information relating to
6 5 employees of the state board of regents. The
6 6 department of revenue, the department of administrative
6 7 services, the five institutions under the jurisdiction
6 8 of the state board of regents, the judicial district
6 9 departments of correctional services, and the state
6 10 department of transportation shall provide salary data
6 11 to the department of management and the legislative
6 12 services agency to operate the state's salary
6 13 model. The format and frequency of provision of the
6 14 salary data shall be determined by the department of
6 15 management and the legislative services agency. The
6 16 information shall be used in collective bargaining
6 17 processes under chapter 20 and in calculating the
6 18 funding needs contained within the annual salary
6 19 adjustment legislation. A state employee organization
6 20 as defined in section 20.3, subsection 4, may request
6 21 information produced by the model, but the information
6 22 provided shall not contain information attributable to
6 23 individual employees.
6 24 DIVISION III
6 25 PERFORMANCE OF DUTY
6 26 Sec. 12. Section 7D.10, Code 2011, is amended to
6 27 read as follows:
6 28 7D.10 Court costs.
6 29 If sufficient funds for court costs have not been
6 30 appropriated to a state department, or if sufficient
6 31 funds are not otherwise available for such purposes
6 32 within the budget of a state department, upon
6 33 authorization by the executive council ~~may pay, out of~~
6 34 ~~any money in the state treasury~~ there is appropriated
6 35 from moneys in the general fund of the state not
6 36 otherwise appropriated, an amount sufficient to pay
6 37 expenses incurred, or costs taxed to the state, in
6 38 any proceeding brought by or against any of the state
6 39 departments or in which the state is a party or is
6 40 interested. This section shall not be construed to
6 41 authorize the payment of travel or other personal
6 42 expenses of state officers or employees.
6 43 Sec. 13. Section 7D.10A, as amended by 2011 Iowa
6 44 Acts, Senate File 478, section 11, as enacted, is
6 45 amended to read as follows:
6 46 7D.10A ~~Allocation~~ Payment to livestock remediation
6 47 fund.
6 48 If moneys are not sufficient to support the
6 49 livestock remediation fund as provided in chapter 459,
6 50 subchapter V, the executive council may ~~allocate from~~

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~~7 1 moneys in the general fund of the state, which are~~
~~7 2 not otherwise obligated or encumbered,~~ authorize as
7 3 an expense paid from the appropriations addressed in
7 4 section 7D.29 the payment of an amount to the livestock
7 5 remediation fund as provided under section 459.501,
7 6 subsection 5. However, not more than a total of
7 7 one million dollars ~~shall be allocated~~ shall be paid
7 8 pursuant to this section to the livestock remediation
7 9 fund at any time.
7 10 Sec. 14. Section 7D.29, Code 2011, is amended to
7 11 read as follows:
7 12 7D.29 Performance of duty ==== expense.
7 13 1. The executive council shall not employ others,
7 14 or ~~incur~~ authorize any expense, for the purpose of
7 15 performing any duty imposed upon the council when
7 16 the duty may, without neglect of their usual duties,
7 17 be performed by the members, or by their regular
7 18 employees, but, subject to this limitation, the council
7 19 may ~~incur~~ authorize the necessary expense to perform
7 20 or cause to be performed any legal duty imposed on
7 21 the council~~, and pay the same out of any money in the~~
~~7 22 state treasury not otherwise appropriated~~. The expenses
7 23 authorized by the executive council in accordance
7 24 with this section and the expenses authorized by the
7 25 executive council in accordance with other statutory
7 26 provisions referencing the appropriations addressed in
7 27 this section shall be paid as follows:
7 28 a. From the appropriation made from the Iowa
7 29 economic emergency fund in section 8.55 for purposes of
7 30 paying such expenses.
7 31 b. To the extent the appropriation from the
7 32 Iowa economic emergency fund described in paragraph
7 33 "a" is insufficient to pay such expenses, there is
7 34 appropriated from moneys in the general fund of the
7 35 state not otherwise appropriated the amount necessary
7 36 to fund that deficiency.>
7 37 2. At least two weeks prior to the executive
7 38 council's approval of a payment authorization under
7 39 this section, the secretary of the executive council
7 40 shall notify the legislative services agency that
7 41 the authorization request will be considered by
7 42 the executive council and shall provide background
7 43 information justifying the request.
7 44 3. The executive council shall receive requests
7 45 from the Iowa department of public health relative to
7 46 the purchase, storing, and distribution of vaccines and
7 47 medication for prevention, prophylaxis, or treatment.
7 48 Upon review and after compliance with subsection 2,
7 49 the executive council may approve the request and may
7 50 ~~incur~~ authorize payment of the necessary expense ~~and~~

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~~8 1 pay the same out of any money in the state treasury not~~
~~8 2 otherwise appropriated~~. The expense authorized by the
8 3 executive council under this subsection shall be paid
8 4 from the appropriations referred to in subsection 1.
8 5 Sec. 15. Section 7D.30, Code 2011, is amended to
8 6 read as follows:
8 7 7D.30 Necessary record.
8 8 Before ~~incurring~~ authorizing any expense ~~authorized~~
~~8 9 by~~ in accordance with section 7D.29, the executive
8 10 council shall, in each case, by resolution, entered
8 11 upon its records, set forth the necessity for ~~incurring~~
~~8 12~~ authorizing such expense, the special fitness of the
8 13 one employed to perform such work, the definite rate of
8 14 compensation or salary allowed, and the total amount of
8 15 money that may be expended. Compensation or salary for
8 16 personal services in such cases must be determined by
8 17 unanimous vote of all members of the council.
8 18 Sec. 16. Section 8.55, subsection 3, paragraph a,
8 19 Code 2011, is amended to read as follows:
8 20 a. Except as provided in paragraphs "b", ~~and~~ "c",
8 21 and "0d", the moneys in the Iowa economic emergency
8 22 fund shall only be used pursuant to an appropriation
8 23 made by the general assembly. An appropriation
8 24 shall only be made for the fiscal year in which the
8 25 appropriation is made. The moneys shall only be
8 26 appropriated by the general assembly for emergency
8 27 expenditures.
8 28 Sec. 17. Section 8.55, subsection 3, Code 2011, is
8 29 amended by adding the following new paragraph:
8 30 NEW PARAGRAPH. 0d. There is appropriated from the
8 31 Iowa economic emergency fund to the executive council
8 32 an amount sufficient to pay the expenses authorized by
8 33 the executive council, as addressed in section 7D.29.
8 34 Sec. 18. Section 8A.321, subsection 4, Code 2011,
8 35 is amended to read as follows:
8 36 4. Contract, with the approval of the executive
8 37 council, for the repair, remodeling, or, if the
8 38 condition warrants, demolition of all buildings and
8 39 grounds of the state at the seat of government, at
8 40 the state laboratories facility in Ankeny, and the
8 41 institutions of the department of human services and
8 42 the department of corrections for which no specific
8 43 appropriation has been made, if the cost of repair,
8 44 remodeling, or demolition will not exceed one hundred
8 45 thousand dollars when completed. The cost of repair
8 46 projects for which no specific appropriation has
8 47 been made shall be paid ~~from the fund~~ as an expense
8 48 authorized by the executive council as provided in
8 49 section 7D.29.
8 50 Sec. 19. Section 8A.321, subsection 6, paragraphs a

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9 1 and b, Code 2011, are amended to read as follows:
9 2 a. Lease all buildings and office space necessary
9 3 to carry out the provisions of this subchapter or
9 4 necessary for the proper functioning of any state
9 5 agency at the seat of government. For state agencies
9 6 at the seat of government, the director may lease
9 7 buildings and office space in Polk county or in a
9 8 county contiguous to Polk county. If no specific
9 9 appropriation has been made, the proposed lease shall
9 10 be submitted to the executive council for ~~approval~~
~~9 11~~ authorization and if authorized lease expense shall
9 12 be paid from the appropriations addressed in section
9 13 7D.29. ~~The cost of any lease for which no specific~~
~~9 14 appropriation has been made shall be paid from the fund~~
~~9 15 provided in section 7D.29.~~
9 16 b. When the general assembly is not in session, the
9 17 director may request ~~moneys~~ an expense authorization
9 18 from the executive council for moving state agencies
9 19 located at the seat of government from one location
9 20 to another. The request may include moving costs,
9 21 telecommunications costs, repair costs, or any other
9 22 costs relating to the move. The executive council may
9 23 ~~approve and shall pay the costs from funds~~ authorize
9 24 the expenses ~~provided~~ and may authorize the expenses to
9 25 be paid from the appropriations addressed in section
9 26 7D.29 if it determines the agency or department ~~has~~
~~9 27 no available~~ does not have funds available for these
9 28 expenses.
9 29 Sec. 20. Section 11.32, as amended by 2011 Iowa
9 30 Acts, House File 536, section 26, as enacted, is
9 31 amended to read as follows:
9 32 11.32 Certified accountants employed.
9 33 Nothing in this chapter shall prohibit the auditor
9 34 of state, with the prior written permission of the
9 35 state executive council, from employing certified
9 36 public accountants for specific assignments. The
9 37 auditor of state may employ such accountants for any
9 38 assignment ~~now~~ expressly reserved to the auditor of
9 39 state. Payments, after approval by the executive
9 40 council, ~~will~~ shall be made to the accountants so
9 41 employed from funds from which the auditor of state
9 42 would have been paid had the auditor of state performed
9 43 the assignment, or if ~~no~~ such specific funds are
9 44 ~~indicated~~ not available, then ~~payment will be made~~
~~9 45 from the funds of~~ authorization of the expense by the
9 46 executive council shall be requested, and if authorized
9 47 shall be paid from the appropriations addressed in
9 48 section 7D.29.
9 49 Sec. 21. Section 13.3, Code 2011, is amended to
9 50 read as follows:

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10 1 13.3 Disqualification ==== substitute.
10 2 1. If, for any reason, the attorney general ~~be~~
10 3 ~~~~ is disqualified from appearing in any action or
10 4 proceeding, the executive council shall ~~appoint some~~
10 5 ~~~~ authorize the appointment of a suitable person for that
10 6 purpose ~~and defray the~~. There is appropriated from
10 7 moneys in the general fund not otherwise appropriated
10 8 an amount necessary to pay the reasonable expense
10 9 ~~thereof from any unappropriated funds in the state~~
10 10 ~~treasury~~ for the person appointed. The department
10 11 involved in the action or proceeding shall be requested
10 12 to recommend a suitable person to represent the
10 13 department and when the executive council concurs in
10 14 the recommendation, the person recommended shall be
10 15 appointed.
10 16 2. If the governor or a department is represented
10 17 by an attorney other than the attorney general in a
10 18 court proceeding as provided in this section, at the
10 19 conclusion of the court proceedings, the court shall
10 20 review the fees charged to the state to determine
10 21 if the fees are fair and reasonable. The executive
10 22 council shall not ~~reimburse~~ authorize reimbursement
10 23 of attorney fees in excess of those determined by the
10 24 court to be fair and reasonable.
10 25 Sec. 22. Section 13.7, Code 2011, is amended to
10 26 read as follows:
10 27 13.7 Special counsel.
10 28 Compensation shall not be allowed to any person for
10 29 services as an attorney or counselor to an executive
10 30 department of the state government, or the head ~~thereof~~
10 31 ~~~~ of an executive department of state government, or to
10 32 a state board or commission. However, the executive
10 33 council may ~~employ~~ authorize employment of legal
10 34 assistance, at a reasonable compensation, in a pending
10 35 action or proceeding to protect the interests of the
10 36 state, but only upon a sufficient showing, in writing,
10 37 made by the attorney general, that the department of
10 38 justice cannot for reasons stated by the attorney
10 39 general perform the service~~, which~~. The reasons
10 40 and action of the council shall be entered upon its
10 41 records. ~~When~~ If the attorney general determines that
10 42 the department of justice cannot perform legal service
10 43 in an action or proceeding, the executive council
10 44 shall request the department involved in the action or
10 45 proceeding to recommend legal counsel to represent the
10 46 department. If the attorney general concurs with the
10 47 department that the person recommended is qualified
10 48 and suitable to represent the department, the person
10 49 recommended shall be employed. If the attorney general
10 50 does not concur in the recommendation, the department

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11 1 shall submit a new recommendation. This section does
11 2 not affect the general counsel for the utilities board
11 3 of the department of commerce, the legal counsel of the
11 4 department of workforce development, or the general
11 5 counsel for the property assessment appeal board.
11 6 Sec. 23. Section 29A.27, unnumbered paragraph 8,
11 7 Code 2011, is amended to read as follows:
11 8 All payments ~~herein~~ provided for under this section
11 9 shall be paid on the approval of the adjutant general
11 10 from the contingent fund of the executive council
11 11 created in section 29C.20.
11 12 Sec. 24. Section 29C.8, subsection 3, paragraph
11 13 f, subparagraph (3), Code 2011, is amended to read as
11 14 follows:
11 15 (3) Upon notification of a compensable loss to a
11 16 member of a homeland security and emergency management
11 17 response team, the department of administrative
11 18 services shall process the claim and seek ~~funding~~
11 19 authorization from the executive council ~~for~~ to pay
11 20 as an expense paid from the appropriations addressed
11 21 in section 7D.29 those costs associated with covered
11 22 benefits.
11 23 Sec. 25. Section 29C.20, subsection 1, paragraph a,
11 24 unnumbered paragraph 1, Code 2011, is amended to read
11 25 as follows:
11 26 A contingent fund is created in the state treasury
11 27 for the use of the executive council ~~which~~. Funding
11 28 for the contingent fund, if authorized by the executive
11 29 council, shall be paid from the appropriations
11 30 addressed in section 7D.29. Moneys in the contingent
11 31 fund may be expended for the following purposes:
11 32 Sec. 26. Section 96.13, subsection 3, paragraph c,
11 33 Code 2011, is amended to read as follows:
11 34 c. The department may appear before the executive
11 35 council and request ~~funds~~ authorization of moneys to
11 36 meet unanticipated emergencies as an expense from the
11 37 appropriations addressed in section 7D.29.
11 38 Sec. 27. Section 135.143, subsection 5, Code 2011,
11 39 is amended to read as follows:
11 40 5. Upon notification of a compensable loss, the
11 41 department of administrative services shall seek
11 42 ~~funding~~ authorization from the executive council ~~for~~
11 43 to pay as an expense from the appropriations addressed
11 44 in section 7D.29 those costs associated with covered
11 45 workers' compensation benefits.
11 46 Sec. 28. Section 135.144, subsection 11, Code 2011,
11 47 is amended to read as follows:
11 48 11. If a public health disaster or other public
11 49 health emergency situation exists which poses an
11 50 imminent threat to the public health, safety, and

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12 1 welfare, the department, in conjunction with the
12 2 governor, may provide financial assistance, from funds
12 3 appropriated to the department that are not otherwise
12 4 encumbered, to political subdivisions as needed to
12 5 alleviate the disaster or the emergency. If the
12 6 department does not have sufficient unencumbered funds,
12 7 the governor may request ~~that~~ the executive council~~,~~
12 8 ~~pursuant to the authority of section 7D.29, commit~~
12 9 ~~sufficient funds,~~ to authorize the payment of up to one
12 10 million dollars~~, that are not otherwise encumbered from~~
12 11 ~~the general fund, as needed and available, for~~ as an
12 12 expense from the appropriations addressed in section
12 13 7D.29 to alleviate the disaster or the emergency. If
12 14 additional financial assistance is required in excess
12 15 of one million dollars, approval by the legislative
12 16 council is also required.
12 17 Sec. 29. Section 163.3A, subsection 4, paragraph b,
12 18 Code 2011, is amended to read as follows:
12 19 b. The department shall provide and update a list
12 20 of the registered members of each emergency response
12 21 team, including the members' names and identifying
12 22 information, to the department of administrative
12 23 services. Upon notification of a compensable loss
12 24 suffered by a registered member, the department
12 25 of administrative services shall seek ~~funding~~
12 26 authorization from the executive council ~~for~~ to pay as
12 27 an expense from the appropriations addressed in section
12 28 7D.29 those costs associated with covered benefits.
12 29 Sec. 30. Section 163.10, Code 2011, is amended to
12 30 read as follows:
12 31 163.10 Quarantining or destroying animals.
12 32 The department may quarantine or destroy any
12 33 animal exposed to or afflicted with an infectious or
12 34 contagious disease. However, cattle exposed to or
12 35 infected with tuberculosis shall not be destroyed
12 36 without the owner's consent, unless there are
12 37 sufficient moneys to reimburse the owner for the
12 38 cattle, which may be paid ~~from the appropriation~~ as
12 39 an expense authorized as provided in section 163.15,
12 40 from moneys in the brucellosis and tuberculosis
12 41 eradication fund created in section 165.18, or from
12 42 moneys made available by the United States department
12 43 of agriculture.
12 44 Sec. 31. Section 163.15, subsection 2, paragraph
12 45 a, subparagraph (3), Code 2011, is amended to read as
12 46 follows:
12 47 (3) A claim for an indemnity by the owner and a
12 48 claim for compensation and expenses by the appraisers
12 49 shall be filed with the department and submitted by the
12 50 secretary of agriculture to the executive council for

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13 1 ~~its approval or disapproval~~ authorization of payment
13 2 of the claim as an expense from the appropriations
13 3 addressed in section 7D.29.
13 4 Sec. 32. Section 163.15, subsection 2, paragraph
13 5 a, subparagraph (4), Code 2011, is amended by striking
13 6 the subparagraph.
13 7 Sec. 33. Section 163.15, subsection 2, paragraph b,
13 8 unnumbered paragraph 1, Code 2011, is amended to read
13 9 as follows:
13 10 A formula established by rule adopted by the
13 11 department that is effective as determined by
13 12 the department in accordance with chapter 17A and
13 13 applicable upon approval of the ~~plan~~ program of
13 14 eradication ~~approved~~ by the executive council. The
13 15 formula shall be applicable to indemnify owners if the
13 16 executive council, upon recommendation by the secretary
13 17 of agriculture, determines that an animal population
13 18 in this state is threatened with infection from an
13 19 exceptionally contagious disease.
13 20 Sec. 34. Section 163.15, subsection 2, paragraph
13 21 b, subparagraph (4), Code 2011, is amended to read as
13 22 follows:
13 23 (4) ~~Upon approval by the~~ The executive council~~,~~
13 24 ~~there is appropriated to the department from any~~
13 25 ~~moneys in the general fund of the state not otherwise~~
13 26 ~~appropriated moneys sufficient to carry out the~~
13 27 may authorize payment under the provisions of this
13 28 paragraph "b" as an expense from the appropriations
13 29 addressed in section 7D.29.
13 30 Sec. 35. Section 307.45, subsection 3, Code 2011,
13 31 is amended to read as follows:
13 32 3. Assessments against property owned by the state
13 33 and not under the jurisdiction and control of the
13 34 department's administrator of highways shall be made in
13 35 the same manner as those made against private property
13 36 and payment shall be ~~made~~ subject to authorization by
13 37 the executive council ~~from any funds of the state not~~
13 38 ~~otherwise appropriated~~. There is appropriated from
13 39 moneys in the general fund not otherwise appropriated
13 40 an amount necessary to pay the expense authorized by
13 41 the executive council.
13 42 Sec. 36. Section 384.56, subsection 1, Code 2011,
13 43 is amended to read as follows:
13 44 1. Cities may assess the cost of a public
13 45 improvement which extends through, abuts upon, or is
13 46 adjacent to lands owned by the state, and ~~the executive~~
13 47 ~~council shall pay~~ payment for the assessable portion
13 48 of the cost of the improvement through or along the
13 49 lands as provided shall be subject to authorization by
13 50 the executive council~~. The executive council shall~~

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14 1 ~~pay assessments as~~ and payable in the manner provided
14 2 in section 307.45 for property owned by the state and
14 3 not under the jurisdiction and control of the state
14 4 department of transportation.
14 5 Sec. 37. Section 459.501, subsection 5, as amended
14 6 by 2011 Iowa Acts, Senate File 478, section 1, as
14 7 enacted, is amended to read as follows:
14 8 5. The following shall apply to moneys in the fund:
14 9 a. (1) The executive council may ~~allocate moneys~~
14 10 ~~from the general fund of the state as~~ authorize payment
14 11 of moneys as an expense paid from the appropriations
14 12 addressed in section 7D.29 and in the manner provided
14 13 in section 7D.10A in an amount necessary to support the
14 14 fund, including the following:
14 15 (a) The payment of claims as provided in section
14 16 459.505.
14 17 (b) The allocation of moneys to the department
14 18 of agriculture and land stewardship for the payment
14 19 of expenses incurred by the department of agriculture
14 20 and land stewardship associated with providing for the
14 21 sustenance and disposition of livestock pursuant to
14 22 chapter 717.
14 23 (2) Notwithstanding subparagraph (1), the
14 24 ~~allocation of moneys from the general fund of the state~~
14 25 executive council's authorization for payment shall be
14 26 ~~made~~ provided only if the amount of moneys in the fund,
14 27 which are not obligated or encumbered, and not counting
14 28 the department's estimate of the cost to the fund for
14 29 pending or unsettled claims, the amount to be allocated
14 30 to the department of agriculture and land stewardship,
14 31 and any amount required to be credited to the general
14 32 fund of the state under this subsection, is less than
14 33 one million dollars.
14 34 b. The department of natural resources shall
14 35 credit an amount to the ~~general~~ fund ~~of the state~~
14 36 from which the expense authorized by the executive
14 37 council as provided in paragraph "a" was appropriated
14 38 which is equal to an amount allocated to support the
14 39 livestock remediation fund by the executive council
14 40 under paragraph "a". ~~The~~ However, the department shall
14 41 only be required to credit the moneys to ~~the general~~
14 42 such fund ~~of the state~~ if the moneys in the livestock
14 43 remediation fund which are not obligated or encumbered,
14 44 and not counting the department's estimate of the
14 45 cost to the livestock remediation fund for pending or
14 46 unsettled claims, the amount to be allocated to the
14 47 department of agriculture and land stewardship, and
14 48 any amount required to be transferred to the ~~general~~
14 49 fund ~~under~~ from which appropriated as described in this
14 50 paragraph, are in excess of two million five hundred

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15 1 thousand dollars. The department is not required to
15 2 credit the total amount to the ~~general~~ fund ~~of the~~
15 3 ~~state~~ from which appropriated as described in this
15 4 paragraph during any one fiscal year.
15 5 Sec. 38. Section 468.43, unnumbered paragraph 4,
15 6 Code 2011, is amended to read as follows:
15 7 The assessments against lands under the jurisdiction
15 8 of the department of natural resources shall be paid as
15 9 an expense from the appropriations addressed in section
15 10 7D.29, if authorized by the executive council upon
15 11 certification of the amount by the county treasurer.
15 12 ~~There is appropriated from any funds in the general~~
15 13 ~~fund of the state not otherwise appropriated amounts~~
15 14 ~~sufficient to pay the certified assessments.~~
15 15 Sec. 39. Section 568.16, Code 2011, is amended to
15 16 read as follows:
15 17 568.16 Purchase money refunded.
15 18 If the grantee of the state, or the grantee's
15 19 successors, administrators, or assigns, shall be
15 20 deprived of the land conveyed by the state under this
15 21 chapter by the final decree of a court of record for
15 22 the reason that the conveyance by the state ~~passed~~
15 23 ~~no title whatever to the land therein~~ did not pass
15 24 title to the land described, because title ~~thereto~~ to
15 25 the land had previously for any reason been vested
15 26 in others, then the money ~~so~~ paid by the state for
15 27 the ~~said~~ land shall be refunded by the state to the
15 28 person or persons entitled ~~thereto~~ to the refund,
15 29 provided the ~~said~~ grantee, or the grantee's successors,
15 30 administrators, or assigns, shall file a certified
15 31 copy of the transcript of the ~~said~~ final decree with
15 32 the executive council within one year from the date
15 33 of the issuance of such decree, and shall also file
15 34 satisfactory proof with the executive council that the
15 35 action over the title to the land was commenced within
15 36 ten years from the date of the issuance of patent or
15 37 deed by the state. The amount of money to be refunded
15 38 under the provisions of this section shall be ~~certified~~
15 39 ~~~~ authorized and paid by the executive council ~~to the~~
15 40 ~~director of the department of administrative services,~~
15 41 ~~who shall draw a warrant therefor, and the same shall~~
15 42 ~~be paid out of the general fund~~ as an expense from the
15 43 appropriations addressed in section 7D.29.
15 44 Sec. 40. Section 602.10133, Code 2011, is amended
15 45 to read as follows:
15 46 602.10133 Costs and expenses.
15 47 The court costs incident to such proceedings~~,~~
15 48 and the reasonable expense of ~~said~~ the judges in
15 49 attending ~~said~~ the hearing after being approved by
15 50 the supreme court shall be paid as ~~court costs~~ an

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16 1 expense authorized by the executive council from the
16 2 appropriations addressed in section 7D.29.
16 3 Sec. 41. Section 663.44, Code 2011, is amended to
16 4 read as follows:
16 5 663.44 Costs.
16 6 1. If the plaintiff is discharged, the costs shall
16 7 be assessed to the defendant, unless the defendant
16 8 is an officer holding the plaintiff in custody under
16 9 a commitment, or under other legal process, in which
16 10 case the costs shall be assessed to the county. If the
16 11 plaintiff's application is refused, the costs shall be
16 12 assessed against the plaintiff, and, in the discretion
16 13 of the court, against the person who filed the petition
16 14 in the plaintiff's behalf.
16 15 2. ~~However, where~~ Notwithstanding subsection 1, if
16 16 the plaintiff is confined in any state institution~~,~~ and
16 17 is discharged in habeas corpus proceedings, or ~~where~~ if
16 18 the habeas corpus proceedings fail, and costs and fees
16 19 cannot be collected from the person liable to pay ~~the~~
16 20 ~~same~~ costs and fees, ~~such~~ the costs and fees shall be
16 21 paid by the county in which such state institution is
16 22 located. The facts of such payment and the proceedings
16 23 on which it is based, with a statement of the amount
16 24 of fees or costs incurred, with approval in writing
16 25 by the presiding judge appended to ~~such~~ the statement
16 26 or endorsed ~~thereon~~ on the statement, shall ~~then~~ be
16 27 certified by the clerk of the district court under the
16 28 seal of office to the state executive council. The
16 29 executive council shall ~~then~~ review the proceedings and
16 30 authorize reimbursement for all such fees and costs
16 31 or such part ~~thereof~~ of the fees and costs as the
16 32 executive council ~~shall find~~ finds justified, and shall
16 33 notify the director of the department of administrative
16 34 services to draw a warrant to such county treasurer
16 35 ~~on the state general fund~~ for the amount authorized.
16 36 There is appropriated from moneys in the general fund
16 37 not otherwise appropriated an amount necessary to pay
16 38 the reimbursement authorized by the executive council.
16 39 The costs and fees referred to above shall include
16 40 any award of fees made to a court appointed attorney
16 41 representing an indigent party bringing the habeas
16 42 corpus action.
16 43 DIVISION IV
16 44 STANDING APPROPRIATIONS AND RELATED MATTERS ==== FY
16 45 2012=2013
16 46 Sec. 42. BUDGET PROCESS FOR FISCAL YEAR 2013=2014.
16 47 1. For the budget process applicable to the fiscal
16 48 year beginning July 1, 2013, on or before October 1,
16 49 2012, in lieu of the information specified in section
16 50 8.23, subsection 1, unnumbered paragraph 1, and

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17 1 paragraph "a", all departments and establishments of
17 2 the government shall transmit to the director of the
17 3 department of management, on blanks to be furnished
17 4 by the director, estimates of their expenditure
17 5 requirements, including every proposed expenditure, for
17 6 the ensuing fiscal year, together with supporting data
17 7 and explanations as called for by the director of the
17 8 department of management after consultation with the
17 9 legislative services agency.
17 10 2. The estimates of expenditure requirements
17 11 shall be in a form specified by the director of
17 12 the department of management, and the expenditure
17 13 requirements shall include all proposed expenditures
17 14 and shall be prioritized by program or the results to
17 15 be achieved. The estimates shall be accompanied by
17 16 performance measures for evaluating the effectiveness
17 17 of the programs or results.
17 18 Sec. 43. LIMITATION OF STANDING APPROPRIATIONS.
17 19 Notwithstanding the standing appropriations in the
17 20 following designated sections for the fiscal year
17 21 beginning July 1, 2012, and ending June 30, 2013, the
17 22 amounts appropriated from the general fund of the state
17 23 pursuant to these sections for the following designated
17 24 purposes shall not exceed the following amounts:
17 25 1. For operational support grants and community
17 26 cultural grants under section 99F.11, subsection 3,
17 27 paragraph "d", subparagraph (1):
17 28 ..... $ 208,351
17 29 2. For regional tourism marketing under section
17 30 99F.11, subsection 3, paragraph "d", subparagraph (2):
17 31 ..... $ 405,153
17 32 3. For the center for congenital and inherited
17 33 disorders central registry under section 144.13A,
17 34 subsection 4, paragraph "a":
17 35 ..... $ 85,560
17 36 4. For primary and secondary child abuse prevention
17 37 programs under section 144.13A, subsection 4, paragraph
17 38 "a":
17 39 ..... $ 108,886
17 40 5. For programs for at=risk children under section
17 41 279.51:
17 42 ..... $ 10,728,891
17 43 The amount of any reduction in this subsection shall
17 44 be prorated among the programs specified in section
17 45 279.51, subsection 1, paragraphs "a", "b", and "c".
17 46 6. For payment for nonpublic school transportation
17 47 under section 285.2:
17 48 ..... $ 3,530,465
17 49 If total approved claims for reimbursement for
17 50 nonpublic school pupil transportation exceed the amount

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18 1 appropriated in accordance with this subsection, the
18 2 department of education shall prorate the amount of
18 3 each approved claim.
18 4 7. For reimbursement for the homestead property tax
18 5 credit under section 425.1:
18 6 ..... $ 86,188,387
18 7 8. For reimbursement for the family farm and
18 8 agricultural land tax credits under sections 425A.1 and
18 9 426.1:
18 10 ..... $ 32,395,131
18 11 9. For the enforcement of chapter 453D relating to
18 12 tobacco product manufacturers under section 453D.8:
18 13 ..... $ 9,208
18 14 Sec. 44. INSTRUCTIONAL SUPPORT STATE AID ==== FY
18 15 2012=2013. In lieu of the appropriation provided in
18 16 section 257.20, subsection 2, the appropriation for the
18 17 fiscal year beginning July 1, 2012, and ending June 30,
18 18 2013, for paying instructional support state aid under
18 19 section 257.20 for fiscal year 2012=2013 is zero.
18 20 DIVISION V
18 21 SALARIES, COMPENSATION, AND RELATED MATTERS ==== FY
18 22 2012=2013
18 23 Sec. 45. COLLECTIVE BARGAINING AGREEMENTS
18 24 FUNDED. The various state departments, boards,
18 25 commissions, councils, and agencies, including the
18 26 state board of regents, for the fiscal year beginning
18 27 July 1, 2012, and ending June 30, 2013, shall provide
18 28 from available sources pay adjustments, expense
18 29 reimbursements, and related benefits to fully fund the
18 30 following:
18 31 1. The collective bargaining agreement negotiated
18 32 pursuant to chapter 20 for employees in the blue collar
18 33 bargaining unit.
18 34 2. The collective bargaining agreement negotiated
18 35 pursuant to chapter 20 for employees in the public
18 36 safety bargaining unit.
18 37 3. The collective bargaining agreement negotiated
18 38 pursuant to chapter 20 for employees in the security
18 39 bargaining unit.
18 40 4. The collective bargaining agreement negotiated
18 41 pursuant to chapter 20 for employees in the technical
18 42 bargaining unit.
18 43 5. The collective bargaining agreement negotiated
18 44 pursuant to chapter 20 for employees in the
18 45 professional fiscal and staff bargaining unit.
18 46 6. The collective bargaining agreement negotiated
18 47 pursuant to chapter 20 for employees in the clerical
18 48 bargaining unit.
18 49 7. The collective bargaining agreement negotiated
18 50 pursuant to chapter 20 for employees in the

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19 1 professional social services bargaining unit.
19 2 8. The collective bargaining agreement negotiated
19 3 pursuant to chapter 20 for employees in the
19 4 community=based corrections bargaining unit.
19 5 9. The collective bargaining agreements negotiated
19 6 pursuant to chapter 20 for employees in the judicial
19 7 branch of government bargaining units.
19 8 10. The collective bargaining agreement negotiated
19 9 pursuant to chapter 20 for employees in the patient
19 10 care bargaining unit.
19 11 11. The collective bargaining agreement negotiated
19 12 pursuant to chapter 20 for employees in the science
19 13 bargaining unit.
19 14 12. The collective bargaining agreement negotiated
19 15 pursuant to chapter 20 for employees in the university
19 16 of northern Iowa faculty bargaining unit.
19 17 13. The collective bargaining agreement negotiated
19 18 pursuant to chapter 20 for employees in the state
19 19 university of Iowa graduate student bargaining unit.
19 20 14. The collective bargaining agreement negotiated
19 21 pursuant to chapter 20 for employees in the state
19 22 university of Iowa hospital and clinics tertiary health
19 23 care bargaining unit.
19 24 15. The annual pay adjustments, related benefits,
19 25 and expense reimbursements referred to in the sections
19 26 of this division of this Act addressing state board of
19 27 regents employees who are not covered by a collective
19 28 bargaining agreement.
19 29 Sec. 46. STATE EMPLOYEES ==== STATE BOARD OF
19 30 REGENTS. For the fiscal year beginning July 1, 2012,
19 31 and ending June 30, 2013, funds shall be provided from
19 32 available sources of the state board of regents for
19 33 funding of collective bargaining agreements for state
19 34 board of regents employees covered by such agreements
19 35 and for the following state board of regents employees
19 36 not covered by a collective bargaining agreement:
19 37 1. Regents merit system employees and merit
19 38 supervisory employees.
19 39 2. Faculty members and professional and scientific
19 40 employees.
19 41 Sec. 47. BONUS PAY. For the fiscal year beginning
19 42 July 1, 2012, and ending June 30, 2013, employees of
19 43 the executive branch, judicial branch, and legislative
19 44 branch shall not receive bonus pay unless otherwise
19 45 authorized by law, required pursuant to a contract
19 46 of employment entered into before July 1, 2012,
19 47 or required pursuant to a collective bargaining
19 48 agreement. This section does not apply to employees
19 49 of the state board of regents. For purposes of this
19 50 section, "bonus pay" means any additional remuneration

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20 1 provided an employee in the form of a bonus, including
20 2 but not limited to a retention bonus, recruitment
20 3 bonus, exceptional job performance pay, extraordinary
20 4 job performance pay, exceptional performance pay,
20 5 extraordinary duty pay, or extraordinary or special
20 6 duty pay, and any extra benefit not otherwise provided
20 7 to other similarly situated employees.
20 8 Sec. 48. STATE TROOPER MEAL ALLOWANCE. For the
20 9 fiscal year beginning July 1, 2012, the sworn peace
20 10 officers in the department of public safety who are not
20 11 covered by a collective bargaining agreement negotiated
20 12 pursuant to chapter 20 shall receive the same per
20 13 diem meal allowance as the sworn peace officers in
20 14 the department of public safety who are covered by a
20 15 collective bargaining agreement negotiated pursuant to
20 16 chapter 20.
20 17 Sec. 49. SALARY MODEL ADMINISTRATOR. The salary
20 18 model administrator shall work in conjunction with
20 19 the legislative services agency to maintain the
20 20 state's salary model used for analyzing, comparing,
20 21 and projecting state employee salary and benefit
20 22 information, including information relating to
20 23 employees of the state board of regents. The
20 24 department of revenue, the department of administrative
20 25 services, the five institutions under the jurisdiction
20 26 of the state board of regents, the judicial district
20 27 departments of correctional services, and the state
20 28 department of transportation shall provide salary data
20 29 to the department of management and the legislative
20 30 services agency to operate the state's salary
20 31 model. The format and frequency of provision of the
20 32 salary data shall be determined by the department of
20 33 management and the legislative services agency. The
20 34 information shall be used in collective bargaining
20 35 processes under chapter 20 and in calculating the
20 36 funding needs contained within the annual salary
20 37 adjustment legislation. A state employee organization
20 38 as defined in section 20.3, subsection 4, may request
20 39 information produced by the model, but the information
20 40 provided shall not contain information attributable to
20 41 individual employees.
20 42 DIVISION VI
20 43 CORRECTIVE PROVISIONS
20 44 Sec. 50. Section 8.6, subsection 9A, as enacted by
20 45 2011 Iowa Acts, House File 45, section 39, is amended
20 46 to read as follows:
20 47 9A. Budget and tax rate databases. To develop
20 48 and make available to the public a searchable budget
20 49 database and internet site as required under chapter
20 50 8G, ~~division~~ subchapter I, and to develop and make

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21 1 available to the public a searchable tax rate database
21 2 and internet site as required under chapter 8G,
21 3 ~~division~~ subchapter II.
21 4 Sec. 51. Section 8.57E, subsection 3, paragraph a,
21 5 as enacted by 2011 Iowa Acts, Senate File 209, section
21 6 30, is amended to read as follows:
21 7 a. Moneys in the ~~taxpayer's~~ taxpayers trust fund
21 8 may be used for cash flow purposes during a fiscal year
21 9 provided that any moneys so allocated are returned to
21 10 the fund by the end of that fiscal year.
21 11 Sec. 52. Section 8G.13, as enacted by 2011 Iowa
21 12 Acts, House File 45, section 50, is amended to read as
21 13 follows:
21 14 8G.13 Updating database.
21 15 To facilitate the department of management's efforts
21 16 in creating and maintaining a searchable database of
21 17 the taxes identified in section 8G.12, subsection ~~3~~ 1,
21 18 for all taxing jurisdictions in the state, each taxing
21 19 jurisdiction may annually be required to report its tax
21 20 rates to the department of management or the department
21 21 of revenue and shall report any changes to its tax
21 22 rates within thirty days of the change.
21 23 Sec. 53. Section 16.193, subsection 3, paragraph a,
21 24 Code 2011, as amended by 2011 Iowa Acts, Senate File
21 25 475, section 11, is amended to read as follows:
21 26 a. During the term of the Iowa jobs program and
21 27 Iowa jobs II program, the Iowa finance authority shall
21 28 collect data on all of the projects approved for the
21 29 ~~program~~ programs. The department of management and
21 30 the state agencies associated with the projects shall
21 31 assist the authority with the data collection and in
21 32 developing the report required by this subsection. The
21 33 authority shall report quarterly to the governor and
21 34 the general assembly concerning the data.
21 35 Sec. 54. Section 68A.401, subsection 4, Code 2011,
21 36 as amended by 2011 Iowa Acts, Senate File 475, section
21 37 17, is amended to read as follows:
21 38 4. Political committees expressly advocating the
21 39 nomination, election, or defeat of candidates for
21 40 both federal office and any elected office created
21 41 by law or the Constitution of the State of Iowa
21 42 shall file statements and reports with the board in
21 43 addition to any federal reports required to be filed
21 44 with the board. However, a political committee that
21 45 is registered and filing full disclosure reports of
21 46 all financial activities with the federal election
21 47 commission may file verified statements as provided in
21 48 section ~~68B.201A~~ 68A.201A.
21 49 Sec. 55. Section 139A.19, subsection 3, as enacted
21 50 by 2011 Iowa Acts, House File 467, section 20, is

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22 1 amended to read as follows:
22 2 3. This section does not preclude a hospital,
22 3 clinic, other health facility, or a health care
22 4 provider from providing notification to a care
22 5 provider under circumstances in which the hospital's,
22 6 clinic's, other health facility's, or health care
22 7 provider's policy provides for notification of the
22 8 hospital's, ~~clinics~~ clinic's, other health facility's,
22 9 or health care provider's own employees of exposure
22 10 to a contagious or infectious disease that is not
22 11 life=threatening if the notice does not reveal a
22 12 patient's name, unless the patient consents.
22 13 Sec. 56. Section 175.3, subsection 1, paragraph a,
22 14 Code 2011, as amended by 2011 Iowa Acts, Senate File
22 15 429, section 1, is amended to read as follows:
22 16 a. The agricultural development authority is
22 17 established within the department of agriculture and
22 18 land stewardship. The ~~agency~~ authority is constituted
22 19 as a public instrumentality and agency of the state
22 20 exercising public and essential governmental functions.
22 21 Sec. 57. Section 207.22, subsection 3, paragraph b,
22 22 Code 2011, as amended by 2011 Iowa Acts, Senate File
22 23 475, section 47, is amended to read as follows:
22 24 b. Acquisition of coal refuse disposal sites and
22 25 all coal refuse thereon will serve the purposes of
22 26 ~~Tit. IV of~~ Pub. L. No. 95=87, Tit. IV, codified at 30
22 27 U.S.C. ch. 25, subch. IV, or that public ownership
22 28 is desirable to meet emergency situations and prevent
22 29 recurrences of the adverse effect of past coal mining
22 30 practices.
22 31 Sec. 58. Section 232.71D, subsection 3, paragraph
22 32 a, unnumbered paragraph 1, as enacted by 2011 Iowa
22 33 Acts, House File 562, section 3, is amended to read as
22 34 follows:
22 35 Unless any of the circumstances listed in paragraph
22 36 "b" are applicable, cases to which any of the following
22 37 circumstances apply shall not be placed ~~on~~ in the
22 38 central registry:
22 39 Sec. 59. Section 256.7, subsection 26, paragraph a,
22 40 subparagraph (1), as enacted by 2011 Iowa Acts, Senate
22 41 File 453, section 1, is amended to read as follows:
22 42 (1) The rules establishing high school graduation
22 43 requirements shall authorize a school district
22 44 or accredited nonpublic school to consider that
22 45 any student who satisfactorily completes a high
22 46 school=level unit of English or language arts,
22 47 mathematics, science, or social studies has
22 48 satisfactorily completed a unit of the high school
22 49 graduation requirements for that area as specified in
22 50 this lettered paragraph, and ~~to~~ shall authorize the

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23 1 school district or accredited nonpublic school to issue
23 2 high school credit for the unit to the student.
23 3 Sec. 60. Section 321.34, subsection 20C, paragraph
23 4 a, if enacted by 2011 Iowa Acts, House File 651,
23 5 section 2, is amended to read as follows:
23 6 a. The department, in consultation with the
23 7 adjutant general, shall design combat infantryman
23 8 badge, combat action badge, combat action ribbon, air
23 9 force combat action medal, and combat medical badge
23 10 distinguishing processed emblems. Upon receipt of two
23 11 hundred fifty orders for ~~special~~ combat infantryman
23 12 badge, combat action badge, combat action ribbon, air
23 13 force combat action medal, or combat medical badge
23 14 special registration plates, accompanied by a start=up
23 15 fee of twenty dollars per order, the department
23 16 shall begin issuing special registration plates with
23 17 the applicable distinguishing processed emblem as
23 18 provided in paragraphs "b" and "c". The minimum
23 19 order requirement shall apply separately to each of
23 20 the special registration plates created under this
23 21 subsection.
23 22 Sec. 61. Section 321.34, subsection 25, paragraph
23 23 a, if enacted by 2011 Iowa Acts, House File 651,
23 24 section 2, is amended to read as follows:
23 25 a. The department, in consultation with
23 26 the adjutant general, shall design a civil war
23 27 sesquicentennial distinguishing processed emblem. Upon
23 28 receipt of two hundred fifty orders for ~~special~~ civil
23 29 war sesquicentennial special registration plates,
23 30 accompanied by a start=up fee of twenty dollars per
23 31 order, the department shall begin issuing special
23 32 registration plates with a civil war sesquicentennial
23 33 processed emblem as provided in paragraph "b".
23 34 Sec. 62. Section 327B.5, Code 2011, is amended to
23 35 read as follows:
23 36 327B.5 Penalty.
23 37 Any person violating the provisions of this chapter
23 38 shall, upon conviction, be subject to a scheduled
23 39 fine as provided in section 805.8A, subsection 13,
23 40 ~~paragraphs~~ paragraph "f" ~~and "g"~~.
23 41 Sec. 63. Section 422.11O, subsection 5, paragraph
23 42 a, subparagraph (2), if enacted by 2011 Iowa Acts,
23 43 Senate File 531, section 17, is amended to read as
23 44 follows:
23 45 (2) The E=15 plus gasoline promotion tax credit
23 46 pursuant to section 422.11Y.
23 47 Sec. 64. Section 422.11Y, subsection 1, paragraph
23 48 d, if enacted by 2011 Iowa Acts, Senate File 531,
23 49 section 35, is amended to read as follows:
23 50 d. "Tax credit" means the E=15 plus gasoline

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24 1 promotion tax credit as provided in this section.
24 2 Sec. 65. Section 422.11Y, subsection 3, unnumbered
24 3 paragraph 1, if enacted by 2011 Iowa Acts, Senate File
24 4 531, section 35, is amended to read as follows:
24 5 The taxes imposed under this division, less the
24 6 credits allowed under section 422.12, shall be reduced
24 7 by the amount of the E=15 plus gasoline promotion tax
24 8 credit for each tax year that the taxpayer is eligible
24 9 to claim a tax credit under this subsection.
24 10 Sec. 66. Section 422.11Y, subsection 6, paragraph
24 11 b, subparagraph (2), if enacted by 2011 Iowa Acts,
24 12 Senate File 531, section 35, is amended to read as
24 13 follows:
24 14 (2) The retail dealer may claim the ethanol
24 15 promotion tax credit as provided in paragraph "a" for
24 16 the same ethanol gallonage used to calculate and claim
24 17 the E=15 plus gasoline promotion tax credit.
24 18 Sec. 67. Section 423.4, subsection 9, unnumbered
24 19 paragraph 1, if enacted by 2011 Iowa Acts, Senate File
24 20 531, section 59, is amended to read as follows:
24 21 A person who qualifies as a biodiesel producer as
24 22 provided in this subsection may apply to the director
24 23 for a refund of the amount of the sales or use tax
24 24 imposed and paid upon purchases made by the person.
24 25 Sec. 68. Section 483A.24A, Code 2011, as amended by
24 26 2011 Iowa Acts, Senate File 194, section 10, is amended
24 27 to read as follows:
24 28 483A.24A License refunds ==== military service.
24 29 Notwithstanding any provision of this chapter to
24 30 the contrary, a service member deployed for military
24 31 service, ~~both~~ as defined in section 29A.1, subsection
24 32 3, shall receive a refund of that portion of any
24 33 license fee paid by the service member representing the
24 34 service member's period of military service.
24 35 Sec. 69. Section 501.101, subsection 01, as enacted
24 36 by 2011 Iowa Acts, House File 348, section 7, is
24 37 amended to read as follows:
24 38 01. "Alternative voting method" means a method of
24 39 voting other than a written ballot, including voting
24 40 by electronic, telephonic, internet, or other means
24 41 that reasonably ~~allow~~ allows members the opportunity
24 42 to vote.
24 43 Sec. 70. Section 501A.703, subsection 5, paragraph
24 44 d, Code 2011, as amended by 2011 Iowa Acts, House File
24 45 348, section 19, is amended to read as follows:
24 46 d. If the ballot of the member is received by
24 47 the cooperative on or before the date of the regular
24 48 members' meeting or as otherwise prescribed for an
24 49 alternative~~,~~ voting method, the ballot or alternative
24 50 voting method shall be accepted and counted as the vote

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25 1 of the absent member.
25 2 Sec. 71. Section 511.8, subsection 22, paragraph i,
25 3 unnumbered paragraph 1, as enacted by 2011 Iowa Acts,
25 4 Senate File 406, section 25, is amended to read as
25 5 follows:
25 6 Securities held in the legal reserve of a life
25 7 insurance company or association pledged as collateral
25 8 for financial instruments used in highly effective
25 9 hedging transactions as defined in the national
25 10 association of insurance commissioners' ~~Statement~~
~~25 11~~ statement of ~~Statutory Accounting Principles No.~~
~~25 12~~ statutory accounting principles no. 86 shall continue
25 13 to be eligible for inclusion ~~on~~ in the legal reserve of
25 14 the life insurance company or association subject to
25 15 all of the following:
25 16 Sec. 72. Section 514J.109, subsection 3, paragraph
25 17 f, if enacted by 2011 Iowa Acts, House File 597,
25 18 section 9, is amended to read as follows:
25 19 f. The covered person or the covered person's
25 20 authorized representative has provided all the
25 21 information and forms required by the commissioner that
25 22 are necessary to process an external review request
25 23 pursuant to this section.
25 24 Sec. 73. Section 521F.4, subsection 1, paragraph b,
25 25 as enacted by 2011 Iowa Acts, Senate File 406, section
25 26 44, is amended to read as follows:
25 27 b. The filing of a risk=based capital report by
25 28 a health organization which indicates that the health
25 29 organization has total adjusted capital which is
25 30 greater than or equal to its company=action=level
25 31 risk=based capital but less than the product of its
25 32 authorized=control=level risk=based capital and three
25 33 and triggers the trend test determined in accordance
25 34 with the trend test ~~calculations~~ calculation included
25 35 in the health risk=based capital instructions.
25 36 Sec. 74. Section 524.310, subsection 5, paragraph
25 37 b, Code 2011, as amended by 2011 Iowa Acts, Senate File
25 38 475, section 120, is amended to read as follows:
25 39 b. A corporate or company name reserved,
25 40 registered, or protected as provided in section
25 41 489.109, 490.402, 490.403, ~~490A.402,~~ 504.402, or
25 42 504.403.
25 43 Sec. 75. Section 717.3, subsection 5, paragraph b,
25 44 Code 2011, as enacted by 2011 Iowa Acts, Senate File
25 45 478, section 6, is amended to read as follows:
25 46 b. That the department shall assume supervision of
25 47 and provide for the sustenance of the livestock ~~and~~ as
25 48 provided in section 717.4.
25 49 Sec. 76. Section 717.4, subsection 2, as enacted by
25 50 2011 Iowa Acts, Senate File 478, section 7, is amended

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26 1 to read as follows:
26 2 2. The court ordered lien shall be for the benefit
26 3 of the department. The amount of the lien shall not
26 4 be ~~not~~ more than for expenses incurred in providing
26 5 sustenance to the livestock pursuant to section 717.3
26 6 and providing for the disposition of the livestock
26 7 pursuant to section 717.5.
26 8 Sec. 77. Section 717.4A, as enacted by 2011 Iowa
26 9 Acts, Senate File 478, section 8, is amended to read
26 10 as follows:
26 11 717.4A Livestock in immediate need of sustenance ====
26 12 livestock remediation fund.
26 13 The department may utilize the moneys deposited
26 14 into the livestock remediation fund pursuant to
26 15 section 459.501 to pay for any expenses associated
26 16 with providing sustenance to or the disposition of the
26 17 livestock pursuant to a court order entered pursuant to
26 18 section 717.3 or 717.5. The department shall utilize
26 19 moneys from the fund only to the extent that the
26 20 department determines that expenses cannot be timely
26 21 paid by utilizing the available provisions of sections
26 22 717.4 and 717.5. The department shall deposit any
26 23 unexpended and unobligated moneys in the fund. The
26 24 department shall pay to the fund the proceeds from the
26 25 disposition of the livestock and associated products
26 26 less expenses incurred by the department in providing
26 27 for the sustenance and disposition of the livestock, as
26 28 provided in section 717.5.
26 29 Sec. 78. Section 903A.5, subsection 1, as enacted
26 30 by 2011 Iowa Acts, House File 271, section 3, is
26 31 amended to read as follows:
26 32 1. An inmate shall not be discharged from the
26 33 custody of the director of the Iowa department of
26 34 corrections until the inmate has served the full term
26 35 for which the inmate was sentenced, less earned time
26 36 and other credits earned and not forfeited, unless
26 37 the inmate is pardoned or otherwise legally released.
26 38 Earned time accrued and not forfeited shall apply
26 39 to reduce a mandatory minimum sentence being served
26 40 pursuant to section 124.406, 124.413, 902.7, 902.8,
26 41 902.8A, or 902.11. An inmate shall be deemed to be
26 42 serving the sentence from the day on which the inmate
26 43 is received into the institution. If an inmate was
26 44 confined to a county jail or other correctional or
26 45 mental facility at any time prior to sentencing, or
26 46 after sentencing but prior to the case having been
26 47 decided on appeal, because of failure to furnish
26 48 bail or because of being charged with a nonbailable
26 49 offense, the inmate shall be given credit for the
26 50 days already served upon the term of the sentence.

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27 1 However, if a person commits any offense while confined
27 2 in a county jail or other correctional or mental
27 3 health facility, the person shall not be granted
27 4 ~~jail~~ credit for that offense. Unless the inmate was
27 5 confined in a correctional facility, the sheriff of
27 6 the county in which the inmate was confined shall
27 7 certify to the clerk of the district court from which
27 8 the inmate was sentenced and to the department of
27 9 corrections' records administrator at the Iowa medical
27 10 and classification center the number of days so served.
27 11 The department of corrections' records administrator,
27 12 or the administrator's designee, shall apply jail
27 13 credit as ordered by the court of proper jurisdiction
27 14 or as authorized by this section and section 907.3,
27 15 subsection 3.
27 16 Sec. 79. EFFECTIVE DATES.
27 17 1. The section of this division of this Act
27 18 amending section 422.11O, subsection 5, paragraph a,
27 19 subparagraph (2), if enacted by 2011 Iowa Acts, Senate
27 20 File 531, section 17, takes effect January 1, 2012.
27 21 2. Section 423.4, subsection 9, unnumbered
27 22 paragraph 1, if enacted by 2011 Iowa Acts, Senate File
27 23 531, section 59, takes effect January 1, 2012.
27 24 Sec. 80. APPLICABILITY.
27 25 1. The section of this division of this Act
27 26 amending section 422.11O, subsection 5, paragraph a,
27 27 subparagraph (2), if enacted by 2011 Iowa Acts, Senate
27 28 File 531, section 17, applies to tax years beginning on
27 29 and after January 1, 2012.
27 30 2. The section of this division of this Act
27 31 amending section 422.11Y, subsection 1, paragraph d, if
27 32 enacted by 2011 Iowa Acts, Senate File 531, section 35,
27 33 applies to tax years beginning on and after January 1,
27 34 2012, and to that part of a retail dealer's tax year or
27 35 tax years occurring during that portion of the calendar
27 36 year beginning on and after July 1, 2011, and ending
27 37 on December 31, 2011.
27 38 3. The section of this division of this Act
27 39 amending section 422.11Y, subsection 3, unnumbered
27 40 paragraph 1, if enacted by 2011 Iowa Acts, Senate File
27 41 531, section 35, applies to tax years beginning on and
27 42 after January 1, 2012, and to that part of a retail
27 43 dealer's tax year or tax years occurring during that
27 44 portion of the calendar year beginning on and after
27 45 July 1, 2011, and ending on December 31, 2011.
27 46 4. The section of this division of this Act
27 47 amending section 422.11Y, subsection 6, paragraph b,
27 48 subparagraph (2), if enacted by 2011 Iowa Acts, Senate
27 49 File 531, section 35, applies to tax years beginning on
27 50 and after January 1, 2012, and to that part of a retail

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28 1 dealer's tax year or tax years occurring during that
28 2 portion of the calendar year beginning on and after
28 3 July 1, 2011, and ending on December 31, 2011.
28 4 DIVISION VII
28 5 MISCELLANEOUS PROVISIONS AND APPROPRIATIONS
28 6 Sec. 81. VISION SCREENING PROGRAM ==== DEPARTMENT
28 7 OF PUBLIC HEALTH. There is appropriated from the
28 8 general fund of the state to the department of public
28 9 health for the fiscal year beginning July 1, 2011, and
28 10 ending June 30, 2012, the following amount, or so much
28 11 thereof as is necessary, to be used for the purposes
28 12 designated:
28 13 For a grant to a national affiliated volunteer
28 14 eye organization that has an established program for
28 15 children and adults and that is solely dedicated to
28 16 preserving sight and preventing blindness through
28 17 education, nationally certified vision screening and
28 18 training, and community and patient service programs:
28 19 ..... $ 100,000
28 20 Sec. 82. APPROPRIATION ==== FARMERS WITH
28 21 DISABILITIES. There is appropriated from the general
28 22 fund of the state to the department of agriculture and
28 23 land stewardship for the fiscal year beginning July 1,
28 24 2011, and ending June 30, 2012, the following amount,
28 25 or so much thereof as is necessary, for a program for
28 26 farmers with disabilities:
28 27 ..... $ 97,000
28 28 The moneys appropriated in this section shall be
28 29 used for the public purpose of providing a grant to
28 30 a national nonprofit organization with over 80 years
28 31 of experience in assisting children and adults with
28 32 disabilities and special needs. The moneys shall
28 33 be used to support a nationally recognized program
28 34 that began in 1986 and has been replicated in at
28 35 least 30 other states, but which is not available
28 36 through any other entity in this state, and that
28 37 provides assistance to farmers with disabilities in
28 38 all 99 counties to allow the farmers to remain in
28 39 their own homes and be gainfully engaged in farming
28 40 through provision of agricultural worksite and home
28 41 modification consultations, peer support services,
28 42 services to families, information and referral, and
28 43 equipment loan services. Notwithstanding section
28 44 8.33, moneys appropriated in this section that remain
28 45 unencumbered or unobligated at the close of the fiscal
28 46 year shall not revert but shall remain available for
28 47 expenditure for the purposes designated until the close
28 48 of the succeeding fiscal year.
28 49 Sec. 83. APPROPRIATION ==== BATTLESHIP IOWA, BB=61.
28 50 1. There is appropriated from the general fund of

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29 1 the state to the department of cultural affairs for the
29 2 fiscal year beginning July 1, 2010, and ending June 30,
29 3 2011, the following amount, or so much thereof as is
29 4 necessary, to be credited to the BB=61 fund created in
29 5 2010 Iowa Acts, chapter 1194:
29 6 ..... $ 3,000,000
29 7 2. If the department of the navy, pursuant to a
29 8 process outlined in a notice published in the federal
29 9 register on May 24, 2010, volume 75, number 99, awards
29 10 possession or conditionally awards possession of the
29 11 battleship Iowa, BB=61, to a nonprofit group that is
29 12 eligible to receive the battleship, the department of
29 13 cultural affairs shall award a grant to the nonprofit
29 14 group in an amount equal to $3 million in addition to
29 15 any moneys awarded as a grant from the BB=61 fund.
29 16 3. Notwithstanding section 8.33, moneys
29 17 appropriated in this section that remain unencumbered
29 18 or unobligated at the close of the fiscal year shall
29 19 not revert but shall remain available for expenditure
29 20 for the purposes designated for succeeding fiscal
29 21 years.
29 22 Sec. 84. GROUP HOME GRANT. There is appropriated
29 23 from the general fund of the state to the Iowa finance
29 24 authority for the fiscal year beginning July 1, 2010,
29 25 and ending June 30, 2011, the following amount, or
29 26 so much thereof as is necessary, to be used for the
29 27 purposes designated:
29 28 For a grant to a nonprofit organization providing
29 29 residential services for persons with an intellectual
29 30 disability at the intermediate care facility level
29 31 and services under the medical assistance program
29 32 habilitation and brain injury home and community=based
29 33 services waivers, that is located in and providing such
29 34 services in a county with a population between 90,000
29 35 and 95,000, according to the latest certified federal
29 36 census:
29 37 ..... $ 100,000
29 38 The grant under this section shall be used for
29 39 purchase or remodeling costs to develop a group home
29 40 for not more than four individuals with intellectual
29 41 disabilities or brain injury. Notwithstanding section
29 42 8.33, moneys appropriated in this section that remain
29 43 unencumbered or unobligated at the close of the fiscal
29 44 year shall not revert but shall remain available for
29 45 expenditure for the purposes designated until the close
29 46 of the succeeding fiscal year.
29 47 Sec. 85. INVESTIGATIONS DIVISION OF DEPARTMENT
29 48 OF INSPECTIONS AND APPEALS ==== CONTINGENT FTE
29 49 AUTHORIZATION. If Senate File 313 or successor
29 50 legislation providing for debt setoff or other

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30 1 recovery activities for nonpayment of premiums
30 2 pursuant to section 249A.3, subsection 2, paragraph
30 3 "a", subparagraph (1), relating to a special income
30 4 eligibility group under the Medicaid program, or
30 5 pursuant to section 249J.8, subsection 1, relating
30 6 to the expansion population eligibility group under
30 7 the IowaCare program, is enacted by the Eighty=fourth
30 8 General Assembly, 2011 Session, in addition to
30 9 other full=time equivalent positions authorized for
30 10 the investigations division of the department of
30 11 inspections and appeals for the fiscal year beginning
30 12 July 1, 2011, not more than 2.00 FTEs are authorized,
30 13 to the extent funded through moneys available to the
30 14 department of human services, to be used to implement
30 15 such provisions of Senate File 313 or successor
30 16 legislation.
30 17 Sec. 86. SPECIAL EDUCATION INSTRUCTIONAL
30 18 PROGRAM. If a school district that is participating
30 19 on a contractual basis in a special education
30 20 instructional program operated by an area education
30 21 agency, in which the area education agency employed
30 22 teachers on behalf of the school district at the time
30 23 the department of management calculated the teacher
30 24 salary supplement cost per pupil under section 257.10,
30 25 subsection 9, the professional development supplement
30 26 cost per pupil under section 257.10, subsection 10,
30 27 the area education agency teacher salary supplement
30 28 cost per pupil under section 257.37A, subsection 1,
30 29 and the area education agency professional development
30 30 supplement cost per pupil under section 257.37A,
30 31 subsection 2, for the fiscal year beginning July 1,
30 32 2009, terminates the contract for participation in
30 33 the special education instructional program, the area
30 34 education agency operating the program shall notify the
30 35 department of management of the contract termination by
30 36 the following April 1. The department of management
30 37 shall recalculate the cost per pupil amounts for
30 38 the area education agency and the school district
30 39 for the fiscal year succeeding the notification date
30 40 for the teacher salary supplement cost per pupil
30 41 under section 257.10, subsection 9, the professional
30 42 development supplement cost per pupil under section
30 43 257.10, subsection 10, the area education agency
30 44 teacher salary supplement cost per pupil under section
30 45 257.37A, subsection 1, and the area education agency
30 46 professional development supplement cost per pupil
30 47 under section 257.37A, subsection 2, by estimating the
30 48 amount of the original allocations used in the cost
30 49 per pupil calculation that would have been allocated
30 50 to the school district rather than the area education

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31 1 agency had the special education instructional program
31 2 not existed, and the department of management shall
31 3 increase the annual supplement cost per pupil for
31 4 the school district and area education agency by the
31 5 appropriate allowable growth for the appropriate fiscal
31 6 years.
31 7 Sec. 87. TASK FORCE ON THE PREVENTION OF SEXUAL
31 8 ABUSE OF CHILDREN.
31 9 1. A task force on the prevention of sexual abuse
31 10 of children is established consisting of the following
31 11 members:
31 12 a. Four members of the general assembly serving as
31 13 ex officio, nonvoting members, with not more than one
31 14 member from each chamber being from the same political
31 15 party. The two senators shall be appointed, one
31 16 each, by the majority leader of the senate and by the
31 17 minority leader of the senate. The two representatives
31 18 shall be appointed, one each, by the speaker of the
31 19 house of representatives and by the minority leader of
31 20 the house of representatives.
31 21 b. The director of human services or the director's
31 22 designee.
31 23 c. The director of the department of education or
31 24 the director's designee.
31 25 d. The director of public health or the director's
31 26 designee.
31 27 e. The state court administrator or the state court
31 28 administrator's designee.
31 29 f. A representative of the Iowa county attorneys
31 30 association, appointed by the president of that
31 31 association.
31 32 g. A representative of the chief juvenile court
31 33 officers, appointed by the chief justice of the supreme
31 34 court.
31 35 h. A representative of the Iowa state education
31 36 association, appointed by the president of that
31 37 organization.
31 38 i. A representative of prevent child abuse Iowa,
31 39 appointed by the director of human services.
31 40 j. A representative of school administrators of
31 41 Iowa, appointed by the president of that organization.
31 42 k. A representative of the Iowa association of
31 43 school boards, appointed by the executive director of
31 44 that organization.
31 45 l. A representative of the Iowa psychological
31 46 association, appointed by the president of that
31 47 association.
31 48 m. A representative of the Iowa coalition against
31 49 sexual assault, appointed by the executive director of
31 50 that coalition.

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32 1 n. A representative of prevent child abuse
32 2 Iowa, appointed by the executive director of that
32 3 organization.
32 4 o. A child abuse expert employed by or under
32 5 contract with one of Iowa's nationally accredited child
32 6 protection centers, appointed by the director of the
32 7 regional child protection center located in Des Moines.
32 8 2. Members of the task force shall be individuals
32 9 who are actively involved in the fields of child abuse
32 10 prevention. To the extent possible, appointment of
32 11 members shall reflect the geographic diversity of the
32 12 state. The voting members of the task force shall
32 13 serve without compensation and shall not be reimbursed
32 14 for their expenses.
32 15 3. The director of prevent child abuse Iowa, or the
32 16 director's designee, shall convene the organizational
32 17 meeting of the task force. The task force shall
32 18 elect from among its members a chairperson. Meetings
32 19 shall be held at the call of the chairperson or at the
32 20 request of two or more task force members. Six members
32 21 shall constitute a quorum and the affirmative vote of
32 22 six members shall be necessary for any action taken by
32 23 the task force.
32 24 4. Prevent child abuse Iowa shall provide staff
32 25 support to the task force.
32 26 5. The task force shall consult with employees of
32 27 the department of human services, the Iowa coalition
32 28 against sexual assault, the department of public
32 29 safety, the state board of education, and any other
32 30 state agency or department as necessary to accomplish
32 31 the task force's responsibilities under this section.
32 32 6. The task force shall develop a model policy
32 33 addressing sexual abuse of children that may include
32 34 but is not limited to the following:
32 35 a. Age=appropriate curricula for students enrolled
32 36 in prekindergarten through grade five.
32 37 b. Training options for school personnel on child
32 38 sexual abuse.
32 39 c. Educational information for parents and
32 40 guardians that may be provided in a school handbook and
32 41 may include the warning signs of a child being abused,
32 42 along with any needed assistance, referral, or resource
32 43 information.
32 44 d. Counseling options and resources available
32 45 statewide for students affected by sexual abuse.
32 46 e. Emotional and educational support services
32 47 that may be available for a child subject to abuse to
32 48 continue to be successful in school.
32 49 f. Methods for increasing teacher, student, and
32 50 parent awareness of issues regarding sexual abuse of

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33 1 children, including but not limited to knowledge of
33 2 likely warning signs indicating that a child may be a
33 3 victim of sexual abuse.
33 4 g. Actions that a child who is a victim of
33 5 sexual abuse should take to obtain assistance and
33 6 intervention.
33 7 7. The task force shall make recommendations for
33 8 preventing the sexual abuse of children in Iowa. In
33 9 making those recommendations, the task force shall do
33 10 the following:
33 11 a. Gather information concerning child sexual abuse
33 12 throughout the state.
33 13 b. Receive reports and testimony from individuals,
33 14 state and local agencies, community=based
33 15 organizations, and other public and private
33 16 organizations.
33 17 c. Create goals for state policy that would prevent
33 18 child sexual abuse.
33 19 d. Submit a final report with its recommendations
33 20 to the governor and the general assembly on or before
33 21 January 16, 2012. The recommendations may include
33 22 proposals for specific statutory changes and methods
33 23 to foster cooperation among state agencies and between
33 24 the state, local school districts, and other local
33 25 governments.
33 26 Sec. 88. RAILROAD COMPANY ==== LIMITED LIABILITY. A
33 27 railroad company which alters facilities described in
33 28 section 327F.2 pursuant to a written agreement executed
33 29 on or before December 31, 2012, with a political
33 30 subdivision with a population of more than 67,800,
33 31 but less than 67,900, according to the 2010 certified
33 32 federal census, to construct a flood mitigation project
33 33 shall receive the limitation on liability contained
33 34 in section 670.4, subsection 8, for its facilities
33 35 described in section 327F.2 governed by the written
33 36 agreement for any damages caused by the alteration due
33 37 to a flood.
33 38 Sec. 89. STATE AGENCY OFFICE SUPPLIES PURCHASE,
33 39 EQUIPMENT PURCHASES, PRINTING AND BINDING, AND
33 40 MARKETING ==== APPLICABILITY. The limitation on
33 41 expenditures made for office supplies, purchases
33 42 of equipment, office equipment, and equipment
33 43 noninventory, printing and binding, and marketing
33 44 implemented pursuant to 2011 Iowa Acts, House File 45,
33 45 section 2, does not apply to a department or agency
33 46 receiving a supplemental appropriation for the fiscal
33 47 year beginning July 1, 2010, pursuant to 2011 Iowa
33 48 Acts, Senate File 209, division III.
33 49 Sec. 90. ELECTIONS=RELATED SOFTWARE.
33 50 Any computer software developed by a county for

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34 1 purposes of election activities is the property of
34 2 the county unless the county sells the rights to the
34 3 software.
34 4 Sec. 91. EFFECTIVE DATE ==== 2011 IOWA ACTS, SENATE
34 5 FILE 205.
34 6 1. 2011 Iowa Acts, Senate File 205, section 3,
34 7 amending section 321.47, subsection 2, being deemed of
34 8 immediate importance, takes effect on the effective
34 9 date of this section of this division of this Act.
34 10 2. 2011 Iowa Acts, Senate File 205, section 4,
34 11 enacting section 321.113, subsection 5, being deemed
34 12 of immediate importance, takes effect on the effective
34 13 date of this section of this division of this Act.
34 14 3. 2011 Iowa Acts, Senate File 205, section 5,
34 15 amending section 321.121, subsection 1, paragraph "b",
34 16 being deemed of immediate importance, takes effect on
34 17 the effective date of this section of this division of
34 18 this Act.
34 19 4. 2011 Iowa Acts, Senate File 205, section 6,
34 20 enacting section 321.122, subsection 1, paragraph "b",
34 21 subparagraph (3), being deemed of immediate importance,
34 22 takes effect on the effective date of this section of
34 23 this division of this Act.
34 24 Sec. 92. Section 80B.6, subsection 1, as amended by
34 25 2011 Iowa Acts, Senate File 236, section 1, is amended
34 26 to read as follows:
34 27 1. An Iowa law enforcement academy council is
34 28 created consisting of the following ~~thirteen~~ fifteen
34 29 voting members appointed by the governor, subject to
34 30 confirmation by the senate, to terms of four years
34 31 commencing as provided in section 69.19:
34 32 a. Three residents of the state.
34 33 b. A sheriff of a county with a population of fifty
34 34 thousand persons or more who is a member of the Iowa
34 35 state sheriffs and deputies association.
34 36 c. A sheriff of a county with a population of less
34 37 than fifty thousand persons who is a member of the Iowa
34 38 state sheriffs and deputies association.
34 39 d. A deputy sheriff of a county who is a member of
34 40 the Iowa state sheriffs and deputies association.
34 41 e. A member of the Iowa peace officers association.
34 42 f. A member of the Iowa state police association.
34 43 g. A member of the Iowa police chiefs association.
34 44 h. A police officer who is a member of a police
34 45 department of a city with a population of fifty
34 46 thousand persons or more.
34 47 i. A police officer who is a member of a police
34 48 department of a city with a population of less than
34 49 fifty thousand persons.
34 50 j. A member of the department of public safety.

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35 1 k. A member of the office of motor vehicle
35 2 enforcement of the department of transportation.
35 3 l. An employee of a county conservation board who
35 4 is a certified peace officer.
35 5 m. A conservation peace officer employed under
35 6 section 456A.13.
35 7 Sec. 93. Section 256C.5, subsection 1, paragraph c,
35 8 Code 2011, is amended to read as follows:
35 9 c. "Preschool budget enrollment" means the figure
35 10 that is equal to ~~sixty~~ fifty percent of the actual
35 11 enrollment of eligible students in the preschool
35 12 programming provided by a school district approved
35 13 to participate in the preschool program on October 1
35 14 of the base year, or the first Monday in October if
35 15 October 1 falls on a Saturday or Sunday.
35 16 Sec. 94. Section 279.51, subsection 2, Code 2011,
35 17 is amended to read as follows:
35 18 2. a. Funds allocated under subsection 1,
35 19 paragraph "b", shall be used by the child development
35 20 coordinating council for the following:
35 21 ~~a.~~ (1) To continue funding for programs previously
35 22 funded by grants awarded under section 256A.3 and to
35 23 provide additional grants under section 256A.3. The
35 24 council shall seek to provide grants on the basis of
35 25 the location within the state of children meeting
35 26 at=risk definitions.
35 27 ~~b.~~ (2) At the discretion of the child development
35 28 coordinating council, award grants for the following:
35 29 ~~(1)~~ (a) To school districts to establish programs
35 30 for three=year=old, four=year=old, and five=year=old
35 31 at=risk children which are a combination of preschool
35 32 and full=day kindergarten.
35 33 ~~(2)~~ (b) To provide grants to provide educational
35 34 support services to parents of at=risk children age
35 35 birth through three years.
35 36 b. A grantee under this subsection may direct the
35 37 use of moneys received to serve any qualifying child
35 38 ranging in age from three years old to five years old,
35 39 regardless of the age of population indicated on the
35 40 grant request in its initial year of application. A
35 41 grantee is encouraged to consider the degree to which
35 42 the program complements existing programs and services
35 43 for three=year=old, four=year=old, and five=year=old
35 44 at=risk children available in the area, including other
35 45 child care and preschool services, services provided
35 46 through a school district, and services available
35 47 through an area education agency.
35 48 Sec. 95. Section 303.19A, subsection 1, as enacted
35 49 by 2011 Iowa Acts, House File 267, section 2, is
35 50 amended to read as follows:

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36 1 1. The state historic preservation officer shall
36 2 only recommend that a rural electric cooperative or a
36 3 municipal utility constructing electric distribution
36 4 and transmission facilities for which it is receiving
36 5 federal funding conduct an archeological site survey
36 6 of its proposed route when, based upon a review of
36 7 existing information on historic properties within the
36 8 area of potential effects of the construction, the
36 9 state historic preservation officer has determined
36 10 that a historic property, as defined by the federal
36 11 National Historic Preservation Act of 1966, as amended,
36 12 is likely to exist within the proposed route.
36 13 Sec. 96. Section 321J.2, subsection 4, paragraph b,
36 14 Code 2011, is amended to read as follows:
36 15 b. Assessment of a minimum fine of one thousand
36 16 eight hundred ~~fifty~~ seventy=five dollars and a maximum
36 17 fine of six thousand two hundred fifty dollars.
36 18 Surcharges and fees shall be assessed pursuant to
36 19 chapter 911.
36 20 Sec. 97. Section 422.11S, subsection 7, paragraph
36 21 a, subparagraph (2), Code 2011, is amended to read as
36 22 follows:
36 23 (2) "Total approved tax credits" means for the
36 24 tax year beginning in the 2006 calendar year, two
36 25 million five hundred thousand dollars, for the tax
36 26 year beginning in the 2007 calendar year, five million
36 27 dollars, and for tax years beginning on or after
36 28 January 1, 2008, seven million five hundred thousand
36 29 dollars. However, for tax years beginning on or
36 30 after January 1, 2012, and only if legislation is
36 31 enacted by the eighty=fourth general assembly, 2011
36 32 session, amending section 257.8, subsections 1 and 2,
36 33 to establish both the state percent of growth and the
36 34 categorical state percent of growth for the budget
36 35 year beginning July 1, 2012, at three percent, "total
36 36 approved tax credits" means ten million dollars.
36 37 Sec. 98. Section 453A.35, subsection 1, Code 2011,
36 38 is amended to read as follows:
36 39 1. a. ~~The~~ With the exception of revenues credited
36 40 to the health care trust fund pursuant to paragraph
36 41 "b", the proceeds derived from the sale of stamps and
36 42 the payment of taxes, fees, and penalties provided for
36 43 under this chapter, and the permit fees received from
36 44 all permits issued by the department, shall be credited
36 45 to the general fund of the state. ~~However, of~~
36 46 b. Of the revenues generated from the tax on
36 47 cigarettes pursuant to section 453A.6, subsection
36 48 1, and from the tax on tobacco products as specified
36 49 in section 453A.43, subsections 1, 2, 3, and 4, ~~and~~
36 50 ~~credited to the general fund of the state under this~~

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~~37 1 subsection, there is appropriated, annually, to the~~
~~37 2 health care trust fund created in section 453A.35A,~~ the
37 3 first one hundred six million sixteen thousand four
37 4 hundred dollars shall be credited to the health care
37 5 trust fund created in section 453A.35A.
37 6 Sec. 99. Section 453A.35A, subsection 1, Code 2011,
37 7 is amended to read as follows:
37 8 1. A health care trust fund is created in the
37 9 office of the treasurer of state. The fund consists
37 10 of the revenues generated from the tax on cigarettes
37 11 pursuant to section 453A.6, subsection 1, and from
37 12 the tax on tobacco products as specified in section
37 13 453A.43, subsections 1, 2, 3, and 4, that are credited
37 14 to the ~~general fund of the state and appropriated to~~
~~37 15 the~~ health care trust fund, annually, pursuant to
37 16 section 453A.35. Moneys in the fund shall be separate
37 17 from the general fund of the state and shall not be
37 18 considered part of the general fund of the state.
37 19 However, the fund shall be considered a special account
37 20 for the purposes of section 8.53 relating to generally
37 21 accepted accounting principles. Moneys in the fund
37 22 shall be used only as specified in this section and
37 23 shall be appropriated only for the uses specified.
37 24 Moneys in the fund are not subject to section 8.33
37 25 and shall not be transferred, used, obligated,
37 26 appropriated, or otherwise encumbered, except as
37 27 provided in this section. Notwithstanding section
37 28 12C.7, subsection 2, interest or earnings on moneys
37 29 deposited in the fund shall be credited to the fund.
37 30 Sec. 100. Section 466B.31, subsection 2, paragraph
37 31 a, Code 2011, is amended by adding the following new
37 32 subparagraphs:
37 33 NEW SUBPARAGRAPH. (17) One member selected by the
37 34 agribusiness association of Iowa.
37 35 NEW SUBPARAGRAPH. (18) One member selected by the
37 36 Iowa floodplain and stormwater management association.
37 37 NEW SUBPARAGRAPH. (19) One member selected by Iowa
37 38 rivers revival.
37 39 Sec. 101. Section 523I.102, subsection 6, paragraph
37 40 c, Code 2011, is amended to read as follows:
37 41 c. A pioneer cemetery. However, a pioneer
37 42 cemetery is a cemetery for purposes of sections
37 43 523I.316, 523I.317, 523I.401, and 523I.402.
37 44 Sec. 102. Section 537A.5, subsection 1, as enacted
37 45 by 2011 Iowa Acts, Senate File 396, section 1, is
37 46 amended to read as follows:
37 47 1. As used in this section, "construction contract"
37 48 means an agreement relating to the construction,
37 49 alteration, improvement, development, demolition,
37 50 excavation, rehabilitation, maintenance, or repair

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38 1 of buildings, ~~highways, roads, streets, bridges,~~
38 2 ~~tunnels, transportation facilities, airports,~~ water or
38 3 sewage treatment plants, power plants, or any other
38 4 improvements to real property in this state, including
38 5 shafts, wells, and structures, whether on ground, above
38 6 ground, or underground, and includes agreements for
38 7 architectural services, design services, engineering
38 8 services, construction services, construction
38 9 management services, development services, maintenance
38 10 services, material purchases, equipment rental, and
38 11 labor. "Construction contract" includes all public,
38 12 private, foreign, or domestic agreements as described
38 13 in this subsection other than such public agreements
38 14 relating to highways, roads, and streets.
38 15 Sec. 103. Section 654.4B, subsection 2, paragraph
38 16 b, Code 2011, is amended to read as follows:
38 17 b. This subsection is repealed July 1, ~~2011~~ 2012.
38 18 Sec. 104. APPLICABILITY. The section of this
38 19 division of this Act amending section 256C.5,
38 20 subsection 1, takes effect upon enactment, and applies
38 21 to budget years beginning on or after July 1, 2011.
38 22 Sec. 105. EFFECTIVE UPON ENACTMENT. The following
38 23 provision or provisions of this division of this Act,
38 24 being deemed of immediate importance, take effect upon
38 25 enactment:
38 26 1. The section of this division of this Act
38 27 amending section 303.19A.
38 28 2. The section of this division of this Act
38 29 amending section 654.4B.
38 30 3. The section of this division of this Act
38 31 appropriating moneys to the department of cultural
38 32 affairs for purposes of a grant for the battleship
38 33 Iowa, BB=61.
38 34 4. The section of this division of this Act
38 35 creating a task force on the prevention of sexual abuse
38 36 of children.
38 37 5. The section of this division of this Act
38 38 providing effective dates for certain provisions in
38 39 2011 Iowa Acts, Senate File 205.
38 40 6. The section in this division of this Act making
38 41 an appropriation to the Iowa finance authority for a
38 42 group home grant.
38 43 7. The section of this division of this Act
38 44 relating to a school district participating on a
38 45 contractual basis in a special education instructional
38 46 program operated by an area education agency.
38 47 Sec. 106. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
38 48 APPLICABILITY. The provision of this division of this
38 49 Act relating to a limitation on state agency office
38 50 supplies purchase, equipment purchases, printing and

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39 1 binding, and marketing as enacted by 2011 Iowa Acts,
39 2 House File 45, being deemed of immediate importance,
39 3 takes effect upon enactment and applies retroactively
39 4 to March 7, 2011.
39 5 DIVISION VIII
39 6 APPROPRIATION TRANSFERS
39 7 REBUILD IOWA INFRASTRUCTURE FUND
39 8 Sec. 107. 2010 Iowa Acts, chapter 1184, section 26,
39 9 is amended to read as follows:
39 10 SEC. 26. There is appropriated from the rebuild
39 11 Iowa infrastructure fund to the department of economic
39 12 development for deposit in the grow Iowa values fund,
39 13 for the fiscal year beginning July 1, 2010, and ending
39 14 June 30, 2011, the following amount, notwithstanding
39 15 section 8.57, subsection 6, paragraph "c":
39 16 ..... $ 38,000,000
39 17 Of the moneys appropriated in this section, from
39 18 the amount allocated to the department of economic
39 19 development in accordance with 2010 Iowa Acts, chapter
39 20 1184, section 28, subsection 1, $1,200,000 shall
39 21 be used for the department's Iowans helping Iowans
39 22 business assistance program. Notwithstanding section
39 23 8.33, moneys designated pursuant to this unnumbered
39 24 paragraph that remain unencumbered or unobligated at
39 25 the close of the fiscal year shall not revert but shall
39 26 remain available for expenditure for the purposes
39 27 designated until the close of the succeeding fiscal
39 28 year.
39 29 CASH RESERVE FUND
39 30 Sec. 108. 2010 Iowa Acts, chapter 1193, section 90,
39 31 subsection 1, is amended to read as follows:
39 32 1. DEPARTMENT OF HUMAN SERVICES
39 33 For the medical assistance program:
39 34 ..... $187,800,000
39 35 a. Of the moneys appropriated in this subsection,
39 36 the following amounts shall be transferred as follows:
39 37 (1) To the Iowa finance authority to be used for
39 38 the Iowans helping Iowans housing assistance program:
39 39 ..... $ 6,050,000
39 40 (2) To the department of human services to be
39 41 used for the unmet needs program administered by the
39 42 department:
39 43 ..... $ 3,056,603
39 44 b. Notwithstanding section 8.33, moneys transferred
39 45 pursuant to paragraph "a" that remain unencumbered
39 46 or unobligated at the close of the fiscal year shall
39 47 not revert but shall remain available for expenditure
39 48 for the purposes designated until the close of the
39 49 succeeding fiscal year.
39 50 Sec. 109. EFFECTIVE DATE ==== APPLICABILITY.

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40 1 1. This division of this Act being deemed of
40 2 immediate importance takes effect upon enactment, and
40 3 if approved by the governor on or after July 1, 2011,
40 4 are retroactively applicable to the date specified in
40 5 subsection 2.
40 6 2. The provisions of this division of this Act
40 7 providing for transfers are retroactively applicable
40 8 to August 27, 2010, and apply in lieu of the transfers
40 9 made for the same purposes by the executive branch,
40 10 as reported by the department of management in the
40 11 transfer notice to the governor and lieutenant governor
40 12 dated August 27, 2010.
40 13 DIVISION IX
40 14 REORGANIZATION
40 15 Sec. 110. NEW SECTION. 8.75 Contract services ====
40 16 training.
40 17 1. Each department, as defined in section
40 18 8.2, shall separately track the budget and actual
40 19 expenditures for contract services and for employee
40 20 training for each appropriation line item.
40 21 2. The terms of the contracts for contracted
40 22 services entered into or revised during the fiscal year
40 23 shall incorporate quality assurance and cost control
40 24 measures.
40 25 3. The employee training tracking information
40 26 shall be further divided into training categories.
40 27 Each department's report on training tracking shall
40 28 specifically address the use of electronically based
40 29 training.
40 30 4. Each department shall report to the legislative
40 31 services agency on January 15 and July 15 of each year
40 32 concerning the budget, expenditure, quality assurance,
40 33 and cost control information addressed by this section
40 34 for the previous six calendar months.
40 35 Sec. 111. NEW SECTION. 8A.319 State government
40 36 purchasing efforts ==== department of administrative
40 37 services.
40 38 In order to facilitate efficient and cost=effective
40 39 purchasing, the department of administrative services
40 40 shall do the following:
40 41 1. Require state agencies to provide the department
40 42 with a report regarding planned purchases on an annual
40 43 basis and to report on an annual basis regarding
40 44 efforts to standardize products and services within
40 45 their own agencies and with other state agencies.
40 46 2. Require state employees who conduct bids for
40 47 services to receive training on an annual basis about
40 48 procurement rules and procedures and procurement best
40 49 practices.
40 50 3. Identify procurement compliance employees within

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41 1 the department.
41 2 4. Review the process and basis for establishing
41 3 departmental fees for purchasing.
41 4 5. Establish a work group to collaborate on best
41 5 practices to implement the best cost savings for the
41 6 state concerning purchasing.
41 7 6. Explore interstate and intergovernmental
41 8 purchasing opportunities and encourage the legislative
41 9 and judicial branches to participate in consolidated
41 10 purchasing and efficiencies wherever possible.
41 11 7. Expand the use of procurement cards throughout
41 12 state government to facilitate purchasing of items by
41 13 state agencies.
41 14 Sec. 112. DEPARTMENT OF ADMINISTRATIVE SERVICES
41 15 INFORMATION TECHNOLOGY ==== UTILIZATION BY LEGISLATIVE
41 16 AND JUDICIAL BRANCH. The department of administrative
41 17 services shall consult with and explore opportunities
41 18 with the legislative and judicial branches of
41 19 government relative to the providing of information
41 20 technology services to those branches of government.
41 21 Sec. 113. STATE AGENCY ELECTRONIC RENEWAL
41 22 NOTICES. State agencies, as defined in section 8A.101,
41 23 should, to the greatest extent possible, utilize
41 24 electronic mail or similar electronic means to notify
41 25 holders of licenses or permits issued by that state
41 26 agency that the license or permit needs to be renewed.
41 27 The chief information officer of the state shall assist
41 28 state agencies in implementing the directive in this
41 29 section.
41 30 Sec. 114. STATE AGENCY EFFICIENCY EFFORTS.
41 31 1. LEAN EFFORTS. State agencies shall budget for
41 32 and plan to conduct lean projects as described in
41 33 section 8.70. Each state agency shall coordinate its
41 34 activities with the office of lean enterprise created
41 35 in section 8.70 in developing plans to conduct lean
41 36 projects.
41 37 2. SHARED RESOURCES. State agencies are encouraged
41 38 to share resources and services, including staff,
41 39 training, and educational services, to the greatest
41 40 extent possible in order to best fulfill the duties of
41 41 each agency at the least cost.
41 42 Sec. 115. JOINT APPROPRIATIONS SUBCOMMITTEES ====
41 43 REVIEW OF AGENCY FEES. Each joint appropriations
41 44 subcommittee of the general assembly shall examine and
41 45 review on an annual basis the fees charged by state
41 46 agencies under the purview of that joint appropriations
41 47 subcommittee.
41 48 Sec. 116. DEPARTMENT OF ADMINISTRATIVE SERVICES ====
41 49 STREAMLINED HIRING. The department of administrative
41 50 services shall, in consultation with the department of

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42 1 management, examine the process by which state agencies
42 2 hire personnel with the goal of simplifying and
42 3 reducing the steps needed for state agencies to hire
42 4 personnel. The department shall provide information
42 5 to the general assembly concerning steps taken to
42 6 implement a more streamlined hiring process and any
42 7 recommendations for legislative action.
42 8 Sec. 117. TOBACCO RETAIL COMPLIANCE CHECKS. For
42 9 the fiscal year beginning July 1, 2011, and ending June
42 10 30, 2012, the terms of a chapter 28D agreement, entered
42 11 into between the division of tobacco use prevention
42 12 and control of the department of public health and
42 13 the alcoholic beverages division of the department of
42 14 commerce, governing compliance checks conducted to
42 15 ensure licensed retail tobacco outlet conformity with
42 16 tobacco laws, regulations, and ordinances relating to
42 17 persons under eighteen years of age, shall restrict the
42 18 number of such checks to one check per retail outlet,
42 19 and one additional check for any retail outlet found to
42 20 be in violation during the first check.
42 21 Sec. 118. DEPARTMENT OF ADMINISTRATIVE SERVICES
42 22 ==== CENTRALIZED PAYROLL SYSTEM. The department of
42 23 administrative services shall examine the possibility
42 24 of merging all state payroll systems into the
42 25 centralized payroll system operated by the department.
42 26 The department shall consult with those entities
42 27 of state government not utilizing the centralized
42 28 payroll system, including but not limited to the state
42 29 department of transportation, about strategies for
42 30 encouraging utilization of the state's centralized
42 31 payroll system and by identifying those barriers
42 32 preventing merging of the payroll systems. The
42 33 department shall provide information to the joint
42 34 appropriations subcommittee on administration and
42 35 regulation concerning efforts by the department to
42 36 merge payroll systems and any recommendations for
42 37 legislative action to encourage, or eliminate barriers
42 38 to, the provision of payroll services by the department
42 39 to other state agencies.
42 40 DIVISION X
42 41 MEDICATION THERAPY MANAGEMENT
42 42 Sec. 119. 2010 Iowa Acts, chapter 1193, section
42 43 166, subsections 2 and 3, are amended to read as
42 44 follows:
42 45 2. a. Prior to July 1, 2010, the department of
42 46 administrative services shall utilize a request for
42 47 proposals process to contract for the provision of
42 48 medication therapy management services beginning
42 49 July 1, 2010, <u>and prior to July 1, 2011, shall amend</u>
42 50 <u>the contract to continue the provision of medication</u>

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43 1 therapy management services beginning July 1, 2011,
43 2 for eligible employees who meet any of the following
43 3 criteria:
43 4 (1) An individual who takes four or more
43 5 prescription drugs to treat or prevent two or more
43 6 chronic medical conditions.
43 7 (2) An individual with a prescription drug therapy
43 8 problem who is identified by the prescribing physician
43 9 or other appropriate prescriber, and referred to a
43 10 pharmacist for medication therapy management services.
43 11 (3) An individual who meets other criteria
43 12 established by the third=party payment provider
43 13 contract, policy, or plan.
43 14 ~~b. The department of administrative services shall~~
~~43 15 utilize an advisory committee comprised of an equal~~
~~43 16 number of physicians and pharmacists to provide advice~~
~~43 17 and oversight regarding the request for proposals and~~
~~43 18 evaluation processes. The department shall appoint the~~
~~43 19 members of the advisory council based upon designees~~
~~43 20 of the Iowa pharmacy association, the Iowa medical~~
~~43 21 society, and the Iowa osteopathic medical association.~~
43 22 ~~c.~~ b. The contract shall require the company
43 23 to provide annual reports to the general assembly
43 24 detailing the costs, savings, estimated cost avoidance
43 25 and return on investment, and patient outcomes
43 26 related to the medication therapy management services
43 27 provided. The company shall guarantee demonstrated
43 28 annual savings, including any savings associated with
43 29 cost avoidance at least equal to the program's costs
43 30 with any shortfall amount refunded to the state. As
43 31 a proof of concept in the program for the period
43 32 beginning July 1, 2010, and ending June 30, 2011, the
43 33 company shall offer a dollar=for=dollar guarantee for
43 34 drug product costs savings alone. Prior to entering
43 35 into a contract with a company, the department and
43 36 the company shall agree on the terms, conditions,
43 37 and applicable measurement standards associated
43 38 with the demonstration of savings. The department
43 39 shall verify the demonstrated savings reported by
43 40 the company was performed in accordance with the
43 41 agreed upon measurement standards. The company shall
43 42 be prohibited from using the company's employees to
43 43 provide the medication therapy management services and
43 44 shall instead be required to contract with licensed
43 45 pharmacies, pharmacists, or physicians.
43 46 d. The fees for pharmacist=delivered medication
43 47 therapy management services shall be separate from
43 48 the reimbursement for prescription drug product or
43 49 dispensing services; shall be determined by each
43 50 third=party payment provider contract, policy, or plan;

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44 1 and must be reasonable based on the resources and time
44 2 required to provide the service.
44 3 e. A fee shall be established for physician
44 4 reimbursement for services delivered for medication
44 5 therapy management as determined by each third=party
44 6 payment provider contract, policy, or plan, and must be
44 7 reasonable based on the resources and time required to
44 8 provide the service.
44 9 f. If any part of the medication therapy management
44 10 plan developed by a pharmacist incorporates services
44 11 which are outside the pharmacist's independent scope
44 12 of practice including the initiation of therapy,
44 13 modification of dosages, therapeutic interchange, or
44 14 changes in drug therapy, the express authorization
44 15 of the individual's physician or other appropriate
44 16 prescriber is required.
44 17 g. For the contract period beginning July 1, 2011,
44 18 the department shall utilize the services of the
44 19 college of pharmacy at a state university to validate
44 20 reported drug cost savings.
44 21 h. The results of the pilot program for the period
44 22 beginning July 1, 2010, and ending December 31, 2011,
44 23 shall be submitted to the general assembly no later
44 24 than March 1, 2012.
44 25 3. This section is repealed December 31, ~~2011~~ 2012.
44 26 Sec. 120. TRANSFER ==== MEDICATION THERAPY MANAGEMENT
44 27 PROGRAM. There is transferred $510,000 from the
44 28 fees collected by the board of pharmacy pursuant to
44 29 chapter 155A and retained by the board pursuant to the
44 30 authority granted in section 147.82 to the department
44 31 of administrative services for the fiscal year
44 32 beginning July 1, 2011, and ending June 30, 2012, to be
44 33 used to be used for the medication therapy management
44 34 program.
44 35 Sec. 121. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
44 36 APPLICABILITY. This division of this Act, being deemed
44 37 of immediate importance, takes effect upon enactment,
44 38 and is retroactively applicable to June 15, 2011.
44 39 DIVISION XI
44 40 EARNED INCOME TAX CREDIT
44 41 Sec. 122. Section 422.12B, subsection 1, Code 2011,
44 42 is amended to read as follows:
44 43 1. The taxes imposed under this division less the
44 44 credits allowed under section 422.12 shall be reduced
44 45 by an earned income credit equal to ~~seven~~ ten percent
44 46 of the federal earned income credit provided in section
44 47 32 of the Internal Revenue Code. Any credit in excess
44 48 of the tax liability is refundable.
44 49 Sec. 123. RETROACTIVE APPLICABILITY. This division
44 50 of this Act applies retroactively to January 1, 2011,

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for tax years beginning on or after that date.

DIVISION XII

REGULAR PROGRAM AND CATEGORICAL STATE PERCENT OF GROWTH FOR EDUCATION ==== FY 2012=2013

Sec. 124. Section 257.8, subsection 1, Code 2011, is amended to read as follows:

1. State percent of growth. ~~The state percent of growth for the budget year beginning July 1, 2009, is four percent.~~ The state percent of growth for the budget year beginning July 1, 2010, is two percent. The state percent of growth for the budget year beginning July 1, 2012, is three percent. The state percent of growth for each subsequent budget year shall be established by statute which shall be enacted within thirty days of the submission in the year preceding the base year of the governor's budget under section 8.21. The establishment of the state percent of growth for a budget year shall be the only subject matter of the bill which enacts the state percent of growth for a budget year.

Sec. 125. Section 257.8, subsection 2, Code 2011, is amended to read as follows:

2. Categorical state percent of growth. The categorical state percent of growth for the budget year beginning July 1, 2010, is two percent. The categorical state percent of growth for the budget year beginning July 1, 2012, is three percent. The categorical state percent of growth for each budget year shall be established by statute which shall be enacted within thirty days of the submission in the year preceding the base year of the governor's budget under section 8.21. The establishment of the categorical state percent of growth for a budget year shall be the only subject matter of the bill which enacts the categorical state percent of growth for a budget year. The categorical state percent of growth may include state percents of growth for the teacher salary supplement, the professional development supplement, and the early intervention supplement.

Sec. 126. CODE SECTION 257.8 ==== APPLICABILITY. The requirements of section 257.8 regarding the time period of enactment and the subject matter of the legislation establishing the state percent of growth and the categorical state percent of growth for a budget year are not applicable to the division. The requirements of section 257.8 regarding enactment of the regular program state percent of growth and categorical state percent of growth within thirty days of the submission in the year preceding the base year of the governor's budget and the requirements that the subject matter

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46 1 of each bill establishing the state percent of growth
46 2 or the categorical state percent of growth be the
46 3 only subject matter of the bill do not apply to this
46 4 division of this Act.
46 5 Sec. 127. APPLICABILITY. This division of this Act
46 6 is applicable for computing state aid under the state
46 7 school foundation program for the school budget year
46 8 beginning July 1, 2012.
46 9 DIVISION XIII
46 10 WITHHOLDING AGREEMENTS
46 11 Sec. 128. Section 403.19A, subsection 1, paragraphs
46 12 c and f, Code 2011, are amended to read as follows:
46 13 c. "Employer" means a business creating or
46 14 retaining targeted jobs in an urban renewal area of a
46 15 pilot project city pursuant to a withholding agreement.
46 16 f. "Targeted job" means a job in a business which
46 17 is or will be located in an urban renewal area of a
46 18 pilot project city that pays a wage at least equal to
46 19 the countywide average wage. "Targeted job" includes
46 20 new or retained jobs from Iowa business expansions
46 21 or retentions within the city limits of the pilot
46 22 project city and those jobs resulting from established
46 23 out=of=state businesses, as defined by the department
46 24 of economic development, moving to or expanding in
46 25 Iowa.
46 26 Sec. 129. Section 403.19A, subsection 3, paragraph
46 27 c, subparagraph (1), Code 2011, is amended to read as
46 28 follows:
46 29 (1) The pilot project city shall enter into a
46 30 withholding agreement with each employer concerning
46 31 the targeted jobs withholding credit. The withholding
46 32 agreement shall provide for the total amount of
46 33 withholding tax credits awarded. An agreement shall
46 34 not provide for an amount of withholding credits that
46 35 exceeds the amount of the qualifying investment made in
46 36 the project. An agreement shall not be entered into by
46 37 a pilot project city with a business currently located
46 38 in this state unless the business either creates or
46 39 retains ten new jobs or makes a qualifying investment
46 40 of at least five hundred thousand dollars within
46 41 the urban renewal area. The withholding agreement
46 42 may have a term of up to ten years. An employer
46 43 shall not be obligated to enter into a withholding
46 44 agreement. An agreement shall not be entered into with
46 45 an employer not already located in a pilot project
46 46 city when another Iowa community is competing for the
46 47 same project and both the pilot project city and the
46 48 other Iowa community are seeking assistance from the
46 49 department.
46 50 Sec. 130. Section 403.19A, subsection 3, paragraph

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47 1 f, Code 2011, is amended to read as follows:
47 2 f. If the employer ceases to meet the requirements
47 3 of the withholding agreement, the agreement shall be
47 4 terminated and any withholding tax credits for the
47 5 benefit of the employer shall cease. However, in
47 6 regard to the number of ~~new~~ jobs that are to be created
47 7 or retained, if the employer has met the number of
47 8 ~~new~~ jobs to be created or retained pursuant to the
47 9 withholding agreement and subsequently the number of
47 10 ~~new~~ jobs falls below the required level, the employer
47 11 shall not be considered as not meeting the ~~new~~ job
47 12 requirement until eighteen months after the date of the
47 13 decrease in the number of ~~new~~ jobs created or retained.
47 14 Sec. 131. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
47 15 APPLICABILITY. This division of this Act, being
47 16 deemed of immediate importance, takes effect upon
47 17 enactment and applies retroactively to July 1, 2006,
47 18 for agreements entered into on or after that date.
47 19 DIVISION XIV
47 20 SCHOOL EMPLOYEE MISCONDUCT
47 21 Sec. 132. Section 272.2, subsection 1, paragraph
47 22 b, Code 2011, is amended by striking the paragraph and
47 23 inserting in lieu thereof the following:
47 24 b. Provide annually to any person who holds a
47 25 license, certificate, authorization, or statement of
47 26 recognition issued by the board, training relating
47 27 to the knowledge and understanding of the board's
47 28 code of professional conduct and ethics. The board
47 29 shall develop a curriculum that addresses the code of
47 30 professional conduct and ethics and shall annually
47 31 provide regional training opportunities throughout the
47 32 state.
47 33 Sec. 133. Section 272.15, subsection 1, Code 2011,
47 34 is amended to read as follows:
47 35 1. a. The board of directors of a school district
47 36 or area education agency, the superintendent of a
47 37 school district or the chief administrator of an
47 38 area education agency, and the authorities in charge
47 39 of a nonpublic school shall report to the board the
47 40 nonrenewal or termination, for reasons of alleged or
47 41 actual misconduct, of a person's contract executed
47 42 under sections 279.12, 279.13, 279.15 through 279.21,
47 43 279.23, and 279.24, and the resignation of a person
47 44 who holds a license, certificate, or authorization
47 45 issued by the board as a result of or following an
47 46 incident or allegation of misconduct that, if proven,
47 47 would constitute a violation of the rules adopted by
47 48 the board to implement section 272.2, subsection 14,
47 49 paragraph "b", subparagraph (1), when the board or
47 50 reporting official has a good faith belief that the

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48 1 incident occurred or the allegation is true. The
48 2 board may deny a license or revoke the license of an
48 3 administrator if the board finds by a preponderance
48 4 of the evidence that the administrator failed to
48 5 report the termination or resignation of a school
48 6 employee holding a license, certificate, statement of
48 7 professional recognition, or coaching authorization,
48 8 for reasons of alleged or actual misconduct, as defined
48 9 by this section.
48 10 b. Information reported to the board in accordance
48 11 with this section is privileged and confidential, and
48 12 except as provided in section 272.13, is not subject to
48 13 discovery, subpoena, or other means of legal compulsion
48 14 for its release to a person other than the respondent
48 15 and the board and its employees and agents involved in
48 16 licensee discipline, and is not admissible in evidence
48 17 in a judicial or administrative proceeding other
48 18 than the proceeding involving licensee discipline.
48 19 The board shall review the information reported to
48 20 determine whether a complaint should be initiated. In
48 21 making that determination, the board shall consider the
48 22 factors enumerated in section 272.2, subsection 14,
48 23 paragraph "a".
48 24 c. For purposes of this section, unless the context
48 25 otherwise requires, "misconduct" means an action
48 26 disqualifying an applicant for a license or causing
48 27 the license of a person to be revoked or suspended
48 28 in accordance with the rules adopted by the board to
48 29 implement section 272.2, subsection 14, paragraph "b",
48 30 subparagraph (1).
48 31 Sec. 134. Section 280.17, Code 2011, is amended to
48 32 read as follows:
48 33 280.17 Procedures for handling child abuse reports.
48 34 1. The board of directors of a ~~public~~ school
48 35 district and the authorities in ~~control~~ charge of
48 36 a nonpublic school shall prescribe procedures, in
48 37 accordance with the guidelines contained in the model
48 38 policy developed by the department of education in
48 39 consultation with the department of human services,
48 40 and adopted by the department of education pursuant
48 41 to chapter 17A, for the handling of reports of child
48 42 abuse, as defined in section 232.68, subsection 2,
48 43 paragraph "a", "c", or "e", alleged to have been
48 44 committed by an employee or agent of the public or
48 45 nonpublic school.
48 46 2. a. The board of directors of a school district
48 47 and the authorities in charge of an accredited
48 48 nonpublic school shall place on administrative leave a
48 49 school employee who is the subject of an investigation
48 50 of an alleged incident of abuse of a student conducted

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49 1 in accordance with 281 IAC 102.
49 2 b. If the results of an investigation of abuse of
49 3 a student by a school employee who holds a license,
49 4 certificate, authorization, or statement of recognition
49 5 issued by the board of educational examiners finds
49 6 that the school employee's conduct constitutes a crime
49 7 under any other statute, the board or the authorities,
49 8 as appropriate, shall report the results of the
49 9 investigation to the board of educational examiners.
49 10 Sec. 135. Section 280.27, Code 2011, is amended to
49 11 read as follows:
49 12 280.27 Reporting violence ==== immunity.
49 13 An employee of a school district, an accredited
49 14 nonpublic school, or an area education agency who
49 15 participates in good faith and acts reasonably in
49 16 the making of a report to, or investigation by, an
49 17 appropriate person or agency regarding violence,
49 18 threats of violence, physical or sexual abuse of a
49 19 student, or other inappropriate activity against a
49 20 school employee or student in a school building, on
49 21 school grounds, or at a school=sponsored function shall
49 22 be immune from civil or criminal liability relating
49 23 to such action, as well as for participating in any
49 24 administrative or judicial proceeding resulting from or
49 25 relating to the report or investigation.
49 26 DIVISION XV
49 27 STATE FAIR AUTHORITY
49 28 Sec. 136. Section 173.1, subsection 4, Code 2011,
49 29 is amended to read as follows:
49 30 4. A treasurer to be elected by the board ~~who shall~~
49 31 ~~serve as a nonvoting member~~ from the elected directors.
49 32 Sec. 137. REPEAL. Section 173.12, Code 2011, is
49 33 repealed.
49 34 DIVISION XVI
49 35 CONTROLLED SUBSTANCES
49 36 Sec. 138. CONTROLLED SUBSTANCE COLLECTION AND
49 37 DISPOSAL PROGRAM. A person in possession of or a
49 38 retailer selling a controlled substance designated
49 39 in section 124.204, subsection 4, paragraph "ai",
49 40 subparagraphs (1) through (4), if enacted, shall
49 41 be required to transfer such controlled substance
49 42 to the department of public safety for destruction.
49 43 The department of public safety shall establish a
49 44 controlled substance collection and disposal program
49 45 for a controlled substance designated in section
49 46 124.204, subsection 4, paragraph "ai", subparagraphs
49 47 (1) through (4). The department of public safety
49 48 may partner with a third party, including a local
49 49 enforcement agency, to implement and administer the
49 50 program. The program shall be dissolved thirty days

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after the enactment date of section 124.204, subsection 4, paragraph "ai", subparagraphs (1) through (4).

Sec. 139. APPLICABILITY ==== CRIMINAL PENALTIES. Criminal penalties do not apply to violations associated with the substances designated controlled substances in section 124.204, subsection 4, paragraph "ai", subparagraphs (1) through (4), if enacted, until thirty days after the enactment date of section 124.204, subsection 4, paragraph "ai", subparagraphs (1) through (4).

Sec. 140. 2011 Iowa Acts, Senate File 510, section 28, if enacted, is amended to read as follows:

SEC. 28. EFFECTIVE DATE. The following provision of this division of this Act takes effect thirty days after enactment~~, notwithstanding section 3.7~~ of this Act or thirty days after the enactment of 2011 Iowa Acts, Senate File 538, if enacted, whichever is later:

The section of this division of this Act ~~amending~~ enacting section 124.204, subsection 4, paragraph "ai", subparagraphs (1) through (4).

Sec. 141. 2011 Iowa Acts, Senate File 510, section 29, if enacted, is amended to read as follows:

SEC. 29. EFFECTIVE UPON ENACTMENT. The following provision of this division of this Act, being deemed of immediate importance, ~~and notwithstanding section 3.7~~ takes effect upon enactment of this Act or upon enactment of 2011 Iowa Acts, Senate File 538, if enacted, whichever is later:

The section of this Act ~~amending~~ enacting section 124.204, subsection 4, paragraph "ai", subparagraph (5).

Sec. 142. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment of this Act or upon the enactment of 2011 Iowa Acts, Senate File 510, if enacted, whichever is later.

DIVISION XVII
RADIOS

Sec. 143. 2011 Iowa Acts, Senate File 509, section 22, subsections 2 and 3, if enacted, are amended to read as follows:

2. ~~Of the amount appropriated in subsection 1, the department of natural resources may enter into a public-private partnership, through a competitive bidding process, for the provision of the statewide network and the purchase of compatible equipment.~~ The mobile radios purchased by the department pursuant to subsection 1 shall be compatible with a statewide public safety radio network created pursuant to legislation enacted by the 2011 session of the general

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51 1 assembly. The department shall purchase the mobile
51 2 radios after conducting a competitive bidding process.
51 3 3. On or before January 13, 2012, the department of
51 4 natural resources in cooperation with the department of
51 5 public safety shall provide a report to the legislative
51 6 services agency and the department of management.
51 7 The report shall detail the status of the moneys
51 8 appropriated in subsection 1 and shall include the
51 9 estimated needs of the department of natural resources
51 10 to achieve interoperability and to meet the federal
51 11 narrowbanding mandate, and any changes in estimated
51 12 costs to meet those needs~~, and the status of requests~~
51 13 ~~for proposals to develop a public-private partnership~~.
51 14 Sec. 144. EFFECTIVE UPON ENACTMENT. This division
51 15 of this Act, being deemed of immediate importance,
51 16 takes effect upon enactment and, if approved by
51 17 the governor on or after July 1, 2011, shall apply
51 18 retroactively to June 30, 2011.
51 19 DIVISION XVIII
51 20 BUSINESS PROPERTY TAX CREDITS
51 21 Sec. 145. Section 331.512, Code 2011, is amended by
51 22 adding the following new subsection:
51 23 NEW SUBSECTION. 13A. Carry out duties relating to
51 24 the business property tax credit as provided in chapter
51 25 426C.
51 26 Sec. 146. Section 331.559, Code 2011, is amended by
51 27 adding the following new subsection:
51 28 NEW SUBSECTION. 14A. Carry out duties relating to
51 29 the business property tax credit as provided in chapter
51 30 426C.
51 31 Sec. 147. NEW SECTION. 426C.1 Definitions.
51 32 1. For the purposes of this chapter, unless the
51 33 context otherwise requires:
51 34 a. "Contiguous parcels" means any of the following:
51 35 (1) Parcels that share one or more common
51 36 boundaries.
51 37 (2) Parcels within the same building or structure
51 38 regardless of whether the parcels share one or more
51 39 common boundaries.
51 40 (3) Improvements to the land that are situated on
51 41 one or more parcels of land that are assessed and taxed
51 42 separately from the improvements if the parcels of land
51 43 upon which the improvements are situated share one or
51 44 more common boundaries.
51 45 b. "Department" means the department of revenue.
51 46 c. "Fund" means the business property tax credit
51 47 fund created in section 426C.2.
51 48 d. "Parcel" means as defined in section 445.1.
51 49 e. "Property unit" means contiguous parcels all of
51 50 which are located within the same county, with the same

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52 1 property tax classification, each of which contains
52 2 permanent improvements, are owned by the same person,
52 3 and are operated by that person for a common use and
52 4 purpose.
52 5 2. For purposes of this chapter, two or more
52 6 parcels are considered to be owned by the same person
52 7 if the owners of the parcels are business entities that
52 8 share common ownership of each entity in an amount
52 9 equal to or in excess of fifty percent.
52 10 Sec. 148. NEW SECTION. 426C.2 Business property
52 11 tax credit fund ==== appropriation.
52 12 1. A business property tax credit fund is created
52 13 in the state treasury under the authority of the
52 14 department. For the fiscal year beginning July 1,
52 15 2012, there is appropriated from the general fund of
52 16 the state to the department to be credited to the
52 17 fund, the sum of fifty million dollars to be used
52 18 for business property tax credits authorized in this
52 19 chapter. For the fiscal year beginning July 1, 2013,
52 20 and each fiscal year thereafter, there is appropriated
52 21 from the general fund of the state to the department
52 22 to be credited to the fund an amount equal to the
52 23 total amount appropriated by the general assembly to
52 24 the fund in the previous fiscal year. In addition,
52 25 the sum of fifty million dollars shall be added to the
52 26 appropriation in each fiscal year beginning on or after
52 27 July 1, 2013, if the revenue estimating conference
52 28 certifies during its final meeting of the calendar year
52 29 ending prior to the beginning of the fiscal year that
52 30 the total amount of general fund revenues collected
52 31 during the fiscal year ending during such calendar year
52 32 was at least one hundred four percent of the total
52 33 amount of general fund revenues collected during the
52 34 previous fiscal year. However, the total appropriation
52 35 to the fund shall not exceed two hundred million
52 36 dollars for any one fiscal year.
52 37 2. Notwithstanding section 12C.7, subsection 2,
52 38 interest or earnings on moneys deposited in the fund
52 39 shall be credited to the fund. Moneys in the fund are
52 40 not subject to the provisions of section 8.33 and shall
52 41 not be transferred, used, obligated, appropriated,
52 42 or otherwise encumbered except as provided in this
52 43 chapter.
52 44 Sec. 149. NEW SECTION. 426C.3 Claims for credit.
52 45 1. Each person who wishes to claim the credit
52 46 allowed under this chapter shall obtain the appropriate
52 47 forms from the assessor and file the claim with the
52 48 assessor. The director of revenue shall prescribe
52 49 suitable forms and instructions for such claims, and
52 50 make such forms and instructions available to the

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53 1 assessors.
53 2 2. a. Claims for the business property tax credit
53 3 shall be filed not later than March 15 preceding the
53 4 fiscal year during which the taxes for which the credit
53 5 is claimed are due and payable.
53 6 b. A claim filed after the deadline for filing
53 7 claims shall be considered as a claim for the following
53 8 year.
53 9 3. Upon the filing of a claim and allowance of the
53 10 credit, the credit shall be allowed on the parcel or
53 11 property unit for successive years without further
53 12 filing as long as the parcel or property unit satisfies
53 13 the requirements for the credit. If the parcel or
53 14 property unit owner ceases to qualify for the credit
53 15 under this chapter, the owner shall provide written
53 16 notice to the assessor by the date for filing claims
53 17 specified in subsection 2 following the date on which
53 18 the parcel or property unit ceases to qualify for the
53 19 credit.
53 20 4. When all or a portion of a parcel or property
53 21 unit that is allowed a credit under this chapter is
53 22 sold, transferred, or ownership otherwise changes, the
53 23 buyer, transferee, or new owner who wishes to receive
53 24 the credit shall refile the claim for credit. When a
53 25 portion of a parcel or property unit that is allowed
53 26 a credit under this chapter is sold, transferred, or
53 27 ownership otherwise changes, the owner of the portion
53 28 of the parcel or property unit for which ownership did
53 29 not change shall refile the claim for credit.
53 30 5. The assessor shall remit the claims for
53 31 credit to the county auditor with the assessor's
53 32 recommendation for allowance or disallowance. If
53 33 the assessor recommends disallowance of a claim,
53 34 the assessor shall submit the reasons for the
53 35 recommendation, in writing, to the county auditor. The
53 36 county auditor shall forward the claims to the board
53 37 of supervisors. The board shall allow or disallow the
53 38 claims.
53 39 6. For each claim and allowance of a credit for
53 40 a property unit, the county auditor shall calculate
53 41 the average of all consolidated levy rates applicable
53 42 to the several parcels within the property unit. All
53 43 claims for credit which have been allowed by the board
53 44 of supervisors, the actual value of the improvements
53 45 to such parcels and property units applicable to
53 46 the fiscal year for which the credit is claimed
53 47 that are subject to assessment and taxation prior to
53 48 imposition of any applicable assessment limitation,
53 49 the consolidated levy rates for such parcels and the
53 50 average consolidated levy rates for such property units

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54 1 applicable to the fiscal year for which the credit is
54 2 claimed, and the taxing districts in which the parcel
54 3 or property unit is located, shall be certified on or
54 4 before June 15, in each year, by the county auditor to
54 5 the department.
54 6 7. The assessor shall maintain a permanent file of
54 7 current business property tax credits. The assessor
54 8 shall file a notice of transfer of property for which a
54 9 credit has been allowed when notice is received from
54 10 the office of the county recorder, from the person
54 11 who sold or transferred the property, or from the
54 12 personal representative of a deceased property owner.
54 13 The county recorder shall give notice to the assessor
54 14 of each transfer of title filed in the recorder's
54 15 office. The notice from the county recorder shall
54 16 describe the property transferred, the name of the
54 17 person transferring title to the property, and the name
54 18 of the person to whom title to the property has been
54 19 transferred.
54 20 Sec. 150. NEW SECTION. 426C.4 Eligibility and
54 21 amount of credit.
54 22 1. Each parcel classified and taxed as commercial
54 23 property, industrial property, or railway property
54 24 under chapter 434, and improved with permanent
54 25 construction, is eligible for a credit under this
54 26 chapter. A person may claim and receive one credit
54 27 under this chapter for each eligible parcel unless
54 28 the parcel is part of a property unit. A person
54 29 may only claim and receive one credit under this
54 30 chapter for each property unit. A credit approved
54 31 for a property unit shall be allocated to the several
54 32 parcels within the property unit in the proportion
54 33 that each parcel's total amount of property taxes due
54 34 and payable attributable to the improvements bears to
54 35 the total amount of property taxes due and payable
54 36 attributable to the improvements for the property unit.
54 37 Only property units comprised of commercial property,
54 38 comprised of industrial property, or comprised of
54 39 railway property under chapter 434 are eligible for a
54 40 credit under this chapter.
54 41 2. Using the actual value of the improvements and
54 42 the consolidated levy rate for each parcel or the
54 43 average consolidated levy rate for each property unit,
54 44 as certified by the county auditor to the department
54 45 under section 426C.3, subsection 6, the department
54 46 shall calculate, for each fiscal year, an initial
54 47 amount of actual value of improvements for use in
54 48 determining the amount of the credit for each such
54 49 parcel or property unit so as to provide the maximum
54 50 possible credit according to the credit formula and

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55 1 limitations under subsection 3, and to provide a
55 2 total dollar amount of credits against the taxes due
55 3 and payable in the fiscal year equal to ninety=eight
55 4 percent of the moneys in the fund following the deposit
55 5 of the total appropriation for the fiscal year.
55 6 3. a. The amount of the credit for each parcel or
55 7 property unit for which a claim for credit under this
55 8 chapter has been approved shall be calculated under
55 9 paragraph "b" using the lesser of the initial amount
55 10 of actual value of the improvements determined by the
55 11 department under subsection 2, and the actual value
55 12 of the improvements to the parcel or property unit as
55 13 certified by the county auditor under section 426C.3,
55 14 subsection 6.
55 15 b. The amount of the credit for each parcel or
55 16 property unit for which a claim for credit under
55 17 this chapter has been approved shall be equal to the
55 18 amount of actual value determined under paragraph "a"
55 19 multiplied by the difference, stated as a percentage,
55 20 between the assessment limitation applicable to
55 21 the parcel or property unit under section 441.21,
55 22 subsection 5, and the assessment limitation applicable
55 23 to residential property under section 441.21,
55 24 subsection 4, divided by one thousand dollars, and then
55 25 multiplied by the consolidated levy rate or average
55 26 consolidated levy rate per one thousand dollars of
55 27 taxable value applicable to the parcel or property unit
55 28 for the fiscal year for which the credit is claimed as
55 29 certified by the county auditor under section 426C.3,
55 30 subsection 6.
55 31 Sec. 151. NEW SECTION. 426C.5 Payment to counties.
55 32 1. Annually the department shall certify to the
55 33 county auditor of each county the amounts of the
55 34 business property tax credits allowed in the county.
55 35 Each county auditor shall then enter the credits
55 36 against the tax levied on each eligible parcel or
55 37 property unit in the county, designating on the tax
55 38 lists the credit as being from the fund. Each taxing
55 39 district shall receive its share of the business
55 40 property tax credit allowed on each eligible parcel
55 41 or property unit in such taxing district, in the
55 42 proportion that the levy made by such taxing district
55 43 upon the parcel or property unit bears to the total
55 44 levy upon the parcel or property unit by all taxing
55 45 districts imposing a property tax in such taxing
55 46 district. However, the several taxing districts
55 47 shall not draw the moneys so credited until after the
55 48 semiannual allocations have been received by the county
55 49 treasurer, as provided in this section. Each county
55 50 treasurer shall show on each tax receipt the amount of

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56 1 credit received from the fund.
56 2 2. The director of the department of administrative
56 3 services shall issue warrants on the fund payable to
56 4 the county treasurers of the several counties of the
56 5 state under this chapter.
56 6 3. The amount due each county shall be paid in two
56 7 payments on November 15 and March 15 of each fiscal
56 8 year, drawn upon warrants payable to the respective
56 9 county treasurers. The two payments shall be as nearly
56 10 equal as possible.
56 11 Sec. 152. NEW SECTION. 426C.6 Appeals.
56 12 1. If the board of supervisors disallows a claim
56 13 for credit under section 426C.3, subsection 5, the
56 14 board of supervisors shall send written notice, by
56 15 mail, to the claimant at the claimant's last known
56 16 address. The notice shall state the reasons for
56 17 disallowing the claim for the credit. The board of
56 18 supervisors is not required to send notice that a claim
56 19 for credit is disallowed if the claimant voluntarily
56 20 withdraws the claim. Any person whose claim is denied
56 21 under the provisions of this chapter may appeal from
56 22 the action of the board of supervisors to the district
56 23 court of the county in which the parcel or property
56 24 unit is located by giving written notice of such appeal
56 25 to the county auditor within twenty days from the date
56 26 of mailing of notice of such action by the board of
56 27 supervisors.
56 28 2. If any claim for credit has been denied by the
56 29 board of supervisors, and such action is subsequently
56 30 reversed on appeal, the credit shall be allowed on the
56 31 applicable parcel or property unit, and the director of
56 32 revenue, the county auditor, and the county treasurer
56 33 shall provide the credit and change their books and
56 34 records accordingly. In the event the appealing
56 35 taxpayer has paid one or both of the installments of
56 36 the tax payable in the year or years in question,
56 37 remittance shall be made to such taxpayer of the amount
56 38 of such credit. The amount of such credit awarded on
56 39 appeal shall be allocated and paid from the balance
56 40 remaining in the fund.
56 41 Sec. 153. NEW SECTION. 426C.7 Audit ==== denial.
56 42 1. If on the audit of a credit provided under this
56 43 chapter, the director of revenue determines the amount
56 44 of the credit to have been incorrectly calculated or
56 45 that the credit is not allowable, the director shall
56 46 recalculate the credit and notify the taxpayer and the
56 47 county auditor of the recalculation or denial and the
56 48 reasons for it. The director shall not adjust a credit
56 49 after three years from October 31 of the year in which
56 50 the claim for the credit was filed. If the credit has

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57 1 been paid, the director shall give notification to the
57 2 taxpayer, the county treasurer, and the applicable
57 3 assessor of the recalculation or denial of the credit
57 4 and the county treasurer shall proceed to collect the
57 5 tax owed in the same manner as other property taxes due
57 6 and payable are collected, if the parcel or property
57 7 unit for which the credit was allowed is still owned
57 8 by the taxpayer. If the parcel or property unit
57 9 for which the credit was allowed is not owned by the
57 10 taxpayer, the amount may be recovered from the taxpayer
57 11 by assessment in the same manner that income taxes are
57 12 assessed under sections 422.26 and 422.30. The amount
57 13 of such erroneous credit, when collected, shall be
57 14 deposited in the fund.
57 15 2. The taxpayer or board of supervisors may
57 16 appeal any decision of the director of revenue to the
57 17 state board of tax review pursuant to section 421.1,
57 18 subsection 5. The taxpayer, the board of supervisors,
57 19 or the director of revenue may seek judicial review
57 20 of the action of the state board of tax review in
57 21 accordance with chapter 17A.
57 22 Sec. 154. NEW SECTION. 426C.8 False claim ====
57 23 penalty.
57 24 A person who makes a false claim for the purpose of
57 25 obtaining a credit provided for in this chapter or who
57 26 knowingly receives the credit without being legally
57 27 entitled to it is guilty of a fraudulent practice. The
57 28 claim for a credit of such a person shall be disallowed
57 29 and if the credit has been paid the amount shall be
57 30 recovered in the manner provided in section 426C.7. In
57 31 such cases, the director of revenue shall send a notice
57 32 of disallowance of the credit.
57 33 Sec. 155. NEW SECTION. 426C.9 Rules.
57 34 The director of revenue shall prescribe forms,
57 35 instructions, and rules pursuant to chapter 17A, as
57 36 necessary, to carry out the purposes of this chapter.
57 37 Sec. 156. IMPLEMENTATION. Notwithstanding the
57 38 deadline for filing claims established in section
57 39 426C.3, for a credit against property taxes due and
57 40 payable during the fiscal year beginning July 1, 2012,
57 41 the claim for the credit shall be filed not later than
57 42 January 15, 2012.
57 43 Sec. 157. APPLICABILITY. This division of this Act
57 44 applies to property taxes due and payable in fiscal
57 45 years beginning on or after July 1, 2012.
57 46 DIVISION XIX
57 47 COUNTY AND CITY BUDGET LIMITATION
57 48 Sec. 158. Section 28M.5, subsection 2, Code 2011,
57 49 is amended to read as follows:
57 50 2. If a regional transit district budget allocates

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58 1 revenue responsibilities to the board of supervisors
58 2 of a participating county, the amount of the regional
58 3 transit district levy that is the responsibility of the
58 4 participating county shall be deducted from the maximum
58 5 ~~rates~~ amount of taxes authorized to be levied by the
58 6 county pursuant to section 331.423, ~~subsections 1 and~~
58 7 ~~2~~ subsection 3, paragraphs "b" and "c", as applicable,
58 8 unless the county meets its revenue responsibilities as
58 9 allocated in the budget from other available revenue
58 10 sources. However, for a regional transit district
58 11 that includes a county with a population of less than
58 12 three hundred thousand, the amount of the regional
58 13 transit district levy that is the responsibility of
58 14 such participating county shall be deducted from the
58 15 maximum ~~rate~~ amount of taxes authorized to be levied
58 16 by the county pursuant to section 331.423, subsection
58 17 ~~1~~ 3, paragraph "b".
58 18 Sec. 159. Section 331.263, subsection 2, Code 2011,
58 19 is amended to read as follows:
58 20 2. The governing body of the community commonwealth
58 21 shall have the authority to levy county taxes and shall
58 22 have the authority to levy city taxes to the extent the
58 23 city tax levy authority is transferred by the charter
58 24 to the community commonwealth. A city participating
58 25 in the community commonwealth shall transfer a portion
58 26 of the city's tax levy authorized under section 384.1
58 27 or 384.12, whichever is applicable, to the governing
58 28 body of the community commonwealth. The maximum
58 29 ~~rates~~ amount of taxes authorized to be levied under
58 30 ~~sections~~ section 384.1 and the maximum amount of taxes
58 31 authorized to be levied under section 384.12 by a city
58 32 participating in the community commonwealth shall be
58 33 reduced by an amount equal to the rates of the same or
58 34 similar taxes levied in the city by the governing body
58 35 of the community commonwealth.
58 36 Sec. 160. Section 331.421, Code 2011, is amended by
58 37 adding the following new subsection:
58 38 NEW SUBSECTION. 7A. "Item" means a budgeted
58 39 expenditure, appropriation, or cash reserve from a
58 40 fund for a service area, program, program element, or
58 41 purpose.
58 42 Sec. 161. Section 331.423, Code 2011, is amended by
58 43 striking the section and inserting in lieu thereof the
58 44 following:
58 45 331.423 Property tax dollars ==== basic levy maximums.
58 46 1. Annually, the board shall determine separate
58 47 property tax levy limits to pay for general county
58 48 services and rural county services in accordance with
58 49 this section. The basic levies separately certified
58 50 for general county services and rural county services

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59 1 under section 331.434 shall not raise property tax
59 2 dollars that exceed the amount determined under this
59 3 section.
59 4 2. For purposes of this section and section
59 5 331.423B, unless the context otherwise requires:
59 6 a. "Annual growth factor" means an index, expressed
59 7 as a percentage, determined by the department of
59 8 management by November 1 of the calendar year preceding
59 9 the calendar year in which the budget year begins. In
59 10 determining the annual growth factor, the department
59 11 shall calculate the average of the preceding three=year
59 12 percentage change, which shall be computed on an annual
59 13 basis, in the midwest consumer price index, ending
59 14 with the percentage change for the month of September.
59 15 The department shall then add that average percentage
59 16 change to one hundred percent.
59 17 b. "Boundary adjustment" means annexation,
59 18 severance, incorporation, or discontinuance as those
59 19 terms are defined in section 368.1.
59 20 c. "Budget year" is the fiscal year beginning
59 21 during the calendar year in which a budget is
59 22 certified.
59 23 d. "Current fiscal year" is the fiscal year
59 24 ending during the calendar year in which a budget is
59 25 certified.
59 26 e. "Net new valuation taxes" means the amount
59 27 of property tax dollars equal to the current fiscal
59 28 year's basic levy rate in the county for general county
59 29 services or for rural county services, as applicable,
59 30 multiplied by the increase from the current fiscal year
59 31 to the budget year in taxable valuation due to the
59 32 following:
59 33 (1) Net new construction, including all incremental
59 34 valuation that is released in any one year from a
59 35 division of revenue under section 260E.4 or an urban
59 36 renewal area for which taxes were being divided under
59 37 section 403.19, regardless of whether the property
59 38 for the valuation being released remains subject
59 39 to the division of revenue under section 260E.4 or
59 40 remains part of the urban renewal area that is subject
59 41 to a division of revenue under section 403.19. The
59 42 amount of property tax dollars attributable to such
59 43 incremental valuation being released from a division
59 44 of revenue shall be subtracted from the maximum amount
59 45 of property tax dollars which may be certified for
59 46 the next following fiscal year if such incremental
59 47 valuation is not released for the next following fiscal
59 48 year.
59 49 (2) Additions or improvements to existing
59 50 structures.

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60 1 (3) Remodeling of existing structures for which a
60 2 building permit is required.
60 3 (4) Net boundary adjustment.
60 4 (5) A municipality no longer dividing tax revenues
60 5 in an urban renewal area as provided in section 403.19
60 6 or a community college no longer dividing revenues as
60 7 provided in section 260E.4.
60 8 (6) That portion of taxable property located in an
60 9 urban revitalization area on which an exemption was
60 10 allowed and such exemption has expired.
60 11 f. "Unfunded federal and state mandate cost growth"
60 12 means an amount of increased expenditures for a
60 13 county from the previous fiscal year, to the extent
60 14 such expenditures are not funded by the county's
60 15 supplemental levy under section 331.424, resulting from
60 16 any of the following:
60 17 (1) A federal statutory requirement or
60 18 appropriation that requires the county to establish,
60 19 expand, or modify its activities in a manner which
60 20 necessitates additional annual expenditures and for
60 21 which insufficient funding is provided to the county to
60 22 satisfy such requirements.
60 23 (2) A state mandate as defined in section 25B.3,
60 24 and for which insufficient funding is provided to
60 25 the county to satisfy the requirements of the state
60 26 mandate.
60 27 3. a. For the fiscal year beginning July 1, 2013,
60 28 and subsequent fiscal years, the maximum amount of
60 29 property tax dollars which may be certified for levy by
60 30 a county for general county services and rural county
60 31 services shall be the maximum property tax dollars
60 32 calculated under paragraphs "b" and "c", respectively.
60 33 b. The maximum property tax dollars that may be
60 34 levied for general county services is an amount equal
60 35 to the sum of the following:
60 36 (1) The annual growth factor times the current
60 37 fiscal year's maximum property tax dollars for general
60 38 county services.
60 39 (2) The amount of net new valuation taxes in the
60 40 county.
60 41 (3) The unfunded federal and state mandate cost
60 42 growth minus the amount specified in paragraph "c",
60 43 subparagraph (3).
60 44 c. The maximum property tax dollars that may be
60 45 levied for rural county services is an amount equal to
60 46 the sum of the following:
60 47 (1) The annual growth factor times the current
60 48 fiscal year's maximum property tax dollars for rural
60 49 county services.
60 50 (2) The amount of net new valuation taxes in the

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61 1 unincorporated area of the county.
61 2 (3) The unfunded federal and state mandate cost
61 3 growth attributable to the costs incurred by the county
61 4 for rural county services.
61 5 4. a. For purposes of calculating maximum property
61 6 tax dollars for general county services for the fiscal
61 7 year beginning July 1, 2013, only, the term "current
61 8 fiscal year's maximum property tax dollars" shall mean
61 9 the total amount of property tax dollars certified by
61 10 the county for general county services for the fiscal
61 11 year beginning July 1, 2012, excluding those property
61 12 tax dollars that resulted from a supplemental levy
61 13 under section 331.424, subsection 1.
61 14 b. For purposes of calculating maximum property tax
61 15 dollars for rural county services for the fiscal year
61 16 beginning July 1, 2013, only, the term "current fiscal
61 17 year's maximum property tax dollars" shall mean the
61 18 total amount of property tax dollars certified by the
61 19 county for rural county services for the fiscal year
61 20 beginning July 1, 2012, excluding those property tax
61 21 dollars that resulted from a supplemental levy under
61 22 section 331.424, subsection 2.
61 23 5. Property taxes certified under section
61 24 331.424, property taxes certified for deposit in the
61 25 mental health, mental retardation, and developmental
61 26 disabilities services fund in section 331.424A, for the
61 27 emergency services fund in section 331.424C, for the
61 28 debt service fund in section 331.430, for any capital
61 29 projects fund established by the county for deposit of
61 30 bond, loan, or note proceeds, and for any temporary
61 31 increase approved pursuant to section 331.423C, are
61 32 not included in the maximum amount of property tax
61 33 dollars that may be certified for a budget year under
61 34 subsection 3.
61 35 6. The department of management, in consultation
61 36 with the county finance committee, shall adopt rules
61 37 to administer this section. The department shall
61 38 prescribe forms to be used by counties when making
61 39 calculations required by this section.
61 40 Sec. 162. NEW SECTION. 331.423B Ending fund
61 41 balance.
61 42 1. a. Budgeted ending fund balances for a budget
61 43 year in excess of twenty=five percent of budgeted
61 44 expenditures in either the general fund or rural
61 45 services fund for that budget year shall be explicitly
61 46 committed or assigned for a specific purpose.
61 47 b. A county is encouraged, but not required, to
61 48 reduce budgeted, uncommitted, or unassigned ending
61 49 fund balances for the budget year to an amount equal
61 50 to approximately twenty=five percent of budgeted

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62 1 expenditures and transfers from the general fund
62 2 and rural services fund for that budget year unless
62 3 a decision is certified by the state appeal board
62 4 ordering a reduction in the ending fund balance of any
62 5 of those funds.
62 6 c. In a protest to the county budget under section
62 7 331.436, the county shall have the burden of proving
62 8 that the budgeted balances in excess of twenty=five
62 9 percent are reasonably likely to be appropriated for
62 10 the explicitly committed or assigned specific purpose.
62 11 The excess budgeted balance for the specific purpose
62 12 shall be considered an increase in an item in the
62 13 budget for purposes of section 24.28.
62 14 2. a. For a county that has, as of June 30, 2012,
62 15 reduced its actual ending fund balance to less than
62 16 twenty=five percent of actual expenditures, additional
62 17 property taxes may be computed and levied as provided
62 18 in this subsection. The additional property tax levy
62 19 amount is an amount not to exceed twenty=five percent
62 20 of actual expenditures from the general fund and rural
62 21 services fund for the fiscal year beginning July 1,
62 22 2011, minus the combined ending fund balances for those
62 23 funds for that year.
62 24 b. The amount of the additional property taxes
62 25 shall be apportioned between the general fund and the
62 26 rural services fund. However, the amount apportioned
62 27 for general county services and for rural county
62 28 services shall not exceed for each fund twenty=five
62 29 percent of actual expenditures for the fiscal year
62 30 beginning July 1, 2011.
62 31 c. All or a portion of additional property tax
62 32 dollars may be levied for the purpose of increasing
62 33 cash reserves for general county services and rural
62 34 county services in the budget year. The additional
62 35 property tax dollars authorized under this subsection
62 36 but not levied may be carried forward as unused ending
62 37 fund balance taxing authority until and for the fiscal
62 38 year beginning July 1, 2018. The amount carried
62 39 forward shall not exceed twenty=five percent of the
62 40 maximum amount of property tax dollars available in
62 41 the current fiscal year. Additionally, property taxes
62 42 that are levied as unused ending fund balance taxing
62 43 authority under this subsection may be the subject of
62 44 a protest under section 331.436, and the amount will
62 45 be considered an increase in an item in the budget for
62 46 purposes of section 24.28. The amount of additional
62 47 property taxes levied under this subsection shall not
62 48 be included in the computation of the maximum amount of
62 49 property tax dollars which may be certified and levied
62 50 under section 331.423.

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63 1 Sec. 163. NEW SECTION. 331.423C Authority to levy
63 2 beyond maximum property tax dollars.
63 3 1. The board may certify additions to the maximum
63 4 amount of property tax dollars to be levied for a
63 5 budget year if the county conducts a second public
63 6 hearing prior to certification of the budget to the
63 7 county auditor, in addition to the hearing held as
63 8 required under section 331.434. The second public
63 9 hearing shall be conducted in the same manner as
63 10 the public hearing on the budget required in section
63 11 331.434.
63 12 2. The amount of additional property tax dollars
63 13 certified under this section shall not be included in
63 14 the computation of the maximum amount of property tax
63 15 dollars which may be certified and levied under section
63 16 331.423 for future budget years.
63 17 Sec. 164. Section 331.424, unnumbered paragraph 1,
63 18 Code 2011, is amended to read as follows:
63 19 To the extent that the basic levies authorized under
63 20 section 331.423 are insufficient to meet the county's
63 21 needs for the following services, the board may certify
63 22 supplemental levies as follows:
63 23 Sec. 165. Section 331.424A, subsection 4, Code
63 24 2011, is amended to read as follows:
63 25 4. For the fiscal year beginning July 1, 1996,
63 26 and for each subsequent fiscal year, the county shall
63 27 certify a levy for payment of services. For each
63 28 fiscal year, county revenues from taxes imposed by the
63 29 county credited to the services fund shall not exceed
63 30 an amount equal to the amount of base year expenditures
63 31 for services as defined in section 331.438, less the
63 32 amount of property tax relief to be received pursuant
63 33 to section 426B.2, in the fiscal year for which the
63 34 budget is certified. The county auditor and the
63 35 board of supervisors shall reduce the amount of the
63 36 levy certified for the services fund by the amount of
63 37 property tax relief to be received. A levy certified
63 38 under this section is not subject to ~~the appeal~~
63 39 ~~provisions of section 331.426 or to~~ any other provision
63 40 in law authorizing a county to exceed, increase, or
63 41 appeal a property tax levy limit.
63 42 Sec. 166. Section 331.434, subsection 1, Code 2011,
63 43 is amended to read as follows:
63 44 1. The budget shall show the amount required for
63 45 each class of proposed expenditures, a comparison of
63 46 the amounts proposed to be expended with the amounts
63 47 expended for like purposes for the two preceding years,
63 48 the revenues from sources other than property taxation,
63 49 and the amount to be raised by property taxation, in
63 50 the detail and form prescribed by the director of the

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department of management. For each county that has established an urban renewal area, the budget shall include estimated and actual tax increment financing revenues and all estimated and actual expenditures of the revenues, proceeds from debt and all estimated and actual expenditures of the debt proceeds, and identification of any entity receiving a direct payment of taxes funded by tax increment financing revenues and shall include the total amount of loans, advances, indebtedness, or bonds outstanding at the close of the most recently ended fiscal year, which qualify for payment from the special fund created in section 403.19, including interest negotiated on such loans, advances, indebtedness, or bonds. For purposes of this subsection, "indebtedness" includes written agreements whereby the county agrees to suspend, abate, exempt, rebate, refund, or reimburse property taxes, provide a grant for property taxes paid, or make a direct payment of taxes, with moneys in the special fund. The amount of loans, advances, indebtedness, or bonds shall be listed in the aggregate for each county reporting. ~~The county finance committee, in consultation with the department of management and the legislative services agency, shall determine reporting criteria and shall prepare a form for reports filed with the department pursuant to this section. The department shall make the information available by electronic means.~~

Sec. 167. Section 373.10, Code 2011, is amended to read as follows:

373.10 Taxing authority.

The metropolitan council shall have the authority to levy city taxes to the extent the city tax levy authority is transferred by the charter to the metropolitan council. A member city shall transfer a portion of the city's tax levy authorized under section 384.1 or 384.12, whichever is applicable, to the metropolitan council. The maximum ~~rates~~ amount of taxes authorized to be levied under ~~sections~~ section 384.1 and the taxes authorized to be levied under section384.12 by a member city shall be reduced by an amount equal to the rates of the same or similar taxes levied in the city by the metropolitan council.

Sec. 168. Section 384.1, Code 2011, is amended by striking the section and inserting in lieu thereof the following:

384.1 Property tax dollars ==== maximums.

1. A city shall certify taxes to be levied by the city on all taxable property within the city limits, for all city government purposes. Annually, the city council may certify basic levies for city government

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65 1 purposes, subject to the limitation on property tax
65 2 dollars provided in this section.
65 3 2. For purposes of this section and section 384.1B,
65 4 unless the context otherwise requires:
65 5 a. "Annual growth factor" means an index, expressed
65 6 as a percentage, determined by the department of
65 7 management by November 1 of the calendar year preceding
65 8 the calendar year in which the budget year begins. In
65 9 determining the annual growth factor, the department
65 10 shall calculate the average of the preceding three=year
65 11 percentage change, which shall be computed on an annual
65 12 basis, in the midwest consumer price index, ending
65 13 with the percentage change for the month of September.
65 14 The department shall then add that average percentage
65 15 change to one hundred percent.
65 16 b. "Boundary adjustment" means annexation,
65 17 severance, incorporation, or discontinuance as those
65 18 terms are defined in section 368.1.
65 19 c. "Budget year" is the fiscal year beginning
65 20 during the calendar year in which a budget is
65 21 certified.
65 22 d. "Current fiscal year" is the fiscal year
65 23 ending during the calendar year in which a budget is
65 24 certified.
65 25 e. "Net new valuation taxes" means the amount of
65 26 property tax dollars equal to the current fiscal year's
65 27 levy rate in the city for the general fund multiplied
65 28 by the increase from the current fiscal year to the
65 29 budget year in taxable valuation due to the following:
65 30 (1) Net new construction, including all incremental
65 31 valuation that is released in any one year from a
65 32 division of revenue under section 260E.4 or an urban
65 33 renewal area for which taxes were being divided under
65 34 section 403.19, regardless of whether the property
65 35 for the valuation being released remains subject
65 36 to the division of revenue under section 260E.4 or
65 37 remains part of the urban renewal area that is subject
65 38 to a division of revenue under section 403.19. The
65 39 amount of property tax dollars attributable to such
65 40 incremental valuation being released from a division
65 41 of revenue shall be subtracted from the maximum amount
65 42 of property tax dollars which may be certified for
65 43 the next following fiscal year if such incremental
65 44 valuation is not released for the next following fiscal
65 45 year.
65 46 (2) Additions or improvements to existing
65 47 structures.
65 48 (3) Remodeling of existing structures for which a
65 49 building permit is required.
65 50 (4) Net boundary adjustment.

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66 1 (5) A municipality no longer dividing tax revenues
66 2 in an urban renewal area as provided in section 403.19
66 3 or a community college no longer dividing revenues as
66 4 provided in section 260E.4.
66 5 (6) That portion of taxable property located in an
66 6 urban revitalization area on which an exemption was
66 7 allowed and such exemption has expired.
66 8 f. "Unfunded federal and state mandate cost growth"
66 9 means an amount of increased expenditures for a city
66 10 from the previous fiscal year resulting from any of the
66 11 following:
66 12 (1) A federal statutory requirement or
66 13 appropriation that requires the city to establish,
66 14 expand, or modify its activities in a manner which
66 15 necessitates additional annual expenditures and for
66 16 which insufficient funding is provided to the city to
66 17 satisfy such requirements.
66 18 (2) A state mandate as defined in section 25B.3,
66 19 and for which insufficient funding is provided to the
66 20 city to satisfy the requirements of the state mandate.
66 21 3. a. For the fiscal year beginning July 1, 2013,
66 22 and subsequent fiscal years, the maximum amount of
66 23 property tax dollars which may be certified for levy
66 24 by a city for the general fund shall be the maximum
66 25 property tax dollars calculated under paragraph "b".
66 26 b. The maximum property tax dollars that may be
66 27 levied for deposit in the general fund is an amount
66 28 equal to the sum of the following:
66 29 (1) The annual growth factor times the current
66 30 fiscal year's maximum property tax dollars for the
66 31 general fund.
66 32 (2) The amount of net new valuation taxes in the
66 33 city.
66 34 (3) The unfunded federal and state mandate cost
66 35 growth.
66 36 4. For purposes of calculating maximum property tax
66 37 dollars for the city general fund for the fiscal year
66 38 beginning July 1, 2013, only, the term "current fiscal
66 39 year's maximum property tax dollars" shall mean the
66 40 total amount of property tax dollars certified by the
66 41 city for the city's general fund for the fiscal year
66 42 beginning July 1, 2012.
66 43 5. Property taxes certified for deposit in the
66 44 debt service fund in section 384.4, trust and agency
66 45 funds in section 384.6, capital improvements reserve
66 46 fund in section 384.7, the emergency fund in section
66 47 384.8, any capital projects fund established by the
66 48 city for deposit of bond, loan, or note proceeds,
66 49 any temporary increase approved pursuant to section
66 50 384.12A, property taxes collected from a voted levy

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67 1 in section 384.12, and property taxes levied under
67 2 section 384.12, subsection 18, are not counted against
67 3 the maximum amount of property tax dollars that may be
67 4 certified for a fiscal year under subsection 3.
67 5 6. Notwithstanding the maximum amount of taxes
67 6 a city may certify for levy, the tax levied by a
67 7 city on tracts of land and improvements on the
67 8 tracts of land used and assessed for agricultural or
67 9 horticultural purposes shall not exceed three dollars
67 10 and three=eighths cents per thousand dollars of
67 11 assessed value in any year. Improvements located on
67 12 such tracts of land and not used for agricultural or
67 13 horticultural purposes and all residential dwellings
67 14 are subject to the same rate of tax levied by the city
67 15 on all other taxable property within the city.
67 16 7. The department of management, in consultation
67 17 with the city finance committee, shall adopt rules
67 18 to administer this section. The department shall
67 19 prescribe forms to be used by cities when making
67 20 calculations required by this section.
67 21 Sec. 169. NEW SECTION. 384.1B Ending fund balance.
67 22 1. a. Budgeted general fund ending fund balances
67 23 for a budget year in excess of twenty=five percent of
67 24 budgeted expenditures from the general fund for that
67 25 budget year shall be explicitly committed or assigned
67 26 for a specific purpose.
67 27 b. A city is encouraged, but not required, to
67 28 reduce budgeted, uncommitted, or unassigned ending
67 29 fund balances for the budget year to an amount equal
67 30 to approximately twenty=five percent of budgeted
67 31 expenditures and transfers from the general fund for
67 32 that budget year unless a decision is certified by the
67 33 state appeal board ordering a reduction in the ending
67 34 fund balance of the fund.
67 35 c. In a protest to the city budget under section
67 36 384.19, the city shall have the burden of proving that
67 37 the budgeted balances in excess of twenty=five percent
67 38 are reasonably likely to be appropriated for the
67 39 explicitly committed or assigned specific purpose. The
67 40 excess budgeted balance for the specific purpose shall
67 41 be considered an increase in an item in the budget for
67 42 purposes of section 24.28.
67 43 2. a. For a city that has, as of June 30,
67 44 2012, reduced its ending fund balance to less than
67 45 twenty=five percent of actual expenditures, additional
67 46 property taxes may be computed and levied as provided
67 47 in this subsection. The additional property tax levy
67 48 amount is an amount not to exceed the difference
67 49 between twenty=five percent of actual expenditures for
67 50 city government purposes for the fiscal year beginning

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68 1 July 1, 2011, minus the ending fund balance for that
68 2 year.
68 3 b. All or a portion of additional property tax
68 4 dollars may be levied for the purpose of increasing
68 5 cash reserves for city government purposes in the
68 6 budget year. The additional property tax dollars
68 7 authorized under this subsection but not levied may be
68 8 carried forward as unused ending fund balance taxing
68 9 authority until and for the fiscal year beginning
68 10 July 1, 2018. The amount carried forward shall not
68 11 exceed twenty=five percent of the maximum amount of
68 12 property tax dollars available in the current fiscal
68 13 year. Additionally, property taxes that are levied
68 14 as unused ending fund balance taxing authority under
68 15 this subsection may be the subject of a protest under
68 16 section 384.19, and the amount will be considered an
68 17 increase in an item in the budget for purposes of
68 18 section 24.28. The amount of additional property tax
68 19 dollars levied under this subsection shall not be
68 20 included in the computation of the maximum amount of
68 21 property tax dollars which may be certified and levied
68 22 under section 384.1.
68 23 Sec. 170. Section 384.12, unnumbered paragraph
68 24 1, Code 2011, is amended by striking the unnumbered
68 25 paragraph and inserting in lieu thereof the following:
68 26 A city may certify taxes for deposit in the general
68 27 fund, subject to the limit provided in section 384.1
68 28 if applicable, which are in addition to any other
68 29 moneys the city may wish to spend for such purposes,
68 30 as follows:
68 31 Sec. 171. Section 384.12, subsection 20, Code 2011,
68 32 is amended by striking the subsection.
68 33 Sec. 172. NEW SECTION. 384.12A Authority to levy
68 34 beyond maximum property tax dollars.
68 35 1. The city council may certify additions to the
68 36 maximum amount of property tax dollars to be levied
68 37 for a budget year if the city conducts a second public
68 38 hearing prior to certification of the budget to the
68 39 county auditor, in addition to the hearing held as
68 40 required under section 384.16. The second public
68 41 hearing shall be conducted in the same manner as
68 42 the public hearing on the budget required in section
68 43 384.16.
68 44 2. The amount of additional property tax dollars
68 45 certified under this section shall not be included in
68 46 the computation of the maximum amount of property tax
68 47 dollars which may be certified and levied under section
68 48 384.1 for future budget years.
68 49 Sec. 173. Section 384.16, subsection 1, paragraph
68 50 b, Code 2011, is amended to read as follows:

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69 1 b. A budget must show comparisons between the
69 2 estimated expenditures in each program in the following
69 3 year, the latest estimated expenditures in each program
69 4 in the current year, and the actual expenditures in
69 5 each program from the annual report as provided in
69 6 section 384.22, or as corrected by a subsequent audit
69 7 report. Wherever practicable, as provided in rules
69 8 of the committee, a budget must show comparisons
69 9 between the levels of service provided by each program
69 10 as estimated for the following year, and actual
69 11 levels of service provided by each program during
69 12 the two preceding years. For each city that has
69 13 established an urban renewal area, the budget shall
69 14 include estimated and actual tax increment financing
69 15 revenues and all estimated and actual expenditures of
69 16 the revenues, proceeds from debt and all estimated
69 17 and actual expenditures of the debt proceeds, and
69 18 identification of any entity receiving a direct payment
69 19 of taxes funded by tax increment financing revenues
69 20 and shall include the total amount of loans, advances,
69 21 indebtedness, or bonds outstanding at the close of
69 22 the most recently ended fiscal year, which qualify
69 23 for payment from the special fund created in section
69 24 403.19, including interest negotiated on such loans,
69 25 advances, indebtedness, or bonds. The amount of loans,
69 26 advances, indebtedness, or bonds shall be listed in the
69 27 aggregate for each city reporting. ~~The city finance~~
~~69 28 committee, in consultation with the department of~~
~~69 29 management and the legislative services agency, shall~~
~~69 30 determine reporting criteria and shall prepare a form~~
~~69 31 for reports filed with the department pursuant to this~~
~~69 32 section. The department shall make the information~~
~~69 33 available by electronic means.~~
69 34 Sec. 174. Section 384.19, Code 2011, is amended by
69 35 adding the following new unnumbered paragraph:
69 36 NEW UNNUMBERED PARAGRAPH For purposes of a tax
69 37 protest filed under this section, "item" means a
69 38 budgeted expenditure, appropriation, or cash reserve
69 39 from a fund for a service area, program, program
69 40 element, or purpose.
69 41 Sec. 175. Section 386.8, Code 2011, is amended to
69 42 read as follows:
69 43 386.8 Operation tax.
69 44 A city may establish a self=supported improvement
69 45 district operation fund, and may certify taxes not
69 46 to exceed the rate limitation as established in the
69 47 ordinance creating the district, or any amendment
69 48 thereto, each year to be levied for the fund against
69 49 all of the property in the district, for the purpose
69 50 of paying the administrative expenses of the district,

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70 1 which may include but are not limited to administrative
70 2 personnel salaries, a separate administrative office,
70 3 planning costs including consultation fees, engineering
70 4 fees, architectural fees, and legal fees and all other
70 5 expenses reasonably associated with the administration
70 6 of the district and the fulfilling of the purposes of
70 7 the district. The taxes levied for this fund may also
70 8 be used for the purpose of paying maintenance expenses
70 9 of improvements or self=liquidating improvements for a
70 10 specified length of time with one or more options to
70 11 renew if such is clearly stated in the petition which
70 12 requests the council to authorize construction of the
70 13 improvement or self=liquidating improvement, whether
70 14 or not such petition is combined with the petition
70 15 requesting creation of a district. Parcels of property
70 16 which are assessed as residential property for property
70 17 tax purposes are exempt from the tax levied under this
70 18 section except residential properties within a duly
70 19 designated historic district. A tax levied under
70 20 this section is not subject to the ~~levy~~ limitation in
70 21 section 384.1.
70 22 Sec. 176. Section 386.9, Code 2011, is amended to
70 23 read as follows:
70 24 386.9 Capital improvement tax.
70 25 A city may establish a capital improvement fund
70 26 for a district and may certify taxes, not to exceed
70 27 the rate established by the ordinance creating the
70 28 district, or any subsequent amendment thereto,
70 29 each year to be levied for the fund against all of
70 30 the property in the district, for the purpose of
70 31 accumulating moneys for the financing or payment
70 32 of a part or all of the costs of any improvement or
70 33 self=liquidating improvement. However, parcels of
70 34 property which are assessed as residential property
70 35 for property tax purposes are exempt from the tax
70 36 levied under this section except residential properties
70 37 within a duly designated historic district. A tax
70 38 levied under this section is not subject to the ~~levy~~
70 39 limitations in section 384.1 or 384.7.
70 40 Sec. 177. REPEAL. Sections 331.425 and 331.426,
70 41 Code 2011, are repealed.
70 42 Sec. 178. EFFECTIVE DATE AND APPLICABILITY. This
70 43 division of this Act takes effect July 1, 2012, and
70 44 applies to fiscal years beginning on or after July 1,
70 45 2013.
70 46 DIVISION XX
70 47 RESIDENTIAL PROPERTY ASSESSMENT LIMITATION
70 48 Sec. 179. Section 441.21, subsection 4, Code 2011,
70 49 is amended to read as follows:
70 50 4. For valuations established as of January

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71 1 1, 1979, the percentage of actual value at which
71 2 agricultural and residential property shall be assessed
71 3 shall be the quotient of the dividend and divisor as
71 4 defined in this section. The dividend for each class
71 5 of property shall be the dividend as determined for
71 6 each class of property for valuations established as
71 7 of January 1, 1978, adjusted by the product obtained
71 8 by multiplying the percentage determined for that year
71 9 by the amount of any additions or deletions to actual
71 10 value, excluding those resulting from the revaluation
71 11 of existing properties, as reported by the assessors
71 12 on the abstracts of assessment for 1978, plus six
71 13 percent of the amount so determined. However, if the
71 14 difference between the dividend so determined for
71 15 either class of property and the dividend for that
71 16 class of property for valuations established as of
71 17 January 1, 1978, adjusted by the product obtained by
71 18 multiplying the percentage determined for that year
71 19 by the amount of any additions or deletions to actual
71 20 value, excluding those resulting from the revaluation
71 21 of existing properties, as reported by the assessors
71 22 on the abstracts of assessment for 1978, is less than
71 23 six percent, the 1979 dividend for the other class of
71 24 property shall be the dividend as determined for that
71 25 class of property for valuations established as of
71 26 January 1, 1978, adjusted by the product obtained by
71 27 multiplying the percentage determined for that year
71 28 by the amount of any additions or deletions to actual
71 29 value, excluding those resulting from the revaluation
71 30 of existing properties, as reported by the assessors on
71 31 the abstracts of assessment for 1978, plus a percentage
71 32 of the amount so determined which is equal to the
71 33 percentage by which the dividend as determined for the
71 34 other class of property for valuations established as
71 35 of January 1, 1978, adjusted by the product obtained
71 36 by multiplying the percentage determined for that year
71 37 by the amount of any additions or deletions to actual
71 38 value, excluding those resulting from the revaluation
71 39 of existing properties, as reported by the assessors
71 40 on the abstracts of assessment for 1978, is increased
71 41 in arriving at the 1979 dividend for the other class
71 42 of property. The divisor for each class of property
71 43 shall be the total actual value of all such property
71 44 in the state in the preceding year, as reported by the
71 45 assessors on the abstracts of assessment submitted
71 46 for 1978, plus the amount of value added to said
71 47 total actual value by the revaluation of existing
71 48 properties in 1979 as equalized by the director of
71 49 revenue pursuant to section 441.49. The director shall
71 50 utilize information reported on abstracts of assessment

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72 1 submitted pursuant to section 441.45 in determining
72 2 such percentage. For valuations established as
72 3 of January 1, 1980, and each year thereafter, the
72 4 percentage of actual value as equalized by the director
72 5 of revenue as provided in section 441.49 at which
72 6 agricultural and residential property shall be assessed
72 7 shall be calculated in accordance with the methods
72 8 provided herein including the limitation of increases
72 9 in agricultural and residential assessed values to the
72 10 percentage increase of the other class of property if
72 11 the other class increases less than the allowable limit
72 12 adjusted to include the applicable and current values
72 13 as equalized by the director of revenue, except that
72 14 any references to six percent in this subsection shall
72 15 be four percent. For valuations established as of
72 16 January 1, 2012, and each assessment year thereafter,
72 17 the percentage of actual value as equalized by the
72 18 director of revenue as provided in section 441.49 at
72 19 which residential property shall be assessed shall be
72 20 calculated in accordance with the methods provided
72 21 herein including the limitation of increases in
72 22 agricultural and residential assessed values to the
72 23 percentage increase of the other class of property if
72 24 the other class increases less than the allowable limit
72 25 adjusted to include the applicable and current values
72 26 as equalized by the director of revenue, except that
72 27 in no assessment year shall the percentage of actual
72 28 value at which residential property is assessed be less
72 29 than fifty percent.
72 30 DIVISION XXI
72 31 CONDITIONAL EFFECTIVE DATE AND RETROACTIVE
72 32 APPLICABILITY
72 33 Sec. 180. EFFECTIVE DATE AND RETROACTIVE
72 34 APPLICABILITY. Unless otherwise provided, this Act,
72 35 if approved by the governor on or after July 1, 2011,
72 36 takes effect upon enactment and applies retroactively
72 37 to July 1, 2011.>
72 38 #2. By renumbering as necessary.

ROBERT E. DVORSKY
S3372.3415 (2) 84
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# Senate Amendment 3374

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1 1 Amend the Senate amendment, H=1682, to House File
1 2 646, as amended, passed, and reprinted by the House, as
1 3 follows:
1 4 #1. By striking page 1, line 5, through page 36,
1 5 line 47, and inserting:
1 6 <DIVISION I
1 7 FY 2011=2012
1 8 Section 1. DEPARTMENT OF ADMINISTRATIVE SERVICES.
1 9 1. There is appropriated from the general fund of
1 10 the state to the department of administrative services
1 11 for the fiscal year beginning July 1, 2011, and ending
1 12 June 30, 2012, the following amounts, or so much
1 13 thereof as is necessary, to be used for the purposes
1 14 designated, and for not more than the following
1 15 full=time equivalent positions:
1 16 a. For salaries, support, maintenance, and
1 17 miscellaneous purposes:
1 18 ..... $ 4,020,344
1 19 ..... FTEs 84.18
1 20 b. For the payment of utility costs:
1 21 ..... $ 2,626,460
1 22 ..... FTEs 1.00
1 23 Notwithstanding section 8.33, any excess funds
1 24 appropriated for utility costs in this lettered
1 25 paragraph shall not revert to the general fund of the
1 26 state at the end of the fiscal year but shall remain
1 27 available for expenditure for the purposes of this
1 28 lettered paragraph during the succeeding fiscal year.
1 29 c. For Terrace Hill operations:
1 30 ..... $ 405,914
1 31 ..... FTEs 6.88
1 32 d. For the I3 distribution account:
1 33 ..... $ 3,277,946
1 34 e. For operations and maintenance of the Iowa
1 35 building:
1 36 ..... $ 995,535
1 37 ..... FTEs 7.00
1 38 2. Members of the general assembly serving as
1 39 members of the deferred compensation advisory board
1 40 shall be entitled to receive per diem and necessary
1 41 travel and actual expenses pursuant to section 2.10,
1 42 subsection 5, while carrying out their official duties
1 43 as members of the board.
1 44 3. Any funds and premiums collected by the
1 45 department for workers' compensation shall be
1 46 segregated into a separate workers' compensation
1 47 fund in the state treasury to be used for payment of
1 48 state employees' workers' compensation claims and
1 49 administrative costs. Notwithstanding section 8.33,
1 50 unencumbered or unobligated moneys remaining in this

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2 1 workers' compensation fund at the end of the fiscal
2 2 year shall not revert but shall be available for
2 3 expenditure for purposes of the fund for subsequent
2 4 fiscal years.
2 5 Sec. 2. LEASING AUTHORITY IMPLEMENTATION.
2 6 1. A state agency that has entered into a lease
2 7 for any buildings or office space shall forward a
2 8 copy of each such existing lease to the department of
2 9 administrative services for review prior to July 1,
2 10 2011.
2 11 2. A state agency that is in the process of
2 12 entering into or renewing a lease for any building
2 13 or office space shall contact the department of
2 14 administrative services prior to finalizing such lease.
2 15 Such lease shall not be entered into or renewed without
2 16 the approval of the department.
2 17 3. The department shall provide space management
2 18 services and begin to lease all buildings and office
2 19 space wherever located throughout the state as provided
2 20 in section 8A.321, as amended by this Act, as soon
2 21 as practicable, but by no later than December 1,
2 22 2011. Prior to assuming those responsibilities,
2 23 the department shall review and approve leases under
2 24 subsection 2 unless, in the department's discretion, it
2 25 is determined that entering into or renewing such lease
2 26 would not be in the best interests of the state.
2 27 4. The department is authorized to assess a fee
2 28 to a state agency for which a lease is negotiated
2 29 or renewed pursuant to this Act sufficient to cover
2 30 the department's costs in providing space management
2 31 services under this Act.
2 32 Sec. 3. TRAVEL REIMBURSEMENT IMPLEMENTATION.
2 33 1. If this Act is approved by the governor
2 34 prior to July 1, 2011, the electronic online travel
2 35 authorization form provided for in section 8A.512A, if
2 36 enacted, shall be developed on or before July 1, 2011,
2 37 and executive branch employees subject to that section
2 38 traveling out of state on behalf of the state shall
2 39 utilize the form on and after that date.
2 40 2. The database to be made available by the
2 41 department of administrative services as provided in
2 42 section 8A.512A, if enacted, shall be developed and
2 43 available for public access on or before January 1,
2 44 2012.
2 45 3. The department shall develop a plan for
2 46 converting the existing reimbursement process to a
2 47 paperless process, including implementation steps, a
2 48 timeline, and an estimated budget. The plan shall be
2 49 submitted to the governor by no later than January 1,
2 50 2012.

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3 1 Sec. 4. REVOLVING FUNDS. There is appropriated
3 2 to the department of administrative services for the
3 3 fiscal year beginning July 1, 2011, and ending June
3 4 30, 2012, from the revolving funds designated in
3 5 chapter 8A and from internal service funds created
3 6 by the department such amounts as the department
3 7 deems necessary for the operation of the department
3 8 consistent with the requirements of chapter 8A.
3 9 Sec. 5. FUNDING FOR IOWACCESS.
3 10 1. Notwithstanding section 321A.3, subsection
3 11 1, for the fiscal year beginning July 1, 2011, and
3 12 ending June 30, 2012, the first $750,000 collected
3 13 and transferred by the department of transportation
3 14 to the treasurer of state with respect to the fees
3 15 for transactions involving the furnishing of a
3 16 certified abstract of a vehicle operating record under
3 17 section 321A.3, subsection 1, shall be transferred
3 18 to the IowAccess revolving fund for the purposes of
3 19 developing, implementing, maintaining, and expanding
3 20 electronic access to government records as provided by
3 21 law.
3 22 2. All fees collected with respect to transactions
3 23 involving IowAccess shall be deposited in the IowAccess
3 24 revolving fund and shall be used only for the support
3 25 of IowAccess projects.
3 26 3. For the fiscal year beginning July 1, 2011,
3 27 and ending June 30, 2012, there is appropriated from
3 28 the IowAccess revolving fund, to the office of the
3 29 secretary of state $75,000 for costs associated with
3 30 decennial redistricting.
3 31 Sec. 6. STATE EMPLOYEE HEALTH INSURANCE
3 32 ADMINISTRATION CHARGE. For the fiscal year beginning
3 33 July 1, 2011, and ending June 30, 2012, the monthly per
3 34 contract administrative charge which may be assessed by
3 35 the department of administrative services shall be $2
3 36 per contract on all health insurance plans administered
3 37 by the department.
3 38 Sec. 7. AUDITOR OF STATE.
3 39 1. There is appropriated from the general fund of
3 40 the state to the office of the auditor of state for the
3 41 fiscal year beginning July 1, 2011, and ending June 30,
3 42 2012, the following amount, or so much thereof as is
3 43 necessary, to be used for the purposes designated, and
3 44 for not more than the following full=time equivalent
3 45 positions:
3 46 For salaries, support, maintenance, and
3 47 miscellaneous purposes:
3 48 ..... $ 905,468
3 49 ..... FTEs 103.00
3 50 2. The auditor of state may retain additional

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4 1 full=time equivalent positions as is reasonable and
4 2 necessary to perform governmental subdivision audits
4 3 which are reimbursable pursuant to section 11.20
4 4 or 11.21, to perform audits which are requested by
4 5 and reimbursable from the federal government, and
4 6 to perform work requested by and reimbursable from
4 7 departments or agencies pursuant to section 11.5A
4 8 or 11.5B. The auditor of state shall notify the
4 9 department of management, the legislative fiscal
4 10 committee, and the legislative services agency of the
4 11 additional full=time equivalent positions retained.
4 12 3. The auditor of state shall allocate resources
4 13 from the appropriation in this section solely for audit
4 14 work related to the comprehensive annual financial
4 15 report, federally required audits, and investigations
4 16 of embezzlement, theft, or other significant financial
4 17 irregularities until the audit of the comprehensive
4 18 annual financial report is complete.
4 19 Sec. 8. IOWA ETHICS AND CAMPAIGN DISCLOSURE
4 20 BOARD. There is appropriated from the general fund of
4 21 the state to the Iowa ethics and campaign disclosure
4 22 board for the fiscal year beginning July 1, 2011, and
4 23 ending June 30, 2012, the following amount, or so much
4 24 thereof as is necessary, for the purposes designated:
4 25 For salaries, support, maintenance, and
4 26 miscellaneous purposes, and for not more than the
4 27 following full=time equivalent positions:
4 28 ..... $ 475,000
4 29 ..... FTEs 5.00
4 30 Sec. 9. DEPARTMENT OF COMMERCE.
4 31 1. There is appropriated from the general fund
4 32 of the state to the department of commerce for the
4 33 fiscal year beginning July 1, 2011, and ending June 30,
4 34 2012, the following amounts, or so much thereof as is
4 35 necessary, for the purposes designated:
4 36 a. ALCOHOLIC BEVERAGES DIVISION
4 37 (1) For salaries, support, maintenance, and
4 38 miscellaneous purposes, and for not more than the
4 39 following full=time equivalent positions:
4 40 ..... $ 1,220,391
4 41 ..... FTEs 21.00
4 42 (2) Of the funds appropriated pursuant to this
4 43 paragraph, up to $60,000 shall be used to establish
4 44 and implement a web=based alcohol compliance employee
4 45 training program for alcoholic beverage sales
4 46 personnel.
4 47 b. PROFESSIONAL LICENSING AND REGULATION BUREAU
4 48 For salaries, support, maintenance, and
4 49 miscellaneous purposes, and for not more than the
4 50 following full=time equivalent positions:

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5 1 ..... $ 600,353
5 2 ..... FTEs 12.00
5 3 2. There is appropriated from the department of
5 4 commerce revolving fund created in section 546.12
5 5 to the department of commerce for the fiscal year
5 6 beginning July 1, 2011, and ending June 30, 2012, the
5 7 following amounts, or so much thereof as is necessary,
5 8 for the purposes designated:
5 9 a. BANKING DIVISION
5 10 For salaries, support, maintenance, and
5 11 miscellaneous purposes, and for not more than the
5 12 following full=time equivalent positions:
5 13 ..... $ 8,851,670
5 14 ..... FTEs 80.00
5 15 b. CREDIT UNION DIVISION
5 16 For salaries, support, maintenance, and
5 17 miscellaneous purposes, and for not more than the
5 18 following full=time equivalent positions:
5 19 ..... $ 1,727,995
5 20 ..... FTEs 19.00
5 21 c. INSURANCE DIVISION
5 22 (1) For salaries, support, maintenance, and
5 23 miscellaneous purposes, and for not more than the
5 24 following full=time equivalent positions:
5 25 ..... $ 4,983,244
5 26 ..... FTEs 106.50
5 27 (2) The insurance division may reallocate
5 28 authorized full=time equivalent positions as necessary
5 29 to respond to accreditation recommendations or
5 30 requirements. The insurance division expenditures
5 31 for examination purposes may exceed the projected
5 32 receipts, refunds, and reimbursements, estimated
5 33 pursuant to section 505.7, subsection 7, including the
5 34 expenditures for retention of additional personnel,
5 35 if the expenditures are fully reimbursable and the
5 36 division first does both of the following:
5 37 (a) Notifies the department of management, the
5 38 legislative services agency, and the legislative fiscal
5 39 committee of the need for the expenditures.
5 40 (b) Files with each of the entities named in
5 41 subparagraph division (a) the legislative and
5 42 regulatory justification for the expenditures, along
5 43 with an estimate of the expenditures.
5 44 d. UTILITIES DIVISION
5 45 (1) For salaries, support, maintenance, and
5 46 miscellaneous purposes, and for not more than the
5 47 following full=time equivalent positions:
5 48 ..... $ 8,173,069
5 49 ..... FTEs 79.00
5 50 (2) The utilities division may expend additional

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6 1 funds, including funds for additional personnel, if
6 2 those additional expenditures are actual expenses which
6 3 exceed the funds budgeted for utility regulation and
6 4 the expenditures are fully reimbursable. Before the
6 5 division expends or encumbers an amount in excess of
6 6 the funds budgeted for regulation, the division shall
6 7 first do both of the following:
6 8 (a) Notify the department of management, the
6 9 legislative services agency, and the legislative fiscal
6 10 committee of the need for the expenditures.
6 11 (b) File with each of the entities named in
6 12 subparagraph division (a) the legislative and
6 13 regulatory justification for the expenditures, along
6 14 with an estimate of the expenditures.
6 15 (3) Notwithstanding sections 8.33 and 476.10 or
6 16 any other provisions to the contrary, any unencumbered
6 17 or unobligated balance of the appropriation made in
6 18 this paragraph for the utilities division or any other
6 19 operational appropriation made for the fiscal year
6 20 beginning July 1, 2011, and ending June 30, 2012,
6 21 that remains unused, unencumbered, or unobligated
6 22 at the close of the fiscal year shall not revert but
6 23 shall remain available to be used for purposes of the
6 24 energy=efficient building project authorized under
6 25 section 476.10B, or for relocation costs in succeeding
6 26 fiscal years.
6 27 (4) In addition to the funds otherwise appropriated
6 28 to the division in subparagraph (1), and contingent
6 29 upon the enactment of legislation during the 2011
6 30 legislative session relating to the permitting,
6 31 licensing, construction, and operation of nuclear
6 32 generation facilities and establishing rate=making
6 33 principles in relation thereto, for salaries, support,
6 34 maintenance, and miscellaneous purposes, and for not
6 35 more than the following full=time equivalent positions:
6 36 ..... $ 500,000
6 37 ..... FTEs 3.50
6 38 3. CHARGES. Each division and the office of
6 39 consumer advocate shall include in its charges
6 40 assessed or revenues generated an amount sufficient
6 41 to cover the amount stated in its appropriation and
6 42 any state=assessed indirect costs determined by the
6 43 department of administrative services.
6 44 Sec. 10. DEPARTMENT OF COMMERCE ==== PROFESSIONAL
6 45 LICENSING AND REGULATION BUREAU. There is appropriated
6 46 from the housing trust fund of the Iowa finance
6 47 authority created in section 16.181, to the bureau of
6 48 professional licensing and regulation of the banking
6 49 division of the department of commerce for the fiscal
6 50 year beginning July 1, 2011, and ending June 30,

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7 1 2012, the following amount, or so much thereof as is
7 2 necessary, to be used for the purposes designated:
7 3 For salaries, support, maintenance, and
7 4 miscellaneous purposes:
7 5 ..... $ 62,317
7 6 Sec. 11. GOVERNOR AND LIEUTENANT GOVERNOR. There
7 7 is appropriated from the general fund of the state to
7 8 the offices of the governor and the lieutenant governor
7 9 for the fiscal year beginning July 1, 2011, and ending
7 10 June 30, 2012, the following amounts, or so much
7 11 thereof as is necessary, to be used for the purposes
7 12 designated:
7 13 For salaries, support, maintenance, and
7 14 miscellaneous purposes:
7 15 ..... $ 2,288,025
7 16 ..... FTEs 22.88
7 17 Sec. 12. GOVERNOR'S OFFICE OF DRUG CONTROL
7 18 POLICY. There is appropriated from the general fund
7 19 of the state to the governor's office of drug control
7 20 policy for the fiscal year beginning July 1, 2011, and
7 21 ending June 30, 2012, the following amount, or so much
7 22 thereof as is necessary, to be used for the purposes
7 23 designated:
7 24 For salaries, support, maintenance, and
7 25 miscellaneous purposes, including statewide
7 26 coordination of the drug abuse resistance education
7 27 (D.A.R.E.) programs or similar programs, and for not
7 28 more than the following full=time equivalent positions:
7 29 ..... $ 290,000
7 30 ..... FTEs 8.00
7 31 Sec. 13. DEPARTMENT OF HUMAN RIGHTS. There is
7 32 appropriated from the general fund of the state to
7 33 the department of human rights for the fiscal year
7 34 beginning July 1, 2011, and ending June 30, 2012, the
7 35 following amounts, or so much thereof as is necessary,
7 36 to be used for the purposes designated:
7 37 1. CENTRAL ADMINISTRATION DIVISION
7 38 For salaries, support, maintenance, and
7 39 miscellaneous purposes, and for not more than the
7 40 following full=time equivalent positions:
7 41 ..... $ 206,103
7 42 ..... FTEs 7.00
7 43 2. COMMUNITY ADVOCACY AND SERVICES DIVISION
7 44 For salaries, support, maintenance, and
7 45 miscellaneous purposes, and for not more than the
7 46 following full=time equivalent positions:
7 47 ..... $ 1,028,077
7 48 ..... FTEs 17.00
7 49 3. CRIMINAL AND JUVENILE JUSTICE PLANNING DIVISION
7 50 For salaries, support, maintenance, and

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8 1 miscellaneous purposes, and for not more than the
8 2 following full=time equivalent positions:
8 3 ..... $ 1,023,892
8 4 ..... FTEs 10.00
8 5 The criminal and juvenile justice planning advisory
8 6 council and the juvenile justice advisory council
8 7 shall coordinate their efforts in carrying out their
8 8 respective duties relative to juvenile justice.
8 9 Sec. 14. DEPARTMENT OF INSPECTIONS AND
8 10 APPEALS. There is appropriated from the general fund
8 11 of the state to the department of inspections and
8 12 appeals for the fiscal year beginning July 1, 2011, and
8 13 ending June 30, 2012, the following amounts, or so much
8 14 thereof as is necessary, for the purposes designated:
8 15 1. ADMINISTRATION DIVISION
8 16 For salaries, support, maintenance, and
8 17 miscellaneous purposes, and for not more than the
8 18 following full=time equivalent positions:
8 19 ..... $ 1,527,740
8 20 ..... FTEs 37.40
8 21 2. ADMINISTRATIVE HEARINGS DIVISION
8 22 For salaries, support, maintenance, and
8 23 miscellaneous purposes, and for not more than the
8 24 following full=time equivalent positions:
8 25 ..... $ 528,753
8 26 ..... FTEs 23.00
8 27 3. INVESTIGATIONS DIVISION
8 28 a. For salaries, support, maintenance, and
8 29 miscellaneous purposes, and for not more than the
8 30 following full=time equivalent positions:
8 31 ..... $ 1,168,639
8 32 ..... FTEs 58.50
8 33 b. The department, in coordination with the
8 34 investigations division, shall provide a report to
8 35 the general assembly by January 10, 2012, concerning
8 36 the fiscal impact of additional full=time equivalent
8 37 positions on the department's efforts relative to the
8 38 Medicaid divestiture program under chapter 249F.
8 39 4. HEALTH FACILITIES DIVISION
8 40 a. For salaries, support, maintenance, and
8 41 miscellaneous purposes, and for not more than the
8 42 following full=time equivalent positions:
8 43 ..... $ 3,555,328
8 44 ..... FTEs 134.75
8 45 b. The department shall, in coordination with
8 46 the health facilities division, make the following
8 47 information available to the public in a timely
8 48 manner, to include providing the information on the
8 49 department's internet website, during the fiscal year
8 50 beginning July 1, 2011, and ending June 30, 2012:

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9 1 (1) The number of inspections conducted by the
9 2 division annually by type of service provider and type
9 3 of inspection.
9 4 (2) The total annual operations budget for the
9 5 division, including general fund appropriations and
9 6 federal contract dollars received by type of service
9 7 provider inspected.
9 8 (3) The total number of full=time equivalent
9 9 positions in the division, to include the number of
9 10 full=time equivalent positions serving in a supervisory
9 11 capacity, and serving as surveyors, inspectors, or
9 12 monitors in the field by type of service provider
9 13 inspected.
9 14 (4) Identification of state and federal survey
9 15 trends, cited regulations, the scope and severity of
9 16 deficiencies identified, and federal and state fines
9 17 assessed and collected concerning nursing and assisted
9 18 living facilities and programs.
9 19 c. It is the intent of the general assembly that
9 20 the department and division continuously solicit input
9 21 from facilities regulated by the division to assess and
9 22 improve the division's level of collaboration and to
9 23 identify new opportunities for cooperation.
9 24 5. EMPLOYMENT APPEAL BOARD
9 25 a. For salaries, support, maintenance, and
9 26 miscellaneous purposes, and for not more than the
9 27 following full=time equivalent positions:
9 28 ..... $ 42,215
9 29 ..... FTEs 14.00
9 30 b. The employment appeal board shall be reimbursed
9 31 by the labor services division of the department
9 32 of workforce development for all costs associated
9 33 with hearings conducted under chapter 91C, related
9 34 to contractor registration. The board may expend,
9 35 in addition to the amount appropriated under this
9 36 subsection, additional amounts as are directly billable
9 37 to the labor services division under this subsection
9 38 and to retain the additional full=time equivalent
9 39 positions as needed to conduct hearings required
9 40 pursuant to chapter 91C.
9 41 6. CHILD ADVOCACY BOARD
9 42 a. For foster care review and the court appointed
9 43 special advocate program, including salaries, support,
9 44 maintenance, and miscellaneous purposes, and for not
9 45 more than the following full=time equivalent positions:
9 46 ..... $ 2,680,290
9 47 ..... FTEs 40.80
9 48 b. The department of human services, in
9 49 coordination with the child advocacy board and the
9 50 department of inspections and appeals, shall submit an

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10 1 application for funding available pursuant to Tit. IV=E
10 2 of the federal Social Security Act for claims for child
10 3 advocacy board administrative review costs.
10 4 c. The court appointed special advocate program
10 5 shall investigate and develop opportunities for
10 6 expanding fund=raising for the program.
10 7 d. Administrative costs charged by the department
10 8 of inspections and appeals for items funded under this
10 9 subsection shall not exceed 4 percent of the amount
10 10 appropriated in this subsection.
10 11 Sec. 15. DEPARTMENT OF INSPECTIONS AND APPEALS
10 12 ==== MUNICIPAL CORPORATION FOOD INSPECTIONS. For the
10 13 fiscal year beginning July 1, 2011, and ending June 30,
10 14 2012, the department of inspections and appeals shall
10 15 retain any license fees generated during the fiscal
10 16 year as a result of actions under section 137F.3A
10 17 occurring during the period beginning July 1, 2009, and
10 18 ending June 30, 2011, for the purpose of enforcing the
10 19 provisions of chapters 137C, 137D, and 137F.
10 20 Sec. 16. DEPARTMENT OF INSPECTIONS AND APPEALS ====
10 21 HEALTH CARE FACILITIES INSPECTIONS. Notwithstanding
10 22 any provision of section 135C.16 to the contrary,
10 23 inspections of health care facilities that are only
10 24 state=licensed and not certified under the Medicare
10 25 or Medicaid programs shall not be inspected by the
10 26 department of inspections and appeals every thirty
10 27 months, but only as provided pursuant to sections
10 28 135C.9 and 135C.38.
10 29 Sec. 17. DEPARTMENT OF INSPECTIONS AND
10 30 APPEALS ==== GENERAL SUPPORT ==== MEDICAID FRAUD FUND
10 31 APPROPRIATION. There is appropriated from the Medicaid
10 32 fraud fund created in section 249A.7 to the health
10 33 facilities division of the department of inspections
10 34 and appeals for the fiscal year beginning July 1, 2011,
10 35 and ending June 30, 2012, the following amount, or
10 36 so much thereof as is necessary, to be used for the
10 37 purposes designated:
10 38 For salaries, support, maintenance, and
10 39 miscellaneous purposes:
10 40 ..... $ 650,000
10 41 Sec. 18. DEPARTMENT OF INSPECTIONS AND APPEALS
10 42 ==== STATE MATCH REQUIREMENTS ==== MEDICAID FRAUD FUND
10 43 APPROPRIATION. There is appropriated from the Medicaid
10 44 fraud fund created in section 249A.7 to the department
10 45 of inspections and appeals for the fiscal year
10 46 beginning July 1, 2011, and ending June 30, 2012, the
10 47 amounts necessary for the purposes designated:
10 48 1. To cover the cost of any state match to draw
10 49 down matching federal funds through the department of
10 50 human services for additional full=time equivalent

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11 1 positions for conducting investigations of alleged
11 2 fraud and overpayments of food assistance benefits
11 3 through electronic benefits transfer.
11 4 2. For the state financial match requirement
11 5 for meeting the federal mandates connected with the
11 6 department's Medicaid fraud and abuse activities, and
11 7 the amount necessary to cover costs incurred by the
11 8 department or other agencies in providing regulation,
11 9 responding to allegations, or other activity involving
11 10 chapter 135O.
11 11 Sec. 19. DEPARTMENT OF INSPECTIONS AND APPEALS
11 12 ==== LEGISLATIVE IMPLEMENTATION ==== MEDICAID FRAUD FUND
11 13 APPROPRIATION. There is appropriated from the Medicaid
11 14 fraud fund created in section 249A.7 to the department
11 15 of inspections and appeals for the fiscal year
11 16 beginning July 1, 2011, and ending June 30, 2012, the
11 17 following amount, or so much thereof as is necessary,
11 18 to be used for the purposes designated:
11 19 For salaries, support, maintenance, miscellaneous
11 20 purposes, administration, and other costs associated
11 21 with implementation of 2010 Iowa Acts, chapter 1177:
11 22 ..... $ 250,000
11 23 Sec. 20. RACING AND GAMING COMMISSION.
11 24 1. RACETRACK REGULATION
11 25 There is appropriated from the gaming regulatory
11 26 revolving fund established in section 99F.20 to the
11 27 racing and gaming commission of the department of
11 28 inspections and appeals for the fiscal year beginning
11 29 July 1, 2011, and ending June 30, 2012, the following
11 30 amount, or so much thereof as is necessary, to be used
11 31 for the purposes designated:
11 32 For salaries, support, maintenance, and
11 33 miscellaneous purposes for the regulation of
11 34 pari=mutuel racetracks, and for not more than the
11 35 following full=time equivalent positions:
11 36 ..... $ 2,511,440
11 37 ..... FTEs 28.53
11 38 2. EXCURSION BOAT AND GAMBLING STRUCTURE REGULATION
11 39 There is appropriated from the gaming regulatory
11 40 revolving fund established in section 99F.20 to the
11 41 racing and gaming commission of the department of
11 42 inspections and appeals for the fiscal year beginning
11 43 July 1, 2011, and ending June 30, 2012, the following
11 44 amount, or so much thereof as is necessary, to be used
11 45 for the purposes designated:
11 46 For salaries, support, maintenance, and
11 47 miscellaneous purposes for administration and
11 48 enforcement of the excursion boat gambling and gambling
11 49 structure laws, and for not more than the following
11 50 full=time equivalent positions:

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12 1 ..... $ 3,078,100
12 2 ..... FTEs 44.22
12 3 Sec. 21. ROAD USE TAX FUND APPROPRIATION ====
12 4 DEPARTMENT OF INSPECTIONS AND APPEALS. There is
12 5 appropriated from the road use tax fund created in
12 6 section 312.1 to the administrative hearings division
12 7 of the department of inspections and appeals for the
12 8 fiscal year beginning July 1, 2011, and ending June 30,
12 9 2012, the following amount, or so much thereof as is
12 10 necessary, for the purposes designated:
12 11 For salaries, support, maintenance, and
12 12 miscellaneous purposes:
12 13 ..... $ 1,623,897
12 14 Sec. 22. DEPARTMENT OF MANAGEMENT.
12 15 1. There is appropriated from the general fund
12 16 of the state to the department of management for the
12 17 fiscal year beginning July 1, 2011, and ending June 30,
12 18 2012, the following amounts, or so much thereof as is
12 19 necessary, to be used for the purposes designated:
12 20 For salaries, support, maintenance, and
12 21 miscellaneous purposes, and for not more than the
12 22 following full=time equivalent positions:
12 23 ..... $ 2,393,998
12 24 ..... FTEs 25.00
12 25 2. Of the moneys appropriated in this section, the
12 26 department shall use a portion for enterprise resource
12 27 planning, providing for a salary model administrator,
12 28 conducting performance audits, and for the department's
12 29 LEAN process.
12 30 Sec. 23. ROAD USE TAX APPROPRIATION ==== DEPARTMENT
12 31 OF MANAGEMENT. There is appropriated from the road use
12 32 tax fund created in section 312.1 to the department
12 33 of management for the fiscal year beginning July 1,
12 34 2011, and ending June 30, 2012, the following amount,
12 35 or so much thereof as is necessary, to be used for the
12 36 purposes designated:
12 37 For salaries, support, maintenance, and
12 38 miscellaneous purposes:
12 39 ..... $ 56,000
12 40 Sec. 24. DEPARTMENT OF REVENUE.
12 41 1. There is appropriated from the general fund
12 42 of the state to the department of revenue for the
12 43 fiscal year beginning July 1, 2011, and ending June 30,
12 44 2012, the following amounts, or so much thereof as is
12 45 necessary, to be used for the purposes designated:
12 46 For salaries, support, maintenance, and
12 47 miscellaneous purposes, and for not more than the
12 48 following full=time equivalent positions:
12 49 ..... $ 17,659,484
12 50 ..... FTEs 303.48

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13 1 2. Of the funds appropriated pursuant to this
13 2 section, $400,000 shall be used to pay the direct
13 3 costs of compliance related to the collection and
13 4 distribution of local sales and services taxes imposed
13 5 pursuant to chapters 423B and 423E.
13 6 3. The director of revenue shall prepare and issue
13 7 a state appraisal manual and the revisions to the
13 8 state appraisal manual as provided in section 421.17,
13 9 subsection 17, without cost to a city or county.
13 10 Sec. 25. MOTOR VEHICLE FUEL TAX
13 11 APPROPRIATION. There is appropriated from the motor
13 12 fuel tax fund created by section 452A.77 to the
13 13 department of revenue for the fiscal year beginning
13 14 July 1, 2011, and ending June 30, 2012, the following
13 15 amount, or so much thereof as is necessary, to be used
13 16 for the purposes designated:
13 17 For salaries, support, maintenance, miscellaneous
13 18 purposes, and for administration and enforcement of the
13 19 provisions of chapter 452A and the motor vehicle use
13 20 tax program:
13 21 ..... $ 1,305,775
13 22 Sec. 26. SECRETARY OF STATE.
13 23 1. There is appropriated from the general fund of
13 24 the state to the office of the secretary of state for
13 25 the fiscal year beginning July 1, 2011, and ending June
13 26 30, 2012, the following amounts, or so much thereof as
13 27 is necessary, to be used for the purposes designated:
13 28 For salaries, support, maintenance, and miscellaneous
13 29 purposes, and for not more than the following full=time
13 30 equivalent positions:
13 31 ..... $ 2,895,585
13 32 ..... FTEs 45.00
13 33 2. The state department or state agency which
13 34 provides data processing services to support voter
13 35 registration file maintenance and storage shall provide
13 36 those services without charge.
13 37 Sec. 27. SECRETARY OF STATE FILING FEES REFUND.
13 38 Notwithstanding the obligation to collect fees pursuant
13 39 to the provisions of section 490.122, subsection 1,
13 40 paragraphs "a" and "s", and section 504.113, subsection
13 41 1, paragraphs "a", "c", "d", "j", "k", "l", and
13 42 "m", for the fiscal year beginning July 1, 2011, the
13 43 secretary of state may refund these fees to the filer
13 44 pursuant to rules established by the secretary of
13 45 state. The decision of the secretary of state not to
13 46 issue a refund under rules established by the secretary
13 47 of state is final and not subject to review pursuant
13 48 to chapter 17A.
13 49 Sec. 28. TREASURER.
13 50 1. There is appropriated from the general fund of

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14 1 the state to the office of treasurer of state for the
14 2 fiscal year beginning July 1, 2011, and ending June 30,
14 3 2012, the following amount, or so much thereof as is
14 4 necessary, to be used for the purposes designated:
14 5 For salaries, support, maintenance, and
14 6 miscellaneous purposes, and for not more than the
14 7 following full=time equivalent positions:
14 8 ..... $ 854,289
14 9 ..... FTEs 28.80
14 10 2. The office of treasurer of state shall supply
14 11 clerical and secretarial support for the executive
14 12 council.
14 13 Sec. 29. ROAD USE TAX APPROPRIATION ==== OFFICE
14 14 OF TREASURER OF STATE. There is appropriated from
14 15 the road use tax fund created in section 312.1 to
14 16 the office of treasurer of state for the fiscal year
14 17 beginning July 1, 2011, and ending June 30, 2012, the
14 18 following amount, or so much thereof as is necessary,
14 19 to be used for the purposes designated:
14 20 For enterprise resource management costs related to
14 21 the distribution of road use tax funds:
14 22 ..... $ 93,148
14 23 Sec. 30. IPERS ==== GENERAL OFFICE. There is
14 24 appropriated from the Iowa public employees' retirement
14 25 system fund to the Iowa public employees' retirement
14 26 system for the fiscal year beginning July 1, 2011, and
14 27 ending June 30, 2012, the following amount, or so much
14 28 thereof as is necessary, to be used for the purposes
14 29 designated:
14 30 For salaries, support, maintenance, and other
14 31 operational purposes to pay the costs of the Iowa
14 32 public employees' retirement system, and for not more
14 33 than the following full=time equivalent positions:
14 34 ..... $ 17,686,968
14 35 ..... FTEs 90.13
14 36 Sec. 31. STATE CAPITOL SIDEWALK HEATING ====
14 37 DISCONNECTION. The department of administrative
14 38 services shall disconnect electricity to the heated
14 39 sidewalk installed in the entry walkway on the East
14 40 side of the state capitol building, and shall not
14 41 reconnect the electricity without the authorization of
14 42 the general assembly.
14 43 Sec. 32. Section 8A.111, subsection 4, Code 2011,
14 44 is amended by striking the subsection.
14 45 Sec. 33. Section 8A.311, subsection 15, Code 2011,
14 46 is amended to read as follows:
14 47 15. a. A bidder ~~awarded~~, to be considered for an
14 48 award of a state construction contract, shall disclose
14 49 to the state agency awarding the contract the names of
14 50 all subcontractors~~,~~ and suppliers who will work on the

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15 1 project being bid~~,~~ within forty=eight hours after the
15 2 ~~award of the contract~~ published date and time by which
15 3 bids must be submitted.
15 4 b. A bidder shall not replace a subcontractor or
15 5 supplier disclosed under paragraph "a" without the
15 6 approval of the state agency awarding the contract.
15 7 c. A bidder, prior to an award or who is awarded a
15 8 state construction contract, shall disclose all of the
15 9 following, as applicable:
15 10 ~~b.~~ (1) If a subcontractor ~~named~~ or supplier
15 11 disclosed under paragraph "a" by a bidder ~~awarded~~
15 12 ~~a state construction contract~~ is replaced, ~~or if~~
15 13 the reason for replacement and the name of the new
15 14 subcontractor or supplier.
15 15 (2) If the cost of work to be done by a
15 16 subcontractor or supplier is ~~reduced, the bidder shall~~
15 17 ~~disclose the name of the new subcontractor or~~ changed
15 18 or if the replacement of a subcontractor or supplier
15 19 results in a change in the cost, the amount of the
15 20 ~~reduced~~ change in cost.
15 21 Sec. 34. Section 8A.315, subsection 1, paragraph d,
15 22 Code 2011, is amended by striking the paragraph.
15 23 Sec. 35. Section 8A.321, subsection 6, Code 2011,
15 24 is amended to read as follows:
15 25 6. a. Lease all buildings and office space
15 26 necessary to carry out the provisions of this
15 27 subchapter or necessary for the proper functioning of
15 28 any state agency ~~at the seat of government~~ wherever
15 29 located throughout the state. For state agencies
15 30 at the seat of government, the director may lease
15 31 buildings and office space in Polk county or in a
15 32 county contiguous to Polk county. If no specific
15 33 appropriation has been made, the proposed lease
15 34 shall be submitted to the executive council for
15 35 approval. The cost of any lease for which no specific
15 36 appropriation has been made shall be paid from the fund
15 37 provided in section 7D.29. Additionally, the director
15 38 shall also develop cooperative relationships with the
15 39 state board of regents in order to promote colocation
15 40 of state agencies.
15 41 b. When the general assembly is not in session,
15 42 the director may request moneys from the executive
15 43 council for moving state agencies ~~located at the seat~~
15 44 ~~of government~~ from one location to another. The
15 45 request may include moving costs, telecommunications
15 46 costs, repair costs, or any other costs relating to the
15 47 move. The executive council may approve and shall pay
15 48 the costs from funds provided in section 7D.29 if it
15 49 determines the agency or department has no available
15 50 funds for these expenses.

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~~c. Coordinate the leasing of buildings and office space by state agencies throughout the state and develop cooperative relationships with the state board of regents in order to promote the colocation of state agencies.~~

Sec. 36. Section 8A.327, subsection 1, Code 2011, is amended to read as follows:

1. A rent revolving fund is created in the state treasury under the control of the department to be used by the department to pay the lease or rental costs of all buildings and office space necessary for the proper functioning of any state agency ~~at the seat of state government~~ wherever located throughout the state as provided in section 8A.321, subsection 6, except that this fund shall not be used to pay the rental or lease costs of a state agency which has not received funds budgeted for rental or lease purposes.

Sec. 37. Section 8A.361, Code 2011, is amended to read as follows:

8A.361 Vehicle assignment ==== authority in department.

The department shall provide for the assignment of all ~~state=owned~~ motor vehicles ~~to~~ utilized by all state officers and employees, and ~~to~~ by all state offices, departments, bureaus, and commissions, except the state department of transportation, institutions under the control of the state board of regents, the department for the blind, and any other agencies exempted by law.

Sec. 38. Section 8A.362, subsection 4, paragraphs a through c, Code 2011, are amended to read as follows:

a. The director shall provide for the purchase of ~~all~~ motor vehicles for all branches of the state government, except the state department of transportation, institutions under the control of the state board of regents, the department for the blind, and any other state agency exempted by law, which are not rented or leased pursuant to section 8A.367. The director shall purchase new vehicles in accordance with competitive bidding procedures for items or services as provided in this subchapter. The director may purchase used or preowned vehicles at governmental or dealer auctions if the purchase is determined to be in the best interests of the state.

b. The director, and any other state agency, which for purposes of this subsection includes but is not limited to community colleges and institutions under the control of the state board of regents, or local governmental subdivisions purchasing new motor vehicles, shall purchase ~~new passenger~~ motor vehicles and light trucks, which are not rented or leased

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17 1 pursuant to section 8A.367, so that the average fuel
17 2 efficiency for the fleet of new passenger vehicles and
17 3 light trucks purchased in that year equals or exceeds
17 4 the average fuel economy standard for the vehicles'
17 5 model year as established by the United States
17 6 secretary of transportation under 15 U.S.C. { 2002.
17 7 This paragraph does not apply to vehicles purchased
17 8 for law enforcement purposes or used for off=road
17 9 maintenance work, or work vehicles used to pull loaded
17 10 trailers.
17 11 c. Not later than June 15 of each year, the
17 12 director shall report compliance with the corporate
17 13 average fuel economy standards published by the United
17 14 States secretary of transportation for ~~new~~ assigned
17 15 motor vehicles, other than motor vehicles purchased by
17 16 the state department of transportation, institutions
17 17 under the control of the state board of regents, the
17 18 department for the blind, and any other state agency
17 19 exempted from the requirements of this subsection.
17 20 The report of compliance shall classify the vehicles
17 21 ~~purchased~~ assigned for the current vehicle model year
17 22 using the following categories: passenger automobiles,
17 23 enforcement automobiles, vans, and light trucks.
17 24 The director shall deliver a copy of the report to
17 25 the office of energy independence. As used in this
17 26 paragraph, "corporate average fuel economy" means the
17 27 corporate average fuel economy as defined in 49 C.F.R.
17 28 { 533.5.
17 29 Sec. 39. Section 8A.362, subsection 5, Code 2011,
17 30 is amended by striking the subsection.
17 31 Sec. 40. Section 8A.362, subsections 7 through 9,
17 32 Code 2011, are amended to read as follows:
17 33 7. The director may authorize the establishment
17 34 of motor pools consisting of a number of ~~state=owned~~
17 35 state=assigned motor vehicles under the director's
17 36 supervision. The director may store the motor vehicles
17 37 in a public or private garage. If the director
17 38 establishes a motor pool, any state officer or employee
17 39 desiring the use of a ~~state=owned~~ state=assigned motor
17 40 vehicle on state business shall notify the director
17 41 of the need for a vehicle within a reasonable time
17 42 prior to actual use of the motor vehicle. The director
17 43 may assign a motor vehicle from the motor pool to the
17 44 state officer or employee, or from the vendor awarded
17 45 a contract pursuant to section 8A.367. If two or
17 46 more state officers or employees desire the use of a
17 47 ~~state=owned~~ state=assigned motor vehicle for a trip to
17 48 the same destination for the same length of time, the
17 49 director may assign one vehicle to make the trip.
17 50 8. The director shall require that a sign be placed

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18 1 on each state=owned motor vehicle in a conspicuous
18 2 place which indicates its ownership by the state.
18 3 This requirement shall not apply to motor vehicles
18 4 requested to be exempt by the director or by the
18 5 commissioner of public safety. All state=owned motor
18 6 vehicles shall display registration plates bearing the
18 7 word "official" except motor vehicles requested to be
18 8 furnished with ordinary plates by the director or by
18 9 the commissioner of public safety pursuant to section
18 10 321.19. The director shall keep an accurate record
18 11 of the registration plates used on all state=owned
18 12 motor vehicles. This subsection shall not apply to an
18 13 assigned vehicle rented or leased pursuant to section
18 14 8A.367.
18 15 9. All fuel used in ~~state=owned~~ state=assigned
18 16 automobiles shall be purchased at cost from the various
18 17 installations or garages of the state department of
18 18 transportation, state board of regents, department of
18 19 human services, or state motor pools throughout the
18 20 state, unless the state=owned sources for the purchase
18 21 of fuel are not reasonably accessible. If the director
18 22 determines that state=owned sources for the purchase of
18 23 fuel are not reasonably accessible, the director shall
18 24 authorize the purchase of fuel from other sources. The
18 25 director may prescribe a manner, other than the use
18 26 of the revolving fund, in which the purchase of fuel
18 27 from state=owned sources is charged to the state agency
18 28 responsible for the use of the motor vehicle. The
18 29 director shall prescribe the manner in which oil and
18 30 other normal motor vehicle maintenance for state=owned
18 31 motor vehicles may be purchased from private sources,
18 32 if they cannot be reasonably obtained from a state
18 33 motor pool. The director may advertise for bids and
18 34 award contracts in accordance with competitive bidding
18 35 procedures for items and services as provided in
18 36 this subchapter for furnishing fuel, oil, grease, and
18 37 vehicle replacement parts for all state=owned motor
18 38 vehicles. The director and other state agencies, when
18 39 advertising for bids for gasoline, shall also seek bids
18 40 for ethanol blended gasoline.
18 41 Sec. 41. Section 8A.363, subsection 1, Code 2011,
18 42 is amended to read as follows:
18 43 1. A state officer or employee shall not use a
18 44 ~~state=owned~~ state=assigned motor vehicle for personal
18 45 private use. A state officer or employee shall not be
18 46 compensated for driving a privately owned motor vehicle
18 47 unless it is done on state business with the approval
18 48 of the director. In that case the state officer or
18 49 employee shall receive an amount to be determined by
18 50 the director. The amount shall not exceed the maximum

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19 1 allowable under the federal internal revenue service
19 2 rules per mile, notwithstanding established mileage
19 3 requirements or depreciation allowances. However, the
19 4 director may authorize private motor vehicle rates in
19 5 excess of the rate allowed under the federal internal
19 6 revenue service rules for state business use of
19 7 substantially modified or specially equipped privately
19 8 owned vehicles required by persons with disabilities.
19 9 A statutory provision establishing reimbursement for
19 10 necessary mileage, travel, or actual expenses to a
19 11 state officer falls under the private motor vehicle
19 12 mileage rate limitation provided in this section
19 13 unless specifically provided otherwise. Any peace
19 14 officer employed by the state as defined in section
19 15 801.4 who is required to use a private motor vehicle
19 16 in the performance of official duties shall receive
19 17 the private vehicle mileage rate at the rate provided
19 18 in this section. However, the director may delegate
19 19 authority to officials of the state, and department
19 20 heads, for the use of private vehicles on state
19 21 business up to a yearly mileage figure established
19 22 by the director. If a ~~state~~ motor vehicle has been
19 23 assigned to a state officer or employee, the officer
19 24 or employee shall not collect mileage for the use of a
19 25 privately owned motor vehicle unless the ~~state~~ motor
19 26 vehicle assigned is not usable.
19 27 Sec. 42. NEW SECTION. 8A.367 State=owned passenger
19 28 vehicles ==== disposition and sale ==== fleet privatization.
19 29 1. For purposes of this section, "passenger
19 30 vehicles" means United States environmental protection
19 31 agency designated compact sedans, compact wagons,
19 32 midsize sedans, midsize wagons, full=size sedans,
19 33 and passenger minivans, and additional vehicle
19 34 classes determined by the department to be able to be
19 35 reasonably supported by a private entity for rental or
19 36 leasing. "Passenger vehicles" does not mean utility
19 37 vehicles, vans other than passenger minivans, fire
19 38 trucks, ambulances, motor homes, buses, medium=duty and
19 39 heavy=duty trucks, heavy construction equipment and
19 40 other highway maintenance vehicles, vehicles assigned
19 41 for law enforcement purposes, and any other classes
19 42 of vehicles of limited application approved by the
19 43 director of the department of administrative services.
19 44 2. On or before September 30, 2011, the department
19 45 shall implement a request for proposal process to enter
19 46 into a contract for the purpose of state passenger
19 47 vehicle rental or leasing from a private entity.
19 48 Prior to awarding a contract, a private entity shall
19 49 demonstrate the following:
19 50 a. Existence of sufficient inventory of passenger

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20 1 vehicles within this state to accommodate the needs of
20 2 the state in assigning passenger vehicles.
20 3 b. Existence of adequate personnel in any county
20 4 within the state where rental and leasing activity can
20 5 be supported to satisfy the terms of the contract in
20 6 renting or leasing state=assigned vehicles.
20 7 c. Existence of adequate personnel to facilitate
20 8 the sale and disposition of the existing state=owned
20 9 passenger vehicles returned to the department pursuant
20 10 to subsection 3 or otherwise under the control of the
20 11 department. Notwithstanding the provisions of section
20 12 8A.364 to the contrary, proceeds from the sale of
20 13 motor vehicles as provided by this subsection shall be
20 14 credited to the fund from which the motor vehicles were
20 15 purchased.
20 16 3. By March 1, 2012, the department shall award
20 17 a vehicle rental or leasing contract to a private
20 18 entity, and shall assign passenger vehicles for rental
20 19 or lease pursuant to that contract, to the extent the
20 20 department determines doing so would be economically
20 21 feasible and financially advantageous. By March 1,
20 22 2012, all state=assigned passenger vehicles designated
20 23 for use by multiple drivers, and located in any county
20 24 of this state which can support the operation of a
20 25 private entity for rental and leasing purposes, which
20 26 the department determines would be suitable for rental
20 27 or leasing shall be returned to the department for use
20 28 and disposition as provided in this section.
20 29 4. Notwithstanding any other provision of state law
20 30 to the contrary, a private entity awarded a contract
20 31 pursuant to this section shall not be required to
20 32 indemnify or hold harmless the state for any liability
20 33 the state might have to any third party due to the
20 34 negligence of the state or any of its employees.
20 35 5. The department shall conduct an ongoing
20 36 evaluation regarding the economic advantages of
20 37 renting or leasing state=assigned vehicles versus state
20 38 ownership of such vehicles, and shall accordingly
20 39 adjust the number of vehicles subject to the rental and
20 40 leasing contract pursuant to this section at intervals
20 41 specified in the contract.
20 42 Sec. 43. Section 8A.512, subsection 2, Code 2011,
20 43 is amended by striking the subsection.
20 44 Sec. 44. NEW SECTION. 8A.512A Executive branch
20 45 employee travel ==== information and database.
20 46 1. The department shall develop and maintain the
20 47 following:
20 48 a. An electronic travel authorization form to be
20 49 used for any executive branch employee's out=of=state
20 50 travel, conference, or related expenditures associated

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21 1 with the employee's official duties. The electronic
21 2 travel authorization form shall include all of the
21 3 following:
21 4 (1) The identification of the employee, the
21 5 employee's title, and the employee's department or
21 6 agency.
21 7 (2) The travel departure point and destination
21 8 point.
21 9 (3) The reason for the travel.
21 10 (4) The estimated reimbursable expenses.
21 11 (5) The date or dates upon which the travel is to
21 12 occur.
21 13 b. A searchable database available on the
21 14 department's internet site containing information
21 15 related to all executive branch employee travel that
21 16 includes all of the following:
21 17 (1) The identification of the employee who engaged
21 18 in the travel, the employee's department or agency, and
21 19 the employee's title.
21 20 (2) The travel departure point and destination
21 21 point.
21 22 (3) The reason for the travel.
21 23 (4) The actual amount of expenses reimbursed.
21 24 (5) The date or dates upon which the travel
21 25 occurred.
21 26 c. Notwithstanding paragraph "b" of this
21 27 subsection, the searchable database shall not
21 28 include information regarding travel by officers and
21 29 employees of the department of public safety occurring
21 30 in relation to or during the course of criminal
21 31 investigations, including but not limited to undercover
21 32 operations.
21 33 2. A claim for reimbursement for any out=of=state
21 34 travel, conference, or related expenditures shall
21 35 only be allowed after the occurrence of both of the
21 36 following:
21 37 a. The electronic travel authorization form is
21 38 approved by the head of the employee's department.
21 39 b. The request for reimbursement is submitted by
21 40 the employee on the appropriate form with required
21 41 approvals.
21 42 3. For purposes of this section, "executive branch
21 43 employee" means an employee of the executive branch
21 44 as defined in section 7E.2, other than a member or
21 45 employee of the state board of regents and institutions
21 46 under the control of the state board of regents.
21 47 Sec. 45. Section 22.3A, subsection 1, paragraph e,
21 48 Code 2011, is amended to read as follows:
21 49 e. "Data processing software" means an ordered set
21 50 of instructions or statements that, when executed by

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22 1 a computer, causes the computer to process data, and
22 2 includes any program or set of programs, procedures,
22 3 or routines used to employ and control capabilities of
22 4 computer hardware. As used in this paragraph "data
22 5 processing software" includes but is not limited to an
22 6 operating system, compiler, assembler, utility, library
22 7 resource, maintenance routine, application, ~~or~~ computer
22 8 networking program, or the associated documentation.
22 9 Sec. 46. Section 99D.14, subsection 2, Code 2011,
22 10 is amended by adding the following new paragraph:
22 11 NEW PARAGRAPH. c. Notwithstanding sections 8.60
22 12 and 99D.17, the portion of the fee paid pursuant to
22 13 paragraph "a" relating to the costs of the commission,
22 14 shall not be deposited in the general fund of the
22 15 state but instead shall be deposited into the gaming
22 16 regulatory revolving fund established in section
22 17 99F.20.
22 18 Sec. 47. Section 99F.10, subsection 4, Code 2011,
22 19 is amended by adding the following new paragraph:
22 20 NEW PARAGRAPH. c. Notwithstanding sections 8.60
22 21 and 99F.4, the portion of the fee paid pursuant to
22 22 paragraph "a" relating to the costs of the commission,
22 23 shall not be deposited in the general fund of the
22 24 state but instead shall be deposited into the gaming
22 25 regulatory revolving fund established in section
22 26 99F.20.
22 27 Sec. 48. NEW SECTION. 99F.20 Gaming regulatory
22 28 revolving fund.
22 29 1. A gaming regulatory revolving fund is created in
22 30 the state treasury under the control of the department
22 31 of inspections and appeals. The fund shall consist
22 32 of fees collected and deposited into the fund paid by
22 33 licensees pursuant to section 99D.14, subsection 2,
22 34 paragraph "c", and fees paid by licensees pursuant to
22 35 section 99F.10, subsection 4, paragraph "c". All costs
22 36 relating to racetrack, excursion boat, and gambling
22 37 structure regulation shall be paid from the fund as
22 38 provided in appropriations made for this purpose by
22 39 the general assembly. The department shall provide
22 40 quarterly reports to the department of management and
22 41 the legislative services agency specifying revenues
22 42 billed and collected and expenditures from the fund in
22 43 a format as determined by the department of management
22 44 in consultation with the legislative services agency.
22 45 2. To meet the department's cash flow needs, the
22 46 department may temporarily use funds from the general
22 47 fund of the state to pay expenses in excess of moneys
22 48 available in the revolving fund if those additional
22 49 expenditures are fully reimbursable and the department
22 50 reimburses the general fund of the state and ensures

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23 1 all moneys are repaid in full by the close of the
23 2 fiscal year. Notwithstanding any provision to the
23 3 contrary, the department shall, to the fullest extent
23 4 possible, make an estimate of billings and make such
23 5 billings as early as possible in each fiscal year,
23 6 so that the need for the use of general fund moneys
23 7 is minimized to the lowest extent possible. Periodic
23 8 billings shall be deemed sufficient to satisfy this
23 9 requirement. Because any general fund moneys used
23 10 shall be fully reimbursed, such temporary use of funds
23 11 from the general fund of the state shall not constitute
23 12 an appropriation for purposes of calculating the state
23 13 general fund expenditure limitation pursuant to section
23 14 8.54.
23 15 3. Section 8.33 does not apply to any moneys
23 16 credited or appropriated to the revolving fund from any
23 17 other fund.
23 18 4. The establishment of the revolving fund pursuant
23 19 to this section shall not be interpreted in any manner
23 20 to compromise or impact the accountability of, or limit
23 21 authority with respect to, the department under state
23 22 law. Any provision applicable to, or responsibility
23 23 of, the department shall not be altered or impacted by
23 24 the existence of the fund and shall remain applicable
23 25 to the same extent as if the department were receiving
23 26 moneys pursuant to a general fund appropriation. The
23 27 department shall comply with directions by the governor
23 28 to executive branch departments regarding restrictions
23 29 on out=of=state travel, hiring justifications,
23 30 association memberships, equipment purchases,
23 31 consulting contracts, and any other expenditure
23 32 efficiencies that the governor deems appropriate.
23 33 Sec. 49. Section 249A.7, subsection 3, as amended
23 34 by 2011 Iowa Acts, House File 389, section 1, is
23 35 amended by striking the subsection and inserting in
23 36 lieu thereof the following:
23 37 3. a. A Medicaid fraud fund is created in the
23 38 state treasury under the authority of the department
23 39 of inspections and appeals. Moneys from penalties,
23 40 investigative costs recouped by the Medicaid fraud
23 41 control unit, and other amounts received as a result of
23 42 prosecutions involving the department of inspections
23 43 and appeals investigations and audits to ensure
23 44 compliance with the medical assistance program that are
23 45 not credited to the program shall be credited to the
23 46 fund.
23 47 b. Notwithstanding section 8.33, moneys credited
23 48 to the fund from any other account or fund shall not
23 49 revert to the other account or fund. Moneys in the
23 50 fund shall only be used as provided in appropriations

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24 1 from the fund and shall be used in accordance with
24 2 applicable laws, regulations, and the policies of
24 3 the office of inspector general of the United States
24 4 department of health and human services.
24 5 c. For the purposes of this subsection,
24 6 "investigative costs" means the reasonable value of a
24 7 Medicaid fraud control unit investigator's, auditor's
24 8 or employee's time, any moneys expended by the Medicaid
24 9 fraud control unit, and the reasonable fair market
24 10 value of resources used or expended by the Medicaid
24 11 fraud control unit in a case resulting in a criminal
24 12 conviction of a provider under this chapter or chapter
24 13 714 or 715A.
24 14 Sec. 50. Section 542.3, subsection 1, paragraph
24 15 a, subparagraph (3), Code 2011, is amended to read as
24 16 follows:
24 17 (3) ~~An examination of prospective financial~~
24 18 ~~information~~ Any engagement to be performed in
24 19 accordance with the statements on standards for
24 20 attestation engagements.
24 21 Sec. 51. Section 546.12, Code 2011, is amended to
24 22 read as follows:
24 23 546.12 Department of commerce revolving fund.
24 24 1. A department of commerce revolving fund is
24 25 created in the state treasury. The fund shall consist
24 26 of moneys collected by the banking division; credit
24 27 union division; utilities division, including moneys
24 28 collected on behalf of the office of consumer advocate
24 29 established in section 475A.3; and the insurance
24 30 division of the department; and deposited into an
24 31 account for that division or office within the fund
24 32 on a monthly basis. Except as otherwise provided by
24 33 statute, all costs for operating the office of consumer
24 34 advocate and the banking division, the credit union
24 35 division, the utilities division, and the insurance
24 36 division of the department shall be paid from the
24 37 division's accounts within the fund, subject to
24 38 appropriation by the general assembly. The insurance
24 39 division shall administer the fund and all other
24 40 divisions shall work with the insurance division to
24 41 make sure the fund is properly accounted and reported
24 42 to the department of management and the department of
24 43 administrative services. The divisions shall provide
24 44 quarterly reports to the department of management and
24 45 the legislative services agency on revenues billed
24 46 and collected and expenditures from the fund in a
24 47 format as determined by the department of management in
24 48 consultation with the legislative services agency.
24 49 2. To meet cash flow needs for the office of
24 50 consumer advocate and the banking division, credit

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25 1 union division, utilities division, or the insurance
25 2 division of the department, the administrative head of
25 3 that division or office may temporarily use funds from
25 4 the general fund of the state to pay expenses in excess
25 5 of moneys available in the revolving fund for that
25 6 division or office if those additional expenditures
25 7 are fully reimbursable and the division or office
25 8 reimburses the general fund of the state and ensures
25 9 all moneys are repaid in full by the close of the
25 10 fiscal year. Notwithstanding any provision to the
25 11 contrary, the divisions shall, to the fullest extent
25 12 possible, make an estimate of billings and make such
25 13 billings as early as possible in each fiscal year,
25 14 so that the need for the use of general fund moneys
25 15 is minimized to the lowest extent possible.Periodic
25 16 billings shall be deemed sufficient to satisfy this
25 17 requirement. Because any general fund moneys used
25 18 shall be fully reimbursed, such temporary use of funds
25 19 from the general fund of the state shall not constitute
25 20 an appropriation for purposes of calculating the state
25 21 general fund expenditure limitation pursuant to section
25 22 8.54.
25 23 3. Section 8.33 does not apply to any moneys
25 24 credited or appropriated to the revolving fund from any
25 25 other fund.
25 26 4. The establishment of the revolving fund pursuant
25 27 to this section shall not be interpreted in any manner
25 28 to compromise or impact the accountability of, or
25 29 limit authority with respect to, an agency or entity
25 30 under state law. Any provision applicable to, or
25 31 responsibility of, a division or office collecting
25 32 moneys for deposit into the fund established pursuant
25 33 to this section shall not be altered or impacted by
25 34 the existence of the fund and shall remain applicable
25 35 to the same extent as if the division or office
25 36 were receiving moneys pursuant to a general fund
25 37 appropriation. Appropriations from the revolving
25 38 fund shall not be subject to the provisions of section
25 39 8.31, subsection 5. The divisions of the department of
25 40 commerce shall comply with directions by the governor
25 41 to executive branch departments regarding restrictions
25 42 on out=of=state travel, hiring justifications,
25 43 association memberships, equipment purchases,
25 44 consulting contracts, and any other expenditure
25 45 efficiencies that the governor deems appropriate.
25 46 Sec. 52. Section 904.114, Code 2011, is amended to
25 47 read as follows:
25 48 904.114 Travel expenses.
25 49 The director, staff members, assistants, and
25 50 employees, in addition to salary, shall receive their

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26 1 necessary traveling expenses by the nearest practicable
26 2 route, when engaged in the performance of official
26 3 business. Permission shall not be granted to any
26 4 person to travel to another state except by approval of
26 5 the board ~~and the executive council~~.
26 6 Sec. 53. 2009 Iowa Acts, chapter 169, section 4,
26 7 subsection 2, is amended to read as follows:
26 8 2. From the moneys appropriated in this section,
26 9 there is transferred to the department of human rights
26 10 two hundred fifty thousand dollars for deposit in the
26 11 individual development account state match fund created
26 12 in section 541A.7. Notwithstanding other provisions to
26 13 the contrary in section 541A.3, subsection 1, moneys
26 14 appropriated to the individual development account
26 15 state match fund under this subsection shall be used
26 16 to provide the state match to account holders affected
26 17 by a natural disaster ~~occurring in 2008~~ for which the
26 18 president of the United States declared a disaster
26 19 area, and who have a household income that is equal
26 20 to or less than three hundred percent of the federal
26 21 poverty level as defined by the most recently revised
26 22 poverty income guidelines published by the United
26 23 States department of health and human services.
26 24 Sec. 54. 2010 Iowa Acts, chapter 1193, section 29,
26 25 is amended to read as follows:
26 26 SEC. 29. DEPARTMENT OF ADMINISTRATIVE SERVICES ====
26 27 INFORMATION TECHNOLOGY.
26 28 1. There is appropriated from the general fund of
26 29 the state to the department of administrative services
26 30 for the fiscal year beginning July 1, 2010, and
26 31 ending June 30, 2011, the following amount, or so much
26 32 thereof as is necessary, to be used for the purposes
26 33 designated:
26 34 For implementing 2010 Iowa Acts, Senate File 2088,
26 35 division I, including salaries, support, maintenance,
26 36 and miscellaneous purposes:
26 37 ..... $ 2,300,000
26 38 2. Notwithstanding section 8.33, moneys
26 39 appropriated in this section that remain unencumbered
26 40 or unobligated at the close of the fiscal year ending
26 41 June 30, 2011, shall not revert but shall remain
26 42 available for expenditure for the purposes designated
26 43 until the close of the fiscal year ending June 30,
26 44 2012.
26 45 Sec. 55. 2011 Iowa Acts, House File 45, section 8,
26 46 is amended to read as follows:
26 47 SEC. 8. SALE OR LEASE OF IOWA COMMUNICATIONS
26 48 NETWORK. The Iowa telecommunications and technology
26 49 commission shall implement a request for proposals
26 50 process to sell or lease the Iowa communications

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27 1 network. The request for proposals shall provide for
27 2 the sale to be concluded or the lease to commence
27 3 during the fiscal year beginning July 1, ~~2011~~ 2012.
27 4 The commission shall condition the sale or lease of the
27 5 Iowa communications network with terms that will allow
27 6 existing authorized users of the network to continue
27 7 such use at a lower overall long=term cost when
27 8 compared to the anticipated operation and maintenance
27 9 costs if state ownership and control were to continue.
27 10 Public funds shall not be used to secure the purchase
27 11 of the network. The commission shall submit periodic
27 12 status reports to the general assembly at three=month
27 13 intervals, beginning on October 1, 2011, regarding
27 14 progress made toward selling or leasing the network.
27 15 The prior authorization and approval requirements
27 16 specified in section 8D.12 shall be complied with prior
27 17 to a sale or lease of the network pursuant to this
27 18 section.
27 19 Sec. 56. REPEAL. Section 217.20, Code 2011, is
27 20 repealed.
27 21 Sec. 57. REPEAL. 2009 Iowa Acts, chapter 179,
27 22 section 146, is repealed.
27 23 Sec. 58. CODE EDITOR DIRECTIVE. The Code editor
27 24 is directed to change the words "state=owned" to
27 25 "state=assigned", to the extent not otherwise changed
27 26 pursuant to this Act, in Code sections 8A.362, 8A.363,
27 27 8A.364, and 8A.366.
27 28 Sec. 59. MEDICAID FRAUD FUND TRANSITION.
27 29 1. Unencumbered and unobligated moneys in and
27 30 moneys reverting to the Medicaid fraud account created
27 31 in section 249A.7, Code 2011, on or after June 30,
27 32 2011, shall be credited to the Medicaid fraud fund
27 33 created in section 249A.7, by this division of this
27 34 Act.
27 35 2. The appropriations made from the Medicaid fraud
27 36 account for the fiscal years beginning July 1, 2011,
27 37 and July 1, 2012, shall instead be charged to the
27 38 Medicaid fraud fund created in section 249A.7, by this
27 39 division of this Act.
27 40 3. This section of this Act, being deemed of
27 41 immediate importance, takes effect upon enactment, and,
27 42 if this Act is approved by the governor on or after
27 43 July 1, 2011, subsection 1 of this section applies
27 44 retroactively to June 30, 2011.
27 45 Sec. 60. EFFECTIVE UPON ENACTMENT.
27 46 1. The section of this division of this Act
27 47 directing the department of administrative services
27 48 to disconnect electricity to the heated sidewalk
27 49 installed at the state capitol building, being deemed
27 50 of immediate importance, takes effect upon enactment.

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28 1 2. The section of this division of this Act
28 2 providing implementation provisions regarding leasing
28 3 authority of the department of administrative services,
28 4 being deemed of immediate importance, takes effect upon
28 5 enactment.
28 6 3. The sections of this division of this Act
28 7 relating to executive branch employee travel and travel
28 8 reimbursement implementation, being deemed of immediate
28 9 importance, take effect upon enactment.
28 10 4. The section of this division of this Act
28 11 relating to nonreversion of moneys appropriated
28 12 to the department of administrative services for
28 13 implementation of 2010 Iowa Acts, chapter 1031,
28 14 division I, being deemed of immediate importance, takes
28 15 effect upon enactment.
28 16 DIVISION II
28 17 FY 2012=2013
28 18 Sec. 61. DEPARTMENT OF ADMINISTRATIVE SERVICES.
28 19 1. There is appropriated from the general fund of
28 20 the state to the department of administrative services
28 21 for the fiscal year beginning July 1, 2012, and ending
28 22 June 30, 2013, the following amounts, or so much
28 23 thereof as is necessary, to be used for the purposes
28 24 designated, and for not more than the following
28 25 full=time equivalent positions:
28 26 a. For salaries, support, maintenance, and
28 27 miscellaneous purposes:
28 28 ..... $ 2,010,172
28 29 ..... FTEs 84.18
28 30 b. For the payment of utility costs:
28 31 ..... $ 1,313,230
28 32 ..... FTEs 1.00
28 33 Notwithstanding section 8.33, any excess funds
28 34 appropriated for utility costs in this lettered
28 35 paragraph shall not revert to the general fund of the
28 36 state at the end of the fiscal year but shall remain
28 37 available for expenditure for the purposes of this
28 38 lettered paragraph during the succeeding fiscal year.
28 39 c. For Terrace Hill operations:
28 40 ..... $ 202,957
28 41 ..... FTEs 6.88
28 42 d. For the I3 distribution account:
28 43 ..... $ 1,638,973
28 44 e. For operations and maintenance of the Iowa
28 45 building:
28 46 ..... $ 497,768
28 47 ..... FTEs 7.00
28 48 2. Members of the general assembly serving as
28 49 members of the deferred compensation advisory board
28 50 shall be entitled to receive per diem and necessary

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29 1 travel and actual expenses pursuant to section 2.10,
29 2 subsection 5, while carrying out their official duties
29 3 as members of the board.
29 4 3. Any funds and premiums collected by the
29 5 department for workers' compensation shall be
29 6 segregated into a separate workers' compensation
29 7 fund in the state treasury to be used for payment of
29 8 state employees' workers' compensation claims and
29 9 administrative costs. Notwithstanding section 8.33,
29 10 unencumbered or unobligated moneys remaining in this
29 11 workers' compensation fund at the end of the fiscal
29 12 year shall not revert but shall be available for
29 13 expenditure for purposes of the fund for subsequent
29 14 fiscal years.
29 15 Sec. 62. REVOLVING FUNDS. There is appropriated
29 16 to the department of administrative services for the
29 17 fiscal year beginning July 1, 2012, and ending June
29 18 30, 2013, from the revolving funds designated in
29 19 chapter 8A and from internal service funds created
29 20 by the department such amounts as the department
29 21 deems necessary for the operation of the department
29 22 consistent with the requirements of chapter 8A.
29 23 Sec. 63. FUNDING FOR IOWACCESS.
29 24 1. Notwithstanding section 321A.3, subsection
29 25 1, for the fiscal year beginning July 1, 2012, and
29 26 ending June 30, 2013, the first $750,000 collected
29 27 and transferred by the department of transportation
29 28 to the treasurer of state with respect to the fees
29 29 for transactions involving the furnishing of a
29 30 certified abstract of a vehicle operating record under
29 31 section 321A.3, subsection 1, shall be transferred
29 32 to the IowAccess revolving fund for the purposes of
29 33 developing, implementing, maintaining, and expanding
29 34 electronic access to government records as provided by
29 35 law.
29 36 2. All fees collected with respect to transactions
29 37 involving IowAccess shall be deposited in the IowAccess
29 38 revolving fund and shall be used only for the support
29 39 of IowAccess projects.
29 40 Sec. 64. STATE EMPLOYEE HEALTH INSURANCE
29 41 ADMINISTRATION CHARGE. For the fiscal year beginning
29 42 July 1, 2012, and ending June 30, 2013, the monthly per
29 43 contract administrative charge which may be assessed by
29 44 the department of administrative services shall be $2
29 45 per contract on all health insurance plans administered
29 46 by the department.
29 47 Sec. 65. AUDITOR OF STATE.
29 48 1. There is appropriated from the general fund of
29 49 the state to the office of the auditor of state for the
29 50 fiscal year beginning July 1, 2012, and ending June

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30 1 30, 2013, subject to subsection 3 of this section, the
30 2 following amount, or so much thereof as is necessary,
30 3 to be used for the purposes designated, and for not
30 4 more than the following full=time equivalent positions:
30 5 For salaries, support, maintenance, and
30 6 miscellaneous purposes:
30 7 ..... $ 452,734
30 8 ..... FTEs 103.00
30 9 2. The auditor of state may retain additional
30 10 full=time equivalent positions as is reasonable and
30 11 necessary to perform governmental subdivision audits
30 12 which are reimbursable pursuant to section 11.20
30 13 or 11.21, to perform audits which are requested by
30 14 and reimbursable from the federal government, and
30 15 to perform work requested by and reimbursable from
30 16 departments or agencies pursuant to section 11.5A
30 17 or 11.5B. The auditor of state shall notify the
30 18 department of management, the legislative fiscal
30 19 committee, and the legislative services agency of the
30 20 additional full=time equivalent positions retained.
30 21 3. The auditor of state shall allocate resources
30 22 from the appropriation in this section solely for audit
30 23 work related to the comprehensive annual financial
30 24 report, federally required audits, and investigations
30 25 of embezzlement, theft, or other significant financial
30 26 irregularities until the audit of the comprehensive
30 27 annual financial report is complete.
30 28 Sec. 66. IOWA ETHICS AND CAMPAIGN DISCLOSURE
30 29 BOARD. There is appropriated from the general fund of
30 30 the state to the Iowa ethics and campaign disclosure
30 31 board for the fiscal year beginning July 1, 2012, and
30 32 ending June 30, 2013, the following amount, or so much
30 33 thereof as is necessary, for the purposes designated:
30 34 For salaries, support, maintenance, and
30 35 miscellaneous purposes, and for not more than the
30 36 following full=time equivalent positions:
30 37 ..... $ 237,500
30 38 ..... FTEs 5.00
30 39 Sec. 67. DEPARTMENT OF COMMERCE.
30 40 1. There is appropriated from the general fund
30 41 of the state to the department of commerce for the
30 42 fiscal year beginning July 1, 2012, and ending June 30,
30 43 2013, the following amounts, or so much thereof as is
30 44 necessary, for the purposes designated:
30 45 a. ALCOHOLIC BEVERAGES DIVISION
30 46 For salaries, support, maintenance, and
30 47 miscellaneous purposes, and for not more than the
30 48 following full=time equivalent positions:
30 49 ..... $ 610,196
30 50 ..... FTEs 21.00

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31 1 b. PROFESSIONAL LICENSING AND REGULATION BUREAU
31 2 For salaries, support, maintenance, and
31 3 miscellaneous purposes, and for not more than the
31 4 following full=time equivalent positions:
31 5 ..... $ 300,177
31 6 ..... FTEs 12.00
31 7 2. There is appropriated from the department of
31 8 commerce revolving fund created in section 546.12
31 9 to the department of commerce for the fiscal year
31 10 beginning July 1, 2012, and ending June 30, 2013, the
31 11 following amounts, or so much thereof as is necessary,
31 12 for the purposes designated:
31 13 a. BANKING DIVISION
31 14 For salaries, support, maintenance, and
31 15 miscellaneous purposes, and for not more than the
31 16 following full=time equivalent positions:
31 17 ..... $ 4,425,835
31 18 ..... FTEs 80.00
31 19 b. CREDIT UNION DIVISION
31 20 For salaries, support, maintenance, and
31 21 miscellaneous purposes, and for not more than the
31 22 following full=time equivalent positions:
31 23 ..... $ 863,998
31 24 ..... FTEs 19.00
31 25 c. INSURANCE DIVISION
31 26 (1) For salaries, support, maintenance, and
31 27 miscellaneous purposes, and for not more than the
31 28 following full=time equivalent positions:
31 29 ..... $ 2,491,622
31 30 ..... FTEs 106.50
31 31 (2) The insurance division may reallocate
31 32 authorized full=time equivalent positions as necessary
31 33 to respond to accreditation recommendations or
31 34 requirements. The insurance division expenditures
31 35 for examination purposes may exceed the projected
31 36 receipts, refunds, and reimbursements, estimated
31 37 pursuant to section 505.7, subsection 7, including the
31 38 expenditures for retention of additional personnel,
31 39 if the expenditures are fully reimbursable and the
31 40 division first does both of the following:
31 41 (a) Notifies the department of management, the
31 42 legislative services agency, and the legislative fiscal
31 43 committee of the need for the expenditures.
31 44 (b) Files with each of the entities named in
31 45 subparagraph division (a) the legislative and
31 46 regulatory justification for the expenditures, along
31 47 with an estimate of the expenditures.
31 48 d. UTILITIES DIVISION
31 49 (1) For salaries, support, maintenance, and
31 50 miscellaneous purposes, and for not more than the

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32 1 following full=time equivalent positions:
32 2 ..... $ 4,086,535
32 3 ..... FTEs 79.00
32 4 (2) The utilities division may expend additional
32 5 funds, including funds for additional personnel, if
32 6 those additional expenditures are actual expenses which
32 7 exceed the funds budgeted for utility regulation and
32 8 the expenditures are fully reimbursable. Before the
32 9 division expends or encumbers an amount in excess of
32 10 the funds budgeted for regulation, the division shall
32 11 first do both of the following:
32 12 (a) Notify the department of management, the
32 13 legislative services agency, and the legislative fiscal
32 14 committee of the need for the expenditures.
32 15 (b) File with each of the entities named in
32 16 subparagraph division (a) the legislative and
32 17 regulatory justification for the expenditures, along
32 18 with an estimate of the expenditures.
32 19 (3) Notwithstanding sections 8.33 and 476.10 or
32 20 any other provisions to the contrary, any unencumbered
32 21 or unobligated balance of the appropriation made in
32 22 this paragraph for the utilities division or any other
32 23 operational appropriation made for the fiscal year
32 24 beginning July 1, 2012, and ending June 30, 2013,
32 25 that remains unused, unencumbered, or unobligated
32 26 at the close of the fiscal year shall not revert but
32 27 shall remain available to be used for purposes of the
32 28 energy=efficient building project authorized under
32 29 section 476.10B, or for relocation costs in succeeding
32 30 fiscal years.
32 31 (4) In addition to the funds otherwise appropriated
32 32 to the division in subparagraph (1), and contingent
32 33 upon the enactment of legislation during the 2011
32 34 legislative session relating to the permitting,
32 35 licensing, construction, and operation of nuclear
32 36 generation facilities and establishing rate=making
32 37 principles in relation thereto, for salaries, support,
32 38 maintenance, and miscellaneous purposes, and for not
32 39 more than the following full=time equivalent positions:
32 40 ..... $ 425,000
32 41 ..... FTEs 3.50
32 42 3. CHARGES. Each division and the office of
32 43 consumer advocate shall include in its charges
32 44 assessed or revenues generated an amount sufficient
32 45 to cover the amount stated in its appropriation and
32 46 any state=assessed indirect costs determined by the
32 47 department of administrative services.
32 48 Sec. 68. DEPARTMENT OF COMMERCE ==== PROFESSIONAL
32 49 LICENSING AND REGULATION BUREAU. There is appropriated
32 50 from the housing trust fund of the Iowa finance

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33 1 authority created in section 16.181, to the bureau of
33 2 professional licensing and regulation of the banking
33 3 division of the department of commerce for the fiscal
33 4 year beginning July 1, 2012, and ending June 30,
33 5 2013, the following amount, or so much thereof as is
33 6 necessary, to be used for the purposes designated:
33 7 For salaries, support, maintenance, and
33 8 miscellaneous purposes:
33 9 ..... $ 31,159
33 10 Sec. 69. GOVERNOR AND LIEUTENANT GOVERNOR. There
33 11 is appropriated from the general fund of the state to
33 12 the offices of the governor and the lieutenant governor
33 13 for the fiscal year beginning July 1, 2012, and ending
33 14 June 30, 2013, the following amounts, or so much
33 15 thereof as is necessary, to be used for the purposes
33 16 designated:
33 17 For salaries, support, maintenance, and
33 18 miscellaneous purposes:
33 19 ..... $ 1,144,013
33 20 ..... FTEs 22.88
33 21 Sec. 70. GOVERNOR'S OFFICE OF DRUG CONTROL
33 22 POLICY. There is appropriated from the general fund
33 23 of the state to the governor's office of drug control
33 24 policy for the fiscal year beginning July 1, 2012, and
33 25 ending June 30, 2013, the following amount, or so much
33 26 thereof as is necessary, to be used for the purposes
33 27 designated:
33 28 For salaries, support, maintenance, and
33 29 miscellaneous purposes, including statewide
33 30 coordination of the drug abuse resistance education
33 31 (D.A.R.E.) programs or similar programs, and for not
33 32 more than the following full=time equivalent positions:
33 33 ..... $ 145,000
33 34 ..... FTEs 8.00
33 35 Sec. 71. DEPARTMENT OF HUMAN RIGHTS. There is
33 36 appropriated from the general fund of the state to
33 37 the department of human rights for the fiscal year
33 38 beginning July 1, 2012, and ending June 30, 2013, the
33 39 following amounts, or so much thereof as is necessary,
33 40 to be used for the purposes designated:
33 41 1. CENTRAL ADMINISTRATION DIVISION
33 42 For salaries, support, maintenance, and
33 43 miscellaneous purposes, and for not more than the
33 44 following full=time equivalent positions:
33 45 ..... $ 103,052
33 46 ..... FTEs 7.00
33 47 2. COMMUNITY ADVOCACY AND SERVICES DIVISION
33 48 For salaries, support, maintenance, and
33 49 miscellaneous purposes, and for not more than the
33 50 following full=time equivalent positions:

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34 1 ..... $ 514,039
34 2 ..... FTEs 17.00
34 3 3. CRIMINAL AND JUVENILE JUSTICE PLANNING DIVISION
34 4 For salaries, support, maintenance, and
34 5 miscellaneous purposes, and for not more than the
34 6 following full=time equivalent positions:
34 7 ..... $ 511,946
34 8 ..... FTEs 10.00
34 9 The criminal and juvenile justice planning advisory
34 10 council and the juvenile justice advisory council
34 11 shall coordinate their efforts in carrying out their
34 12 respective duties relative to juvenile justice.
34 13 Sec. 72. DEPARTMENT OF INSPECTIONS AND
34 14 APPEALS. There is appropriated from the general fund
34 15 of the state to the department of inspections and
34 16 appeals for the fiscal year beginning July 1, 2012, and
34 17 ending June 30, 2013, the following amounts, or so much
34 18 thereof as is necessary, for the purposes designated:
34 19 1. ADMINISTRATION DIVISION
34 20 For salaries, support, maintenance, and
34 21 miscellaneous purposes, and for not more than the
34 22 following full=time equivalent positions:
34 23 ..... $ 763,870
34 24 ..... FTEs 37.40
34 25 2. ADMINISTRATIVE HEARINGS DIVISION
34 26 For salaries, support, maintenance, and
34 27 miscellaneous purposes, and for not more than the
34 28 following full=time equivalent positions:
34 29 ..... $ 264,377
34 30 ..... FTEs 23.00
34 31 3. INVESTIGATIONS DIVISION
34 32 a. For salaries, support, maintenance, and
34 33 miscellaneous purposes, and for not more than the
34 34 following full=time equivalent positions:
34 35 ..... $ 584,320
34 36 ..... FTEs 58.50
34 37 b. The department, in coordination with the
34 38 investigations division, shall provide a report to
34 39 the general assembly by January 10, 2013, concerning
34 40 the fiscal impact of additional full=time equivalent
34 41 positions on the department's efforts relative to the
34 42 Medicaid divestiture program under chapter 249F.
34 43 4. HEALTH FACILITIES DIVISION
34 44 a. For salaries, support, maintenance, and
34 45 miscellaneous purposes, and for not more than the
34 46 following full=time equivalent positions:
34 47 ..... $ 1,777,664
34 48 ..... FTEs 134.75
34 49 b. The department shall, in coordination with
34 50 the health facilities division, make the following

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35 1 information available to the public in a timely
35 2 manner, to include providing the information on the
35 3 department's internet website, during the fiscal year
35 4 beginning July 1, 2012, and ending June 30, 2013:
35 5 (1) The number of inspections conducted by the
35 6 division annually by type of service provider and type
35 7 of inspection.
35 8 (2) The total annual operations budget for the
35 9 division, including general fund appropriations and
35 10 federal contract dollars received by type of service
35 11 provider inspected.
35 12 (3) The total number of full=time equivalent
35 13 positions in the division, to include the number of
35 14 full=time equivalent positions serving in a supervisory
35 15 capacity, and serving as surveyors, inspectors, or
35 16 monitors in the field by type of service provider
35 17 inspected.
35 18 (4) Identification of state and federal survey
35 19 trends, cited regulations, the scope and severity of
35 20 deficiencies identified, and federal and state fines
35 21 assessed and collected concerning nursing and assisted
35 22 living facilities and programs.
35 23 c. It is the intent of the general assembly that
35 24 the department and division continuously solicit input
35 25 from facilities regulated by the division to assess and
35 26 improve the division's level of collaboration and to
35 27 identify new opportunities for cooperation.
35 28 5. EMPLOYMENT APPEAL BOARD
35 29 a. For salaries, support, maintenance, and
35 30 miscellaneous purposes, and for not more than the
35 31 following full=time equivalent positions:
35 32 ..... $ 21,108
35 33 ..... FTEs 14.00
35 34 b. The employment appeal board shall be reimbursed
35 35 by the labor services division of the department
35 36 of workforce development for all costs associated
35 37 with hearings conducted under chapter 91C, related
35 38 to contractor registration. The board may expend,
35 39 in addition to the amount appropriated under this
35 40 subsection, additional amounts as are directly billable
35 41 to the labor services division under this subsection
35 42 and to retain the additional full=time equivalent
35 43 positions as needed to conduct hearings required
35 44 pursuant to chapter 91C.
35 45 6. CHILD ADVOCACY BOARD
35 46 a. For foster care review and the court appointed
35 47 special advocate program, including salaries, support,
35 48 maintenance, and miscellaneous purposes, and for not
35 49 more than the following full=time equivalent positions:
35 50 ..... $ 1,340,145

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36 1 ..... FTEs 40.80
36 2 b. The department of human services, in
36 3 coordination with the child advocacy board and the
36 4 department of inspections and appeals, shall submit an
36 5 application for funding available pursuant to Tit. IV=E
36 6 of the federal Social Security Act for claims for child
36 7 advocacy board administrative review costs.
36 8 c. The court appointed special advocate program
36 9 shall investigate and develop opportunities for
36 10 expanding fund=raising for the program.
36 11 d. Administrative costs charged by the department
36 12 of inspections and appeals for items funded under this
36 13 subsection shall not exceed 4 percent of the amount
36 14 appropriated in this subsection.
36 15 Sec. 73. DEPARTMENT OF INSPECTIONS AND APPEALS
36 16 ==== MUNICIPAL CORPORATION FOOD INSPECTIONS. For the
36 17 fiscal year beginning July 1, 2012, and ending June 30,
36 18 2013, the department of inspections and appeals shall
36 19 retain any license fees generated during the fiscal
36 20 year as a result of actions under section 137F.3A
36 21 occurring during the period beginning July 1, 2009, and
36 22 ending June 30, 2011, for the purpose of enforcing the
36 23 provisions of chapters 137C, 137D, and 137F.
36 24 Sec. 74. DEPARTMENT OF INSPECTIONS AND APPEALS ====
36 25 HEALTH CARE FACILITIES INSPECTIONS. Notwithstanding
36 26 any provision of section 135C.16 to the contrary,
36 27 inspections of health care facilities that are only
36 28 state=licensed and not certified under the Medicare
36 29 or Medicaid programs shall not be inspected by the
36 30 department of inspections and appeals every thirty
36 31 months, but only as provided pursuant to sections
36 32 135C.9 and 135C.38.
36 33 Sec. 75. DEPARTMENT OF INSPECTIONS AND
36 34 APPEALS ==== GENERAL SUPPORT ==== MEDICAID FRAUD FUND
36 35 APPROPRIATION. There is appropriated from the Medicaid
36 36 fraud fund created in section 249A.7 to the department
36 37 of inspections and appeals for the fiscal year
36 38 beginning July 1, 2012, and ending June 30, 2013, the
36 39 following amount, or so much thereof as is necessary,
36 40 to be used for the purposes designated:
36 41 For additional health facility surveyors, compliance
36 42 officers, and residential care facility surveyors:
36 43 ..... $ 325,000
36 44 Sec. 76. DEPARTMENT OF INSPECTIONS AND APPEALS
36 45 ==== STATE MATCH REQUIREMENTS ==== MEDICAID FRAUD FUND
36 46 APPROPRIATION. There is appropriated from the Medicaid
36 47 fraud fund created in section 249A.7 to the department
36 48 of inspections and appeals for the fiscal year
36 49 beginning July 1, 2012, and ending June 30, 2013, the
36 50 amounts necessary for the purposes designated:

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37 1 1. To cover the cost of any state match to draw
37 2 down matching federal funds through the department of
37 3 human services for additional full=time equivalent
37 4 positions for conducting investigations of alleged
37 5 fraud and overpayments of food assistance benefits
37 6 through electronic benefits transfer.
37 7 2. For the state financial match requirement
37 8 for meeting the federal mandates connected with the
37 9 department's Medicaid fraud and abuse activities, and
37 10 the amount necessary to cover costs incurred by the
37 11 department or other agencies in providing regulation,
37 12 responding to allegations, or other activity involving
37 13 chapter 135O.
37 14 Sec. 77. DEPARTMENT OF INSPECTIONS AND APPEALS
37 15 ==== LEGISLATIVE IMPLEMENTATION ==== MEDICAID FRAUD FUND
37 16 APPROPRIATION. There is appropriated from the Medicaid
37 17 fraud fund created in section 249A.7 to the department
37 18 of inspections and appeals for the fiscal year
37 19 beginning July 1, 2012, and ending June 30, 2013, the
37 20 following amount, or so much thereof as is necessary,
37 21 to be used for the purposes designated:
37 22 For salaries, support, maintenance, miscellaneous
37 23 purposes, administration, and other costs associated
37 24 with implementation of 2010 Iowa Acts, chapter 1177:
37 25 ..... $ 125,000
37 26 Sec. 78. RACING AND GAMING COMMISSION.
37 27 1. RACETRACK REGULATION
37 28 There is appropriated from the gaming regulatory
37 29 revolving fund established in section 99F.20 to the
37 30 racing and gaming commission of the department of
37 31 inspections and appeals for the fiscal year beginning
37 32 July 1, 2012, and ending June 30, 2013, the following
37 33 amount, or so much thereof as is necessary, to be used
37 34 for the purposes designated:
37 35 For salaries, support, maintenance, and
37 36 miscellaneous purposes for the regulation of
37 37 pari=mutuel racetracks, and for not more than the
37 38 following full=time equivalent positions:
37 39 ..... $ 1,255,720
37 40 ..... FTEs 28.53
37 41 2. EXCURSION BOAT AND GAMBLING STRUCTURE REGULATION
37 42 There is appropriated from the gaming regulatory
37 43 revolving fund established in section 99F.20 to the
37 44 racing and gaming commission of the department of
37 45 inspections and appeals for the fiscal year beginning
37 46 July 1, 2012, and ending June 30, 2013, the following
37 47 amount, or so much thereof as is necessary, to be used
37 48 for the purposes designated:
37 49 For salaries, support, maintenance, and
37 50 miscellaneous purposes for administration and

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38 1 enforcement of the excursion boat gambling and gambling
38 2 structure laws, and for not more than the following
38 3 full=time equivalent positions:
38 4 ..... $ 1,539,050
38 5 ..... FTEs 44.22
38 6 Sec. 79. ROAD USE TAX FUND APPROPRIATION ====
38 7 DEPARTMENT OF INSPECTIONS AND APPEALS. There is
38 8 appropriated from the road use tax fund created in
38 9 section 312.1 to the administrative hearings division
38 10 of the department of inspections and appeals for the
38 11 fiscal year beginning July 1, 2012, and ending June 30,
38 12 2013, the following amount, or so much thereof as is
38 13 necessary, for the purposes designated:
38 14 For salaries, support, maintenance, and
38 15 miscellaneous purposes:
38 16 ..... $ 811,949
38 17 Sec. 80. DEPARTMENT OF MANAGEMENT.
38 18 1. There is appropriated from the general fund
38 19 of the state to the department of management for the
38 20 fiscal year beginning July 1, 2012, and ending June 30,
38 21 2013, the following amounts, or so much thereof as is
38 22 necessary, to be used for the purposes designated:
38 23 For salaries, support, maintenance, and
38 24 miscellaneous purposes, and for not more than the
38 25 following full=time equivalent positions:
38 26 ..... $ 1,196,999
38 27 ..... FTEs 25.00
38 28 2. Of the moneys appropriated in this section, the
38 29 department shall use a portion for enterprise resource
38 30 planning, providing for a salary model administrator,
38 31 conducting performance audits, and for the department's
38 32 LEAN process.
38 33 Sec. 81. ROAD USE TAX APPROPRIATION ==== DEPARTMENT
38 34 OF MANAGEMENT. There is appropriated from the road use
38 35 tax fund created in section 312.1 to the department
38 36 of management for the fiscal year beginning July 1,
38 37 2012, and ending June 30, 2013, the following amount,
38 38 or so much thereof as is necessary, to be used for the
38 39 purposes designated:
38 40 For salaries, support, maintenance, and
38 41 miscellaneous purposes:
38 42 ..... $ 28,000
38 43 Sec. 82. DEPARTMENT OF REVENUE.
38 44 1. There is appropriated from the general fund
38 45 of the state to the department of revenue for the
38 46 fiscal year beginning July 1, 2012, and ending June 30,
38 47 2013, the following amounts, or so much thereof as is
38 48 necessary, to be used for the purposes designated:
38 49 For salaries, support, maintenance, and
38 50 miscellaneous purposes, and for not more than the

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39 1 following full=time equivalent positions:
39 2 ..... $ 8,829,742
39 3 ..... FTEs 303.48
39 4 2. Of the funds appropriated pursuant to this
39 5 section, $400,000 shall be used to pay the direct
39 6 costs of compliance related to the collection and
39 7 distribution of local sales and services taxes imposed
39 8 pursuant to chapters 423B and 423E.
39 9 3. The director of revenue shall prepare and issue
39 10 a state appraisal manual and the revisions to the
39 11 state appraisal manual as provided in section 421.17,
39 12 subsection 17, without cost to a city or county.
39 13 Sec. 83. MOTOR VEHICLE FUEL TAX
39 14 APPROPRIATION. There is appropriated from the motor
39 15 fuel tax fund created by section 452A.77 to the
39 16 department of revenue for the fiscal year beginning
39 17 July 1, 2012, and ending June 30, 2013, the following
39 18 amount, or so much thereof as is necessary, to be used
39 19 for the purposes designated:
39 20 For salaries, support, maintenance, miscellaneous
39 21 purposes, and for administration and enforcement of the
39 22 provisions of chapter 452A and the motor vehicle use
39 23 tax program:
39 24 ..... $ 652,888
39 25 Sec. 84. SECRETARY OF STATE.
39 26 1. There is appropriated from the general fund of
39 27 the state to the office of the secretary of state for
39 28 the fiscal year beginning July 1, 2012, and ending June
39 29 30, 2013, the following amounts, or so much thereof as
39 30 is necessary, to be used for the purposes designated:
39 31 For salaries, support, maintenance, and
39 32 miscellaneous purposes, and for not more than the
39 33 following full=time equivalent positions:
39 34 ..... $ 1,447,793
39 35 ..... FTEs 45.00
39 36 2. The state department or state agency which
39 37 provides data processing services to support voter
39 38 registration file maintenance and storage shall provide
39 39 those services without charge.
39 40 Sec. 85. SECRETARY OF STATE FILING FEES REFUND.
39 41 Notwithstanding the obligation to collect fees pursuant
39 42 to the provisions of section 490.122, subsection 1,
39 43 paragraphs "a" and "s", and section 504.113, subsection
39 44 1, paragraphs "a", "c", "d", "j", "k", "l", and
39 45 "m", for the fiscal year beginning July 1, 2012, the
39 46 secretary of state may refund these fees to the filer
39 47 pursuant to rules established by the secretary of
39 48 state. The decision of the secretary of state not to
39 49 issue a refund under rules established by the secretary
39 50 of state is final and not subject to review pursuant

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40 1 to chapter 17A.
40 2 Sec. 86. TREASURER.
40 3 1. There is appropriated from the general fund of
40 4 the state to the office of treasurer of state for the
40 5 fiscal year beginning July 1, 2012, and ending June 30,
40 6 2013, the following amount, or so much thereof as is
40 7 necessary, to be used for the purposes designated:
40 8 For salaries, support, maintenance, and
40 9 miscellaneous purposes, and for not more than the
40 10 following full=time equivalent positions:
40 11 ..... $ 427,145
40 12 ..... FTEs 28.80
40 13 2. The office of treasurer of state shall supply
40 14 clerical and secretarial support for the executive
40 15 council.
40 16 Sec. 87. ROAD USE TAX APPROPRIATION ==== OFFICE
40 17 OF TREASURER OF STATE. There is appropriated from
40 18 the road use tax fund created in section 312.1 to
40 19 the office of treasurer of state for the fiscal year
40 20 beginning July 1, 2012, and ending June 30, 2013, the
40 21 following amount, or so much thereof as is necessary,
40 22 to be used for the purposes designated:
40 23 For enterprise resource management costs related to
40 24 the distribution of road use tax funds:
40 25 ..... $ 46,574
40 26 Sec. 88. IPERS ==== GENERAL OFFICE. There is
40 27 appropriated from the Iowa public employees' retirement
40 28 system fund to the Iowa public employees' retirement
40 29 system for the fiscal year beginning July 1, 2012, and
40 30 ending June 30, 2013, the following amount, or so much
40 31 thereof as is necessary, to be used for the purposes
40 32 designated:
40 33 For salaries, support, maintenance, and other
40 34 operational purposes to pay the costs of the Iowa
40 35 public employees' retirement system, and for not more
40 36 than the following full=time equivalent positions:
40 37 ..... $ 8,843,484
40 38 ..... FTEs 90.13
40 39 DIVISION III
40 40 CONDITIONAL EFFECTIVE DATE AND RETROACTIVE
40 41 APPLICABILITY
40 42 Sec. 89. EFFECTIVE DATE AND RETROACTIVE
40 43 APPLICABILITY. Unless otherwise provided, this Act,
40 44 if approved by the governor on or after July 1, 2011,
40 45 takes effect upon enactment and applies retroactively
40 46 to July 1, 2011.>
H1682.3417.H (1) 84
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# Senate Amendment 3375

PAG LIN

1 1 Amend the Senate amendment, H=1732, to House File
1 2 649, as amended, passed, and reprinted by the House, as
1 3 follows:
1 4 #1. By striking page 1, line 1, through page 53,
1 5 line 18, and inserting:
1 6 <Amend House File 649, as amended, passed, and
1 7 reprinted by the House, as follows:
1 8 ___. By striking everything after the enacting
1 9 clause and inserting:
1 10 <DIVISION I
1 11 HEALTH AND HUMAN SERVICES
1 12 DEPARTMENT ON AGING ==== FY 2011=2012
1 13 Section 1. DEPARTMENT ON AGING. There is
1 14 appropriated from the general fund of the state to
1 15 the department on aging for the fiscal year beginning
1 16 July 1, 2011, and ending June 30, 2012, the following
1 17 amount, or so much thereof as is necessary, to be used
1 18 for the purposes designated:
1 19 For aging programs for the department on aging and
1 20 area agencies on aging to provide citizens of Iowa who
1 21 are 60 years of age and older with case management for
1 22 frail elders, Iowa's aging and disabilities resource
1 23 center, and other services which may include but are
1 24 not limited to adult day services, respite care, chore
1 25 services, information and assistance, and material aid,
1 26 for information and options counseling for persons with
1 27 disabilities who are 18 years of age or older, and
1 28 for salaries, support, administration, maintenance,
1 29 and miscellaneous purposes, and for not more than the
1 30 following full=time equivalent positions:
1 31 ..... $ 10,302,577
1 32 ..... FTEs 35.00
1 33 1. Funds appropriated in this section may be used
1 34 to supplement federal funds under federal regulations.
1 35 To receive funds appropriated in this section, a local
1 36 area agency on aging shall match the funds with moneys
1 37 from other sources according to rules adopted by the
1 38 department. Funds appropriated in this section may be
1 39 used for elderly services not specifically enumerated
1 40 in this section only if approved by an area agency on
1 41 aging for provision of the service within the area.
1 42 2. The amount appropriated in this section includes
1 43 additional funding of $450,000 for delivery of
1 44 long=term care services to older individuals with low
1 45 or moderate incomes.
1 46 3. Of the funds appropriated in this section,
1 47 $179,946 shall be transferred to the department
1 48 of economic development for the Iowa commission on
1 49 volunteer services to be used for the retired and
1 50 senior volunteer program.

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2 1 4. a. The department on aging shall establish and
2 2 enforce procedures relating to expenditure of state and
2 3 federal funds by area agencies on aging that require
2 4 compliance with both state and federal laws, rules, and
2 5 regulations, including but not limited to all of the
2 6 following:
2 7 (1) Requiring that expenditures are incurred only
2 8 for goods or services received or performed prior to
2 9 the end of the fiscal period designated for use of the
2 10 funds.
2 11 (2) Prohibiting prepayment for goods or services
2 12 not received or performed prior to the end of the
2 13 fiscal period designated for use of the funds.
2 14 (3) Prohibiting the prepayment for goods or
2 15 services not defined specifically by good or service,
2 16 time period, or recipient.
2 17 (4) Prohibiting the establishment of accounts from
2 18 which future goods or services which are not defined
2 19 specifically by good or service, time period, or
2 20 recipient, may be purchased.
2 21 b. The procedures shall provide that if any funds
2 22 are expended in a manner that is not in compliance with
2 23 the procedures and applicable federal and state laws,
2 24 rules, and regulations, and are subsequently subject
2 25 to repayment, the area agency on aging expending such
2 26 funds in contravention of such procedures, laws, rules
2 27 and regulations, not the state, shall be liable for
2 28 such repayment.
2 29 DIVISION II
2 30 HEALTH AND HUMAN SERVICES
2 31 DEPARTMENT OF PUBLIC HEALTH ==== FY 2011=2012
2 32 Sec. 2. DEPARTMENT OF PUBLIC HEALTH. There is
2 33 appropriated from the general fund of the state to
2 34 the department of public health for the fiscal year
2 35 beginning July 1, 2011, and ending June 30, 2012, the
2 36 following amounts, or so much thereof as is necessary,
2 37 to be used for the purposes designated:
2 38 1. ADDICTIVE DISORDERS
2 39 For reducing the prevalence of use of tobacco,
2 40 alcohol, and other drugs, and treating individuals
2 41 affected by addictive behaviors, including gambling,
2 42 and for not more than the following full=time
2 43 equivalent positions:
2 44 ..... $ 20,703,190
2 45 ..... FTEs 13.00
2 46 a. (1) Of the funds appropriated in this
2 47 subsection 1, $453,830 shall be transferred to the
2 48 alcoholic beverages division of the department of
2 49 commerce for enforcement of tobacco laws, regulations,
2 50 and ordinances in accordance with 2011 Iowa Acts, House

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3 1 File 467, as enacted.
3 2 (2) Implementation of the tobacco use prevention
3 3 and control initiative for the fiscal year beginning
3 4 July 1, 2011, including efforts at the state and local
3 5 levels, as provided in chapter 142A, shall be limited
3 6 to the extent of the funding available.
3 7 b. Of the funds appropriated in this subsection
3 8 1, $20,249,360 shall be used for problem gambling and
3 9 substance abuse prevention, treatment, and recovery
3 10 services, including a 24=hour helpline, public
3 11 information resources, professional training, and
3 12 program evaluation.
3 13 (1) Of the funds allocated in this paragraph
3 14 "b", $17,132,508 shall be used for substance abuse
3 15 prevention and treatment.
3 16 (a) Of the funds allocated in this subparagraph
3 17 (1), $899,300 shall be used for the public purpose of
3 18 a grant program to provide substance abuse prevention
3 19 programming for children.
3 20 (i) Of the funds allocated in this subparagraph
3 21 division (a), $427,539 shall be used for grant funding
3 22 for organizations that provide programming for
3 23 children by utilizing mentors. Programs approved for
3 24 such grants shall be certified or will be certified
3 25 within six months of receiving the grant award by the
3 26 Iowa commission on volunteer services as utilizing
3 27 the standards for effective practice for mentoring
3 28 programs.
3 29 (ii) Of the funds allocated in this subparagraph
3 30 division (a), $426,839 shall be used for grant
3 31 funding for organizations that provide programming
3 32 that includes youth development and leadership. The
3 33 programs shall also be recognized as being programs
3 34 that are scientifically based with evidence of their
3 35 effectiveness in reducing substance abuse in children.
3 36 (iii) The department of public health shall utilize
3 37 a request for proposals process to implement the grant
3 38 program.
3 39 (iv) All grant recipients shall participate in a
3 40 program evaluation as a requirement for receiving grant
3 41 funds.
3 42 (v) Of the funds allocated in this subparagraph
3 43 division (a), up to $44,922 may be used to administer
3 44 substance abuse prevention grants and for program
3 45 evaluations.
3 46 (b) Of the funds allocated in this subparagraph
3 47 (1), $273,062 shall be used for culturally competent
3 48 substance abuse treatment pilot projects.
3 49 (i) The department shall utilize the amount
3 50 allocated in this subparagraph division (b) for at

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4 1 least three pilot projects to provide culturally
4 2 competent substance abuse treatment in various areas
4 3 of the state. Each pilot project shall target a
4 4 particular ethnic minority population. The populations
4 5 targeted shall include but are not limited to African
4 6 American, Asian, and Latino.
4 7 (ii) The pilot project requirements shall provide
4 8 for documentation or other means to ensure access
4 9 to the cultural competence approach used by a pilot
4 10 project so that such approach can be replicated and
4 11 improved upon in successor programs.
4 12 (2) Of the funds allocated in this paragraph "b",
4 13 up to $3,116,852 may be used for problem gambling
4 14 prevention, treatment, and recovery services.
4 15 (a) Of the funds allocated in this subparagraph
4 16 (2), $2,579,000 shall be used for problem gambling
4 17 prevention and treatment.
4 18 (b) Of the funds allocated in this subparagraph
4 19 (2), up to $437,852 may be used for a 24=hour helpline,
4 20 public information resources, professional training,
4 21 and program evaluation.
4 22 (c) Of the funds allocated in this subparagraph
4 23 (2), up to $100,000 may be used for the licensing of
4 24 problem gambling treatment programs.
4 25 (3) It is the intent of the general assembly that
4 26 from the moneys allocated in this paragraph "b",
4 27 persons with a dual diagnosis of substance abuse
4 28 and gambling addictions shall be given priority in
4 29 treatment services.
4 30 c. Notwithstanding any provision of law to the
4 31 contrary, to standardize the availability, delivery,
4 32 cost of delivery, and accountability of problem
4 33 gambling and substance abuse treatment services
4 34 statewide, the department shall continue implementation
4 35 of a process to create a system for delivery of
4 36 treatment services in accordance with the requirements
4 37 specified in 2008 Iowa Acts, chapter 1187, section
4 38 3, subsection 4. To ensure the system provides a
4 39 continuum of treatment services that best meets the
4 40 needs of Iowans, the problem gambling and substance
4 41 abuse treatment services in any area may be provided
4 42 either by a single agency or by separate agencies
4 43 submitting a joint proposal.
4 44 (1) The system for delivery of substance abuse
4 45 and problem gambling treatment shall include problem
4 46 gambling prevention by July 1, 2012. The department
4 47 shall submit a proposed legislative bill in accordance
4 48 with section 2.16, for consideration during the 2012
4 49 legislative session, addressing any statutory revisions
4 50 necessary for full implementation of the system.

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5 1 (2) The system for delivery of substance abuse and
5 2 problem gambling treatment shall include substance
5 3 abuse prevention by July 1, 2014.
5 4 (3) Of the funds allocated in paragraph "b", the
5 5 department may use up to $100,000 for administrative
5 6 costs to continue developing and implementing the
5 7 process in accordance with this paragraph "c".
5 8 d. The requirement of section 123.53, subsection
5 9 5, is met by the appropriations and allocations made
5 10 in the health and human services divisions of this Act
5 11 for purposes of substance abuse treatment and addictive
5 12 disorders for the fiscal year beginning July 1, 2011.
5 13 e. The department of public health shall work
5 14 with all other departments that fund substance
5 15 abuse prevention and treatment services and all
5 16 such departments shall, to the extent necessary,
5 17 collectively meet the state maintenance of effort
5 18 requirements for expenditures for substance abuse
5 19 services as required under the federal substance abuse
5 20 prevention and treatment block grant.
5 21 f. The department shall amend or otherwise
5 22 revise departmental policies and contract provisions
5 23 in order to eliminate free t=shirt distribution,
5 24 banner production, and other unnecessary promotional
5 25 expenditures.
5 26 2. HEALTHY CHILDREN AND FAMILIES
5 27 For promoting the optimum health status for
5 28 children, adolescents from birth through 21 years of
5 29 age, and families, and for not more than the following
5 30 full=time equivalent positions:
5 31 ..... $ 2,594,270
5 32 ..... FTEs 10.00
5 33 a. Of the funds appropriated in this subsection,
5 34 not more than $739,318 shall be used for the healthy
5 35 opportunities to experience success (HOPES)=healthy
5 36 families Iowa (HFI) program established pursuant to
5 37 section 135.106. The funding shall be distributed to
5 38 renew the grants that were provided to the grantees
5 39 that operated the program during the fiscal year ending
5 40 June 30, 2011.
5 41 b. Of the funds appropriated in this subsection,
5 42 $329,885 shall be used to continue to address the
5 43 healthy mental development of children from birth
5 44 through five years of age through local evidence=based
5 45 strategies that engage both the public and private
5 46 sectors in promoting healthy development, prevention,
5 47 and treatment for children.
5 48 c. Of the funds appropriated in this subsection,
5 49 $31,597 shall be distributed to a statewide dental
5 50 carrier to provide funds to continue the donated dental

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6 1 services program patterned after the projects developed
6 2 by the dental lifeline network to provide dental
6 3 services to indigent elderly and disabled individuals.
6 4 d. Of the funds appropriated in this subsection,
6 5 $112,677 shall be used for childhood obesity
6 6 prevention.
6 7 e. Of the funds appropriated in this subsection,
6 8 $163,760 shall be used to provide audiological services
6 9 and hearing aids for children. The department may
6 10 enter into a contract to administer this paragraph.
6 11 3. CHRONIC CONDITIONS
6 12 For serving individuals identified as having chronic
6 13 conditions or special health care needs, and for not
6 14 more than the following full=time equivalent positions:
6 15 ..... $ 3,438,591
6 16 ..... FTEs 4.00
6 17 a. Of the funds appropriated in this subsection,
6 18 $160,582 shall be used for grants to individual
6 19 patients who have phenylketonuria (PKU) to assist with
6 20 the costs of necessary special foods.
6 21 b. Of the funds appropriated in this subsection,
6 22 $483,600 is allocated for continuation of the contracts
6 23 for resource facilitator services in accordance with
6 24 section 135.22B, subsection 9, and for brain injury
6 25 training services and recruiting of service providers
6 26 to increase the capacity within this state to address
6 27 the needs of individuals with brain injuries and such
6 28 individuals' families.
6 29 c. Of the funds appropriated in this subsection,
6 30 $468,874 shall be used as additional funding to
6 31 leverage federal funding through the federal Ryan
6 32 White Care Act, Tit. II, AIDS drug assistance program
6 33 supplemental drug treatment grants.
6 34 d. Of the funds appropriated in this subsection,
6 35 $31,254 shall be used for the public purpose of
6 36 providing a grant to an existing national=affiliated
6 37 organization to provide education, client=centered
6 38 programs, and client and family support for people
6 39 living with epilepsy and their families.
6 40 e. Of the funds appropriated in this subsection,
6 41 $12,500 shall be used for the purposes of the epilepsy
6 42 treatment and education task force as specified in 2011
6 43 Iowa Acts, House File 322, as enacted.
6 44 f. Of the funds appropriated in this subsection,
6 45 $788,303 shall be used for child health specialty
6 46 clinics.
6 47 g. Of the funds appropriated in this subsection,
6 48 $711,052 shall be used for the comprehensive cancer
6 49 control program to reduce the burden of cancer in
6 50 Iowa through prevention, early detection, effective

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7 1 treatment, and ensuring quality of life. Of the funds
7 2 allocated in this lettered paragraph, $363,987 shall
7 3 be used to support a melanoma research symposium,
7 4 a melanoma biorepository and registry, basic and
7 5 translational melanoma research, and clinical trials.
7 6 h. Of the funds appropriated in this subsection,
7 7 $126,450 shall be used for cervical and colon cancer
7 8 screening.
7 9 i. Of the funds appropriated in this subsection,
7 10 $421,782 shall be used for the center for congenital
7 11 and inherited disorders.
7 12 j. Of the funds appropriated in this subsection,
7 13 $129,937 shall be used for the prescription drug
7 14 donation repository program created in chapter 135M.
7 15 4. COMMUNITY CAPACITY
7 16 For strengthening the health care delivery system at
7 17 the local level, and for not more than the following
7 18 full=time equivalent positions:
7 19 ..... $ 4,414,063
7 20 ..... FTEs 14.00
7 21 a. Of the funds appropriated in this subsection,
7 22 $100,000 is allocated for a child vision screening
7 23 program implemented through the university of Iowa
7 24 hospitals and clinics in collaboration with early
7 25 childhood Iowa areas.
7 26 b. Of the funds appropriated in this subsection,
7 27 $111,308 is allocated for continuation of an initiative
7 28 implemented at the university of Iowa and $100,493 is
7 29 allocated for continuation of an initiative at the
7 30 state mental health institute at Cherokee to expand
7 31 and improve the workforce engaged in mental health
7 32 treatment and services. The initiatives shall receive
7 33 input from the university of Iowa, the department of
7 34 human services, the department of public health, and
7 35 the mental health, mental retardation, developmental
7 36 disabilities, and brain injury commission to address
7 37 the focus of the initiatives.
7 38 c. Of the funds appropriated in this subsection,
7 39 $1,171,491 shall be used for essential public health
7 40 services that promote healthy aging throughout the
7 41 lifespan, contracted through a formula for local boards
7 42 of health, to enhance health promotion and disease
7 43 prevention services.
7 44 d. Of the funds appropriated in this section,
7 45 $121,817 shall be deposited in the governmental public
7 46 health system fund created in section 135A.8 to be used
7 47 for the purposes of the fund.
7 48 e. Of the funds appropriated in this subsection,
7 49 $106,279 shall be used for the mental health
7 50 professional shortage area program implemented pursuant

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8 1 to section 135.80.
8 2 f. Of the funds appropriated in this subsection,
8 3 $38,263 shall be used for a grant to a statewide
8 4 association of psychologists that is affiliated
8 5 with the American psychological association to be
8 6 used for continuation of a program to rotate intern
8 7 psychologists in placements in urban and rural mental
8 8 health professional shortage areas, as defined in
8 9 section 135.80.
8 10 g. Of the funds appropriated in this subsection,
8 11 the following amounts shall be allocated to the Iowa
8 12 collaborative safety net provider network established
8 13 pursuant to section 135.153 to be used for the purposes
8 14 designated. The following amounts allocated under
8 15 this lettered paragraph shall be distributed to
8 16 the specified provider and shall not be reduced for
8 17 administrative or other costs prior to distribution:
8 18 (1) For distribution to the Iowa primary care
8 19 association for statewide coordination of the Iowa
8 20 collaborative safety net provider network:
8 21 ..... $ 116,597
8 22 (2) For distribution to the local boards of health
8 23 that provide direct services for pilot programs in
8 24 three counties to assist patients in determining an
8 25 appropriate medical home:
8 26 ..... $ 68,332
8 27 (3) For distribution to maternal and child health
8 28 centers for pilot programs in three counties to assist
8 29 patients in determining an appropriate medical home:
8 30 ..... $ 68,332
8 31 (4) For distribution to free clinics for necessary
8 32 infrastructure, statewide coordination, provider
8 33 recruitment, service delivery, and provision of
8 34 assistance to patients in determining an appropriate
8 35 medical home:
8 36 ..... $ 113,754
8 37 (5) For distribution to rural health clinics for
8 38 necessary infrastructure, statewide coordination,
8 39 provider recruitment, service delivery, and provision
8 40 of assistance to patients in determining an appropriate
8 41 medical home:
8 42 ..... $ 101,264
8 43 (6) For continuation of the safety net provider
8 44 patient access to specialty health care initiative as
8 45 described in 2007 Iowa Acts, chapter 218, section 109:
8 46 ..... $ 238,420
8 47 (7) For continuation of the pharmaceutical
8 48 infrastructure for safety net providers as described in
8 49 2007 Iowa Acts, chapter 218, section 108:
8 50 ..... $ 247,590

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9 1 The Iowa collaborative safety net provider network
9 2 may continue to distribute funds allocated pursuant to
9 3 this lettered paragraph through existing contracts or
9 4 renewal of existing contracts.
9 5 h. (1) Of the funds appropriated in this
9 6 subsection, $100,000 shall be used for continued
9 7 implementation of the recommendations of the direct
9 8 care worker task force established pursuant to 2005
9 9 Iowa Acts, chapter 88, based upon the report submitted
9 10 to the governor and the general assembly in December
9 11 2006. The department may use a portion of the funds
9 12 allocated in this lettered paragraph for an additional
9 13 position to assist in the continued implementation.
9 14 (2) The direct care worker advisory council
9 15 shall submit a final report no later than March 1,
9 16 2012, to the governor and the general assembly, in
9 17 accordance with 2010 Iowa Acts, chapter 1192, section
9 18 2, subsection 4, paragraph "h", subparagraph (3).
9 19 (3) The department of public health shall report
9 20 to the persons designated in the department of human
9 21 services division of this Act for FY 2011=2012 for
9 22 submission of reports regarding use of the funds
9 23 allocated in this lettered paragraph, on or before
9 24 January 15, 2012.
9 25 i. Of the funds appropriated in this subsection,
9 26 $150,000 shall be used for allocation through a request
9 27 for proposals process to a statewide direct care worker
9 28 association for education, outreach, and mentoring
9 29 intended to enhance the recruitment and retention of
9 30 direct care workers in health care and long=term care
9 31 settings. Funding allocated in this lettered paragraph
9 32 shall not be used by the recipient association for
9 33 lobbying activities as described in section 689B.36.
9 34 j. The department may utilize one of the full=time
9 35 equivalent positions authorized in this subsection for
9 36 administration of the activities related to the Iowa
9 37 collaborative safety net provider network.
9 38 k. Of the funds appropriated in this subsection,
9 39 the department may use up to $60,000 for up to one
9 40 full=time equivalent position to administer the
9 41 volunteer health care provider program pursuant to
9 42 section 135.24.
9 43 l. Of the funds appropriated in this subsection,
9 44 $50,000 shall be used for a matching dental education
9 45 loan repayment program to be allocated to a dental
9 46 nonprofit health service corporation to develop the
9 47 criteria and implement the loan repayment program.
9 48 m. Of the funds appropriated in this subsection,
9 49 $363,987 shall be used as state matching funds for
9 50 the health information network as established by the

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10 1 department of public health.
10 2 5. HEALTHY AGING
10 3 To provide public health services that reduce risks
10 4 and invest in promoting and protecting good health over
10 5 the course of a lifetime with a priority given to older
10 6 Iowans and vulnerable populations:
10 7 ..... $ 7,297,142
10 8 a. Of the funds appropriated in this subsection,
10 9 $2,009,187 shall be used for local public health
10 10 nursing services.
10 11 b. Of the funds appropriated in this subsection,
10 12 $5,287,955 shall be used for home care aide services.
10 13 6. ENVIRONMENTAL HAZARDS
10 14 For reducing the public's exposure to hazards in the
10 15 environment, primarily chemical hazards, and for not
10 16 more than the following full=time equivalent positions:
10 17 ..... $ 813,777
10 18 ..... FTEs 4.00
10 19 Of the funds appropriated in this subsection,
10 20 $544,377 shall be used for childhood lead poisoning
10 21 provisions.
10 22 7. INFECTIOUS DISEASES
10 23 For reducing the incidence and prevalence of
10 24 communicable diseases, and for not more than the
10 25 following full=time equivalent positions:
10 26 ..... $ 1,345,847
10 27 ..... FTEs 4.00
10 28 8. PUBLIC PROTECTION
10 29 For protecting the health and safety of the
10 30 public through establishing standards and enforcing
10 31 regulations, and for not more than the following
10 32 full=time equivalent positions:
10 33 ..... $ 2,776,232
10 34 ..... FTEs 125.00
10 35 a. Of the funds appropriated in this subsection,
10 36 not more than $471,690 shall be credited to the
10 37 emergency medical services fund created in section
10 38 135.25. Moneys in the emergency medical services fund
10 39 are appropriated to the department to be used for the
10 40 purposes of the fund.
10 41 b. Of the funds appropriated in this subsection,
10 42 $210,619 shall be used for sexual violence prevention
10 43 programming through a statewide organization
10 44 representing programs serving victims of sexual
10 45 violence through the department's sexual violence
10 46 prevention program. The amount allocated in this
10 47 lettered paragraph shall not be used to supplant
10 48 funding administered for other sexual violence
10 49 prevention or victims assistance programs.
10 50 c. Of the funds appropriated in this subsection,

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11 1 not more than $436,582 shall be used for the state
11 2 poison control center.
11 3 9. RESOURCE MANAGEMENT
11 4 For establishing and sustaining the overall
11 5 ability of the department to deliver services to the
11 6 public, and for not more than the following full=time
11 7 equivalent positions:
11 8 ..... $ 819,554
11 9 ..... FTEs 7.00
11 10 The university of Iowa hospitals and clinics under
11 11 the control of the state board of regents shall not
11 12 receive indirect costs from the funds appropriated in
11 13 this section. The university of Iowa hospitals and
11 14 clinics billings to the department shall be on at least
11 15 a quarterly basis.
11 16 DIVISION III
11 17 HEALTH AND HUMAN SERVICES
11 18 DEPARTMENT OF VETERANS AFFAIRS ==== FY 2011=2012
11 19 Sec. 3. DEPARTMENT OF VETERANS AFFAIRS. There is
11 20 appropriated from the general fund of the state to the
11 21 department of veterans affairs for the fiscal year
11 22 beginning July 1, 2011, and ending June 30, 2012, the
11 23 following amounts, or so much thereof as is necessary,
11 24 to be used for the purposes designated:
11 25 1. DEPARTMENT OF VETERANS AFFAIRS ADMINISTRATION
11 26 For salaries, support, maintenance, and
11 27 miscellaneous purposes, including the war orphans
11 28 educational assistance fund created in section
11 29 35.8, and for not more than the following full=time
11 30 equivalent positions:
11 31 ..... $ 998,832
11 32 ..... FTEs 16.34
11 33 2. IOWA VETERANS HOME
11 34 For salaries, support, maintenance, and
11 35 miscellaneous purposes:
11 36 ..... $ 8,952,151
11 37 a. The Iowa veterans home billings involving the
11 38 department of human services shall be submitted to the
11 39 department on at least a monthly basis.
11 40 b. If there is a change in the employer of
11 41 employees providing services at the Iowa veterans home
11 42 under a collective bargaining agreement, such employees
11 43 and the agreement shall be continued by the successor
11 44 employer as though there had not been a change in
11 45 employer.
11 46 c. Within available resources and in conformance
11 47 with associated state and federal program eligibility
11 48 requirements, the Iowa veterans home may implement
11 49 measures to provide financial assistance to or on
11 50 behalf of veterans or their spouses participating in

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12 1 the community reentry program.
12 2 3. STATE EDUCATIONAL ASSISTANCE ==== CHILDREN OF
12 3 DECEASED VETERANS
12 4 For provision of educational assistance pursuant to
12 5 section 35.9:
12 6 ..... $ 12,416
12 7 Sec. 4. LIMITATION OF COUNTY COMMISSION OF VETERANS
12 8 AFFAIRS FUND STANDING APPROPRIATIONS. Notwithstanding
12 9 the standing appropriation in the following designated
12 10 section for the fiscal year beginning July 1, 2011, and
12 11 ending June 30, 2012, the amounts appropriated from the
12 12 general fund of the state pursuant to that section for
12 13 the following designated purposes shall not exceed the
12 14 following amount:
12 15 For the county commissions of veterans affairs fund
12 16 under section 35A.16:
12 17 ..... $ 990,000
12 18 DIVISION IV
12 19 HEALTH AND HUMAN SERVICES
12 20 DEPARTMENT OF HUMAN SERVICES ==== FY 2011=2012
12 21 Sec. 5. TEMPORARY ASSISTANCE FOR NEEDY FAMILIES
12 22 BLOCK GRANT. There is appropriated from the fund
12 23 created in section 8.41 to the department of human
12 24 services for the fiscal year beginning July 1, 2011,
12 25 and ending June 30, 2012, from moneys received under
12 26 the federal temporary assistance for needy families
12 27 (TANF) block grant pursuant to the federal Personal
12 28 Responsibility and Work Opportunity Reconciliation
12 29 Act of 1996, Pub. L. No. 104=193, and successor
12 30 legislation, and from moneys received under the
12 31 emergency contingency fund for temporary assistance
12 32 for needy families state program established pursuant
12 33 to the federal American Recovery and Reinvestment
12 34 Act of 2009, Pub. L. No. 111=5 { 2101, and successor
12 35 legislation, the following amounts, or so much
12 36 thereof as is necessary, to be used for the purposes
12 37 designated:
12 38 1. To be credited to the family investment program
12 39 account and used for assistance under the family
12 40 investment program under chapter 239B:
12 41 ..... $ 21,500,738
12 42 2. To be credited to the family investment program
12 43 account and used for the job opportunities and
12 44 basic skills (JOBS) program and implementing family
12 45 investment agreements in accordance with chapter 239B:
12 46 ..... $ 12,411,528
12 47 3. To be used for the family development and
12 48 self=sufficiency grant program in accordance with
12 49 section 216A.107:
12 50 ..... $ 2,898,980

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13 1 Notwithstanding section 8.33, moneys appropriated in
13 2 this subsection that remain unencumbered or unobligated
13 3 at the close of the fiscal year shall not revert but
13 4 shall remain available for expenditure for the purposes
13 5 designated until the close of the succeeding fiscal
13 6 year. However, unless such moneys are encumbered or
13 7 obligated on or before September 30, 2012, the moneys
13 8 shall revert.
13 9 4. For field operations:
13 10 ..... $ 31,296,232
13 11 5. For general administration:
13 12 ..... $ 3,744,000
13 13 6. For state child care assistance:
13 14 ..... $ 16,382,687
13 15 The funds appropriated in this subsection shall be
13 16 transferred to the child care and development block
13 17 grant appropriation made by the Eighty=fourth General
13 18 Assembly, 2011 Session, for the federal fiscal year
13 19 beginning October 1, 2011, and ending September 30,
13 20 2012. Of this amount, $200,000 shall be used for
13 21 provision of educational opportunities to registered
13 22 child care home providers in order to improve services
13 23 and programs offered by this category of providers and
13 24 to increase the number of providers. The department
13 25 may contract with institutions of higher education or
13 26 child care resource and referral centers to provide the
13 27 educational opportunities. Allowable administrative
13 28 costs under the contracts shall not exceed 5 percent.
13 29 The application for a grant shall not exceed two pages
13 30 in length.
13 31 7. For mental health and developmental disabilities
13 32 community services:
13 33 ..... $ 4,894,052
13 34 8. For child and family services:
13 35 ..... $ 32,084,430
13 36 9. For child abuse prevention grants:
13 37 ..... $ 125,000
13 38 10. For pregnancy prevention grants on the
13 39 condition that family planning services are funded:
13 40 ..... $ 1,930,067
13 41 Pregnancy prevention grants shall be awarded
13 42 to pregnancy prevention programs that are based
13 43 on existing models that have demonstrated positive
13 44 outcomes. Grants shall comply with the requirements
13 45 provided in 1997 Iowa Acts, chapter 208, section 14,
13 46 subsections 1 and 2, including the requirement that
13 47 grant programs must emphasize sexual abstinence.
13 48 Priority in the awarding of grants shall be given
13 49 to programs that serve areas of the state which
13 50 demonstrate the highest percentage of unplanned

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14 1 pregnancies of females of childbearing age within the
14 2 geographic area to be served by the grant.
14 3 11. For technology needs and other resources
14 4 necessary to meet federal welfare reform reporting,
14 5 tracking, and case management requirements:
14 6 ..... $ 1,037,186
14 7 12. To be credited to the state child care
14 8 assistance appropriation made in this section to be
14 9 used for funding of community=based early childhood
14 10 programs targeted to children from birth through five
14 11 years of age developed by early childhood Iowa areas as
14 12 provided in section 256I.11:
14 13 ..... $ 6,350,000
14 14 The department shall transfer TANF block grant
14 15 funding appropriated and allocated in this subsection
14 16 to the child care and development block grant
14 17 appropriation in accordance with federal law as
14 18 necessary to comply with the provisions of this
14 19 subsection.
14 20 13. a. Notwithstanding any provision to the
14 21 contrary, including but not limited to requirements
14 22 in section 8.41 or provisions in 2010 or 2011 Iowa
14 23 Acts regarding the receipt and appropriation of
14 24 federal block grants, federal funds from the emergency
14 25 contingency fund for temporary assistance for needy
14 26 families state program established pursuant to the
14 27 federal American Recovery and Reinvestment Act of
14 28 2009, Pub. L. No. 111=5 { 2101, received by the state
14 29 during the fiscal year beginning July 1, 2010, and
14 30 ending June 30, 2011, not otherwise appropriated in
14 31 this section and remaining available as of July 1,
14 32 2011, and received by the state during the fiscal year
14 33 beginning July 1, 2011, and ending June 30, 2012, are
14 34 appropriated to the extent as may be necessary to be
14 35 used in the following priority order: the family
14 36 investment program for the fiscal year and for state
14 37 child care assistance program payments for individuals
14 38 enrolled in the family investment program who are
14 39 employed. The federal funds appropriated in this
14 40 paragraph "a" shall be expended only after all other
14 41 funds appropriated in subsection 1 for the assistance
14 42 under the family investment program under chapter 239B
14 43 have been expended.
14 44 b. The department shall, on a quarterly basis,
14 45 advise the legislative services agency and department
14 46 of management of the amount of funds appropriated in
14 47 this subsection that was expended in the prior quarter.
14 48 14. Of the amounts appropriated in this section,
14 49 $12,962,008 for the fiscal year beginning July 1,
14 50 2011, shall be transferred to the appropriation of

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15 1 the federal social services block grant made for that
15 2 fiscal year.
15 3 15. For continuation of the program allowing the
15 4 department to maintain categorical eligibility for the
15 5 food assistance program as required under the section
15 6 of this division of this Act relating to the family
15 7 investment account:
15 8 ..... $ 146,072
15 9 16. The department may transfer funds allocated
15 10 in this section to the appropriations made in this
15 11 division of this Act for general administration and
15 12 field operations for resources necessary to implement
15 13 and operate the services referred to in this section
15 14 and those funded in the appropriation made in this
15 15 division of this Act for the family investment program
15 16 from the general fund of the state.
15 17 Sec. 6. FAMILY INVESTMENT PROGRAM ACCOUNT.
15 18 1. Moneys credited to the family investment program
15 19 (FIP) account for the fiscal year beginning July
15 20 1, 2011, and ending June 30, 2012, shall be used to
15 21 provide assistance in accordance with chapter 239B.
15 22 2. The department may use a portion of the moneys
15 23 credited to the FIP account under this section as
15 24 necessary for salaries, support, maintenance, and
15 25 miscellaneous purposes.
15 26 3. The department may transfer funds allocated in
15 27 this section to the appropriations in this division
15 28 of this Act for general administration and field
15 29 operations for resources necessary to implement and
15 30 operate the services referred to in this section and
15 31 those funded in the appropriation made in this division
15 32 of this Act for the family investment program from the
15 33 general fund of the state.
15 34 4. Moneys appropriated in this division of this Act
15 35 and credited to the FIP account for the fiscal year
15 36 beginning July 1, 2011, and ending June 30, 2012, are
15 37 allocated as follows:
15 38 a. To be retained by the department of human
15 39 services to be used for coordinating with the
15 40 department of human rights to more effectively serve
15 41 participants in the FIP program and other shared
15 42 clients and to meet federal reporting requirements
15 43 under the federal temporary assistance for needy
15 44 families block grant:
15 45 ..... $ 20,000
15 46 b. To the department of human rights for staffing,
15 47 administration, and implementation of the family
15 48 development and self=sufficiency grant program in
15 49 accordance with section 216A.107:
15 50 ..... $ 5,342,834

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16 1 (1) Of the funds allocated for the family
16 2 development and self=sufficiency grant program in this
16 3 lettered paragraph, not more than 5 percent of the
16 4 funds shall be used for the administration of the grant
16 5 program.
16 6 (2) The department of human rights may continue to
16 7 implement the family development and self=sufficiency
16 8 grant program statewide during fiscal year 2011=2012.
16 9 c. For the diversion subaccount of the FIP account:
16 10 ..... $ 1,698,400
16 11 A portion of the moneys allocated for the subaccount
16 12 may be used for field operations salaries, data
16 13 management system development, and implementation
16 14 costs and support deemed necessary by the director of
16 15 human services in order to administer the FIP diversion
16 16 program.
16 17 d. For the food stamp employment and training
16 18 program:
16 19 ..... $ 66,588
16 20 (1) The department shall amend the food stamp
16 21 employment and training state plan in order to maximize
16 22 to the fullest extent permitted by federal law the
16 23 use of the 50=50 match provisions for the claiming
16 24 of allowable federal matching funds from the United
16 25 States department of agriculture pursuant to the
16 26 federal food stamp employment and training program for
16 27 providing education, employment, and training services
16 28 for eligible food assistance program participants,
16 29 including but not limited to related dependent care and
16 30 transportation expenses.
16 31 (2) The department shall continue the categorical
16 32 federal food assistance program eligibility at 160
16 33 percent of the federal poverty level and continue to
16 34 eliminate the asset test from eligibility requirements,
16 35 consistent with federal food assistance program
16 36 requirements. The department shall include as many
16 37 food assistance households as is allowed by federal
16 38 law. The eligibility provisions shall conform to all
16 39 federal requirements including requirements addressing
16 40 individuals who are incarcerated or otherwise
16 41 ineligible.
16 42 e. For the JOBS program:
16 43 ..... $ 20,235,905
16 44 5. Of the child support collections assigned under
16 45 FIP, an amount equal to the federal share of support
16 46 collections shall be credited to the child support
16 47 recovery appropriation made in this division of this
16 48 Act. Of the remainder of the assigned child support
16 49 collections received by the child support recovery
16 50 unit, a portion shall be credited to the FIP account,

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17 1 a portion may be used to increase recoveries, and a
17 2 portion may be used to sustain cash flow in the child
17 3 support payments account. If as a consequence of the
17 4 appropriations and allocations made in this section
17 5 the resulting amounts are insufficient to sustain
17 6 cash assistance payments and meet federal maintenance
17 7 of effort requirements, the department shall seek
17 8 supplemental funding. If child support collections
17 9 assigned under FIP are greater than estimated or are
17 10 otherwise determined not to be required for maintenance
17 11 of effort, the state share of either amount may be
17 12 transferred to or retained in the child support payment
17 13 account.
17 14 6. The department may adopt emergency rules for
17 15 the family investment, JOBS, food stamp, and medical
17 16 assistance programs if necessary to comply with federal
17 17 requirements.
17 18 Sec. 7. FAMILY INVESTMENT PROGRAM GENERAL
17 19 FUND. There is appropriated from the general fund of
17 20 the state to the department of human services for the
17 21 fiscal year beginning July 1, 2011, and ending June 30,
17 22 2012, the following amount, or so much thereof as is
17 23 necessary, to be used for the purpose designated:
17 24 To be credited to the family investment program
17 25 (FIP) account and used for family investment program
17 26 assistance under chapter 239B:
17 27 ..... $ 50,171,027
17 28 1. Of the funds appropriated in this section,
17 29 $7,824,377 is allocated for the JOBS program.
17 30 2. Of the funds appropriated in this section,
17 31 $2,463,854 is allocated for the family development and
17 32 self=sufficiency grant program.
17 33 3. Notwithstanding section 8.39, for the fiscal
17 34 year beginning July 1, 2011, if necessary to meet
17 35 federal maintenance of effort requirements or to
17 36 transfer federal temporary assistance for needy
17 37 families block grant funding to be used for purposes
17 38 of the federal social services block grant or to meet
17 39 cash flow needs resulting from delays in receiving
17 40 federal funding or to implement, in accordance with
17 41 this division of this Act, activities currently funded
17 42 with juvenile court services, county, or community
17 43 moneys and state moneys used in combination with such
17 44 moneys, the department of human services may transfer
17 45 funds within or between any of the appropriations made
17 46 in this division of this Act and appropriations in law
17 47 for the federal social services block grant to the
17 48 department for the following purposes, provided that
17 49 the combined amount of state and federal temporary
17 50 assistance for needy families block grant funding for

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18 1 each appropriation remains the same before and after
18 2 the transfer:
18 3 a. For the family investment program.
18 4 b. For child care assistance.
18 5 c. For child and family services.
18 6 d. For field operations.
18 7 e. For general administration.
18 8 f. MH/MR/DD/BI community services (local purchase).
18 9 This subsection shall not be construed to prohibit
18 10 the use of existing state transfer authority for other
18 11 purposes. The department shall report any transfers
18 12 made pursuant to this subsection to the legislative
18 13 services agency.
18 14 4. Of the funds appropriated in this section,
18 15 $195,678 shall be used for continuation of a grant to
18 16 an Iowa=based nonprofit organization with a history
18 17 of providing tax preparation assistance to low=income
18 18 Iowans in order to expand the usage of the earned
18 19 income tax credit. The purpose of the grant is to
18 20 supply this assistance to underserved areas of the
18 21 state.
18 22 Sec. 8. CHILD SUPPORT RECOVERY. There is
18 23 appropriated from the general fund of the state to
18 24 the department of human services for the fiscal year
18 25 beginning July 1, 2011, and ending June 30, 2012, the
18 26 following amount, or so much thereof as is necessary,
18 27 to be used for the purposes designated:
18 28 For child support recovery, including salaries,
18 29 support, maintenance, and miscellaneous purposes, and
18 30 for not more than the following full=time equivalent
18 31 positions:
18 32 ..... $ 13,044,451
18 33 ..... FTEs 475.00
18 34 1. The department shall expend up to $24,329,
18 35 including federal financial participation, for the
18 36 fiscal year beginning July 1, 2011, for a child support
18 37 public awareness campaign. The department and the
18 38 office of the attorney general shall cooperate in
18 39 continuation of the campaign. The public awareness
18 40 campaign shall emphasize, through a variety of media
18 41 activities, the importance of maximum involvement of
18 42 both parents in the lives of their children as well as
18 43 the importance of payment of child support obligations.
18 44 2. Federal access and visitation grant moneys shall
18 45 be issued directly to private not=for=profit agencies
18 46 that provide services designed to increase compliance
18 47 with the child access provisions of court orders,
18 48 including but not limited to neutral visitation sites
18 49 and mediation services.
18 50 3. The appropriation made to the department for

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19 1 child support recovery may be used throughout the
19 2 fiscal year in the manner necessary for purposes of
19 3 cash flow management, and for cash flow management
19 4 purposes the department may temporarily draw more
19 5 than the amount appropriated, provided the amount
19 6 appropriated is not exceeded at the close of the fiscal
19 7 year.
19 8 4. With the exception of the funding amount
19 9 specified, the requirements established under 2001
19 10 Iowa Acts, chapter 191, section 3, subsection 5,
19 11 paragraph "c", subparagraph (3), shall be applicable
19 12 to parental obligation pilot projects for the fiscal
19 13 year beginning July 1, 2011, and ending June 30,
19 14 2012. Notwithstanding 441 IAC 100.8, providing for
19 15 termination of rules relating to the pilot projects,
19 16 the rules shall remain in effect until June 30, 2012.
19 17 Sec. 9. HEALTH CARE TRUST FUND ==== MEDICAL
19 18 ASSISTANCE. Any funds remaining in the health
19 19 care trust fund created in section 453A.35A for the
19 20 fiscal year beginning July 1, 2011, and ending June
19 21 30, 2012, are appropriated to the department of
19 22 human services to supplement the medical assistance
19 23 program appropriations made in the health and human
19 24 services divisions of this Act, for medical assistance
19 25 reimbursement and associated costs, including
19 26 program administration and costs associated with
19 27 implementation.
19 28 Sec. 10. MEDICAL ASSISTANCE. There is appropriated
19 29 from the general fund of the state to the department of
19 30 human services for the fiscal year beginning July 1,
19 31 2011, and ending June 30, 2012, the following amount,
19 32 or so much thereof as is necessary, to be used for the
19 33 purpose designated:
19 34 For medical assistance reimbursement and associated
19 35 costs as specifically provided in the reimbursement
19 36 methodologies in effect on June 30, 2011, except as
19 37 otherwise expressly authorized by law, including
19 38 reimbursement for abortion services which shall be
19 39 available under the medical assistance program only for
19 40 those abortions which are medically necessary:
19 41 ..... $907,087,190
19 42 1. Medically necessary abortions are those
19 43 performed under any of the following conditions:
19 44 a. The attending physician certifies that
19 45 continuing the pregnancy would endanger the life of the
19 46 pregnant woman.
19 47 b. Any spontaneous abortion, commonly known as a
19 48 miscarriage, if not all of the products of conception
19 49 are expelled.
19 50 2. The department shall utilize not more than

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20 1 $60,000 of the funds appropriated in this section
20 2 to continue the AIDS/HIV health insurance premium
20 3 payment program as established in 1992 Iowa Acts,
20 4 Second Extraordinary Session, chapter 1001, section
20 5 409, subsection 6. Of the funds allocated in this
20 6 subsection, not more than $5,000 may be expended for
20 7 administrative purposes.
20 8 3. Of the funds appropriated in the department of
20 9 public health division of this Act for FY 2011=2012
20 10 to the department of public health for addictive
20 11 disorders, $950,000 for the fiscal year beginning
20 12 July 1, 2011, shall be transferred to the department
20 13 of human services for an integrated substance abuse
20 14 managed care system. The department shall not assume
20 15 management of the substance abuse system in place
20 16 of the managed care contractor unless such a change
20 17 in approach is specifically authorized in law. The
20 18 departments of human services and public health shall
20 19 work together to maintain the level of mental health
20 20 and substance abuse services provided by the managed
20 21 care contractor through the Iowa plan for behavioral
20 22 health. Each department shall take the steps necessary
20 23 to continue the federal waivers as necessary to
20 24 maintain the level of services.
20 25 4. a. The department shall aggressively pursue
20 26 options for providing medical assistance or other
20 27 assistance to individuals with special needs who become
20 28 ineligible to continue receiving services under the
20 29 early and periodic screening, diagnostic, and treatment
20 30 program under the medical assistance program due
20 31 to becoming 21 years of age who have been approved
20 32 for additional assistance through the department's
20 33 exception to policy provisions, but who have health
20 34 care needs in excess of the funding available through
20 35 the exception to policy provisions.
20 36 b. Of the funds appropriated in this section,
20 37 $100,000 shall be used for participation in one or more
20 38 pilot projects operated by a private provider to allow
20 39 the individual or individuals to receive service in the
20 40 community in accordance with principles established in
20 41 Olmstead v. L.C., 527 U.S. 581 (1999), for the purpose
20 42 of providing medical assistance or other assistance to
20 43 individuals with special needs who become ineligible
20 44 to continue receiving services under the early and
20 45 periodic screening, diagnosis, and treatment program
20 46 under the medical assistance program due to becoming
20 47 21 years of age who have been approved for additional
20 48 assistance through the department's exception to policy
20 49 provisions, but who have health care needs in excess
20 50 of the funding available through the exception to the

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21 1 policy provisions.
21 2 5. Of the funds appropriated in this section, up to
21 3 $3,050,082 may be transferred to the field operations
21 4 or general administration appropriations in this
21 5 division of this Act for operational costs associated
21 6 with Part D of the federal Medicare Prescription Drug
21 7 Improvement and Modernization Act of 2003, Pub. L. No.
21 8 108=173.
21 9 6. Of the funds appropriated in this section, up
21 10 to $442,100 may be transferred to the appropriation
21 11 in this division of this Act for medical contracts
21 12 to be used for clinical assessment services and prior
21 13 authorization of services.
21 14 7. A portion of the funds appropriated in this
21 15 section may be transferred to the appropriations in
21 16 this division of this Act for general administration,
21 17 medical contracts, the children's health insurance
21 18 program, or field operations to be used for the
21 19 state match cost to comply with the payment error
21 20 rate measurement (PERM) program for both the medical
21 21 assistance and children's health insurance programs
21 22 as developed by the centers for Medicare and Medicaid
21 23 services of the United States department of health and
21 24 human services to comply with the federal Improper
21 25 Payments Information Act of 2002, Pub. L. No. 107=300.
21 26 8. It is the intent of the general assembly
21 27 that the department continue to implement the
21 28 recommendations of the assuring better child health
21 29 and development initiative II (ABCDII) clinical panel
21 30 to the Iowa early and periodic screening, diagnostic,
21 31 and treatment services healthy mental development
21 32 collaborative board regarding changes to billing
21 33 procedures, codes, and eligible service providers.
21 34 9. Of the funds appropriated in this section,
21 35 a sufficient amount is allocated to supplement
21 36 the incomes of residents of nursing facilities,
21 37 intermediate care facilities for persons with mental
21 38 illness, and intermediate care facilities for persons
21 39 with mental retardation, with incomes of less than $50
21 40 in the amount necessary for the residents to receive a
21 41 personal needs allowance of $50 per month pursuant to
21 42 section 249A.30A.
21 43 10. Of the funds appropriated in this section,
21 44 the following amounts shall be transferred to the
21 45 appropriations made in this division of this Act for
21 46 the state mental health institutes:
21 47 a. Cherokee mental health institute ..... $
21 48 9,098,425
21 49 b. Clarinda mental health institute ..... $
21 50 1,977,305

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22 1 c. Independence mental health institute ..... $
22 2 9,045,894
22 3 d. Mount Pleasant mental health institute .... $
22 4 5,752,587
22 5 11. a. Of the funds appropriated in this section,
22 6 $7,425,684 is allocated for the state match for a
22 7 disproportionate share hospital payment of $19,133,430
22 8 to hospitals that meet both of the conditions specified
22 9 in subparagraphs (1) and (2). In addition, the
22 10 hospitals that meet the conditions specified shall
22 11 either certify public expenditures or transfer to
22 12 the medical assistance program an amount equal to
22 13 provide the nonfederal share for a disproportionate
22 14 share hospital payment of $7,500,000. The hospitals
22 15 that meet the conditions specified shall receive and
22 16 retain 100 percent of the total disproportionate share
22 17 hospital payment of $26,633,430.
22 18 (1) The hospital qualifies for disproportionate
22 19 share and graduate medical education payments.
22 20 (2) The hospital is an Iowa state=owned hospital
22 21 with more than 500 beds and eight or more distinct
22 22 residency specialty or subspecialty programs recognized
22 23 by the American college of graduate medical education.
22 24 b. Distribution of the disproportionate share
22 25 payments shall be made on a monthly basis. The total
22 26 amount of disproportionate share payments including
22 27 graduate medical education, enhanced disproportionate
22 28 share, and Iowa state=owned teaching hospital payments
22 29 shall not exceed the amount of the state's allotment
22 30 under Pub. L. No. 102=234. In addition, the total
22 31 amount of all disproportionate share payments shall not
22 32 exceed the hospital=specific disproportionate share
22 33 limits under Pub. L. No. 103=66.
22 34 12. The university of Iowa hospitals and clinics
22 35 shall either certify public expenditures or transfer to
22 36 the medical assistance appropriation an amount equal
22 37 to provide the nonfederal share for increased medical
22 38 assistance payments for inpatient and outpatient
22 39 hospital services of $9,900,000. The university of
22 40 Iowa hospitals and clinics shall receive and retain 100
22 41 percent of the total increase in medical assistance
22 42 payments.
22 43 13. Of the funds appropriated in this section,
22 44 up to $4,480,304 may be transferred to the IowaCare
22 45 account created in section 249J.24.
22 46 14. Of the funds appropriated in this section,
22 47 $200,000 shall be used for the Iowa chronic care
22 48 consortium pursuant to 2003 Iowa Acts, chapter 112,
22 49 section 12, as amended by 2003 Iowa Acts, chapter 179,
22 50 sections 166 and 167.

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23 1 15. One hundred percent of the nonfederal share of
23 2 payments to area education agencies that are medical
23 3 assistance providers for medical assistance=covered
23 4 services provided to medical assistance=covered
23 5 children, shall be made from the appropriation made in
23 6 this section.
23 7 16. Any new or renewed contract entered into by the
23 8 department with a third party to administer behavioral
23 9 health services under the medical assistance program
23 10 shall provide that any interest earned on payments
23 11 from the state during the state fiscal year shall be
23 12 remitted to the department and treated as recoveries to
23 13 offset the costs of the medical assistance program.
23 14 17. The department shall continue to implement the
23 15 provisions in 2007 Iowa Acts, chapter 218, section
23 16 124 and section 126, as amended by 2008 Iowa Acts,
23 17 chapter 1188, section 55, relating to eligibility for
23 18 certain persons with disabilities under the medical
23 19 assistance program in accordance with the federal
23 20 family opportunity Act.
23 21 18. A portion of the funds appropriated in this
23 22 section may be transferred to the appropriation in this
23 23 division of this Act for medical contracts to be used
23 24 for administrative activities associated with the money
23 25 follows the person demonstration project.
23 26 19. Of the funds appropriated in this section,
23 27 $349,011 shall be used for the administration of the
23 28 health insurance premium payment program, including
23 29 salaries, support, maintenance, and miscellaneous
23 30 purposes for the fiscal year beginning July 1, 2011.
23 31 20. a. The department may implement cost
23 32 containment strategies recommended by the governor, and
23 33 may adopt emergency rules for such implementation.
23 34 b. The department may increase the amounts
23 35 allocated for salaries, support, maintenance, and
23 36 miscellaneous purposes associated with the medical
23 37 assistance program, as necessary, to implement the cost
23 38 containment strategies. The department shall report
23 39 any such increase to the legislative services agency
23 40 and the department of management.
23 41 c. If the savings to the medical assistance
23 42 program exceed the cost, the department may transfer
23 43 any savings generated for the fiscal year due to
23 44 medical assistance program cost containment efforts
23 45 initiated pursuant to 2010 Iowa Acts, chapter 1031,
23 46 Executive Order No. 20, issued December 16, 2009, or
23 47 cost containment strategies initiated pursuant to
23 48 this subsection, to the appropriation made in this
23 49 division of this Act for medical contracts or general
23 50 administration to defray the increased contract costs

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24 1 associated with implementing such efforts.
24 2 d. The department shall report the implementation
24 3 of any cost containment strategies under this
24 4 subsection to the individuals specified in this
24 5 division of this Act for submission of reports on a
24 6 quarterly basis.
24 7 21. Notwithstanding any provision of law to the
24 8 contrary, the department of human services shall amend
24 9 the section 1915(b) waiver and Iowa plan contract to
24 10 include remedial services under the Iowa plan contract
24 11 effective July 1, 2011.
24 12 22. a. The department may submit medical
24 13 assistance program state plan amendments to the centers
24 14 for Medicare and Medicaid services of the United
24 15 States department of health and human services, and may
24 16 adopt administrative rules pursuant to chapter 17A to
24 17 implement any of the following if the respective state
24 18 plan amendment is approved:
24 19 (1) Health homes pursuant to section 2703 of the
24 20 federal Patient Protection and Affordable Care Act,
24 21 Pub. L. No. 111=148. The department shall collaborate
24 22 with the medical home system advisory council created
24 23 pursuant to section 135.159 in developing such health
24 24 homes.
24 25 (2) Accountable care organization pilot programs,
24 26 if such programs are advantageous to the medical
24 27 assistance program.
24 28 b. Any health home or accountable care organization
24 29 pilot program implemented pursuant to this subsection
24 30 shall demonstrate value to the state with a
24 31 positive return on investment within two years of
24 32 implementation, and may utilize care coordination fees,
24 33 pay=for=performance fees, or shared saving strategies
24 34 if approved as part of the state plan amendment.
24 35 23. The department, in consultation with the
24 36 Iowa pharmacy association and other appropriate
24 37 entities, shall develop recommendations to replace the
24 38 reimbursement methodology of average wholesale price
24 39 minus 12 percent for covered brand=name prescription
24 40 drugs, generic drugs, and over=the=counter drugs. The
24 41 department shall report the recommendations to the
24 42 persons designated in this division of this Act for
24 43 submission of reports by December 15, 2011.
24 44 Sec. 11. MEDICAL CONTRACTS. There is appropriated
24 45 from the general fund of the state to the department of
24 46 human services for the fiscal year beginning July 1,
24 47 2011, and ending June 30, 2012, the following amount,
24 48 or so much thereof as is necessary, to be used for the
24 49 purpose designated:
24 50 For medical contracts:

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25 1 ..... $ 5,823,844
25 2 1. The department of inspections and appeals
25 3 shall provide all state matching funds for survey and
25 4 certification activities performed by the department
25 5 of inspections and appeals. The department of human
25 6 services is solely responsible for distributing the
25 7 federal matching funds for such activities.
25 8 2. The department shall amend the state Medicaid
25 9 health information technology plan to include costs
25 10 related to the one=time development costs of the health
25 11 information network established by the department of
25 12 public health.
25 13 3. Of the amount appropriated in this section, up
25 14 to $200,000 may be transferred to the appropriation for
25 15 general administration in this division of this Act to
25 16 be used for additional full=time equivalent positions
25 17 in the development of key health initiatives such as
25 18 cost containment, development and oversight of managed
25 19 care programs, and development of health strategies
25 20 targeted toward improved quality and reduced costs in
25 21 the Medicaid program.
25 22 4. Of the funds appropriated in this section,
25 23 $50,000 shall be used for home and community=based
25 24 services waiver quality assurance programs, including
25 25 the review and streamlining of processes and policies
25 26 related to oversight and quality management to meet
25 27 state and federal requirements. The department shall
25 28 submit a report to the persons designated in this
25 29 division of this Act for submission of reports by
25 30 December 15, 2011, regarding the modifications to the
25 31 quality assurance programs.
25 32 Sec. 12. STATE SUPPLEMENTARY ASSISTANCE.
25 33 1. There is appropriated from the general fund of
25 34 the state to the department of human services for the
25 35 fiscal year beginning July 1, 2011, and ending June 30,
25 36 2012, the following amount, or so much thereof as is
25 37 necessary, to be used for the purpose designated:
25 38 For the state supplementary assistance program:
25 39 ..... $ 16,850,747
25 40 2. The department shall increase the personal needs
25 41 allowance for residents of residential care facilities
25 42 by the same percentage and at the same time as federal
25 43 supplemental security income and federal social
25 44 security benefits are increased due to a recognized
25 45 increase in the cost of living. The department may
25 46 adopt emergency rules to implement this subsection.
25 47 3. If during the fiscal year beginning July 1,
25 48 2011, the department projects that state supplementary
25 49 assistance expenditures for a calendar year will not
25 50 meet the federal pass=through requirement specified

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26 1 in Tit. XVI of the federal Social Security Act,
26 2 section 1618, as codified in 42 U.S.C. { 1382g,
26 3 the department may take actions including but not
26 4 limited to increasing the personal needs allowance
26 5 for residential care facility residents and making
26 6 programmatic adjustments or upward adjustments of the
26 7 residential care facility or in=home health=related
26 8 care reimbursement rates prescribed in this division of
26 9 this Act to ensure that federal requirements are met.
26 10 In addition, the department may make other programmatic
26 11 and rate adjustments necessary to remain within the
26 12 amount appropriated in this section while ensuring
26 13 compliance with federal requirements. The department
26 14 may adopt emergency rules to implement the provisions
26 15 of this subsection.
26 16 Sec. 13. CHILDREN'S HEALTH INSURANCE PROGRAM.
26 17 There is appropriated from the general fund of the
26 18 state to the department of human services for the
26 19 fiscal year beginning July 1, 2011, and ending June 30,
26 20 2012, the following amount, or so much thereof as is
26 21 necessary, to be used for the purpose designated:
26 22 For maintenance of the healthy and well kids in Iowa
26 23 (hawk=i) program pursuant to chapter 514I, including
26 24 supplemental dental services, for receipt of federal
26 25 financial participation under Tit. XXI of the federal
26 26 Social Security Act, which creates the children's
26 27 health insurance program:
26 28 ..... $ 32,677,152
26 29 Sec. 14. CHILD CARE ASSISTANCE. There is
26 30 appropriated from the general fund of the state to
26 31 the department of human services for the fiscal year
26 32 beginning July 1, 2011, and ending June 30, 2012, the
26 33 following amount, or so much thereof as is necessary,
26 34 to be used for the purpose designated:
26 35 For child care programs:
26 36 ..... $ 55,237,662
26 37 1. Of the funds appropriated in this section,
26 38 $51,868,235 shall be used for state child care
26 39 assistance in accordance with section 237A.13.
26 40 2. Nothing in this section shall be construed or
26 41 is intended as or shall imply a grant of entitlement
26 42 for services to persons who are eligible for assistance
26 43 due to an income level consistent with the waiting
26 44 list requirements of section 237A.13. Any state
26 45 obligation to provide services pursuant to this section
26 46 is limited to the extent of the funds appropriated in
26 47 this section.
26 48 3. Of the funds appropriated in this section,
26 49 $432,453 is allocated for the statewide program for
26 50 child care resource and referral services under section

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27 1 237A.26. A list of the registered and licensed child
27 2 care facilities operating in the area served by a
27 3 child care resource and referral service shall be made
27 4 available to the families receiving state child care
27 5 assistance in that area.
27 6 4. Of the funds appropriated in this section,
27 7 $936,974 is allocated for child care quality
27 8 improvement initiatives including but not limited to
27 9 the voluntary quality rating system in accordance with
27 10 section 237.30.
27 11 5. The department may use any of the funds
27 12 appropriated in this section as a match to obtain
27 13 federal funds for use in expanding child care
27 14 assistance and related programs. For the purpose of
27 15 expenditures of state and federal child care funding,
27 16 funds shall be considered obligated at the time
27 17 expenditures are projected or are allocated to the
27 18 department's service areas. Projections shall be based
27 19 on current and projected caseload growth, current and
27 20 projected provider rates, staffing requirements for
27 21 eligibility determination and management of program
27 22 requirements including data systems management,
27 23 staffing requirements for administration of the
27 24 program, contractual and grant obligations and any
27 25 transfers to other state agencies, and obligations for
27 26 decategorization or innovation projects.
27 27 6. A portion of the state match for the federal
27 28 child care and development block grant shall be
27 29 provided as necessary to meet federal matching
27 30 funds requirements through the state general fund
27 31 appropriation made for child development grants and
27 32 other programs for at=risk children in section 279.51.
27 33 7. If a uniform reduction ordered by the governor
27 34 under section 8.31 or other operation of law,
27 35 transfer, or federal funding reduction reduces the
27 36 appropriation made in this section for the fiscal year,
27 37 the percentage reduction in the amount paid out to or
27 38 on behalf of the families participating in the state
27 39 child care assistance program shall be equal to or
27 40 less than the percentage reduction made for any other
27 41 purpose payable from the appropriation made in this
27 42 section and the federal funding relating to it. The
27 43 percentage reduction to the other allocations made in
27 44 this section shall be the same as the uniform reduction
27 45 ordered by the governor or the percentage change of the
27 46 federal funding reduction, as applicable. If there is
27 47 an unanticipated increase in federal funding provided
27 48 for state child care assistance, the entire amount
27 49 of the increase shall be used for state child care
27 50 assistance payments. If the appropriations made for

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28 1 purposes of the state child care assistance program for
28 2 the fiscal year are determined to be insufficient, it
28 3 is the intent of the general assembly to appropriate
28 4 sufficient funding for the fiscal year in order to
28 5 avoid establishment of waiting list requirements.
28 6 8. Notwithstanding section 8.33, moneys
28 7 appropriated in this section or received from the
28 8 federal appropriations made for the purposes of this
28 9 section that remain unencumbered or unobligated at the
28 10 close of the fiscal year shall not revert to any fund
28 11 but shall remain available for expenditure for the
28 12 purposes designated until the close of the succeeding
28 13 fiscal year.
28 14 Sec. 15. JUVENILE INSTITUTIONS. There is
28 15 appropriated from the general fund of the state to
28 16 the department of human services for the fiscal year
28 17 beginning July 1, 2011, and ending June 30, 2012, the
28 18 following amounts, or so much thereof as is necessary,
28 19 to be used for the purposes designated:
28 20 1. For operation of the Iowa juvenile home at
28 21 Toledo and for salaries, support, maintenance, and
28 22 miscellaneous purposes, and for not more than the
28 23 following full=time equivalent positions:
28 24 ..... $ 8,258,251
28 25 ..... FTEs 114.00
28 26 2. For operation of the state training school at
28 27 Eldora and for salaries, support, maintenance, and
28 28 miscellaneous purposes, and for not more than the
28 29 following full=time equivalent positions:
28 30 ..... $ 10,638,677
28 31 ..... FTEs 164.30
28 32 Of the funds appropriated in this subsection,
28 33 $91,150 shall be used for distribution to licensed
28 34 classroom teachers at this and other institutions under
28 35 the control of the department of human services based
28 36 upon the average student yearly enrollment at each
28 37 institution as determined by the department.
28 38 3. A portion of the moneys appropriated in this
28 39 section shall be used by the state training school and
28 40 by the Iowa juvenile home for grants for adolescent
28 41 pregnancy prevention activities at the institutions in
28 42 the fiscal year beginning July 1, 2011.
28 43 Sec. 16. CHILD AND FAMILY SERVICES.
28 44 1. There is appropriated from the general fund of
28 45 the state to the department of human services for the
28 46 fiscal year beginning July 1, 2011, and ending June 30,
28 47 2012, the following amount, or so much thereof as is
28 48 necessary, to be used for the purpose designated:
28 49 For child and family services:
28 50 ..... $ 82,330,967

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29 1 2. In order to address a reduction of $5,200,000
29 2 from the amount allocated under the appropriation made
29 3 for the purposes of this section in prior years for
29 4 purposes of juvenile delinquent graduated sanction
29 5 services, up to $5,200,000 of the amount of federal
29 6 temporary assistance for needy families block grant
29 7 funding appropriated in this division of this Act for
29 8 child and family services shall be made available for
29 9 purposes of juvenile delinquent graduated sanction
29 10 services.
29 11 3. The department may transfer funds appropriated
29 12 in this section as necessary to pay the nonfederal
29 13 costs of services reimbursed under the medical
29 14 assistance program, state child care assistance
29 15 program, or the family investment program which are
29 16 provided to children who would otherwise receive
29 17 services paid under the appropriation in this section.
29 18 The department may transfer funds appropriated in this
29 19 section to the appropriations made in this division
29 20 of this Act for general administration and for field
29 21 operations for resources necessary to implement and
29 22 operate the services funded in this section.
29 23 4. a. Of the funds appropriated in this section,
29 24 up to $30,169,129 is allocated as the statewide
29 25 expenditure target under section 232.143 for group
29 26 foster care maintenance and services. If the
29 27 department projects that such expenditures for the
29 28 fiscal year will be less than the target amount
29 29 allocated in this lettered paragraph, the department
29 30 may reallocate the excess to provide additional
29 31 funding for shelter care or the child welfare emergency
29 32 services addressed with the allocation for shelter
29 33 care.
29 34 b. If at any time after September 30, 2011,
29 35 annualization of a service area's current expenditures
29 36 indicates a service area is at risk of exceeding its
29 37 group foster care expenditure target under section
29 38 232.143 by more than 5 percent, the department and
29 39 juvenile court services shall examine all group
29 40 foster care placements in that service area in order
29 41 to identify those which might be appropriate for
29 42 termination. In addition, any aftercare services
29 43 believed to be needed for the children whose
29 44 placements may be terminated shall be identified. The
29 45 department and juvenile court services shall initiate
29 46 action to set dispositional review hearings for the
29 47 placements identified. In such a dispositional review
29 48 hearing, the juvenile court shall determine whether
29 49 needed aftercare services are available and whether
29 50 termination of the placement is in the best interest of

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30 1 the child and the community.
30 2 5. In accordance with the provisions of section
30 3 232.188, the department shall continue the child
30 4 welfare and juvenile justice funding initiative during
30 5 fiscal year 2011=2012. Of the funds appropriated in
30 6 this section, $1,717,753 is allocated specifically
30 7 for expenditure for fiscal year 2011=2012 through the
30 8 decategorization service funding pools and governance
30 9 boards established pursuant to section 232.188.
30 10 However, if this subsection is enacted on or after June
30 11 15, 2011, the determination shall be made not later
30 12 than 10 calendar days after the effective date.
30 13 6. A portion of the funds appropriated in this
30 14 section may be used for emergency family assistance
30 15 to provide other resources required for a family
30 16 participating in a family preservation or reunification
30 17 project or successor project to stay together or to be
30 18 reunified.
30 19 7. Notwithstanding section 234.35 or any other
30 20 provision of law to the contrary, state funding for
30 21 shelter care and the child welfare emergency services
30 22 contracting implemented to provide for or prevent the
30 23 need for shelter care shall be limited to $7,170,116.
30 24 The department may execute contracts that result from
30 25 the department's request for proposal, bid number
30 26 ACFS=11=114, to provide the range of child welfare
30 27 emergency services described in the request for
30 28 proposals, and any subsequent amendments to the request
30 29 for proposals.
30 30 8. Federal funds received by the state during
30 31 the fiscal year beginning July 1, 2011, as the
30 32 result of the expenditure of state funds appropriated
30 33 during a previous state fiscal year for a service or
30 34 activity funded under this section are appropriated
30 35 to the department to be used as additional funding
30 36 for services and purposes provided for under this
30 37 section. Notwithstanding section 8.33, moneys
30 38 received in accordance with this subsection that remain
30 39 unencumbered or unobligated at the close of the fiscal
30 40 year shall not revert to any fund but shall remain
30 41 available for the purposes designated until the close
30 42 of the succeeding fiscal year.
30 43 9. Of the funds appropriated in this section, at
30 44 least $3,696,285 shall be used for protective child
30 45 care assistance.
30 46 10. a. Of the funds appropriated in this section,
30 47 up to $2,062,488 is allocated for the payment of
30 48 the expenses of court=ordered services provided to
30 49 juveniles who are under the supervision of juvenile
30 50 court services, which expenses are a charge upon the

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31 1 state pursuant to section 232.141, subsection 4. Of
31 2 the amount allocated in this lettered paragraph,
31 3 up to $1,556,287 shall be made available to provide
31 4 school=based supervision of children adjudicated under
31 5 chapter 232, of which not more than $15,000 may be used
31 6 for the purpose of training. A portion of the cost of
31 7 each school=based liaison officer shall be paid by the
31 8 school district or other funding source as approved by
31 9 the chief juvenile court officer.
31 10 b. Of the funds appropriated in this section, up to
31 11 $748,985 is allocated for the payment of the expenses
31 12 of court=ordered services provided to children who are
31 13 under the supervision of the department, which expenses
31 14 are a charge upon the state pursuant to section
31 15 232.141, subsection 4.
31 16 c. Notwithstanding section 232.141 or any other
31 17 provision of law to the contrary, the amounts allocated
31 18 in this subsection shall be distributed to the
31 19 judicial districts as determined by the state court
31 20 administrator and to the department's service areas as
31 21 determined by the administrator of the department's
31 22 division of child and family services. The state court
31 23 administrator and the division administrator shall make
31 24 the determination of the distribution amounts on or
31 25 before June 15, 2011. However, if this subsection is
31 26 enacted on or after June 15, 2011, the determination
31 27 shall be made not later than 10 calendar days after the
31 28 effective date of this subsection.
31 29 d. Notwithstanding chapter 232 or any other
31 30 provision of law to the contrary, a district or
31 31 juvenile court shall not order any service which is
31 32 a charge upon the state pursuant to section 232.141
31 33 if there are insufficient court=ordered services
31 34 funds available in the district court or departmental
31 35 service area distribution amounts to pay for the
31 36 service. The chief juvenile court officer and the
31 37 departmental service area manager shall encourage use
31 38 of the funds allocated in this subsection such that
31 39 there are sufficient funds to pay for all court=related
31 40 services during the entire year. The chief juvenile
31 41 court officers and departmental service area managers
31 42 shall attempt to anticipate potential surpluses and
31 43 shortfalls in the distribution amounts and shall
31 44 cooperatively request the state court administrator
31 45 or division administrator to transfer funds between
31 46 the judicial districts' or departmental service areas'
31 47 distribution amounts as prudent.
31 48 e. Notwithstanding any provision of law to the
31 49 contrary, a district or juvenile court shall not order
31 50 a county to pay for any service provided to a juvenile

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32 1 pursuant to an order entered under chapter 232 which
32 2 is a charge upon the state under section 232.141,
32 3 subsection 4.
32 4 f. Of the funds allocated in this subsection, not
32 5 more than $83,000 may be used by the judicial branch
32 6 for administration of the requirements under this
32 7 subsection.
32 8 g. Of the funds allocated in this subsection,
32 9 $17,000 shall be used by the department of human
32 10 services to support the interstate commission for
32 11 juveniles in accordance with the interstate compact for
32 12 juveniles as provided in section 232.173.
32 13 11. Of the funds appropriated in this section,
32 14 $5,422,602 is allocated for juvenile delinquent
32 15 graduated sanctions services. Any state funds saved as
32 16 a result of efforts by juvenile court services to earn
32 17 federal Tit. IV=E match for juvenile court services
32 18 administration may be used for the juvenile delinquent
32 19 graduated sanctions services.
32 20 12. Of the funds appropriated in this section,
32 21 $988,285 shall be transferred to the department of
32 22 public health to be used for the child protection
32 23 center grant program in accordance with section
32 24 135.118.
32 25 13. If the department receives federal approval
32 26 to implement a waiver under Tit. IV=E of the federal
32 27 Social Security Act to enable providers to serve
32 28 children who remain in the children's families and
32 29 communities, for purposes of eligibility under the
32 30 medical assistance program, children who participate in
32 31 the waiver shall be considered to be placed in foster
32 32 care.
32 33 14. Of the funds appropriated in this section,
32 34 $3,069,832 is allocated for the preparation for adult
32 35 living program pursuant to section 234.46.
32 36 15. Of the funds appropriated in this section,
32 37 $520,150 shall be used for juvenile drug courts.
32 38 The amount allocated in this subsection shall be
32 39 distributed as follows:
32 40 To the judicial branch for salaries to assist with
32 41 the operation of juvenile drug court programs operated
32 42 in the following jurisdictions:
32 43 a. Marshall county:
32 44 ..... $ 62,708
32 45 b. Woodbury county:
32 46 ..... $ 125,682
32 47 c. Polk county:
32 48 ..... $ 195,892
32 49 d. The third judicial district:
32 50 ..... $ 67,934

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33 1 e. The eighth judicial district:
33 2 ..... $ 67,934
33 3 16. Of the funds appropriated in this section,
33 4 $227,337 shall be used for the public purpose of
33 5 providing a grant to a nonprofit human services
33 6 organization providing services to individuals and
33 7 families in multiple locations in southwest Iowa and
33 8 Nebraska for support of a project providing immediate,
33 9 sensitive support and forensic interviews, medical
33 10 exams, needs assessments, and referrals for victims of
33 11 child abuse and their nonoffending family members.
33 12 17. Of the funds appropriated in this section,
33 13 $125,590 is allocated for the elevate approach of
33 14 providing a support network to children placed in
33 15 foster care.
33 16 18. Of the funds appropriated in this section,
33 17 $202,000 is allocated for use pursuant to section
33 18 235A.1 for continuation of the initiative to address
33 19 child sexual abuse implemented pursuant to 2007 Iowa
33 20 Acts, chapter 218, section 18, subsection 21.
33 21 19. Of the funds appropriated in this section,
33 22 $630,240 is allocated for the community partnership for
33 23 child protection sites.
33 24 20. Of the funds appropriated in this section,
33 25 $371,250 is allocated for the department's minority
33 26 youth and family projects under the redesign of the
33 27 child welfare system.
33 28 21. Of the funds appropriated in this section,
33 29 $1,200,495 is allocated for funding of the state match
33 30 for the federal substance abuse and mental health
33 31 services administration (SAMHSA) system of care grant.
33 32 22. Of the funds appropriated in this section, at
33 33 least $147,158 shall be used for the child welfare
33 34 training academy.
33 35 23. Of the funds appropriated in this section,
33 36 $25,000 shall be used for the public purpose of
33 37 providing a grant to a child welfare services provider
33 38 headquartered in a county with a population between
33 39 205,000 and 215,000 in the latest certified federal
33 40 census that provides multiple services including but
33 41 not limited to a psychiatric medical institution for
33 42 children, shelter, residential treatment, after school
33 43 programs, school=based programming, and an Asperger's
33 44 syndrome program, to be used for support services
33 45 for children with autism spectrum disorder and their
33 46 families.
33 47 24. Of the funds appropriated in this section,
33 48 $250,804 shall be used for the public purpose of
33 49 continuing the central Iowa system of care program
33 50 grant through June 30, 2012.

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34 1 25. Of the funds appropriated in this section,
34 2 $160,000 shall be used for the public purpose of
34 3 providing a system of care grant to be implemented
34 4 in Mason City and Cedar Rapids by a nonprofit agency
34 5 which has been in existence more than 37 years and is
34 6 headquartered in a county with a population of more
34 7 than 200,000 but less than 300,000, according to the
34 8 2010 census issued by the United States bureau of the
34 9 census, and is providing child welfare treatment and
34 10 prevention services in at least 19 locations throughout
34 11 the state of Iowa.
34 12 Sec. 17. ADOPTION SUBSIDY.
34 13 1. There is appropriated from the general fund of
34 14 the state to the department of human services for the
34 15 fiscal year beginning July 1, 2011, and ending June 30,
34 16 2012, the following amount, or so much thereof as is
34 17 necessary, to be used for the purpose designated:
34 18 For adoption subsidy payments and services:
34 19 ..... $ 34,897,591
34 20 2. The department may transfer funds appropriated
34 21 in this section to the appropriation made in this
34 22 division of this Act for general administration for
34 23 costs paid from the appropriation relating to adoption
34 24 subsidy.
34 25 3. Federal funds received by the state during the
34 26 fiscal year beginning July 1, 2011, as the result of
34 27 the expenditure of state funds during a previous state
34 28 fiscal year for a service or activity funded under
34 29 this section are appropriated to the department to
34 30 be used as additional funding for the services and
34 31 activities funded under this section. Notwithstanding
34 32 section 8.33, moneys received in accordance with this
34 33 subsection that remain unencumbered or unobligated at
34 34 the close of the fiscal year shall not revert to any
34 35 fund but shall remain available for expenditure for the
34 36 purposes designated until the close of the succeeding
34 37 fiscal year.
34 38 Sec. 18. JUVENILE DETENTION HOME FUND.
34 39 1. Moneys deposited in the juvenile detention home
34 40 fund created in section 232.142 during the fiscal year
34 41 beginning July 1, 2011, and ending June 30, 2012, are
34 42 appropriated to the department of human services for
34 43 the fiscal year beginning July 1, 2011, and ending
34 44 June 30, 2012, for distribution of an amount equal
34 45 to a percentage of the costs of the establishment,
34 46 improvement, operation, and maintenance of county or
34 47 multicounty juvenile detention homes in the fiscal
34 48 year beginning July 1, 2010. Moneys appropriated for
34 49 distribution in accordance with this section shall be
34 50 allocated among eligible detention homes, prorated on

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35 1 the basis of an eligible detention home's proportion
35 2 of the costs of all eligible detention homes in the
35 3 fiscal year beginning July 1, 2010. The percentage
35 4 figure shall be determined by the department based on
35 5 the amount available for distribution for the fund.
35 6 Notwithstanding section 232.142, subsection 3, the
35 7 financial aid payable by the state under that provision
35 8 for the fiscal year beginning July 1, 2011, shall be
35 9 limited to the amount appropriated for the purposes of
35 10 this section.
35 11 2. Representatives of chief juvenile court
35 12 officers, the department of human rights, and the
35 13 department of human services shall work with juvenile
35 14 detention centers and other stakeholders to review the
35 15 current methodology for distribution of moneys from
35 16 the juvenile detention home fund, consider alternative
35 17 distribution methodologies, and report findings and
35 18 recommendations to the persons designated by this
35 19 division of this Act for the submission of reports by
35 20 December 15, 2011. It is the intent of the general
35 21 assembly to shift responsibility for administering
35 22 the fund from the department of human services to the
35 23 division of criminal and juvenile justice planning of
35 24 the department of human rights, effective with the
35 25 fiscal year beginning July 1, 2012.
35 26 Sec. 19. FAMILY SUPPORT SUBSIDY PROGRAM.
35 27 1. There is appropriated from the general fund of
35 28 the state to the department of human services for the
35 29 fiscal year beginning July 1, 2011, and ending June 30,
35 30 2012, the following amount, or so much thereof as is
35 31 necessary, to be used for the purpose designated:
35 32 For the family support subsidy program subject
35 33 to the enrollment restrictions in section 225C.37,
35 34 subsection 3:
35 35 ..... $ 1,167,998
35 36 2. The department shall use at least $385,500 of
35 37 the moneys appropriated in this section for the family
35 38 support center component of the comprehensive family
35 39 support program under section 225C.47. Not more than
35 40 $25,000 of the amount allocated in this subsection
35 41 shall be used for administrative costs.
35 42 3. If at any time during the fiscal year, the
35 43 amount of funding available for the family support
35 44 subsidy program is reduced from the amount initially
35 45 used to establish the figure for the number of family
35 46 members for whom a subsidy is to be provided at any one
35 47 time during the fiscal year, notwithstanding section
35 48 225C.38, subsection 2, the department shall revise the
35 49 figure as necessary to conform to the amount of funding
35 50 available.

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36 1 Sec. 20. CONNER DECREE. There is appropriated from
36 2 the general fund of the state to the department of
36 3 human services for the fiscal year beginning July 1,
36 4 2011, and ending June 30, 2012, the following amount,
36 5 or so much thereof as is necessary, to be used for the
36 6 purpose designated:
36 7 For building community capacity through the
36 8 coordination and provision of training opportunities
36 9 in accordance with the consent decree of Conner v.
36 10 Branstad, No. 4=86=CV=30871(S.D. Iowa, July 14, 1994):
36 11 ..... $ 33,622
36 12 Sec. 21. MENTAL HEALTH INSTITUTES.
36 13 There is appropriated from the general fund of
36 14 the state to the department of human services for the
36 15 fiscal year beginning July 1, 2011, and ending June 30,
36 16 2012, the following amounts, or so much thereof as is
36 17 necessary, to be used for the purposes designated:
36 18 1. For the state mental health institute at
36 19 Cherokee for salaries, support, maintenance, and
36 20 miscellaneous purposes, and for not more than the
36 21 following full=time equivalent positions:
36 22 ..... $ 5,877,308
36 23 ..... FTEs 168.50
36 24 2. For the state mental health institute at
36 25 Clarinda for salaries, support, maintenance, and
36 26 miscellaneous purposes, and for not more than the
36 27 following full=time equivalent positions:
36 28 ..... $ 6,411,734
36 29 ..... FTEs 86.10
36 30 3. For the state mental health institute at
36 31 Independence for salaries, support, maintenance, and
36 32 miscellaneous purposes, and for not more than the
36 33 following full=time equivalent positions:
36 34 ..... $ 10,275,685
36 35 ..... FTEs 233.00
36 36 4. For the state mental health institute at Mount
36 37 Pleasant for salaries, support, maintenance, and
36 38 miscellaneous purposes, and for not more than the
36 39 following full=time equivalent positions:
36 40 ..... $ 944,323
36 41 ..... FTEs 91.72
36 42 Sec. 22. STATE RESOURCE CENTERS.
36 43 1. There is appropriated from the general fund of
36 44 the state to the department of human services for the
36 45 fiscal year beginning July 1, 2011, and ending June 30,
36 46 2012, the following amounts, or so much thereof as is
36 47 necessary, to be used for the purposes designated:
36 48 a. For the state resource center at Glenwood for
36 49 salaries, support, maintenance, and miscellaneous
36 50 purposes:

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37 1 ..... $ 18,607,801
37 2 b. For the state resource center at Woodward for
37 3 salaries, support, maintenance, and miscellaneous
37 4 purposes:
37 5 ..... $ 12,885,658
37 6 2. The department may continue to bill for state
37 7 resource center services utilizing a scope of services
37 8 approach used for private providers of ICFMR services,
37 9 in a manner which does not shift costs between the
37 10 medical assistance program, counties, or other sources
37 11 of funding for the state resource centers.
37 12 3. The state resource centers may expand the
37 13 time=limited assessment and respite services during the
37 14 fiscal year.
37 15 4. If the department's administration and the
37 16 department of management concur with a finding by a
37 17 state resource center's superintendent that projected
37 18 revenues can reasonably be expected to pay the salary
37 19 and support costs for a new employee position, or
37 20 that such costs for adding a particular number of new
37 21 positions for the fiscal year would be less than the
37 22 overtime costs if new positions would not be added, the
37 23 superintendent may add the new position or positions.
37 24 If the vacant positions available to a resource center
37 25 do not include the position classification desired to
37 26 be filled, the state resource center's superintendent
37 27 may reclassify any vacant position as necessary to
37 28 fill the desired position. The superintendents of the
37 29 state resource centers may, by mutual agreement, pool
37 30 vacant positions and position classifications during
37 31 the course of the fiscal year in order to assist one
37 32 another in filling necessary positions.
37 33 5. If existing capacity limitations are reached
37 34 in operating units, a waiting list is in effect
37 35 for a service or a special need for which a payment
37 36 source or other funding is available for the service
37 37 or to address the special need, and facilities for
37 38 the service or to address the special need can be
37 39 provided within the available payment source or other
37 40 funding, the superintendent of a state resource center
37 41 may authorize opening not more than two units or
37 42 other facilities and begin implementing the service
37 43 or addressing the special need during fiscal year
37 44 2011=2012.
37 45 Sec. 23. MI/MR/DD STATE CASES.
37 46 1. There is appropriated from the general fund of
37 47 the state to the department of human services for the
37 48 fiscal year beginning July 1, 2011, and ending June 30,
37 49 2012, the following amount, or so much thereof as is
37 50 necessary, to be used for the purpose designated:

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38 1 For distribution to counties for state case services
38 2 for persons with mental illness, mental retardation,
38 3 and developmental disabilities in accordance with
38 4 section 331.440:
38 5 ..... $ 12,169,482
38 6 2. For the fiscal year beginning July 1, 2011,
38 7 and ending June 30, 2012, $200,000 is allocated for
38 8 state case services from the amounts appropriated from
38 9 the fund created in section 8.41 to the department
38 10 of human services from the funds received from the
38 11 federal government under 42 U.S.C. ch. 6A, subch. XVII,
38 12 relating to the community mental health center block
38 13 grant, for the federal fiscal years beginning October
38 14 1, 2009, and ending September 30, 2010, beginning
38 15 October 1, 2010, and ending September 30, 2011, and
38 16 beginning October 1, 2011, and ending September 30,
38 17 2012. The allocation made in this subsection shall be
38 18 made prior to any other distribution allocation of the
38 19 appropriated federal funds.
38 20 3. Notwithstanding section 8.33, moneys
38 21 appropriated in this section that remain unencumbered
38 22 or unobligated at the close of the fiscal year shall
38 23 not revert but shall remain available for expenditure
38 24 for the purposes designated until the close of the
38 25 succeeding fiscal year.
38 26 Sec. 24. MENTAL HEALTH AND DEVELOPMENTAL
38 27 DISABILITIES ==== COMMUNITY SERVICES FUND. There is
38 28 appropriated from the general fund of the state to the
38 29 mental health and developmental disabilities community
38 30 services fund created in section 225C.7 for the fiscal
38 31 year beginning July 1, 2011, and ending June 30,
38 32 2012, the following amount, or so much thereof as is
38 33 necessary, to be used for the purpose designated:
38 34 For mental health and developmental disabilities
38 35 community services in accordance with this division of
38 36 this Act:
38 37 ..... $ 14,211,100
38 38 1. Of the funds appropriated in this section,
38 39 $14,187,556 shall be allocated to counties for funding
38 40 of community=based mental health and developmental
38 41 disabilities services. The moneys shall be allocated
38 42 to a county as follows:
38 43 a. Fifty percent based upon the county's proportion
38 44 of the state's population of persons with an annual
38 45 income which is equal to or less than the poverty
38 46 guideline established by the federal office of
38 47 management and budget.
38 48 b. Fifty percent based upon the county's proportion
38 49 of the state's general population.
38 50 2. a. A county shall utilize the funding the

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39 1 county receives pursuant to subsection 1 for services
39 2 provided to persons with a disability, as defined in
39 3 section 225C.2. However, no more than 50 percent of
39 4 the funding shall be used for services provided to any
39 5 one of the service populations.
39 6 b. A county shall use at least 50 percent of
39 7 the funding the county receives under subsection 1
39 8 for contemporary services provided to persons with
39 9 a disability, as described in rules adopted by the
39 10 department.
39 11 3. Of the funds appropriated in this section,
39 12 $23,544 shall be used to support the Iowa compass
39 13 program providing computerized information and referral
39 14 services for Iowans with disabilities and their
39 15 families.
39 16 4. a. Funding appropriated for purposes of the
39 17 federal social services block grant is allocated for
39 18 distribution to counties for local purchase of services
39 19 for persons with mental illness or mental retardation
39 20 or other developmental disability.
39 21 b. The funds allocated in this subsection shall be
39 22 expended by counties in accordance with the county's
39 23 county management plan approved by the board of
39 24 supervisors. A county without an approved county
39 25 management plan shall not receive allocated funds until
39 26 the county's management plan is approved.
39 27 c. The funds provided by this subsection shall be
39 28 allocated to each county as follows:
39 29 (1) Fifty percent based upon the county's
39 30 proportion of the state's population of persons with
39 31 an annual income which is equal to or less than the
39 32 poverty guideline established by the federal office of
39 33 management and budget.
39 34 (2) Fifty percent based upon the amount provided
39 35 to the county for local purchase of services in the
39 36 preceding fiscal year.
39 37 5. A county is eligible for funds under this
39 38 section if the county qualifies for a state payment as
39 39 described in section 331.439.
39 40 6. The latest certified census issued by the United
39 41 States bureau of the census shall be applied for the
39 42 population factors utilized in this section.
39 43 Sec. 25. SEXUALLY VIOLENT PREDATORS.
39 44 1. There is appropriated from the general fund of
39 45 the state to the department of human services for the
39 46 fiscal year beginning July 1, 2011, and ending June 30,
39 47 2012, the following amount, or so much thereof as is
39 48 necessary, to be used for the purpose designated:
39 49 For costs associated with the commitment and
39 50 treatment of sexually violent predators in the unit

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40 1 located at the state mental health institute at
40 2 Cherokee, including costs of legal services and
40 3 other associated costs, including salaries, support,
40 4 maintenance, and miscellaneous purposes, and for not
40 5 more than the following full=time equivalent positions:
40 6 ..... $ 7,550,727
40 7 ..... FTEs 89.50
40 8 2. Unless specifically prohibited by law, if the
40 9 amount charged provides for recoupment of at least
40 10 the entire amount of direct and indirect costs, the
40 11 department of human services may contract with other
40 12 states to provide care and treatment of persons placed
40 13 by the other states at the unit for sexually violent
40 14 predators at Cherokee. The moneys received under such
40 15 a contract shall be considered to be repayment receipts
40 16 and used for the purposes of the appropriation made in
40 17 this section.
40 18 Sec. 26. FIELD OPERATIONS. There is appropriated
40 19 from the general fund of the state to the department of
40 20 human services for the fiscal year beginning July 1,
40 21 2011, and ending June 30, 2012, the following amount,
40 22 or so much thereof as is necessary, to be used for the
40 23 purposes designated:
40 24 For field operations, including salaries, support,
40 25 maintenance, and miscellaneous purposes, and for not
40 26 more than the following full=time equivalent positions:
40 27 ..... $ 55,339,921
40 28 ..... FTEs 1,781.00
40 29 Priority in filling full=time equivalent positions
40 30 shall be given to those positions related to child
40 31 protection services and eligibility determination for
40 32 low=income families.
40 33 Sec. 27. GENERAL ADMINISTRATION. There is
40 34 appropriated from the general fund of the state to
40 35 the department of human services for the fiscal year
40 36 beginning July 1, 2011, and ending June 30, 2012, the
40 37 following amount, or so much thereof as is necessary,
40 38 to be used for the purpose designated:
40 39 For general administration, including salaries,
40 40 support, maintenance, and miscellaneous purposes, and
40 41 for not more than the following full=time equivalent
40 42 positions:
40 43 ..... $ 15,146,745
40 44 ..... FTEs 290.00
40 45 1. Of the funds appropriated in this section,
40 46 $38,543 allocated for the prevention of disabilities
40 47 policy council established in section 225B.3.
40 48 2. The department shall report at least monthly
40 49 to the legislative services agency concerning the
40 50 department's operational and program expenditures.

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41 1 3. Of the funds appropriated in this section,
41 2 $132,300 shall be used to contract with a statewide
41 3 association representing community providers of mental
41 4 health, mental retardation and brain injury services
41 5 programs to provide technical assistance, support, and
41 6 consultation to providers of habilitation services and
41 7 home and community=based waiver services for adults
41 8 with disabilities under the medical assistance program.
41 9 Notwithstanding section 8.47 or any other provision of
41 10 law to the contrary, the department may utilize a sole
41 11 source approach to contract with the association.
41 12 4. Of the funds appropriated in this section,
41 13 $176,400 shall be used to contract with an appropriate
41 14 entity to expand the provision of nationally accredited
41 15 and recognized internet=based training to include
41 16 mental health and disability services providers.
41 17 Notwithstanding section 8.47 or any other provision of
41 18 law to the contrary, the department may utilize a sole
41 19 site source approach to enter into such contract.
41 20 5. Of the funds appropriated in this section,
41 21 $500,000 shall be used for implementation of child
41 22 protection system improvements addressed in 2011 Iowa
41 23 Acts, House File 562, as enacted.
41 24 Sec. 28. VOLUNTEERS. There is appropriated from
41 25 the general fund of the state to the department of
41 26 human services for the fiscal year beginning July 1,
41 27 2011, and ending June 30, 2012, the following amount,
41 28 or so much thereof as is necessary, to be used for the
41 29 purpose designated:
41 30 For development and coordination of volunteer
41 31 services:
41 32 ..... $ 84,660
41 33 Sec. 29. MEDICAL ASSISTANCE, STATE SUPPLEMENTARY
41 34 ASSISTANCE, AND SOCIAL SERVICE PROVIDERS REIMBURSED
41 35 UNDER THE DEPARTMENT OF HUMAN SERVICES.
41 36 1. a. (1) For the fiscal year beginning July 1,
41 37 2011, the total state funding amount for the nursing
41 38 facility budget shall not exceed $225,502,551.
41 39 (2) For the fiscal year beginning July 1, 2011,
41 40 the department shall rebase case=mix nursing facility
41 41 rates effective July 1, 2011. However, total nursing
41 42 facility budget expenditures, including both case=mix
41 43 and noncase=mix shall not exceed the amount specified
41 44 in subparagraph (1). When calculating case=mix per
41 45 diem cost and the patient=day=weighted medians used in
41 46 rate=setting for nursing facilities effective July 1,
41 47 2011, the inflation factor applied from the midpoint
41 48 of the cost report period to the first day of the
41 49 state fiscal year rate period shall be adjusted to
41 50 maintain state funding within the amount specified in

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42 1 subparagraph (1).
42 2 (3) The department, in cooperation with nursing
42 3 facility representatives, shall review projections for
42 4 state funding expenditures for reimbursement of nursing
42 5 facilities on a quarterly basis and the department
42 6 shall determine if an adjustment to the medical
42 7 assistance reimbursement rate is necessary in order to
42 8 provide reimbursement within the state funding amount
42 9 for the fiscal year. Notwithstanding 2001 Iowa Acts,
42 10 chapter 192, section 4, subsection 2, paragraph "c",
42 11 and subsection 3, paragraph "a", subparagraph (2), if
42 12 the state funding expenditures for the nursing facility
42 13 budget for the fiscal year is projected to exceed the
42 14 amount specified in subparagraph (1), the department
42 15 shall adjust the reimbursement for nursing facilities
42 16 reimbursed under the case=mix reimbursement system to
42 17 maintain expenditures of the nursing facility budget
42 18 within the specified amount for the fiscal year.
42 19 (4) For the fiscal year beginning July 1, 2011,
42 20 special population nursing facilities shall be
42 21 reimbursed in accordance with the methodology in effect
42 22 on June 30, 2011.
42 23 b. For the fiscal year beginning July 1, 2011, the
42 24 department shall reimburse pharmacy dispensing fees
42 25 using a single rate of $4.34 per prescription or the
42 26 pharmacy's usual and customary fee, whichever is lower.
42 27 However, the department shall adjust the dispensing fee
42 28 specified in this paragraph to distribute an additional
42 29 $3,000,000 in reimbursements for pharmacy dispensing
42 30 fees under this paragraph for the fiscal year.
42 31 c. (1) For the fiscal year beginning July 1, 2011,
42 32 reimbursement rates for outpatient hospital services
42 33 shall be rebased effective January 1, 2012.
42 34 (2) For the fiscal year beginning July 1, 2011,
42 35 reimbursement rates for inpatient hospital services
42 36 shall be rebased effective October 1, 2011.
42 37 (3) The total amount of increased funding available
42 38 for reimbursement attributable to rebasing under this
42 39 paragraph for the fiscal year beginning July 1, 2011,
42 40 shall not exceed $4,500,000.
42 41 (4) For the fiscal year beginning July 1, 2011,
42 42 the graduate medical education and disproportionate
42 43 share hospital fund shall remain at the amount in
42 44 effect on June 30, 2011, except that the portion of
42 45 the fund attributable to graduate medical education
42 46 shall be reduced in an amount that reflects the
42 47 elimination of graduate medical education payments made
42 48 to out=of=state hospitals.
42 49 (5) In order to ensure the efficient use of limited
42 50 state funds in procuring health care services for

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43 1 low=income Iowans, funds appropriated in this division
43 2 of this Act for hospital services shall not be used for
43 3 activities which would be excluded from a determination
43 4 of reasonable costs under the federal Medicare program
43 5 pursuant to 42 U.S.C. { 1395X(v)(1)(N).
43 6 d. For the fiscal year beginning July 1, 2011,
43 7 reimbursement rates for rural health clinics, hospices,
43 8 and acute mental hospitals shall be increased in
43 9 accordance with increases under the federal Medicare
43 10 program or as supported by their Medicare audited
43 11 costs.
43 12 e. For the fiscal year beginning July 1, 2011,
43 13 independent laboratories and rehabilitation agencies
43 14 shall be reimbursed using the same methodology in
43 15 effect on June 30, 2011.
43 16 f. For the fiscal year beginning July 1, 2011,
43 17 reimbursement rates for home health agencies shall
43 18 remain at the rates in effect on June 30, 2011, not to
43 19 exceed a home health agency's actual allowable cost.
43 20 g. For the fiscal year beginning July 1, 2011,
43 21 federally qualified health centers shall receive
43 22 cost=based reimbursement for 100 percent of the
43 23 reasonable costs for the provision of services to
43 24 recipients of medical assistance.
43 25 h. For the fiscal year beginning July 1, 2011, the
43 26 reimbursement rates for dental services shall remain at
43 27 the rates in effect on June 30, 2011.
43 28 i. (1) For the fiscal year beginning July 1,
43 29 2011, state=owned psychiatric medical institutions
43 30 for children shall receive cost=based reimbursement
43 31 for 100 percent of the actual and allowable costs for
43 32 the provision of services to recipients of medical
43 33 assistance.
43 34 (2) (a) For nonstate=owned psychiatric medical
43 35 institutions for children, reimbursement rates
43 36 shall remain at the rates in effect on June 30,
43 37 2011. However, the department shall adjust the
43 38 reimbursement rates in effect on June 30, 2011, to
43 39 distribute an additional $350,000 in reimbursements for
43 40 nonstate=owned psychiatric medical institutions for
43 41 children under this subparagraph (2) for the fiscal
43 42 year. Of the additional $350,000, the department shall
43 43 distribute $50,000 in reimbursements to qualified
43 44 outpatient services providers. For the purposes of
43 45 this subparagraph division (a), "qualified outpatient
43 46 services provider" means a nonprofit agency holding
43 47 an Iowa psychiatric medical institution for children
43 48 license that has an outpatient clinic for children's
43 49 mental health services in operation on or before
43 50 January 1, 2011, and whose client base consists

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44 1 of at least 40 percent medical assistance program
44 2 enrollees. The additional $50,000 shall be distributed
44 3 to qualified outpatient services providers based on
44 4 reimbursement at the federal maximum allowable rate for
44 5 mental health outpatient services for children.
44 6 (b) The department, in consultation with
44 7 representatives of the nonstate=owned psychiatric
44 8 medical institutions for children, shall develop a
44 9 reimbursement methodology to include all ancillary
44 10 medical services costs and any other changes required
44 11 for federal compliance, to be implemented on July
44 12 1, 2012. To the extent possible, the reimbursement
44 13 methodology shall be developed in a manner so as to be
44 14 budget neutral to the institutions and cost effective
44 15 for the state.
44 16 j. For the fiscal year beginning July 1, 2011,
44 17 unless otherwise specified in the health and human
44 18 services divisions of this Act, all noninstitutional
44 19 medical assistance provider reimbursement rates shall
44 20 remain at the rates in effect on June 30, 2011, except
44 21 for area education agencies, local education agencies,
44 22 infant and toddler services providers, and those
44 23 providers whose rates are required to be determined
44 24 pursuant to section 249A.20.
44 25 k. Notwithstanding any provision to the contrary,
44 26 for the fiscal year beginning July 1, 2011, the
44 27 reimbursement rate for anesthesiologists shall remain
44 28 at the rate in effect on June 30, 2011.
44 29 l. Notwithstanding section 249A.20, for the fiscal
44 30 year beginning July 1, 2011, the average reimbursement
44 31 rate for health care providers eligible for use of the
44 32 federal Medicare resource=based relative value scale
44 33 reimbursement methodology under that section shall
44 34 remain at the rate in effect on June 30, 2011; however,
44 35 this rate shall not exceed the maximum level authorized
44 36 by the federal government.
44 37 m. For the fiscal year beginning July 1, 2011, the
44 38 reimbursement rate for residential care facilities
44 39 shall not be less than the minimum payment level as
44 40 established by the federal government to meet the
44 41 federally mandated maintenance of effort requirement.
44 42 The flat reimbursement rate for facilities electing not
44 43 to file annual cost reports shall not be less than the
44 44 minimum payment level as established by the federal
44 45 government to meet the federally mandated maintenance
44 46 of effort requirement.
44 47 n. For the fiscal year beginning July 1, 2011,
44 48 inpatient mental health services provided at hospitals
44 49 shall be rebased effective October 1, 2011, subject to
44 50 Medicaid program upper payment limit rules; community

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45 1 mental health centers and providers of mental health
45 2 services to county residents pursuant to a waiver
45 3 approved under section 225C.7, subsection 3, shall be
45 4 reimbursed at 100 percent of the reasonable costs for
45 5 the provision of services to recipients of medical
45 6 assistance; and psychiatrists shall be reimbursed at
45 7 the medical assistance program fee for service rate.
45 8 o. For the fiscal year beginning July 1, 2011, the
45 9 reimbursement rate for consumer=directed attendant care
45 10 shall remain at the rates in effect on June 30, 2011.
45 11 p. For the fiscal year beginning July 1, 2011, the
45 12 reimbursement rate for providers of family planning
45 13 services that are eligible to receive a 90 percent
45 14 federal match shall remain at the rates in effect on
45 15 June 30, 2011.
45 16 q. For the fiscal year beginning July 1, 2011, the
45 17 department shall adjust the rates in effect on June
45 18 30, 2011, for providers of home and community=based
45 19 services waiver services to distribute an additional
45 20 $1,500,000 in reimbursements to such providers for the
45 21 fiscal year.
45 22 2. For the fiscal year beginning July 1, 2011, the
45 23 reimbursement rate for providers reimbursed under the
45 24 in=home=related care program shall not be less than the
45 25 minimum payment level as established by the federal
45 26 government to meet the federally mandated maintenance
45 27 of effort requirement.
45 28 3. Unless otherwise directed in this section, when
45 29 the department's reimbursement methodology for any
45 30 provider reimbursed in accordance with this section
45 31 includes an inflation factor, this factor shall not
45 32 exceed the amount by which the consumer price index for
45 33 all urban consumers increased during the calendar year
45 34 ending December 31, 2002.
45 35 4. For the fiscal year beginning July 1, 2011,
45 36 notwithstanding section 234.38, the foster family basic
45 37 daily maintenance rate and the maximum adoption subsidy
45 38 rate for children ages 0 through 5 years shall be
45 39 $15.74, the rate for children ages 6 through 11 years
45 40 shall be $16.37, the rate for children ages 12 through
45 41 15 years shall be $17.92, and the rate for children
45 42 and young adults ages 16 and older shall be $18.16.
45 43 The maximum supervised apartment living foster care
45 44 reimbursement rate shall be $25.00 per day. For youth
45 45 ages 18 to 21 who have exited foster care, the maximum
45 46 preparation for adult living program maintenance rate
45 47 shall be $574.00 per month. The maximum payment for
45 48 adoption subsidy nonrecurring expenses shall be limited
45 49 to $500 and the disallowance of additional amounts
45 50 for court costs and other related legal expenses

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46 1 implemented pursuant to 2010 Iowa Acts, chapter 1031,
46 2 section 408 shall be continued.
46 3 5. For the fiscal year beginning July 1, 2011,
46 4 the maximum reimbursement rates under the supervised
46 5 apartment living program and for social services
46 6 providers under contract shall remain at the rates
46 7 in effect on June 30, 2011, or the provider's actual
46 8 and allowable cost plus inflation for each service,
46 9 whichever is less. However, if a new service or
46 10 service provider is added after June 30, 2011, the
46 11 initial reimbursement rate for the service or provider
46 12 shall be based upon actual and allowable costs.
46 13 Providers may also be eligible for an additional
46 14 amount as specified under the department's request for
46 15 proposal, bid number ACFS=11=115.
46 16 6. For the fiscal year beginning July 1, 2011,
46 17 the reimbursement rates for family=centered service
46 18 providers, family foster care service providers, group
46 19 foster care service providers, and the resource family
46 20 recruitment and retention contractor shall remain at
46 21 the rates in effect on June 30, 2011.
46 22 7. The group foster care reimbursement rates
46 23 paid for placement of children out of state shall
46 24 be calculated according to the same rate=setting
46 25 principles as those used for in=state providers,
46 26 unless the director of human services or the director's
46 27 designee determines that appropriate care cannot be
46 28 provided within the state. The payment of the daily
46 29 rate shall be based on the number of days in the
46 30 calendar month in which service is provided.
46 31 8. a. For the fiscal year beginning July 1, 2011,
46 32 the reimbursement rate paid for shelter care and
46 33 the child welfare emergency services implemented to
46 34 provide or prevent the need for shelter care shall be
46 35 established in a contract based on the requirements
46 36 of the department's request for proposal, bid number
46 37 ACFS=11=114.
46 38 b. For the fiscal year beginning July 1, 2011,
46 39 the combined service and maintenance components of
46 40 the reimbursement rate paid for shelter care services
46 41 shall be based on the financial and statistical report
46 42 submitted to the department. The maximum reimbursement
46 43 rate shall be $92.36 per day. The department shall
46 44 reimburse a shelter care provider at the provider's
46 45 actual and allowable unit cost, plus inflation, not to
46 46 exceed the maximum reimbursement rate.
46 47 c. Notwithstanding section 232.141, subsection 8,
46 48 for the fiscal year beginning July 1, 2011, the amount
46 49 of the statewide average of the actual and allowable
46 50 rates for reimbursement of juvenile shelter care homes

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47 1 that is utilized for the limitation on recovery of
47 2 unpaid costs shall remain at the amount in effect for
47 3 this purpose in the fiscal year beginning July 1, 2010.
47 4 9. For the fiscal year beginning July 1, 2011, the
47 5 department shall calculate reimbursement rates for
47 6 intermediate care facilities for persons with mental
47 7 retardation at the 80th percentile. Beginning July 1,
47 8 2011, the rate calculation methodology shall utilize
47 9 the consumer price index inflation factor applicable to
47 10 the fiscal year beginning July 1, 2011.
47 11 10. For the fiscal year beginning July 1, 2011,
47 12 for child care providers reimbursed under the state
47 13 child care assistance program, the department shall
47 14 set provider reimbursement rates based on the rate
47 15 reimbursement survey completed in December 2004.
47 16 Effective July 1, 2011, the child care provider
47 17 reimbursement rates shall remain at the rates in effect
47 18 on June 30, 2011. The department shall set rates in a
47 19 manner so as to provide incentives for a nonregistered
47 20 provider to become registered by applying the increase
47 21 only to registered and licensed providers.
47 22 11. The department may adopt emergency rules to
47 23 implement this section.
47 24 Sec. 30. EMERGENCY RULES.
47 25 1. If specifically authorized by a provision of
47 26 this division of this Act, the department of human
47 27 services or the mental health, and disability services
47 28 commission may adopt administrative rules under section
47 29 17A.4, subsection 3, and section 17A.5, subsection
47 30 2, paragraph "b", to implement the provisions and
47 31 the rules shall become effective immediately upon
47 32 filing or on a later effective date specified in the
47 33 rules, unless the effective date is delayed by the
47 34 administrative rules review committee. Any rules
47 35 adopted in accordance with this section shall not
47 36 take effect before the rules are reviewed by the
47 37 administrative rules review committee. The delay
47 38 authority provided to the administrative rules review
47 39 committee under section 17A.4, subsection 7, and
47 40 section 17A.8, subsection 9, shall be applicable to a
47 41 delay imposed under this section, notwithstanding a
47 42 provision in those sections making them inapplicable
47 43 to section 17A.5, subsection 2, paragraph "b". Any
47 44 rules adopted in accordance with the provisions of this
47 45 section shall also be published as notice of intended
47 46 action as provided in section 17A.4.
47 47 2. If during the fiscal year beginning July 1,
47 48 2011, the department of human services is adopting
47 49 rules in accordance with this section or as otherwise
47 50 directed or authorized by state law, and the rules will

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48 1 result in an expenditure increase beyond the amount
48 2 anticipated in the budget process or if the expenditure
48 3 was not addressed in the budget process for the
48 4 fiscal year, the department shall notify the persons
48 5 designated by this division of this Act for submission
48 6 of reports, the chairpersons and ranking members of
48 7 the committees on appropriations, and the department
48 8 of management concerning the rules and the expenditure
48 9 increase. The notification shall be provided at least
48 10 30 calendar days prior to the date notice of the rules
48 11 is submitted to the administrative rules coordinator
48 12 and the administrative code editor.
48 13 Sec. 31. CIVIL MONETARY PENALTIES ==== DIRECT CARE
48 14 WORKER INITIATIVES PROPOSAL. The department of human
48 15 services shall develop a proposal, in collaboration
48 16 with the department of public health, requesting
48 17 federal approval for the use of a portion of the
48 18 funds received by the department of human services as
48 19 civil monetary penalties from nursing facilities to
48 20 support direct care worker initiatives that enhance the
48 21 quality of care in nursing facilities. The proposal
48 22 shall request use of the funds for direct care worker
48 23 initiatives based on recommendations of the direct care
48 24 worker task force established pursuant to 2005 Iowa
48 25 Acts, chapter 88, as included in the report submitted
48 26 to the governor and the general assembly in December
48 27 2006. Upon completion of the proposal, the department
48 28 of human services shall submit the proposal to the
48 29 centers for Medicare and Medicaid services of the
48 30 United States department of health and human services
48 31 for approval. The department of human services shall
48 32 notify the persons designated in this division of this
48 33 Act for submission of reports upon receipt of approval
48 34 of the proposal.
48 35 Sec. 32. FEDERAL GRANTS REPORTING. During the
48 36 fiscal year beginning July 1, 2011, the departments
48 37 and agencies receiving an appropriation in the health
48 38 and human services divisions of this Act from the
48 39 general fund of the state shall report to the persons
48 40 designated by this division of this Act for submission
48 41 of reports and the department of management within 60
48 42 calendar days of applying for or renewing a federal
48 43 grant with a value over $1,000. The report shall list
48 44 the federal funding source and address the potential
48 45 need for the commitment of state funding in order to
48 46 match or continue the funding provided by the federal
48 47 grant in the present or the future.
48 48 Sec. 33. REPORTS. Any reports or information
48 49 required to be compiled and submitted under the health
48 50 and human services divisions of this Act shall be

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49 1 submitted to the chairpersons and ranking members of
49 2 the joint appropriations subcommittee on health and
49 3 human services, the legislative services agency, and
49 4 the legislative caucus staffs on or before the dates
49 5 specified for submission of the reports or information.
49 6 Sec. 34. EFFECTIVE DATE. The following provision
49 7 of this division of this Act, being deemed of immediate
49 8 importance, take effect upon enactment:
49 9 The provision under the appropriation for child and
49 10 family services, relating to requirements of section
49 11 232.143 for representatives of the department of human
49 12 services and juvenile court services to establish a
49 13 plan for continuing group foster care expenditures for
49 14 fiscal year 2011=2012.
49 15 DIVISION V
49 16 HEALTH AND HUMAN SERVICES
49 17 PHARMACEUTICAL SETTLEMENT ACCOUNT,
49 18 IOWACARE ACCOUNT, NONPARTICIPATING PROVIDER
49 19 REIMBURSEMENT FUND, HEALTH CARE
49 20 TRANSFORMATION ACCOUNT, MEDICAID FRAUD ACCOUNT,
49 21 QUALITY ASSURANCE TRUST FUND,
49 22 AND HOSPITAL HEALTH CARE ACCESS TRUST FUND
49 23 Sec. 35. PHARMACEUTICAL SETTLEMENT ACCOUNT. There
49 24 is appropriated from the pharmaceutical settlement
49 25 account created in section 249A.33 to the department of
49 26 human services for the fiscal year beginning July 1,
49 27 2011, and ending June 30, 2012, the following amount,
49 28 or so much thereof as is necessary, to be used for the
49 29 purpose designated:
49 30 Notwithstanding any provision of law to the
49 31 contrary, to supplement the appropriations made in the
49 32 department of human services division of this Act for
49 33 medical contracts under the medical assistance program
49 34 for the same fiscal year:
49 35 ..... $ 5,433,613
49 36 Sec. 36. APPROPRIATIONS FROM IOWACARE ACCOUNT.
49 37 1. There is appropriated from the IowaCare account
49 38 created in section 249J.24 to the state board of
49 39 regents for distribution to the university of Iowa
49 40 hospitals and clinics for the fiscal year beginning
49 41 July 1, 2011, and ending June 30, 2012, the following
49 42 amount, or so much thereof as is necessary, to be used
49 43 for the purposes designated:
49 44 For salaries, support, maintenance, equipment, and
49 45 miscellaneous purposes, for the provision of medical
49 46 and surgical treatment of indigent patients, for
49 47 provision of services to members of the expansion
49 48 population pursuant to chapter 249J, and for medical
49 49 education:
49 50 ..... $ 27,284,584

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50 1 a. Funds appropriated in this subsection shall
50 2 not be used to perform abortions except medically
50 3 necessary abortions, and shall not be used to operate
50 4 the early termination of pregnancy clinic except for
50 5 the performance of medically necessary abortions. For
50 6 the purpose of this subsection, medically necessary
50 7 abortions are those performed under any of the
50 8 following conditions:
50 9 (1) The attending physician certifies that
50 10 continuing the pregnancy would endanger the life of the
50 11 pregnant woman.
50 12 (2) Any spontaneous abortion, commonly known as a
50 13 miscarriage, if not all of the products of conception
50 14 are expelled.
50 15 b. Notwithstanding any provision of law to the
50 16 contrary, the amount appropriated in this subsection
50 17 shall be distributed based on claims submitted,
50 18 adjudicated, and paid by the Iowa Medicaid enterprise.
50 19 c. The university of Iowa hospitals and clinics
50 20 shall certify public expenditures in an amount equal
50 21 to provide the nonfederal share on total expenditures
50 22 not to exceed $20,000,000.
50 23 2. There is appropriated from the IowaCare account
50 24 created in section 249J.24 to the state board of
50 25 regents for distribution to the university of Iowa
50 26 hospitals and clinics for the fiscal year beginning
50 27 July 1, 2011, and ending June 30, 2012, the following
50 28 amount, or so much thereof as is necessary, to be used
50 29 for the purposes designated:
50 30 For salaries, support, maintenance, equipment, and
50 31 miscellaneous purposes, for the provision of medical
50 32 and surgical treatment of indigent patients, for
50 33 provision of services to members of the expansion
50 34 population pursuant to chapter 249J, and for medical
50 35 education:
50 36 ..... $ 44,226,279
50 37 Notwithstanding any provision of law to the
50 38 contrary, the amount appropriated in this subsection
50 39 shall be distributed based on claims submitted,
50 40 adjudicated, and paid by the Iowa Medicaid enterprise.
50 41 3. There is appropriated from the IowaCare account
50 42 created in section 249J.24, to the state board
50 43 of regents for distribution to university of Iowa
50 44 physicians for the fiscal year beginning July 1, 2011,
50 45 and ending June 30, 2012, the following amount, or
50 46 so much thereof as is necessary to be used for the
50 47 purposes designated:
50 48 For salaries, support, maintenance, equipment, and
50 49 miscellaneous purposes for the provision of medical and
50 50 surgical treatment of indigent patients, for provision

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51 1 of services to members of the expansion population
51 2 pursuant to chapter 249J, and for medical education:
51 3 ..... $ 16,277,753
51 4 Notwithstanding any provision of law to the
51 5 contrary, the amount appropriated in this subsection
51 6 shall be distributed based on claims submitted,
51 7 adjudicated, and paid by the Iowa Medicaid enterprise.
51 8 Once the entire amount appropriated in this subsection
51 9 has been distributed, claims shall continue to
51 10 be submitted and adjudicated by the Iowa Medicaid
51 11 enterprise; however, no payment shall be made based
51 12 upon such claims.
51 13 4. There is appropriated from the IowaCare account
51 14 created in section 249J.24 to the department of human
51 15 services for the fiscal year beginning July 1, 2011,
51 16 and ending June 30, 2012, the following amount, or
51 17 so much thereof as is necessary, to be used for the
51 18 purposes designated:
51 19 For distribution to a publicly owned acute care
51 20 teaching hospital located in a county with a population
51 21 over 350,000 for the provision of medical and surgical
51 22 treatment of indigent patients, for provision of
51 23 services to members of the expansion population
51 24 pursuant to chapter 249J, and for medical education:
51 25 ..... $ 65,000,000
51 26 a. Notwithstanding any provision of law to the
51 27 contrary, the amount appropriated in this subsection
51 28 shall be distributed based on claims submitted,
51 29 adjudicated, and paid by the Iowa Medicaid enterprise
51 30 plus a monthly disproportionate share hospital payment.
51 31 Any amount appropriated in this subsection in excess
51 32 of $60,000,000 shall be distributed only if the sum of
51 33 the expansion population claims adjudicated and paid
51 34 by the Iowa Medicaid enterprise plus the estimated
51 35 disproportionate share hospital payments exceeds
51 36 $60,000,000. The amount paid in excess of $60,000,000
51 37 shall not adjust the original monthly payment amount
51 38 but shall be distributed monthly based on actual
51 39 claims adjudicated and paid by the Iowa Medicaid
51 40 enterprise plus the estimated disproportionate share
51 41 hospital amount. Any amount appropriated in this
51 42 subsection in excess of $60,000,000 shall be allocated
51 43 only if federal funds are available to match the
51 44 amount allocated. Pursuant to paragraph "b", of the
51 45 amount appropriated in this subsection, not more than
51 46 $4,000,000 shall be distributed for prescription drugs
51 47 and podiatry services.
51 48 b. Notwithstanding any provision of law to the
51 49 contrary, the hospital identified in this subsection,
51 50 shall be reimbursed for outpatient prescription drugs

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52 1 and podiatry services provided to members of the
52 2 expansion population pursuant to all applicable medical
52 3 assistance program rules, in an amount not to exceed
52 4 $4,000,000.
52 5 c. Notwithstanding the total amount of proceeds
52 6 distributed pursuant to section 249J.24, subsection 4,
52 7 paragraph "a", unnumbered paragraph 1, for the fiscal
52 8 year beginning July 1, 2011, and ending June 30, 2012,
52 9 the county treasurer of a county with a population
52 10 of over 350,000 in which a publicly owned acute care
52 11 teaching hospital is located shall distribute the
52 12 proceeds collected pursuant to section 347.7 in a
52 13 total amount of $38,000,000, which would otherwise be
52 14 distributed to the county hospital, to the treasurer of
52 15 state for deposit in the IowaCare account.
52 16 d. (1) Notwithstanding the amount collected
52 17 and distributed for deposit in the IowaCare account
52 18 pursuant to section 249J.24, subsection 4, paragraph
52 19 "a", subparagraph (1), the first $19,000,000 in
52 20 proceeds collected pursuant to section 347.7 between
52 21 July 1, 2011, and December 31, 2011, shall be
52 22 distributed to the treasurer of state for deposit in
52 23 the IowaCare account and collections during this time
52 24 period in excess of $19,000,000 shall be distributed
52 25 to the acute care teaching hospital identified in
52 26 this subsection. Of the collections in excess of
52 27 the $19,000,000 received by the acute care teaching
52 28 hospital under this subparagraph (1), $2,000,000 shall
52 29 be distributed by the acute care teaching hospital to
52 30 the treasurer of state for deposit in the IowaCare
52 31 account in the month of January 2012, following the
52 32 July 1 through December 31, 2011, period.
52 33 (2) Notwithstanding the amount collected and
52 34 distributed for deposit in the IowaCare account
52 35 pursuant to section 249J.24, subsection 4, paragraph
52 36 "a", subparagraph (2), the first $19,000,000 in
52 37 collections pursuant to section 347.7 between January
52 38 1, 2012, and June 30, 2012, shall be distributed to
52 39 the treasurer of state for deposit in the IowaCare
52 40 account and collections during this time period in
52 41 excess of $19,000,000 shall be distributed to the acute
52 42 care teaching hospital identified in this subsection.
52 43 Of the collections in excess of the $19,000,000
52 44 received by the acute care teaching hospital under this
52 45 subparagraph (2), $2,000,000 shall be distributed by
52 46 the acute care teaching hospital to the treasurer of
52 47 state for deposit in the IowaCare account in the month
52 48 of July 2012, following the January 1 through June 30,
52 49 2012, period.
52 50 5. There is appropriated from the IowaCare account

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53 1 created in section 249J.24 to the department of human
53 2 services for the fiscal year beginning July 1, 2011,
53 3 and ending June 30, 2012, the following amount, or so
53 4 much thereof as is necessary to be used for the purpose
53 5 designated:
53 6 For payment to the regional provider network
53 7 specified by the department pursuant to section 249J.7
53 8 for provision of covered services to members of the
53 9 expansion population pursuant to chapter 249J:
53 10 ..... $ 3,472,176
53 11 Notwithstanding any provision of law to the
53 12 contrary, the amount appropriated in this subsection
53 13 shall be distributed based on claims submitted,
53 14 adjudicated, and paid by the Iowa Medicaid enterprise.
53 15 Once the entire amount appropriated in this subsection
53 16 has been distributed, claims shall continue to
53 17 be submitted and adjudicated by the Iowa Medicaid
53 18 enterprise; however, no payment shall be made based
53 19 upon such claims.
53 20 6. There is appropriated from the IowaCare account
53 21 created in section 249J.24 to the department of human
53 22 services for the fiscal year beginning July 1, 2011,
53 23 and ending June 30, 2012, the following amount, or
53 24 so much thereof as is necessary to be used for the
53 25 purposes designated:
53 26 For a care coordination pool to pay the expansion
53 27 population providers consisting of the university of
53 28 Iowa hospitals and clinics, the publicly owned acute
53 29 care teaching hospital as specified in section 249J.7,
53 30 and current medical assistance program providers that
53 31 are not expansion population network providers pursuant
53 32 to section 249J.7, for services covered by the full
53 33 benefit medical assistance program but not under the
53 34 IowaCare program pursuant to section 249J.6, that are
53 35 provided to expansion population members:
53 36 ..... $ 1,500,000
53 37 a. Notwithstanding sections 249J.6 and 249J.7,
53 38 the amount appropriated in this subsection is
53 39 intended to provide payment for medically necessary
53 40 services provided to expansion population members for
53 41 continuation of care provided by the university of
53 42 Iowa hospitals and clinics or the publicly owned acute
53 43 care teaching hospital as specified in section 249J.7.
53 44 Payment may only be made for services that are not
53 45 otherwise covered under section 249J.6, and which are
53 46 follow=up services to covered services provided by the
53 47 hospitals specified in this paragraph "a".
53 48 b. The funds appropriated in this subsection are
53 49 intended to provide limited payment for continuity
53 50 of care services for an expansion population member,

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54 1 and are intended to cover the costs of services
54 2 to expansion population members, regardless of
54 3 the member's county of residence or medical home
54 4 assignment, if the care is related to specialty or
54 5 hospital services provided by the hospitals specified
54 6 in paragraph "a".
54 7 c. The funds appropriated in this subsection are
54 8 not intended to provide for expanded coverage under
54 9 the IowaCare program, and shall not be used to cover
54 10 emergency transportation services.
54 11 d. The department shall adopt administrative
54 12 rules pursuant to chapter 17A to establish a prior
54 13 authorization process and to identify covered services
54 14 for reimbursement under this subsection.
54 15 7. There is appropriated from the IowaCare account
54 16 created in section 249J.24 to the department of human
54 17 services for the fiscal year beginning July 1, 2011,
54 18 and ending June 30, 2012, the following amount or
54 19 so much thereof as is necessary to be used for the
54 20 purposes designated:
54 21 For a laboratory test and radiology pool for
54 22 services authorized by a federally qualified health
54 23 center designated by the department as part of the
54 24 IowaCare regional provider network that does not have
54 25 the capability to provide these services on site:
54 26 ..... $ 500,000
54 27 Notwithstanding sections 249J.6 and 249J.7, the
54 28 amount appropriated in this subsection is intended
54 29 to provide reimbursement for services provided to
54 30 expansion population members that have previously
54 31 been paid for through expenditure by designated
54 32 regional provider network providers of their own
54 33 funds, not to expand coverage under the IowaCare
54 34 program or to expand the expansion population
54 35 provider network. The department shall designate the
54 36 laboratory and radiology provider associated with
54 37 each designated regional provider network provider
54 38 that may receive reimbursement. The department shall
54 39 adopt administrative rules pursuant to chapter 17A
54 40 to establish a prior authorization process and to
54 41 identify covered services for reimbursement under this
54 42 subsection. All other medical assistance program
54 43 payment policies and rules for laboratory and radiology
54 44 services shall apply to services provided under this
54 45 subsection. If the entire amount appropriated under
54 46 this subsection is expended, laboratory tests and
54 47 radiology services ordered by a designated regional
54 48 provider network provider shall be the financial
54 49 responsibility of the regional provider network
54 50 provider.

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55 1 Sec. 37. APPROPRIATIONS FROM NONPARTICIPATING
55 2 PROVIDER REIMBURSEMENT FUND ==== DEPARTMENT OF HUMAN
55 3 SERVICES. Notwithstanding any provision to the
55 4 contrary, and subject to the availability of funds,
55 5 there is appropriated from the nonparticipating
55 6 provider reimbursement fund created in section 249J.24A
55 7 to the department of human services for the fiscal year
55 8 beginning July 1, 2011, and ending June 30, 2012, the
55 9 following amount or so much thereof as is necessary for
55 10 the purposes designated:
55 11 To reimburse nonparticipating providers in
55 12 accordance with section 249J.24A:
55 13 ..... $ 2,000,000
55 14 Sec. 38. APPROPRIATIONS FROM ACCOUNT FOR HEALTH
55 15 CARE
55 16 TRANSFORMATION ==== DEPARTMENT OF HUMAN SERVICES.
55 17 Notwithstanding any provision to the contrary, there
55 18 is appropriated from the account for health care
55 19 transformation created in section 249J.23 to the
55 20 department of human services for the fiscal year
55 21 beginning July 1, 2011, and ending June 30, 2012, the
55 22 following amounts, or so much thereof as is necessary,
55 23 to be used for the purposes designated:
55 24 1. For the provision of an IowaCare nurse helpline
55 25 for the expansion population as provided in section
55 26 249J.6:
55 27 ..... $ 100,000
55 28 2. For other health promotion partnership
55 29 activities pursuant to section 249J.14:
55 30 ..... $ 600,000
55 31 3. For the costs related to audits, performance
55 32 evaluations, and studies required pursuant to chapter
55 33 249J:
55 34 ..... $ 125,000
55 35 4. For administrative costs associated with chapter
55 36 249J:
55 37 ..... $ 1,132,412
55 38 5. For planning and development, in cooperation
55 39 with the department of public health, of a phased=in
55 40 program to provide a dental home for children in
55 41 accordance with section 249J.14:
55 42 ..... $ 1,000,000
55 43 6. For continuation of the establishment of the
55 44 tuition assistance for individuals serving individuals
55 45 with disabilities pilot program, as enacted in 2008
55 46 Iowa Acts, chapter 1187, section 130:
55 47 ..... $ 50,000
55 48 7. For medical contracts:
55 49 ..... $ 2,000,000
55 50 8. For payment to the publicly owned acute care

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56 1 teaching hospital located in a county with a population
56 2 of over 350,000 that is a participating provider
56 3 pursuant to chapter 249J:
56 4 ..... $ 290,000
56 5 Disbursements under this subsection shall be made
56 6 monthly. The hospital shall submit a report following
56 7 the close of the fiscal year regarding use of the
56 8 funds appropriated in this subsection to the persons
56 9 specified in this Act to receive reports.
56 10 9. For transfer to the department of public
56 11 health to be used for the costs of medical home
56 12 system advisory council established pursuant to
56 13 section 135.159, including for the incorporation of
56 14 the work and duties of the prevention and chronic
56 15 care management advisory council pursuant to section
56 16 135.161, as amended by the FY 2011=2012 health and
56 17 human services divisions of this Act:
56 18 ..... $ 233,357
56 19 10. For implementation of a uniform cost report:
56 20 ..... $ 100,000
56 21 The uniform cost report shall be used in the
56 22 development of specified Medicaid reimbursement rates
56 23 over a multiyear timeframe. The department of human
56 24 services, in collaboration with affected providers,
56 25 shall finalize a uniform cost report that includes
56 26 provider type=specific cost schedules by December 15,
56 27 2011. The uniform cost report shall be applied to
56 28 providers of home and community=based services waiver
56 29 services, habilitation services, case management
56 30 services and community mental health centers,
56 31 residential care facilities, psychiatric medical
56 32 institutions for children, and intermediate care
56 33 facilities for the mentally retarded in the development
56 34 of Medicaid reimbursement rates. The department
56 35 shall collaborate with affected Medicaid providers to
56 36 test the effectiveness of the uniform cost report and
56 37 determine the fiscal impact of implementing the uniform
56 38 cost report during the fiscal year beginning July 1,
56 39 2012. A report of the findings and fiscal impact shall
56 40 be submitted to the governor and the general assembly
56 41 by December 31, 2013. The rates paid in the fiscal
56 42 year beginning July 1, 2014, shall be established
56 43 using uniform cost reports submitted in the fiscal
56 44 year beginning July 1, 2012. Implementation of the
56 45 uniform cost report shall be limited to the extent of
56 46 the funding available.
56 47 11. For implementation of an electronic medical
56 48 records system:
56 49 ..... $ 100,000
56 50 a. The implementation of an electronic medical

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57 1 records system shall include system purchase or
57 2 development for home and community=based services
57 3 providers and mental health services providers that
57 4 comply with the requirements of federal and state laws
57 5 and regulation by the fiscal year beginning July 1,
57 6 2013.
57 7 b. The department shall analyze the costs and
57 8 benefits of providing an electronic medical records and
57 9 billing system for home and community=based services
57 10 providers and mental health services providers that
57 11 comply with the requirements of federal and state laws
57 12 and regulation. The analysis shall include a review of
57 13 all of the following: including the capability for an
57 14 electronic medical records and billing system within
57 15 the procurement for the Medicaid management information
57 16 system, developing the system, and utilizing capacity
57 17 within the health information network established
57 18 by the department of public health. If the analysis
57 19 demonstrates that a program may be implemented in a
57 20 cost=effective manner and within available funds,
57 21 the department may take steps to implement such a
57 22 system. The department shall report the results of
57 23 the analysis, activities, and recommendations to the
57 24 persons designated in the department of human services
57 25 division of this Act for submission of reports by
57 26 December 15, 2011.
57 27 c. Notwithstanding section 8.33, funds allocated in
57 28 this subsection that remain unencumbered or unobligated
57 29 at the close of the fiscal year shall not revert but
57 30 shall remain available in succeeding fiscal years to be
57 31 used for the purposes designated.
57 32 Notwithstanding section 8.39, subsection 1, without
57 33 the prior written consent and approval of the governor
57 34 and the director of the department of management, the
57 35 director of human services may transfer funds among
57 36 the appropriations made in this section as necessary
57 37 to carry out the purposes of the account for health
57 38 care transformation. The department shall report
57 39 any transfers made pursuant to this section to the
57 40 legislative services agency.
57 41 Sec. 39. MEDICAID FRAUD ACCOUNT ==== DEPARTMENT OF
57 42 INSPECTIONS AND APPEALS. There is appropriated from
57 43 the Medicaid fraud account created in section 249A.7
57 44 to the department of inspections and appeals for the
57 45 fiscal year beginning July 1, 2011, and ending June 30,
57 46 2012, the following amount, or so much thereof as is
57 47 necessary, to be used for the purposes designated:
57 48 For the inspection and certification of assisted
57 49 living programs and adult day care services, including
57 50 program administration and costs associated with

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58 1 implementation:
58 2 ..... $ 1,339,527
58 3 Sec. 40. MEDICAID FRAUD ACCOUNT ==== DEPARTMENT
58 4 OF HUMAN SERVICES. There is appropriated from the
58 5 Medicaid fraud account created in section 249A.7 to
58 6 the department of human services for the fiscal year
58 7 beginning July 1, 2011, and ending June 30, 2012, the
58 8 following amount, or so much thereof as is necessary,
58 9 to be used for the purposes designated:
58 10 To supplement the appropriation made in the
58 11 department of human services division of this Act
58 12 from the general fund of the state to the department
58 13 of human services for medical assistance for the same
58 14 fiscal year:
58 15 ..... $ 2,000,000
58 16 Sec. 41. QUALITY ASSURANCE TRUST FUND ==== DEPARTMENT
58 17 OF HUMAN SERVICES. Notwithstanding any provision to
58 18 the contrary and subject to the availability of funds,
58 19 there is appropriated from the quality assurance trust
58 20 fund created in section 249L.4 to the department of
58 21 human services for the fiscal year beginning July 1,
58 22 2011, and ending June 30, 2012, the following amounts,
58 23 or so much thereof as is necessary for the purposes
58 24 designated:
58 25 To supplement the appropriation made in the
58 26 department of human services division of this Act
58 27 from the general fund of the state to the department
58 28 of human services for medical assistance for the same
58 29 fiscal year:
58 30 ..... $ 29,000,000
58 31 Sec. 42. HOSPITAL HEALTH CARE ACCESS TRUST FUND
58 32 ==== DEPARTMENT OF HUMAN SERVICES. Notwithstanding
58 33 any provision to the contrary and subject to the
58 34 availability of funds, there is appropriated from
58 35 the hospital health care access trust fund created in
58 36 section 249M.4 to the department of human services for
58 37 the fiscal year beginning July 1, 2011, and ending June
58 38 30, 2012, the following amounts, or so much thereof as
58 39 is necessary, for the purposes designated:
58 40 1. To supplement the appropriation made in the
58 41 department of human services division of this Act
58 42 from the general fund of the state to the department
58 43 of human services for medical assistance for the same
58 44 fiscal year:
58 45 ..... $ 39,223,800
58 46 2. For deposit in the nonparticipating provider
58 47 reimbursement fund created in section 249J.24A to be
58 48 used for the purposes of the fund:
58 49 ..... $ 776,200
58 50 Sec. 43. MEDICAL ASSISTANCE PROGRAM ==== NONREVERSION

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59 1 FOR FY 2011=2012. Notwithstanding section 8.33,
59 2 if moneys appropriated for purposes of the medical
59 3 assistance program for the fiscal year beginning July
59 4 1, 2011, and ending June 30, 2012, in the health and
59 5 human services divisions of this Act from the general
59 6 fund of the state, the Medicaid fraud account, the
59 7 quality assurance trust fund, and the hospital health
59 8 care access trust fund, are in excess of actual
59 9 expenditures for the medical assistance program and
59 10 remain unencumbered or unobligated at the close of the
59 11 fiscal year, the excess moneys shall not revert but
59 12 shall remain available for expenditure for the purposes
59 13 of the medical assistance program until the close of
59 14 the succeeding fiscal year.
59 15 DIVISION VI
59 16 HEALTH AND HUMAN SERVICES
59 17 MH/MR/DD SERVICES ALLOWED GROWTH FUNDING FOR FISCAL
59 18 YEAR 2011=2012
59 19 Sec. 44. MENTAL HEALTH, MENTAL RETARDATION, AND
59 20 DEVELOPMENTAL DISABILITIES SERVICES PROPERTY TAX
59 21 RELIEF. Notwithstanding the standing appropriation
59 22 in section 426B.1, subsection 2, for the fiscal year
59 23 beginning July 1, 2011, and ending June 30, 2012,
59 24 the amount appropriated from the general fund of the
59 25 state pursuant to that provision shall not exceed the
59 26 following amount: ..... $
59 27 81,199,911
59 28 Sec. 45. SENATE FILE 209 APPROPRIATION ==== FY
59 29 2010=2011.
59 30 1. Of the amount credited to the property tax
59 31 relief fund from the appropriation made pursuant to
59 32 2011 Iowa Acts, Senate File 209, section 21, subsection
59 33 1, there is appropriated to the department of human
59 34 services for the fiscal year beginning July 1, 2010,
59 35 and ending June 30, 2011, the following amount, or
59 36 so much thereof as is necessary, to be used for the
59 37 purpose designated:
59 38 For distribution in accordance with this section:
59 39 ..... $ 10,000,000
59 40 2. a. For the purposes of this subsection, unless
59 41 the context otherwise requires:
59 42 (1) "County management plan" means the county
59 43 management plan for the county's mental health, mental
59 44 retardation, and developmental disabilities services
59 45 system in accordance with section 331.439.
59 46 (2) "Risk pool board" means the risk pool board
59 47 created in section 426B.5.
59 48 (3) "Services fund" means the county mental health,
59 49 mental retardation, and developmental disabilities
59 50 services fund created in section 331.424A.

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60 1 b. The appropriation made in this section shall be
60 2 distributed to counties with persons on a waiting list
60 3 as of April 21, 2011, for adult mental health, mental
60 4 retardation, and developmental disabilities services in
60 5 accordance with the county management plan in effect as
60 6 of January 1, 2011. All of the following provisions
60 7 shall apply to such distribution:
60 8 (1) A county's application for the funding
60 9 distribution must be received by the department on or
60 10 before July 15, 2011, or within 10 calendar days of the
60 11 enactment date of this section, whichever is later.
60 12 (2) The county's application shall provide all of
60 13 the following information:
60 14 (a) A declaration that the county cannot provide
60 15 services in accordance with the county's management
60 16 plan and remain in compliance with the 99 percent
60 17 budgeting requirement in section 331.439, subsection 5,
60 18 resulting in the creation of a waiting list.
60 19 (b) An accounting of the individuals to be removed
60 20 from the county's waiting list as a result of the
60 21 funding applied for under this subsection, along with
60 22 the following information in a format specified by the
60 23 department:
60 24 (i) Each individual's unique client identifier
60 25 established pursuant to section 225C.6A, subsection 3.
60 26 (ii) The date the individual was originally placed
60 27 on the county waiting list.
60 28 (iii) The services needed by the individual.
60 29 (iv) The projected cost for the fiscal year for
60 30 each service needed for that individual.
60 31 (v) The total cost for all of the services for each
60 32 individual for the fiscal year.
60 33 (3) The application shall be accompanied by a
60 34 signed statement by the county's board of supervisors
60 35 certifying that the individuals for whom funding is
60 36 provided under this subsection will not subsequently
60 37 be placed by the county on a waiting list for services
60 38 through June 30, 2012.
60 39 (4) The risk pool board may accept or reject an
60 40 application for assistance in whole or in part and may
60 41 prorate distribution of funding as necessary to conform
60 42 to the amount available for distribution. The decision
60 43 of the risk pool board is final. The risk pool board
60 44 shall issue a funding decision within 15 working days
60 45 of the final receipt date for applications.
60 46 (5) The funding under this subsection shall be
60 47 distributed within 15 working days of the date the risk
60 48 pool board's funding decision is issued.
60 49 c. If there is a balance remaining following the
60 50 distribution of funding under paragraph "b", the

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61 1 balance shall be distributed in a second distribution
61 2 process for individuals placed on a waiting list
61 3 after April 21, 2011, in accordance with the county
61 4 management plan provisions for the services in effect
61 5 as of January 1, 2011. In addition, notwithstanding
61 6 2010 Iowa Acts, chapter 1192, section 48, subsection 4,
61 7 paragraph "c", any funding rebated by counties pursuant
61 8 to that provision and any moneys otherwise available in
61 9 the risk pool in the property tax relief fund for the
61 10 fiscal year beginning July 1, 2011, pursuant to section
61 11 426B.5, subsection 2, shall also be included in the
61 12 second distribution process. The distribution process
61 13 under this lettered paragraph shall be in lieu of any
61 14 risk pool distribution for the fiscal year beginning
61 15 July 1, 2011, under section 426B.5. All provisions
61 16 applicable under paragraph "b" shall apply except
61 17 that a county's application for the second funding
61 18 distribution process must be received by the department
61 19 on or before December 1, 2011.
61 20 d. If moneys from a distribution made under this
61 21 subsection are not expended by a county by November
61 22 1, 2012, for services provided prior to July 1, 2012,
61 23 the county shall reimburse the unexpended moneys to
61 24 the department by November 30, 2012, and the moneys
61 25 reimbursed shall be credited to the risk pool in the
61 26 property tax relief fund.
61 27 e. The risk pool board shall submit a report to the
61 28 governor and general assembly on or before December 31,
61 29 2012, regarding the expenditure of funds distributed
61 30 under this subsection.
61 31 Sec. 46. SENATE FILE 209 APPROPRIATION ==== FY
61 32 2011=2012. In addition to the appropriations made in
61 33 this division of this Act for distribution to counties
61 34 of the county mental health, mental retardation, and
61 35 developmental disabilities allowed growth factor
61 36 adjustment for FY 2011=2012, and for county waiting
61 37 lists beginning with the fiscal year beginning July 1,
61 38 2010, of the amount credited to the property tax relief
61 39 fund from the appropriation made pursuant to 2011 Iowa
61 40 Acts, Senate File 209, section 21, subsection 1, there
61 41 is appropriated to the department of human services for
61 42 the fiscal year beginning July 1, 2011, and ending June
61 43 30, 2012, the following amounts, or so much thereof as
61 44 is necessary, to be used for the purposes designated:
61 45 To be credited to the appropriation made in the
61 46 department of human services division of this Act from
61 47 the general fund of the state to the department of
61 48 human services for the medical assistance program for
61 49 the fiscal year beginning July 1, 2011, and used to
61 50 reduce home and community=based services waiver waiting

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62 1 lists for children's mental health, intellectual
62 2 disabilities, and brain injury:
62 3 ..... $ 5,000,000
62 4 Sec. 47. 2010 Iowa Acts, chapter 1193, section 1,
62 5 is amended to read as follows:
62 6 SECTION 1. ADULT MH/MR/DD SERVICES ALLOWED GROWTH
62 7 FUNDING ==== FY 2011=2012.
62 8 1. Notwithstanding section 331.439, subsection
62 9 3, the allowed growth factor adjustment for county
62 10 mental health, mental retardation, and developmental
62 11 disabilities service expenditures for the fiscal year
62 12 beginning July 1, 2011, shall be established by statute
62 13 which shall be enacted within thirty calendar days of
62 14 the convening of the Eighty=fourth General Assembly,
62 15 2011 Session, on January 10, 2011. The governor shall
62 16 submit to the general assembly a recommendation for
62 17 such allowed growth factor adjustment and the amounts
62 18 of related appropriations to the general assembly on
62 19 or before January 11, 2011.
62 20 2. The appropriation and allocations made in this
62 21 section fulfill the requirements of the governor and
62 22 general assembly under subsection 1.
62 23 3. a. There is appropriated from the general fund
62 24 of the state to the department of human services for
62 25 the fiscal year beginning July 1, 2011, and ending June
62 26 30, 2012, the following amount, or so much thereof as
62 27 is necessary, to be used for the purpose designated:
62 28 For distribution to counties of the county mental
62 29 health, mental retardation, and developmental
62 30 disabilities allowed growth factor adjustment for
62 31 fiscal year 2011=2012 as provided in this section in
62 32 lieu of the allowed growth factor provisions of section
62 33 331.438, subsection 2, and section 331.439, subsection
62 34 3, and chapter 426B:
62 35 ..... $ 68,697,893
62 36 b. Of the amount credited to the property tax
62 37 relief fund from the appropriation made pursuant to
62 38 2011 Iowa Acts, Senate File 209, section 21, subsection
62 39 1, there is appropriated to the department of human
62 40 services for the fiscal year beginning July 1, 2011,
62 41 and ending June 30, 2012, the following amount, or
62 42 so much thereof as is necessary, to be used for the
62 43 purpose designated:
62 44 For distribution to counties as described in
62 45 paragraph "a":
62 46 ..... $ 5,000,000
62 47 Sec. 48. 2010 Iowa Acts, chapter 1193, section 1,
62 48 as amended by this division of this Act, is amended by
62 49 adding the following new subsections:
62 50 NEW SUBSECTION. 4. Of the amounts appropriated

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63 1 in this section, $12,000,000 shall be distributed as
63 2 provided in this subsection.
63 3 a. To be eligible to receive a distribution under
63 4 this subsection, a county must meet the following
63 5 requirements:
63 6 (1) The county is levying for the maximum amount
63 7 allowed for the county's mental health, mental
63 8 retardation, and developmental disabilities services
63 9 fund under section 331.424A for taxes due and payable
63 10 in the fiscal year beginning July 1, 2011, or the
63 11 county is levying for at least 90 percent of the
63 12 maximum amount allowed for the county's services fund
63 13 and that levy rate is more than $2 per $1,000 of the
63 14 assessed value of all taxable property in the county.
63 15 (2) In the fiscal year beginning July 1, 2009,
63 16 the county's mental health, mental retardation, and
63 17 developmental disabilities services fund ending balance
63 18 under generally accepted accounting principles was
63 19 equal to or less than 15 percent of the county's actual
63 20 gross expenditures for that fiscal year.
63 21 b. The amount of a county's distribution from
63 22 the allocation made in this subsection shall be
63 23 determined based upon the county's proportion of the
63 24 general population of the counties eligible to receive
63 25 a distribution under this subsection. The latest
63 26 certified federal census issued by the United States
63 27 bureau of the census shall be applied in determining
63 28 population for the purposes of this paragraph.
63 29 c. The distributions made pursuant to this
63 30 subsection are subject to the distribution provisions
63 31 and withholding requirements established in this
63 32 section for the county mental health, mental
63 33 retardation, and developmental disabilities allowed
63 34 growth factor adjustment for the fiscal year beginning
63 35 July 1, 2011.
63 36 NEW SUBSECTION. 5. The following amount of the
63 37 funding appropriated in this section for distribution
63 38 to counties is the allowed growth factor adjustment for
63 39 fiscal year 2011=2012, and shall be credited to the
63 40 allowed growth funding pool created in the property tax
63 41 relief fund and for distribution in accordance with
63 42 section 426B.5, subsection 1:
63 43 ..... $ 61,697,893
63 44 For the distribution made for the fiscal year
63 45 beginning July 1, 2011, a county that is levying
63 46 at least 92 percent of the maximum amount allowed
63 47 for the county's mental health, mental retardation,
63 48 and developmental disabilities services fund under
63 49 section 331.424A for the fiscal year and that had
63 50 a negative services fund balance for the fiscal

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64 1 year beginning July 1, 2009, after disregarding the
64 2 temporary funding increase provided to counties for
64 3 the fiscal year beginning July 1, 2009, through the
64 4 federal American Recovery and Reinvestment Act of
64 5 2009, Pub. L. No. 111=5, shall be deemed to have met
64 6 the allocation eligibility requirement under section
64 7 426B.5, subsection 1, paragraph "d", subparagraph (1),
64 8 subparagraph division (a).
64 9 NEW SUBSECTION. 6. The following formula amounts
64 10 shall be utilized only to calculate preliminary
64 11 distribution amounts for the allowed growth factor
64 12 adjustment for fiscal year 2011=2012 under this
64 13 section by applying the indicated formula provisions
64 14 to the formula amounts and producing a preliminary
64 15 distribution total for each county:
64 16 a. For calculation of a distribution amount for
64 17 eligible counties from the allowed growth funding pool
64 18 created in the property tax relief fund in accordance
64 19 with the requirements in section 426B.5, subsection
64 20 1, and including the allocation eligibility provision
64 21 authorized in subsection 5 of this section:
64 22 ..... $ 74,773,346
64 23 b. For calculation of a distribution amount for
64 24 counties from the mental health and developmental
64 25 disabilities (MH/DD) community services fund
64 26 in accordance with the formula provided in the
64 27 appropriation made for the MH/DD community services
64 28 fund for the fiscal year beginning July 1, 2011:
64 29 ..... $ 14,187,556
64 30 NEW SUBSECTION. 7. a. After applying the
64 31 applicable statutory distribution formulas to the
64 32 amounts indicated in subsection 6 for purposes of
64 33 producing preliminary distribution totals, the
64 34 department of human services shall apply a withholding
64 35 factor to adjust an eligible individual county's
64 36 preliminary distribution total. In order to be
64 37 eligible for a distribution under this section, a
64 38 county must be levying 90 percent or more of the
64 39 maximum amount allowed for the county's mental health,
64 40 mental retardation, and developmental disabilities
64 41 services fund under section 331.424A for taxes due and
64 42 payable in the fiscal year for which the distribution
64 43 is payable.
64 44 b. An ending balance percentage for each county
64 45 shall be determined by expressing the county's ending
64 46 balance on a modified accrual basis under generally
64 47 accepted accounting principles for the fiscal year
64 48 beginning July 1, 2009, in the county's mental health,
64 49 mental retardation, and developmental disabilities
64 50 services fund created under section 331.424A, as a

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65 1 percentage of the county's gross expenditures from that
65 2 fund for that fiscal year. If a county borrowed moneys
65 3 for purposes of providing services from the county's
65 4 services fund on or before July 1, 2009, and the
65 5 county's services fund ending balance for that fiscal
65 6 year includes the loan proceeds or an amount designated
65 7 in the county budget to service the loan for the
65 8 borrowed moneys, those amounts shall not be considered
65 9 to be part of the county's ending balance for purposes
65 10 of calculating an ending balance percentage under this
65 11 subsection.
65 12 c. For purposes of calculating withholding
65 13 factors and for ending balance amounts used for other
65 14 purposes under law, the county ending balances shall
65 15 be adjusted, using forms developed for this purpose
65 16 by the county finance committee, to disregard the
65 17 temporary funding increase provided to the counties for
65 18 the fiscal year through the federal American Recovery
65 19 and Reinvestment Act of 2009, Pub. L. No. 111=5. In
65 20 addition, a county may adjust the ending balance amount
65 21 by rebating to the department all or a portion of
65 22 the allowed growth and MH/DD services fund moneys the
65 23 county received for the fiscal year beginning July 1,
65 24 2010, in accordance with 2009 Iowa Acts, chapter 179,
65 25 section 1, as amended by 2009 Iowa Acts, chapter 1192,
65 26 sections 47 and 48, or from any other services fund
65 27 moneys available to the county. The rebate must be
65 28 remitted to the department on or before June 1, 2011,
65 29 in order to be counted. However, if this division of
65 30 this Act is enacted after June 1, 2011, the rebate
65 31 must be remitted not later than 10 calendar days
65 32 after the date of the governor's approval of this Act.
65 33 The amount rebated by a county shall be subtracted
65 34 dollar=for=dollar from the county's ending balance
65 35 amount for the fiscal year beginning July 1, 2009, for
65 36 purposes of calculating the withholding factor and
65 37 for other ending balance purposes for the fiscal year
65 38 beginning July 1, 2011. The rebates received by the
65 39 department shall be credited to the property tax relief
65 40 fund and distributed as additional funding for the
65 41 fiscal year beginning July 1, 2011, in accordance with
65 42 the formula provisions in this section.
65 43 d. The withholding factor for a county shall be the
65 44 following applicable percent:
65 45 (1) For an ending balance percentage of less than
65 46 5 percent, a withholding factor of 0 percent. In
65 47 addition, a county that is subject to this lettered
65 48 paragraph shall receive an inflation adjustment equal
65 49 to 3 percent of the gross expenditures reported for the
65 50 county's services fund for the fiscal year.

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66 1 (2) For an ending balance percentage of 5 percent
66 2 or more but less than 10 percent, a withholding factor
66 3 of 0 percent. In addition, a county that is subject
66 4 to this lettered paragraph shall receive an inflation
66 5 adjustment equal to 2 percent of the gross expenditures
66 6 reported for the county's services fund for the fiscal
66 7 year.
66 8 (3) For an ending balance percentage of 10 percent
66 9 or more but less than 25 percent, a withholding factor
66 10 of 25 percent. However, for counties with an ending
66 11 balance percentage of 10 percent or more but less than
66 12 15 percent, the amount withheld shall be limited to
66 13 the amount by which the county's ending balance was in
66 14 excess of the ending balance percentage of 10 percent.
66 15 (4) For an ending balance percentage of 25 percent
66 16 or more, a withholding percentage of 100 percent.
66 17 NEW SUBSECTION. 8. The total withholding amounts
66 18 applied pursuant to subsection 7 shall be equal to
66 19 a withholding target amount of $13,075,453. If the
66 20 department of human services determines that the
66 21 amount appropriated is insufficient or the amount to be
66 22 withheld in accordance with subsection 7 is not equal
66 23 to the target withholding amount, the department shall
66 24 adjust the withholding factors listed in subsection 7
66 25 as necessary to achieve the target withholding amount.
66 26 However, in making such adjustments to the withholding
66 27 factors, the department shall strive to minimize
66 28 changes to the withholding factors for those ending
66 29 balance percentage ranges that are lower than others
66 30 and shall only adjust the zero withholding factor
66 31 or the inflation adjustment percentages specified
66 32 in subsection 7, paragraph "d", when the amount
66 33 appropriated is insufficient.
66 34 Sec. 49. 2010 Iowa Acts, chapter 1193, section 99,
66 35 is amended to read as follows:
66 36 SEC. 99. MH/MR/DD SERVICES FUND
66 37 TRANSFER. Notwithstanding section 331.424A, subsection
66 38 5, and section 331.432, subsection 3, for the
66 39 fiscal year beginning July 1, 2010, and ending June
66 40 30, 2011, a county may transfer moneys from other
66 41 funds of the county to the county's mental health,
66 42 mental retardation, and developmental disabilities
66 43 services fund created in section 331.424A. A county
66 44 transferring moneys from other funds of the county
66 45 to the county's services fund pursuant to this
66 46 section shall submit a report detailing the transfers
66 47 made and funds affected. The county shall submit
66 48 the report along with the county expenditure and
66 49 information report submitted by December 1, ~~2010~~ 2011,
66 50 in accordance with section 331.439.

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67 1 Sec. 50. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
67 2 APPLICABILITY. The section of this division of this
67 3 Act amending 2010 Iowa Acts, chapter 1193, section 99,
67 4 being deemed of immediate importance, takes effect upon
67 5 enactment and is retroactively applicable to December
67 6 1, 2010.
67 7 Sec. 51. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
67 8 APPLICABILITY. The section of this division of
67 9 this Act making an appropriation for the fiscal year
67 10 beginning July 1, 2010, of moneys credited to the
67 11 property tax relief fund pursuant to 2011 Iowa Acts,
67 12 Senate File 209, being deemed of immediate importance,
67 13 takes effect upon enactment and applies retroactively
67 14 to April 21, 2011.
67 15 DIVISION VII
67 16 HEALTH AND HUMAN SERVICES
67 17 PRIOR APPROPRIATIONS AND RELATED CHANGES
67 18 VIETNAM CONFLICT VETERANS BONUS
67 19 Sec. 52. Section 35A.8A, subsection 2, paragraph d,
67 20 Code 2011, is amended to read as follows:
67 21 d. The person files an application for compensation
67 22 under this section, in a manner determined by the
67 23 department of veterans affairs, by ~~July 1, 2010~~ May 1,
67 24 2011.
67 25 COMMUNITY HOUSING AND SERVICES REVOLVING LOAN PROGRAM
67 26 Sec. 53. NEW SECTION. 16.185 Community housing and
67 27 services for persons with disabilities revolving loan
67 28 program fund.
67 29 1. A community housing and services for persons
67 30 with disabilities loan program fund is created
67 31 within the authority to further the availability of
67 32 affordable housing and supportive services for Medicaid
67 33 waiver=eligible individuals with behaviors that
67 34 provide significant barriers to accessing traditional
67 35 rental and supportive services opportunities. The
67 36 moneys in the fund are annually appropriated to the
67 37 authority to be used for the development and operation
67 38 of a revolving loan program to provide financing to
67 39 construct affordable permanent supportive housing or
67 40 develop infrastructure in which to provide supportive
67 41 services, including through new construction,
67 42 acquisition and rehabilitation of existing housing or
67 43 infrastructure, or conversion or adaptive reuse.
67 44 2. Moneys transferred by the authority for deposit
67 45 in the community housing and services for persons
67 46 with disabilities revolving loan program fund, moneys
67 47 appropriated to the community housing and services
67 48 for persons with disabilities revolving loan program,
67 49 and any other moneys available to and obtained or
67 50 accepted by the authority for placement in the fund

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68 1 shall be credited to the fund. Additionally, payment
68 2 of interest, recaptures of awards, and other repayments
68 3 to the community housing and services for persons with
68 4 disabilities loan program fund shall be credited to
68 5 the fund. Notwithstanding section 12C.7, subsection
68 6 2, interest or earnings on moneys in the fund shall be
68 7 credited to the fund. Notwithstanding section 8.33,
68 8 moneys credited to the fund from any other fund that
68 9 remain unencumbered or unobligated at the close of the
68 10 fiscal year shall not revert to the other fund.
68 11 3. a. The authority shall annually allocate moneys
68 12 available in the fund for the development of permanent
68 13 supportive housing for Medicaid waiver=eligible
68 14 individuals. The authority shall develop a joint
68 15 application process for the allocation of United
68 16 States housing and urban development HOME investment
68 17 partnerships program funding and the funds available
68 18 under this section. Moneys allocated to such projects
68 19 may be in the form of loans, forgivable loans, or a
68 20 combination of loans and forgivable loans.
68 21 b. The authority shall annually allocate moneys
68 22 available in the fund for the development of
68 23 infrastructure in which to provide supportive services
68 24 for Medicaid waiver=eligible individuals who meet the
68 25 psychiatric medical institution for children level of
68 26 care. Moneys allocated to such projects may be in the
68 27 form of loans, forgivable loans, or a combination of
68 28 loans and forgivable loans.
68 29 4. a. A project shall demonstrate written approval
68 30 of the project by the department of human services to
68 31 the authority prior to application for funding under
68 32 this section.
68 33 b. In order to be approved by the department
68 34 of human services for application for funding for
68 35 development of permanent supportive housing under this
68 36 section, a project shall include all of the following
68 37 components:
68 38 (1) Provision of services to any of the following
68 39 Medicaid waiver=eligible individuals:
68 40 (a) Individuals who are currently underserved
68 41 in community placements, including individuals who
68 42 are physically aggressive or have behaviors that
68 43 are difficult to manage or individuals who meet the
68 44 psychiatric medical institution for children level of
68 45 care.
68 46 (b) Individuals who are currently residing in
68 47 out=of=state facilities.
68 48 (c) Individuals who are currently receiving care in
68 49 a licensed health care facility.
68 50 (2) A plan to provide each individual with crisis

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69 1 stabilization services to ensure that the individual's
69 2 behavioral issues are appropriately addressed by the
69 3 provider.
69 4 (3) Policies and procedures that prohibit discharge
69 5 of the individual from the waiver services provided by
69 6 the project provider unless an alternative placement
69 7 that is acceptable to the client or the client's
69 8 guardian is identified.
69 9 c. In order to be approved by the department
69 10 of human services for application for funding for
69 11 development of infrastructure in which to provide
69 12 supportive services under this section, a project shall
69 13 include all of the following components:
69 14 (1) Provision of services to Medicaid
69 15 waiver=eligible individuals who meet the psychiatric
69 16 medical institution for children level of care.
69 17 (2) Policies and procedures that prohibit discharge
69 18 of the individual from the waiver services provided by
69 19 the project provider unless an alternative placement
69 20 that is acceptable to the client or the client's
69 21 guardian is identified.
69 22 d. Housing provided through a project under this
69 23 section is exempt from the requirements of chapter
69 24 135O.
69 25 5. The authority, in collaboration with the
69 26 department of human services, shall adopt rules
69 27 pursuant to chapter 17A to administer this section.
69 28 VIETNAM CONFLICT VETERANS
69 29 BONUS FUND
69 30 Sec. 54. 2008 Iowa Acts, chapter 1187, section 68,
69 31 as amended by 2009 Iowa Acts, chapter 182, section
69 32 82, and 2010 Iowa Acts, chapter 1192, section 55, is
69 33 amended to read as follows:
69 34 Notwithstanding section 8.33, moneys appropriated in
69 35 this section that remain unencumbered or unobligated
69 36 at the close of the fiscal year shall not revert but
69 37 shall remain available for expenditure for the purposes
69 38 designated until the ~~close of the fiscal year beginning~~
~~69 39 July 1, 2010~~ repeal of section 35A.8A. Upon such
69 40 repeal, the remaining moneys shall be transferred to
69 41 the veterans trust fund and, notwithstanding section
69 42 35A.13, subsection 3, shall only be expended in
69 43 accordance with an appropriation for purposes of a
69 44 bonus enacted for veterans of the conflicts in Panama,
69 45 Grenada, Lebanon, or the Persian Gulf.
69 46 INJURED VETERANS GRANT PROGRAM
69 47 Sec. 55. 2008 Iowa Acts, chapter 1187, section 69,
69 48 unnumbered paragraph 1, as amended by 2009 Iowa Acts,
69 49 chapter 182, section 83, and 2010 Iowa Acts, chapter
69 50 1192, section 56, is amended to read as follows:

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70 1 Notwithstanding section 8.33, moneys appropriated in
70 2 this subsection that remain unencumbered or unobligated
70 3 at the close of the fiscal year shall not revert but
70 4 shall remain available for expenditure for the purposes
70 5 designated until the close of the fiscal year beginning
70 6 July 1, ~~2010~~ 2011.
70 7 BEHAVIORAL HEALTH SERVICES
70 8 ACCOUNT ==== MEDICAL ASSISTANCE
70 9 Sec. 56. 2009 Iowa Acts, chapter 182, section 9,
70 10 subsection 16, paragraph b, as amended by 2010 Iowa
70 11 Acts, chapter 1192, section 63, is amended to read as
70 12 follows:
70 13 b. The department shall continue to maintain a
70 14 separate account within the medical assistance budget
70 15 for the deposit of all funds remitted pursuant to a
70 16 contract with a third party to administer behavioral
70 17 health services under the medical assistance program
70 18 established pursuant to 2008 Iowa Acts, chapter
70 19 1187, section 9, subsection 20. Notwithstanding
70 20 section 8.33, other than funds remaining from the
70 21 appropriation allocations made for implementation of
70 22 the emergency mental health crisis services and system,
70 23 for implementation of the mental health services
70 24 system for children and youth, and for training of
70 25 child welfare services providers in 2008 Iowa Acts,
70 26 chapter 1187, section 9, subsection 20, paragraph
70 27 "c", subparagraphs (1), (2), and (6), as authorized
70 28 in 2009 Iowa Acts, chapter 182, section 72, shall
70 29 not revert but shall remain available in succeeding
70 30 fiscal years to be used for the purposes designated
70 31 until expended and any other funds remaining in the
70 32 account that remain unencumbered or unobligated at
70 33 the end of the fiscal year shall not revert but shall
70 34 remain available in succeeding fiscal years ~~and are~~
70 35 ~~appropriated to the department to be used for the~~
70 36 ~~medical assistance program~~ to be used for purposes of
70 37 crisis stabilization and other mental and behavioral
70 38 health service improvements.
70 39 CHILD WELFARE DECATEGORIZATION
70 40 FY 2009=2010 NONREVERSION
70 41 Sec. 57. 2009 Iowa Acts, chapter 182, section 14,
70 42 subsection 5, is amended by adding the following new
70 43 unnumbered paragraph:
70 44 NEW UNNUMBERED PARAGRAPH Notwithstanding section
70 45 232.188, subsection 5, moneys from the allocations
70 46 made in this subsection or made from any other
70 47 source for the decategorization of child welfare and
70 48 juvenile justice funding initiative under section
70 49 232.188 for the fiscal year beginning July 1, 2009,
70 50 that are designated as carryover funding that remain

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71 1 unencumbered or unobligated at the close of the fiscal
71 2 year beginning July 1, 2010, shall not revert but shall
71 3 be transferred to the community housing and services
71 4 for persons with disabilities revolving loan program
71 5 fund created in section 16.185, as enacted by this
71 6 division of this Act.
71 7 AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 ====
71 8 ALLOCATION FOR INFANT AND TODDLER CARE QUALITY
71 9 Sec. 58. 2009 Iowa Acts, chapter 183, section 62,
71 10 subsection 3, is amended to read as follows:
71 11 3. For the purposes of this subsection, "federal
71 12 poverty level" means the poverty level defined by
71 13 the most recently revised poverty income guidelines
71 14 published by the United States department of health and
71 15 human services. The program shall provide financial
71 16 assistance to families with infants and toddlers less
71 17 than thirty=six months of age ~~two~~ that have a family
71 18 income of more than 145 percent but not more than 185
71 19 percent of the federal poverty level. However, the
71 20 department may adjust the qualifying criteria or the
71 21 financial assistance purpose provisions specified in
71 22 this subsection or make other changes as necessary for
71 23 implementation to conform with federal requirements
71 24 for the funding. Outcome reporting and other grant
71 25 requirements shall be developed by the department in
71 26 cooperation with the Iowa empowerment board.
71 27 Sec. 59. 2009 Iowa Acts, chapter 183, section 62,
71 28 subsection 4, is amended to read as follows:
71 29 4. The financial assistance shall be for any of the
71 30 following purposes:
71 31 a. For making temporary payments to qualifying
71 32 families whose members are recently unemployed and
71 33 seeking work to use in meeting immediate family needs.
71 34 b. For providing sliding scale subsidies for
71 35 qualifying families for child care provided to the
71 36 families' infants and toddlers by providers who
71 37 are accredited by the national association for the
71 38 education of young children or the national association
71 39 for family child care, or who have a rating at level ~~3~~
71 40 2 or higher under the child care quality rating system
71 41 implemented pursuant to section 237A.30.
71 42 c. For expanding training and other support for
71 43 infant care providers in the community and this state.
71 44 d. For ensuring child care environments are healthy
71 45 and safe.
71 46 e. For promoting positive relationships between
71 47 parents and providers in their mutual efforts to care
71 48 for very young children.
71 49 f. For ensuring that parents have the information
71 50 and resources needed to choose quality child care.

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IOWA DEPARTMENT ON AGING CASE MANAGEMENT REVIEW

Sec. 60. 2010 Iowa Acts, chapter 1192, section 1, subsection 2, is amended to read as follows:

2. ~~a.~~ Of the funds appropriated in this section, $1,246,514 shall be transferred to the department of human services in equal amounts on a quarterly basis for reimbursement of case management services provided under the medical assistance elderly waiver. The department of human services shall adopt rules for case management services provided under the medical assistance elderly waiver in consultation with the department on aging.

~~b. The department of human services shall review projections for state funding expenditures for reimbursement of case management services under the medical assistance elderly waiver on a quarterly basis and shall determine if an adjustment to the medical assistance reimbursement rates are necessary to provide reimbursement within the state funding amounts budgeted under the appropriations made for the fiscal year for the medical assistance program. Any temporary enhanced federal financial participation that may become available for the medical assistance program during the fiscal year shall not be used in projecting the medical assistance elderly waiver case management budget. The department of human services shall revise such reimbursement rates as necessary to maintain expenditures for medical assistance elderly waiver case management services within the state funding amounts budgeted under the appropriations made for the fiscal year for the medical assistance program.~~

IOWA VETERANS HOME

Sec. 61. 2010 Iowa Acts, chapter 1192, section 3, subsection 2, is amended by adding the following new paragraph:

<u>NEW PARAGRAPH</u>. d. The funds appropriated in this subsection to the Iowa veterans home that remain available for expenditure for the succeeding fiscal year pursuant to section 35D.18, subsection 5, shall be distributed to be used in the succeeding fiscal year in accordance with this lettered paragraph. The first $500,000 shall remain available to be used for the purposes of the Iowa veterans home. On or before October 15, 2011, the department of management shall transfer the remaining balance to the appropriation to the department of human services for medical assistance.

MEDICAL ASSISTANCE PROGRAM

Sec. 62. 2010 Iowa Acts, chapter 1192, section 11, is amended by adding the following new subsection:

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73 1 NEW SUBSECTION. 25. The department may increase
73 2 the amounts allocated for salaries, support,
73 3 maintenance, and miscellaneous purposes associated
73 4 with the medical assistance program as necessary
73 5 to implement cost containment efforts in order to
73 6 accomplish medical assistance program savings. These
73 7 amounts may be transferred to the appropriation made
73 8 in this division of this Act for the health insurance
73 9 premium payment program.
73 10 STATE SUPPLEMENTARY ASSISTANCE PROGRAM
73 11 Sec. 63. 2010 Iowa Acts, chapter 1192, section 14,
73 12 is amended by adding the following new subsection:
73 13 NEW SUBSECTION. 4. Notwithstanding section
73 14 8.33, moneys appropriated in this section that remain
73 15 unencumbered or unobligated at the close of the fiscal
73 16 year shall remain available for expenditure for the
73 17 purposes designated until the close of the succeeding
73 18 fiscal year.
73 19 ADOPTION SUBSIDY TRANSFER
73 20 Sec. 64. 2010 Iowa Acts, chapter 1192, section 20,
73 21 is amended by adding the following new subsection:
73 22 NEW SUBSECTION. 4. Of the funds appropriated
73 23 in this section, $60,000 shall be transferred to the
73 24 appropriation made in this division of this Act for the
73 25 state mental health institute at Cherokee to be used
73 26 for children's beds at the institute.
73 27 IOWA DEPARTMENT ON AGING CASE MANAGEMENT REVIEW
73 28 Sec. 65. 2010 Iowa Acts, chapter 1192, section 37,
73 29 subsection 1, is amended to read as follows:
73 30 1. ~~a.~~ Of the funds appropriated in this section,
73 31 $1,010,000 shall be transferred to the department of
73 32 human services in equal amounts on a quarterly basis
73 33 for reimbursement of case management services provided
73 34 under the medical assistance elderly waiver.
73 35 ~~b. The department of human services shall review~~
~~73 36 projections for state funding expenditures for~~
~~73 37 reimbursement of case management services under the~~
~~73 38 medical assistance elderly waiver on a quarterly basis~~
~~73 39 and shall determine if an adjustment to the medical~~
~~73 40 assistance reimbursement rates are necessary to provide~~
~~73 41 reimbursement within the state funding amounts budgeted~~
~~73 42 under the appropriations made for the fiscal year~~
~~73 43 for the medical assistance program. Any temporary~~
~~73 44 enhanced federal financial participation that may~~
~~73 45 become available for the medical assistance program~~
~~73 46 during the fiscal year shall not be used in projecting~~
~~73 47 the medical assistance elderly waiver case management~~
~~73 48 budget. The department of human services shall revise~~
~~73 49 such reimbursement rates as necessary to maintain~~
~~73 50 expenditures for medical assistance elderly waiver case~~

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~~74 1 management services within the state funding amounts~~
~~74 2 budgeted under the appropriations made for the fiscal~~
~~74 3 year for the medical assistance program.~~
74 4 QUALITY ASSURANCE TRUST FUND ==== DEPARTMENT OF HUMAN
74 5 SERVICES
74 6 Sec. 66. 2010 Iowa Acts, chapter 1192, section 44,
74 7 is amended to read as follows:
74 8 SEC. 44. QUALITY ASSURANCE TRUST FUND ==== DEPARTMENT
74 9 OF HUMAN SERVICES. Notwithstanding any provision to
74 10 the contrary and subject to the availability of funds,
74 11 there is appropriated from the quality assurance trust
74 12 fund created in section 249L.4 to the department of
74 13 human services for the fiscal year beginning July 1,
74 14 2010, and ending June 30, 2011, the following amounts,
74 15 or so much thereof as is necessary for the purposes
74 16 designated:
74 17 To supplement the appropriation made in this Act
74 18 from the general fund of the state to the department of
74 19 human services for medical assistance:
74 20 ..... $ ~~13,900,000~~
74 21 33,708,458
74 22 1. Of the funds appropriated in this section,
74 23 $7,500,000 shall be used for nursing facility
74 24 reimbursement under the medical assistance program in
74 25 accordance with the nursing facility reimbursement
74 26 provisions of division IV of this Act, to continue
74 27 application of the administrative rules changes
74 28 relating to nursing facility reimbursement and payment
74 29 procedures made pursuant to 2010 Iowa Acts, Senate
74 30 File 2366, if enacted, for the fiscal year beginning
74 31 July 1, 2010, and ending June 30, 2011, and to restore
74 32 the 5 percent reduction made in nursing facility
74 33 reimbursement in accordance with executive order number
74 34 19 issued October 8, 2009.
74 35 2. The costs associated with the implementation of
74 36 this section shall be funded exclusively through moneys
74 37 appropriated from the quality assurance trust fund,
74 38 and shall result in budget neutrality to the general
74 39 fund of the state for the fiscal year beginning July 1,
74 40 2010, and ending June 30, 2011.
74 41 INJURED VETERANS TRUST FUND
74 42 Sec. 67. INJURED VETERANS TRUST FUND. There is
74 43 appropriated from the general fund of the state to the
74 44 department of veterans affairs for the fiscal year
74 45 beginning July 1, 2010, and ending June 30, 2011, the
74 46 following amount, or so much thereof as is necessary,
74 47 to be used for the purposes designated:
74 48 To be credited to the injured veterans trust fund
74 49 created pursuant to section 35A.14 to be used for the
74 50 injured veterans grant program:

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75 1 ..... $ 1,000,000
75 2 The department shall review the rules and statutory
75 3 provisions pertaining to the injured veterans grant
75 4 program and propose amendments to improve the program.
75 5 Notwithstanding section 8.33, moneys appropriated in
75 6 this section that remain unencumbered or unobligated
75 7 at the close of the fiscal year shall not revert but
75 8 shall remain available for expenditure for the purposes
75 9 designated until expended.
75 10 MERCHANT MARINE BONUS FUND TRANSFER
75 11 Sec. 68. DEPARTMENT OF CULTURAL AFFAIRS ==== MERCHANT
75 12 MARINE BONUS FUND.
75 13 1. The appropriation made from the merchant marine
75 14 bonus fund to the department of cultural affairs for
75 15 the fiscal year beginning July 1, 2010, and ending June
75 16 30, 2011, in 2010 Iowa Acts, chapter 1193, section 82,
75 17 shall be transferred on the effective date of this
75 18 section to the department of veterans affairs to be
75 19 used for departmental costs.
75 20 2. Moneys transferred pursuant to this section that
75 21 remain unencumbered or unobligated at the close of the
75 22 fiscal year shall be credited to the veterans trust
75 23 fund created in section 35A.13.
75 24 STATE INSTITUTION ==== APPROPRIATION TRANSFERS
75 25 Sec. 69. DEPARTMENT OF HUMAN SERVICES. There
75 26 is transferred between the following designated
75 27 appropriations made to the department of human services
75 28 for the fiscal year beginning July 1, 2010, and ending
75 29 June 30, 2011, not more than the following amounts:
75 30 1. From the appropriation made for purposes of the
75 31 state resource center at Glenwood in 2010 Iowa Acts,
75 32 chapter 1192, section 25, subsection 1, paragraph "a",
75 33 to the appropriation made for purposes of the Iowa
75 34 juvenile home at Toledo in 2010 Iowa Acts, chapter
75 35 1192, section 17, subsection 1:
75 36 ..... $ 400,000
75 37 2. From the appropriation made for purposes of the
75 38 state resource center at Woodward in 2010 Iowa Acts,
75 39 chapter 1192, section 25, subsection 1, paragraph "b",
75 40 to the appropriation made for purposes of the state
75 41 mental health institute at Independence in 2010 Iowa
75 42 Acts, chapter 1192, section 24, subsection 1, paragraph
75 43 "c":
75 44 ..... $ 400,000
75 45 Sec. 70. FAMILY PLANNING WAIVER AND MAINTENANCE OF
75 46 EFFORT. Notwithstanding 2010 Iowa Acts, chapter 1192,
75 47 section 11, subsection 24, the department of human
75 48 services shall not amend the medical assistance waiver
75 49 for the Iowa family planning network in accordance
75 50 with that provision, but shall instead continue the

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76 1 Iowa family planning waiver in effect prior to June
76 2 30, 2011, and shall only amend the waiver to increase
76 3 the income eligibility percentage above the percentage
76 4 provided in the waiver in effect if necessary and only
76 5 by the minimum percentage required to comply with
76 6 maintenance of effort requirements.
76 7 Sec. 71. DECATEGORIZATION PROJECT FUNDING. For
76 8 the period beginning June 1, 2010, and ending June
76 9 30, 2012, a child welfare and juvenile justice
76 10 funding decategorization initiative project that is
76 11 incorporated and owns real property may utilize project
76 12 funding to purchase liability insurance.
76 13 Sec. 72. ACCOUNTABLE CARE ORGANIZATION ==== PILOT.
76 14 1. a. If an entity applies for certification from
76 15 the secretary of the United States department of health
76 16 and human services prior to January 1, 2012, and is
76 17 subsequently certified to administer an accountable
76 18 care organization pilot project, pursuant to the
76 19 federal Patient Protection and Accountability Act, Pub.
76 20 L. No. 111=148, the department of human services shall
76 21 work with the entity to provide access to the complete
76 22 deidentified claims data of the medical assistance
76 23 recipients receiving health care services through the
76 24 pilot project for the purposes of identifying areas of
76 25 utilization, need, and potential cost savings to the
76 26 medical assistance program subject to all applicable
76 27 state and federal laws and regulations. The department
76 28 may also employ new payment models, information
76 29 technology, and data analytics provisions necessary to
76 30 the administration of the pilot project.
76 31 b. The department of human services shall work
76 32 with an entity to administer an accountable care
76 33 organization pilot project, only if the centers for
76 34 Medicare and Medicaid services of the United States
76 35 department of health and human services approves
76 36 participation of the medical assistance program in the
76 37 pilot project and the entity meets all of the following
76 38 requirements:
76 39 (1) At a minimum, includes the participation of a
76 40 prospective payment system hospital, ten primary care
76 41 physicians, a home health care practice, a palliative
76 42 care services, a hospice service, and a community
76 43 mental health center, all of which agree to be paid
76 44 under a partial or global payment for identified
76 45 services.
76 46 (2) Requires all participating providers to utilize
76 47 electronic health records.
76 48 (3) Includes delivery of mental health services to
76 49 recipients of medical assistance through collaboration
76 50 with the regional community mental health center, a

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77 1 federally qualified health center, and at least one
77 2 nursing facility as consistent with any other law
77 3 enacted by the Eighty=fourth general assembly, 2011
77 4 session, that redesigns the mental health delivery
77 5 system in the state.
77 6 c. The entity certified to implement the pilot
77 7 project shall report to the joint appropriations
77 8 subcommittee for health and human services during the
77 9 2012 legislative session detailing the progress and
77 10 expected outcomes of the pilot project.
77 11 Sec. 73. EMERGENCY RULES. For purposes of the
77 12 initial rules to implement the provisions of section
77 13 16.185, as enacted by this division of this Act,
77 14 the Iowa finance authority may adopt administrative
77 15 rules under section 17A.4, subsection 3, and section
77 16 17A.5, subsection 2, paragraph "b", to implement
77 17 the provisions and the rules shall become effective
77 18 immediately upon filing or on a later effective date
77 19 specified in the rules, unless the effective date is
77 20 delayed by the administrative rules review committee.
77 21 Any rules adopted in accordance with this section
77 22 shall not take effect before the rules are reviewed
77 23 by the administrative rules review committee. The
77 24 delay authority provided to the administrative rules
77 25 review committee under section 17A.4, subsection 7, and
77 26 section 17A.8, subsection 9, shall be applicable to a
77 27 delay imposed under this section, notwithstanding a
77 28 provision in those sections making them inapplicable
77 29 to section 17A.5, subsection 2, paragraph "b". Any
77 30 rules adopted in accordance with the provisions of this
77 31 section shall also be published as a notice of intended
77 32 action as provided in section 17A.4.
77 33 Sec. 74. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
77 34 APPLICABILITY. Except as otherwise provided by this
77 35 division of this Act, this division of this Act, being
77 36 deemed of immediate importance, takes effect upon
77 37 enactment and if approved by the governor after July 1,
77 38 2011, applies retroactively to June 30, 2011.
77 39 Sec. 75. RETROACTIVE APPLICABILITY. The section of
77 40 this division of this Act addressing child welfare and
77 41 juvenile justice funding decategorization initiative
77 42 project funding for the period beginning June 1, 2010,
77 43 and ending June 30, 2012, applies retroactively to June
77 44 1, 2010.
77 45 Sec. 76. RETROACTIVE APPLICABILITY. The section
77 46 of this division of this Act amending section 35A.8A,
77 47 applies retroactively to July 1, 2010.
77 48 Sec. 77. RETROACTIVE APPLICABILITY. The section
77 49 of this division of this Act making transfers between
77 50 appropriations made to the department of human services

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for state institutions in 2010 Iowa Acts, chapter 1192, applies retroactively to January 1, 2011.

DIVISION VII

HEALTH AND HUMAN SERVICES

PREVENTION AND CHRONIC CARE MANAGEMENT

Sec. 78. Section 135.159, subsection 10, Code 2011, is amended to read as follows:

10. The department shall integrate the recommendations and policies developed ~~by the prevention and chronic care management advisory council~~ pursuant to section 135.161, Code 2011, into the medical home system and shall incorporate the development and implementation of the state initiative for prevention and chronic care management as developed pursuant to section 135.161, Code 2011, into the duties of the medical home system advisory council beginning January 1, 2012.

Sec. 79. Section 135.162, subsections 1 and 3, Code 2011, are amended to read as follows:

1. The director shall convene a clinicians advisory panel to advise and recommend to the department clinically appropriate, evidence=based best practices regarding the implementation of the medical home as defined in section 135.157~~and the prevention and chronic care management initiative pursuant to section 135.161~~. The director shall act as chairperson of the advisory panel.

3. The clinicians advisory panel shall meet on a quarterly basis to receive updates from the director regarding strategic planning and implementation progress on the medical home ~~and the prevention and chronic care management initiative~~ and shall provide clinical consultation to the department regarding the medical home ~~and the initiative~~.

Sec. 80. Section 136.3, subsection 14, Code 2011, is amended to read as follows:

14. Perform those duties authorized pursuant to sections 135.156~~,~~ and135.159~~, and 135.161,~~ and other provisions of law.

Sec. 81. REPEAL. Section 135.161, Code 2011, is repealed.

Sec. 82. EFFECTIVE DATE. This division of this Act takes effect December 31, 2011.

DIVISION IX

HEALTH AND HUMAN SERVICES

MISCELLANEOUS

Sec. 83. Section 29C.20B, Code 2011, is amended to read as follows:

29C.20B Disaster case management.

1. The ~~rebuild Iowa office~~ homeland security

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79 1 and emergency management division shall work with
79 2 the department of human services and nonprofit,
79 3 voluntary, and faith=based organizations active
79 4 in disaster recovery and response in coordination
79 5 with ~~the homeland security and emergency management~~
79 6 ~~division~~ the department of human services to establish
79 7 a statewide system of disaster case management to be
79 8 activated following the governor's proclamation of
79 9 a disaster emergency or the declaration of a major
79 10 disaster by the president of the United States for
79 11 individual assistance purposes. Under the system, the
79 12 ~~department of human services~~ homeland security and
79 13 emergency management division shall coordinate case
79 14 management services locally through local committees
79 15 as established in each local emergency management
79 16 commission's emergency plan. ~~Beginning July 1,~~
79 17 ~~2011, the department of human services shall assume~~
79 18 ~~the duties of the rebuild Iowa office under this~~
79 19 ~~subsection.~~
79 20 2. The ~~department of human services~~ homeland
79 21 security and emergency management division, in
79 22 conjunction with the ~~rebuild Iowa office, the homeland~~
79 23 ~~security and emergency management division~~ department
79 24 of human services, and an Iowa representative to
79 25 the national voluntary organizations active in
79 26 disaster, shall adopt rules pursuant to chapter 17A to
79 27 create coordination mechanisms and standards for the
79 28 establishment and implementation of a statewide system
79 29 of disaster case management which shall include at
79 30 least all of the following:
79 31 a. Disaster case management standards.
79 32 b. Disaster case management policies.
79 33 c. Reporting requirements.
79 34 d. Eligibility criteria.
79 35 e. Coordination mechanisms necessary to carry out
79 36 the services provided.
79 37 f. Develop formal working relationships with
79 38 agencies and create interagency agreements for
79 39 those considered to provide disaster case management
79 40 services.
79 41 g. Coordination of all available services for
79 42 individuals from multiple agencies.
79 43 Sec. 84. Section 135.106, Code 2011, is amended by
79 44 adding the following new subsection:
79 45 NEW SUBSECTION. 4. It is the intent of the general
79 46 assembly that priority for home visitation funding be
79 47 given to approaches using evidence=based or promising
79 48 models for home visitation.
79 49 Sec. 85. Section 135C.4, Code 2011, is amended to
79 50 read as follows:

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80 1 135C.4 Residential care facilities.
80 2 1. Each facility licensed as a residential care
80 3 facility shall provide an organized continuous
80 4 twenty=four=hour program of care commensurate with
80 5 the needs of the residents of the home and under
80 6 the immediate direction of a person approved and
80 7 certified by the department whose combined training and
80 8 supervised experience is such as to ensure adequate and
80 9 competent care.
80 10 2. All admissions to residential care facilities
80 11 shall be based on an order written by a physician
80 12 certifying that the individual being admitted does
80 13 not require nursing services or that the individual's
80 14 need for nursing services can be avoided if home and
80 15 community=based services, other than nursing care, as
80 16 defined by this chapter and departmental rule, are
80 17 provided.
80 18 3. For the purposes of this section, the home
80 19 and community=based services to be provided shall
80 20 be limited to the type included under the medical
80 21 assistance program provided pursuant to chapter 249A,
80 22 shall be subject to cost limitations established by
80 23 the department of human services under the medical
80 24 assistance program, and except as otherwise provided
80 25 by the department of inspections and appeals with
80 26 the concurrence of the department of human services,
80 27 shall be limited in capacity to the number of licensed
80 28 residential care facilities and the number of licensed
80 29 residential care facility beds in the state as of
80 30 December 1, 2003.
80 31 4. A residential care facility is not required
80 32 to admit an individual through court order, referral,
80 33 or other means if the individual has been arrested,
80 34 charged, or convicted of assault, a forcible felony,
80 35 arson, or an offense that requires registration as a
80 36 sex offender under chapter 692A. The court order,
80 37 referral, or other documentation for admission of
80 38 an individual to a residential care facility shall
80 39 contain sufficient information relating to the criminal
80 40 history of the individual in order for the facility
80 41 to make an informed decision about the admittance of
80 42 the individual. The court order, referral, or other
80 43 documentation shall be provided to the facility prior
80 44 to the facility determining whether to admit the
80 45 individual.
80 46 Sec. 86. Section 147.136, Code 2011, is amended to
80 47 read as follows:
80 48 147.136 Scope of recovery.
80 49 1. ~~In~~ Except as otherwise provided in subsection 2,
80 50 in an action for damages for personal injury against

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81 1 a physician and surgeon, osteopathic physician and
81 2 surgeon, dentist, podiatric physician, optometrist,
81 3 pharmacist, chiropractor, or nurse licensed to
81 4 practice that profession in this state, or against a
81 5 hospital licensed for operation in this state, based
81 6 on the alleged negligence of the practitioner in the
81 7 practice of the profession or occupation, or upon the
81 8 alleged negligence of the hospital in patient care,
81 9 in which liability is admitted or established, the
81 10 damages awarded shall not include actual economic
81 11 losses incurred or to be incurred in the future
81 12 by the claimant by reason of the personal injury,
81 13 including but not limited to, the cost of reasonable
81 14 and necessary medical care, rehabilitation services,
81 15 and custodial care, and the loss of services and loss
81 16 of earned income, to the extent that those losses
81 17 are replaced or are indemnified by insurance, or by
81 18 governmental, employment, or service benefit programs
81 19 or from any other source ~~except the assets of the~~
81 20 ~~claimant or of the members of the claimant's immediate~~
81 21 ~~family~~.
81 22 2. This section shall not bar recovery of economic
81 23 losses replaced or indemnified by any of the following:
81 24 a. Benefits received under the medical assistance
81 25 program under chapter 249A.
81 26 b. The assets of the claimant or of the members of
81 27 the claimant's immediate family.
81 28 Sec. 87. Section 153.14, subsection 1, Code 2011,
81 29 is amended to read as follows:
81 30 1. Students of dentistry who practice dentistry
81 31 upon patients at clinics in connection with their
81 32 regular course of instruction at ~~the state~~ an
81 33 accredited dental college, students of dental
81 34 hygiene who practice upon patients at clinics in
81 35 connection with their regular course of instruction
81 36 at state=approved schools, and students of dental
81 37 assisting who practice upon patients at clinics
81 38 in connection with a regular course of instruction
81 39 determined by the board pursuant to section 153.39.
81 40 Sec. 88. NEW SECTION. 155A.43 Pharmaceutical
81 41 collection and disposal program ==== annual allocation.
81 42 Of the fees collected pursuant to sections 124.301
81 43 and 147.80 and chapter 155A by the board of pharmacy,
81 44 and retained by the board pursuant to section 147.82,
81 45 not more than one hundred twenty=five thousand
81 46 dollars, may be allocated annually by the board for
81 47 administering the pharmaceutical collection and
81 48 disposal program originally established pursuant to
81 49 2009 Iowa Acts, chapter 175, section 9. The program
81 50 shall provide for the management and disposal of

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82 1 unused, excess, and expired pharmaceuticals. The
82 2 board of pharmacy may cooperate with the Iowa pharmacy
82 3 association and may consult with the department and
82 4 sanitary landfill operators in administering the
82 5 program.
82 6 Sec. 89. Section 225B.8, Code 2011, is amended to
82 7 read as follows:
82 8 225B.8 Repeal.
82 9 This chapter is repealed July 1, ~~2011~~ 2012.
82 10 Sec. 90. Section 232.188, subsection 5, paragraph
82 11 b, unnumbered paragraph 1, Code 2011, is amended to
82 12 read as follows:
82 13 Notwithstanding section 8.33, moneys designated for
82 14 a project's decategorization services funding pool that
82 15 remain unencumbered or unobligated at the close of the
82 16 fiscal year shall not revert but shall remain available
82 17 for expenditure as directed by the project's governance
82 18 board for child welfare and juvenile justice systems
82 19 enhancements and other purposes of the project ~~until~~
82 20 ~~the close of the succeeding fiscal year and~~ for the
82 21 next two succeeding fiscal years. Such moneys shall
82 22 be known as "carryover funding". Moneys may be made
82 23 available to a funding pool from one or more of the
82 24 following sources:
82 25 Sec. 91. Section 249A.4B, subsection 2, paragraph
82 26 a, subparagraph (18), Code 2011, is amended to read as
82 27 follows:
82 28 (18) The ~~Iowa/Nebraska~~ Iowa primary care
82 29 association.
82 30 Sec. 92. REPEAL. Section 135.27A, Code 2011, is
82 31 repealed December 31, 2011.
82 32 DIVISION X
82 33 HEALTH AND HUMAN SERVICES
82 34 MEDICAID PRESCRIPTION DRUGS
82 35 Sec. 93. Section 249A.20A, subsection 4, Code 2011,
82 36 is amended to read as follows:
82 37 4. With the exception of drugs prescribed for the
82 38 treatment of human immunodeficiency virus or acquired
82 39 immune deficiency syndrome, transplantation, or cancer
82 40 and drugs prescribed for mental illness with the
82 41 exception of drugs and drug compounds that do not
82 42 have a significant variation in a therapeutic profile
82 43 or side effect profile within a therapeutic class,
82 44 prescribing and dispensing of prescription drugs not
82 45 included on the preferred drug list shall be subject to
82 46 prior authorization.
82 47 Sec. 94. 2010 Iowa Acts, chapter 1031, section 348,
82 48 is amended to read as follows:
82 49 SEC. 348. MEDICAID NONPREFERRED DRUG LIST
82 50 PRESCRIBING.

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83 1 ~~1.~~ The department shall adopt rules pursuant
83 2 to chapter 17A to restrict physicians and other
83 3 prescribers to prescribing not more than a 72=hour
83 4 or three=day supply of a prescription drug not
83 5 included on the medical assistance preferred drug list
83 6 while seeking approval to continue prescribing the
83 7 medication.
83 8 ~~2. Notwithstanding subsection 1, the department~~
~~83 9 shall adopt rules pursuant to chapter 17A to restrict a~~
~~83 10 physician or other prescriber prescribing a chemically~~
~~83 11 unique mental health prescription drug to prescribing~~
~~83 12 not more than a seven=day supply of the prescription~~
~~83 13 drug while requesting approval to continue to prescribe~~
~~83 14 the medication. The rules shall provide that if~~
~~83 15 an approval or disapproval is not received by the~~
~~83 16 physician or other prescriber within 48 hours of the~~
~~83 17 request, the request is deemed approved.~~
83 18 Sec. 95. REPEAL. 2010 Iowa Acts, chapter 1031,
83 19 section 349, is repealed.
83 20 Sec. 96. RESCINDING AND ADOPTION OF RULES. The
83 21 department of human services shall rescind the rules
83 22 adopted pursuant to 2010 Iowa Acts, chapter 1031,
83 23 section 347, chapter 1031, section 348, subsection
83 24 2, and chapter 1031, section 349, and shall instead
83 25 adopt emergency rules under section 17A.4, subsection
83 26 3, and section 17A.5, subsection 2, paragraph "b",
83 27 to implement section 249A.20A, as amended in this
83 28 division of this Act, and the rules shall be effective
83 29 immediately upon filing and retroactively applicable to
83 30 January 1, 2011, unless a later date is specified in
83 31 the rules. Any rules adopted in accordance with this
83 32 section shall also be published as a notice of intended
83 33 action as provided in section 17A.4.
83 34 Sec. 97. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
83 35 APPLICABILITY. This division of this Act, being deemed
83 36 of immediate importance, takes effect upon enactment
83 37 and applies retroactively to January 1, 2011.
83 38 DIVISION XI
83 39 HEALTH AND HUMAN SERVICES
83 40 IOWA FALSE CLAIMS ACT
83 41 Sec. 98. Section 685.1, subsection 11, Code 2011,
83 42 is amended to read as follows:
83 43 11. "Original source" means an individual who ~~has~~
~~83 44 direct and independent~~ prior to a public disclosure
83 45 under section 685.3, subsection 5, paragraph "c", has
83 46 voluntarily disclosed to the state the information on
83 47 which the allegations or transactions in a claim are
83 48 based; or who has knowledge ~~of the information on which~~
~~83 49 the allegations are based~~ that is independent of and
83 50 materially adds to the publicly disclosed allegations

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84 1 or transactions, and has voluntarily provided the
84 2 information to the state before filing an action under
84 3 ~~section 685.3 which is based on the information~~ this
84 4 chapter.
84 5 Sec. 99. Section 685.1, Code 2011, is amended by
84 6 adding the following new subsection:
84 7 NEW SUBSECTION. 15. "State" means the state of
84 8 Iowa.
84 9 Sec. 100. Section 685.2, subsection 1, unnumbered
84 10 paragraph 1, Code 2011, is amended to read as follows:
84 11 A person who commits any of the following acts is
84 12 liable to the state for a civil penalty of not less
84 13 than ~~five thousand dollars~~ and not more than ~~ten~~
84 14 ~~thousand dollars~~ the civil penalty allowed under the
84 15 federal False Claims Act, as codified in 31 U.S.C. {
84 16 3729 et seq., as may be adjusted in accordance with
84 17 the inflation adjustment procedures prescribed in the
84 18 federal Civil Penalties Inflation Adjustment Act of
84 19 1990, Pub. L. No. 101=410, for each false or fraudulent
84 20 claim, plus three times the amount of damages which the
84 21 state sustains ~~because of the act of that person~~:
84 22 Sec. 101. Section 685.3, subsection 5, paragraph
84 23 c, Code 2011, is amended by striking the paragraph and
84 24 inserting in lieu thereof the following:
84 25 c. A court shall dismiss an action or claim
84 26 under this section, unless opposed by the state, if
84 27 substantially the same allegations or transactions as
84 28 alleged in the action or claim were publicly disclosed
84 29 in a state criminal, civil, or administrative hearing
84 30 in which the state or an agent of the state is a
84 31 party; in a state legislative, state auditor, or other
84 32 state report, hearing, audit, or investigation; or
84 33 by the news media, unless the action is brought by
84 34 the attorney general or the qui tam plaintiff is an
84 35 original source of the information.
84 36 Sec. 102. Section 685.3, subsection 6, Code 2011,
84 37 is amended to read as follows:
84 38 6. a. Any employee, contractor, or agent ~~who~~
84 39 shall be entitled to all relief necessary to make
84 40 that employee, contractor, or agent whole, if that
84 41 employee, contractor, or agent is discharged, demoted,
84 42 suspended, threatened, harassed, or in any other manner
84 43 discriminated against in the terms and conditions of
84 44 employment because of lawful acts ~~performed~~ done by
84 45 the employee, contractor, or agent ~~on behalf of the~~
84 46 ~~employee, contractor, or agent~~ or associated others in
84 47 furtherance of an action under this section or other
84 48 efforts to stop ~~a violation~~ one or more violations of
84 49 this chapter~~, shall be entitled to all relief necessary~~
84 50 ~~to make the employee, contractor, or agent whole~~. ~~Such~~

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~~85 1 relief~~
85 2 b. Relief under paragraph "a" shall include
85 3 reinstatement with the same seniority status ~~such~~
~~85 4~~ that employee, contractor, or agent would have had
85 5 but for the discrimination, two times the amount of
85 6 back pay, interest on the back pay, and compensation
85 7 for any special damages sustained as a result of
85 8 the discrimination, including litigation costs and
85 9 reasonable attorney fees. An ~~employee, contractor, or~~
~~85 10 agent may bring an~~ action under this subsection may be
85 11 brought in the appropriate district court of the state
85 12 for the relief provided in this subsection.
85 13 c. A civil action under this subsection shall not
85 14 be brought more than three years after the date when
85 15 the retaliation occurred.
85 16 DIVISION XII
85 17 HEALTH AND HUMAN SERVICES
85 18 VOLUNTEER HEALTH CARE PROVIDER PROGRAM
85 19 Sec. 103. Section 135.24, subsection 2, paragraphs
85 20 b and c, Code 2011, are amended to read as follows:
85 21 b. Procedures for registration of hospitals, free
85 22 clinics, field dental clinics, and specialty health
85 23 care provider offices.
85 24 c. Criteria for and identification of hospitals,
85 25 clinics, free clinics, field dental clinics, specialty
85 26 health care provider offices, or other health care
85 27 facilities, health care referral programs, or
85 28 charitable organizations, eligible to participate in
85 29 the provision of free medical, dental, chiropractic,
85 30 pharmaceutical, nursing, optometric, psychological,
85 31 social work, behavioral science, podiatric, physical
85 32 therapy, occupational therapy, respiratory therapy, or
85 33 emergency medical care services through the volunteer
85 34 health care provider program. A hospital, a clinic, a
85 35 free clinic, a field dental clinic, a specialty health
85 36 care provider office, a health care facility, a health
85 37 care referral program, a charitable organization, or
85 38 a health care provider participating in the program
85 39 shall not bill or charge a patient for any health care
85 40 provider service provided under the volunteer health
85 41 care provider program.
85 42 Sec. 104. Section 135.24, Code 2011, is amended by
85 43 adding the following new subsection:
85 44 NEW SUBSECTION. 6A. A hospital providing free care
85 45 under this section shall be considered a state agency
85 46 solely for the purposes of this section and chapter 669
85 47 and shall be afforded protection under chapter 669 as a
85 48 state agency for all claims arising from the provision
85 49 of free care by a health care provider registered under
85 50 subsection 3 who is providing services at the hospital

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86 1 in accordance with this section, if the hospital has
86 2 registered with the department pursuant to subsection
86 3 1.
86 4 Sec. 105. Section 135.24, subsection 7, Code 2011,
86 5 is amended by adding the following new paragraph:
86 6 NEW PARAGRAPH. 0e. "Hospital" means hospital as
86 7 defined in section 135B.1.
86 8 DIVISION XIII
86 9 HEALTH AND HUMAN SERVICES
86 10 DEPARTMENT ON AGING ==== FY 2012=2013
86 11 Sec. 106. DEPARTMENT ON AGING. There is
86 12 appropriated from the general fund of the state to
86 13 the department on aging for the fiscal year beginning
86 14 July 1, 2012, and ending June 30, 2013, the following
86 15 amount, or so much thereof as is necessary, to be used
86 16 for the purposes designated:
86 17 For aging programs for the department on aging and
86 18 area agencies on aging to provide citizens of Iowa who
86 19 are 60 years of age and older with case management for
86 20 frail elders, Iowa's aging and disabilities resource
86 21 center, and other services which may include but are
86 22 not limited to adult day services, respite care, chore
86 23 services, information and assistance, and material aid,
86 24 for information and options counseling for persons with
86 25 disabilities who are 18 years of age or older, and
86 26 for salaries, support, administration, maintenance,
86 27 and miscellaneous purposes, and for not more than the
86 28 following full=time equivalent positions:
86 29 ..... $ 8,757,190
86 30 ..... FTEs 35.00
86 31 1. Funds appropriated in this section may be used
86 32 to supplement federal funds under federal regulations.
86 33 To receive funds appropriated in this section, a local
86 34 area agency on aging shall match the funds with moneys
86 35 from other sources according to rules adopted by the
86 36 department. Funds appropriated in this section may be
86 37 used for elderly services not specifically enumerated
86 38 in this section only if approved by an area agency on
86 39 aging for provision of the service within the area.
86 40 2. The amount appropriated in this section includes
86 41 additional funding of $382,500 for delivery of
86 42 long=term care services to older individuals with low
86 43 or moderate incomes.
86 44 3. Of the funds appropriated in this section,
86 45 $152,954 shall be transferred to the department
86 46 of economic development for the Iowa commission on
86 47 volunteer services to be used for the retired and
86 48 senior volunteer program.
86 49 4. a. The department on aging shall establish and
86 50 enforce procedures relating to expenditure of state and

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87 1 federal funds by area agencies on aging that require
87 2 compliance with both state and federal laws, rules, and
87 3 regulations, including but not limited to all of the
87 4 following:
87 5 (1) Requiring that expenditures are incurred only
87 6 for goods or services received or performed prior to
87 7 the end of the fiscal period designated for use of the
87 8 funds.
87 9 (2) Prohibiting prepayment for goods or services
87 10 not received or performed prior to the end of the
87 11 fiscal period designated for use of the funds.
87 12 (3) Prohibiting the prepayment for goods or
87 13 services not defined specifically by good or service,
87 14 time period, or recipient.
87 15 (4) Prohibiting the establishment of accounts from
87 16 which future goods or services which are not defined
87 17 specifically by good or service, time period, or
87 18 recipient, may be purchased.
87 19 b. The procedures shall provide that if any funds
87 20 are expended in a manner that is not in compliance with
87 21 the procedures and applicable federal and state laws,
87 22 rules, and regulations, and are subsequently subject
87 23 to repayment, the area agency on aging expending such
87 24 funds in contravention of such procedures, laws, rules
87 25 and regulations, not the state, shall be liable for
87 26 such repayment.
87 27 DIVISION XIV
87 28 HEALTH AND HUMAN SERVICES
87 29 DEPARTMENT OF PUBLIC HEALTH ==== FY 2012=2013
87 30 Sec. 107. DEPARTMENT OF PUBLIC HEALTH. There is
87 31 appropriated from the general fund of the state to
87 32 the department of public health for the fiscal year
87 33 beginning July 1, 2012, and ending June 30, 2013, the
87 34 following amounts, or so much thereof as is necessary,
87 35 to be used for the purposes designated:
87 36 1. ADDICTIVE DISORDERS
87 37 For reducing the prevalence of use of tobacco,
87 38 alcohol, and other drugs, and treating individuals
87 39 affected by addictive behaviors, including gambling,
87 40 and for not more than the following full=time
87 41 equivalent positions:
87 42 ..... $ 17,597,712
87 43 ..... FTEs 13.00
87 44 a. (1) Of the funds appropriated in this
87 45 subsection, $385,756 shall be transferred to the
87 46 alcoholic beverages division of the department of
87 47 commerce for enforcement of tobacco laws, regulations,
87 48 and ordinances in accordance with 2011 Iowa Acts, House
87 49 File 467, as enacted.
87 50 (2) Implementation of the tobacco use prevention

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88 1 and control initiative for the fiscal year beginning
88 2 July 1, 2011, including efforts at the state and local
88 3 levels, as provided in chapter 142A, shall be limited
88 4 to the extent of the funding available.
88 5 b. Of the funds appropriated in this subsection
88 6 1, $17,211,956 shall be used for problem gambling and
88 7 substance abuse prevention, treatment, and recovery
88 8 services, including a 24=hour helpline, public
88 9 information resources, professional training, and
88 10 program evaluation.
88 11 (1) Of the funds allocated in this paragraph
88 12 "b", $14,562,632 shall be used for substance abuse
88 13 prevention and treatment.
88 14 (a) Of the funds allocated in this subparagraph
88 15 (1), $764,405 shall be used for the public purpose of
88 16 a grant program to provide substance abuse prevention
88 17 programming for children.
88 18 (i) Of the funds allocated in this subparagraph
88 19 division (a), $363,408 shall be used for grant funding
88 20 for organizations that provide programming for
88 21 children by utilizing mentors. Programs approved for
88 22 such grants shall be certified or will be certified
88 23 within six months of receiving the grant award by the
88 24 Iowa commission on volunteer services as utilizing
88 25 the standards for effective practice for mentoring
88 26 programs.
88 27 (ii) Of the funds allocated in this subparagraph
88 28 division (a), $362,813 shall be used for grant
88 29 funding for organizations that provide programming
88 30 that includes youth development and leadership. The
88 31 programs shall also be recognized as being programs
88 32 that are scientifically based with evidence of their
88 33 effectiveness in reducing substance abuse in children.
88 34 (iii) The department of public health shall utilize
88 35 a request for proposals process to implement the grant
88 36 program.
88 37 (iv) All grant recipients shall participate in a
88 38 program evaluation as a requirement for receiving grant
88 39 funds.
88 40 (v) Of the funds allocated in this subparagraph
88 41 division (a), up to $38,184 may be used to administer
88 42 substance abuse prevention grants and for program
88 43 evaluations.
88 44 (b) Of the funds allocated in this subparagraph
88 45 (1), $232,103 shall be used for culturally competent
88 46 substance abuse treatment pilot projects.
88 47 (i) The department shall utilize the amount
88 48 allocated in this subparagraph division (b) for at
88 49 least three pilot projects to provide culturally
88 50 competent substance abuse treatment in various areas

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89 1 of the state. Each pilot project shall target a
89 2 particular ethnic minority population. The populations
89 3 targeted shall include but are not limited to African
89 4 American, Asian, and Latino.
89 5 (ii) The pilot project requirements shall provide
89 6 for documentation or other means to ensure access
89 7 to the cultural competence approach used by a pilot
89 8 project so that such approach can be replicated and
89 9 improved upon in successor programs.
89 10 (2) Of the funds allocated in this paragraph "b",
89 11 up to $2,649,324 may be used for problem gambling
89 12 prevention, treatment, and recovery services.
89 13 (a) Of the funds allocated in this subparagraph
89 14 (2), $2,192,150 shall be used for problem gambling
89 15 prevention and treatment.
89 16 (b) Of the funds allocated in this subparagraph
89 17 (2), up to $372,174 may be used for a 24=hour helpline,
89 18 public information resources, professional training,
89 19 and program evaluation.
89 20 (c) Of the funds allocated in this subparagraph
89 21 (2), up to $85,000 may be used for the licensing of
89 22 problem gambling treatment programs.
89 23 (3) It is the intent of the general assembly that
89 24 from the moneys allocated in this paragraph "b",
89 25 persons with a dual diagnosis of substance abuse
89 26 and gambling addictions shall be given priority in
89 27 treatment services.
89 28 c. Notwithstanding any provision of law to the
89 29 contrary, to standardize the availability, delivery,
89 30 cost of delivery, and accountability of problem
89 31 gambling and substance abuse treatment services
89 32 statewide, the department shall continue implementation
89 33 of a process to create a system for delivery of
89 34 treatment services in accordance with the requirements
89 35 specified in 2008 Iowa Acts, chapter 1187, section
89 36 3, subsection 4. To ensure the system provides a
89 37 continuum of treatment services that best meets the
89 38 needs of Iowans, the problem gambling and substance
89 39 abuse treatment services in any area may be provided
89 40 either by a single agency or by separate agencies
89 41 submitting a joint proposal.
89 42 (1) The system for delivery of substance abuse
89 43 and problem gambling treatment shall include problem
89 44 gambling prevention by July 1, 2012. The department
89 45 shall submit a proposed legislative bill in accordance
89 46 with section 2.16, for consideration during the 2012
89 47 legislative session, addressing any statutory revisions
89 48 necessary for full implementation of the system.
89 49 (2) The system for delivery of substance abuse and
89 50 problem gambling treatment shall include substance

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90 1 abuse prevention by July 1, 2014.
90 2 (3) Of the funds allocated in paragraph "b", the
90 3 department may use up to $85,000 for administrative
90 4 costs to continue developing and implementing the
90 5 process in accordance with this paragraph "c".
90 6 d. The requirement of section 123.53, subsection
90 7 5, is met by the appropriations and allocations made
90 8 in the health and human services divisions of this Act
90 9 for purposes of substance abuse treatment and addictive
90 10 disorders for the fiscal year beginning July 1, 2012.
90 11 e. The department of public health shall work
90 12 with all other departments that fund substance
90 13 abuse prevention and treatment services and all
90 14 such departments shall, to the extent necessary,
90 15 collectively meet the state maintenance of effort
90 16 requirements for expenditures for substance abuse
90 17 services as required under the federal substance abuse
90 18 prevention and treatment block grant.
90 19 f. The department shall amend or otherwise
90 20 revise departmental policies and contract provisions
90 21 in order to eliminate free t=shirt distribution,
90 22 banner production, and other unnecessary promotional
90 23 expenditures.
90 24 2. HEALTHY CHILDREN AND FAMILIES
90 25 For promoting the optimum health status for
90 26 children, adolescents from birth through 21 years of
90 27 age, and families, and for not more than the following
90 28 full=time equivalent positions:
90 29 ..... $ 2,205,130
90 30 ..... FTEs 10.00
90 31 a. Of the funds appropriated in this subsection,
90 32 not more than $628,420 shall be used for the healthy
90 33 opportunities to experience success (HOPES)=healthy
90 34 families Iowa (HFI) program established pursuant to
90 35 section 135.106. The funding shall be distributed to
90 36 renew the grants that were provided to the grantees
90 37 that operated the program during the fiscal year ending
90 38 June 30, 2012.
90 39 b. Of the funds appropriated in this subsection,
90 40 $280,402 shall be used to continue to address the
90 41 healthy mental development of children from birth
90 42 through five years of age through local evidence=based
90 43 strategies that engage both the public and private
90 44 sectors in promoting healthy development, prevention,
90 45 and treatment for children.
90 46 c. Of the funds appropriated in this subsection,
90 47 $26,857 shall be distributed to a statewide dental
90 48 carrier to provide funds to continue the donated dental
90 49 services program patterned after the projects developed
90 50 by the lifeline network to provide dental services to

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91 1 indigent elderly and disabled individuals.
91 2 d. Of the funds appropriated in this subsection,
91 3 $95,775 shall be used for childhood obesity prevention.
91 4 e. Of the funds appropriated in this subsection,
91 5 $139,196 shall be used to provide audiological services
91 6 and hearing aids for children. The department may
91 7 enter into a contract to administer this paragraph.
91 8 3. CHRONIC CONDITIONS
91 9 For serving individuals identified as having chronic
91 10 conditions or special health care needs, and for not
91 11 more than the following full=time equivalent positions:
91 12 ..... $ 2,922,802
91 13 ..... FTEs 4.00
91 14 a. Of the funds appropriated in this subsection,
91 15 $136,495 shall be used for grants to individual
91 16 patients who have phenylketonuria (PKU) to assist with
91 17 the costs of necessary special foods.
91 18 b. Of the funds appropriated in this subsection,
91 19 $411,060 is allocated for continuation of the contracts
91 20 for resource facilitator services in accordance with
91 21 section 135.22B, subsection 9, and for brain injury
91 22 training services and recruiting of service providers
91 23 to increase the capacity within this state to address
91 24 the needs of individuals with brain injuries and such
91 25 individuals' families.
91 26 c. Of the funds appropriated in this subsection,
91 27 $398,543 shall be used as additional funding to
91 28 leverage federal funding through the federal Ryan
91 29 White Care Act, Tit. II, AIDS drug assistance program
91 30 supplemental drug treatment grants.
91 31 d. Of the funds appropriated in this subsection,
91 32 $26,566 shall be used for the public purpose of
91 33 providing a grant to an existing national=affiliated
91 34 organization to provide education, client=centered
91 35 programs, and client and family support for people
91 36 living with epilepsy and their families.
91 37 e. Of the funds appropriated in this subsection,
91 38 $670,057 shall be used for child health specialty
91 39 clinics.
91 40 f. Of the funds appropriated in this subsection,
91 41 $604,394 shall be used for the comprehensive cancer
91 42 control program to reduce the burden of cancer in
91 43 Iowa through prevention, early detection, effective
91 44 treatment, and ensuring quality of life. Of the funds
91 45 allocated in this lettered paragraph, $309,389 shall
91 46 be used to support a melanoma research symposium,
91 47 a melanoma biorepository and registry, basic and
91 48 translational melanoma research, and clinical trials.
91 49 g. Of the funds appropriated in this subsection,
91 50 $107,483 shall be used for cervical and colon cancer

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92 1 screening.
92 2 h. Of the funds appropriated in this subsection,
92 3 $358,515 shall be used for the center for congenital
92 4 and inherited disorders.
92 5 i. Of the funds appropriated in this subsection,
92 6 $110,446 shall be used for the prescription drug
92 7 donation repository program created in chapter 135M.
92 8 4. COMMUNITY CAPACITY
92 9 For strengthening the health care delivery system at
92 10 the local level, and for not more than the following
92 11 full=time equivalent positions:
92 12 ..... $ 3,751,954
92 13 ..... FTEs 14.00
92 14 a. Of the funds appropriated in this subsection,
92 15 $85,000 is allocated for a child vision screening
92 16 program implemented through the university of Iowa
92 17 hospitals and clinics in collaboration with early
92 18 childhood Iowa areas.
92 19 b. Of the funds appropriated in this subsection,
92 20 $94,612 is allocated for continuation of an initiative
92 21 implemented at the university of Iowa and $85,419 is
92 22 allocated for continuation of an initiative at the
92 23 state mental health institute at Cherokee to expand
92 24 and improve the workforce engaged in mental health
92 25 treatment and services. The initiatives shall receive
92 26 input from the university of Iowa, the department of
92 27 human services, the department of public health, and
92 28 the mental health, mental retardation, developmental
92 29 disabilities, and brain injury commission to address
92 30 the focus of the initiatives.
92 31 c. Of the funds appropriated in this subsection,
92 32 $995,767 shall be used for essential public health
92 33 services that promote healthy aging throughout the
92 34 lifespan, contracted through a formula for local boards
92 35 of health, to enhance health promotion and disease
92 36 prevention services.
92 37 d. Of the funds appropriated in this section,
92 38 $103,544 shall be deposited in the governmental public
92 39 health system fund created in section 135A.8 to be used
92 40 for the purposes of the fund.
92 41 e. Of the funds appropriated in this subsection,
92 42 $90,337 shall be used for the mental health
92 43 professional shortage area program implemented pursuant
92 44 to section 135.80.
92 45 f. Of the funds appropriated in this subsection,
92 46 $32,524 shall be used for a grant to a statewide
92 47 association of psychologists that is affiliated
92 48 with the American psychological association to be
92 49 used for continuation of a program to rotate intern
92 50 psychologists in placements in urban and rural mental

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93 1 health professional shortage areas, as defined in
93 2 section 135.80.
93 3 g. Of the funds appropriated in this subsection,
93 4 the following amounts shall be allocated to the Iowa
93 5 collaborative safety net provider network established
93 6 pursuant to section 135.153 to be used for the purposes
93 7 designated. The following amounts allocated under
93 8 this lettered paragraph shall be distributed to
93 9 the specified provider and shall not be reduced for
93 10 administrative or other costs prior to distribution:
93 11 (1) For distribution to the Iowa primary care
93 12 association for statewide coordination of the Iowa
93 13 collaborative safety net provider network:
93 14 ..... $ 99,107
93 15 (2) For distribution to the local boards of health
93 16 that provide direct services for pilot programs in
93 17 three counties to assist patients in determining an
93 18 appropriate medical home:
93 19 ..... $ 58,082
93 20 (3) For distribution to maternal and child health
93 21 centers for pilot programs in three counties to assist
93 22 patients in determining an appropriate medical home:
93 23 ..... $ 58,082
93 24 (4) For distribution to free clinics for necessary
93 25 infrastructure, statewide coordination, provider
93 26 recruitment, service delivery, and provision of
93 27 assistance to patients in determining an appropriate
93 28 medical home:
93 29 ..... $ 96,691
93 30 (5) For distribution to rural health clinics for
93 31 necessary infrastructure, statewide coordination,
93 32 provider recruitment, service delivery, and provision
93 33 of assistance to patients in determining an appropriate
93 34 medical home:
93 35 ..... $ 86,074
93 36 (6) For continuation of the safety net provider
93 37 patient access to specialty health care initiative as
93 38 described in 2007 Iowa Acts, chapter 218, section 109:
93 39 ..... $ 202,657
93 40 (7) For continuation of the pharmaceutical
93 41 infrastructure for safety net providers as described in
93 42 2007 Iowa Acts, chapter 218, section 108:
93 43 ..... $ 210,452
93 44 The Iowa collaborative safety net provider network
93 45 may continue to distribute funds allocated pursuant to
93 46 this lettered paragraph through existing contracts or
93 47 renewal of existing contracts.
93 48 h. Of the funds appropriated in this subsection,
93 49 $85,000 shall be used for continued implementation of
93 50 the recommendations of the direct care worker task

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94 1 force established pursuant to 2005 Iowa Acts, chapter
94 2 88, based upon the report submitted to the governor and
94 3 the general assembly in December 2006. The department
94 4 may use a portion of the funds allocated in this
94 5 lettered paragraph for an additional position to assist
94 6 in the continued implementation.
94 7 i. Of the funds appropriated in this subsection,
94 8 $127,500 shall be used for allocation through a request
94 9 for proposals process to a statewide direct care worker
94 10 association for education, outreach, and mentoring
94 11 intended to enhance the recruitment and retention of
94 12 direct care workers in health care and long=term care
94 13 settings. Funding allocated under this paragraph shall
94 14 not be used by the recipient association for lobbying
94 15 activities as described in section 689B.36.
94 16 j. The department may utilize one of the full=time
94 17 equivalent positions authorized in this subsection for
94 18 administration of the activities related to the Iowa
94 19 collaborative safety net provider network.
94 20 k. Of the funds appropriated in this subsection,
94 21 the department may use up to $51,000 for up to one
94 22 full=time equivalent position to administer the
94 23 volunteer health care provider program pursuant to
94 24 section 135.24.
94 25 l. Of the funds appropriated in this subsection,
94 26 $42,500 shall be used for a matching dental education
94 27 loan repayment program to be allocated to a dental
94 28 nonprofit health service corporation to develop the
94 29 criteria and implement the loan repayment program.
94 30 m. Of the funds appropriated in this subsection,
94 31 $309,389 shall be used as state matching funds for
94 32 the health information network as established by the
94 33 department of public health.
94 34 5. HEALTHY AGING
94 35 To provide public health services that reduce risks
94 36 and invest in promoting and protecting good health over
94 37 the course of a lifetime with a priority given to older
94 38 Iowans and vulnerable populations:
94 39 ..... $ 6,202,571
94 40 a. Of the funds appropriated in this subsection,
94 41 $1,707,809 shall be used for local public health
94 42 nursing services.
94 43 b. Of the funds appropriated in this subsection,
94 44 $4,494,762 shall be used for home care aide services.
94 45 6. ENVIRONMENTAL HAZARDS
94 46 For reducing the public's exposure to hazards in the
94 47 environment, primarily chemical hazards, and for not
94 48 more than the following full=time equivalent positions:
94 49 ..... $ 691,710
94 50 ..... FTEs 4.00

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95 1 Of the funds appropriated in this subsection,
95 2 $462,720 shall be used for childhood lead poisoning
95 3 provisions.
95 4 7. INFECTIOUS DISEASES
95 5 For reducing the incidence and prevalence of
95 6 communicable diseases, and for not more than the
95 7 following full=time equivalent positions:
95 8 ..... $ 1,143,970
95 9 ..... FTEs 4.00
95 10 8. PUBLIC PROTECTION
95 11 For protecting the health and safety of the
95 12 public through establishing standards and enforcing
95 13 regulations, and for not more than the following
95 14 full=time equivalent positions:
95 15 ..... $ 2,359,797
95 16 ..... FTEs 125.00
95 17 a. Of the funds appropriated in this subsection,
95 18 not more than $400,936 shall be credited to the
95 19 emergency medical services fund created in section
95 20 135.25. Moneys in the emergency medical services fund
95 21 are appropriated to the department to be used for the
95 22 purposes of the fund.
95 23 b. Of the funds appropriated in this subsection,
95 24 $179,026 shall be used for sexual violence prevention
95 25 programming through a statewide organization
95 26 representing programs serving victims of sexual
95 27 violence through the department's sexual violence
95 28 prevention program. The amount allocated in this
95 29 lettered paragraph shall not be used to supplant
95 30 funding administered for other sexual violence
95 31 prevention or victims assistance programs.
95 32 c. Of the funds appropriated in this subsection,
95 33 not more than $371,095 shall be used for the state
95 34 poison control center.
95 35 9. RESOURCE MANAGEMENT
95 36 For establishing and sustaining the overall
95 37 ability of the department to deliver services to the
95 38 public, and for not more than the following full=time
95 39 equivalent positions:
95 40 ..... $ 696,621
95 41 ..... FTEs 7.00
95 42 The university of Iowa hospitals and clinics under
95 43 the control of the state board of regents shall not
95 44 receive indirect costs from the funds appropriated in
95 45 this section. The university of Iowa hospitals and
95 46 clinics billings to the department shall be on at least
95 47 a quarterly basis.
95 48 DIVISION XV
95 49 HEALTH AND HUMAN SERVICES
95 50 DEPARTMENT OF VETERANS AFFAIRS ==== FY 2012=2013

Senate Amendment 3375 continued

96 1 Sec. 108. DEPARTMENT OF VETERANS AFFAIRS. There
96 2 is appropriated from the general fund of the state to
96 3 the department of veterans affairs for the fiscal year
96 4 beginning July 1, 2012, and ending June 30, 2013, the
96 5 following amounts, or so much thereof as is necessary,
96 6 to be used for the purposes designated:
96 7 1. DEPARTMENT OF VETERANS AFFAIRS ADMINISTRATION
96 8 For salaries, support, maintenance, and
96 9 miscellaneous purposes, including the war orphans
96 10 educational assistance fund created in section
96 11 35.8, and for not more than the following full=time
96 12 equivalent positions:
96 13 ..... $ 849,007
96 14 ..... FTEs 16.34
96 15 2. IOWA VETERANS HOME
96 16 For salaries, support, maintenance, and
96 17 miscellaneous purposes:
96 18 ..... $ 7,609,328
96 19 a. The Iowa veterans home billings involving the
96 20 department of human services shall be submitted to the
96 21 department on at least a monthly basis.
96 22 b. If there is a change in the employer of
96 23 employees providing services at the Iowa veterans home
96 24 under a collective bargaining agreement, such employees
96 25 and the agreement shall be continued by the successor
96 26 employer as though there had not been a change in
96 27 employer.
96 28 c. Within available resources and in conformance
96 29 with associated state and federal program eligibility
96 30 requirements, the Iowa veterans home may implement
96 31 measures to provide financial assistance to or on
96 32 behalf of veterans or their spouses participating in
96 33 the community reentry program.
96 34 3. STATE EDUCATIONAL ASSISTANCE ==== CHILDREN OF
96 35 DECEASED VETERANS
96 36 For provision of educational assistance pursuant to
96 37 section 35.9:
96 38 ..... $ 10,554
96 39 Sec. 109. LIMITATION OF COUNTY
96 40 COMMISSION OF VETERANS AFFAIRS FUND STANDING
96 41 APPROPRIATIONS. Notwithstanding the standing
96 42 appropriation in the following designated section for
96 43 the fiscal year beginning July 1, 2012, and ending June
96 44 30, 2013, the amounts appropriated from the general
96 45 fund of the state pursuant to that section for the
96 46 following designated purposes shall not exceed the
96 47 following amount:
96 48 For the county commissions of veterans affairs fund
96 49 under section 35A.16:
96 50 ..... $ 841,500

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97 1 DIVISION XVI
97 2 HEALTH AND HUMAN SERVICES
97 3 DEPARTMENT OF HUMAN SERVICES ==== FY 2012=2013
97 4 Sec. 110. TEMPORARY ASSISTANCE FOR NEEDY FAMILIES
97 5 BLOCK GRANT. There is appropriated from the fund
97 6 created in section 8.41 to the department of human
97 7 services for the fiscal year beginning July 1, 2012,
97 8 and ending June 30, 2013, from moneys received under
97 9 the federal temporary assistance for needy families
97 10 (TANF) block grant pursuant to the federal Personal
97 11 Responsibility and Work Opportunity Reconciliation
97 12 Act of 1996, Pub. L. No. 104=193, and successor
97 13 legislation, and from moneys received under the
97 14 emergency contingency fund for temporary assistance
97 15 for needy families state program established pursuant
97 16 to the federal American Recovery and Reinvestment
97 17 Act of 2009, Pub. L. No. 111=5 { 2101, and successor
97 18 legislation, the following amounts, or so much
97 19 thereof as is necessary, to be used for the purposes
97 20 designated:
97 21 1. To be credited to the family investment program
97 22 account and used for assistance under the family
97 23 investment program under chapter 239B:
97 24 ..... $ 18,275,627
97 25 2. To be credited to the family investment program
97 26 account and used for the job opportunities and
97 27 basic skills (JOBS) program and implementing family
97 28 investment agreements in accordance with chapter 239B:
97 29 ..... $ 10,549,799
97 30 3. To be used for the family development and
97 31 self=sufficiency grant program in accordance with
97 32 section 216A.107:
97 33 ..... $ 2,464,133
97 34 Notwithstanding section 8.33, moneys appropriated in
97 35 this subsection that remain unencumbered or unobligated
97 36 at the close of the fiscal year shall not revert but
97 37 shall remain available for expenditure for the purposes
97 38 designated until the close of the succeeding fiscal
97 39 year. However, unless such moneys are encumbered or
97 40 obligated on or before September 30, 2013, the moneys
97 41 shall revert.
97 42 4. For field operations:
97 43 ..... $ 26,601,797
97 44 5. For general administration:
97 45 ..... $ 3,182,400
97 46 6. For state child care assistance:
97 47 ..... $ 13,925,284
97 48 The funds appropriated in this subsection shall be
97 49 transferred to the child care and development block
97 50 grant appropriation made by the Eighty=fourth General

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98 1 Assembly, 2012 Session, for the federal fiscal year
98 2 beginning October 1, 2012, and ending September 30,
98 3 2013. Of this amount, $170,000 shall be used for
98 4 provision of educational opportunities to registered
98 5 child care home providers in order to improve services
98 6 and programs offered by this category of providers and
98 7 to increase the number of providers. The department
98 8 may contract with institutions of higher education or
98 9 child care resource and referral centers to provide the
98 10 educational opportunities. Allowable administrative
98 11 costs under the contracts shall not exceed 5 percent.
98 12 The application for a grant shall not exceed two pages
98 13 in length.
98 14 7. For mental health and developmental disabilities
98 15 community services:
98 16 ..... $ 4,159,944
98 17 8. For child and family services:
98 18 ..... $ 27,271,766
98 19 9. For child abuse prevention grants:
98 20 ..... $ 106,250
98 21 10. For pregnancy prevention grants on the
98 22 condition that family planning services are funded:
98 23 ..... $ 1,640,557
98 24 Pregnancy prevention grants shall be awarded
98 25 to pregnancy prevention programs that are based
98 26 on existing models that have demonstrated positive
98 27 outcomes. Grants shall comply with the requirements
98 28 provided in 1997 Iowa Acts, chapter 208, section 14,
98 29 subsections 1 and 2, including the requirement that
98 30 grant programs must emphasize sexual abstinence.
98 31 Priority in the awarding of grants shall be given
98 32 to programs that serve areas of the state which
98 33 demonstrate the highest percentage of unplanned
98 34 pregnancies of females of childbearing age within the
98 35 geographic area to be served by the grant.
98 36 11. For technology needs and other resources
98 37 necessary to meet federal welfare reform reporting,
98 38 tracking, and case management requirements:
98 39 ..... $ 881,608
98 40 12. To be credited to the state child care
98 41 assistance appropriation made in this section to be
98 42 used for funding of community=based early childhood
98 43 programs targeted to children from birth through five
98 44 years of age developed by early childhood Iowa areas as
98 45 provided in section 256I.11:
98 46 ..... $ 5,397,500
98 47 The department shall transfer TANF block grant
98 48 funding appropriated and allocated in this subsection
98 49 to the child care and development block grant
98 50 appropriation in accordance with federal law as

Senate Amendment 3375 continued

99 1 necessary to comply with the provisions of this
99 2 subsection.
99 3 13. a. Notwithstanding any provision to the
99 4 contrary, including but not limited to requirements
99 5 in section 8.41 or provisions in 2011 or 2012 Iowa
99 6 Acts regarding the receipt and appropriation of
99 7 federal block grants, federal funds from the emergency
99 8 contingency fund for temporary assistance for needy
99 9 families state program established pursuant to the
99 10 federal American Recovery and Reinvestment Act of
99 11 2009, Pub. L. No. 111=5 { 2101, received by the state
99 12 during the fiscal year beginning July 1, 2011, and
99 13 ending June 30, 2012, not otherwise appropriated in
99 14 this section and remaining available as of July 1,
99 15 2012, and received by the state during the fiscal year
99 16 beginning July 1, 2012, and ending June 30, 2013, are
99 17 appropriated to the extent as may be necessary to be
99 18 used in the following priority order: the family
99 19 investment program for the fiscal year and for state
99 20 child care assistance program payments for individuals
99 21 enrolled in the family investment program who are
99 22 employed. The federal funds appropriated in this
99 23 paragraph "a" shall be expended only after all other
99 24 funds appropriated in subsection 1 for the assistance
99 25 under the family investment program under chapter 239B
99 26 have been expended.
99 27 b. The department shall, on a quarterly basis,
99 28 advise the legislative services agency and department
99 29 of management of the amount of funds appropriated in
99 30 this subsection that was expended in the prior quarter.
99 31 14. Of the amounts appropriated in this section,
99 32 $11,017,707 for the fiscal year beginning July 1,
99 33 2012, shall be transferred to the appropriation of
99 34 the federal social services block grant made for that
99 35 fiscal year.
99 36 15. For continuation of the program allowing the
99 37 department to maintain categorical eligibility for the
99 38 food assistance program as required under the section
99 39 of this division of this Act relating to the family
99 40 investment account:
99 41 ..... $ 124,161
99 42 16. The department may transfer funds allocated
99 43 in this section to the appropriations made in this
99 44 division of this Act for general administration and
99 45 field operations for resources necessary to implement
99 46 and operate the services referred to in this section
99 47 and those funded in the appropriation made in this
99 48 division of this Act for the family investment program
99 49 from the general fund of the state.
99 50 Sec. 111. FAMILY INVESTMENT PROGRAM ACCOUNT.

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100 1 1. Moneys credited to the family investment program
100 2 (FIP) account for the fiscal year beginning July
100 3 1, 2012, and ending June 30, 2013, shall be used to
100 4 provide assistance in accordance with chapter 239B.
100 5 2. The department may use a portion of the moneys
100 6 credited to the FIP account under this section as
100 7 necessary for salaries, support, maintenance, and
100 8 miscellaneous purposes.
100 9 3. The department may transfer funds allocated in
100 10 this section to the appropriations in this division
100 11 of this Act for general administration and field
100 12 operations for resources necessary to implement and
100 13 operate the services referred to in this section and
100 14 those funded in the appropriation made in this division
100 15 of this Act for the family investment program from the
100 16 general fund of the state.
100 17 4. Moneys appropriated in this division of this Act
100 18 and credited to the FIP account for the fiscal year
100 19 beginning July 1, 2012, and ending June 30, 2013, are
100 20 allocated as follows:
100 21 a. To be retained by the department of human
100 22 services to be used for coordinating with the
100 23 department of human rights to more effectively serve
100 24 participants in the FIP program and other shared
100 25 clients and to meet federal reporting requirements
100 26 under the federal temporary assistance for needy
100 27 families block grant:
100 28 ..... $ 17,000
100 29 b. To the department of human rights for staffing,
100 30 administration, and implementation of the family
100 31 development and self=sufficiency grant program in
100 32 accordance with section 216A.107:
100 33 ..... $ 4,541,409
100 34 (1) Of the funds allocated for the family
100 35 development and self=sufficiency grant program in this
100 36 lettered paragraph, not more than 5 percent of the
100 37 funds shall be used for the administration of the grant
100 38 program.
100 39 (2) The department of human rights may continue to
100 40 implement the family development and self=sufficiency
100 41 grant program statewide during fiscal year 2012=2013.
100 42 c. For the diversion subaccount of the FIP account:
100 43 ..... $ 1,443,640
100 44 A portion of the moneys allocated for the subaccount
100 45 may be used for field operations salaries, data
100 46 management system development, and implementation
100 47 costs and support deemed necessary by the director of
100 48 human services in order to administer the FIP diversion
100 49 program.
100 50 d. For the food stamp employment and training

Senate Amendment 3375 continued

101 1 program:
101 2 ..... $ 56,600
101 3 (1) The department shall amend the food stamp
101 4 employment and training state plan in order to maximize
101 5 to the fullest extent permitted by federal law the
101 6 use of the 50=50 match provisions for the claiming
101 7 of allowable federal matching funds from the United
101 8 States department of agriculture pursuant to the
101 9 federal food stamp employment and training program for
101 10 providing education, employment, and training services
101 11 for eligible food assistance program participants,
101 12 including but not limited to related dependent care and
101 13 transportation expenses.
101 14 (2) The department shall continue the categorical
101 15 federal food assistance program eligibility at 160
101 16 percent of the federal poverty level and continue to
101 17 eliminate the asset test from eligibility requirements,
101 18 consistent with federal food assistance program
101 19 requirements. The department shall include as many
101 20 food assistance households as is allowed by federal
101 21 law. The eligibility provisions shall conform to all
101 22 federal requirements including requirements addressing
101 23 individuals who are incarcerated or otherwise
101 24 ineligible.
101 25 e. For the JOBS program:
101 26 ..... $ 17,200,519
101 27 5. Of the child support collections assigned under
101 28 FIP, an amount equal to the federal share of support
101 29 collections shall be credited to the child support
101 30 recovery appropriation made in this division of this
101 31 Act. Of the remainder of the assigned child support
101 32 collections received by the child support recovery
101 33 unit, a portion shall be credited to the FIP account,
101 34 a portion may be used to increase recoveries, and a
101 35 portion may be used to sustain cash flow in the child
101 36 support payments account. If as a consequence of the
101 37 appropriations and allocations made in this section
101 38 the resulting amounts are insufficient to sustain
101 39 cash assistance payments and meet federal maintenance
101 40 of effort requirements, the department shall seek
101 41 supplemental funding. If child support collections
101 42 assigned under FIP are greater than estimated or are
101 43 otherwise determined not to be required for maintenance
101 44 of effort, the state share of either amount may be
101 45 transferred to or retained in the child support payment
101 46 account.
101 47 6. The department may adopt emergency rules for
101 48 the family investment, JOBS, food stamp, and medical
101 49 assistance programs if necessary to comply with federal
101 50 requirements.

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102 1 Sec. 112. FAMILY INVESTMENT PROGRAM GENERAL
102 2 FUND. There is appropriated from the general fund of
102 3 the state to the department of human services for the
102 4 fiscal year beginning July 1, 2012, and ending June 30,
102 5 2013, the following amount, or so much thereof as is
102 6 necessary, to be used for the purpose designated:
102 7 To be credited to the family investment program
102 8 (FIP) account and used for family investment program
102 9 assistance under chapter 239B:
102 10 ..... $ 42,645,373
102 11 1. Of the funds appropriated in this section,
102 12 $6,650,720 is allocated for the JOBS program.
102 13 2. Of the funds appropriated in this section,
102 14 $2,094,276 is allocated for the family development and
102 15 self=sufficiency grant program.
102 16 3. Notwithstanding section 8.39, for the fiscal
102 17 year beginning July 1, 2012, if necessary to meet
102 18 federal maintenance of effort requirements or to
102 19 transfer federal temporary assistance for needy
102 20 families block grant funding to be used for purposes
102 21 of the federal social services block grant or to meet
102 22 cash flow needs resulting from delays in receiving
102 23 federal funding or to implement, in accordance with
102 24 this division of this Act, activities currently funded
102 25 with juvenile court services, county, or community
102 26 moneys and state moneys used in combination with such
102 27 moneys, the department of human services may transfer
102 28 funds within or between any of the appropriations made
102 29 in this division of this Act and appropriations in law
102 30 for the federal social services block grant to the
102 31 department for the following purposes, provided that
102 32 the combined amount of state and federal temporary
102 33 assistance for needy families block grant funding for
102 34 each appropriation remains the same before and after
102 35 the transfer:
102 36 a. For the family investment program.
102 37 b. For child care assistance.
102 38 c. For child and family services.
102 39 d. For field operations.
102 40 e. For general administration.
102 41 f. MH/MR/DD/BI community services (local purchase).
102 42 This subsection shall not be construed to prohibit
102 43 the use of existing state transfer authority for other
102 44 purposes. The department shall report any transfers
102 45 made pursuant to this subsection to the legislative
102 46 services agency.
102 47 4. Of the funds appropriated in this section,
102 48 $166,326 shall be used for continuation of a grant to
102 49 an Iowa=based nonprofit organization with a history
102 50 of providing tax preparation assistance to low=income

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103 1 Iowans in order to expand the usage of the earned
103 2 income tax credit. The purpose of the grant is to
103 3 supply this assistance to underserved areas of the
103 4 state.
103 5 Sec. 113. CHILD SUPPORT RECOVERY. There is
103 6 appropriated from the general fund of the state to
103 7 the department of human services for the fiscal year
103 8 beginning July 1, 2012, and ending June 30, 2013, the
103 9 following amount, or so much thereof as is necessary,
103 10 to be used for the purposes designated:
103 11 For child support recovery, including salaries,
103 12 support, maintenance, and miscellaneous purposes, and
103 13 for not more than the following full=time equivalent
103 14 positions:
103 15 ..... $ 11,087,783
103 16 ..... FTEs 475.00
103 17 1. The department shall expend up to $20,680,
103 18 including federal financial participation, for the
103 19 fiscal year beginning July 1, 2012, for a child support
103 20 public awareness campaign. The department and the
103 21 office of the attorney general shall cooperate in
103 22 continuation of the campaign. The public awareness
103 23 campaign shall emphasize, through a variety of media
103 24 activities, the importance of maximum involvement of
103 25 both parents in the lives of their children as well as
103 26 the importance of payment of child support obligations.
103 27 2. Federal access and visitation grant moneys shall
103 28 be issued directly to private not=for=profit agencies
103 29 that provide services designed to increase compliance
103 30 with the child access provisions of court orders,
103 31 including but not limited to neutral visitation sites
103 32 and mediation services.
103 33 3. The appropriation made to the department for
103 34 child support recovery may be used throughout the
103 35 fiscal year in the manner necessary for purposes of
103 36 cash flow management, and for cash flow management
103 37 purposes the department may temporarily draw more
103 38 than the amount appropriated, provided the amount
103 39 appropriated is not exceeded at the close of the fiscal
103 40 year.
103 41 4. With the exception of the funding amount
103 42 specified, the requirements established under 2001
103 43 Iowa Acts, chapter 191, section 3, subsection 5,
103 44 paragraph "c", subparagraph (3), shall be applicable
103 45 to parental obligation pilot projects for the fiscal
103 46 year beginning July 1, 2012, and ending June 30,
103 47 2013. Notwithstanding 441 IAC 100.8, providing for
103 48 termination of rules relating to the pilot projects,
103 49 the rules shall remain in effect until June 30, 2013.
103 50 Sec. 114. HEALTH CARE TRUST FUND ==== MEDICAL

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104 1 ASSISTANCE. Any funds remaining in the health
104 2 care trust fund created in section 453A.35A for the
104 3 fiscal year beginning July 1, 2012, and ending June
104 4 30, 2013, are appropriated to the department of
104 5 human services to supplement the medical assistance
104 6 program appropriations made in the health and human
104 7 services divisions of this Act, for medical assistance
104 8 reimbursement and associated costs, including
104 9 program administration and costs associated with
104 10 implementation.
104 11 Sec. 115. MEDICAL ASSISTANCE. There is
104 12 appropriated from the general fund of the state to
104 13 the department of human services for the fiscal year
104 14 beginning July 1, 2012, and ending June 30, 2013, the
104 15 following amount, or so much thereof as is necessary,
104 16 to be used for the purpose designated:
104 17 For medical assistance reimbursement and associated
104 18 costs as specifically provided in the reimbursement
104 19 methodologies in effect on June 30, 2012, except as
104 20 otherwise expressly authorized by law, including
104 21 reimbursement for abortion services which shall be
104 22 available under the medical assistance program only for
104 23 those abortions which are medically necessary:
104 24 ..... $907,162,189
104 25 1. Medically necessary abortions are those
104 26 performed under any of the following conditions:
104 27 a. The attending physician certifies that
104 28 continuing the pregnancy would endanger the life of the
104 29 pregnant woman.
104 30 b. Any spontaneous abortion, commonly known as a
104 31 miscarriage, if not all of the products of conception
104 32 are expelled.
104 33 2. The department shall utilize not more than
104 34 $60,000 of the funds appropriated in this section
104 35 to continue the AIDS/HIV health insurance premium
104 36 payment program as established in 1992 Iowa Acts,
104 37 Second Extraordinary Session, chapter 1001, section
104 38 409, subsection 6. Of the funds allocated in this
104 39 subsection, not more than $5,000 may be expended for
104 40 administrative purposes.
104 41 3. Of the funds appropriated in the department of
104 42 public health division of this Act to the department of
104 43 public health for addictive disorders for FY 2012=2013,
104 44 $950,000 for the fiscal year beginning July 1, 2012,
104 45 shall be transferred to the department of human
104 46 services for an integrated substance abuse managed care
104 47 system. The department shall not assume management
104 48 of the substance abuse system in place of the managed
104 49 care contractor unless such a change in approach is
104 50 specifically authorized in law. The departments of

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105 1 human services and public health shall work together
105 2 to maintain the level of mental health and substance
105 3 abuse services provided by the managed care contractor
105 4 through the Iowa plan for behavioral health. Each
105 5 department shall take the steps necessary to continue
105 6 the federal waivers as necessary to maintain the level
105 7 of services.
105 8 4. a. The department shall aggressively pursue
105 9 options for providing medical assistance or other
105 10 assistance to individuals with special needs who become
105 11 ineligible to continue receiving services under the
105 12 early and periodic screening, diagnostic, and treatment
105 13 program under the medical assistance program due
105 14 to becoming 21 years of age who have been approved
105 15 for additional assistance through the department's
105 16 exception to policy provisions, but who have health
105 17 care needs in excess of the funding available through
105 18 the exception to policy provisions.
105 19 b. Of the funds appropriated in this section,
105 20 $100,000 shall be used for participation in one or more
105 21 pilot projects operated by a private provider to allow
105 22 the individual or individuals to receive service in the
105 23 community in accordance with principles established in
105 24 Olmstead v. L.C., 527 U.S. 581 (1999), for the purpose
105 25 of providing medical assistance or other assistance to
105 26 individuals with special needs who become ineligible
105 27 to continue receiving services under the early and
105 28 periodic screening, diagnosis, and treatment program
105 29 under the medical assistance program due to becoming
105 30 21 years of age who have been approved for additional
105 31 assistance through the department's exception to policy
105 32 provisions, but who have health care needs in excess
105 33 of the funding available through the exception to the
105 34 policy provisions.
105 35 5. Of the funds appropriated in this section, up to
105 36 $3,050,082 may be transferred to the field operations
105 37 or general administration appropriations in this
105 38 division of this Act for operational costs associated
105 39 with Part D of the federal Medicare Prescription Drug
105 40 Improvement and Modernization Act of 2003, Pub. L. No.
105 41 108=173.
105 42 6. Of the funds appropriated in this section, up
105 43 to $442,100 may be transferred to the appropriation
105 44 in this division of this Act for medical contracts
105 45 to be used for clinical assessment services and prior
105 46 authorization of services.
105 47 7. A portion of the funds appropriated in this
105 48 section may be transferred to the appropriations in
105 49 this division of this Act for general administration,
105 50 medical contracts, the children's health insurance

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106 1 program, or field operations to be used for the
106 2 state match cost to comply with the payment error
106 3 rate measurement (PERM) program for both the medical
106 4 assistance and children's health insurance programs
106 5 as developed by the centers for Medicare and Medicaid
106 6 services of the United States department of health and
106 7 human services to comply with the federal Improper
106 8 Payments Information Act of 2002, Pub. L. No. 107=300.
106 9 8. It is the intent of the general assembly
106 10 that the department continue to implement the
106 11 recommendations of the assuring better child health
106 12 and development initiative II (ABCDII) clinical panel
106 13 to the Iowa early and periodic screening, diagnostic,
106 14 and treatment services healthy mental development
106 15 collaborative board regarding changes to billing
106 16 procedures, codes, and eligible service providers.
106 17 9. Of the funds appropriated in this section,
106 18 a sufficient amount is allocated to supplement
106 19 the incomes of residents of nursing facilities,
106 20 intermediate care facilities for persons with mental
106 21 illness, and intermediate care facilities for persons
106 22 with mental retardation, with incomes of less than $50
106 23 in the amount necessary for the residents to receive a
106 24 personal needs allowance of $50 per month pursuant to
106 25 section 249A.30A.
106 26 10. Of the funds appropriated in this section,
106 27 the following amounts shall be transferred to the
106 28 appropriations made in this division of this Act for
106 29 the state mental health institutes:
106 30 a. Cherokee mental health institute ..... $
106 31 9,098,425
106 32 b. Clarinda mental health institute ..... $
106 33 1,977,305
106 34 c. Independence mental health institute ..... $
106 35 9,045,894
106 36 d. Mount Pleasant mental health institute .... $
106 37 5,752,587
106 38 11. a. Of the funds appropriated in this section,
106 39 $7,425,684 is allocated for the state match for a
106 40 disproportionate share hospital payment of $19,133,430
106 41 to hospitals that meet both of the conditions specified
106 42 in subparagraphs (1) and (2). In addition, the
106 43 hospitals that meet the conditions specified shall
106 44 either certify public expenditures or transfer to
106 45 the medical assistance program an amount equal to
106 46 provide the nonfederal share for a disproportionate
106 47 share hospital payment of $7,500,000. The hospitals
106 48 that meet the conditions specified shall receive and
106 49 retain 100 percent of the total disproportionate share
106 50 hospital payment of $26,633,430.

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107 1 (1) The hospital qualifies for disproportionate
107 2 share and graduate medical education payments.
107 3 (2) The hospital is an Iowa state=owned hospital
107 4 with more than 500 beds and eight or more distinct
107 5 residency specialty or subspecialty programs recognized
107 6 by the American college of graduate medical education.
107 7 b. Distribution of the disproportionate share
107 8 payments shall be made on a monthly basis. The total
107 9 amount of disproportionate share payments including
107 10 graduate medical education, enhanced disproportionate
107 11 share, and Iowa state=owned teaching hospital payments
107 12 shall not exceed the amount of the state's allotment
107 13 under Pub. L. No. 102=234. In addition, the total
107 14 amount of all disproportionate share payments shall not
107 15 exceed the hospital=specific disproportionate share
107 16 limits under Pub. L. No. 103=66.
107 17 12. The university of Iowa hospitals and clinics
107 18 shall either certify public expenditures or transfer to
107 19 the medical assistance appropriation an amount equal
107 20 to provide the nonfederal share for increased medical
107 21 assistance payments for inpatient and outpatient
107 22 hospital services of $9,900,000. The university of
107 23 Iowa hospitals and clinics shall receive and retain 100
107 24 percent of the total increase in medical assistance
107 25 payments.
107 26 13. Of the funds appropriated in this section,
107 27 up to $4,480,304 may be transferred to the IowaCare
107 28 account created in section 249J.24.
107 29 14. Of the funds appropriated in this section,
107 30 $200,000 shall be used for the Iowa chronic care
107 31 consortium pursuant to 2003 Iowa Acts, chapter 112,
107 32 section 12, as amended by 2003 Iowa Acts, chapter 179,
107 33 sections 166 and 167.
107 34 15. One hundred percent of the nonfederal share of
107 35 payments to area education agencies that are medical
107 36 assistance providers for medical assistance=covered
107 37 services provided to medical assistance=covered
107 38 children, shall be made from the appropriation made in
107 39 this section.
107 40 16. Any new or renewed contract entered into by the
107 41 department with a third party to administer behavioral
107 42 health services under the medical assistance program
107 43 shall provide that any interest earned on payments
107 44 from the state during the state fiscal year shall be
107 45 remitted to the department and treated as recoveries to
107 46 offset the costs of the medical assistance program.
107 47 17. The department shall continue to implement the
107 48 provisions in 2007 Iowa Acts, chapter 218, section
107 49 124 and section 126, as amended by 2008 Iowa Acts,
107 50 chapter 1188, section 55, relating to eligibility for

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108 1 certain persons with disabilities under the medical
108 2 assistance program in accordance with the federal
108 3 family opportunity Act.
108 4 18. A portion of the funds appropriated in this
108 5 section may be transferred to the appropriation in this
108 6 division of this Act for medical contracts to be used
108 7 for administrative activities associated with the money
108 8 follows the person demonstration project.
108 9 19. Of the funds appropriated in this section,
108 10 $349,011 shall be used for the administration of the
108 11 health insurance premium payment program, including
108 12 salaries, support, maintenance, and miscellaneous
108 13 purposes for the fiscal year beginning July 1, 2012.
108 14 20. Notwithstanding any provision of law to the
108 15 contrary, the department of human services shall
108 16 continue implementation of the amended section 1915(b)
108 17 waiver and Iowa plan contract for inclusion of remedial
108 18 services under the Iowa plan contract for the fiscal
108 19 year beginning July 1, 2012.
108 20 Sec. 116. MEDICAL CONTRACTS. There is appropriated
108 21 from the general fund of the state to the department of
108 22 human services for the fiscal year beginning July 1,
108 23 2012, and ending June 30, 2013, the following amount,
108 24 or so much thereof as is necessary, to be used for the
108 25 purpose designated:
108 26 For medical contracts:
108 27 ..... $ 4,950,267
108 28 The department of inspections and appeals shall
108 29 provide all state matching funds for survey and
108 30 certification activities performed by the department
108 31 of inspections and appeals. The department of human
108 32 services is solely responsible for distributing the
108 33 federal matching funds for such activities.
108 34 Sec. 117. STATE SUPPLEMENTARY ASSISTANCE.
108 35 1. There is appropriated from the general fund of
108 36 the state to the department of human services for the
108 37 fiscal year beginning July 1, 2012, and ending June 30,
108 38 2013, the following amount, or so much thereof as is
108 39 necessary, to be used for the purpose designated:
108 40 For the state supplementary assistance program:
108 41 ..... $ 14,323,135
108 42 2. The department shall increase the personal needs
108 43 allowance for residents of residential care facilities
108 44 by the same percentage and at the same time as federal
108 45 supplemental security income and federal social
108 46 security benefits are increased due to a recognized
108 47 increase in the cost of living. The department may
108 48 adopt emergency rules to implement this subsection.
108 49 3. If during the fiscal year beginning July 1,
108 50 2012, the department projects that state supplementary

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109 1 assistance expenditures for a calendar year will not
109 2 meet the federal pass=through requirement specified
109 3 in Tit. XVI of the federal Social Security Act,
109 4 section 1618, as codified in 42 U.S.C. { 1382g,
109 5 the department may take actions including but not
109 6 limited to increasing the personal needs allowance
109 7 for residential care facility residents and making
109 8 programmatic adjustments or upward adjustments of the
109 9 residential care facility or in=home health=related
109 10 care reimbursement rates prescribed in this division of
109 11 this Act to ensure that federal requirements are met.
109 12 In addition, the department may make other programmatic
109 13 and rate adjustments necessary to remain within the
109 14 amount appropriated in this section while ensuring
109 15 compliance with federal requirements. The department
109 16 may adopt emergency rules to implement the provisions
109 17 of this subsection.
109 18 Sec. 118. CHILDREN'S HEALTH INSURANCE
109 19 PROGRAM. There is appropriated from the general
109 20 fund of the state to the department of human services
109 21 for the fiscal year beginning July 1, 2012, and ending
109 22 June 30, 2013, the following amount, or so much thereof
109 23 as is necessary, to be used for the purpose designated:
109 24 For maintenance of the healthy and well kids in Iowa
109 25 (hawk=i) program pursuant to chapter 514I, including
109 26 supplemental dental services, for receipt of federal
109 27 financial participation under Tit. XXI of the federal
109 28 Social Security Act, which creates the children's
109 29 health insurance program:
109 30 ..... $ 27,775,579
109 31 Sec. 119. CHILD CARE ASSISTANCE. There is
109 32 appropriated from the general fund of the state to
109 33 the department of human services for the fiscal year
109 34 beginning July 1, 2012, and ending June 30, 2013, the
109 35 following amount, or so much thereof as is necessary,
109 36 to be used for the purpose designated:
109 37 For child care programs:
109 38 ..... $ 46,952,013
109 39 1. Of the funds appropriated in this section,
109 40 $44,088,000 shall be used for state child care
109 41 assistance in accordance with section 237A.13.
109 42 2. Nothing in this section shall be construed or
109 43 is intended as or shall imply a grant of entitlement
109 44 for services to persons who are eligible for assistance
109 45 due to an income level consistent with the waiting
109 46 list requirements of section 237A.13. Any state
109 47 obligation to provide services pursuant to this section
109 48 is limited to the extent of the funds appropriated in
109 49 this section.
109 50 3. Of the funds appropriated in this section,

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110 1 $367,585 is allocated for the statewide program for
110 2 child care resource and referral services under section
110 3 237A.26. A list of the registered and licensed child
110 4 care facilities operating in the area served by a
110 5 child care resource and referral service shall be made
110 6 available to the families receiving state child care
110 7 assistance in that area.
110 8 4. Of the funds appropriated in this section,
110 9 $796,428 is allocated for child care quality
110 10 improvement initiatives including but not limited to
110 11 the voluntary quality rating system in accordance with
110 12 section 237A.30.
110 13 5. The department may use any of the funds
110 14 appropriated in this section as a match to obtain
110 15 federal funds for use in expanding child care
110 16 assistance and related programs. For the purpose of
110 17 expenditures of state and federal child care funding,
110 18 funds shall be considered obligated at the time
110 19 expenditures are projected or are allocated to the
110 20 department's service areas. Projections shall be based
110 21 on current and projected caseload growth, current and
110 22 projected provider rates, staffing requirements for
110 23 eligibility determination and management of program
110 24 requirements including data systems management,
110 25 staffing requirements for administration of the
110 26 program, contractual and grant obligations and any
110 27 transfers to other state agencies, and obligations for
110 28 decategorization or innovation projects.
110 29 6. A portion of the state match for the federal
110 30 child care and development block grant shall be
110 31 provided as necessary to meet federal matching
110 32 funds requirements through the state general fund
110 33 appropriation made for child development grants and
110 34 other programs for at=risk children in section 279.51.
110 35 7. If a uniform reduction ordered by the governor
110 36 under section 8.31 or other operation of law,
110 37 transfer, or federal funding reduction reduces the
110 38 appropriation made in this section for the fiscal year,
110 39 the percentage reduction in the amount paid out to or
110 40 on behalf of the families participating in the state
110 41 child care assistance program shall be equal to or
110 42 less than the percentage reduction made for any other
110 43 purpose payable from the appropriation made in this
110 44 section and the federal funding relating to it. The
110 45 percentage reduction to the other allocations made in
110 46 this section shall be the same as the uniform reduction
110 47 ordered by the governor or the percentage change of the
110 48 federal funding reduction, as applicable. If there is
110 49 an unanticipated increase in federal funding provided
110 50 for state child care assistance, the entire amount

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111 1 of the increase shall be used for state child care
111 2 assistance payments. If the appropriations made for
111 3 purposes of the state child care assistance program for
111 4 the fiscal year are determined to be insufficient, it
111 5 is the intent of the general assembly to appropriate
111 6 sufficient funding for the fiscal year in order to
111 7 avoid establishment of waiting list requirements.
111 8 8. Notwithstanding section 8.33, moneys
111 9 appropriated in this section or received from the
111 10 federal appropriations made for the purposes of this
111 11 section that remain unencumbered or unobligated at the
111 12 close of the fiscal year shall not revert to any fund
111 13 but shall remain available for expenditure for the
111 14 purposes designated until the close of the succeeding
111 15 fiscal year.
111 16 Sec. 120. JUVENILE INSTITUTIONS. There is
111 17 appropriated from the general fund of the state to
111 18 the department of human services for the fiscal year
111 19 beginning July 1, 2012, and ending June 30, 2013, the
111 20 following amounts, or so much thereof as is necessary,
111 21 to be used for the purposes designated:
111 22 1. For operation of the Iowa juvenile home at
111 23 Toledo and for salaries, support, maintenance, and
111 24 miscellaneous purposes, and for not more than the
111 25 following full=time equivalent positions:
111 26 ..... $ 7,019,513
111 27 ..... FTEs 114.00
111 28 2. For operation of the state training school at
111 29 Eldora and for salaries, support, maintenance, and
111 30 miscellaneous purposes, and for not more than the
111 31 following full=time equivalent positions:
111 32 ..... $ 9,042,875
111 33 ..... FTEs 164.30
111 34 Of the funds appropriated in this subsection,
111 35 $77,478 shall be used for distribution to licensed
111 36 classroom teachers at this and other institutions under
111 37 the control of the department of human services based
111 38 upon the average student yearly enrollment at each
111 39 institution as determined by the department.
111 40 3. A portion of the moneys appropriated in this
111 41 section shall be used by the state training school and
111 42 by the Iowa juvenile home for grants for adolescent
111 43 pregnancy prevention activities at the institutions in
111 44 the fiscal year beginning July 1, 2012.
111 45 Sec. 121. CHILD AND FAMILY SERVICES.
111 46 1. There is appropriated from the general fund of
111 47 the state to the department of human services for the
111 48 fiscal year beginning July 1, 2012, and ending June 30,
111 49 2013, the following amount, or so much thereof as is
111 50 necessary, to be used for the purpose designated:

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112 1 For child and family services:
112 2 ..... $ 69,981,332
112 3 2. In order to address a reduction of $5,200,000
112 4 from the amount allocated under the appropriation made
112 5 for the purposes of this section in prior years for
112 6 purposes of juvenile delinquent graduated sanction
112 7 services, up to $4,420,000 of the amount of federal
112 8 temporary assistance for needy families block grant
112 9 funding appropriated in this division of this Act for
112 10 child and family services shall be made available for
112 11 purposes of juvenile delinquent graduated sanction
112 12 services.
112 13 3. The department may transfer funds appropriated
112 14 in this section as necessary to pay the nonfederal
112 15 costs of services reimbursed under the medical
112 16 assistance program, state child care assistance
112 17 program, or the family investment program which are
112 18 provided to children who would otherwise receive
112 19 services paid under the appropriation in this section.
112 20 The department may transfer funds appropriated in this
112 21 section to the appropriations made in this division
112 22 of this Act for general administration and for field
112 23 operations for resources necessary to implement and
112 24 operate the services funded in this section.
112 25 4. a. Of the funds appropriated in this section,
112 26 up to $25,643,760 is allocated as the statewide
112 27 expenditure target under section 232.143 for group
112 28 foster care maintenance and services. If the
112 29 department projects that such expenditures for the
112 30 fiscal year will be less than the target amount
112 31 allocated in this lettered paragraph, the department
112 32 may reallocate the excess to provide additional
112 33 funding for shelter care or the child welfare emergency
112 34 services addressed with the allocation for shelter
112 35 care.
112 36 b. If at any time after September 30, 2012,
112 37 annualization of a service area's current expenditures
112 38 indicates a service area is at risk of exceeding its
112 39 group foster care expenditure target under section
112 40 232.143 by more than 5 percent, the department and
112 41 juvenile court services shall examine all group
112 42 foster care placements in that service area in order
112 43 to identify those which might be appropriate for
112 44 termination. In addition, any aftercare services
112 45 believed to be needed for the children whose
112 46 placements may be terminated shall be identified. The
112 47 department and juvenile court services shall initiate
112 48 action to set dispositional review hearings for the
112 49 placements identified. In such a dispositional review
112 50 hearing, the juvenile court shall determine whether

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113 1 needed aftercare services are available and whether
113 2 termination of the placement is in the best interest of
113 3 the child and the community.
113 4 5. In accordance with the provisions of section
113 5 232.188, the department shall continue the child
113 6 welfare and juvenile justice funding initiative during
113 7 fiscal year 2012=2013. Of the funds appropriated in
113 8 this section, $1,460,090 is allocated specifically
113 9 for expenditure for fiscal year 2012=2013 through the
113 10 decategorization service funding pools and governance
113 11 boards established pursuant to section 232.188.
113 12 6. A portion of the funds appropriated in this
113 13 section may be used for emergency family assistance
113 14 to provide other resources required for a family
113 15 participating in a family preservation or reunification
113 16 project or successor project to stay together or to be
113 17 reunified.
113 18 7. Notwithstanding section 234.35 or any other
113 19 provision of law to the contrary, state funding for
113 20 shelter care and the child welfare emergency services
113 21 contracting implemented to provide for or prevent the
113 22 need for shelter care shall be limited to $6,094,599.
113 23 The department may execute contracts that result from
113 24 the department's request for proposal, bid number
113 25 ACFS=11=114, to provide the range of child welfare
113 26 emergency services described in the request for
113 27 proposals, and any subsequent amendments to the request
113 28 for proposals.
113 29 8. Federal funds received by the state during
113 30 the fiscal year beginning July 1, 2012, as the
113 31 result of the expenditure of state funds appropriated
113 32 during a previous state fiscal year for a service or
113 33 activity funded under this section are appropriated
113 34 to the department to be used as additional funding
113 35 for services and purposes provided for under this
113 36 section. Notwithstanding section 8.33, moneys
113 37 received in accordance with this subsection that remain
113 38 unencumbered or unobligated at the close of the fiscal
113 39 year shall not revert to any fund but shall remain
113 40 available for the purposes designated until the close
113 41 of the succeeding fiscal year.
113 42 9. Of the funds appropriated in this section, at
113 43 least $3,141,842 shall be used for protective child
113 44 care assistance.
113 45 10. a. Of the funds appropriated in this section,
113 46 up to $1,753,115 is allocated for the payment of
113 47 the expenses of court=ordered services provided to
113 48 juveniles who are under the supervision of juvenile
113 49 court services, which expenses are a charge upon the
113 50 state pursuant to section 232.141, subsection 4. Of

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114 1 the amount allocated in this lettered paragraph,
114 2 up to $1,322,844 shall be made available to provide
114 3 school=based supervision of children adjudicated under
114 4 chapter 232, of which not more than $12,750 may be used
114 5 for the purpose of training. A portion of the cost of
114 6 each school=based liaison officer shall be paid by the
114 7 school district or other funding source as approved by
114 8 the chief juvenile court officer.
114 9 b. Of the funds appropriated in this section, up to
114 10 $636,637 is allocated for the payment of the expenses
114 11 of court=ordered services provided to children who are
114 12 under the supervision of the department, which expenses
114 13 are a charge upon the state pursuant to section
114 14 232.141, subsection 4.
114 15 c. Notwithstanding section 232.141 or any other
114 16 provision of law to the contrary, the amounts allocated
114 17 in this subsection shall be distributed to the
114 18 judicial districts as determined by the state court
114 19 administrator and to the department's service areas as
114 20 determined by the administrator of the department's
114 21 division of child and family services. The state court
114 22 administrator and the division administrator shall make
114 23 the determination of the distribution amounts on or
114 24 before June 15, 2012.
114 25 d. Notwithstanding chapter 232 or any other
114 26 provision of law to the contrary, a district or
114 27 juvenile court shall not order any service which is
114 28 a charge upon the state pursuant to section 232.141
114 29 if there are insufficient court=ordered services
114 30 funds available in the district court or departmental
114 31 service area distribution amounts to pay for the
114 32 service. The chief juvenile court officer and the
114 33 departmental service area manager shall encourage use
114 34 of the funds allocated in this subsection such that
114 35 there are sufficient funds to pay for all court=related
114 36 services during the entire year. The chief juvenile
114 37 court officers and departmental service area managers
114 38 shall attempt to anticipate potential surpluses and
114 39 shortfalls in the distribution amounts and shall
114 40 cooperatively request the state court administrator
114 41 or division administrator to transfer funds between
114 42 the judicial districts' or departmental service areas'
114 43 distribution amounts as prudent.
114 44 e. Notwithstanding any provision of law to the
114 45 contrary, a district or juvenile court shall not order
114 46 a county to pay for any service provided to a juvenile
114 47 pursuant to an order entered under chapter 232 which
114 48 is a charge upon the state under section 232.141,
114 49 subsection 4.
114 50 f. Of the funds allocated in this subsection, not

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115 1 more than $70,550 may be used by the judicial branch
115 2 for administration of the requirements under this
115 3 subsection.
115 4 g. Of the funds allocated in this subsection,
115 5 $14,450 shall be used by the department of human
115 6 services to support the interstate commission for
115 7 juveniles in accordance with the interstate compact for
115 8 juveniles as provided in section 232.173.
115 9 11. Of the funds appropriated in this section,
115 10 $4,609,212 is allocated for juvenile delinquent
115 11 graduated sanctions services. Any state funds saved as
115 12 a result of efforts by juvenile court services to earn
115 13 federal Tit. IV=E match for juvenile court services
115 14 administration may be used for the juvenile delinquent
115 15 graduated sanctions services.
115 16 12. Of the funds appropriated in this section,
115 17 $840,042 shall be transferred to the department of
115 18 public health to be used for the child protection
115 19 center grant program in accordance with section
115 20 135.118.
115 21 13. If the department receives federal approval
115 22 to implement a waiver under Tit. IV=E of the federal
115 23 Social Security Act to enable providers to serve
115 24 children who remain in the children's families and
115 25 communities, for purposes of eligibility under the
115 26 medical assistance program, children who participate in
115 27 the waiver shall be considered to be placed in foster
115 28 care.
115 29 14. Of the funds appropriated in this section,
115 30 $2,609,357 is allocated for the preparation for adult
115 31 living program pursuant to section 234.46.
115 32 15. Of the funds appropriated in this section,
115 33 $442,128 shall be used for juvenile drug courts.
115 34 The amount allocated in this subsection shall be
115 35 distributed as follows:
115 36 To the judicial branch for salaries to assist with
115 37 the operation of juvenile drug court programs operated
115 38 in the following jurisdictions:
115 39 a. Marshall county:
115 40 ..... $ 53,302
115 41 b. Woodbury county:
115 42 ..... $ 106,830
115 43 c. Polk county:
115 44 ..... $ 166,508
115 45 d. The third judicial district:
115 46 ..... $ 57,744
115 47 e. The eighth judicial district:
115 48 ..... $ 57,744
115 49 16. Of the funds appropriated in this section,
115 50 $193,236 shall be used for the public purpose of

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116 1 providing a grant to a nonprofit human services
116 2 organization providing services to individuals and
116 3 families in multiple locations in southwest Iowa and
116 4 Nebraska for support of a project providing immediate,
116 5 sensitive support and forensic interviews, medical
116 6 exams, needs assessments, and referrals for victims of
116 7 child abuse and their nonoffending family members.
116 8 17. Of the funds appropriated in this section,
116 9 $106,752 is allocated for the elevate approach of
116 10 providing a support network to children placed in
116 11 foster care.
116 12 18. Of the funds appropriated in this section,
116 13 $171,700 is allocated for use pursuant to section
116 14 235A.1 for continuation of the initiative to address
116 15 child sexual abuse implemented pursuant to 2007 Iowa
116 16 Acts, chapter 218, section 18, subsection 21.
116 17 19. Of the funds appropriated in this section,
116 18 $535,704 is allocated for the community partnership for
116 19 child protection sites.
116 20 20. Of the funds appropriated in this section,
116 21 $315,563 is allocated for the department's minority
116 22 youth and family projects under the redesign of the
116 23 child welfare system.
116 24 21. Of the funds appropriated in this section,
116 25 $1,020,421 is allocated for funding of the state match
116 26 for the federal substance abuse and mental health
116 27 services administration (SAMHSA) system of care grant.
116 28 22. Of the funds appropriated in this section, at
116 29 least $125,084 shall be used for the child welfare
116 30 training academy.
116 31 23. Of the funds appropriated in this section,
116 32 $21,250 shall be used for the public purpose of
116 33 providing a grant to a child welfare services provider
116 34 headquartered in a county with a population between
116 35 205,000 and 215,000 in the latest certified federal
116 36 census that provides multiple services including but
116 37 not limited to a psychiatric medical institution for
116 38 children, shelter, residential treatment, after school
116 39 programs, school=based programming, and an Asperger's
116 40 syndrome program, to be used for support services
116 41 for children with autism spectrum disorder and their
116 42 families.
116 43 24. Of the funds appropriated in this section,
116 44 $213,183 shall be used for the public purpose of
116 45 continuing the central Iowa system of care program
116 46 grant through June 30, 2013.
116 47 25. Of the funds appropriated in this section,
116 48 $136,000 shall be used for the public purpose of
116 49 continuing the system of care grant in Mason City and
116 50 Cedar Rapids through June 30, 2013.

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117 1 Sec. 122. ADOPTION SUBSIDY.
117 2 1. There is appropriated from the general fund of
117 3 the state to the department of human services for the
117 4 fiscal year beginning July 1, 2012, and ending June 30,
117 5 2013, the following amount, or so much thereof as is
117 6 necessary, to be used for the purpose designated:
117 7 For adoption subsidy payments and services:
117 8 ..... $ 29,662,952
117 9 2. The department may transfer funds appropriated
117 10 in this section to the appropriation made in this
117 11 division of this Act for general administration for
117 12 costs paid from the appropriation relating to adoption
117 13 subsidy.
117 14 3. Federal funds received by the state during the
117 15 fiscal year beginning July 1, 2012, as the result of
117 16 the expenditure of state funds during a previous state
117 17 fiscal year for a service or activity funded under
117 18 this section are appropriated to the department to
117 19 be used as additional funding for the services and
117 20 activities funded under this section. Notwithstanding
117 21 section 8.33, moneys received in accordance with this
117 22 subsection that remain unencumbered or unobligated at
117 23 the close of the fiscal year shall not revert to any
117 24 fund but shall remain available for expenditure for the
117 25 purposes designated until the close of the succeeding
117 26 fiscal year.
117 27 Sec. 123. JUVENILE DETENTION HOME FUND. Moneys
117 28 deposited in the juvenile detention home fund
117 29 created in section 232.142 during the fiscal year
117 30 beginning July 1, 2012, and ending June 30, 2013, are
117 31 appropriated to the department of human services for
117 32 the fiscal year beginning July 1, 2012, and ending
117 33 June 30, 2013, for distribution of an amount equal
117 34 to a percentage of the costs of the establishment,
117 35 improvement, operation, and maintenance of county or
117 36 multicounty juvenile detention homes in the fiscal
117 37 year beginning July 1, 2011. Moneys appropriated for
117 38 distribution in accordance with this section shall be
117 39 allocated among eligible detention homes, prorated on
117 40 the basis of an eligible detention home's proportion
117 41 of the costs of all eligible detention homes in the
117 42 fiscal year beginning July 1, 2011. The percentage
117 43 figure shall be determined by the department based on
117 44 the amount available for distribution for the fund.
117 45 Notwithstanding section 232.142, subsection 3, the
117 46 financial aid payable by the state under that provision
117 47 for the fiscal year beginning July 1, 2012, shall be
117 48 limited to the amount appropriated for the purposes of
117 49 this section.
117 50 Sec. 124. FAMILY SUPPORT SUBSIDY PROGRAM.

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118 1 1. There is appropriated from the general fund of
118 2 the state to the department of human services for the
118 3 fiscal year beginning July 1, 2012, and ending June 30,
118 4 2013, the following amount, or so much thereof as is
118 5 necessary, to be used for the purpose designated:
118 6 For the family support subsidy program subject
118 7 to the enrollment restrictions in section 225C.37,
118 8 subsection 3:
118 9 ..... $ 992,798
118 10 2. The department shall use at least $327,675 of
118 11 the moneys appropriated in this section for the family
118 12 support center component of the comprehensive family
118 13 support program under section 225C.47. Not more than
118 14 $21,250 of the amount allocated in this subsection
118 15 shall be used for administrative costs.
118 16 3. If at any time during the fiscal year, the
118 17 amount of funding available for the family support
118 18 subsidy program is reduced from the amount initially
118 19 used to establish the figure for the number of family
118 20 members for whom a subsidy is to be provided at any one
118 21 time during the fiscal year, notwithstanding section
118 22 225C.38, subsection 2, the department shall revise the
118 23 figure as necessary to conform to the amount of funding
118 24 available.
118 25 Sec. 125. CONNER DECREE. There is appropriated
118 26 from the general fund of the state to the department of
118 27 human services for the fiscal year beginning July 1,
118 28 2012, and ending June 30, 2013, the following amount,
118 29 or so much thereof as is necessary, to be used for the
118 30 purpose designated:
118 31 For building community capacity through the
118 32 coordination and provision of training opportunities
118 33 in accordance with the consent decree of Conner v.
118 34 Branstad, No. 4=86=CV=30871(S.D. Iowa, July 14, 1994):
118 35 ..... $ 28,579
118 36 Sec. 126. MENTAL HEALTH INSTITUTES. There is
118 37 appropriated from the general fund of the state to
118 38 the department of human services for the fiscal year
118 39 beginning July 1, 2012, and ending June 30, 2013, the
118 40 following amounts, or so much thereof as is necessary,
118 41 to be used for the purposes designated:
118 42 1. For the state mental health institute at
118 43 Cherokee for salaries, support, maintenance, and
118 44 miscellaneous purposes, and for not more than the
118 45 following full=time equivalent positions:
118 46 ..... $ 4,995,712
118 47 ..... FTEs 168.50
118 48 2. For the state mental health institute at
118 49 Clarinda for salaries, support, maintenance, and
118 50 miscellaneous purposes, and for not more than the

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119 1 following full=time equivalent positions:
119 2 ..... $ 5,449,974
119 3 ..... FTEs 86.10
119 4 3. For the state mental health institute at
119 5 Independence for salaries, support, maintenance, and
119 6 miscellaneous purposes, and for not more than the
119 7 following full=time equivalent positions:
119 8 ..... $ 8,734,332
119 9 ..... FTEs 233.00
119 10 4. For the state mental health institute at Mount
119 11 Pleasant for salaries, support, maintenance, and
119 12 miscellaneous purposes, and for not more than the
119 13 following full=time equivalent positions:
119 14 ..... $ 802,675
119 15 ..... FTEs 91.72
119 16 Sec. 127. STATE RESOURCE CENTERS.
119 17 1. There is appropriated from the general fund of
119 18 the state to the department of human services for the
119 19 fiscal year beginning July 1, 2012, and ending June 30,
119 20 2013, the following amounts, or so much thereof as is
119 21 necessary, to be used for the purposes designated:
119 22 a. For the state resource center at Glenwood for
119 23 salaries, support, maintenance, and miscellaneous
119 24 purposes:
119 25 ..... $ 15,816,631
119 26 b. For the state resource center at Woodward for
119 27 salaries, support, maintenance, and miscellaneous
119 28 purposes:
119 29 ..... $ 10,952,809
119 30 2. The department may continue to bill for state
119 31 resource center services utilizing a scope of services
119 32 approach used for private providers of ICFMR services,
119 33 in a manner which does not shift costs between the
119 34 medical assistance program, counties, or other sources
119 35 of funding for the state resource centers.
119 36 3. The state resource centers may expand the
119 37 time=limited assessment and respite services during the
119 38 fiscal year.
119 39 4. If the department's administration and the
119 40 department of management concur with a finding by a
119 41 state resource center's superintendent that projected
119 42 revenues can reasonably be expected to pay the salary
119 43 and support costs for a new employee position, or
119 44 that such costs for adding a particular number of new
119 45 positions for the fiscal year would be less than the
119 46 overtime costs if new positions would not be added, the
119 47 superintendent may add the new position or positions.
119 48 If the vacant positions available to a resource center
119 49 do not include the position classification desired to
119 50 be filled, the state resource center's superintendent

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120 1 may reclassify any vacant position as necessary to
120 2 fill the desired position. The superintendents of the
120 3 state resource centers may, by mutual agreement, pool
120 4 vacant positions and position classifications during
120 5 the course of the fiscal year in order to assist one
120 6 another in filling necessary positions.
120 7 5. If existing capacity limitations are reached
120 8 in operating units, a waiting list is in effect
120 9 for a service or a special need for which a payment
120 10 source or other funding is available for the service
120 11 or to address the special need, and facilities for
120 12 the service or to address the special need can be
120 13 provided within the available payment source or other
120 14 funding, the superintendent of a state resource center
120 15 may authorize opening not more than two units or
120 16 other facilities and begin implementing the service
120 17 or addressing the special need during fiscal year
120 18 2012=2013.
120 19 Sec. 128. MI/MR/DD STATE CASES.
120 20 1. There is appropriated from the general fund of
120 21 the state to the department of human services for the
120 22 fiscal year beginning July 1, 2012, and ending June 30,
120 23 2013, the following amount, or so much thereof as is
120 24 necessary, to be used for the purpose designated:
120 25 For distribution to counties for state case services
120 26 for persons with mental illness, mental retardation,
120 27 and developmental disabilities in accordance with
120 28 section 331.440:
120 29 ..... $ 10,344,060
120 30 2. For the fiscal year beginning July 1, 2012,
120 31 and ending June 30, 2013, $170,000 is allocated for
120 32 state case services from the amounts appropriated from
120 33 the fund created in section 8.41 to the department
120 34 of human services from the funds received from the
120 35 federal government under 42 U.S.C. ch. 6A, subch. XVII,
120 36 relating to the community mental health center block
120 37 grant, for the federal fiscal years beginning October
120 38 1, 2010, and ending September 30, 2011, beginning
120 39 October 1, 2011, and ending September 30, 2012, and
120 40 beginning October 1, 2012, and ending September 30,
120 41 2013. The allocation made in this subsection shall be
120 42 made prior to any other distribution allocation of the
120 43 appropriated federal funds.
120 44 3. Notwithstanding section 8.33, moneys
120 45 appropriated in this section that remain unencumbered
120 46 or unobligated at the close of the fiscal year shall
120 47 not revert but shall remain available for expenditure
120 48 for the purposes designated until the close of the
120 49 succeeding fiscal year.
120 50 Sec. 129. MENTAL HEALTH AND DEVELOPMENTAL

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121 1 DISABILITIES ==== COMMUNITY SERVICES FUND. There is
121 2 appropriated from the general fund of the state to the
121 3 mental health and developmental disabilities community
121 4 services fund created in section 225C.7 for the fiscal
121 5 year beginning July 1, 2012, and ending June 30,
121 6 2013, the following amount, or so much thereof as is
121 7 necessary, to be used for the purpose designated:
121 8 For mental health and developmental disabilities
121 9 community services in accordance with this division of
121 10 this Act:
121 11 ..... $ 14,211,100
121 12 1. Of the funds appropriated in this section,
121 13 $14,187,556 shall be allocated to counties for funding
121 14 of community=based mental health and developmental
121 15 disabilities services. The moneys shall be allocated
121 16 to a county as follows:
121 17 a. Fifty percent based upon the county's proportion
121 18 of the state's population of persons with an annual
121 19 income which is equal to or less than the poverty
121 20 guideline established by the federal office of
121 21 management and budget.
121 22 b. Fifty percent based upon the county's proportion
121 23 of the state's general population.
121 24 2. a. A county shall utilize the funding the
121 25 county receives pursuant to subsection 1 for services
121 26 provided to persons with a disability, as defined in
121 27 section 225C.2. However, no more than 50 percent of
121 28 the funding shall be used for services provided to any
121 29 one of the service populations.
121 30 b. A county shall use at least 50 percent of
121 31 the funding the county receives under subsection 1
121 32 for contemporary services provided to persons with
121 33 a disability, as described in rules adopted by the
121 34 department.
121 35 3. Of the funds appropriated in this section,
121 36 $20,012 shall be used to support the Iowa compass
121 37 program providing computerized information and referral
121 38 services for Iowans with disabilities and their
121 39 families.
121 40 4. a. Funding appropriated for purposes of the
121 41 federal social services block grant is allocated for
121 42 distribution to counties for local purchase of services
121 43 for persons with mental illness or mental retardation
121 44 or other developmental disability.
121 45 b. The funds allocated in this subsection shall be
121 46 expended by counties in accordance with the county's
121 47 county management plan approved by the board of
121 48 supervisors. A county without an approved county
121 49 management plan shall not receive allocated funds until
121 50 the county's management plan is approved.

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122 1 c. The funds provided by this subsection shall be
122 2 allocated to each county as follows:
122 3 (1) Fifty percent based upon the county's
122 4 proportion of the state's population of persons with
122 5 an annual income which is equal to or less than the
122 6 poverty guideline established by the federal office of
122 7 management and budget.
122 8 (2) Fifty percent based upon the amount provided
122 9 to the county for local purchase of services in the
122 10 preceding fiscal year.
122 11 5. A county is eligible for funds under this
122 12 section if the county qualifies for a state payment as
122 13 described in section 331.439.
122 14 6. The most recent population estimates issued by
122 15 the United States bureau of the census shall be applied
122 16 for the population factors utilized in this section.
122 17 Sec. 130. SEXUALLY VIOLENT PREDATORS.
122 18 1. There is appropriated from the general fund of
122 19 the state to the department of human services for the
122 20 fiscal year beginning July 1, 2012, and ending June 30,
122 21 2013, the following amount, or so much thereof as is
122 22 necessary, to be used for the purpose designated:
122 23 For costs associated with the commitment and
122 24 treatment of sexually violent predators in the unit
122 25 located at the state mental health institute at
122 26 Cherokee, including costs of legal services and
122 27 other associated costs, including salaries, support,
122 28 maintenance, and miscellaneous purposes, and for not
122 29 more than the following full=time equivalent positions:
122 30 ..... $ 6,418,118
122 31 ..... FTEs 89.50
122 32 2. Unless specifically prohibited by law, if the
122 33 amount charged provides for recoupment of at least
122 34 the entire amount of direct and indirect costs, the
122 35 department of human services may contract with other
122 36 states to provide care and treatment of persons placed
122 37 by the other states at the unit for sexually violent
122 38 predators at Cherokee. The moneys received under such
122 39 a contract shall be considered to be repayment receipts
122 40 and used for the purposes of the appropriation made in
122 41 this section.
122 42 Sec. 131. FIELD OPERATIONS. There is appropriated
122 43 from the general fund of the state to the department of
122 44 human services for the fiscal year beginning July 1,
122 45 2012, and ending June 30, 2013, the following amount,
122 46 or so much thereof as is necessary, to be used for the
122 47 purposes designated:
122 48 For field operations, including salaries, support,
122 49 maintenance, and miscellaneous purposes, and for not
122 50 more than the following full=time equivalent positions:

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123 1 ..... $ 47,038,933
123 2 ..... FTEs 1,781.00
123 3 Priority in filling full=time equivalent positions
123 4 shall be given to those positions related to child
123 5 protection services and eligibility determination for
123 6 low=income families.
123 7 Sec. 132. GENERAL ADMINISTRATION. There is
123 8 appropriated from the general fund of the state to
123 9 the department of human services for the fiscal year
123 10 beginning July 1, 2012, and ending June 30, 2013, the
123 11 following amount, or so much thereof as is necessary,
123 12 to be used for the purpose designated:
123 13 For general administration, including salaries,
123 14 support, maintenance, and miscellaneous purposes, and
123 15 for not more than the following full=time equivalent
123 16 positions:
123 17 ..... $ 12,874,733
123 18 ..... FTEs 290.00
123 19 1. Of the funds appropriated in this section,
123 20 $32,762 allocated for the prevention of disabilities
123 21 policy council established in section 225B.3.
123 22 2. The department shall report at least monthly
123 23 to the legislative services agency concerning the
123 24 department's operational and program expenditures.
123 25 3. Of the funds appropriated in this section,
123 26 $112,455 shall be used to continue to contract with
123 27 a statewide association representing community
123 28 providers of mental health, mental retardation and
123 29 brain injury services programs to provide technical
123 30 assistance, support, and consultation to providers of
123 31 habilitation services and home and community=based
123 32 waiver services for adults with disabilities under the
123 33 medical assistance program. Notwithstanding section
123 34 8.47 or any other provision of law to the contrary,
123 35 the department may utilize a sole source approach to
123 36 contract with the association.
123 37 4. Of the funds appropriated in this section,
123 38 $149,940 shall be used to continue to contract with
123 39 an appropriate entity to expand the provision of
123 40 nationally accredited and recognized internet=based
123 41 training to include mental health and disability
123 42 services providers. Notwithstanding section 8.47
123 43 or any other provision of law to the contrary, the
123 44 department may utilize a sole site source approach to
123 45 enter into such contract.
123 46 5. Of the funds appropriated in this section,
123 47 $425,000 shall be used for continued implementation of
123 48 child protection system improvements addressed in 2011
123 49 Iowa Acts, House File 562, as enacted.
123 50 Sec. 133. VOLUNTEERS. There is appropriated from

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124 1 the general fund of the state to the department of
124 2 human services for the fiscal year beginning July 1,
124 3 2012, and ending June 30, 2013, the following amount,
124 4 or so much thereof as is necessary, to be used for the
124 5 purpose designated:
124 6 For development and coordination of volunteer
124 7 services:
124 8 ..... $ 71,961
124 9 Sec. 134. MEDICAL ASSISTANCE, STATE SUPPLEMENTARY
124 10 ASSISTANCE, AND SOCIAL SERVICE PROVIDERS REIMBURSED
124 11 UNDER THE DEPARTMENT OF HUMAN SERVICES.
124 12 1. a. (1) For the fiscal year beginning July 1,
124 13 2012, the total state funding amount for the nursing
124 14 facility budget shall not exceed $225,502,551.
124 15 (2) The department, in cooperation with nursing
124 16 facility representatives, shall review projections for
124 17 state funding expenditures for reimbursement of nursing
124 18 facilities on a quarterly basis and the department
124 19 shall determine if an adjustment to the medical
124 20 assistance reimbursement rate is necessary in order to
124 21 provide reimbursement within the state funding amount
124 22 for the fiscal year. Notwithstanding 2001 Iowa Acts,
124 23 chapter 192, section 4, subsection 2, paragraph "c",
124 24 and subsection 3, paragraph "a", subparagraph (2), if
124 25 the state funding expenditures for the nursing facility
124 26 budget for the fiscal year is projected to exceed the
124 27 amount specified in subparagraph (1), the department
124 28 shall adjust the reimbursement for nursing facilities
124 29 reimbursed under the case=mix reimbursement system to
124 30 maintain expenditures of the nursing facility budget
124 31 within the specified amount for the fiscal year.
124 32 (3) For the fiscal year beginning July 1, 2012,
124 33 special population nursing facilities shall be
124 34 reimbursed in accordance with the methodology in effect
124 35 on June 30, 2012.
124 36 b. For the fiscal year beginning July 1, 2012, the
124 37 department shall reimburse pharmacy dispensing fees
124 38 using a single rate of $4.34 per prescription or the
124 39 pharmacy's usual and customary fee, whichever is lower.
124 40 However, the department shall adjust the dispensing fee
124 41 specified in this paragraph to distribute an additional
124 42 $3,000,000 in reimbursements for pharmacy dispensing
124 43 fees under this paragraph for the fiscal year.
124 44 c. (1) For the fiscal year beginning July 1, 2012,
124 45 reimbursement rates for outpatient hospital services
124 46 shall remain at the rates in effect on June 30, 2012.
124 47 (2) For the fiscal year beginning July 1, 2012,
124 48 reimbursement rates for inpatient hospital services
124 49 shall remain at the rates in effect on June 30, 2012.
124 50 (3) For the fiscal year beginning July 1, 2012,

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125 1 the graduate medical education and disproportionate
125 2 share hospital fund shall remain at the amount in
125 3 effect on June 30, 2012, except that the portion of
125 4 the fund attributable to graduate medical education
125 5 shall be reduced in an amount that reflects the
125 6 elimination of graduate medical education payments made
125 7 to out=of=state hospitals.
125 8 (4) In order to ensure the efficient use of limited
125 9 state funds in procuring health care services for
125 10 low=income Iowans, funds appropriated in this division
125 11 of this Act for hospital services shall not be used for
125 12 activities which would be excluded from a determination
125 13 of reasonable costs under the federal Medicare program
125 14 pursuant to 42 U.S.C. { 1395X(v)(1)(N).
125 15 d. For the fiscal year beginning July 1, 2012,
125 16 reimbursement rates for rural health clinics, hospices,
125 17 and acute mental hospitals shall be increased in
125 18 accordance with increases under the federal Medicare
125 19 program or as supported by their Medicare audited
125 20 costs.
125 21 e. For the fiscal year beginning July 1, 2012,
125 22 independent laboratories and rehabilitation agencies
125 23 shall be reimbursed using the same methodology in
125 24 effect on June 30, 2012.
125 25 f. For the fiscal year beginning July 1, 2012,
125 26 reimbursement rates for home health agencies shall
125 27 remain at the rates in effect on June 30, 2012, not to
125 28 exceed a home health agency's actual allowable cost.
125 29 g. For the fiscal year beginning July 1, 2012,
125 30 federally qualified health centers shall receive
125 31 cost=based reimbursement for 100 percent of the
125 32 reasonable costs for the provision of services to
125 33 recipients of medical assistance.
125 34 h. For the fiscal year beginning July 1, 2012, the
125 35 reimbursement rates for dental services shall remain at
125 36 the rates in effect on June 30, 2012.
125 37 i. (1) For the fiscal year beginning July 1,
125 38 2012, state=owned psychiatric medical institutions
125 39 for children shall receive cost=based reimbursement
125 40 for 100 percent of the actual and allowable costs for
125 41 the provision of services to recipients of medical
125 42 assistance.
125 43 (2) For the nonstate=owned psychiatric medical
125 44 institutions for children, reimbursement rates shall
125 45 be based on the reimbursement methodology developed by
125 46 the department in consultation with representatives of
125 47 the nonstate=owned psychiatric medical institutions
125 48 for children to include all ancillary medical services
125 49 costs and any other changes required for federal
125 50 compliance.

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126 1 j. For the fiscal year beginning July 1, 2012,
126 2 unless otherwise specified in the health and human
126 3 services divisions of this Act, all noninstitutional
126 4 medical assistance provider reimbursement rates shall
126 5 remain at the rates in effect on June 30, 2012, except
126 6 for area education agencies, local education agencies,
126 7 infant and toddler services providers, and those
126 8 providers whose rates are required to be determined
126 9 pursuant to section 249A.20.
126 10 k. Notwithstanding any provision to the contrary,
126 11 for the fiscal year beginning July 1, 2012, the
126 12 reimbursement rate for anesthesiologists shall remain
126 13 at the rate in effect on June 30, 2012.
126 14 l. Notwithstanding section 249A.20, for the fiscal
126 15 year beginning July 1, 2012, the average reimbursement
126 16 rate for health care providers eligible for use of the
126 17 federal Medicare resource=based relative value scale
126 18 reimbursement methodology under that section shall
126 19 remain at the rate in effect on June 30, 2012; however,
126 20 this rate shall not exceed the maximum level authorized
126 21 by the federal government.
126 22 m. For the fiscal year beginning July 1, 2012, the
126 23 reimbursement rate for residential care facilities
126 24 shall not be less than the minimum payment level as
126 25 established by the federal government to meet the
126 26 federally mandated maintenance of effort requirement.
126 27 The flat reimbursement rate for facilities electing not
126 28 to file annual cost reports shall not be less than the
126 29 minimum payment level as established by the federal
126 30 government to meet the federally mandated maintenance
126 31 of effort requirement.
126 32 n. For the fiscal year beginning July 1, 2012,
126 33 inpatient mental health services provided at hospitals
126 34 shall remain at the rates in effect on June 30, 2012,
126 35 subject to Medicaid program upper payment limit rules;
126 36 community mental health centers and providers of mental
126 37 health services to county residents pursuant to a
126 38 waiver approved under section 225C.7, subsection 3,
126 39 shall be reimbursed at 100 percent of the reasonable
126 40 costs for the provision of services to recipients
126 41 of medical assistance; and psychiatrists shall be
126 42 reimbursed at the medical assistance program fee for
126 43 service rate.
126 44 o. For the fiscal year beginning July 1, 2012, the
126 45 reimbursement rate for consumer=directed attendant care
126 46 shall remain at the rates in effect on June 30, 2012.
126 47 p. For the fiscal year beginning July 1, 2012, the
126 48 reimbursement rate for providers of family planning
126 49 services that are eligible to receive a 90 percent
126 50 federal match shall remain at the rates in effect on

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127 1 June 30, 2012.
127 2 q. For the fiscal year beginning July 1, 2012, the
127 3 department shall adjust the rates in effect on June
127 4 30, 2012, for providers of home and community=based
127 5 services waiver services to distribute an additional
127 6 $1,500,000 in reimbursements to such providers for the
127 7 fiscal year.
127 8 2. For the fiscal year beginning July 1, 2012, the
127 9 reimbursement rate for providers reimbursed under the
127 10 in=home=related care program shall not be less than the
127 11 minimum payment level as established by the federal
127 12 government to meet the federally mandated maintenance
127 13 of effort requirement.
127 14 3. Unless otherwise directed in this section, when
127 15 the department's reimbursement methodology for any
127 16 provider reimbursed in accordance with this section
127 17 includes an inflation factor, this factor shall not
127 18 exceed the amount by which the consumer price index for
127 19 all urban consumers increased during the calendar year
127 20 ending December 31, 2002.
127 21 4. For the fiscal year beginning July 1, 2012,
127 22 notwithstanding section 234.38, the foster family basic
127 23 daily maintenance rate and the maximum adoption subsidy
127 24 rate for children ages 0 through 5 years shall be
127 25 $15.74, the rate for children ages 6 through 11 years
127 26 shall be $16.37, the rate for children ages 12 through
127 27 15 years shall be $17.92, and the rate for children
127 28 and young adults ages 16 and older shall be $18.16.
127 29 The maximum supervised apartment living foster care
127 30 reimbursement rate shall be $25.00 per day. For youth
127 31 ages 18 to 21 who have exited foster care, the maximum
127 32 preparation for adult living program maintenance rate
127 33 shall be $574.00 per month. The maximum payment for
127 34 adoption subsidy nonrecurring expenses shall be limited
127 35 to $500 and the disallowance of additional amounts
127 36 for court costs and other related legal expenses
127 37 implemented pursuant to 2010 Iowa Acts, chapter 1031,
127 38 section 408 shall be continued.
127 39 5. For the fiscal year beginning July 1, 2012,
127 40 the maximum reimbursement rates under the supervised
127 41 apartment living program and for social services
127 42 providers under contract shall remain at the rates
127 43 in effect on June 30, 2012, or the provider's actual
127 44 and allowable cost plus inflation for each service,
127 45 whichever is less. However, if a new service or
127 46 service provider is added after June 30, 2012, the
127 47 initial reimbursement rate for the service or provider
127 48 shall be based upon actual and allowable costs.
127 49 Providers may also be eligible for an additional
127 50 amount as specified under the department's request for

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128 1 proposal, bid number ACFS=11=115.
128 2 6. For the fiscal year beginning July 1, 2012,
128 3 the reimbursement rates for family=centered service
128 4 providers, family foster care service providers, group
128 5 foster care service providers, and the resource family
128 6 recruitment and retention contractor shall remain at
128 7 the rates in effect on June 30, 2012.
128 8 7. The group foster care reimbursement rates
128 9 paid for placement of children out of state shall
128 10 be calculated according to the same rate=setting
128 11 principles as those used for in=state providers,
128 12 unless the director of human services or the director's
128 13 designee determines that appropriate care cannot be
128 14 provided within the state. The payment of the daily
128 15 rate shall be based on the number of days in the
128 16 calendar month in which service is provided.
128 17 8. a. For the fiscal year beginning July 1, 2012,
128 18 the reimbursement rate paid for shelter care and
128 19 the child welfare emergency services implemented to
128 20 provide or prevent the need for shelter care shall be
128 21 established in a contract based on the requirements
128 22 of the department's request for proposal, bid number
128 23 ACFS=11=114.
128 24 b. For the fiscal year beginning July 1, 2012,
128 25 the combined service and maintenance components of
128 26 the reimbursement rate paid for shelter care services
128 27 shall be based on the financial and statistical report
128 28 submitted to the department. The maximum reimbursement
128 29 rate shall be $92.36 per day. The department shall
128 30 reimburse a shelter care provider at the provider's
128 31 actual and allowable unit cost, plus inflation, not to
128 32 exceed the maximum reimbursement rate.
128 33 c. Notwithstanding section 232.141, subsection 8,
128 34 for the fiscal year beginning July 1, 2012, the amount
128 35 of the statewide average of the actual and allowable
128 36 rates for reimbursement of juvenile shelter care homes
128 37 that is utilized for the limitation on recovery of
128 38 unpaid costs shall remain at the amount in effect for
128 39 this purpose in the fiscal year beginning July 1, 2011.
128 40 9. For the fiscal year beginning July 1, 2012, the
128 41 department shall calculate reimbursement rates for
128 42 intermediate care facilities for persons with mental
128 43 retardation at the 80th percentile. Beginning July 1,
128 44 2012, the rate calculation methodology shall utilize
128 45 the consumer price index inflation factor applicable to
128 46 the fiscal year beginning July 1, 2012.
128 47 10. For the fiscal year beginning July 1, 2012,
128 48 for child care providers reimbursed under the state
128 49 child care assistance program, the department shall
128 50 set provider reimbursement rates based on the rate

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129 1 reimbursement survey completed in December 2004.
129 2 Effective July 1, 2012, the child care provider
129 3 reimbursement rates shall remain at the rates in effect
129 4 on June 30, 2012. The department shall set rates in a
129 5 manner so as to provide incentives for a nonregistered
129 6 provider to become registered by applying the increase
129 7 only to registered and licensed providers.
129 8 11. The department may adopt emergency rules to
129 9 implement this section.
129 10 Sec. 135. EMERGENCY RULES.
129 11 1. If specifically authorized by a provision of
129 12 this division of this Act, the department of human
129 13 services or the mental health, and disability services
129 14 commission may adopt administrative rules under section
129 15 17A.4, subsection 3, and section 17A.5, subsection
129 16 2, paragraph "b", to implement the provisions and
129 17 the rules shall become effective immediately upon
129 18 filing or on a later effective date specified in the
129 19 rules, unless the effective date is delayed by the
129 20 administrative rules review committee. Any rules
129 21 adopted in accordance with this section shall not
129 22 take effect before the rules are reviewed by the
129 23 administrative rules review committee. The delay
129 24 authority provided to the administrative rules review
129 25 committee under section 17A.4, subsection 7, and
129 26 section 17A.8, subsection 9, shall be applicable to a
129 27 delay imposed under this section, notwithstanding a
129 28 provision in those sections making them inapplicable
129 29 to section 17A.5, subsection 2, paragraph "b". Any
129 30 rules adopted in accordance with the provisions of this
129 31 section shall also be published as notice of intended
129 32 action as provided in section 17A.4.
129 33 2. If during the fiscal year beginning July 1,
129 34 2012, the department of human services is adopting
129 35 rules in accordance with this section or as otherwise
129 36 directed or authorized by state law, and the rules will
129 37 result in an expenditure increase beyond the amount
129 38 anticipated in the budget process or if the expenditure
129 39 was not addressed in the budget process for the
129 40 fiscal year, the department shall notify the persons
129 41 designated by this division of this Act for submission
129 42 of reports, the chairpersons and ranking members of
129 43 the committees on appropriations, and the department
129 44 of management concerning the rules and the expenditure
129 45 increase. The notification shall be provided at least
129 46 30 calendar days prior to the date notice of the rules
129 47 is submitted to the administrative rules coordinator
129 48 and the administrative code editor.
129 49 Sec. 136. FEDERAL GRANTS REPORTING. During the
129 50 fiscal year beginning July 1, 2012, the departments

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130 1 and agencies receiving an appropriation in the health
130 2 and human services divisions of this Act from the
130 3 general fund of the state shall report to the persons
130 4 designated by this division of this Act for submission
130 5 of reports and the department of management within 60
130 6 calendar days of applying for or renewing a federal
130 7 grant with a value over $1,000. The report shall list
130 8 the federal funding source and address the potential
130 9 need for the commitment of state funding in order to
130 10 match or continue the funding provided by the federal
130 11 grant in the present or the future.
130 12 Sec. 137. REPORTS. Any reports or information
130 13 required to be compiled and submitted under the health
130 14 and human services divisions of this Act shall be
130 15 submitted to the chairpersons and ranking members of
130 16 the joint appropriations subcommittee on health and
130 17 human services, the legislative services agency, and
130 18 the legislative caucus staffs on or before the dates
130 19 specified for submission of the reports or information.
130 20 Sec. 138. EFFECTIVE DATE. The following provision
130 21 of this division of this Act, being deemed of immediate
130 22 importance, take effect upon enactment:
130 23 The provision under the appropriation for child and
130 24 family services, relating to requirements of section
130 25 232.143 for representatives of the department of human
130 26 services and juvenile court services to establish a
130 27 plan for continuing group foster care expenditures for
130 28 fiscal year 2012=2013.
130 29 DIVISION XVII
130 30 HEALTH AND HUMAN SERVICES
130 31 PHARMACEUTICAL SETTLEMENT ACCOUNT,
130 32 IOWACARE ACCOUNT, NONPARTICIPATING PROVIDER
130 33 REIMBURSEMENT FUND, HEALTH CARE
130 34 TRANSFORMATION ACCOUNT, MEDICAID FRAUD ACCOUNT,
130 35 QUALITY ASSURANCE TRUST FUND,
130 36 AND HOSPITAL HEALTH CARE ACCESS TRUST FUND ==== FY
130 37 2012=2013
130 38 Sec. 139. PHARMACEUTICAL SETTLEMENT ACCOUNT. There
130 39 is appropriated from the pharmaceutical settlement
130 40 account created in section 249A.33 to the department of
130 41 human services for the fiscal year beginning July 1,
130 42 2012, and ending June 30, 2013, the following amount,
130 43 or so much thereof as is necessary, to be used for the
130 44 purpose designated:
130 45 Notwithstanding any provision of law to the
130 46 contrary, to supplement the appropriations made in the
130 47 department of human services division in this Act for
130 48 medical contracts under the medical assistance program
130 49 for the same fiscal year:
130 50 ..... $ 4,618,571

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131 1 Sec. 140. APPROPRIATIONS FROM IOWACARE ACCOUNT.
131 2 1. There is appropriated from the IowaCare account
131 3 created in section 249J.24 to the state board of
131 4 regents for distribution to the university of Iowa
131 5 hospitals and clinics for the fiscal year beginning
131 6 July 1, 2012, and ending June 30, 2013, the following
131 7 amount, or so much thereof as is necessary, to be used
131 8 for the purposes designated:
131 9 For salaries, support, maintenance, equipment, and
131 10 miscellaneous purposes, for the provision of medical
131 11 and surgical treatment of indigent patients, for
131 12 provision of services to members of the expansion
131 13 population pursuant to chapter 249J, and for medical
131 14 education:
131 15 ..... $ 27,284,584
131 16 a. Funds appropriated in this subsection shall
131 17 not be used to perform abortions except medically
131 18 necessary abortions, and shall not be used to operate
131 19 the early termination of pregnancy clinic except for
131 20 the performance of medically necessary abortions. For
131 21 the purpose of this subsection, medically necessary
131 22 abortions are those performed under any of the
131 23 following conditions:
131 24 (1) The attending physician certifies that
131 25 continuing the pregnancy would endanger the life of the
131 26 pregnant woman.
131 27 (2) Any spontaneous abortion, commonly known as a
131 28 miscarriage, if not all of the products of conception
131 29 are expelled.
131 30 b. Notwithstanding any provision of law to the
131 31 contrary, the amount appropriated in this subsection
131 32 shall be distributed based on claims submitted,
131 33 adjudicated, and paid by the Iowa Medicaid enterprise.
131 34 c. The university of Iowa hospitals and clinics
131 35 shall certify public expenditures in an amount equal
131 36 to provide the nonfederal share on total expenditures
131 37 not to exceed $20,000,000.
131 38 2. There is appropriated from the IowaCare account
131 39 created in section 249J.24 to the state board of
131 40 regents for distribution to the university of Iowa
131 41 hospitals and clinics for the fiscal year beginning
131 42 July 1, 2012, and ending June 30, 2013, the following
131 43 amount, or so much thereof as is necessary, to be used
131 44 for the purposes designated:
131 45 For salaries, support, maintenance, equipment, and
131 46 miscellaneous purposes, for the provision of medical
131 47 and surgical treatment of indigent patients, for
131 48 provision of services to members of the expansion
131 49 population pursuant to chapter 249J, and for medical
131 50 education:

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132 1 ..... $ 44,226,279
132 2 Notwithstanding any provision of law to the
132 3 contrary, the amount appropriated in this subsection
132 4 shall be distributed based on claims submitted,
132 5 adjudicated, and paid by the Iowa Medicaid enterprise.
132 6 3. There is appropriated from the IowaCare account
132 7 created in section 249J.24, to the state board
132 8 of regents for distribution to university of Iowa
132 9 physicians for the fiscal year beginning July 1, 2012,
132 10 and ending June 30, 2013, the following amount, or
132 11 so much thereof as is necessary to be used for the
132 12 purposes designated:
132 13 For salaries, support, maintenance, equipment, and
132 14 miscellaneous purposes for the provision of medical and
132 15 surgical treatment of indigent patients, for provision
132 16 of services to members of the expansion population
132 17 pursuant to chapter 249J, and for medical education:
132 18 ..... $ 16,277,753
132 19 Notwithstanding any provision of law to the
132 20 contrary, the amount appropriated in this subsection
132 21 shall be distributed based on claims submitted,
132 22 adjudicated, and paid by the Iowa Medicaid enterprise.
132 23 Once the entire amount appropriated in this subsection
132 24 has been distributed, claims shall continue to
132 25 be submitted and adjudicated by the Iowa Medicaid
132 26 enterprise; however, no payment shall be made based
132 27 upon such claims.
132 28 4. There is appropriated from the IowaCare account
132 29 created in section 249J.24 to the department of human
132 30 services for the fiscal year beginning July 1, 2012,
132 31 and ending June 30, 2013, the following amount, or
132 32 so much thereof as is necessary, to be used for the
132 33 purposes designated:
132 34 For distribution to a publicly owned acute care
132 35 teaching hospital located in a county with a population
132 36 over 350,000 for the provision of medical and surgical
132 37 treatment of indigent patients, for provision of
132 38 services to members of the expansion population
132 39 pursuant to chapter 249J, and for medical education:
132 40 ..... $ 65,000,000
132 41 a. Notwithstanding any provision of law to the
132 42 contrary, the amount appropriated in this subsection
132 43 shall be distributed based on claims submitted,
132 44 adjudicated, and paid by the Iowa Medicaid enterprise
132 45 plus a monthly disproportionate share hospital payment.
132 46 Any amount appropriated in this subsection in excess
132 47 of $60,000,000 shall be distributed only if the sum of
132 48 the expansion population claims adjudicated and paid
132 49 by the Iowa Medicaid enterprise plus the estimated
132 50 disproportionate share hospital payments exceeds

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133 1 $60,000,000. The amount paid in excess of $60,000,000
133 2 shall not adjust the original monthly payment amount
133 3 but shall be distributed monthly based on actual
133 4 claims adjudicated and paid by the Iowa Medicaid
133 5 enterprise plus the estimated disproportionate share
133 6 hospital amount. Any amount appropriated in this
133 7 subsection in excess of $60,000,000 shall be allocated
133 8 only if federal funds are available to match the
133 9 amount allocated. Pursuant to paragraph "b", of the
133 10 amount appropriated in this subsection, not more than
133 11 $4,000,000 shall be distributed for prescription drugs
133 12 and podiatry services.
133 13 b. Notwithstanding any provision of law to the
133 14 contrary, the hospital identified in this subsection,
133 15 shall be reimbursed for outpatient prescription drugs
133 16 and podiatry services provided to members of the
133 17 expansion population pursuant to all applicable medical
133 18 assistance program rules, in an amount not to exceed
133 19 $4,000,000.
133 20 c. Notwithstanding the total amount of proceeds
133 21 distributed pursuant to section 249J.24, subsection 4,
133 22 paragraph "a", unnumbered paragraph 1, for the fiscal
133 23 year beginning July 1, 2012, and ending June 30, 2013,
133 24 the county treasurer of a county with a population
133 25 of over 350,000 in which a publicly owned acute care
133 26 teaching hospital is located shall distribute the
133 27 proceeds collected pursuant to section 347.7 in a
133 28 total amount of $38,000,000, which would otherwise be
133 29 distributed to the county hospital, to the treasurer of
133 30 state for deposit in the IowaCare account.
133 31 d. (1) Notwithstanding the amount collected
133 32 and distributed for deposit in the IowaCare account
133 33 pursuant to section 249J.24, subsection 4, paragraph
133 34 "a", subparagraph (1), the first $19,000,000 in
133 35 proceeds collected pursuant to section 347.7 between
133 36 July 1, 2012, and December 31, 2012, shall be
133 37 distributed to the treasurer of state for deposit in
133 38 the IowaCare account and collections during this time
133 39 period in excess of $19,000,000 shall be distributed
133 40 to the acute care teaching hospital identified in
133 41 this subsection. Of the collections in excess of
133 42 the $19,000,000 received by the acute care teaching
133 43 hospital under this subparagraph (1), $2,000,000 shall
133 44 be distributed by the acute care teaching hospital to
133 45 the treasurer of state for deposit in the IowaCare
133 46 account in the month of January 2013, following the
133 47 July 1 through December 31, 2012, period.
133 48 (2) Notwithstanding the amount collected and
133 49 distributed for deposit in the IowaCare account
133 50 pursuant to section 249J.24, subsection 4, paragraph

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134 1 "a", subparagraph (2), the first $19,000,000 in
134 2 collections pursuant to section 347.7 between January
134 3 1, 2013, and June 30, 2013, shall be distributed to
134 4 the treasurer of state for deposit in the IowaCare
134 5 account and collections during this time period in
134 6 excess of $19,000,000 shall be distributed to the acute
134 7 care teaching hospital identified in this subsection.
134 8 Of the collections in excess of the $19,000,000
134 9 received by the acute care teaching hospital under this
134 10 subparagraph (2), $2,000,000 shall be distributed by
134 11 the acute care teaching hospital to the treasurer of
134 12 state for deposit in the IowaCare account in the month
134 13 of July 2013, following the January 1 through June 30,
134 14 2013, period.
134 15 5. There is appropriated from the IowaCare account
134 16 created in section 249J.24 to the department of human
134 17 services for the fiscal year beginning July 1, 2012,
134 18 and ending June 30, 2013, the following amount, or so
134 19 much thereof as is necessary to be used for the purpose
134 20 designated:
134 21 For payment to the regional provider network
134 22 specified by the department pursuant to section 249J.7
134 23 for provision of covered services to members of the
134 24 expansion population pursuant to chapter 249J:
134 25 ..... $ 3,472,176
134 26 Notwithstanding any provision of law to the
134 27 contrary, the amount appropriated in this subsection
134 28 shall be distributed based on claims submitted,
134 29 adjudicated, and paid by the Iowa Medicaid enterprise.
134 30 Once the entire amount appropriated in this subsection
134 31 has been distributed, claims shall continue to
134 32 be submitted and adjudicated by the Iowa Medicaid
134 33 enterprise; however, no payment shall be made based
134 34 upon such claims.
134 35 6. There is appropriated from the IowaCare account
134 36 created in section 249J.24 to the department of human
134 37 services for the fiscal year beginning July 1, 2012,
134 38 and ending June 30, 2013, the following amount, or
134 39 so much thereof as is necessary to be used for the
134 40 purposes designated:
134 41 For a care coordination pool to pay the expansion
134 42 population providers consisting of the university of
134 43 Iowa hospitals and clinics, the publicly owned acute
134 44 care teaching hospital as specified in section 249J.7,
134 45 and current medical assistance program providers that
134 46 are not expansion population network providers pursuant
134 47 to section 249J.7, for services covered by the full
134 48 benefit medical assistance program but not under the
134 49 IowaCare program pursuant to section 249J.6, that are
134 50 provided to expansion population members:

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135 1 ..... $ 1,500,000
135 2 a. Notwithstanding sections 249J.6 and 249J.7,
135 3 the amount appropriated in this subsection is
135 4 intended to provide payment for medically necessary
135 5 services provided to expansion population members for
135 6 continuation of care provided by the university of
135 7 Iowa hospitals and clinics or the publicly owned acute
135 8 care teaching hospital as specified in section 249J.7.
135 9 Payment may only be made for services that are not
135 10 otherwise covered under section 249J.6, and which are
135 11 follow=up services to covered services provided by the
135 12 hospitals specified in this paragraph "a".
135 13 b. The funds appropriated in this subsection are
135 14 intended to provide limited payment for continuity
135 15 of care services for an expansion population member,
135 16 and are intended to cover the costs of services
135 17 to expansion population members, regardless of
135 18 the member's county of residence or medical home
135 19 assignment, if the care is related to specialty or
135 20 hospital services provided by the hospitals specified
135 21 in paragraph "a".
135 22 c. The funds appropriated in this subsection are
135 23 not intended to provide for expanded coverage under
135 24 the IowaCare program, and shall not be used to cover
135 25 emergency transportation services.
135 26 d. The department shall adopt administrative
135 27 rules pursuant to chapter 17A to establish a prior
135 28 authorization process and to identify covered services
135 29 for reimbursement under this subsection.
135 30 7. There is appropriated from the IowaCare account
135 31 created in section 249J.24 to the department of human
135 32 services for the fiscal year beginning July 1, 2012,
135 33 and ending June 30, 2013, the following amount or
135 34 so much thereof as is necessary to be used for the
135 35 purposes designated:
135 36 For a laboratory test and radiology pool for
135 37 services authorized by a federally qualified health
135 38 center designated by the department as part of the
135 39 IowaCare regional provider network that does not have
135 40 the capability to provide these services on site:
135 41 ..... $ 500,000
135 42 Notwithstanding sections 249J.6 and 249J.7, the
135 43 amount appropriated in this subsection is intended
135 44 to provide reimbursement for services provided to
135 45 expansion population members that have previously
135 46 been paid for through expenditure by designated
135 47 regional provider network providers of their own
135 48 funds, not to expand coverage under the IowaCare
135 49 program or to expand the expansion population
135 50 provider network. The department shall designate the

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136 1 laboratory and radiology provider associated with
136 2 each designated regional provider network provider
136 3 that may receive reimbursement. The department shall
136 4 adopt administrative rules pursuant to chapter 17A
136 5 to establish a prior authorization process and to
136 6 identify covered services for reimbursement under this
136 7 subsection. All other medical assistance program
136 8 payment policies and rules for laboratory and radiology
136 9 services shall apply to services provided under this
136 10 subsection. If the entire amount appropriated under
136 11 this subsection is expended, laboratory tests and
136 12 radiology services ordered by a designated regional
136 13 provider network provider shall be the financial
136 14 responsibility of the regional provider network
136 15 provider.
136 16 Sec. 141. APPROPRIATIONS FROM NONPARTICIPATING
136 17 PROVIDER REIMBURSEMENT FUND ==== DEPARTMENT OF HUMAN
136 18 SERVICES. Notwithstanding any provision to the
136 19 contrary, and subject to the availability of funds,
136 20 there is appropriated from the nonparticipating
136 21 provider reimbursement fund created in section 249J.24A
136 22 to the department of human services for the fiscal year
136 23 beginning July 1, 2012, and ending June 30, 2013, the
136 24 following amount or so much thereof as is necessary for
136 25 the purposes designated:
136 26 To reimburse nonparticipating providers in
136 27 accordance with section 249J.24A:
136 28 ..... $ 2,000,000
136 29 Sec. 142. APPROPRIATIONS FROM ACCOUNT FOR HEALTH
136 30 CARE TRANSFORMATION ==== DEPARTMENT OF HUMAN SERVICES.
136 31 Notwithstanding any provision to the contrary, there
136 32 is appropriated from the account for health care
136 33 transformation created in section 249J.23 to the
136 34 department of human services for the fiscal year
136 35 beginning July 1, 2012, and ending June 30, 2013, the
136 36 following amounts, or so much thereof as is necessary,
136 37 to be used for the purposes designated:
136 38 1. For the provision of an IowaCare nurse helpline
136 39 for the expansion population as provided in section
136 40 249J.6:
136 41 ..... $ 85,000
136 42 2. For other health promotion partnership
136 43 activities pursuant to section 249J.14:
136 44 ..... $ 510,000
136 45 3. For the costs related to audits, performance
136 46 evaluations, and studies required pursuant to chapter
136 47 249J:
136 48 ..... $ 106,250
136 49 4. For administrative costs associated with chapter
136 50 249J:

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137 1 ..... $ 962,550
137 2 5. For planning and development, in cooperation
137 3 with the department of public health, of a phased=in
137 4 program to provide a dental home for children in
137 5 accordance with section 249J.14:
137 6 ..... $ 850,000
137 7 6. For continuation of the establishment of the
137 8 tuition assistance for individuals serving individuals
137 9 with disabilities pilot program, as enacted in 2008
137 10 Iowa Acts, chapter 1187, section 130:
137 11 ..... $ 42,500
137 12 7. For medical contracts:
137 13 ..... $ 1,700,000
137 14 8. For payment to the publicly owned acute care
137 15 teaching hospital located in a county with a population
137 16 of over 350,000 that is a participating provider
137 17 pursuant to chapter 249J:
137 18 ..... $ 246,500
137 19 Disbursements under this subsection shall be made
137 20 monthly. The hospital shall submit a report following
137 21 the close of the fiscal year regarding use of the
137 22 funds appropriated in this subsection to the persons
137 23 specified in this Act to receive reports.
137 24 9. For transfer to the department of public health
137 25 to be used for the costs of medical home system
137 26 advisory council established pursuant to section
137 27 135.159:
137 28 ..... $ 198,353
137 29 10. For continued implementation of a uniform cost
137 30 report:
137 31 ..... $ 85,000
137 32 11. For continued implementation of an electronic
137 33 medical records system:
137 34 ..... $ 85,000
137 35 Notwithstanding section 8.39, subsection 1, without
137 36 the prior written consent and approval of the governor
137 37 and the director of the department of management, the
137 38 director of human services may transfer funds among
137 39 the appropriations made in this section as necessary
137 40 to carry out the purposes of the account for health
137 41 care transformation. The department shall report
137 42 any transfers made pursuant to this section to the
137 43 legislative services agency.
137 44 Sec. 143. MEDICAID FRAUD ACCOUNT ==== DEPARTMENT OF
137 45 INSPECTIONS AND APPEALS. There is appropriated from
137 46 the Medicaid fraud account created in section 249A.7
137 47 to the department of inspections and appeals for the
137 48 fiscal year beginning July 1, 2012, and ending June 30,
137 49 2013, the following amount, or so much thereof as is
137 50 necessary, to be used for the purposes designated:

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138 1 For the inspection and certification of assisted
138 2 living programs and adult day care services, including
138 3 program administration and costs associated with
138 4 implementation:
138 5 ..... $ 1,138,598
138 6 Sec. 144. MEDICAID FRAUD ACCOUNT ==== DEPARTMENT
138 7 OF HUMAN SERVICES. There is appropriated from the
138 8 Medicaid fraud account created in section 249A.7 to
138 9 the department of human services for the fiscal year
138 10 beginning July 1, 2012, and ending June 30, 2013, the
138 11 following amount, or so much thereof as is necessary,
138 12 to be used for the purposes designated:
138 13 To supplement the appropriation made in the
138 14 department of human services division of this Act
138 15 from the general fund of the state to the department
138 16 of human services for medical assistance for the same
138 17 fiscal year:
138 18 ..... $ 2,000,000
138 19 Sec. 145. QUALITY ASSURANCE TRUST FUND ====
138 20 DEPARTMENT OF HUMAN SERVICES. Notwithstanding
138 21 any provision to the contrary and subject to the
138 22 availability of funds, there is appropriated from the
138 23 quality assurance trust fund created in section 249L.4
138 24 to the department of human services for the fiscal year
138 25 beginning July 1, 2012, and ending June 30, 2013, the
138 26 following amounts, or so much thereof as is necessary
138 27 for the purposes designated:
138 28 To supplement the appropriation made in the
138 29 department of human services division of this Act
138 30 from the general fund of the state to the department
138 31 of human services for medical assistance for the same
138 32 fiscal year:
138 33 ..... $ 29,000,000
138 34 Sec. 146. HOSPITAL HEALTH CARE ACCESS TRUST FUND
138 35 ==== DEPARTMENT OF HUMAN SERVICES. Notwithstanding
138 36 any provision to the contrary and subject to the
138 37 availability of funds, there is appropriated from
138 38 the hospital health care access trust fund created in
138 39 section 249M.4 to the department of human services for
138 40 the fiscal year beginning July 1, 2012, and ending June
138 41 30, 2013, the following amounts, or so much thereof as
138 42 is necessary, for the purposes designated:
138 43 1. To supplement the appropriation made in the
138 44 health and human services division of this Act from the
138 45 general fund of the state to the department of human
138 46 services for medical assistance:
138 47 ..... $ 39,223,800
138 48 2. For deposit in the nonparticipating provider
138 49 reimbursement fund created in section 249J.24A to be
138 50 used for the purposes of the fund:

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139 1 ..... $ 776,200
139 2 Sec. 147. MEDICAL ASSISTANCE PROGRAM ====
139 3 NONREVERSION FOR FY 2012=2013. Notwithstanding
139 4 section 8.33, if moneys appropriated for purposes of
139 5 the medical assistance program for the fiscal year
139 6 beginning July 1, 2012, and ending June 30, 2013, in
139 7 the health and human services divisions of this Act
139 8 from the general fund of the state, the Medicaid fraud
139 9 account, the quality assurance trust fund, and the
139 10 hospital health care access trust fund, are in excess
139 11 of actual expenditures for the medical assistance
139 12 program and remain unencumbered or unobligated at the
139 13 close of the fiscal year, the excess moneys shall not
139 14 revert but shall remain available for expenditure for
139 15 the purposes of the medical assistance program until
139 16 the close of the succeeding fiscal year.
139 17 DIVISION XVIII
139 18 HEALTH AND HUMAN SERVICES
139 19 MH/MR/DD SERVICES ALLOWED GROWTH FUNDING FOR FISCAL
139 20 YEAR 2012=2013
139 21 Sec. 148. MENTAL HEALTH, MENTAL RETARDATION, AND
139 22 DEVELOPMENTAL DISABILITIES SERVICES PROPERTY TAX
139 23 RELIEF. Notwithstanding the standing appropriation
139 24 in section 426B.1, subsection 2, for the fiscal year
139 25 beginning July 1, 2012, and ending June 30, 2013,
139 26 the amount appropriated from the general fund of the
139 27 state pursuant to that provision shall not exceed the
139 28 following amount: ..... $
139 29 81,199,911
139 30 Sec. 149. ADULT MH/MR/DD SERVICES ALLOWED GROWTH
139 31 FUNDING ==== FY 2012=2013.
139 32 1. There is appropriated from the general fund of
139 33 the state to the department of human services for the
139 34 fiscal year beginning July 1, 2012, and ending June 30,
139 35 2013, the following amount, or so much thereof as is
139 36 necessary, to be used for the purpose designated:
139 37 For distribution to counties of the county mental
139 38 health, mental retardation, and developmental
139 39 disabilities allowed growth factor adjustment for
139 40 fiscal year 2012=2013 as provided in this section in
139 41 lieu of the allowed growth factor provisions of section
139 42 331.438, subsection 2, and section 331.439, subsection
139 43 3, and chapter 426B and for transfer for the medical
139 44 assistance program:
139 45 ..... $ 88,697,893
139 46 Of the amount appropriated in this subsection,
139 47 $5,000,000 shall be transferred to the appropriation
139 48 made in the department of human services division of
139 49 this Act from the general fund of the state to the
139 50 department of human services for the medical assistance

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140 1 program for the fiscal year beginning July 1, 2012, and
140 2 shall be used to continue the funding designated in the
140 3 previous fiscal year to reduce home and community=based
140 4 services waiver waiting lists for children's mental
140 5 health, intellectual disabilities, and brain injury.
140 6 2. Of the amount appropriated in this section,
140 7 $12,000,000 shall be distributed as provided in this
140 8 subsection.
140 9 a. To be eligible to receive a distribution under
140 10 this subsection, a county must meet the following
140 11 requirements:
140 12 (1) The county is levying for the maximum amount
140 13 allowed for the county's mental health, mental
140 14 retardation, and developmental disabilities services
140 15 fund under section 331.424A for taxes due and payable
140 16 in the fiscal year beginning July 1, 2012, or the
140 17 county is levying for at least 90 percent of the
140 18 maximum amount allowed for the county's services fund
140 19 and that levy rate is more than $2 per $1,000 of the
140 20 assessed value of all taxable property in the county.
140 21 (2) In the fiscal year beginning July 1, 2010,
140 22 the county's mental health, mental retardation, and
140 23 developmental disabilities services fund ending balance
140 24 under generally accepted accounting principles was
140 25 equal to or less than 15 percent of the county's actual
140 26 gross expenditures for that fiscal year.
140 27 b. The amount of a county's distribution from the
140 28 allocation made in this subsection shall be determined
140 29 based upon the county's proportion of the general
140 30 population of the counties eligible to receive a
140 31 distribution under this subsection. The most recent
140 32 population estimates issued by the United States
140 33 bureau of the census shall be applied in determining
140 34 population for the purposes of this paragraph.
140 35 c. The distributions made pursuant to this
140 36 subsection are subject to the distribution provisions
140 37 and withholding requirements established in this
140 38 section for the county mental health, mental
140 39 retardation, and developmental disabilities allowed
140 40 growth factor adjustment for the fiscal year beginning
140 41 July 1, 2012.
140 42 3. The following amount of the funding appropriated
140 43 in this section is the allowed growth factor adjustment
140 44 for fiscal year 2012=2013, and shall be credited to the
140 45 allowed growth funding pool created in the property tax
140 46 relief fund and for distribution in accordance with
140 47 section 426B.5, subsection 1:
140 48 ..... $ 71,697,893
140 49 4. The following formula amounts shall be utilized
140 50 only to calculate preliminary distribution amounts for

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141 1 the allowed growth factor adjustment for fiscal year
141 2 2012=2013 under this section by applying the indicated
141 3 formula provisions to the formula amounts and producing
141 4 a preliminary distribution total for each county:
141 5 a. For calculation of a distribution amount for
141 6 eligible counties from the allowed growth funding pool
141 7 created in the property tax relief fund in accordance
141 8 with the requirements in section 426B.5, subsection 1:
141 9 ..... $ 84,773,346
141 10 b. For calculation of a distribution amount for
141 11 counties from the mental health and developmental
141 12 disabilities (MH/DD) community services fund
141 13 in accordance with the formula provided in the
141 14 appropriation made for the MH/DD community services
141 15 fund for the fiscal year beginning July 1, 2012:
141 16 ..... $ 14,187,556
141 17 5. a. After applying the applicable statutory
141 18 distribution formulas to the amounts indicated in
141 19 subsection 4 for purposes of producing preliminary
141 20 distribution totals, the department of human services
141 21 shall apply a withholding factor to adjust an eligible
141 22 individual county's preliminary distribution total.
141 23 In order to be eligible for a distribution under
141 24 this section, a county must be levying 90 percent or
141 25 more of the maximum amount allowed for the county's
141 26 mental health, mental retardation, and developmental
141 27 disabilities services fund under section 331.424A for
141 28 taxes due and payable in the fiscal year for which the
141 29 distribution is payable.
141 30 b. An ending balance percentage for each county
141 31 shall be determined by expressing the county's ending
141 32 balance on a modified accrual basis under generally
141 33 accepted accounting principles for the fiscal year
141 34 beginning July 1, 2010, in the county's mental health,
141 35 mental retardation, and developmental disabilities
141 36 services fund created under section 331.424A, as a
141 37 percentage of the county's gross expenditures from that
141 38 fund for that fiscal year. If a county borrowed moneys
141 39 for purposes of providing services from the county's
141 40 services fund on or before July 1, 2010, and the
141 41 county's services fund ending balance for that fiscal
141 42 year includes the loan proceeds or an amount designated
141 43 in the county budget to service the loan for the
141 44 borrowed moneys, those amounts shall not be considered
141 45 to be part of the county's ending balance for purposes
141 46 of calculating an ending balance percentage under this
141 47 subsection.
141 48 c. For purposes of calculating withholding
141 49 factors and for ending balance amounts used for other
141 50 purposes under law, the county ending balances shall

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142 1 be adjusted, using forms developed for this purpose
142 2 by the county finance committee, to disregard the
142 3 temporary funding increase provided to the counties for
142 4 the fiscal year through the federal American Recovery
142 5 and Reinvestment Act of 2009, Pub. L. No. 111=5. In
142 6 addition, a county may adjust the ending balance amount
142 7 by rebating to the department all or a portion of
142 8 the allowed growth and MH/DD services fund moneys the
142 9 county received for the fiscal year beginning July 1,
142 10 2011, in accordance with this Act, or from any other
142 11 services fund moneys available to the county. The
142 12 rebate must be remitted to the department on or before
142 13 June 1, 2012, in order to be counted. However, if this
142 14 division of this Act is enacted after July 1, 2012, the
142 15 rebate must be remitted not later than 10 calendar days
142 16 after the date of the governor's approval of this Act.
142 17 The amount rebated by a county shall be subtracted
142 18 dollar=for=dollar from the county's ending balance
142 19 amount for the fiscal year beginning July 1, 2010, for
142 20 purposes of calculating the withholding factor and
142 21 for other ending balance purposes for the fiscal year
142 22 beginning July 1, 2012. The rebates received by the
142 23 department shall be credited to the property tax relief
142 24 fund and distributed as additional funding for the
142 25 fiscal year beginning July 1, 2012, in accordance with
142 26 the formula provisions in this section.
142 27 d. The withholding factor for a county shall be the
142 28 following applicable percent:
142 29 (1) For an ending balance percentage of less than
142 30 5 percent, a withholding factor of 0 percent. In
142 31 addition, a county that is subject to this lettered
142 32 paragraph shall receive an inflation adjustment equal
142 33 to 3 percent of the gross expenditures reported for the
142 34 county's services fund for the fiscal year.
142 35 (2) For an ending balance percentage of 5 percent
142 36 or more but less than 10 percent, a withholding factor
142 37 of 0 percent. In addition, a county that is subject
142 38 to this lettered paragraph shall receive an inflation
142 39 adjustment equal to 2 percent of the gross expenditures
142 40 reported for the county's services fund for the fiscal
142 41 year.
142 42 (3) For an ending balance percentage of 10 percent
142 43 or more but less than 25 percent, a withholding factor
142 44 of 25 percent. However, for counties with an ending
142 45 balance of 10 percent or more but less than 15 percent,
142 46 the amount withheld shall be limited to the amount by
142 47 which the county's ending balance was in excess of the
142 48 ending balance percentage of 10 percent.
142 49 (4) For an ending balance percentage of 25 percent
142 50 or more, a withholding percentage of 100 percent.

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143 1 6. The total withholding amounts applied pursuant
143 2 to subsection 5 shall be equal to a withholding target
143 3 amount of $13,075,453. If the department of human
143 4 services determines that the amount appropriated
143 5 is insufficient or the amount to be withheld in
143 6 accordance with subsection 5 is not equal to the target
143 7 withholding amount, the department shall adjust the
143 8 withholding factors listed in subsection 5 as necessary
143 9 to achieve the target withholding amount. However, in
143 10 making such adjustments to the withholding factors,
143 11 the department shall strive to minimize changes to the
143 12 withholding factors for those ending balance percentage
143 13 ranges that are lower than others and shall only adjust
143 14 the zero withholding factor or the inflation adjustment
143 15 percentages specified in subsection 5, paragraph "d",
143 16 when the amount appropriated is insufficient.
143 17 DIVISION XIX
143 18 CONDITIONAL RETROACTIVE APPLICABILITY
143 19 Sec. 150. EFFECTIVE DATE AND RETROACTIVE
143 20 APPLICABILITY. Unless otherwise provided, this Act,
143 21 if approved by the governor on or after July 1, 2011,
143 22 takes effect upon enactment and applies retroactively
143 23 to July 1, 2011.>
143 24 #2. Title page, line 3, after <appropriations,> by
143 25 inserting <providing penalties,>

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