



Iowa General Assembly
Daily Bills, Amendments & Study Bills
April 20, 2011

House Amendment 1675

PAG LIN

1 1 Amend Senate File 313, as passed by the Senate, as
1 2 follows:
1 3 #1. Page 3, after line 5 by inserting:
1 4 <Sec. _____. Section 249A.3, Code 2011, is amended by
1 5 adding the following new subsection:
1 6 NEW SUBSECTION. 15. In determining eligibility
1 7 of an applicant for medical assistance and in
1 8 order to ensure program integrity and compliance
1 9 with federal law and regulations while minimizing
1 10 unnecessary barriers to enrollment, the department
1 11 shall require verification of residency in the state.
1 12 The department shall establish or continue cooperative
1 13 arrangements with the United States social security
1 14 administration, the secretary of state, the department
1 15 of revenue, the department of workforce development,
1 16 and any other appropriate entity to gain electronic
1 17 access, to the extent allowed by law, to information
1 18 available to those entities that may be appropriate
1 19 for electronically verifying an applicant's residency.
1 20 The information provided shall be provided for no
1 21 other purpose than to verify residency and the data
1 22 requested shall be requested and provided only to
1 23 the extent necessary to determine an applicant's
1 24 residency. A recipient of medical assistance shall be
1 25 subject to verification of residency upon renewal of
1 26 eligibility. This subsection shall not be implemented
1 27 if the department determines that such implementation
1 28 would violate federal maintenance of effort or federal
1 29 financial participation requirements.
1 30 Sec. _____. NEW SECTION. 249A.8A Civil penalty ====
1 31 residency requirement.
1 32 In addition to any other penalties applicable, an
1 33 applicant for medical assistance under this chapter who
1 34 knowingly makes or causes to be made a false statement
1 35 or a misrepresentation of a material fact or knowingly
1 36 fails to disclose a material fact regarding the
1 37 applicant's residency as required pursuant to section
1 38 249A.3, subsection 15, is subject to a civil penalty
1 39 of two thousand dollars.>
1 40 #2. Title page, line 2, after <provisions> by
1 41 inserting <and providing penalties>
1 42 #3. By renumbering as necessary.

SCHULTE of Linn
SF313.2639 (2) 84
pf/nh



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House Amendment 1676

PAG LIN

1 1 Amend House File 678 as follows:
1 2 #1. Page 1, line 10, by striking <the> and inserting
1 3 <a>
1 4 #2. Page 1, line 11, after <fees> by inserting <for
1 5 products or services>
1 6 #3. Page 1, line 12, after <2.> by inserting
1 7 <"Organization" includes a related for-profit or
1 8 not-for-profit subsidiary of an organization.>
1 9 #4. Page 1, line 15, by striking <and> and inserting
1 10 <or>
1 11 #5. Page 1, line 21, after <fees> by inserting <for
1 12 products or services>
1 13 #6. Page 1, by striking lines 29 through 33 and
1 14 inserting <in annual dues, fees, or assessments for
1 15 products or services received from the organization,
1 16 and the total amount of any revenue or dividend
1 17 payments received from the organization. The
1 18 information shall be submitted to the>
1 19 #7. Page 3, line 11, after <4.> by inserting
1 20 <In addition, the organization shall not allow any
1 21 other entity to pay an employee or officer of the
1 22 organization, a member of the organization's governing
1 23 board, or a legislative representative or lobbyist for
1 24 the organization for services performed on behalf of
1 25 the organization. However, the organization may pay
1 26 an employee a commission if the terms for paying the
1 27 commission are in writing under an agreement which is
1 28 a public document and the employee's compensation,
1 29 which shall list the amount of the commission, is
1 30 published and reported in the same manner as provided
1 31 in subsection 4.>
1 32 #8. Title page, line 1, by striking <membership in
1 33 and membership dues paid to>
1 34 #9. By renumbering as necessary.

HAGENOW of Polk
HF678.2686 (2) 84
kh/rj



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House Amendment 1677

PAG LIN

1 1 Amend the amendment, H=1658, to Senate File 517,
1 2 as amended, passed, and reprinted by the Senate, as
1 3 follows:
1 4 #1. Page 1, line 41, by striking <150,000> and
1 5 inserting <206,195>

H. MILLER of Webster
H1658.2727 (2) 84
tw/tm



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House Amendment 1678

PAG LIN

1 1 Amend the amendment, H=1658, to Senate File 517,
1 2 as amended, passed, and reprinted by the Senate, as
1 3 follows:
1 4 #1. Page 4, before line 38 by inserting:
1 5 <d. The department shall not use any moneys
1 6 appropriated in this section for purposes of providing
1 7 financial assistance for the Iowa green streets pilot
1 8 project or for any other program or project that
1 9 involves the installation of geothermal systems for
1 10 melting snow and ice from streets or sidewalks.>
1 11 #2. Page 14, before line 4 by inserting:
1 12 <d. The department shall not use any moneys
1 13 appropriated in this section for purposes of providing
1 14 financial assistance for the Iowa green streets pilot
1 15 project or for any other program or project that
1 16 involves the installation of geothermal systems for
1 17 melting snow and ice from streets or sidewalks.>
1 18 #3. By renumbering as necessary.

SODERBERG of Plymouth
H1658.2734 (1) 84
tw/tm



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House Amendment 1679

PAG LIN

1 1 Amend the amendment, H=1658, to Senate File 517,
1 2 as amended, passed, and reprinted by the Senate, as
1 3 follows:
1 4 #1. Page 5, before line 46 by inserting:
1 5 <Sec. ____ . GREEN INITIATIVES EXPENDITURE
1 6 REPORT. By January 1, 2012, the department of economic
1 7 development shall compile a report on all expenditures
1 8 made during the previous fiscal year for purposes of
1 9 green initiatives, sustainability programs, and all
1 10 such similar efforts. The report shall identify such
1 11 expenditures with a level of specificity sufficient
1 12 to allow the general assembly to evaluate and assess
1 13 the propriety of such expenditures under the spending
1 14 authority given to the department for such purposes.>
1 15 #2. By renumbering as necessary.

SCHULTZ of Crawford
H1658.2741 (2) 84
tw/tm



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House Amendment 1680

PAG LIN

1 1 Amend Senate File 519, as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. Page 1, lines 9 and 10, by striking <or to the
1 4 administrators of a school district>
1 5 #2. Page 1, by striking lines 14 through 26 and
1 6 inserting:
1 7 <2. a. The board of directors of a school district
1 8 and its duly elected members may join or participate
1 9 in organizations, including but not limited to
1 10 organizations such as the Iowa association of school
1 11 boards, the urban education network, and Iowa school
1 12 finance information services. The school board may pay
1 13 out of funds available to the school board reasonable
1 14 monetary fees for products or services or annual
1 15 dues for membership of the school board or a board
1 16 member or for the entire school district in such an
1 17 organization. Such an organization that receives fees
1 18 or dues for membership from a school board shall be
1 19 considered a taxpayer-funded organization. A school
1 20 district may pay out of funds available to the school
1 21 board annual dues for membership in an entity for
1 22 school administrators, students, teachers, or other
1 23 individuals who are not school board members but the
1 24 entity to which the school district pays dues on behalf
1 25 of school administrators, students, teachers, or other
1 26 individuals who are not school board members, shall
1 27 not be considered an organization for purposes of this
1 28 section and the provisions of this section shall not
1 29 apply to such an entity.>
1 30 #3. By renumbering as necessary.

HAGENOW of Polk
SF519.2738 (1) 84
kh/rj



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House Amendment 1681

PAG LIN

1 1 Amend House File 561 as follows:
1 2 #1. By striking everything after the enacting clause
1 3 and inserting:
1 4 <Section 1. BASELOAD ELECTRICAL GENERATION
1 5 STUDY. It is the intent of the general assembly to
1 6 encourage the prudent development of baseload electric
1 7 power generation. The utilities board of the utilities
1 8 division of the department of commerce shall conduct
1 9 a study of baseload electrical generation options and
1 10 costs. The board shall review information regarding
1 11 baseload generation options, including nuclear power
1 12 and potential retrofits of existing generation plants,
1 13 based on evidence regarding system benefits, rate
1 14 impact, financing options, and any risks of delay,
1 15 cancellation, or cost overruns. The board shall
1 16 determine a long-term demand forecast for the state and
1 17 identify whether existing baseload generation, purchase
1 18 power agreements, and demand-side management programs
1 19 in this state are sufficient to meet the forecast.
1 20 In conducting the study, the board shall solicit
1 21 participation and comments from the consumer advocate,
1 22 industrial consumers, groups representing residential
1 23 consumers, investor-owned utilities, rural electric
1 24 cooperatives, and municipal utilities. The board shall
1 25 submit a final report regarding the results of the
1 26 study to the general assembly on or before January 1,
1 27 2012.>
1 28 #2. Title page, by striking lines 1 and 2 and
1 29 inserting <An Act providing for a baseload electrical
1 30 generation study.>

WILLEMS of Linn
HF646.2619 (2) 84
rn/nh



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House File 687 - Introduced

HOUSE FILE
BY COMMITTEE ON WAYS AND
MEANS

(SUCCESSOR TO HF 538)
(SUCCESSOR TO HSB 163)

A BILL FOR

1 An Act relating to the powers and governance of benefited
2 recreational lake districts, water quality districts, and
3 combined recreational lake and water quality districts.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2165HZ (2) 84
md/sc



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House File 687 - Introduced continued

PAG LIN

1 1 Section 1. Section 357E.1, subsection 3, Code 2011, is
1 2 amended to read as follows:
1 3 3. "District" means a benefited recreational lake district
1 4 or a water quality district or a combined district incorporated
1 5 as a public entity and organized pursuant to this chapter.
1 6 Sec. 2. Section 357E.9, Code 2011, is amended to read as
1 7 follows:
1 8 357E.9 Trustees ==== term and qualification.
1 9 1. a. At the election, the names of at least ~~three~~ seven
1 10 candidates for trustee shall be written in by the voters on
1 11 blank ballots without formal nomination and the board of
1 12 supervisors shall appoint ~~three~~ seven from among the ~~five~~ nine
1 13 receiving the highest number of votes as trustees for the
1 14 district. ~~One trustee~~ Three trustees shall be appointed to
1 15 serve for one year, ~~one~~ two for two years, and ~~one~~ two for three
1 16 years. The trustees shall give bond in the amount required by
1 17 the board, the premium of which shall be paid by the district.
1 18 The trustees must be residents of the district or be property
1 19 owners within the district. Vacancies shall be filled by
1 20 election, but if there are no candidates for a trustee office,
1 21 the vacancy may be filled by appointment by the board. The
1 22 terms of the succeeding trustees are for three years.
1 23 b. For districts in existence on July 1, 2011, the number
1 24 of trustees, other than those appointed under subsection 2,
1 25 shall be increased from three trustees to seven trustees. For
1 26 the initial seven-member board under this paragraph, the board
1 27 of supervisors shall appoint four trustees. One trustee shall
1 28 be appointed to serve for one year, one for two years, and two
1 29 for three years. The term of each trustee appointed under this
1 30 paragraph shall expire on the same date as the term of the
1 31 current trustee whose term expires during the same year.
1 32 2. If the state owns at least four hundred acres of land
1 33 contiguous to a lake within the district, the natural resource
1 34 commission shall appoint two members of the board of trustees
1 35 in addition to the ~~three~~ seven members provided in this



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House File 687 - Introduced continued

2 1 section. The additional two members must be citizens of the
2 2 state, not less than eighteen years of age, and property owners
2 3 within the district. The two additional members have voting
2 4 and other authority equal to the other members of the board and
2 5 hold office at the pleasure of the natural resource commission.

2 6 Sec. 3. Section 357E.11, Code 2011, is amended to read as
2 7 follows:

2 8 357E.11 Bonds in anticipation of revenue.

2 9 A district, other than a combined district, may anticipate
2 10 the collection of taxes by the levy authorized in this chapter,
2 11 and to carry out the purposes of this chapter may issue bonds
2 12 payable in not more than twenty equal installments with the
2 13 rate of interest not exceeding that permitted by chapter 74A.

2 14 An indebtedness shall not be incurred under this ~~chapter~~

~~2 15~~ section until authorized by an election. The election shall be
2 16 held and notice given in the same manner as provided in section
2 17 357E.8, and the same majority vote is necessary to authorize
2 18 indebtedness. Both propositions may be submitted to the voters
2 19 at the same election.

2 20 Sec. 4. NEW SECTION. 357E.11A Bonds and indebtedness ====
2 21 combined districts.

2 22 1. A combined district may borrow money for its corporate
2 23 purposes, but shall not become indebted in any manner or
2 24 for any purpose to an amount in the aggregate exceeding
2 25 five percent on the value of the taxable property within the
2 26 district, to be ascertained by the last state and county
2 27 tax lists previous to the incurring of the indebtedness.
2 28 Indebtedness within this limit shall not include the
2 29 indebtedness of any other municipal corporation located wholly
2 30 or partly within the boundaries of the district.

2 31 2. A combined district shall have the same powers to issue
2 32 bonds, including both general obligation and revenue bonds,
2 33 that cities have under the laws of this state, including but
2 34 not limited to chapter 76, section 384.4, and sections 384.23
2 35 through 384.94. The bonds shall be made payable at the place



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House File 687 - Introduced continued

3 1 and be of the form as the board of trustees shall by resolution
3 2 designate. In the application of the laws to this section,
3 3 the words used in the laws referring to municipal corporations
3 4 or to cities shall be held to include combined districts
3 5 organized under this chapter; the words "council" or "city
3 6 council" shall be held to include the board of trustees of a
3 7 combined district; the words "mayor" and "clerk" shall be held
3 8 to include the president and clerk of a board of trustees; and
3 9 like construction shall be given to any other words in the laws
3 10 where required to permit the exercise of the powers by combined
3 11 districts under this section.

3 12 3. An indebtedness shall not be incurred under this section
3 13 until authorized by an election. The election shall be held
3 14 and notice given in the same manner as provided in section
3 15 357E.8, except that a proposition to authorize indebtedness is
3 16 approved if sixty percent of those voting on the proposition
3 17 vote in favor of the proposition. A proposition for the
3 18 authorization of indebtedness may be submitted to the voters at
3 19 the same election as the election under section 357E.8.

3 20 EXPLANATION

3 21 This bill makes changes to Code chapter 357E relating to
3 22 benefited recreational lake districts, water quality districts,
3 23 and combined recreational lake and water quality districts.

3 24 The bill specifies that districts under Code chapter 357E
3 25 are incorporated as public entities.

3 26 The bill increases from three to seven the number of trustees
3 27 on the board governing a benefited recreational lake district,
3 28 water quality district, or combined recreational lake and
3 29 water quality district, other than the two trustees who may
3 30 be appointed by the natural resource commission if the state
3 31 owns a certain amount of land contiguous to a lake within the
3 32 district. The bill makes corresponding changes to the trustee
3 33 selection procedure for newly established districts.

3 34 The bill also provides that for districts in existence on
3 35 July 1, 2011, the board of supervisors is required to appoint



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House File 687 - Introduced continued

4 1 four additional trustees. One trustee shall be appointed to
4 2 serve for one year, one for two years, and two for three years.
4 3 Following expiration of those initial appointments, vacancies
4 4 are filled by election.
4 5 Current law requires trustees to be residents of the
4 6 district. The bill would also allow property owners within the
4 7 district to serve as trustees.
4 8 The bill amends Code section 357E.11, relating to a
4 9 district's authority to issue bonds in anticipation of revenue
4 10 to specify that only those districts that are not combined
4 11 recreational lake and water quality districts may issue bonds
4 12 under that Code section.
4 13 New Code section 357E.11A authorizes combined recreational
4 14 lake and water quality districts to issue bonds, including
4 15 both general obligation and revenue bonds, in the same manner
4 16 as cities. The bill provides that such bonds must be payable
4 17 at the place and be of the form designated by the board
4 18 of trustees. The bill provides, however, that a combined
4 19 recreational lake and water quality district may not incur
4 20 an indebtedness until authorized by an election where 60
4 21 percent of those voting on the proposition vote in favor of the
4 22 proposition.



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House Resolution 46 - Introduced

PAG LIN

HOUSE RESOLUTION NO.

BY HEATON, HANSON, KEARNS, COHOON, KLEIN, and SANDS

1 1 A Resolution to recognize the Mount Pleasant Mental
1 2 Health Institute on the sesquicentennial anniversary
1 3 of its founding.

1 4 WHEREAS, in 1855, the newly formed state of Iowa was
1 5 struggling to provide the amenities, facilities, and
1 6 services that a state owes its citizens; and

1 7 WHEREAS, in that year, Iowa began construction of a
1 8 facility to house the mentally ill; and

1 9 WHEREAS, built at a cost of \$400,000, the facility,
1 10 then called the Iowa Lunatic Asylum, admitted its first
1 11 patient on February 26, 1861; and

1 12 WHEREAS, although that original name seems harsh to
1 13 modern ears, the asylum embodied the latest thinking in
1 14 humane patient care and treatment, and was one of the
1 15 first institutions built on the "Kirkbride Plan"; and

1 16 WHEREAS, decades passed, treatments improved, and
1 17 the old asylum was renamed the Mount Pleasant State
1 18 Hospital and similar facilities were built throughout
1 19 the state; and

1 20 WHEREAS, today the old asylum is long closed, and
1 21 the Mount Pleasant Mental Health Institute provides
1 22 Twenty-first Century inpatient care for psychiatric and
1 23 substance abuse problems; and

1 24 WHEREAS, at the Institute, the Center for
1 25 Psychiatric Care is accredited by the Centers for
1 26 Medicare and Medicaid Services, while the Iowa
1 27 Residential Treatment Center is licensed by the Iowa
1 28 Department of Public Health; NOW THEREFORE,



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House Resolution 46 - Introduced continued

2 1 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES,
2 2 That the House of Representatives honors the long
2 3 tradition of patient care at the Mount Pleasant Mental
2 4 Health Institute and congratulates the Institute on its
2 5 sesquicentennial anniversary.

LSB 2771HH (3) 84

jr/rj



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Senate Amendment 3273

PAG LIN

1 1 Amend Senate File 526 as follows:
1 2 #1. Page 11, line 32, after <99F> by inserting <,
1 3 with tribes that have entered into an agreement or
1 4 compact with the state of Iowa as described in section
1 5 10A.104, subsection 10>
1 6 #2. By renumbering as necessary.

JEFF DANIELSON

BILL DIX
SF526.2714 (2) 84
aw/rj



**Iowa General Assembly
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Senate Amendment 3274

PAG LIN

1 1 Amend Senate File 527 as follows:

1 2 #1. By striking everything after the enacting clause

1 3 and inserting:

1 4 <Section 1. IOWA FINANCE AUTHORITY.

1 5 1. There is appropriated from the general fund

1 6 of the state to the Iowa finance authority for the

1 7 fiscal year beginning July 1, 2011, and ending June 30,

1 8 2012, the following amount, or so much thereof as is

1 9 necessary, to be used to provide reimbursement for rent

1 10 expenses to eligible persons under the rent subsidy

1 11 program:

1 12 \$ 658,000

1 13 2. Participation in the rent subsidy program

1 14 shall be limited to only those persons who meet the

1 15 requirements for the nursing facility level of care for

1 16 home and community-based services waiver services as in

1 17 effect on July 1, 2011, and to those individuals who

1 18 are eligible for the federal money follows the person

1 19 grant program under the medical assistance program. Of

1 20 the moneys appropriated in this section, not more than

1 21 \$35,000 may be used for administrative costs.

1 22 Sec. 2. IOWA FINANCE AUTHORITY.

1 23 1. There is appropriated from the general fund

1 24 of the state to the Iowa finance authority for the

1 25 fiscal year beginning July 1, 2012, and ending June 30,

1 26 2013, the following amount, or so much thereof as is

1 27 necessary, to be used to provide reimbursement for rent

1 28 expenses to eligible persons under the rent subsidy

1 29 program:

1 30 \$ 658,000

1 31 2. Participation in the rent subsidy program

1 32 shall be limited to only those persons who meet the

1 33 requirements for the nursing facility level of care for

1 34 home and community-based services waiver services as in

1 35 effect on July 1, 2012, and to those individuals who

1 36 are eligible for the federal money follows the person

1 37 grant program under the medical assistance program. Of

1 38 the moneys appropriated in this section, not more than

1 39 \$35,000 may be used for administrative costs.

1 40 Sec. 3. IOWA FINANCE AUTHORITY AUDIT. The

1 41 auditor of state is requested to review the audit of

1 42 the Iowa finance authority performed by the auditor

1 43 hired by the authority.

1 44 Sec. 4. Section 16.41, subsection 1, Code 2011,

1 45 is amended to read as follows:

1 46 1. A shelter assistance fund is created as a

1 47 revolving fund in the state treasury under the control

1 48 of the authority consisting of any moneys appropriated

1 49 by the general assembly and received under section

1 50 428A.8 for purposes of the rehabilitation, expansion,



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Senate Amendment 3274 continued

2 1 or costs of operations of group home shelters for the
2 2 homeless and domestic violence shelters, evaluation
2 3 of services for the homeless, and match moneys for
2 4 federal funds for the homeless management information
2 5 system. Each fiscal year, moneys in the fund, in an
2 6 amount equal to not more than two percent of the total
2 7 moneys distributed as grants from the fund during the
2 8 fiscal year, may be used for purposes of administering
2 9 the fund.>
2 10 #2. By renumbering as necessary.

NANCY J. BOETTGER
SF527.2739 (2) 84
tw/tm



Iowa General Assembly
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Senate Amendment 3275

PAG LIN

1 1 Amend Senate File 526 as follows:
1 2 #1. Page 11, line 32, after <99F> by inserting <,
1 3 with tribes that have entered into an agreement or
1 4 compact with the state of Iowa as described in section
1 5 10A.104, subsection 10>
1 6 #2. By renumbering as necessary.

JEFF DANIELSON

MERLIN BARTZ
SF526.2746 (2) 84
aw/rj



Iowa General Assembly
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Senate Amendment 3276

PAG LIN

1 1 Amend Senate File 527 as follows:
1 2 #1. Page 1, before line 34 by inserting:
1 3 <Sec. _____. NEW SECTION. 16.185 Community housing
1 4 for persons with disabilities revolving loan program
1 5 fund.
1 6 1. A community housing for persons with
1 7 disabilities loan program fund is created within the
1 8 authority to further the availability of affordable
1 9 housing for Medicaid waiver=eligible individuals
1 10 with behaviors that provide significant barriers
1 11 to accessing traditional rental opportunities. The
1 12 moneys in the fund are annually appropriated to the
1 13 authority to be used for the development and operation
1 14 of a revolving loan program to provide financing to
1 15 construct affordable permanent supportive housing,
1 16 including through new construction, acquisition and
1 17 rehabilitation of existing housing, or conversion or
1 18 adaptive reuse.
1 19 2. Moneys transferred by the authority for deposit
1 20 in the community housing for persons with disabilities
1 21 revolving loan program fund, moneys appropriated to
1 22 the community housing for persons with disabilities
1 23 revolving loan program, and any other moneys available
1 24 to and obtained or accepted by the authority for
1 25 placement in the fund shall be credited to the fund.
1 26 Additionally, payment of interest, recaptures of
1 27 awards, and other repayments to the community housing
1 28 for persons with disabilities revolving loan program
1 29 fund shall be credited to the fund. Notwithstanding
1 30 section 12C.7, subsection 2, interest or earnings
1 31 on moneys in the community housing for persons with
1 32 disabilities revolving loan program fund shall be
1 33 credited to the fund. Notwithstanding section 8.33,
1 34 moneys credited to the fund that remain unencumbered or
1 35 unobligated at the close of the fiscal year shall not
1 36 revert to any other fund.
1 37 3. The authority shall annually allocate moneys
1 38 available in the community housing for persons with
1 39 disabilities revolving loan program fund for the
1 40 development of permanent supportive housing for
1 41 Medicaid waiver=eligible individuals. The authority
1 42 shall develop a joint application process for
1 43 the allocation of United States housing and urban
1 44 development HOME investment partnerships program
1 45 funding and the funds available under this section.
1 46 Moneys allocated to such projects may be in the form
1 47 of loans, forgivable loans, or a combination of loans
1 48 and forgivable loans.
1 49 4. a. A project shall demonstrate written approval
1 50 of the project by the department of human services to



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Senate Amendment 3276 continued

2 1 the authority prior to application for funding under
2 2 this section.
2 3 b. In order to be approved by the department of
2 4 human services for application for funding under this
2 5 section, a project shall include all of the following
2 6 components:
2 7 (1) Provision of services to any of the following
2 8 Medicaid waiver=eligible individuals:
2 9 (a) Individuals who are currently underserved
2 10 in community placements, including individuals who
2 11 are physically aggressive or have behaviors that are
2 12 difficult to manage.
2 13 (b) Individuals who are currently residing in
2 14 out=of=state facilities.
2 15 (c) Individuals who are currently receiving care in
2 16 a licensed health care facility.
2 17 (2) A plan to provide each individual with crisis
2 18 stabilization services to ensure that the individual's
2 19 behavioral issues are appropriately addressed by the
2 20 provider.
2 21 (3) Policies and procedures that prohibit discharge
2 22 of the individual from the waiver services provided by
2 23 the project provider unless an alternative placement
2 24 that is acceptable to the client or client's guardian
2 25 is identified.
2 26 c. Housing provided through a project under this
2 27 section is exempt from the requirements of chapter
2 28 1350.
2 29 5. The authority, in collaboration with the
2 30 department of human services, shall adopt rules
2 31 pursuant to chapter 17 to administer this section.
2 32 Sec. _____. 2009 Iowa Acts, chapter 182, section 14,
2 33 subsection 5, is amended by adding the following new
2 34 unnumbered paragraph:
2 35 NEW UNNUMBERED PARAGRAPH Notwithstanding section
2 36 232.188, subsection 5, moneys from the allocations
2 37 made in this subsection or made from any other
2 38 source for the decategorization of child welfare and
2 39 juvenile justice funding initiative under section
2 40 232.188 for the fiscal year beginning July 1, 2009,
2 41 that are designated as carryover funding that remain
2 42 unencumbered or unobligated at the close of the fiscal
2 43 year beginning July 1, 2010, shall not revert but shall
2 44 be transferred to the community housing for persons
2 45 with disabilities revolving loan program fund created
2 46 in section 16.185, as enacted by this Act.
2 47 Sec. _____. EFFECTIVE UPON ENACTMENT. This Act,
2 48 being deemed of immediate importance, takes effect upon
2 49 enactment.>
2 50 #2. Title page, line 2, after <appropriations> by



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Senate Amendment 3276 continued

- 3 1 inserting <and including effective date provisions>
- 3 2 #3. By renumbering as necessary.

WILLIAM DOTZLER
SF527.2729 (1) 84
tw/jp



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Senate Amendment 3277

PAG LIN

1 1 Amend the amendment, S=3239, to House File 646,
1 2 as amended, passed, and reprinted by the House, as
1 3 follows:
1 4 #1. Page 1, after line 4 by inserting:
1 5 <DIVISION I
1 6 FY 2011=2012>
1 7 #2. Page 3, by striking lines 13 through 19 and
1 8 inserting:
1 9 <3. The auditor of state shall allocate sufficient
1 10 resources from the appropriation in this section for
1 11 the completion of the audit of the comprehensive annual
1 12 financial report to the extent that it ensures that
1 13 sufficient audit procedures were followed for the
1 14 entire fiscal year to satisfy the auditor that revenues
1 15 and expenditures were recorded properly.>
1 16 #3. Page 9, line 34, by striking <ACCOUNT> and
1 17 inserting <FUND>
1 18 #4. Page 9, line 36, by striking <account> and
1 19 inserting <fund>
1 20 #5. Page 9, by striking lines 41 and 42 and
1 21 inserting:
1 22 <For additional health facility surveyors,
1 23 compliance officers, and residential care facility
1 24 surveyors:>
1 25 #6. Page 9, line 45, by striking <ACCOUNT> and
1 26 inserting <FUND>
1 27 #7. Page 9, line 47, by striking <account> and
1 28 inserting <fund>
1 29 #8. Page 10, line 16, by striking <ACCOUNT> and
1 30 inserting <FUND>
1 31 #9. Page 10, line 17, by striking <account> and
1 32 inserting <fund>
1 33 #10. Page 21, after line 43 by inserting:
1 34 <Sec. ____ . Section 249A.7, Code 2011, is amended to
1 35 read as follows:
1 36 249A.7 Fraudulent practices ==== investigations and
1 37 audits ==== Medicaid fraud ~~account~~ fund.
1 38 1. A person who obtains assistance or payments for
1 39 medical assistance under this chapter by knowingly
1 40 making or causing to be made, a false statement or a
1 41 misrepresentation of a material fact or by knowingly
1 42 failing to disclose a material fact required of an
1 43 applicant for aid under the provisions of this chapter
1 44 and a person who knowingly makes or causes to be made,
1 45 a false statement or a misrepresentation of a material
1 46 fact or knowingly fails to disclose a material fact
1 47 concerning the applicant's eligibility for aid under
1 48 this chapter commits a fraudulent practice.
1 49 2. The department of inspections and appeals
1 50 shall conduct investigations and audits as deemed



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2 1 necessary to ensure compliance with the medical
2 2 assistance program administered under this chapter.
2 3 The department of inspections and appeals shall
2 4 cooperate with the department of human services
2 5 on the development of procedures relating to such
2 6 investigations and audits to ensure compliance with
2 7 federal and state single state agency requirements.
2 8 3. A Medicaid fraud ~~account fund~~ is created ~~in the~~
~~2 9 general fund of the state~~ under the authority of the
2 10 department of inspections and appeals. Moneys from
2 11 penalties and other amounts received as a result of
2 12 prosecutions involving the department of inspections
2 13 and appeals investigations and audits to ensure
2 14 compliance with the medical assistance program that
2 15 are not credited to the program may be credited to
2 16 the ~~account fund~~. Notwithstanding sections 8.33 and
2 17 8.39, moneys credited to the ~~account fund~~ shall not
2 18 revert to any other account or fund and are not subject
2 19 to transfer except as specifically provided by law.
2 20 Moneys in the fund shall be used for costs associated
2 21 with the department of inspections and appeals'
2 22 efforts to address medical assistance program fraud
2 23 and abuse and for costs incurred by the department of
2 24 inspections and appeals or other agencies in providing
2 25 regulation, responding to allegations, or other
2 26 activity involving chapter 1350. The department of
2 27 inspections and appeals and other agencies receiving
2 28 moneys from the ~~account fund~~ shall provide a joint
2 29 annual report to the governor and general assembly
2 30 detailing the expenditures from the ~~account fund~~ and
2 31 activities performed relating to the expenditures.
2 32 ~~This subsection is repealed on July 1, 2012. Any~~
2 33 ~~remaining balance of unencumbered or unallocated moneys~~
2 34 ~~in the Medicaid fraud account in existence prior to~~
2 35 ~~July 1, 2011, shall not revert but shall be deposited~~
2 36 ~~into the Medicaid fraud fund and used as provided in~~
2 37 ~~this section.>~~
2 38 #11. Page 23, by striking lines 3 through 34.
2 39 #12. Page 23, line 41, after <this> by inserting
2 40 <division of this>
2 41 #13. Page 23, line 46, after <this> by inserting
2 42 <division of this>
2 43 #14. Page 24, by striking lines 1 through 5.
2 44 #15. Page 24, after line 5 by inserting:
2 45 <DIVISION II
2 46 FY 2012=2013
2 47 Sec. _____. DEPARTMENT OF ADMINISTRATIVE SERVICES.
2 48 1. There is appropriated from the general fund of
2 49 the state to the department of administrative services
2 50 for the fiscal year beginning July 1, 2012, and ending



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3 1 June 30, 2013, the following amounts, or so much
 3 2 thereof as is necessary, to be used for the purposes
 3 3 designated, and for not more than the following
 3 4 full-time equivalent positions:

3 5 a. For salaries, support, maintenance, and
 3 6 miscellaneous purposes:

3 7	\$	2,105,160
3 8	FTEs	84.18

3 9 b. For the payment of utility costs:

3 10	\$	1,369,730
3 11	FTEs	1.00

3 12 Notwithstanding section 8.33, any excess funds
 3 13 appropriated for utility costs in this lettered
 3 14 paragraph shall not revert to the general fund of the
 3 15 state at the end of the fiscal year but shall remain
 3 16 available for expenditure for the purposes of this
 3 17 lettered paragraph during the succeeding fiscal year.

3 18 c. For Terrace Hill operations:

3 19	\$	202,957
3 20	FTEs	6.88

3 21 d. For the I3 distribution account:

3 22	\$	1,664,000
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3 23 e. For operations and maintenance of the Iowa
 3 24 building:

3 25	\$	509,093
3 26	FTEs	4.00

3 27 2. Members of the general assembly serving as
 3 28 members of the deferred compensation advisory board
 3 29 shall be entitled to receive per diem and necessary
 3 30 travel and actual expenses pursuant to section 2.10,
 3 31 subsection 5, while carrying out their official duties
 3 32 as members of the board.

3 33 3. Any funds and premiums collected by the
 3 34 department for workers' compensation shall be
 3 35 segregated into a separate workers' compensation
 3 36 fund in the state treasury to be used for payment of
 3 37 state employees' workers' compensation claims and
 3 38 administrative costs. Notwithstanding section 8.33,
 3 39 unencumbered or unobligated moneys remaining in this
 3 40 workers' compensation fund at the end of the fiscal
 3 41 year shall not revert but shall be available for
 3 42 expenditure for purposes of the fund for subsequent
 3 43 fiscal years.

3 44 Sec. ____ . REVOLVING FUNDS. There is appropriated
 3 45 to the department of administrative services for the
 3 46 fiscal year beginning July 1, 2012, and ending June
 3 47 30, 2013, from the revolving funds designated in
 3 48 chapter 8A and from internal service funds created
 3 49 by the department such amounts as the department
 3 50 deems necessary for the operation of the department



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4 1 consistent with the requirements of chapter 8A.
 4 2 Sec. _____. FUNDING FOR IOWACCESS.
 4 3 1. Notwithstanding section 321A.3, subsection
 4 4 1, for the fiscal year beginning July 1, 2012, and
 4 5 ending June 30, 2013, the first \$750,000 collected
 4 6 and transferred by the department of transportation
 4 7 to the treasurer of state with respect to the fees
 4 8 for transactions involving the furnishing of a
 4 9 certified abstract of a vehicle operating record under
 4 10 section 321A.3, subsection 1, shall be transferred
 4 11 to the IowAccess revolving fund for the purposes of
 4 12 developing, implementing, maintaining, and expanding
 4 13 electronic access to government records as provided by
 4 14 law.
 4 15 2. All fees collected with respect to transactions
 4 16 involving IowAccess shall be deposited in the IowAccess
 4 17 revolving fund and shall be used only for the support
 4 18 of IowAccess projects.
 4 19 Sec. _____. STATE EMPLOYEE HEALTH INSURANCE
 4 20 ADMINISTRATION CHARGE. For the fiscal year beginning
 4 21 July 1, 2012, and ending June 30, 2013, the monthly per
 4 22 contract administrative charge which may be assessed by
 4 23 the department of administrative services shall be \$2
 4 24 per contract on all health insurance plans administered
 4 25 by the department.
 4 26 Sec. _____. AUDITOR OF STATE.
 4 27 1. There is appropriated from the general fund of
 4 28 the state to the office of the auditor of state for the
 4 29 fiscal year beginning July 1, 2012, and ending June
 4 30 30, 2013, subject to subsection 3 of this section, the
 4 31 following amount, or so much thereof as is necessary,
 4 32 to be used for the purposes designated, and for not
 4 33 more than the following full-time equivalent positions:
 4 34 For salaries, support, maintenance, and
 4 35 miscellaneous purposes:
 4 36 \$ 407,461
 4 37 FTEs 103.00
 4 38 2. The auditor of state may retain additional
 4 39 full-time equivalent positions as is reasonable and
 4 40 necessary to perform governmental subdivision audits
 4 41 which are reimbursable pursuant to section 11.20
 4 42 or 11.21, to perform audits which are requested by
 4 43 and reimbursable from the federal government, and
 4 44 to perform work requested by and reimbursable from
 4 45 departments or agencies pursuant to section 11.5A
 4 46 or 11.5B. The auditor of state shall notify the
 4 47 department of management, the legislative fiscal
 4 48 committee, and the legislative services agency of the
 4 49 additional full-time equivalent positions retained.
 4 50 Sec. 6. IOWA ETHICS AND CAMPAIGN DISCLOSURE



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5 1 BOARD. There is appropriated from the general fund of
5 2 the state to the Iowa ethics and campaign disclosure
5 3 board for the fiscal year beginning July 1, 2012, and
5 4 ending June 30, 2013, the following amount, or so much
5 5 thereof as is necessary, for the purposes designated:
5 6 For salaries, support, maintenance, and
5 7 miscellaneous purposes, and for not more than the
5 8 following full-time equivalent positions:
5 9 \$ 262,500
5 10 FTEs 5.00

5 11 Sec. 7. DEPARTMENT OF COMMERCE.
5 12 1. There is appropriated from the general fund
5 13 of the state to the department of commerce for the
5 14 fiscal year beginning July 1, 2012, and ending June 30,
5 15 2013, the following amounts, or so much thereof as is
5 16 necessary, for the purposes designated:
5 17 a. ALCOHOLIC BEVERAGES DIVISION
5 18 (1) For salaries, support, maintenance, and
5 19 miscellaneous purposes, and for not more than the
5 20 following full-time equivalent positions:
5 21 \$ 685,196
5 22 FTEs 23.00
5 23 (2) Two of the full-time equivalent positions
5 24 authorized pursuant to subparagraph (1) shall
5 25 be allocated for purposes associated with the
5 26 implementation of 2011 Iowa Acts, House File 617.
5 27 b. PROFESSIONAL LICENSING AND REGULATION BUREAU
5 28 For salaries, support, maintenance, and
5 29 miscellaneous purposes, and for not more than the
5 30 following full-time equivalent positions:
5 31 \$ 304,677
5 32 FTEs 12.00

5 33 2. There is appropriated from the department of
5 34 commerce revolving fund created in section 546.12
5 35 to the department of commerce for the fiscal year
5 36 beginning July 1, 2012, and ending June 30, 2013, the
5 37 following amounts, or so much thereof as is necessary,
5 38 for the purposes designated:
5 39 a. BANKING DIVISION
5 40 For salaries, support, maintenance, and
5 41 miscellaneous purposes, and for not more than the
5 42 following full-time equivalent positions:
5 43 \$ 4,425,835
5 44 FTEs 80.00
5 45 b. CREDIT UNION DIVISION
5 46 For salaries, support, maintenance, and
5 47 miscellaneous purposes, and for not more than the
5 48 following full-time equivalent positions:
5 49 \$ 863,998
5 50 FTEs 19.00



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6 1 c. INSURANCE DIVISION

6 2 (1) For salaries, support, maintenance, and

6 3 miscellaneous purposes, and for not more than the

6 4 following full-time equivalent positions:

6 5 \$ 2,491,622

6 6 FTEs 106.50

6 7 (2) The insurance division may reallocate

6 8 authorized full-time equivalent positions as necessary

6 9 to respond to accreditation recommendations or

6 10 requirements. The insurance division expenditures

6 11 for examination purposes may exceed the projected

6 12 receipts, refunds, and reimbursements, estimated

6 13 pursuant to section 505.7, subsection 7, including the

6 14 expenditures for retention of additional personnel,

6 15 if the expenditures are fully reimbursable and the

6 16 division first does both of the following:

6 17 (a) Notifies the department of management, the

6 18 legislative services agency, and the legislative fiscal

6 19 committee of the need for the expenditures.

6 20 (b) Files with each of the entities named in

6 21 subparagraph division (a) the legislative and

6 22 regulatory justification for the expenditures, along

6 23 with an estimate of the expenditures.

6 24 d. UTILITIES DIVISION

6 25 (1) For salaries, support, maintenance, and

6 26 miscellaneous purposes, and for not more than the

6 27 following full-time equivalent positions:

6 28 \$ 4,086,535

6 29 FTEs 79.00

6 30 (2) The utilities division may expend additional

6 31 funds, including funds for additional personnel, if

6 32 those additional expenditures are actual expenses which

6 33 exceed the funds budgeted for utility regulation and

6 34 the expenditures are fully reimbursable. Before the

6 35 division expends or encumbers an amount in excess of

6 36 the funds budgeted for regulation, the division shall

6 37 first do both of the following:

6 38 (a) Notify the department of management, the

6 39 legislative services agency, and the legislative fiscal

6 40 committee of the need for the expenditures.

6 41 (b) File with each of the entities named in

6 42 subparagraph division (a) the legislative and

6 43 regulatory justification for the expenditures, along

6 44 with an estimate of the expenditures.

6 45 (3) Notwithstanding sections 8.33 and 476.10 or

6 46 any other provisions to the contrary, any unencumbered

6 47 or unobligated balance of the appropriation made in

6 48 this paragraph for the utilities division or any other

6 49 operational appropriation made for the fiscal year

6 50 beginning July 1, 2012, and ending June 30, 2013,



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7 1 that remains unused, unencumbered, or unobligated
 7 2 at the close of the fiscal year shall not revert but
 7 3 shall remain available to be used for purposes of the
 7 4 energy=efficient building project authorized under
 7 5 section 476.10B, or for relocation costs in succeeding
 7 6 fiscal years.

7 7 3. CHARGES. Each division and the office of
 7 8 consumer advocate shall include in its charges
 7 9 assessed or revenues generated an amount sufficient
 7 10 to cover the amount stated in its appropriation and
 7 11 any state=assessed indirect costs determined by the
 7 12 department of administrative services.

7 13 Sec. ____ . DEPARTMENT OF COMMERCE ==== PROFESSIONAL
 7 14 LICENSING AND REGULATION BUREAU. There is appropriated
 7 15 from the housing trust fund of the Iowa finance
 7 16 authority created in section 16.181, to the bureau of
 7 17 professional licensing and regulation of the banking
 7 18 division of the department of commerce for the fiscal
 7 19 year beginning July 1, 2012, and ending June 30,
 7 20 2013, the following amount, or so much thereof as is
 7 21 necessary, to be used for the purposes designated:
 7 22 For salaries, support, maintenance, and
 7 23 miscellaneous purposes:
 7 24 \$ 31,159

7 25 Sec. ____ . GOVERNOR AND LIEUTENANT GOVERNOR. There
 7 26 is appropriated from the general fund of the state to
 7 27 the offices of the governor and the lieutenant governor
 7 28 for the fiscal year beginning July 1, 2012, and ending
 7 29 June 30, 2013, the following amounts, or so much
 7 30 thereof as is necessary, to be used for the purposes
 7 31 designated:

7 32 1. GENERAL OFFICE
 7 33 For salaries, support, maintenance, and
 7 34 miscellaneous purposes for the general office of the
 7 35 governor and the general office of the lieutenant
 7 36 governor, and for not more than the following full=time
 7 37 equivalent positions:
 7 38 \$ 1,081,746
 7 39 FTEs 21.00

7 40 2. TERRACE HILL QUARTERS
 7 41 For salaries, support, maintenance, and
 7 42 miscellaneous purposes for the governor's quarters
 7 43 at Terrace Hill, and for not more than the following
 7 44 full=time equivalent positions:
 7 45 \$ 34,767
 7 46 FTEs 0.88

7 47 Sec. ____ . GOVERNOR'S OFFICE OF DRUG CONTROL
 7 48 POLICY. There is appropriated from the general fund
 7 49 of the state to the governor's office of drug control
 7 50 policy for the fiscal year beginning July 1, 2012, and



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8 1 ending June 30, 2013, the following amount, or so much
 8 2 thereof as is necessary, to be used for the purposes
 8 3 designated:

8 4 For salaries, support, maintenance, and
 8 5 miscellaneous purposes, including statewide
 8 6 coordination of the drug abuse resistance education
 8 7 (D.A.R.E.) programs or similar programs, and for not
 8 8 more than the following full-time equivalent positions:

8 9	\$	163,022
8 10	FTEs	8.00

8 11 Sec. ____ DEPARTMENT OF HUMAN RIGHTS. There is
 8 12 appropriated from the general fund of the state to
 8 13 the department of human rights for the fiscal year
 8 14 beginning July 1, 2012, and ending June 30, 2013, the
 8 15 following amounts, or so much thereof as is necessary,
 8 16 to be used for the purposes designated:

8 17 1. CENTRAL ADMINISTRATION DIVISION

8 18 For salaries, support, maintenance, and
 8 19 miscellaneous purposes, and for not more than the
 8 20 following full-time equivalent positions:

8 21	\$	103,052
8 22	FTEs	7.00

8 23 2. COMMUNITY ADVOCACY AND SERVICES DIVISION

8 24 For salaries, support, maintenance, and
 8 25 miscellaneous purposes, and for not more than the
 8 26 following full-time equivalent positions:

8 27	\$	528,396
8 28	FTEs	17.00

8 29 3. CRIMINAL AND JUVENILE JUSTICE PLANNING DIVISION

8 30 For salaries, support, maintenance, and
 8 31 miscellaneous purposes, and for not more than the
 8 32 following full-time equivalent positions:

8 33	\$	536,946
8 34	FTEs	10.00

8 35 The criminal and juvenile justice planning advisory
 8 36 council and the juvenile justice advisory council
 8 37 shall coordinate their efforts in carrying out their
 8 38 respective duties relative to juvenile justice.

8 39 Sec. ____ DEPARTMENT OF INSPECTIONS AND
 8 40 APPEALS. There is appropriated from the general fund
 8 41 of the state to the department of inspections and
 8 42 appeals for the fiscal year beginning July 1, 2012, and
 8 43 ending June 30, 2013, the following amounts, or so much
 8 44 thereof as is necessary, for the purposes designated:

8 45 1. ADMINISTRATION DIVISION

8 46 For salaries, support, maintenance, and
 8 47 miscellaneous purposes, and for not more than the
 8 48 following full-time equivalent positions:

8 49	\$	805,531
8 50	FTEs	37.40



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9 1 2. ADMINISTRATIVE HEARINGS DIVISION

9 2 For salaries, support, maintenance, and

9 3 miscellaneous purposes, and for not more than the

9 4 following full-time equivalent positions:

9 5 \$ 276,987

9 6 FTEs 23.00

9 7 3. INVESTIGATIONS DIVISION

9 8 a. For salaries, support, maintenance, and

9 9 miscellaneous purposes, and for not more than the

9 10 following full-time equivalent positions:

9 11 \$ 584,320

9 12 FTEs 58.50

9 13 b. The department, in coordination with the

9 14 investigations division, shall provide a report to

9 15 the general assembly by January 10, 2013, concerning

9 16 the fiscal impact of additional full-time equivalent

9 17 positions on the department's efforts relative to the

9 18 Medicaid divestiture program under chapter 249F.

9 19 4. HEALTH FACILITIES DIVISION

9 20 a. For salaries, support, maintenance, and

9 21 miscellaneous purposes, and for not more than the

9 22 following full-time equivalent positions:

9 23 \$ 1,781,370

9 24 FTEs 134.75

9 25 b. The department shall, in coordination with

9 26 the health facilities division, make the following

9 27 information available to the public in a timely

9 28 manner, to include providing the information on the

9 29 department's internet website, during the fiscal year

9 30 beginning July 1, 2012, and ending June 30, 2013:

9 31 (1) The number of inspections conducted by the

9 32 division annually by type of service provider and type

9 33 of inspection.

9 34 (2) The total annual operations budget for the

9 35 division, including general fund appropriations and

9 36 federal contract dollars received by type of service

9 37 provider inspected.

9 38 (3) The total number of full-time equivalent

9 39 positions in the division, to include the number of

9 40 full-time equivalent positions serving in a supervisory

9 41 capacity, and serving as surveyors, inspectors, or

9 42 monitors in the field by type of service provider

9 43 inspected.

9 44 (4) Identification of state and federal survey

9 45 trends, cited regulations, the scope and severity of

9 46 deficiencies identified, and federal and state fines

9 47 assessed and collected concerning nursing and assisted

9 48 living facilities and programs.

9 49 c. It is the intent of the general assembly that

9 50 the department and division continuously solicit input



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10 1 from facilities regulated by the division to assess and
 10 2 improve the division's level of collaboration and to
 10 3 identify new opportunities for cooperation.
 10 4 5. EMPLOYMENT APPEAL BOARD
 10 5 a. For salaries, support, maintenance, and
 10 6 miscellaneous purposes, and for not more than the
 10 7 following full-time equivalent positions:
 10 8 \$ 21,108
 10 9 FTEs 14.00
 10 10 b. The employment appeal board shall be reimbursed
 10 11 by the labor services division of the department
 10 12 of workforce development for all costs associated
 10 13 with hearings conducted under chapter 91C, related
 10 14 to contractor registration. The board may expend,
 10 15 in addition to the amount appropriated under this
 10 16 subsection, additional amounts as are directly billable
 10 17 to the labor services division under this subsection
 10 18 and to retain the additional full-time equivalent
 10 19 positions as needed to conduct hearings required
 10 20 pursuant to chapter 91C.
 10 21 6. CHILD ADVOCACY BOARD
 10 22 a. For foster care review and the court appointed
 10 23 special advocate program, including salaries, support,
 10 24 maintenance, and miscellaneous purposes, and for not
 10 25 more than the following full-time equivalent positions:
 10 26 \$ 1,397,237
 10 27 FTEs 40.80
 10 28 b. The department of human services, in
 10 29 coordination with the child advocacy board and the
 10 30 department of inspections and appeals, shall submit an
 10 31 application for funding available pursuant to Tit. IV=E
 10 32 of the federal Social Security Act for claims for child
 10 33 advocacy board administrative review costs.
 10 34 c. The court appointed special advocate program
 10 35 shall investigate and develop opportunities for
 10 36 expanding fund-raising for the program.
 10 37 d. Administrative costs charged by the department
 10 38 of inspections and appeals for items funded under this
 10 39 subsection shall not exceed 4 percent of the amount
 10 40 appropriated in this subsection.
 10 41 Sec. _____. DEPARTMENT OF INSPECTIONS AND APPEALS
 10 42 ===== MUNICIPAL CORPORATION FOOD INSPECTIONS. For the
 10 43 fiscal year beginning July 1, 2012, and ending June 30,
 10 44 2013, the department of inspections and appeals shall
 10 45 retain any license fees generated during the fiscal
 10 46 year as a result of actions under section 137F.3A
 10 47 occurring during the period beginning July 1, 2009, and
 10 48 ending June 30, 2011, for the purpose of enforcing the
 10 49 provisions of chapters 137C, 137D, and 137F.
 10 50 Sec. _____. DEPARTMENT OF INSPECTIONS AND APPEALS =====



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11 1 HEALTH CARE FACILITIES INSPECTIONS. Notwithstanding
11 2 any provision of section 135C.16 to the contrary,
11 3 inspections of health care facilities that are only
11 4 state=licensed and not certified under the Medicare
11 5 or Medicaid programs shall not be inspected by the
11 6 department of inspections and appeals every thirty
11 7 months, but only as provided pursuant to sections
11 8 135C.9 and 135C.38.

11 9 Sec. _____. DEPARTMENT OF INSPECTIONS AND
11 10 APPEALS ===== GENERAL SUPPORT ===== MEDICAID FRAUD FUND
11 11 APPROPRIATION. There is appropriated from the Medicaid
11 12 fraud fund created in section 249A.7 to the department
11 13 of inspections and appeals for the fiscal year
11 14 beginning July 1, 2012, and ending June 30, 2013, the
11 15 following amount, or so much thereof as is necessary,
11 16 to be used for the purposes designated:

11 17 For additional health facility surveyors, compliance
11 18 officers, and residential care facility surveyors:
11 19 \$ 325,000

11 20 Sec. _____. DEPARTMENT OF INSPECTIONS AND APPEALS
11 21 ===== STATE MATCH REQUIREMENTS ===== MEDICAID FRAUD FUND
11 22 APPROPRIATION. There is appropriated from the Medicaid
11 23 fraud fund created in section 249A.7 to the department
11 24 of inspections and appeals for the fiscal year
11 25 beginning July 1, 2012, and ending June 30, 2013, the
11 26 amounts necessary for the purposes designated:

11 27 1. To cover the cost of any state match to draw
11 28 down matching federal funds through the department of
11 29 human services for additional full=time equivalent
11 30 positions for conducting investigations of alleged
11 31 fraud and overpayments of food assistance benefits
11 32 through electronic benefits transfer.

11 33 2. For the state financial match requirement
11 34 for meeting the federal mandates connected with the
11 35 department's Medicaid fraud and abuse activities, and
11 36 the amount necessary to cover costs incurred by the
11 37 department or other agencies in providing regulation,
11 38 responding to allegations, or other activity involving
11 39 chapter 1350.

11 40 Sec. _____. DEPARTMENT OF INSPECTIONS AND APPEALS
11 41 ===== LEGISLATIVE IMPLEMENTATION ===== MEDICAID FRAUD FUND
11 42 APPROPRIATION. There is appropriated from the Medicaid
11 43 fraud fund created in section 249A.7 to the department
11 44 of inspections and appeals for the fiscal year
11 45 beginning July 1, 2012, and ending June 30, 2013, the
11 46 following amount, or so much thereof as is necessary,
11 47 to be used for the purposes designated:

11 48 For salaries, support, maintenance, miscellaneous
11 49 purposes, administration, and other costs associated
11 50 with implementation of 2010 Iowa Acts, chapter 1177:



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12	1	\$	125,000
12	2	Sec. 18. RACING AND GAMING COMMISSION.		
12	3	1. RACETRACK REGULATION		
12	4	There is appropriated from the gaming regulatory		
12	5	revolving fund established in section 99F.20 to the		
12	6	racing and gaming commission of the department of		
12	7	inspections and appeals for the fiscal year beginning		
12	8	July 1, 2012, and ending June 30, 2013, the following		
12	9	amount, or so much thereof as is necessary, to be used		
12	10	for the purposes designated:		
12	11	For salaries, support, maintenance, and		
12	12	miscellaneous purposes for the regulation of		
12	13	pari-mutuel racetracks, and for not more than the		
12	14	following full-time equivalent positions:		
12	15	.....	\$	1,255,720
12	16	.....	FTEs	28.53
12	17	2. EXCURSION BOAT AND GAMBLING STRUCTURE REGULATION		
12	18	There is appropriated from the gaming regulatory		
12	19	revolving fund established in section 99F.20 to the		
12	20	racing and gaming commission of the department of		
12	21	inspections and appeals for the fiscal year beginning		
12	22	July 1, 2012, and ending June 30, 2013, the following		
12	23	amount, or so much thereof as is necessary, to be used		
12	24	for the purposes designated:		
12	25	For salaries, support, maintenance, and		
12	26	miscellaneous purposes for administration and		
12	27	enforcement of the excursion boat gambling and gambling		
12	28	structure laws, and for not more than the following		
12	29	full-time equivalent positions:		
12	30	.....	\$	1,539,050
12	31	.....	FTEs	44.22
12	32	Sec. ____ . ROAD USE TAX FUND APPROPRIATION =====		
12	33	DEPARTMENT OF INSPECTIONS AND APPEALS. There is		
12	34	appropriated from the road use tax fund created in		
12	35	section 312.1 to the administrative hearings division		
12	36	of the department of inspections and appeals for the		
12	37	fiscal year beginning July 1, 2012, and ending June 30,		
12	38	2013, the following amount, or so much thereof as is		
12	39	necessary, for the purposes designated:		
12	40	For salaries, support, maintenance, and		
12	41	miscellaneous purposes:		
12	42	.....	\$	811,949
12	43	Sec. ____ . DEPARTMENT OF MANAGEMENT.		
12	44	1. There is appropriated from the general fund		
12	45	of the state to the department of management for the		
12	46	fiscal year beginning July 1, 2012, and ending June 30,		
12	47	2013, the following amounts, or so much thereof as is		
12	48	necessary, to be used for the purposes designated:		
12	49	For salaries, support, maintenance, and		
12	50	miscellaneous purposes, and for not more than the		



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Senate Amendment 3277 continued

13 1 following full-time equivalent positions:
 13 2 \$ 1,081,999
 13 3 FTEs 25.00
 13 4 2. Of the moneys appropriated in this section, the
 13 5 department shall use a portion for enterprise resource
 13 6 planning, providing for a salary model administrator,
 13 7 conducting performance audits, and for the department's
 13 8 LEAN process.
 13 9 Sec. ____ . ROAD USE TAX APPROPRIATION ==== DEPARTMENT
 13 10 OF MANAGEMENT. There is appropriated from the road use
 13 11 tax fund created in section 312.1 to the department
 13 12 of management for the fiscal year beginning July 1,
 13 13 2012, and ending June 30, 2013, the following amount,
 13 14 or so much thereof as is necessary, to be used for the
 13 15 purposes designated:
 13 16 For salaries, support, maintenance, and
 13 17 miscellaneous purposes:
 13 18 \$ 28,000
 13 19 Sec. ____ . DEPARTMENT OF REVENUE.
 13 20 1. There is appropriated from the general fund
 13 21 of the state to the department of revenue for the
 13 22 fiscal year beginning July 1, 2012, and ending June 30,
 13 23 2013, the following amounts, or so much thereof as is
 13 24 necessary, to be used for the purposes designated:
 13 25 For salaries, support, maintenance, and
 13 26 miscellaneous purposes, and for not more than the
 13 27 following full-time equivalent positions:
 13 28 \$ 8,902,730
 13 29 FTEs 303.48
 13 30 2. Of the funds appropriated pursuant to this
 13 31 section, \$400,000 shall be used to pay the direct
 13 32 costs of compliance related to the collection and
 13 33 distribution of local sales and services taxes imposed
 13 34 pursuant to chapters 423B and 423E.
 13 35 3. The director of revenue shall prepare and issue
 13 36 a state appraisal manual and the revisions to the
 13 37 state appraisal manual as provided in section 421.17,
 13 38 subsection 17, without cost to a city or county.
 13 39 Sec. ____ . MOTOR VEHICLE FUEL TAX
 13 40 APPROPRIATION. There is appropriated from the motor
 13 41 fuel tax fund created by section 452A.77 to the
 13 42 department of revenue for the fiscal year beginning
 13 43 July 1, 2012, and ending June 30, 2013, the following
 13 44 amount, or so much thereof as is necessary, to be used
 13 45 for the purposes designated:
 13 46 For salaries, support, maintenance, miscellaneous
 13 47 purposes, and for administration and enforcement of the
 13 48 provisions of chapter 452A and the motor vehicle use
 13 49 tax program:
 13 50 \$ 652,888



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Senate Amendment 3277 continued

14 1 Sec. _____. SECRETARY OF STATE.

14 2 1. There is appropriated from the general fund of

14 3 the state to the office of the secretary of state for

14 4 the fiscal year beginning July 1, 2012, and ending June

14 5 30, 2013, the following amounts, or so much thereof as

14 6 is necessary, to be used for the purposes designated:

14 7 For salaries, support, maintenance, and miscellaneous

14 8 purposes, and for not more than the following full-time

14 9 equivalent positions:

14 10	\$	1,447,793
14 11	FTEs	45.00

14 12 2. The state department or state agency which

14 13 provides data processing services to support voter

14 14 registration file maintenance and storage shall provide

14 15 those services without charge.

14 16 Sec. _____. SECRETARY OF STATE FILING FEES REFUND.

14 17 Notwithstanding the obligation to collect fees pursuant

14 18 to the provisions of section 490.122, subsection 1,

14 19 paragraphs "a" and "s", and section 504.113, subsection

14 20 1, paragraphs "a", "c", "d", "j", "k", "l", and

14 21 "m", for the fiscal year beginning July 1, 2012, the

14 22 secretary of state may refund these fees to the filer

14 23 pursuant to rules established by the secretary of

14 24 state. The decision of the secretary of state not to

14 25 issue a refund under rules established by the secretary

14 26 of state is final and not subject to review pursuant

14 27 to chapter 17A.

14 28 Sec. _____. TREASURER.

14 29 1. There is appropriated from the general fund of

14 30 the state to the office of treasurer of state for the

14 31 fiscal year beginning July 1, 2012, and ending June 30,

14 32 2013, the following amount, or so much thereof as is

14 33 necessary, to be used for the purposes designated:

14 34 For salaries, support, maintenance, and

14 35 miscellaneous purposes, and for not more than the

14 36 following full-time equivalent positions:

14 37	\$	427,145
14 38	FTEs	28.80

14 39 2. The office of treasurer of state shall supply

14 40 clerical and secretarial support for the executive

14 41 council.

14 42 Sec. _____. ROAD USE TAX APPROPRIATION ==== OFFICE

14 43 OF TREASURER OF STATE. There is appropriated from

14 44 the road use tax fund created in section 312.1 to

14 45 the office of treasurer of state for the fiscal year

14 46 beginning July 1, 2012, and ending June 30, 2013, the

14 47 following amount, or so much thereof as is necessary,

14 48 to be used for the purposes designated:

14 49 For enterprise resource management costs related to

14 50 the distribution of road use tax funds:



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Senate Amendment 3277 continued

15	1	\$	46,574
15	2	Sec. ____.	IPERS ==	GENERAL OFFICE. There is
15	3	appropriated from the Iowa public employees' retirement		
15	4	system fund to the Iowa public employees' retirement		
15	5	system for the fiscal year beginning July 1, 2012, and		
15	6	ending June 30, 2013, the following amount, or so much		
15	7	thereof as is necessary, to be used for the purposes		
15	8	designated:		
15	9	For salaries, support, maintenance, and other		
15	10	operational purposes to pay the costs of the Iowa		
15	11	public employees' retirement system, and for not more		
15	12	than the following full-time equivalent positions:		
15	13	.....	\$	8,843,484
15	14	FTEs	90.13>
15	15	#16. By renumbering as necessary.		

PAM JOCHUM
S3239.2745 (1) 84
rn/tm



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Senate Amendment 3278

PAG LIN

1 1 Amend Senate File 526 as follows:
1 2 #1. Page 1, line 2, after <RACING> by inserting <AND
1 3 DOG RACING>
1 4 #2. Page 3, after line 21 by inserting:
1 5 <Sec. _____. NEW SECTION. 99D.9A Dog racetrack
1 6 licensure ==== televising races ==== annual fee.
1 7 1. A licensee authorized to operate a pari-mutuel
1 8 dog racetrack and to conduct gambling games pursuant to
1 9 section 99F.6 as of January 1, 2011, may, upon written
1 10 notification to the commission and agreement to pay the
1 11 annual dog racetrack licensure fee to the commission
1 12 as provided in this section, discontinue scheduling
1 13 performances of live dog races at the racetrack and
1 14 maintain a license under this chapter for purposes
1 15 of permitting pari-mutuel wagering on simultaneously
1 16 telecast horse and dog races.
1 17 2. For purposes of this section, the annual dog
1 18 racetrack licensure fee shall be determined and paid
1 19 as follows:
1 20 a. For the pari-mutuel dog racetrack located in
1 21 Dubuque county, the payment of two million five hundred
1 22 thousand dollars each January for seven consecutive
1 23 calendar years commencing January 2012.
1 24 b. For the pari-mutuel dog racetrack located in
1 25 Pottawattamie county, the payment of seven million
1 26 five hundred thousand dollars each January for seven
1 27 consecutive calendar years commencing January 2012.
1 28 3. The annual dog racetrack licensure fee collected
1 29 under this section shall be paid to the commission for
1 30 deposit in the general fund of the state.
1 31 Sec. _____. NEW SECTION. 99D.9B Iowa greyhound
1 32 retirement fund.
1 33 1. A greyhound retirement fund is created in
1 34 the state treasury under the control of the gaming
1 35 commission.
1 36 2. The fund shall consist of all of the following:
1 37 a. Moneys in the dog racing promotion fund created
1 38 in section 99D.12 and the Iowa horse and dog breeders
1 39 fund created in section 99D.22, that were deposited
1 40 in those funds from a dog racetrack licensee that
1 41 discontinues scheduling performances of live dog races
1 42 pursuant to section 99D.9A.
1 43 b. Any unearned dog purse supplements obligated
1 44 by a dog racetrack licensee, pursuant to agreements
1 45 approved by the commission, for the calendar year in
1 46 which performances of live dog races are discontinued.
1 47 c. Moneys in the escrow funds maintained by the
1 48 commission for the purpose of supplementing dog purses.
1 49 3. Moneys in the fund shall be disbursed by the
1 50 commission to registered Iowa greyhound owners,



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Senate Amendment 3278 continued

2 1 licensed Iowa greyhound commercial breeder farms, and
2 2 no=kill adoption agencies approved by the commission in
2 3 an expeditious and equitable manner as determined by
2 4 the commission.

2 5 4. Section 8.33 does not apply to any moneys in the
2 6 fund. Notwithstanding section 12C.7, subsection 2,
2 7 interest or earnings on moneys deposited in the fund
2 8 shall be credited to the fund.>

2 9 #3. Page 4, after line 6 by inserting:

2 10 <Sec. . Section 99D.11, subsection 6, paragraph
2 11 b, Code 2011, is amended to read as follows:

2 12 b. (1) The commission may authorize the licensee
2 13 to simultaneously telecast within the racetrack
2 14 enclosure, for the purpose of pari=mutuel wagering,
2 15 a horse or dog race licensed by the racing authority
2 16 of another state. It is the responsibility of each
2 17 licensee to obtain the consent of appropriate racing
2 18 officials in other states as required by the federal
2 19 Interstate Horseracing Act of 1978, 15 U.S.C. { 3001 =
2 20 3007, to televise races for the purpose of conducting
2 21 pari=mutuel wagering.

2 22 (2) A licensee may also obtain the permission
2 23 of a person licensed by the commission to conduct
2 24 horse or dog races in this state to televise races
2 25 conducted by that person for the purpose of conducting
2 26 pari=mutuel ~~racing~~ wagering. However, arrangements
2 27 made by a licensee to televise any race for the purpose
2 28 of conducting pari=mutuel wagering are subject to
2 29 the approval of the commission, and the commission
2 30 shall select the races to be televised. The races
2 31 selected by the commission shall be the same for all
2 32 licensees approved by the commission to televise races
2 33 for the purpose of conducting pari=mutuel wagering.
2 34 The commission shall not authorize the simultaneous
2 35 telecast or televising of and a licensee shall not
2 36 simultaneously telecast or televise any horse or dog
2 37 race for the purpose of conducting pari=mutuel wagering
2 38 unless the simultaneous telecast or televising is done
2 39 at the racetrack of a licensee that schedules no less
2 40 than sixty performances of nine live races each day
2 41 of the season or that is not obligated to schedule
2 42 performances of live races pursuant to section 99D.9A.

2 43 (3) For purposes of the taxes imposed under this
2 44 chapter, races televised by a licensee for purposes
2 45 of pari=mutuel wagering shall be treated as if the
2 46 races were held at the racetrack of the licensee.
2 47 Notwithstanding any contrary provision in this chapter,
2 48 the commission may allow a licensee to adopt the same
2 49 deductions as those of the pari=mutuel racetrack from
2 50 which the races are being simultaneously telecast.>



Iowa General Assembly
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Senate Amendment 3278 continued

3 1 #4. Page 8, after line 10 by inserting:
3 2 <Sec. _____. Section 99F.6, subsection 4, paragraph
3 3 b, Code 2011, is amended to read as follows:
3 4 b. The commission shall authorize the licensees
3 5 of pari-mutuel dog racetracks located in Dubuque
3 6 county and Black Hawk county to conduct gambling
3 7 games as provided in section 99F.4A if the licensees
3 8 schedule at least one hundred thirty performances
3 9 of twelve live races each day during a season of
3 10 twenty-five weeks. For the pari-mutuel dog racetrack
3 11 located in Pottawattamie county, the commission shall
3 12 authorize the licensee to conduct gambling games as
3 13 provided in section 99F.4A if the licensee schedules
3 14 at least two hundred ninety performances of twelve
3 15 live races each day during a season of fifty weeks.
3 16 The commission shall approve an annual contract to be
3 17 negotiated between the annual recipient of the dog
3 18 racing promotion fund and each dog racetrack licensee
3 19 to specify the percentage or amount of gambling game
3 20 proceeds which shall be dedicated to supplement the
3 21 purses of live dog races. The parties shall agree
3 22 to a negotiation timetable to insure no interruption
3 23 of business activity. If the parties fail to agree,
3 24 the commission shall impose a timetable. If the
3 25 two parties cannot reach agreement, each party shall
3 26 select a representative and the two representatives
3 27 shall select a third person to assist in negotiating
3 28 an agreement. The two representatives may select the
3 29 commission or one of its members to serve as the third
3 30 party. Alternately, each party shall submit the name
3 31 of the proposed third person to the commission who
3 32 shall then select one of the two persons to serve as
3 33 the third party. All parties to the negotiations,
3 34 including the commission, shall consider that the dog
3 35 racetracks were built to facilitate the development
3 36 and promotion of Iowa greyhound racing dogs in this
3 37 state and shall negotiate and decide accordingly.
3 38 However, the requirement to schedule performances of
3 39 live races for purposes of conducting gambling games
3 40 under this chapter shall not apply to a licensee who is
3 41 not obligated to schedule performances of live races
3 42 pursuant to section 99D.9A.
3 43 Sec. _____. EFFECTIVE UPON ENACTMENT. The sections
3 44 of this division of this Act enacting sections 99D.9A
3 45 and 99D.9B and amending section 99D.11, subsection
3 46 6, paragraph "b", and section 99F.6, subsection 4,
3 47 paragraph "b", being deemed of immediate importance,
3 48 take effect upon enactment.>
3 49 #5. Title page, line 1, after <horse> by inserting
3 50 <and dog>



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Senate Amendment 3278 continued

4 1 #6. By renumbering as necessary.

BRAD ZAUN
SF526.2712 (2) 84
aw/rj



Iowa General Assembly
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Senate Amendment 3279

PAG LIN

1 1 Amend Senate File 526 as follows:
1 2 #1. Page 11, after line 12 by inserting:
1 3 <Sec. ____ . Section 142D.4, subsection 10, Code
1 4 2011, is amended by striking the subsection.>
1 5 #2. Page 11, line 13, by striking <This> and
1 6 inserting <Except for the section of this division of
1 7 this Act amending section 142D.4, this>
1 8 #3. Page 11, line 16, by striking <This> and
1 9 inserting <Except for the section of this division of
1 10 this Act amending section 142D.4, this>
1 11 #4. By renumbering as necessary.

RANDY FEENSTRA
SF526.2718 (3) 84
aw/rj



**Iowa General Assembly
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Senate Amendment 3280

PAG LIN

1 1 Amend the amendment, S=3276, to Senate File 527 as
 1 2 follows:
 1 3 #1. Page 2, before line 32 by inserting:
 1 4 <Sec. _____. Section 427.1, subsection 21, Code 2011,
 1 5 is amended to read as follows:
 1 6 21. Low=rent housing. The property owned and
 1 7 operated or controlled by a nonprofit organization, as
 1 8 recognized by the internal revenue service, providing
 1 9 low=rent housing for persons who are elderly and
 1 10 persons with physical and mental disabilities. The
 1 11 controlling nonprofit entity may serve as a general
 1 12 partner or managing member of a limited liability
 1 13 company or limited liability partnership which owns
 1 14 the property for the purposes of this subsection.
 1 15 The exemption granted under the provisions of this
 1 16 subsection shall apply only until the final payment
 1 17 due date of the borrower's original low=rent housing
 1 18 development mortgage or until the borrower's original
 1 19 low=rent housing development mortgage is paid in
 1 20 full or expires, whichever is sooner, subject to
 1 21 the provisions of subsection 14. However, if the
 1 22 borrower's original low=rent housing development
 1 23 mortgage is refinanced, the exemption shall apply
 1 24 only until the date that would have been the final
 1 25 payment due date under the terms of the borrower's
 1 26 original low=rent housing development mortgage or until
 1 27 the refinanced mortgage is paid in full or expires,
 1 28 whichever is sooner, subject to the provisions of
 1 29 subsection 14.>
 1 30 #2. By striking page 2, line 50, through page 3,
 1 31 line 1, and inserting:
 1 32 <_____. Title page, by striking lines 1 and 2 and
 1 33 inserting <An Act relating to housing by making changes
 1 34 to the administration of the Iowa finance authority
 1 35 and by providing for the control of certain business
 1 36 entities by nonprofit corporations owning low=rent
 1 37 housing, making appropriations, and including effective
 1 38 date provisions.>>

WILLIAM DOTZLER
 S3276.2755 (2) 84
 tw/tm



Iowa General Assembly
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Senate Amendment 3281

PAG LIN

1 1 Amend Senate File 526 as follows:
1 2 #1. Page 12, after line 2 by inserting:
1 3 <Sec. _____. The director of human services shall
1 4 prepare a report for delivery to the general assembly
1 5 no later than October 1, 2011, regarding the societal
1 6 impacts of internet poker in Iowa. The director
1 7 shall not be required within the report to make
1 8 specific recommendations regarding the legalization of
1 9 intrastate internet poker in Iowa.>
1 10 #2. By renumbering as necessary.

RANDY FEENSTRA
SF526.2722 (3) 84
aw/rj



Iowa General Assembly
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Senate Amendment 3282

PAG LIN

1 1 Amend Senate File 526 as follows:
1 2 #1. By striking page 8, line 12, through page 11,
1 3 line 19.
1 4 #2. Title page, by striking lines 2 through 5 and
1 5 inserting <horse racing and pari-mutuel wagering, and
1 6 requiring a report on intrastate internet poker.>
1 7 #3. By renumbering as necessary.

JERRY BEHN
SF526.2750 (2) 84
aw/rj



Iowa General Assembly
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Senate Amendment 3283

PAG LIN

1 1 Amend Senate File 526 as follows:
1 2 #1. Page 12, line 2, after <Iowa.> by inserting
1 3 <The director of public health shall prepare a report
1 4 for delivery to the administrator of the state racing
1 5 and gaming commission no later than October 1, 2011,
1 6 regarding the societal impacts of internet poker in
1 7 Iowa for inclusion in the administrator's report. The
1 8 director shall not be required within the director's
1 9 report to make specific recommendations regarding the
1 10 legalization of intrastate internet poker in Iowa.>

RANDY FEENSTRA

HERMAN C. QUIRMBACH
SF526.2759 (2) 84
aw/rj



Iowa General Assembly
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Senate Amendment 3284

PAG LIN

1 1 Amend the House amendment, S=3220, to Senate File
1 2 511, as amended, passed, and reprinted by the Senate,
1 3 as follows:
1 4 #1. Page 2, by striking lines 4 through 9 and
1 5 inserting:
1 6 <___. It is the intent of the general assembly that
1 7 the offices of the clerks of the district court operate
1 8 in all 99 counties and be accessible to the public as
1 9 much as is reasonably possible in order to address the
1 10 relative needs of the citizens of each county.>
1 11 #2. Page 4, line 22, by striking <157,311,822> and
1 12 inserting <77,055,911>
1 13 #3. Page 4, line 28, by striking <2,300,000> and
1 14 inserting <1,150,000>
1 15 #4. By striking page 4, line 49, through page 5,
1 16 line 4, and inserting:
1 17 <___. It is the intent of the general assembly that
1 18 the offices of the clerks of the district court operate
1 19 in all 99 counties and be accessible to the public as
1 20 much as is reasonably possible in order to address the
1 21 relative needs of the citizens of each county.>
1 22 #5. By renumbering as necessary.

ROBERT M. HOGG
S3220.2764 (2) 84
jm/tm



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Senate Amendment 3285 continued

2 1 condition of the battle flag collection:
 2 2 \$ 5,000
 2 3 Sec. 2. GOALS AND ACCOUNTABILITY ==== ECONOMIC
 2 4 DEVELOPMENT.
 2 5 1. For the fiscal year beginning July 1, 2011, the
 2 6 goals for the department of economic development shall
 2 7 be to expand and stimulate the state economy, increase
 2 8 the wealth of Iowans, and increase the population of
 2 9 the state.
 2 10 2. To achieve the goals in subsection 1, the
 2 11 department of economic development shall do all of the
 2 12 following for the fiscal year beginning July 1, 2011:
 2 13 a. Concentrate its efforts on programs and
 2 14 activities that result in commercially viable products
 2 15 and services.
 2 16 b. Adopt practices and services consistent with
 2 17 free market, private sector philosophies.
 2 18 c. Ensure economic growth and development
 2 19 throughout the state.
 2 20 d. Work with businesses and communities to
 2 21 continually improve the economic development climate
 2 22 along with the economic well-being and quality of life
 2 23 for Iowans.
 2 24 e. Coordinate with other state agencies to
 2 25 ensure that they are attentive to the needs of an
 2 26 entrepreneurial culture.
 2 27 f. Establish a strong and aggressive marketing
 2 28 image to showcase Iowa's workforce, existing industry,
 2 29 and potential. A priority shall be placed on
 2 30 recruiting new businesses, business expansion, and
 2 31 retaining existing Iowa businesses. Emphasis shall be
 2 32 placed on entrepreneurial development through helping
 2 33 entrepreneurs secure capital, and developing networks
 2 34 and a business climate conducive to entrepreneurs and
 2 35 small businesses.
 2 36 g. Encourage the development of communities and
 2 37 quality of life to foster economic growth.
 2 38 h. Prepare communities for future growth and
 2 39 development through development, expansion, and
 2 40 modernization of infrastructure.
 2 41 i. Develop public-private partnerships with
 2 42 Iowa businesses in the tourism industry, Iowa tour
 2 43 groups, Iowa tourism organizations, and political
 2 44 subdivisions in this state to assist in the development
 2 45 of advertising efforts.
 2 46 j. Develop, to the fullest extent possible,
 2 47 cooperative efforts for advertising with contributions
 2 48 from other sources.
 2 49 Sec. 3. DEPARTMENT OF ECONOMIC DEVELOPMENT.
 2 50 1. APPROPRIATION



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Senate Amendment 3285 continued

3 1 There is appropriated from the general fund of the
 3 2 state to the department of economic development for the
 3 3 fiscal year beginning July 1, 2011, and ending June
 3 4 30, 2012, the following amounts, or so much thereof as
 3 5 is necessary, to be used for the purposes designated
 3 6 in subsection 2, and for not more than the following
 3 7 full-time equivalent positions:

3 8	\$	9,928,058
3 9	FTEs	149.00

3 10 2. DESIGNATED PURPOSES

3 11 a. For salaries, support, miscellaneous purposes,
 3 12 programs, and the maintenance of an administration
 3 13 division, a business development division, and a
 3 14 community development division.

3 15 b. The full-time equivalent positions authorized
 3 16 under this section shall be funded, in whole or in
 3 17 part, by the moneys appropriated under subsection 1 or
 3 18 by other moneys received by the department, including
 3 19 certain federal moneys.

3 20 c. For transfer to the Iowa state commission grant
 3 21 program.

3 22 d. For business development operations and
 3 23 programs, the film office, international trade, export
 3 24 assistance, workforce recruitment, and the partner
 3 25 state program.

3 26 e. For transfer to the strategic investment fund.

3 27 f. For community economic development programs,
 3 28 tourism operations, community assistance, plans
 3 29 for Iowa green corps and summer youth programs,
 3 30 the mainstreet and rural mainstreet programs, the
 3 31 school-to-career program, the community development
 3 32 block grant, and housing and shelter-related programs.

3 33 g. For achieving the goals and accountability,
 3 34 fulfilling the requirements, and doing all other things
 3 35 required under this Act.

3 36 3. NONREVERSION

3 37 Notwithstanding section 8.33, moneys appropriated in
 3 38 subsection 1 that remain unencumbered or unobligated
 3 39 at the close of the fiscal year shall not revert but
 3 40 shall remain available for expenditure for the purposes
 3 41 designated in subsection 2 until the close of the
 3 42 succeeding fiscal year.

3 43 4. FINANCIAL ASSISTANCE RESTRICTIONS

3 44 a. A business creating jobs with economic
 3 45 development assistance through moneys appropriated in
 3 46 this section shall be subject to contract provisions
 3 47 stating that new and retained jobs shall be filled
 3 48 by individuals who are citizens of the United States
 3 49 who reside within the United States or any person
 3 50 authorized to work in the United States pursuant to



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Senate Amendment 3285 continued

4 1 federal law, including legal resident aliens in the
4 2 United States.

4 3 b. Any vendor who receives such public moneys shall
4 4 adhere to such contract provisions and provide periodic
4 5 assurances as the state shall require that the jobs
4 6 are filled solely by citizens of the United States
4 7 who reside within the United States or any person
4 8 authorized to work in the United States pursuant to
4 9 federal law, including legal resident aliens in the
4 10 United States.

4 11 c. A business that receives financial assistance
4 12 from the department from moneys appropriated in this
4 13 Act shall only employ individuals legally authorized
4 14 to work in this state. In addition to all other
4 15 applicable penalties provided by current law, all or
4 16 a portion of the assistance received by a business
4 17 which is found to knowingly employ individuals not
4 18 legally authorized to work in this state is subject to
4 19 recapture by the department.

4 20 5. USES OF APPROPRIATIONS

4 21 a. From the moneys appropriated in this section,
4 22 the department may provide financial assistance in the
4 23 form of a grant to a community economic development
4 24 entity for conducting a local workforce recruitment
4 25 effort designed to recruit former citizens of the state
4 26 and former students at colleges and universities in the
4 27 state to meet the needs of local employers.

4 28 b. From the moneys appropriated in this section,
4 29 the department may provide financial assistance to
4 30 early stage industry companies being established by
4 31 women entrepreneurs.

4 32 c. From the moneys appropriated in this section,
4 33 the department may provide financial assistance in the
4 34 form of grants, loans, or forgivable loans for advanced
4 35 research and commercialization projects involving
4 36 value-added agriculture, advanced technology, or
4 37 biotechnology.

4 38 d. The department shall not use any moneys
4 39 appropriated in this section for purposes of providing
4 40 financial assistance for the Iowa green streets pilot
4 41 project or for any other program or project that
4 42 involves the installation of geothermal systems for
4 43 melting snow and ice from streets or sidewalks.

4 44 6. WORLD FOOD PRIZE AWARD

4 45 a. Notwithstanding the standing limited
4 46 appropriation provided under section 15.368, subsection
4 47 1, an appropriation from the general fund of the state
4 48 to the department of economic development for the
4 49 fiscal year beginning July 1, 2011, and ending June 30,
4 50 2012, shall not be made for purposes of the world food



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5 1 prize.

5 2 b. It is the intent of the general assembly to
5 3 reconsider in a future fiscal year the allocation of
5 4 moneys for the support of the world food prize award.

5 5 Sec. 4. VISION IOWA PROGRAM ===== FTE
5 6 AUTHORIZATION. For purposes of administrative duties
5 7 associated with the vision Iowa program, the department
5 8 of economic development is authorized an additional
5 9 2.25 FTEs above those otherwise authorized in this Act.

5 10 Sec. 5. INSURANCE ECONOMIC DEVELOPMENT. From
5 11 the moneys collected by the division of insurance in
5 12 excess of the anticipated gross revenues under section
5 13 505.7, subsection 3, during the fiscal year beginning
5 14 July 1, 2011, \$100,000 shall be transferred to the
5 15 department of economic development for insurance
5 16 economic development and international insurance
5 17 economic development.

5 18 Sec. 6. COMMUNITY DEVELOPMENT LOAN
5 19 FUND. Notwithstanding section 15E.120, subsection
5 20 5, there is appropriated from the Iowa community
5 21 development loan fund all moneys available during the
5 22 fiscal year beginning July 1, 2011, and ending June 30,
5 23 2012, to the department of economic development for
5 24 purposes of the community development program.

5 25 Sec. 7. WORKFORCE DEVELOPMENT FUND. There is
5 26 appropriated from the workforce development fund
5 27 account created in section 15.342A to the workforce
5 28 development fund created in section 15.343 for the
5 29 fiscal year beginning July 1, 2011, and ending June
5 30 30, 2012, the following amount, for purposes of the
5 31 workforce development fund, and for not more than the
5 32 following full-time equivalent positions:

5 33	\$	4,000,000
5 34	FTEs	4.00

5 35 Sec. 8. WORKFORCE DEVELOPMENT ADMINISTRATION. From
5 36 moneys appropriated or transferred to or receipts
5 37 credited to the workforce development fund created in
5 38 section 15.343, up to \$400,000 for the fiscal year
5 39 beginning July 1, 2011, and ending June 30, 2012, are
5 40 appropriated to the department of economic development
5 41 for the administration of workforce development
5 42 activities including salaries, support, maintenance,
5 43 and miscellaneous purposes, and for not more than the
5 44 following full-time equivalent positions:

5 45	FTEs	4.00
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5 46 Sec. 9. JOB TRAINING FUND. Notwithstanding section
5 47 15.251, all moneys in the job training fund on July 1,
5 48 2011, and any moneys appropriated or credited to the
5 49 fund during the fiscal year beginning July 1, 2011,
5 50 shall be transferred to the workforce development fund



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6 1 established pursuant to section 15.343.
 6 2 Sec. 10. GREEN INITIATIVES EXPENDITURE REPORT. By
 6 3 January 1, 2012, the department of economic development
 6 4 shall compile a report on all expenditures made
 6 5 during the previous fiscal year for purposes of green
 6 6 initiatives, sustainability programs, and all such
 6 7 similar efforts. The report shall identify such
 6 8 expenditures with a level of specificity sufficient
 6 9 to allow the general assembly to evaluate and assess
 6 10 the propriety of such expenditures under the spending
 6 11 authority given to the department for such purposes.

6 12 Sec. 11. IOWA STATE UNIVERSITY.

6 13 1. There is appropriated from the general fund
 6 14 of the state to Iowa state university of science
 6 15 and technology for the fiscal year beginning July
 6 16 1, 2011, and ending June 30, 2012, the following
 6 17 amount, or so much thereof as is necessary, to be used
 6 18 for small business development centers, the science
 6 19 and technology research park, and the institute for
 6 20 physical research and technology, and for not more than
 6 21 the following full-time equivalent positions:

6 22	\$	935,233
6 23	FTEs	56.63

6 24 2. Of the moneys appropriated in subsection 1,
 6 25 Iowa state university of science and technology shall
 6 26 allocate at least \$935,233 for purposes of funding
 6 27 small business development centers.

6 28 3. Iowa state university of science and technology
 6 29 shall do all of the following:

6 30 a. Direct expenditures for research toward projects
 6 31 that will provide economic stimulus for Iowa.

6 32 b. Provide emphasis to providing services to
 6 33 Iowa-based companies.

6 34 4. a. It is the intent of the general assembly
 6 35 that the industrial incentive program focus on Iowa
 6 36 industrial sectors and seek contributions and in-kind
 6 37 donations from businesses, industrial foundations, and
 6 38 trade associations, and that moneys for the institute
 6 39 for physical research and technology industrial
 6 40 incentive program shall be allocated only for projects
 6 41 which are matched by private sector moneys for directed
 6 42 contract research or for nondirected research. The
 6 43 match required of small businesses as defined in
 6 44 section 15.102, subsection 6, for directed contract
 6 45 research or for nondirected research shall be \$1 for
 6 46 each \$3 of state funds. The match required for other
 6 47 businesses for directed contract research or for
 6 48 nondirected research shall be \$1 for each \$1 of state
 6 49 funds. The match required of industrial foundations
 6 50 or trade associations shall be \$1 for each \$1 of state



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7 1 funds.
7 2 b. Iowa state university of science and technology
7 3 shall report annually to the joint appropriations
7 4 subcommittee on economic development and the
7 5 legislative services agency the total amount of
7 6 private contributions, the proportion of contributions
7 7 from small businesses and other businesses, and
7 8 the proportion for directed contract research and
7 9 nondirected research of benefit to Iowa businesses and
7 10 industrial sectors.

7 11 5. Notwithstanding section 8.33, moneys
7 12 appropriated in this section that remain unencumbered
7 13 or unobligated at the close of the fiscal year shall
7 14 not revert but shall remain available for expenditure
7 15 for the purposes designated until the close of the
7 16 succeeding fiscal year.

7 17 Sec. 12. UNIVERSITY OF NORTHERN IOWA.

7 18 1. There is appropriated from the general fund of
7 19 the state to the university of northern Iowa for the
7 20 fiscal year beginning July 1, 2011, and ending June
7 21 30, 2012, the following amount, or so much thereof as
7 22 is necessary, to be used for the MyEntreNet internet
7 23 application, including salaries, support, maintenance,
7 24 miscellaneous purposes, and for not more than the
7 25 following full-time equivalent positions:

7 26	\$	273,064
7 27	FTEs	3.06

7 28 2. The university of northern Iowa shall do all of
7 29 the following:

7 30 a. Direct expenditures for research toward projects
7 31 that will provide economic stimulus for Iowa.

7 32 b. Provide emphasis to providing services to
7 33 Iowa-based companies.

7 34 3. Notwithstanding section 8.33, moneys
7 35 appropriated in this section that remain unencumbered
7 36 or unobligated at the close of the fiscal year shall
7 37 not revert but shall remain available for expenditure
7 38 for the purposes designated until the close of the
7 39 succeeding fiscal year.

7 40 Sec. 13. BOARD OF REGENTS REPORT. By January
7 41 15, 2012, the state board of regents shall submit a
7 42 report on the progress of regents institutions in
7 43 meeting the strategic plan for technology transfer and
7 44 economic development to the secretary of the senate,
7 45 the chief clerk of the house of representatives, and
7 46 the legislative services agency.

7 47 Sec. 14. DEPARTMENT OF WORKFORCE
7 48 DEVELOPMENT. There is appropriated from the general
7 49 fund of the state to the department of workforce
7 50 development for the fiscal year beginning July 1, 2011,



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8 1 and ending June 30, 2012, the following amounts, or
 8 2 so much thereof as is necessary, for the purposes
 8 3 designated:

8 4 1. DIVISION OF LABOR SERVICES

8 5 a. For the division of labor services, including
 8 6 salaries, support, maintenance, miscellaneous
 8 7 purposes, and for not more than the following full-time
 8 8 equivalent positions:

8 9	\$	3,495,440
8 10	FTEs	62.75

8 11 b. From the contractor registration fees, the
 8 12 division of labor services shall reimburse the
 8 13 department of inspections and appeals for all costs
 8 14 associated with hearings under chapter 91C, relating
 8 15 to contractor registration.

8 16 2. DIVISION OF WORKERS' COMPENSATION

8 17 a. For the division of workers' compensation,
 8 18 including salaries, support, maintenance, miscellaneous
 8 19 purposes, and for not more than the following full-time
 8 20 equivalent positions:

8 21	\$	2,267,788
8 22	FTEs	29.00

8 23 b. The division of workers' compensation shall
 8 24 charge a \$100 filing fee for workers' compensation
 8 25 cases. The filing fee shall be paid by the petitioner
 8 26 of a claim. However, the fee can be taxed as a cost
 8 27 and paid by the losing party, except in cases where
 8 28 it would impose an undue hardship or be unjust under
 8 29 the circumstances. The moneys generated by the filing
 8 30 fee allowed under this subsection are appropriated to
 8 31 the department of workforce development to be used for
 8 32 purposes of administering the division of workers'
 8 33 compensation.

8 34 3. WORKFORCE DEVELOPMENT OPERATIONS

8 35 a. For the operation of field offices, the
 8 36 workforce development board, and for not more than the
 8 37 following full-time equivalent positions:

8 38	\$	9,707,042
8 39	FTEs	130.00

8 40 b. The department shall not reduce the number of
 8 41 field offices being operated as of January 1, 2009.

8 42 4. OFFENDER REENTRY PROGRAM

8 43 a. For the development and administration of an
 8 44 offender reentry program to provide offenders with
 8 45 employment skills, and for not more than the following
 8 46 full-time equivalent positions:

8 47	\$	284,464
8 48	FTEs	3.00

8 49 b. The department shall partner with the department
 8 50 of corrections to provide staff within the correctional



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9 1 facilities to improve offenders' abilities to find and
 9 2 retain productive employment.

9 3 5. Notwithstanding section 8.33, moneys
 9 4 appropriated in this section that remain unencumbered
 9 5 or unobligated at the close of the fiscal year shall
 9 6 not revert but shall remain available for expenditure
 9 7 for the purposes designated until the close of the
 9 8 succeeding fiscal year.

9 9 Sec. 15. ACCOUNTABILITY ==== AUDIT. The auditor of
 9 10 state shall annually conduct an audit of the department
 9 11 of workforce development and shall report the findings
 9 12 of such annual audit, including the accountability
 9 13 of programs of the department, to the chairpersons
 9 14 and ranking members of the joint appropriations
 9 15 subcommittee on economic development. The department
 9 16 shall pay for the costs associated with the audit.

9 17 Sec. 16. EMPLOYMENT SECURITY CONTINGENCY FUND ====

9 18 DIVISION OF WORKERS' COMPENSATION.

9 19 1. There is appropriated from the special
 9 20 employment security contingency fund to the department
 9 21 of workforce development for the fiscal year beginning
 9 22 July 1, 2011, and ending June 30, 2012, the following
 9 23 amount, or so much thereof as is necessary, for the
 9 24 division of workers' compensation, salaries, support,
 9 25 maintenance, and miscellaneous purposes:

9 26 \$ 471,000

9 27 2. Any remaining additional penalty and interest
 9 28 revenue is appropriated to the department of
 9 29 workforce development to accomplish the mission of the
 9 30 department.

9 31 Sec. 17. SPECIAL EMPLOYMENT SECURITY CONTINGENCY
 9 32 FUND ==== FIELD OFFICES. There is appropriated from the
 9 33 special employment security contingency fund to the
 9 34 department of workforce development for the fiscal year
 9 35 beginning July 1, 2011, and ending June 30, 2012, the
 9 36 following amount, or so much thereof as is necessary,
 9 37 to be used for field offices:

9 38 \$ 662,427

9 39 Sec. 18. UNEMPLOYMENT COMPENSATION RESERVE FUND
 9 40 ==== FIELD OFFICES. Notwithstanding section 96.9,
 9 41 subsection 8, paragraph "e", there is appropriated
 9 42 from interest earned on the unemployment compensation
 9 43 reserve fund to the department of workforce development
 9 44 for the fiscal year beginning July 1, 2011, and ending
 9 45 June 30, 2012, the following amount or so much thereof
 9 46 as is necessary, for the operation of field offices:

9 47 \$ 4,238,260

9 48 Sec. 19. GENERAL FUND ==== EMPLOYEE MISCLASSIFICATION
 9 49 PROGRAM. There is appropriated from the general fund
 9 50 of the state to the department of workforce development



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10 1 for the fiscal year beginning July 1, 2011, and ending
 10 2 June 30, 2012, the following amount, or so much thereof
 10 3 as is necessary, to be used for enhancing efforts to
 10 4 investigate employers that misclassify workers and
 10 5 for not more than the following full-time equivalent
 10 6 positions:
 10 7 \$ 451,458
 10 8 FTEs 8.10
 10 9 Sec. 20. APPROPRIATIONS RESTRICTED. The department
 10 10 of workforce development shall not use any of the
 10 11 moneys appropriated pursuant to this Act for purposes
 10 12 of the national career readiness certificate program.
 10 13 Sec. 21. PUBLIC EMPLOYMENT RELATIONS BOARD.
 10 14 1. There is appropriated from the general fund
 10 15 of the state to the public employment relations board
 10 16 for the fiscal year beginning July 1, 2011, and ending
 10 17 June 30, 2012, the following amount, or so much thereof
 10 18 as is necessary, for salaries, support, maintenance,
 10 19 miscellaneous purposes, and for not more than the
 10 20 following full-time equivalent positions:
 10 21 \$ 1,057,871
 10 22 FTEs 9.00
 10 23 2. Of the moneys appropriated in this section,
 10 24 the board shall allocate \$15,000 for maintaining a
 10 25 website that allows searchable access to a database of
 10 26 collective bargaining information.
 10 27 Sec. 22. UNEMPLOYMENT COMPENSATION PROGRAM. Notwithstanding
 10 28 section 96.9, subsection 4, paragraph "a", moneys
 10 29 credited to the state by the secretary of the treasury
 10 30 of the United States pursuant to section 903 of
 10 31 the Social Security Act are appropriated to the
 10 32 department of workforce development and shall be
 10 33 used by the department for the administration of
 10 34 the unemployment compensation program only. This
 10 35 appropriation shall not apply to any fiscal year
 10 36 beginning after December 31, 2011.
 10 37 DIVISION II
 10 38 FY 2012=2013
 10 39 Sec. 23. DEPARTMENT OF CULTURAL AFFAIRS. There
 10 40 is appropriated from the general fund of the state to
 10 41 the department of cultural affairs for the fiscal year
 10 42 beginning July 1, 2012, and ending June 30, 2013, the
 10 43 following amounts, or so much thereof as is necessary,
 10 44 to be used for the purposes designated:
 10 45 1. ADMINISTRATION
 10 46 a. For salaries, support, maintenance,
 10 47 miscellaneous purposes, and for not more than the
 10 48 following full-time equivalent positions for the
 10 49 department:
 10 50 \$ 171,813



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11	1 FTEs	69.87
11	2	b. The department of cultural affairs shall	
11	3	coordinate activities with the tourism office of	
11	4	the department of economic development to promote	
11	5	attendance at the state historical building and at this	
11	6	state's historic sites.	
11	7	c. Full-time equivalent positions authorized under	
11	8	this subsection shall be funded, in full or in part,	
11	9	using moneys appropriated under this subsection and	
11	10	subsections 2, 3, 4, 5, 6, and 8.	
11	11	2. HISTORICAL DIVISION	
11	12	For the support of the historical division:	
11	13	..... \$	1,767,701
11	14	3. HISTORIC SITES	
11	15	For the administration and support of historic	
11	16	sites:	
11	17	..... \$	426,398
11	18	4. ARTS DIVISION	
11	19	For the support of the arts division:	
11	20	..... \$	993,366
11	21	5. GREAT PLACES	
11	22	For the great places program:	
11	23	..... \$	193,823
11	24	6. ARCHIVE IOWA GOVERNORS' RECORDS	
11	25	For archiving the records of Iowa governors:	
11	26	..... \$	5,000
11	27	7. RECORDS CENTER RENT	
11	28	For payment of rent for the state records center:	
11	29	..... \$	227,243
11	30	8. BATTLE FLAGS	
11	31	For continuation of the project recommended by the	
11	32	Iowa battle flag advisory committee to stabilize the	
11	33	condition of the battle flag collection:	
11	34	..... \$	5,000
11	35	Sec. 24. GOALS AND ACCOUNTABILITY ==== ECONOMIC	
11	36	DEVELOPMENT.	
11	37	1. For the fiscal year beginning July 1, 2012, the	
11	38	goals for the department of economic development shall	
11	39	be to expand and stimulate the state economy, increase	
11	40	the wealth of Iowans, and increase the population of	
11	41	the state.	
11	42	2. To achieve the goals in subsection 1, the	
11	43	department of economic development shall do all of the	
11	44	following for the fiscal year beginning July 1, 2012:	
11	45	a. Concentrate its efforts on programs and	
11	46	activities that result in commercially viable products	
11	47	and services.	
11	48	b. Adopt practices and services consistent with	
11	49	free market, private sector philosophies.	
11	50	c. Ensure economic growth and development	



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12 1 throughout the state.
12 2 d. Work with businesses and communities to
12 3 continually improve the economic development climate
12 4 along with the economic well-being and quality of life
12 5 for Iowans.

12 6 e. Coordinate with other state agencies to
12 7 ensure that they are attentive to the needs of an
12 8 entrepreneurial culture.

12 9 f. Establish a strong and aggressive marketing
12 10 image to showcase Iowa's workforce, existing industry,
12 11 and potential. A priority shall be placed on
12 12 recruiting new businesses, business expansion, and
12 13 retaining existing Iowa businesses. Emphasis shall be
12 14 placed on entrepreneurial development through helping
12 15 entrepreneurs secure capital, and developing networks
12 16 and a business climate conducive to entrepreneurs and
12 17 small businesses.

12 18 g. Encourage the development of communities and
12 19 quality of life to foster economic growth.

12 20 h. Prepare communities for future growth and
12 21 development through development, expansion, and
12 22 modernization of infrastructure.

12 23 i. Develop public-private partnerships with
12 24 Iowa businesses in the tourism industry, Iowa tour
12 25 groups, Iowa tourism organizations, and political
12 26 subdivisions in this state to assist in the development
12 27 of advertising efforts.

12 28 j. Develop, to the fullest extent possible,
12 29 cooperative efforts for advertising with contributions
12 30 from other sources.

12 31 Sec. 25. DEPARTMENT OF ECONOMIC DEVELOPMENT.

12 32 1. APPROPRIATION

12 33 There is appropriated from the general fund of the
12 34 state to the department of economic development for the
12 35 fiscal year beginning July 1, 2012, and ending June
12 36 30, 2013, the following amounts, or so much thereof as
12 37 is necessary, to be used for the purposes designated
12 38 in subsection 2, and for not more than the following
12 39 full-time equivalent positions:

12 40	\$	9,928,058
12 41	FTEs	149.00

12 42 2. DESIGNATED PURPOSES

12 43 a. For salaries, support, miscellaneous purposes,
12 44 programs, and the maintenance of an administration
12 45 division, a business development division, and a
12 46 community development division.

12 47 b. The full-time equivalent positions authorized
12 48 under this section shall be funded, in whole or in
12 49 part, by the moneys appropriated under subsection 1 or
12 50 by other moneys received by the department, including



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13 1 certain federal moneys.
13 2 c. For transfer to the Iowa state commission grant
13 3 program.
13 4 d. For business development operations and
13 5 programs, the film office, international trade, export
13 6 assistance, workforce recruitment, and the partner
13 7 state program.
13 8 e. For transfer to the strategic investment fund.
13 9 f. For community economic development programs,
13 10 tourism operations, community assistance, plans
13 11 for Iowa green corps and summer youth programs,
13 12 the mainstreet and rural mainstreet programs, the
13 13 school-to-career program, the community development
13 14 block grant, and housing and shelter-related programs.
13 15 g. For achieving the goals and accountability,
13 16 fulfilling the requirements, and doing all other things
13 17 required under this Act.
13 18 3. NONREVERSION
13 19 Notwithstanding section 8.33, moneys appropriated in
13 20 subsection 1 that remain unencumbered or unobligated
13 21 at the close of the fiscal year shall not revert but
13 22 shall remain available for expenditure for the purposes
13 23 designated in subsection 2 until the close of the
13 24 succeeding fiscal year.
13 25 4. FINANCIAL ASSISTANCE RESTRICTIONS
13 26 a. A business creating jobs with economic
13 27 development assistance through moneys appropriated in
13 28 this section shall be subject to contract provisions
13 29 stating that new and retained jobs shall be filled
13 30 by individuals who are citizens of the United States
13 31 who reside within the United States or any person
13 32 authorized to work in the United States pursuant to
13 33 federal law, including legal resident aliens in the
13 34 United States.
13 35 b. Any vendor who receives such public moneys shall
13 36 adhere to such contract provisions and provide periodic
13 37 assurances as the state shall require that the jobs
13 38 are filled solely by citizens of the United States
13 39 who reside within the United States or any person
13 40 authorized to work in the United States pursuant to
13 41 federal law, including legal resident aliens in the
13 42 United States.
13 43 c. A business that receives financial assistance
13 44 from the department from moneys appropriated in this
13 45 Act shall only employ individuals legally authorized
13 46 to work in this state. In addition to all other
13 47 applicable penalties provided by current law, all or
13 48 a portion of the assistance received by a business
13 49 which is found to knowingly employ individuals not
13 50 legally authorized to work in this state is subject to



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14 1 recapture by the department.
 14 2 5. USES OF APPROPRIATIONS
 14 3 a. From the moneys appropriated in this section,
 14 4 the department may provide financial assistance in the
 14 5 form of a grant to a community economic development
 14 6 entity for conducting a local workforce recruitment
 14 7 effort designed to recruit former citizens of the state
 14 8 and former students at colleges and universities in the
 14 9 state to meet the needs of local employers.
 14 10 b. From the moneys appropriated in this section,
 14 11 the department may provide financial assistance to
 14 12 early stage industry companies being established by
 14 13 women entrepreneurs.
 14 14 c. From the moneys appropriated in this section,
 14 15 the department may provide financial assistance in the
 14 16 form of grants, loans, or forgivable loans for advanced
 14 17 research and commercialization projects involving
 14 18 value-added agriculture, advanced technology, or
 14 19 biotechnology.
 14 20 d. The department shall not use any moneys
 14 21 appropriated in this section for purposes of providing
 14 22 financial assistance for the Iowa green streets pilot
 14 23 project or for any other program or project that
 14 24 involves the installation of geothermal systems for
 14 25 melting snow and ice from streets or sidewalks.
 14 26 6. WORLD FOOD PRIZE
 14 27 For allocating moneys for the world food prize and
 14 28 notwithstanding the standing appropriation in section
 14 29 15.368, subsection 1:
 14 30 \$ 150,000
 14 31 Sec. 26. VISION IOWA PROGRAM ==== FTE
 14 32 AUTHORIZATION. For purposes of administrative duties
 14 33 associated with the vision Iowa program, the department
 14 34 of economic development is authorized an additional
 14 35 2.25 FTEs above those otherwise authorized in this Act.
 14 36 Sec. 27. INSURANCE ECONOMIC DEVELOPMENT. From
 14 37 the moneys collected by the division of insurance in
 14 38 excess of the anticipated gross revenues under section
 14 39 505.7, subsection 3, during the fiscal year beginning
 14 40 July 1, 2012, \$100,000 shall be transferred to the
 14 41 department of economic development for insurance
 14 42 economic development and international insurance
 14 43 economic development.
 14 44 Sec. 28. COMMUNITY DEVELOPMENT LOAN
 14 45 FUND. Notwithstanding section 15E.120, subsection
 14 46 5, there is appropriated from the Iowa community
 14 47 development loan fund all moneys available during the
 14 48 fiscal year beginning July 1, 2012, and ending June 30,
 14 49 2013, to the department of economic development for
 14 50 purposes of the community development program.



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15 1 Sec. 29. WORKFORCE DEVELOPMENT FUND. There is
 15 2 appropriated from the workforce development fund
 15 3 account created in section 15.342A to the workforce
 15 4 development fund created in section 15.343 for the
 15 5 fiscal year beginning July 1, 2012, and ending June
 15 6 30, 2013, the following amount, for purposes of the
 15 7 workforce development fund, and for not more than the
 15 8 following full-time equivalent positions:
 15 9 \$ 4,000,000
 15 10 FTEs 4.00

15 11 Sec. 30. WORKFORCE DEVELOPMENT
 15 12 ADMINISTRATION. From moneys appropriated or
 15 13 transferred to or receipts credited to the workforce
 15 14 development fund created in section 15.343, up to
 15 15 \$400,000 for the fiscal year beginning July 1,
 15 16 2012, and ending June 30, 2013, are appropriated
 15 17 to the department of economic development for the
 15 18 administration of workforce development activities
 15 19 including salaries, support, maintenance, and
 15 20 miscellaneous purposes, and for not more than the
 15 21 following full-time equivalent positions:
 15 22 FTEs 4.00

15 23 Sec. 31. JOB TRAINING FUND. Notwithstanding
 15 24 section 15.251, all moneys in the job training fund on
 15 25 July 1, 2012, and any moneys appropriated or credited
 15 26 to the fund during the fiscal year beginning July 1,
 15 27 2012, shall be transferred to the workforce development
 15 28 fund established pursuant to section 15.343.

15 29 Sec. 32. IOWA STATE UNIVERSITY.
 15 30 1. There is appropriated from the general fund
 15 31 of the state to Iowa state university of science
 15 32 and technology for the fiscal year beginning July
 15 33 1, 2012, and ending June 30, 2013, the following
 15 34 amount, or so much thereof as is necessary, to be used
 15 35 for small business development centers, the science
 15 36 and technology research park, and the institute for
 15 37 physical research and technology, and for not more than
 15 38 the following full-time equivalent positions:
 15 39 \$ 935,233
 15 40 FTEs 56.63

15 41 2. Of the moneys appropriated in subsection 1,
 15 42 Iowa state university of science and technology shall
 15 43 allocate at least \$935,233 for purposes of funding
 15 44 small business development centers.

15 45 3. Iowa state university of science and technology
 15 46 shall do all of the following:
 15 47 a. Direct expenditures for research toward projects
 15 48 that will provide economic stimulus for Iowa.
 15 49 b. Provide emphasis to providing services to
 15 50 Iowa-based companies.



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16 1 4. a. It is the intent of the general assembly
16 2 that the industrial incentive program focus on Iowa
16 3 industrial sectors and seek contributions and in-kind
16 4 donations from businesses, industrial foundations, and
16 5 trade associations, and that moneys for the institute
16 6 for physical research and technology industrial
16 7 incentive program shall be allocated only for projects
16 8 which are matched by private sector moneys for directed
16 9 contract research or for nondirected research. The
16 10 match required of small businesses as defined in
16 11 section 15.102, subsection 6, for directed contract
16 12 research or for nondirected research shall be \$1 for
16 13 each \$3 of state funds. The match required for other
16 14 businesses for directed contract research or for
16 15 nondirected research shall be \$1 for each \$1 of state
16 16 funds. The match required of industrial foundations
16 17 or trade associations shall be \$1 for each \$1 of state
16 18 funds.

16 19 b. Iowa state university of science and technology
16 20 shall report annually to the joint appropriations
16 21 subcommittee on economic development and the
16 22 legislative services agency the total amount of
16 23 private contributions, the proportion of contributions
16 24 from small businesses and other businesses, and
16 25 the proportion for directed contract research and
16 26 nondirected research of benefit to Iowa businesses and
16 27 industrial sectors.

16 28 5. Notwithstanding section 8.33, moneys
16 29 appropriated in this section that remain unencumbered
16 30 or unobligated at the close of the fiscal year shall
16 31 not revert but shall remain available for expenditure
16 32 for the purposes designated until the close of the
16 33 succeeding fiscal year.

16 34 Sec. 33. UNIVERSITY OF NORTHERN IOWA.

16 35 1. There is appropriated from the general fund of
16 36 the state to the university of northern Iowa for the
16 37 fiscal year beginning July 1, 2012, and ending June
16 38 30, 2013, the following amount, or so much thereof as
16 39 is necessary, to be used for the MyEntreNet internet
16 40 application, including salaries, support, maintenance,
16 41 miscellaneous purposes, and for not more than the
16 42 following full-time equivalent positions:

16 43	\$	273,064
16 44	FTEs	3.06

16 45 2. The university of northern Iowa shall do all of
16 46 the following:

16 47 a. Direct expenditures for research toward projects
16 48 that will provide economic stimulus for Iowa.

16 49 b. Provide emphasis to providing services to
16 50 Iowa-based companies.



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17 1 3. Notwithstanding section 8.33, moneys
17 2 appropriated in this section that remain unencumbered
17 3 or unobligated at the close of the fiscal year shall
17 4 not revert but shall remain available for expenditure
17 5 for the purposes designated until the close of the
17 6 succeeding fiscal year.

17 7 Sec. 34. BOARD OF REGENTS REPORT. By January
17 8 15, 2013, the state board of regents shall submit a
17 9 report on the progress of regents institutions in
17 10 meeting the strategic plan for technology transfer and
17 11 economic development to the secretary of the senate,
17 12 the chief clerk of the house of representatives, and
17 13 the legislative services agency.

17 14 Sec. 35. DEPARTMENT OF WORKFORCE
17 15 DEVELOPMENT. There is appropriated from the general
17 16 fund of the state to the department of workforce
17 17 development for the fiscal year beginning July 1, 2012,
17 18 and ending June 30, 2013, the following amounts, or
17 19 so much thereof as is necessary, for the purposes
17 20 designated:

17 21 1. DIVISION OF LABOR SERVICES

17 22 a. For the division of labor services, including
17 23 salaries, support, maintenance, miscellaneous
17 24 purposes, and for not more than the following full-time
17 25 equivalent positions:

17 26	\$ 3,495,440
17 27	FTEs 62.75

17 28 b. From the contractor registration fees, the
17 29 division of labor services shall reimburse the
17 30 department of inspections and appeals for all costs
17 31 associated with hearings under chapter 91C, relating
17 32 to contractor registration.

17 33 2. DIVISION OF WORKERS' COMPENSATION

17 34 a. For the division of workers' compensation,
17 35 including salaries, support, maintenance, miscellaneous
17 36 purposes, and for not more than the following full-time
17 37 equivalent positions:

17 38	\$ 2,718,540
17 39	FTEs 29.00

17 40 b. The division of workers' compensation shall
17 41 charge a \$100 filing fee for workers' compensation
17 42 cases. The filing fee shall be paid by the petitioner
17 43 of a claim. However, the fee can be taxed as a cost
17 44 and paid by the losing party, except in cases where
17 45 it would impose an undue hardship or be unjust under
17 46 the circumstances. The moneys generated by the filing
17 47 fee allowed under this subsection are appropriated to
17 48 the department of workforce development to be used for
17 49 purposes of administering the division of workers'
17 50 compensation.



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18 1 3. WORKFORCE DEVELOPMENT OPERATIONS
 18 2 a. For the operation of field offices, the
 18 3 workforce development board, and for not more than the
 18 4 following full-time equivalent positions:
 18 5 \$ 10,207,042
 18 6 FTEs 130.00
 18 7 b. The department shall not reduce the number of
 18 8 field offices being operated as of January 1, 2009.
 18 9 4. OFFENDER REENTRY PROGRAM
 18 10 a. For the development and administration of an
 18 11 offender reentry program to provide offenders with
 18 12 employment skills, and for not more than the following
 18 13 full-time equivalent positions:
 18 14 \$ 284,464
 18 15 FTEs 3.00
 18 16 b. The department shall partner with the department
 18 17 of corrections to provide staff within the correctional
 18 18 facilities to improve offenders' abilities to find and
 18 19 retain productive employment.
 18 20 5. Notwithstanding section 8.33, moneys
 18 21 appropriated in this section that remain unencumbered
 18 22 or unobligated at the close of the fiscal year shall
 18 23 not revert but shall remain available for expenditure
 18 24 for the purposes designated until the close of the
 18 25 succeeding fiscal year.
 18 26 Sec. 36. ACCOUNTABILITY ==== AUDIT. The auditor of
 18 27 state shall annually conduct an audit of the department
 18 28 of workforce development and shall report the findings
 18 29 of such annual audit, including the accountability
 18 30 of programs of the department, to the chairpersons
 18 31 and ranking members of the joint appropriations
 18 32 subcommittee on economic development. The department
 18 33 shall pay for the costs associated with the audit.
 18 34 Sec. 37. EMPLOYMENT SECURITY CONTINGENCY FUND ====
 18 35 DIVISION OF WORKERS' COMPENSATION.
 18 36 1. There is appropriated from the special
 18 37 employment security contingency fund to the department
 18 38 of workforce development for the fiscal year beginning
 18 39 July 1, 2012, and ending June 30, 2013, the following
 18 40 amount, or so much thereof as is necessary, for the
 18 41 division of workers' compensation, salaries, support,
 18 42 maintenance, and miscellaneous purposes:
 18 43 \$ 471,000
 18 44 2. Any remaining additional penalty and interest
 18 45 revenue is appropriated to the department of
 18 46 workforce development to accomplish the mission of the
 18 47 department.
 18 48 Sec. 38. SPECIAL EMPLOYMENT SECURITY CONTINGENCY
 18 49 FUND ==== FIELD OFFICES. There is appropriated from the
 18 50 special employment security contingency fund to the



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19 1 department of workforce development for the fiscal year
 19 2 beginning July 1, 2012, and ending June 30, 2013, the
 19 3 following amount, or so much thereof as is necessary,
 19 4 to be used for field offices:
 19 5 \$ 662,427
 19 6 Sec. 39. UNEMPLOYMENT COMPENSATION RESERVE FUND
 19 7 ==== FIELD OFFICES. Notwithstanding section 96.9,
 19 8 subsection 8, paragraph "e", there is appropriated
 19 9 from interest earned on the unemployment compensation
 19 10 reserve fund to the department of workforce development
 19 11 for the fiscal year beginning July 1, 2012, and ending
 19 12 June 30, 2013, the following amount or so much thereof
 19 13 as is necessary, for the operation of field offices:
 19 14 \$ 1,200,000
 19 15 Sec. 40. GENERAL FUND ==== EMPLOYEE MISCLASSIFICATION
 19 16 PROGRAM. There is appropriated from the general fund
 19 17 of the state to the department of workforce development
 19 18 for the fiscal year beginning July 1, 2012, and ending
 19 19 June 30, 2013, the following amount, or so much thereof
 19 20 as is necessary, to be used for enhancing efforts to
 19 21 investigate employers that misclassify workers and
 19 22 for not more than the following full-time equivalent
 19 23 positions:
 19 24 \$ 521,458
 19 25 FTEs 9.10
 19 26 Sec. 41. APPROPRIATIONS RESTRICTED. The department
 19 27 of workforce development shall not use any of the
 19 28 moneys appropriated pursuant to this Act for purposes
 19 29 of the national career readiness certificate program.
 19 30 Sec. 42. PUBLIC EMPLOYMENT RELATIONS BOARD.
 19 31 1. There is appropriated from the general fund
 19 32 of the state to the public employment relations board
 19 33 for the fiscal year beginning July 1, 2012, and ending
 19 34 June 30, 2013, the following amount, or so much thereof
 19 35 as is necessary, for salaries, support, maintenance,
 19 36 miscellaneous purposes, and for not more than the
 19 37 following full-time equivalent positions:
 19 38 \$ 1,210,871
 19 39 FTEs 10.00
 19 40 2. Of the moneys appropriated in this section,
 19 41 the board shall allocate \$15,000 for maintaining a
 19 42 website that allows searchable access to a database of
 19 43 collective bargaining information.
 19 44 Sec. 43. UNEMPLOYMENT COMPENSATION PROGRAM. Notwithstanding
 19 45 section 96.9, subsection 4, paragraph "a", moneys
 19 46 credited to the state by the secretary of the treasury
 19 47 of the United States pursuant to section 903 of
 19 48 the Social Security Act are appropriated to the
 19 49 department of workforce development and shall be
 19 50 used by the department for the administration of



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20 1 the unemployment compensation program only. This
20 2 appropriation shall not apply to any fiscal year
20 3 beginning after December 31, 2012.>
20 4 DIVISION III
20 5 AGENCY APPEARANCES BEFORE APPROPRIATIONS SUBCOMMITTEE
20 6 Sec. 44. AGENCY APPEARANCES BEFORE APPROPRIATIONS
20 7 SUBCOMMITTEE. The directors, or the directors'
20 8 designees, of the Iowa finance authority and the
20 9 department of economic development, and any successor
20 10 entities, shall annually appear before the members
20 11 of the joint subcommittee on economic development
20 12 appropriations and present a proposed budget. The
20 13 proposed budget shall include a detailed accounting of
20 14 all moneys received, from any source, and all moneys
20 15 expended, for any purpose, during the current fiscal
20 16 year and the prior fiscal year. The proposed budget
20 17 shall also include a detailed expenditure plan for such
20 18 moneys during the next fiscal year.
20 19 #2. By renumbering as necessary.
SF517.2757.H (1) 84
mb



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1 1 Amend House File 589, as amended, passed, and
1 2 reprinted by the House, as follows:
1 3 #1. By striking everything after the enacting clause
1 4 and inserting:
1 5 <Section 1. Section 716.7, Code 2011, is amended by
1 6 adding the following new subsection:
1 7 NEW SUBSECTION 2A. a. As used in this
1 8 subsection, unless the context otherwise requires:
1 9 (1) "Agricultural employee" means a person who
1 10 works on agricultural premises by performing labor or
1 11 furnishing services on a full-time or part-time basis.
1 12 (2) "Agricultural operation" means a person,
1 13 including but not limited to an individual or business
1 14 association as defined in section 202B.102, who holds a
1 15 legal interest in an agricultural premises.
1 16 (3) "Agricultural premises" means real property
1 17 where agricultural production occurs.
1 18 (4) "Agricultural production" means to do any of the
1 19 following:
1 20 (a) Keep and provide for the care and feeding of
1 21 any agricultural animal as defined in section 717A.1,
1 22 including but not limited to any activity relating
1 23 to confining, handling, breeding, transporting, or
1 24 exhibiting the agricultural animal.
1 25 (b) Keep and preserve any crop as defined in
1 26 section 717A.1, by planting, nurturing, harvesting, and
1 27 storing the crop, or by storing, planting, or nurturing
1 28 the crop's seed.
1 29 (5) "Agricultural property" means an agricultural
1 30 premises, or personal property located on an
1 31 agricultural premises.
1 32 (6) "Constructive notice" includes but is not
1 33 limited to a sign posted on the boundary of an
1 34 agricultural premises which is reasonably likely to
1 35 come to the attention of a person entering onto the
1 36 agricultural premises.
1 37 (7) "Recording device" means an instrument capable
1 38 of placing or storing a visual or audio reproduction in
1 39 a tangible medium that can be accessed in a perceivable
1 40 form.
1 41 b. The term "trespass" shall mean doing any of the
1 42 following:
1 43 (1) Entering onto an agricultural premises, if the
1 44 person so entering has actual or constructive notice
1 45 that the agricultural operation prohibits the person
1 46 from entering onto the agricultural premises without
1 47 the agricultural operation's express, oral or written
1 48 permission.
1 49 (2) Remaining on an agricultural premises, if the
1 50 person so remaining has actual or constructive notice



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Senate Amendment 3286 continued

2 1 that the agricultural operation prohibits the person
2 2 from remaining on the agricultural premises without
2 3 the agricultural operation's express, oral or written
2 4 permission.
2 5 (3) Entering onto an agricultural premises with
2 6 a recording device if the person so entering has
2 7 actual or constructive notice that the agricultural
2 8 operation prohibits such entry without the agricultural
2 9 operation's express, oral or written permission.
2 10 c. Trespass occurs under paragraph "b" regardless
2 11 of whether the person entering onto or remaining on
2 12 the agricultural premises is or is not an agricultural
2 13 employee.
2 14 Sec. 2. Section 716.8, Code 2011, is amended by
2 15 adding the following new subsection:
2 16 NEW SUBSECTION. 6. a. A person who commits
2 17 trespass by entering onto an agricultural premises
2 18 of another, remaining on an agricultural premises of
2 19 another, or entering onto an agricultural premises of
2 20 another with a recording device, as provided in section
2 21 716.7, subsection 2A, commits the following:
2 22 (1) For the first conviction, an aggravated
2 23 misdemeanor.
2 24 (2) For a second or subsequent conviction, a class
2 25 "D" felony.
2 26 b. (1) A person who conspires to commit trespass
2 27 under paragraph "a" is subject to the provisions of
2 28 chapter 706. A person who aids and abets in the
2 29 commission of trespass under paragraph "a" is subject
2 30 to the provisions of chapter 703. When two or more
2 31 persons, acting in concert, knowingly participate in
2 32 committing trespass under paragraph "a", each person
2 33 is responsible for the acts of the other person as
2 34 provided in section 703.2.
2 35 (2) A trial information or an indictment need not
2 36 contain allegations of vicarious liability as provided
2 37 in chapter 703.
2 38 c. It shall be an affirmative defense to a
2 39 prosecution under this subsection that a defendant
2 40 acted as a whistle=blower. In order to assert the
2 41 affirmative defense of acting as a whistle=blower, all
2 42 of the following must apply:
2 43 (1) Prior to committing the trespass, the defendant
2 44 had reasonable cause to believe that a criminal offense
2 45 affecting livestock production was being committed on
2 46 the agricultural premises, regardless of whether a
2 47 criminal offense was actually committed.
2 48 (2) The defendant could not have witnessed the
2 49 criminal offense described in subparagraph (1) without
2 50 committing the trespass.



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3 1 (3) The defendant was not involved in the
3 2 commission of any criminal offense described in
3 3 subparagraph (1) other than the trespass after entering
3 4 onto the agricultural premises.
3 5 (4) The defendant reported the commission of
3 6 the criminal offense described in subparagraph (1),
3 7 other than the defendant's own trespass, occurring
3 8 on the agricultural premises to a state agency or
3 9 local governmental entity which had jurisdiction to
3 10 investigate or enforce state law affecting agricultural
3 11 production, including but not limited to the attorney
3 12 general, the department of agriculture and land
3 13 stewardship, an appropriate county attorney, or
3 14 an appropriate county sheriff. The defendant must
3 15 have reported the commission of the criminal offense
3 16 described in subparagraph (1) within seventy-two hours
3 17 from the time that the defendant first witnessed the
3 18 criminal offense.
3 19 (5) The defendant provided the state agency or
3 20 local governmental entity described in subparagraph (4)
3 21 with the original and any copies of the visual or audio
3 22 recordings made by the defendant which may be used
3 23 as evidence in a prosecution of the criminal offense
3 24 described in subparagraph (1). The defendant must have
3 25 provided the original and any copies of the visual or
3 26 audio recordings when reporting the commission of the
3 27 criminal offense described in subparagraph (1).
3 28 d. This subsection does not prohibit a person from
3 29 entering onto or remaining on an agricultural premises
3 30 if the person is any of the following:
3 31 (1) A person who holds a legal interest in the
3 32 agricultural premises or personal property kept on the
3 33 agricultural premises, which is superior to the legal
3 34 interest of the agricultural operation.
3 35 (2) A governmental agency or officer who is taking
3 36 lawful action involving an agricultural operation or
3 37 agricultural property.
3 38 (3) A licensed veterinarian practicing veterinary
3 39 medicine as provided in chapter 169 according to
3 40 customary standards of care.
3 41 (4) An insurance company representative or
3 42 qualified expert retained by an insurance company
3 43 for the purpose of investigating a claim, who is
3 44 taking lawful action in inspecting or examining the
3 45 agricultural property.>
3 46 #2. Title page, by striking lines 1 and 2 and
3 47 inserting <An Act relating to conduct occurring on
3 48 agricultural premises, and providing penalties.>

THOMAS RIELLY

TIM KAPUCIAN



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DAVID JOHNSON

JOHN P. KIBBIE

DR. JOE M. SENG
HF589.2760 (3) 84
da/rj



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Senate File 528 - Introduced

SENATE FILE
BY CHELGREN

A BILL FOR

1 An Act relating to the state individual income tax by imposing
2 a flat tax at a single rate and providing effective date and
3 applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2293XS (11) 84
tw/sc



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1 1 Section 1. Section 2.48, subsection 3, paragraph e,
1 2 subparagraph (4), Code 2011, is amended to read as follows:

1 3 (4) The minimum tax credit under sections ~~422.11B~~, 422.33,
1 4 and 422.60.

1 5 Sec. 2. Section 12D.9, subsection 2, Code 2011, is amended
1 6 by striking the subsection.

1 7 Sec. 3. Section 422.4, subsections 1 and 2, Code 2011, are
1 8 amended by striking the subsections.

1 9 Sec. 4. Section 422.4, subsection 16, Code 2011, is amended
1 10 to read as follows:

1 11 16. The words "taxable income" mean the net income as
1 12 defined in section 422.7 minus the deductions allowed by
1 13 section 422.9, in the case of individuals; ~~in. In the case of~~
1 14 estates or trusts, the words "taxable income" mean the taxable
1 15 income (without a deduction for personal exemption) as computed
1 16 for federal income tax purposes under the Internal Revenue
1 17 Code, but with the adjustments specified in section 422.7 ~~plus~~
~~1 18 the Iowa income tax deducted in computing the federal taxable~~
~~1 19 income and minus federal income taxes as provided in section~~
~~1 20 422.9.~~

1 21 Sec. 5. Section 422.5, subsections 1 and 2, Code 2011,
1 22 are amended by striking the subsections and inserting in lieu
1 23 thereof the following:

1 24 1. A tax is imposed upon every resident and nonresident of
1 25 the state which tax is levied, collected, and paid annually
1 26 upon, and with respect to the taxable income, at the rate of
1 27 six percent.

1 28 2. A tax is imposed upon every estate and trust which tax is
1 29 levied, collected, and paid annually upon, and with respect to
1 30 the taxable income, at the rate of six percent.

1 31 Sec. 6. Section 422.5, subsection 6, Code 2011, is amended
1 32 by striking the subsection.

1 33 Sec. 7. Section 422.7, Code 2011, is amended by striking the
1 34 section and inserting in lieu thereof the following:

1 35 422.7 Computation of "net income".



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2 1 1. In the case of individuals, "net income" means the
2 2 adjusted gross income as properly computed for federal
2 3 income tax purposes under the Internal Revenue Code with the
2 4 adjustments made in this subsection.
2 5 a. The adjusted gross income is adjusted by adding the sum
2 6 of the following:
2 7 (1) The amounts paid or accrued to the taxpayer as interest
2 8 or dividends during the tax year to the extent excluded.
2 9 (2) The amount of tax imposed under this division to the
2 10 extent deducted for the tax year.
2 11 b. The adjusted gross income is adjusted by subtracting the
2 12 sum of the following:
2 13 (1) The amounts included pursuant to sections 402(a),
2 14 402(c), 403(a), 403(b), 406(a), 407(a), 408, and 409 of the
2 15 Internal Revenue Code, or included as distributions under any
2 16 retirement or disability plan for employees of a governmental
2 17 agency or unit, or retirement payments to retired partners that
2 18 are excluded in computing net earnings from self-employment
2 19 by section 1402 of the Internal Revenue Code and regulations
2 20 adopted pursuant to that section.
2 21 (2) The amount of tax imposed under this division which was
2 22 refunded to the extent included for the tax year.
2 23 (3) The amount included pursuant to section 111 of the
2 24 Internal Revenue Code as a recovery of items previously
2 25 deducted from adjusted gross income in computing taxable
2 26 income.
2 27 (4) The amount of social security benefits and railroad
2 28 retirement benefits, included pursuant to section 72(r) and
2 29 section 86 of the Internal Revenue Code.
2 30 (5) The sum of the amounts disallowed as deductions by
2 31 section 171(a)(2) and section 265(a)(2) of the Internal Revenue
2 32 Code and the amounts of expenses allocable to interest and
2 33 disallowed as deductions by section 265(a)(1) of the Internal
2 34 Revenue Code.
2 35 2. In the case of estates and trusts, "net income" means



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3 1 the taxable income as properly computed for federal income tax
3 2 purposes under the Internal Revenue Code with the adjustments
3 3 made in this subsection.
3 4 a. The taxable income is adjusted by adding the sum of the
3 5 following:
3 6 (1) The amounts paid or accrued to the taxpayer as interest
3 7 or dividends during the tax year to the extent excluded.
3 8 (2) The following amounts to the extent deducted for the
3 9 items designated:
3 10 (a) For an estate, six hundred dollars.
3 11 (b) For a trust required under its governing instrument to
3 12 distribute all of its income currently, three hundred dollars.
3 13 (c) For a trust other than a trust described in subparagraph
3 14 division (b), one hundred dollars.
3 15 (3) The amount of tax imposed under this division to the
3 16 extent deducted for the tax year.
3 17 b. The taxable income is adjusted by subtracting the sum of
3 18 the following:
3 19 (1) The amounts included pursuant to sections 402(a),
3 20 402(c), 403(a), 403(b), 406(a), 407(a), 408, and 409 of the
3 21 Internal Revenue Code, or included as distributions under any
3 22 retirement or disability plan for employees of a governmental
3 23 agency or unit, or retirement payments to retired partners that
3 24 are excluded in computing net earnings from self=employment
3 25 by section 1402 of the Internal Revenue Code and regulations
3 26 adopted pursuant to that section.
3 27 (2) The amount of tax imposed under this division which was
3 28 refunded to the extent included for the tax year.
3 29 (3) The sum of the amounts disallowed as deductions by
3 30 section 171(a)(2) and section 265(a)(2) of the Internal Revenue
3 31 Code and the amounts of expenses allocable to interest and
3 32 disallowed as deductions by section 265(a)(1) of the Internal
3 33 Revenue Code.
3 34 (4) The amounts included in taxable income as adjusted
3 35 pursuant to paragraph "a" that are exempt from taxation by this



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4 1 state either by reason of its constitution or by reason of the
4 2 constitution, treaties, or statutes of the United States.
4 3 Sec. 8. Section 422.8, subsection 2, paragraph a, Code 2011,
4 4 is amended to read as follows:
4 5 a. Nonresident's net income allocated to Iowa is the net
4 6 income, or portion of net income, which is derived from a
4 7 business, trade, profession, or occupation carried on within
4 8 this state or income from any property, trust, estate, or
4 9 other source within Iowa. However, income derived from a
4 10 business, trade, profession, or occupation carried on within
4 11 this state and income from any property, trust, estate, or
4 12 other source within Iowa shall not include distributions from
4 13 pensions, including defined benefit or defined contribution
4 14 plans, annuities, individual retirement accounts, and deferred
4 15 compensation plans or any earnings attributable thereto so long
4 16 as the distribution is directly related to an individual's
4 17 documented retirement and received while the individual is a
4 18 nonresident of this state. If a business, trade, profession,
4 19 or occupation is carried on partly within and partly without
4 20 the state, only the portion of the net income which is fairly
4 21 and equitably attributable to that part of the business, trade,
4 22 profession, or occupation carried on within the state is
4 23 allocated to Iowa for purposes of section 422.5, subsection 1,
~~4 24 paragraph "j",~~ and section 422.13 and income from any property,
4 25 trust, estate, or other source partly within and partly without
4 26 the state is allocated to Iowa in the same manner, except that
4 27 annuities, interest on bank deposits and interest-bearing
4 28 obligations, and dividends are allocated to Iowa only to the
4 29 extent to which they are derived from a business, trade,
4 30 profession, or occupation carried on within the state.
4 31 Sec. 9. Section 422.8, subsection 4, Code 2011, is amended
4 32 by striking the subsection.
4 33 Sec. 10. Section 422.9, subsections 1 and 2, Code 2011,
4 34 are amended by striking the subsections and inserting in lieu
4 35 thereof the following:



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5 1 1. In computing the taxable income of an individual,
5 2 there is deducted from net income the standard deduction as
5 3 determined under subsection 2, or in the case of a nonresident,
5 4 there is deducted from net income the product of the standard
5 5 deduction as determined under subsection 2 times a fraction
5 6 of which the nonresident's net income allocated to Iowa, as
5 7 determined in section 422.8, subsection 2, is the numerator and
5 8 the nonresident's total net income computed under section 422.7
5 9 is the denominator.

5 10 2. The standard deduction is equal to the product of one
5 11 thousand dollars times the number of exemptions allowable to
5 12 the taxpayer for the tax year under section 151 of the Internal
5 13 Revenue Code.

5 14 Sec. 11. Section 422.9, subsections 4 through 8, Code 2011,
5 15 are amended by striking the subsections.

5 16 Sec. 12. Section 422.13, subsection 1, paragraph c, Code
5 17 2011, is amended to read as follows:

5 18 c. However, if that part of the net income of a nonresident
5 19 which is allocated to Iowa pursuant to section 422.8,
5 20 subsection 2, is less than one thousand dollars the nonresident
5 21 is not required to make and sign a return ~~except when the~~
~~5 22 nonresident is subject to the state alternative minimum tax~~
~~5 23 imposed pursuant to section 422.5, subsection 2.~~

5 24 Sec. 13. Section 422.13, subsection 2, Code 2011, is amended
5 25 to read as follows:

5 26 2. Notwithstanding any other provision in this section,
5 27 a resident of this state is not required to make and file a
5 28 return if the person's net income is equal to or less than the
5 29 appropriate dollar amount listed in section 422.5, subsection
5 30 3, upon which tax is not imposed. A nonresident of this state
5 31 is not required to make and file a return if the person's total
5 32 net income allocated to Iowa in section ~~422.5~~ 422.8, subsection
5 33 ~~1, paragraph "j"~~ 2, is equal to or less than the appropriate
5 34 dollar amount provided in section 422.5, subsection 3, upon
5 35 which tax is not imposed. For purposes of this subsection,



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6 1 the amount of a lump sum distribution subject to separate
6 2 federal tax shall be included in net income for purposes of
6 3 determining if a resident is required to file a return and the
6 4 portion of the lump sum distribution that is allocable to Iowa
6 5 is included in total net income for purposes of determining if
6 6 a nonresident is required to make and file a return.

6 7 Sec. 14. Section 422.21, subsection 5, Code 2011, is amended
6 8 by striking the subsection.

6 9 Sec. 15. REPEAL. Section 422.11B, Code 2011, is repealed.

6 10 Sec. 16. EFFECTIVE DATE AND APPLICABILITY. This Act takes
6 11 effect January 1, 2012, and applies to tax years beginning on
6 12 or after that date.

6 13 EXPLANATION

6 14 This bill rewrites the state individual income tax by
6 15 creating a flat tax structure and imposes a single rate of 6
6 16 percent on the taxable income of every taxpayer subject to the
6 17 individual income tax.

6 18 The bill creates a flat tax structure by eliminating most
6 19 of the deductions and exclusions previously available when
6 20 computing net income and taxable income for Iowa tax purposes
6 21 and by eliminating the alternative minimum tax.

6 22 The bill provides for a standard deduction equal to \$1,000
6 23 for each personal exemption the taxpayer is allowed to take
6 24 under the federal Internal Revenue Code.

6 25 The bill retains the current tax credits available under the
6 26 individual income tax with the exception of the minimum tax
6 27 credit.

6 28 The bill takes effect January 1, 2012, for tax years
6 29 beginning on or after that date.

LSB 2293XS (11) 84

tw/sc



Iowa General Assembly
Daily Bills, Amendments & Study Bills
April 20, 2011

Senate File 529 - Introduced

SENATE FILE
BY CHELGREN

A BILL FOR

1 An Act excluding from the computation of net income for state
2 tax purposes the net capital gain from sales or exchanges of
3 assets and including retroactive applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2372XS (2) 84
tw/sc



Iowa General Assembly
Daily Bills, Amendments & Study Bills
April 20, 2011

Senate File 529 - Introduced continued

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1 1 Section 1. Section 422.7, subsection 21, Code 2011, is
1 2 amended by striking the subsection and inserting in lieu
1 3 thereof the following:
1 4 21. Subtract, to the extent not otherwise excluded, the
1 5 taxpayer's net capital gain as defined in section 1222 of the
1 6 Internal Revenue Code.
1 7 Sec. 2. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
1 8 APPLICABILITY. This Act, being deemed of immediate importance,
1 9 takes effect upon enactment and applies retroactively to
1 10 January 1, 2011, for tax years beginning on or after that date.
1 11 EXPLANATION
1 12 This bill eliminates the taxation of an individual's net
1 13 capital gain under the individual income tax. An individual's
1 14 net capital gain equals the excess of the gains from the sales
1 15 or exchanges of long-term capital assets over the losses from
1 16 such sales or exchanges minus the excess of losses from the
1 17 sales or exchanges of short-term capital assets over the gains
1 18 from such sales or exchanges.
1 19 The bill takes effect upon enactment and applies
1 20 retroactively to January 1, 2011, for tax years beginning on
1 21 or after that date.
LSB 2372XS (2) 84
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