

State of Iowa

2010

ACTS AND JOINT RESOLUTIONS
(Session Laws)

Enacted at the

2010 REGULAR SESSION

of the

Eighty-Third General Assembly

of the

State of Iowa

HELD AT DES MOINES, THE CAPITAL OF THE STATE
IN THE ONE HUNDRED SIXTY-FOURTH YEAR OF THE STATE

REGULAR SESSION CONVENED ON THE ELEVENTH DAY OF JANUARY
AND ADJOURNED ON THE THIRTIETH DAY OF MARCH, A.D. 2010



Published under the authority of Iowa Code section 2B.10
by the
Legislative Services Agency
GENERAL ASSEMBLY OF IOWA
Des Moines

PREFACE

CERTIFICATION

We, Glen P. Dickinson, Director, Legislative Services Agency, Richard L. Johnson, Legal Services Division Director, Leslie E. W. Hickey, Iowa Code Editor, and Joanne R. Page, Deputy Iowa Code Editor, certify that, to the best of our knowledge, the Acts and Resolutions in this volume have been prepared from the original enrolled Acts and Resolutions on file in the office of the Secretary of State; are correct copies of those Acts and Resolutions; are published under the authority of the statutes of this state; and constitute the Acts and Resolutions of the 2010 Regular Session of the Eighty-third General Assembly of the State of Iowa.

STATUTES AS EVIDENCE

Iowa Code section 622.59 is as follows:

622.59 Printed copies of statutes. Printed copies of the statute laws of this or any other of the United States, or of Congress, or of any foreign government, purporting or proved to have been published under the authority thereof, or proved to be commonly admitted as evidence of the existing laws in the courts of such state or government, shall be admitted in the courts of this state as presumptive evidence of such laws.

EXPLANATORY NOTES

Temporary Code numbers. CODE NUMBERS ASSIGNED TO NEW SECTIONS AND SUBSECTIONS IN THE ACTS ARE TEMPORARY AND MAY BE CHANGED WHEN THE 2011 IOWA CODE IS PUBLISHED. Changes will be shown in the Tables of Disposition of Acts in the 2011 Iowa Code.

Typographic style. The Acts and Resolutions in this volume are printed as they appear on file in the office of the Secretary of State. No editorial corrections have been made. Underlined type indicates new material added to existing statutes; strike-through type indicates deleted material. Italics within an Act indicate material that the Governor has item vetoed. Item vetoed text is also indicated by asterisks at the beginning and ending of the vetoed material. Superscript numbers indicate explanatory footnotes.

Effective and enactment dates. The Acts of the 2010 Regular Session took effect on July 1, 2010, unless otherwise provided. The date of enactment generally is the date an Act is approved by the Governor, which is shown at the end of each Act. See Iowa Code section 3.7.

State mandates. Iowa Code section 25B.5 requires that for each enacted bill or joint resolution containing a state mandate (defined in section 25B.3), an estimate of additional local revenue expenditures required by the mandate must be filed with the Secretary of State. Section 2B.10 states that a notation of the filing of the estimate must be included in the Iowa Acts with the text of the bill or resolution. A dagger is placed at the beginning of the enacting clause and a footnote is included for any enrolled Act or Resolution for which a mandate notation is required. No enrolled Acts required the filing of the estimate this year.

Resolutions. Concurrent resolutions and Senate and House resolutions are generally not included. See Senate and House Journals for adopted resolutions.

Orders for legal publications should be addressed to the Legislative Services Agency, 1112 E. Grand Avenue, Miller Building, Des Moines, Iowa 50319. Telephone (515) 281-6766

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REGULAR SESSION

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ELECTIVE OFFICERS

Name and Office County from which
originally chosen

GOVERNOR

CHESTER J. CULVER Polk
 James Larew, Chief of Staff Johnson
 Robert Cunningham, Governor's Scheduler Polk

LIEUTENANT GOVERNOR

PATTY JUDGE Monroe
 Matt Unger, Chief of Staff for Lieutenant Governor Polk
 Cindy Dilliner, Executive Assistant to Lieutenant Governor Marion

SECRETARY OF STATE

MICHAEL A. MAURO Polk
 Linda Langenberg, Deputy of Elections Linn
 Harry Davis, Deputy of Business Services Polk
 Pam Conner, Deputy of Administration/Capitol Manager Polk

AUDITOR OF STATE

DAVID A. VAUDT Polk
 Warren G. Jenkins, Chief Deputy Auditor of State Polk
 Tamera Kusian, Deputy, Performance Investigation Division Polk
 Andrew E. Nielsen, Deputy, Financial Audit Division Polk

TREASURER OF STATE

MICHAEL L. FITZGERALD Polk
 Stefanie G. Devin, Deputy Treasurer Polk
 Karen Austin, Deputy Treasurer Polk

SECRETARY OF AGRICULTURE

WILLIAM NORTHEY Dickinson
 Karey Claghorn, Deputy Secretary Warren
 Charles Gipp, Director, Soil Conservation Division Winneshiek
 John Whipple, Director, Consumer Protection and Industry Services Warren

ATTORNEY GENERAL

THOMAS J. MILLER Polk
 Tam Ormiston, Deputy Attorney General Polk
 Julie Pottorff, Deputy Attorney General Polk
 Thomas H. Miller, Deputy Attorney General Polk
 Mark Schantz, Solicitor General Johnson
 Jeffrey S. Thompson, Deputy Attorney General Polk
 Eric Tabor, Chief of Staff Jackson

GENERAL ASSEMBLY

“X” means First Extraordinary Session; “XX” means Second Extraordinary Session
 Italicized county in District column denotes home county

SENATORS

Name and Residence	Occupation	Senatorial District	Legislative Service
Appel, Staci Ackworth	Legislator	37th—Dallas, Madison, <i>Warren</i>	82(1st), 82(2nd), 83(1st), 83(2nd)
Bartz, Merlin Grafton	Farmer/Laborer	6th—Cerro Gordo, Franklin, Hancock, Winnebago, <i>Worth</i>	74(1st), 74(2nd), 74(2nd)X, 74(2nd)XX, 75(1st), 75(2nd), 76(1st), 76(2nd), 77(1st), 77(2nd), 78(1st), 78(2nd), 79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 83(1st), 83(2nd)
Beall, Daryl Fort Dodge	Journalist	25th—Calhoun, Greene, <i>Webster</i>	80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd)
Behn, Jerry Boone	Farmer/Agribusiness	24th— <i>Boone</i> , Dallas	77(1st), 77(2nd), 78(1st), 78(2nd), 79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd)
Black, Dennis H. Grinnell	Retired/Conservationist	21st— <i>Jasper</i> , Polk	70(1st), 70(2nd), 71(1st), 71(2nd), 72(1st), 72(1st)X, 72(1st)XX, 72(2nd), 73(1st), 73(2nd), 74(1st), 74(2nd), 74(2nd)X, 74(2nd)XX, 75(1st), 75(2nd), 76(1st), 76(2nd), 77(1st), 77(2nd), 78(1st), 78(2nd), 79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd)
Boettger, Nancy J. Harlan	Farmer/Former Educator	29th—Adair, Audubon, Cass, Guthrie, Pottawattamie, <i>Shelby</i>	76(1st), 76(2nd), 77(1st), 77(2nd), 78(1st), 78(2nd), 79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd)
Bolkcom, Joe Iowa City		39th— <i>Johnson</i>	78(1st), 78(2nd), 79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd)
Courtney, Thomas G. Burlington	Retired	44th— <i>Des Moines</i> , Louisa, Muscatine	80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd)

Name and Residence	Occupation	Senatorial District	Legislative Service
Dandekar, Swati A. Marion	Community Leader	18th— <i>Linn</i>	80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd)
Danielson, Jeff Cedar Falls	Professional Firefighter	10th— <i>Black Hawk</i>	81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd)
Dearden, Dick L. Des Moines	Retired/Job Developer—5th Judicial District	34th— <i>Polk</i>	76(1st), 76(2nd), 77(1st), 77(2nd), 78(1st), 78(2nd), 79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd)
Dotzler, William A., Jr. Waterloo	Retired/John Deere	11th— <i>Black Hawk</i>	77(1st), 77(2nd), 78(1st), 78(2nd), 79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd)
Dvorsky, Robert E. Coralville	Executive Officer—6th Judicial District, Department of Correctional Services	15th— <i>Johnson, Linn</i>	72(1st), 72(1st)X, 72(1st)XX, 72(2nd), 73(1st), 73(2nd), 74(1st), 74(2nd), 74(2nd)X, 74(2nd)XX, 75(1st), 75(2nd), 76(1st), 76(2nd), 77(1st), 77(2nd), 78(1st), 78(2nd), 79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd)
Feenstra, Randy Hull	Finance and Insurance—Iowa State Bank	2nd— <i>Lyon, Plymouth, Sioux</i>	83(1st), 83(2nd)
Fraise, Gene Fort Madison	Farmer	46th— <i>Henry, Lee</i>	71(1st), 71(2nd), 72(1st), 72(1st)X, 72(1st)XX, 72(2nd), 73(1st), 73(2nd), 74(1st), 74(2nd), 74(2nd)X, 74(2nd)XX, 75(1st), 75(2nd), 76(1st), 76(2nd), 77(1st), 77(2nd), 78(1st), 78(2nd), 79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd)
Gronstal, Michael E. Council Bluffs	Majority Leader	50th— <i>Pottawattamie</i>	70(1st), 70(2nd), 71(1st), 71(2nd), 72(1st), 72(1st)X, 72(1st)XX, 72(2nd), 73(1st), 73(2nd), 74(1st), 74(2nd), 74(2nd)X, 74(2nd)XX, 75(1st), 75(2nd), 76(1st), 76(2nd), 77(1st), 77(2nd), 78(1st), 78(2nd), 79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd)

Name and Residence	Occupation	Senatorial District	Legislative Service
Hahn, James F. Muscatine	Property Management	40th—Cedar, Johnson, <i>Muscatine</i>	74(1st), 74(2nd), 74(2nd)X, 74(2nd)XX, 75(1st), 75(2nd), 76(1st), 76(2nd), 77(1st), 77(2nd), 78(1st), 78(2nd), 79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd)
Hamerlinck, Shawn Dixon	Education, Adjunct Professor—Augustana College	42nd—Clinton, <i>Scott</i>	83(1st), 83(2nd)
Hancock, Tom Epworth	Retired/United States Postal Service	16th—Delaware, <i>Dubuque, Jones</i>	81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd)
Hartsuch, David Bettendorf	Physician	41st— <i>Scott</i>	82(1st), 82(2nd), 83(1st), 83(2nd)
Hatch, Jack Des Moines	Real Estate Developer	33rd— <i>Polk</i>	71(1st), 71(2nd), 72(1st), 72(1st)X, 72(1st)XX, 72(2nd), 73(1st), 73(2nd), 74(1st), 74(2nd), 74(2nd)X, 74(2nd)XX, 79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd)
Heckroth, William M. Waverly	Financial Advisor	9th—Black Hawk, <i>Bremer, Butler, Fayette</i>	82(1st), 82(2nd), 83(1st), 83(2nd)
Hogg, Robert M. Cedar Rapids	Attorney	19th— <i>Linn</i>	80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd)
Horn, Wally E. Cedar Rapids	Legislator	17th— <i>Linn</i>	65(1st), 65(2nd), 66(1st), 66(2nd), 67(1st), 67(1st)X, 67(2nd), 68(1st), 68(2nd), 69(1st), 69(1st)X, 69(1st)XX, 69(2nd), 70(1st), 70(2nd), 71(1st), 71(2nd), 72(1st), 72(1st)X, 72(1st)XX, 72(2nd), 73(1st), 73(2nd), 74(1st), 74(2nd), 74(2nd)X, 74(2nd)XX, 75(1st), 75(2nd), 76(1st), 76(2nd), 77(1st), 77(2nd), 78(1st), 78(2nd), 79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd)
Houser, Hubert Carson	Farmer	49th—Fremont, Mills, <i>Page, Pottawattamie</i>	75(1st), 75(2nd), 76(1st), 76(2nd), 77(1st), 77(2nd), 78(1st), 78(2nd), 79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd)

Name and Residence	Occupation	Senatorial District	Legislative Service
Jochum, Pam Dubuque	Instructor	14th— <i>Dubuque</i>	75(1st), 75(2nd), 76(1st), 76(2nd), 77(1st), 77(2nd), 78(1st), 78(2nd), 79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd)
Johnson, David Ocheyedan	Dairy Farming	3rd—Clay, Dickinson, O'Brien, <i>Osceola</i> , Sioux	78(1st), 78(2nd), 79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd)
Kapucian, Tim L. Keystone	Farmer	20th— <i>Benton</i> , Grundy, Iowa, Tama	83(1st), 83(2nd)
Kettering, Steve Lake View	Community Banker	26th—Buena Vista, Carroll, Crawford, <i>Sac</i>	78(1st), 78(2nd), 79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd)
Kibbie, John P. (Jack) Emmetsburg	President of the Senate/Farmer	4th—Emmet, Humboldt, Kossuth, <i>Palo Alto</i> , Pocahontas, Webster	59, 60, 60X, 61, 62, 73(1st), 73(2nd), 74(1st), 74(2nd), 74(2nd)X, 74(2nd)XX, 75(1st), 75(2nd), 76(1st), 76(2nd), 77(1st), 77(2nd), 78(1st), 78(2nd), 79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd)
Kreiman, Keith A. Bloomfield	Attorney	47th—Appanoose, <i>Davis</i> , Wapello, Wayne	75(1st), 75(2nd), 76(1st), 76(2nd), 77(1st), 77(2nd), 78(1st), 78(2nd), 79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd)
McCoy, Matt Des Moines	Owner of Resource Development Consultants (RDC)	31st— <i>Polk</i>	75(1st), 75(2nd), 76(1st), 76(2nd), 77(1st), 77(2nd), 78(1st), 78(2nd), 79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd)
McKinley, Paul Chariton	Minority Leader/ Businessman	36th—Jasper, <i>Lucas</i> , Mahaska, Marion, Monroe	79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd)
Noble, Larry L. Ankeny	Retired/State Trooper	35th— <i>Polk</i>	82(1st), 82(2nd), 83(1st), 83(2nd)
Olive, Rich Story City	Realtor	5th—Franklin, Hamilton, <i>Story</i> , Webster, Wright	82(1st), 82(2nd), 83(1st), 83(2nd)

Name and Residence	Occupation	Senatorial District	Legislative Service
Quirnbach, Herman C. Ames	Associate Professor of Economics—Iowa State University	23rd—Boone, <i>Story</i>	80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd)
Ragan, Amanda Mason City	Executive Director— Community Kitchen of North Iowa/Executive Director—Meals on Wheels	7th— <i>Cerro Gordo</i> , Floyd, Howard, Mitchell	79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd)
Reynolds, Kim Osceola	Former County Treasurer/ Bus. Dev. Mang.—ABC Virtual Comm.	48th—Adams, <i>Clarke</i> , Decatur, Montgomery, Ringgold, Taylor, Union	83(1st), 83(2nd)
Rielly, Tom Oskaaloosa	Insurance Sales	38th—Iowa, Keokuk, <i>Mahaska</i> , Poweshiek, Tama	81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd)
Schmitz, Becky Fairfield	Social Worker	45th— <i>Jefferson</i> , Johnson, Van Buren, Wapello, Washington	82(1st), 82(2nd), 83(1st), 83(2nd)
Schoenjahn, Brian Arlington	Legislator/EMT— Arlington Fire Department	12th—Black Hawk, Buchanan, Clayton, Delaware, <i>Fayette</i>	81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd)
Seng, Joe M., Dr. Davenport	Veterinarian	43rd— <i>Scott</i>	79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd)
Seymour, James A. Woodbine	Retired/Hospital Administrator/CEO	28th—Crawford, <i>Harrison</i> , Ida, Monona, Pottawattamie, Woodbury	80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd)
Sodders, Steven J. State Center	Deputy Sheriff	22nd—Franklin, Hardin, <i>Marshall</i>	83(1st), 83(2nd)
Stewart, Roger Preston	Banker/Farmer	13th—Clinton, Dubuque, <i>Jackson</i>	80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd)
Ward, Pat West Des Moines	Former Public and Government Relations Executive	30th— <i>Polk</i>	80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd)
Warnstadt, Steve Sioux City	Legislator/National Guard	1st— <i>Woodbury</i>	76(1st), 76(2nd), 77(1st), 77(2nd), 78(1st), 78(2nd), 79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd)
Wieck, Ron Sioux City	Retired	27th—Cherokee, Plymouth, <i>Woodbury</i>	80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd)

Name and Residence	Occupation	Senatorial District	Legislative Service
Wilhelm, Mary Jo Cresco	Appraiser	8th—Allamakee, Chickasaw, <i>Howard</i> , Winneshiek	83(1st), 83(2nd)
Zaun, Brad Urbandale	Vice President— R & R Realty Marketing Group	32nd— <i>Polk</i>	81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd)

REPRESENTATIVES

Name and Residence	Occupation	Representative District	Legislative Service
Abdul-Samad, Ako Des Moines	CEO—Creative Visions	66th— <i>Polk</i>	82(1st), 82(2nd), 83(1st), 83(2nd)
Alons, Dwayne Hull	Farmer	4th— <i>Lyon, Sioux</i>	78(1st), 78(2nd), 79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd)
Anderson, Richard T. Clarinda	Attorney	97th— <i>Fremont, Mills, Page</i>	81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd)
Arnold, Richard D. Russell	Farmer/Truck Driver Owner-Operator	72nd— <i>Lucas, Mahaska, Marion, Monroe</i>	76(1st), 76(2nd), 77(1st), 77(2nd), 78(1st), 78(2nd), 79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd)
Bailey, McKinley D. Webster City	Graduate Student	9th— <i>Franklin, Hamilton, Webster, Wright</i>	82(1st), 82(2nd), 83(1st), 83(2nd)
Baudler, Clel Greenfield	Retired/State Trooper/Farmer	58th— <i>Adair, Audubon, Cass, Guthrie</i>	78(1st), 78(2nd), 79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd)
Beard, John W. Decorah	Businessman/Farmer	16th— <i>Allamakee, Winneshiek</i>	83(1st), 83(2nd)
Bell, Paul A. Newton	Retired/Lieutenant Newton Police Department	41st— <i>Jasper</i>	75(1st), 75(2nd), 76(1st), 76(2nd), 77(1st), 77(2nd), 78(1st), 78(2nd), 79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd)
Berry, Deborah L. Waterloo	Corporate Fundraising Director—KBBG-FM Radio	22nd— <i>Black Hawk</i>	80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd)
Bukta, Polly Clinton	Retired/Educator	26th— <i>Clinton</i>	77(1st), 77(2nd), 78(1st), 78(2nd), 79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd)
Burt, Kerry Waterloo	Firefighter/Financial Services Provider	21st— <i>Black Hawk</i>	83(1st), 83(2nd)
Chambers, Royd E. Sheldon	Educator	5th— <i>Clay, O'Brien, Osceola, Sioux</i>	80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd)

Name and Residence	Occupation	Representative District	Legislative Service
Cphoon, Dennis M. Burlington	Special Education Teacher	88th— <i>Des Moines</i>	72(1st), 72(1st)X, 72(1st)XX, 72(2nd), 73(1st), 73(2nd), 74(1st), 74(2nd), 74(2nd)X, 74(2nd)XX, 75(1st), 75(2nd), 76(1st), 76(2nd), 77(1st), 77(2nd), 78(1st), 78(2nd), 79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd)
Cownie, Peter West Des Moines	President—Junior Achievement of Central Iowa	60th— <i>Polk</i>	83(1st), 83(2nd)
De Boef, Betty R. What Cheer		76th—Iowa, <i>Keokuk</i> , <i>Poweshiek</i> , Tama	79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd)
Deyoe, Dave Nevada	Farmer	10th—Hamilton, <i>Story</i>	82(1st), 82(2nd), 83(1st), 83(2nd)
Dolecheck, Cecil Mount Ayr	Farmer	96th—Adams, Montgomery, <i>Ringgold</i> , Taylor, Union	77(1st), 77(2nd), 78(1st), 78(2nd), 79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd)
Drake, Jack Griswold	Farmer	57th—Cass, Pottawattamie, Shelby	75(1st), 75(2nd), 76(1st), 76(2nd), 77(1st), 77(2nd), 78(1st), 78(2nd), 79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd)
Ficken, Gene Independence	Retired/Teacher	23rd—Black Hawk, <i>Buchanan</i> , Fayette	83(1st), 83(2nd)
Ford, Wayne W. Des Moines	Executive Director— Urban Dreams	65th— <i>Polk</i>	77(1st), 77(2nd), 78(1st), 78(2nd), 79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd)
Forristall, Greg Macedonia	Farmer	98th—Mills, <i>Pottawattamie</i>	82(1st), 82(2nd), 83(1st), 83(2nd)
Frevert, Marcella R. Emmetsburg	Retired/Teacher	7th—Emmet, Kossuth, <i>Palo Alto</i>	77(1st), 77(2nd), 78(1st), 78(2nd), 79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd)
Gaskill, Mary Ottumwa	Retired/County Auditor	93rd— <i>Wapello</i>	80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd)

Name and Residence	Occupation	Representative District	Legislative Service
Gayman, Elesha L. Davenport	Adjunct Professor/ Consultant	84th— <i>Scott</i>	82(1st), 82(2nd), 83(1st), 83(2nd)
Grassley, Pat New Hartford	Farmer	17th— <i>Bremer, Butler</i>	82(1st), 82(2nd), 83(1st), 83(2nd)
Hagenow, Chris Windsor Heights	Attorney	59th— <i>Polk</i>	83(1st), 83(2nd)
Hanson, Curt Fairfield	Retired/Teacher	90th— <i>Jefferson, Van Buren, Wapello</i>	83(2nd)
Heaton, David E. Mount Pleasant	Retired/Restaurateur	91st— <i>Henry, Lee</i>	76(1st), 76(2nd), 77(1st), 77(2nd), 78(1st), 78(2nd), 79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd)
Heddens, Lisa K. Ames	Resource Facilitator	46th— <i>Boone, Story</i>	80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd)
Helland, Erik Johnston		69th— <i>Polk</i>	83(1st), 83(2nd)
Horbach, Lance J. Tama	Insurance	40th— <i>Grundy, Tama</i>	78(1st), 78(2nd), 79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd)
Hunter, Bruce L. Des Moines		62nd— <i>Polk</i>	80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd)
Huseman, Daniel Adair Aurelia	Farmer	53rd— <i>Cherokee, Plymouth, Woodbury</i>	76(1st), 76(2nd), 77(1st), 77(2nd), 78(1st), 78(2nd), 79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd)
Huser, Geri D. Altoona	Social Worker/Attorney	42nd— <i>Jasper, Polk</i>	77(1st), 77(2nd), 78(1st), 78(2nd), 79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd)
Isenhardt, Charles Dubuque		27th— <i>Dubuque</i>	83(1st), 83(2nd)
Jacoby, Dave J. Coralville	Self-Employed/Small Business	30th— <i>Johnson</i>	80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd)
Kaufmann, Jeff Wilton	Teacher/Livestock Operator	79th— <i>Cedar, Johnson, Muscatine</i>	81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd)
Kearns, Jerry A. Keokuk	Staff Representative— United Steelworkers Union	92nd— <i>Lee</i>	83(1st), 83(2nd)

Name and Residence	Occupation	Representative District	Legislative Service
Kelley, Doris Waterloo	Telecommunications and Marketing Consultant	20th— <i>Black Hawk</i>	82(1st), 82(2nd), 83(1st), 83(2nd)
Koester, Kevin Ankeny	School Administrator	70th— <i>Polk</i>	83(1st), 83(2nd)
Kressig, Bob M. Cedar Falls	Retired/John Deere	19th— <i>Black Hawk</i>	81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd)
Kuhn, Mark A. Charles City	Family Farmer	14th— <i>Cerro Gordo, Floyd, Howard, Mitchell</i>	78(1st), 78(2nd), 79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd)
Lensing, Vicki S. Iowa City	Funeral Home Owner	78th— <i>Johnson</i>	79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd)
Lukan, Steven F. New Vienna	Account Executive— English & Associates	32nd— <i>Delaware, Dubuque</i>	80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd)
Lykam, Jim Davenport	Legislator	85th— <i>Scott</i>	73(1st), 73(2nd), 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd)
Marek, Larry K. Riverside	Family Farmer	89th— <i>Jefferson, Johnson, Washington</i>	83(1st), 83(2nd)
Mascher, Mary Iowa City	Teacher	77th— <i>Johnson</i>	76(1st), 76(2nd), 77(1st), 77(2nd), 78(1st), 78(2nd), 79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd)
May, Mike Spirit Lake	Resort Owner and Operator/Retired Teacher	6th— <i>Clay, Dickinson</i>	81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd)
McCarthy, Kevin M. Des Moines	Majority Leader/ Attorney	67th— <i>Polk</i>	80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd)
Mertz, Dolores M. Ottosen		8th— <i>Humboldt, Kossuth, Pocahontas, Webster</i>	73(1st), 73(2nd), 74(1st), 74(2nd), 74(2nd)X, 74(2nd)XX, 75(1st), 75(2nd), 76(1st), 76(2nd), 77(1st), 77(2nd), 78(1st), 78(2nd), 79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd)
Miller, Helen Fort Dodge	Attorney/Arts Educator	49th— <i>Webster</i>	80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd)

Name and Residence	Occupation	Representative District	Legislative Service
Miller, Linda J. Bettendorf	Registered Nurse	82nd— <i>Scott</i>	82(1st), 82(2nd), 83(1st), 83(2nd)
Murphy, Patrick J. Dubuque	Speaker of the House	28th— <i>Dubuque</i>	73(2nd), 74(1st), 74(2nd), 74(2nd)X, 74(2nd)XX, 75(1st), 75(2nd), 76(1st), 76(2nd), 77(1st), 77(2nd), 78(1st), 78(2nd), 79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd)
Oldson, Jo Des Moines		61st— <i>Polk</i>	80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd)
Olson, Donovan Boone	Distance Education Coordinator—Iowa State University	48th— <i>Boone, Dallas</i>	80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd)
Olson, Rick Des Moines	Attorney	68th— <i>Polk</i>	81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd)
Olson, Steven N. DeWitt	Farmer	83rd— <i>Clinton, Scott</i>	80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd)
Olson, Tyler Cedar Rapids	Attorney	38th— <i>Linn</i>	82(1st), 82(2nd), 83(1st), 83(2nd)
Palmer, Eric J. Oskaloosa	Attorney at Law	75th— <i>Mahaska, Poweshiek</i>	82(1st), 82(2nd), 83(1st), 83(2nd)
Paulsen, Kraig Hiawatha	Minority Leader/ Attorney	35th— <i>Linn</i>	80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd)
Petersen, Janet Des Moines	Marketing Communications Consultant	64th— <i>Polk</i>	79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd)
Pettengill, Dawn E. Mount Auburn	Legislator	39th— <i>Benton, Iowa</i>	81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd)
Quirk, Brian J. New Hampton	Electrical Contractor	15th— <i>Chickasaw, Howard, Winneshiek</i>	79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd)
Raecker, J. Scott Urbandale	Executive Director— Institute for Character Development	63rd— <i>Polk</i>	78(1st), 78(2nd), 79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd)

Name and Residence	Occupation	Representative District	Legislative Service
Rants, Christopher Sioux City	Self-Employed	54th— <i>Woodbury</i>	75(1st), 75(2nd), 76(1st), 76(2nd), 77(1st), 77(2nd), 78(1st), 78(2nd), 79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd)
Rayhons, Henry V. Garner	Semi-retired/Farmer	11th— <i>Hancock,</i> <i>Winnebago, Worth</i>	77(1st), 77(2nd), 78(1st), 78(2nd), 79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd)
Reasoner, Michael J. Creston	Legislator	95th— <i>Clarke, Decatur,</i> <i>Union</i>	80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd)
Reichert, Nathan K. Muscatine	Community College Instructor	80th— <i>Muscatine</i>	81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd)
Roberts, Rod A. Carroll	Development Director— Christian Church of Christ	51st— <i>Carroll, Crawford,</i> <i>Sac</i>	79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd)
Running-Marquardt, Kirsten Cedar Rapids	District Representative for United States Congressman Dave Loebsack	33rd— <i>Linn</i>	83(2nd)
Sands, Thomas R. Wapello	Bank Officer/Real Estate Appraiser/Farm Owner	87th— <i>Des Moines,</i> <i>Louisa, Muscatine</i>	80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd)
Schueller, Tom J. Maquoketa	Contractor	25th— <i>Clinton,</i> <i>Dubuque, Jackson</i>	81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd)
Schulte, Renee Cedar Rapids	Adjunct Professor— Mount Mercy College	37th— <i>Linn</i>	83(1st), 83(2nd)
Schultz, Jason Schleswig	Farmer	55th— <i>Crawford, Ida,</i> <i>Monona, Woodbury</i>	83(1st), 83(2nd)
Shomshor, Paul C., Jr. Council Bluffs	Certified Public Accountant	100th— <i>Pottawattamie</i>	80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd)
Smith, Mark D. Marshalltown	Licensed Independent Social Worker	43rd— <i>Marshall</i>	79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd)
Soderberg, Chuck Le Mars	Vice President Planning and Legislative Services—Northwest Iowa Power Cooperative	3rd— <i>Plymouth, Sioux</i>	81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd)
Sorenson, Kent Indianola	Business Owner	74th— <i>Warren</i>	83(1st), 83(2nd)

Name and Residence	Occupation	Representative District	Legislative Service
Steckman, Sharon S. Mason City	Retired/Educator	13th— <i>Cerro Gordo</i>	83(1st), 83(2nd)
Struyk, Doug Council Bluffs		99th— <i>Pottawattamie</i>	80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd)
Swaim, Kurt Bloomfield	Lawyer	94th— <i>Appanoose, Davis, Wayne</i>	80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd)
Sweeney, Annette Alden	Farmer/Publisher	44th— <i>Franklin, Hardin, Marshall</i>	83(1st), 83(2nd)
Taylor, Todd E. Cedar Rapids	AFSCME Representative	34th— <i>Linn</i>	76(2nd), 77(1st), 77(2nd), 78(1st), 78(2nd), 79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd)
Thede, Phyllis Bettendorf		81st— <i>Scott</i>	83(1st), 83(2nd)
Thomas, Roger Elkader	Executive Director Elkader Development Corporation/Main Street Elkader	24th— <i>Clayton, Delaware, Fayette</i>	77(1st), 77(2nd), 78(1st), 78(2nd), 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd)
Tjepkes, David A. Gowrie	Retired/State Trooper	50th— <i>Calhoun, Greene, Webster</i>	80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd)
Tymeson, Jodi S. Winterset	Licensed Teacher/ Retired National Guard Officer	73rd— <i>Dallas, Madison, Warren</i>	79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd)
Upmeyer, Linda L. Garner	Nurse Practitioner	12th— <i>Cerro Gordo, Franklin, Hancock</i>	80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd)
Van Engelenhoven, Jim Pella	Farmer	71st— <i>Jasper, Marion</i>	78(1st), 78(2nd), 79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd)
Wagner, Nick Marion	Electrical Engineer	36th— <i>Linn</i>	83(1st), 83(2nd)
Watts, Ralph C. Adel	Retired/Engineer	47th— <i>Boone, Dallas</i>	80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd)
Wendt, Roger F. Sioux City	Retired	2nd— <i>Woodbury</i>	80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd)

Name and Residence	Occupation	Representative District	Legislative Service
Wenthe, Andrew J. Hawkeye	Director of External Affairs/e-center	18th—Black Hawk, Bremer, Fayette	82(1st), 82(2nd), 83(1st), 83(2nd)
Wessel-Kroeschell, Beth Ames	Legislator	45th— <i>Story</i>	81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd)
Whitead, Wesley E. Sioux City	Retired/Small Business Owner	1st— <i>Woodbury</i>	77(1st), 77(2nd), 78(1st), 78(2nd), 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd)
Willems, Nathan Lisbon	Attorney	29th—Johnson, Linn	83(1st), 83(2nd)
Winckler, Cindy L. Davenport	Educational Consultant	86th— <i>Scott</i>	79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd)
Windschitl, Matt W. Missouri Valley	Gunsmith/Conductor for Union Pacific Railroad	56th— <i>Harrison,</i> <i>Monona,</i> <i>Pottawattamie</i>	82(1st), 82(2nd), 83(1st), 83(2nd)
Worthan, Gary Storm Lake	Farmer	52nd— <i>Buena Vista, Sac</i>	82(1st), 82(2nd), 83(1st), 83(2nd)
Zirkelbach, Ray S. Monticello	Correctional Counselor	31st— <i>Dubuque, Jones</i>	81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd)

JUDICIAL BRANCH

JUSTICES OF THE SUPREME COURT

(Justices listed according to seniority)

Name	Office Address	Term Ending
Marsha K. Ternus, C.J.	Des Moines	December 31, 2010
Mark S. Cady	Fort Dodge	December 31, 2016
Michael J. Streit	Johnston	December 31, 2010
David S. Wiggins	West Des Moines	December 31, 2012
Daryl L. Hecht	Sioux City	December 31, 2016
Brent R. Appel	Ackworth	December 31, 2016
David L. Baker	Cedar Rapids	December 31, 2010

JUDGES OF THE COURT OF APPEALS

(Judges listed according to seniority)

Rosemary Shaw Sackett, C.J.	Okoboji	December 31, 2014
Gayle N. Vogel	Knoxville	December 31, 2010
Anuradha Vaitheswaran	Des Moines	December 31, 2012
Larry J. Eisenhauer	Des Moines	December 31, 2014
Amanda P. Potterfield	Cedar Rapids	December 31, 2010
Richard H. Doyle	Des Moines	December 31, 2010
Edward M. Mansfield	Des Moines	December 31, 2010
David R. Danilson	Boone	December 31, 2010
Mary E. Tabor	Des Moines	December 31, 2012

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CONDITION OF STATE TREASURY

June 30, 2009

	Balance July 1, 2008	Total Receipts and Transfers	Total Available	Total Disbursements and Transfers	Balance June 30, 2009
General Fund	\$ 963,356,040	\$11,503,334,861	\$12,466,690,901	\$12,053,327,869	\$ 413,363,032
Special Revenue Fund	1,057,204,797	4,561,298,233	5,618,503,030	4,513,246,906	1,105,256,124
Capitol Projects Fund	3,178,200	29,738,090	32,916,290	20,097,737	12,818,553
Debt Service Fund	640	19	659	0	659
Enterprise Fund	44,716,438	528,564,167	573,280,605	528,905,521	44,375,084
Internal Service Fund	72,718,044	490,187,152	562,905,196	472,736,442	90,168,754
Expendable Trust Fund	178,866,424	900,547,341	1,079,413,765	921,975,260	157,438,505
Nonexpendable Trust Fund	17,822,201	4,422,281	22,244,482	2,284,492	19,959,990
Pension Fund	19,512,453,153	137,096,012	19,649,549,165	1,284,303,316	18,365,245,849
Trust and Agency Fund	304,784,752	4,637,806,792	4,942,591,544	4,661,184,291	281,407,253
Totals	<u>\$22,155,100,689</u>	<u>\$22,792,994,948</u>	<u>\$44,948,095,637</u>	<u>\$24,458,061,834</u>	<u>\$20,490,033,803</u>

Balance July 1, 2008	\$22,155,100,689
Receipts and Transfers	22,792,994,948
Total Available	44,948,095,637
Disbursements and Transfers	24,458,061,834
Balance June 30, 2009	\$20,490,033,803

DEPARTMENT OF ADMINISTRATIVE SERVICES
STATE ACCOUNTING ENTERPRISE

April 28, 2010

ANALYSIS BY CHAPTERS

2010 REGULAR SESSION

For Conversion Tables of Senate and House Files and Joint Resolutions to chapters of the 2010 Acts, Regular Session, see page 860

CH.	FILE	TITLE
1001	SF 2033	Lowest-achieving, charter, and innovation zone schools
1002	SF 2045	School finance — allowable growth
1003	SF 2046	School finance — categorical allowable growth
1004	HF 2030	School finance and cash flow — school budget review committee
1005	SF 2062	State employee retirement incentives program
1006	HF 2109	Ethics — miscellaneous changes
1007	HF 2131	Truth in lending references update
1008	SF 2108	Consumer fraud and artisan's liens
1009	SF 2076	Economic development — programs and administration
1010	SF 2117	Pharmaceutical-delivering contact lenses and therapeutically certified optometrists
1011	SF 2146	Motor vehicle dealers and warranty parts, repairs, or service — claims payment
1012	SF 2149	Health care services providers and employees — criminal history and abuse record checks
1013	HF 2075	Health insurance coverage — cancer treatment — clinical trials
1014	HF 2319	Fire safety and aboveground storage tanks
1015	SF 2181	Employment practices and occupational safety and health regulation
1016	SF 2291	Special education
1017	SF 2300	Landlord and tenant law — notice requirements
1018	SF 2313	Electric power agencies
1019	SF 2350	Civil service commissioners — prohibited activities and interests
1020	HF 2253	Disclaimers of property interests
1021	HF 2282	Judgment liens on homesteads
1022	HF 2376	Annexation and severance of property by cities
1023	HF 2407	Instruments affecting real property — definitions and index records
1024	SF 2128	Campaign finance reporting requirements — electronic format
1025	SF 2195	Campaign finance regulation and reporting
1026	SF 2196	Administration of elections
1027	HF 2380	Taking of crops on farm tenancies
1028	SF 2191	Regulation of banking
1029	SF 2248	National pollutant discharge elimination system permits
1030	HF 2280	Regulation of commercial establishments for nonagricultural animals
1031	SF 2088	State government reorganization
1032	SF 2138	Anatomical gifts — donee rights
1033	SF 2194	Elections and voter registration
1034	SF 2243	Natural resources department — data, reports, funds
1035	SF 2246	Motor vehicle regulation — miscellaneous changes
1036	SF 2266	Local public health governance
1037	SF 2355	Fire protection system installation and maintenance — licensure
1038	HF 2318	City development board — membership terms
1039	SF 2247	Designation of gaming enforcement officers
1040	HF 2111	Reinstatement of dissolved business entities — tax status notification
1041	HF 2195	Fine arts projects in state buildings
1042	HF 2283	Criminal history checks and child care providers
1043	HF 2286	Detention in a brothel
1044	HF 2287	Simulated public intoxication
1045	HF 2288	Cowl lamps on motor vehicles
1046	HF 2403	Controlled substances — miscellaneous changes
1047	HF 755	Injured veterans grant program — eligibility
1048	HF 2110	Unemployment insurance — relocation of spouse by military

CH.	FILE	TITLE
1049	HF 2449	Small business assistance for disabled veterans
1050	SF 434	Real estate — municipal infractions, tax sales, and nuisance abatement
1051	SF 2264	City subdivision proposal process and horizontal property regimes
1052	SF 205	Infectious diseases testing of persons on parole, probation, or work release
1053	SF 358	Recognition of foreign-country money judgments
1054	SF 2067	Ethics — additional miscellaneous changes
1055	SF 2073	Professional licensure and regulation — commerce — accounting
1056	SF 2075	Insurance rating practices — extraordinary life circumstances exceptions
1057	SF 2095	Certified law enforcement officers — authority
1058	SF 2157	Recording of residential real estate installment sales contracts
1059	SF 2190	Bankruptcy and debtor's exemptions — personal property
1060	SF 2218	Elections — double election boards and automatic tabulating equipment
1061	SF 2237	Nonsubstantive Code corrections
1062	SF 2263	Long-term care resident's advocate
1063	SF 2272	Iowa life and health insurance guaranty association — miscellaneous changes
1064	SF 2289	School district deaccreditation
1065	SF 2298	Child in need of assistance proceedings — attendance by child at court hearings
1066	SF 2303	Parole and out-of-state detainers
1067	SF 2325	Mortuary science, cemetery and funeral merchandise, and funeral services
1068	SF 2326	Discipline of real estate brokers and salespersons
1069	SF 2340	Substantive Code corrections
1070	HF 2076	Economic development and targeted industries — innovation council
1071	HF 2233	Alcohol-related offenses — expunging of convictions
1072	HF 2372	Assault causing serious injury
1073	HF 2374	Serious injury — definition
1074	HF 2392	Abuse of a corpse
1075	HF 2466	Driver education instructor qualifications
1076	HF 2488	Appointive board, commission, committee, and council membership — young adults
1077	SF 2178	School textbooks and electronic or other personal portable computing devices
1078	SF 2197	Providing false identification information, indecent exposure, and criminal citations
1079	SF 2202	Persons with disabilities — miscellaneous provisions
1080	SF 2224	Horizontal property — boards of administration
1081	SF 2234	Motor vehicle franchise regulation
1082	SF 2299	Regulation of grain transactions
1083	SF 2357	Restrictions on possession, transfer, or sale of firearms, ammunition, or offensive weapons — domestic abuse or violence
1084	HF 426	Reserve peace officers' traffic accidents — reporting requirements
1085	HF 681	Business closings and layoffs — notice requirements
1086	HF 734	Uniform adult guardianship and protective proceedings Act
1087	HF 2137	Public defense — military service and military justice
1088	HF 2144	Public health — miscellaneous activities and regulations
1089	HF 2148	Home ownership assistance program for military members — lenders
1090	HF 2183	State board of health — organization and duties
1091	HF 2273	Drainage district improvements and bid requirements
1092	HF 2295	Area education agencies — task force
1093	HF 2307	Medicaid and criminal restitution — payments
1094	HF 2402	Stroke triage system and registry
1095	HF 2406	U.S.S. Iowa naval museum
1096	HF 2422	Disaster recovery case management
1097	HF 2452	Driver's license sanctions and restrictions — miscellaneous changes
1098	HF 2460	Department of transportation contracts — small or disadvantaged business enterprises
1099	HF 2461	School business official training and authorization
1100	HF 2478	Limited liability companies and business corporations — miscellaneous changes

CH.	FILE	TITLE
1101	HF 2321	Veterans services for inmates of jails or municipal holding facilities
1102	HF 2384	Tax advice for deploying military services members
1103	SF 2352	Emergency hospitalization of mentally ill persons — notice of arrest warrants or pending criminal charges — discharge procedures
1104	SF 2305	Sex offender registry changes
1105	HF 2456	Use of electronic communication devices while driving
1106	SF 2175	Mental health policy — council and commission membership — military veterans
1107	HF 2532	Individual income tax — veterans trust fund payments
1108	SF 2199	Manufactured and mobile homes — use tax — title procedures
1109	SF 2273	Electronic vehicle registration and titling
1110	SF 2279	Unemployment compensation — voluntary shared work plans
1111	SF 2348	Regulation of real estate closing agents
1112	HF 726	Unincorporated nonprofit associations
1113	HF 2200	Carrying guns in or on vehicles on public highways
1114	HF 2409	Regulation of financial institutions and mortgage loan practices
1115	HF 2418	Periodic evaluations of air quality standards
1116	HF 2459	Watershed management and planning
1117	HF 2487	Recovery zone bonds
1118	SF 2254	Taxes and assessments against property — records — collection
1119	SF 2354	Campaign finance — contributions, independent expenditures, and attribution statements
1120	HF 2437	Property transfers, private sewage disposal system inspections, and groundwater hazard statements
1121	SF 2201	Insurance and insurance division regulatory authority
1122	SF 2286	Regulation of mixed martial arts matches and events
1123	HF 2484	Cedar river boat dock requirements
1124	SF 431	Operating-while-intoxicated — miscellaneous changes
1125	SF 2250	Aggravated theft
1126	SF 2324	Cable or video service franchises
1127	HF 674	Reporting treatment of serious injuries
1128	HF 788	Alcoholic beverage control and persons under legal age
1129	HF 2438	Enticing or attempting to entice a minor
1130	HF 2473	Criminal mischief and appearance bonds in criminal proceedings
1131	SF 153	Medical or osteopathic physician and physician assistant limited liability companies or corporations
1132	HF 2432	Minority teacher recruitment study
1133	SF 2331	Hawk-i — chiropractic services coverage
1134	SF 2356	Health insurance coverage — IowaCare and insurance information exchange
1135	SF 2388	Hospital health care access assessment program
1136	HF 2370	Enterprise zones — application deadline extension
1137	HF 2483	Trusts and estates — miscellaneous changes
1138	SF 2380	Taxation — credits, expenditures, and incentives — estate taxes
1139	HF 2512	Commercial motor vehicle weight limits
1140	SF 285	Traffic and wildlife conservation offenses and magistrate jurisdiction
1141	SF 2156	IowaCare program changes
1142	SF 2158	Child support — miscellaneous changes
1143	SF 2200	Child in need of assistance proceedings — guardianships — transfer to probate court
1144	SF 2344	Violator facilities
1145	SF 2375	Administration of sales and use taxes
1146	SF 2383	Collection of debts owed to the state and cities
1147	SF 2384	Nursing workforce — information and incentives
1148	SF 2387	Sales tax — exemption for registered regional blood testing facility purchases
1149	HF 2193	Emergency medical care — providers, programs, training, and authorization
1150	HF 2294	Disaster aid individual assistance grant fund — expense verification process

CH.	FILE	TITLE
1151	SF 393	Child in need of assistance proceedings, child abuse, and obscene materials
1152	SF 2192	Real property — transfer fee covenants
1153	SF 2215	Genetic testing and use of genetic information
1154	SF 2216	Shooting game birds on licensed hunting preserves
1155	SF 2220	Motor carrier transportation contracts — indemnity provisions
1156	SF 2267	Medicaid — home and community-based services waiver — home modification
1157	SF 2304	Vehicular accident reporting requirements — damage threshold amount
1158	SF 2310	Natural resources and outdoor recreation trust fund
1159	SF 2345	Court orders, proceedings, and administration
1160	SF 2371	Sand and gravel removal from state-owned lands
1161	SF 2373	Replacement taxes on cogeneration facilities
1162	HF 823	Environmentally preferable cleaning and maintenance policy for state and public education facilities
1163	HF 2284	Public health regulation — miscellaneous changes
1164	HF 2458	Mowing on road and highway medians and rights-of-way
1165	HF 2485	Public employee collective bargaining
1166	HF 2496	Recycling and environmental management — certification
1167	HF 2518	Public retirement systems changes
1168	SF 2226	Children of military service members on active duty — custody, care, and visitation
1169	SF 2274	National security and military education benefits and programs
1170	SF 2297	Veterans and military service — miscellaneous provisions
1171	SF 2318	Veterans and military members — employment benefits, professional licensing, consumer credit terms
1172	HF 2197	Veterans Day leave for military veterans
1173	HF 2414	Military honor guard unit services
1174	HF 2454	State government employment opportunities and disabled veterans
1175	HF 2377	Extensions of length of probation periods
1176	HF 2399	Rate-regulated public utilities and nuclear generating facilities
1177	SF 2333	Health care facilities and programs — inspections — dependent adult abuse
1178	SF 2379	Weapons and persons with mental or substance abuse disorders
1179	HF 2229	Dental insurance coverage and fee schedules
1180	HF 2310	Regulations for pen-reared pheasants
1181	SF 2151	Appropriation reductions, transfers, and supplementals — health and human services
1182	SF 2366	Miscellaneous appropriation reductions, transfers, and supplementals
1183	SF 2376	Appropriations — education
1184	SF 2389	Appropriations — infrastructure and capital projects
1185	SF 2377	Appropriations — judicial branch
1186	SF 2381	Appropriations — transportation
1187	HF 2519	Federal block grant appropriations and other federal funding
1188	HF 2522	Appropriations — economic development
1189	SF 2367	Appropriations — administration and regulation
1190	SF 2378	Appropriations — justice system
1191	HF 2525	Appropriations — agriculture and natural resources
1192	HF 2526	Appropriations — health and human services
1193	HF 2531	State and local government financial and regulatory matters — appropriations and miscellaneous changes
1194	SJR 2007	Battleship Iowa restoration and preservation
1195	SJR 2009	Nullification of administrative rule — automatic residential fire sprinkler systems

2010 Regular Session
of the
Eighty-Third General Assembly
of the
State of Iowa

CHAPTER 1001

LOWEST-ACHIEVING, CHARTER, AND INNOVATION ZONE SCHOOLS

S.F. 2033

AN ACT relating to school improvement and the approval and revocation of charter schools, the establishment of innovation zone schools by consortia of school districts and area education agencies, and the implementation of interventions for persistently lowest-achieving schools.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 256.9, Code Supplement 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 60. *a.* Require a school district that has one or more attendance centers identified by the department as a persistently lowest-achieving school to implement one or more of the interventions mandated by the United States department of education for a persistently lowest-achieving school pursuant to the federal No Child Left Behind Act of 2001, Pub. L. No. 107-110 § 1003(g), 20 U.S.C. § 6303(g), and any federal regulations adopted pursuant to the federal Act.

b. A school district required to implement one or more interventions pursuant to paragraph “a” and the employee organization representing the school district’s teachers shall meet at reasonable times to negotiate a memorandum of understanding that contains an agreement on the specific intervention to be implemented and a provision stating that the terms of any collective bargaining agreement between the parties shall remain in effect and unaltered except as specifically agreed to in the memorandum of understanding. If the parties are unable to reach an agreement on the memorandum of understanding within forty-five days of the date the school district is notified that it has a persistently lowest-achieving school, the school district and the employee organization representing the school district’s teachers shall, within five days, select an impartial and disinterested person to serve as a mediator. The mediator shall attempt to bring the parties together to effectuate a settlement of the dispute, but the mediator shall not compel the parties to agree. If mediation fails to result in a mutually agreed to memorandum of understanding, not later than thirty days after selecting the mediator the school district shall not receive any school improvement funds under Tit. I of the federal Elementary and Secondary Education Act of 1965 for the attendance center identified as a persistently lowest-achieving school. The memorandum of understanding remains in effect for the period of time that an attendance center is identified as a persistently lowest-achieving school unless a duration period is included in the memorandum of understanding or the parties mutually agree to amend the memorandum of understanding.

Sec. 2. Section 256F.1, subsection 1, Code 2009, is amended to read as follows:

1. Charter schools and innovation zone schools shall be part of the state's program of public education.

Sec. 3. Section 256F.1, subsection 3, unnumbered paragraph 1, Code 2009, is amended to read as follows:

The purpose of a charter school or an innovation zone school established pursuant to this chapter shall be to accomplish the following:

Sec. 4. Section 256F.1, subsection 3, Code 2009, is amended by adding the following new paragraphs:

NEW PARAGRAPH. g. Create different organizational structures for continuous learner progress.

NEW PARAGRAPH. h. Allow greater flexibility to meet the education needs of a diverse and constantly changing student population.

NEW PARAGRAPH. i. Allow for the allocation of resources in innovative ways through implementation of specialized school budgets for the benefit of the schools served.

Sec. 5. Section 256F.1, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 4. An innovation zone school may be established pursuant to this chapter to encourage diverse approaches to learning and education within individual schools.

Sec. 6. Section 256F.2, subsection 1, Code 2009, is amended to read as follows:

1. "*Advisory council*" means a council appointed by the school board of directors of a charter school or an innovation zone consortium pursuant to section 256F.5, subsection 4.

Sec. 7. Section 256F.2, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 1A. "*Area education agency board*" means the board of directors of an area education agency established pursuant to chapter 273.

Sec. 8. Section 256F.2, subsection 3, Code 2009, is amended to read as follows:

3. "*Charter school*" means a ~~state public~~ charter school ~~operated as a pilot program~~ established in accordance with this chapter.

Sec. 9. Section 256F.2, subsection 4A, Code 2009, is amended by striking the subsection and inserting in lieu thereof the following:

4A. "*Innovation zone consortium*" means a consortium of two or more school districts and an area education agency in which one or more of the school districts is located, that receives approval to establish an innovation zone school pursuant to this chapter. In addition, the innovation zone consortium may receive technical assistance from an accredited higher education institution.

4B. "*Innovation zone school*" means a public school administered by a principal that is, pursuant to an innovation zone school contract entered into by an innovation zone consortium pursuant to section 256F.6, established as an innovation zone school.

Sec. 10. Section 256F.3, Code 2009, is amended to read as follows:

256F.3 ~~Pilot program~~ — ~~application~~ Application.

1. The state board of education shall apply for a federal grant under Pub. L. No. 107-110, cited as the federal No Child Left Behind Act of 2001 (~~Title, Tit. V, Part Pt. B, Subpart Subpt. 1~~), for purposes of providing financial assistance for the planning, program design, and initial implementation of public charter schools. The department shall ~~initiate a pilot program to test~~ monitor the effectiveness of charter schools¹ and shall implement the applicable provisions of this chapter.

2. a. To receive approval to establish a charter school in accordance with this chapter, the principal, teachers, or parents or guardians of students at an existing public school shall submit an application to the school board to convert an existing attendance center to

¹ See chapter 1193, §45 herein

a charter school. An attendance center shall not enter into a charter school contract with a school district under this chapter unless the attendance center is located within the school district. The application shall demonstrate the support of at least fifty percent of the teachers employed at the school on the date of the submission of the application and fifty percent of the parents or guardians voting whose children are enrolled at the school, provided that a majority of the parents or guardians eligible to vote participate in the ballot process, according to procedures established by rules of the state board.

b. To receive approval to establish an innovation zone school in accordance with this chapter, an innovation zone consortium shall submit an application to the state board which demonstrates the support of at least fifty percent of the teachers employed at each proposed innovation zone school on the date of the submission of the application and fifty percent of the parents or guardians voting whose children are enrolled at each proposed innovation zone school, provided that a majority of the parents or guardians eligible to vote participate in the ballot process, according to procedures established by rules of the state board.

c. A parent or guardian voting in accordance with this subsection must be a resident of this state.

3. A school board shall receive and review all applications for converting an existing building or creating a new building for a charter school. Applications received on or before October 1 of a calendar year shall be considered for charter schools to be established at the beginning of the school district's next school year or at a time agreed to by the applicant and the school board. However, a school board may receive and consider applications after October 1 at its discretion.

4. A school board shall by a majority vote approve or deny an application relating to a charter school no later than sixty calendar days after the application is received. An application approved by a school board and subsequently approved by the state board pursuant to subsection 6 shall constitute, at a minimum, an agreement between the school board and the charter school for the operation of the charter school. A school board that denies an application for a conversion to a charter school shall provide notice of denial to the applicant in writing within thirty days after board action. The notice shall specify the exact reasons for denial and provide documentation supporting those reasons.

5. An applicant may appeal school board denial of the applicant's charter school application to the state board in accordance with the procedures set forth in chapter 290. The state board shall affirm, modify, or reverse the school board's decision on the basis of the information provided in the application indicating the ability and willingness of the proposed charter school to meet the requirements of section 256F.1, subsection 3, and section 256F.4.

6. Upon approval of an application for the proposed establishment of a charter school, the school board shall submit an application for approval to establish the charter school to the state board in accordance with section 256F.5.

~~7. The An application submitted to the state board pursuant to subsection 2, paragraph "b", or subsection 6 shall set forth the manner in which the charter school or innovation zone school will provide special instruction, in accordance with section 280.4, to students who are limited English proficient. The application shall set forth the manner in which the charter school or innovation zone school will comply with federal and state laws and regulations relating to the federal National School Lunch Act and the federal Child Nutrition Act of 1966, 42 U.S.C. § 1751-1785, and chapter 283A. The state board shall approve only those applications that meet the requirements specified in section 256F.1, subsection 3, and sections 256F.4 and 256F.5. The state board may deny an application if the state board deems that approval of the application is not in the best interest of the affected students. The state board shall approve not more than twenty charter school applications. The state board shall approve not more than one charter school application per school district. The state board shall adopt rules in accordance with chapter 17A for the implementation of this chapter.~~

8. The state board shall approve not more than ten innovation zone consortium applications.

9. The state board shall adopt rules in accordance with chapter 17A for the implementation of this chapter. If federal rules or regulations relating to the distribution or utilization of federal funds allocated to the department pursuant to this section are adopted that are inconsistent with the provisions of this chapter, the state board shall adopt rules

to comply with the requirements of the federal rules or regulations. The state board shall identify inconsistencies between federal and state rules and regulations as provided in this subsection and shall submit recommendations for legislative action to the chairpersons and ranking members of the senate and house standing committees on education at the next meeting of the general assembly.

Sec. 11. Section 256F.4, subsection 1, Code 2009, is amended to read as follows:

1. Within fifteen days after approval of a charter school or innovation zone school application submitted in accordance with section 256F.3, subsection 2, a school board or innovation zone consortium shall report to the department the name of the charter school applicant if applicable, the proposed charter school or innovation zone school location, and its the charter school or innovation zone school's projected enrollment.

Sec. 12. Section 256F.4, subsection 2, unnumbered paragraph 1, Code 2009, is amended to read as follows:

Although a charter school or innovation zone school may elect to comply with one or more provisions of statute or administrative rule, a charter school or innovation zone school is exempt from all statutes and rules applicable to a school, a school board, or a school district, except that the charter school or innovation zone school shall do all of the following:

Sec. 13. Section 256F.4, subsection 2, paragraphs a, g, and j, Code 2009, are amended to read as follows:

a. Meet all applicable federal, state, and local health and safety requirements and laws prohibiting discrimination on the basis of race, creed, color, sex, sexual orientation, gender identity, national origin, religion, ancestry, or disability. A charter school or innovation zone school shall be subject to any court-ordered desegregation plan in effect for the school district at the time the school's charter school or innovation zone school application is approved.

g. Be subject to and comply with chapter 284 relating to the student achievement and teacher quality program. A charter school or innovation zone school that complies with chapter 284 shall receive state moneys or be eligible to receive state moneys calculated as provided in ~~chapter 284~~ section 257.10, subsections 9 and 10, and section 257.37A as if it did not operate under a charter school or innovation zone school contract.

j. Meetings and records of the advisory council are subject to the provisions of chapters 21 and 22.

Sec. 14. Section 256F.4, subsections 3 through 8, Code 2009, are amended to read as follows:

3. A charter school or innovation zone school shall not discriminate in its student admissions policies or practices on the basis of intellectual or athletic ability, measures of achievement or aptitude, or status as a person with a disability. However, a charter school or innovation zone school may limit admission to students who are within a particular range of ages or grade levels or on any other basis that would be legal if initiated by a school district. Enrollment priority shall be given to the siblings of students enrolled in a charter school or innovation zone school.

4. A charter school or innovation zone school shall enroll an eligible resident student who submits a timely application unless the number of applications exceeds the capacity of a program, class, grade level, or building. In this case, students must be accepted by lot. A charter school or innovation zone school may enroll an eligible nonresident student who submits a timely application in accordance with the student admission policy established pursuant to section 256F.5, subsection 1. If the charter school or innovation zone school enrolls an eligible nonresident student, the charter school or innovation zone school shall notify the school district of residence and the sending district not later than March 1 of the preceding school year. Transportation for the student shall be in accordance with section 282.18, subsection 10. The sending district shall make payments to the charter school or innovation zone consortium in the manner required under section 282.18, subsection 7. If the nonresident pupil is also an eligible pupil under section 261E.6, the innovation zone consortium shall pay the tuition reimbursement amount to an eligible postsecondary institution as provided in section 261E.7.

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

6. Notwithstanding subsection 2, a charter school or innovation zone school shall meet the requirements of section 256.7, subsection 21.

7. a. A charter school shall be considered a part of the school district in which it is located for purposes of state school foundation aid pursuant to chapter 257.

b. Students enrolled in an innovation zone school shall be counted, for state school foundation aid purposes, in the student's district of residence.

8. A charter school or innovation zone consortium may enter into contracts in accordance with chapter 26.

Sec. 15. Section 256F.5, unnumbered paragraph 1, Code 2009, is amended to read as follows:

An application to the state board for the approval of a charter school or innovation zone school shall include, but shall not be limited to, a description of the following:

Sec. 16. Section 256F.5, subsections 1, 2, 4, 6, 7, 10, 12, 13, 14, 15, 16, and 17, Code 2009, are amended to read as follows:

1. The method for admission to the charter school or innovation zone school.

2. The mission, purpose, innovation, and specialized focus of the charter school or innovation zone school.

4. The method for appointing or forming an advisory council for the charter school or innovation zone school. The membership of an advisory council appointed or formed in accordance with this chapter shall not include more than one member of ~~the~~ a participating school board.

6. The charter school or innovation zone school governance and bylaws.

7. The financial plan for the operation of the charter school or innovation zone school including, at a minimum, a listing of the support services the school district or innovation zone consortium will provide, and the charter school's school or innovation zone school's revenues, budgets, and expenditures.

10. The organization of the school or innovation zone school in terms of ages of students or grades to be taught along with an estimate of the total enrollment of the charter school or innovation zone school.

12. A statement indicating how the charter school or innovation zone school will meet the requirements of section 256F.1, ~~subsection 3 as applicable~~; section 256F.4, subsection 2, paragraph "a"; and section 256F.4, subsection 3.

13. Assurance of the assumption of liability by the charter school or the innovation zone consortium for the innovation zone school.

14. The types and amounts of insurance coverage to be obtained by the charter school or innovation zone consortium for the innovation zone school.

15. A plan of operation to be implemented if the charter school or innovation zone consortium revokes or fails to renew its contract.

16. The means, costs, and plan for providing transportation for students ~~attending~~ enrolled in the charter school or innovation zone school.

17. The specific statutes, administrative rules, and school board policies with which the charter school or innovation zone school does not intend to comply.

Sec. 17. Section 256F.6, subsection 1, Code 2009, is amended to read as follows:

1. a. An approved charter school or innovation zone school application shall constitute an agreement, the terms of which shall, at a minimum, be the terms of a four-year enforceable, renewable contract between ~~the~~ a school board, or the boards participating in an innovation zone consortium, and the state board. The contract shall include an operating agreement for the operation of the charter school or innovation zone school. The terms of the contract may be revised at any time with the approval of both the state board and the school board or the boards participating in the innovation zone consortium, whether or not the stated provisions of the contract are being fulfilled.

b. A contract may be renewed by agreement of the school board or the boards participating in an innovation zone consortium, as applicable, and the state board.

c. The charter school or innovation zone consortium shall provide parents and guardians of students enrolled in the charter school or innovation zone school with a copy of the charter school or innovation zone school application approved pursuant to section 256F.5.

Sec. 18. Section 256F.7, Code 2009, is amended to read as follows:

256F.7 Employment and related matters.

1. A charter school or the boards participating in an innovation zone consortium shall employ or contract with necessary teachers and administrators, as defined in section 272.1, who hold a valid license with an endorsement for the type of service for which the teacher or administrator is employed.

2. The school board or innovation zone consortium, as specified in the application, in consultation with the advisory council, shall decide matters related to the operation of the charter school or innovation zone school, including budgeting, curriculum, and operating procedures.

3. a. Employees of a charter school shall be considered employees of the school district.

b. Employees of an innovation zone school shall be considered employees of a board participating in the innovation zone consortium.

Sec. 19. Section 256F.8, subsections 1, 2, 3, 4, and 6, Code 2009, are amended to read as follows:

1. A contract for the establishment of a charter school or innovation zone school may be revoked by the state board, ~~or~~ the school board that established the charter school, or the innovation zone consortium that established the innovation zone school if the appropriate board or consortium determines that one or more of the following occurred:

a. Failure of the charter school or innovation zone school to abide by and meet the provisions set forth in the contract, including educational goals.

b. Failure of the charter school or innovation zone school to comply with all applicable law.

c. Failure of the charter school or innovation zone school to meet generally accepted public sector accounting principles.

d. The existence of one or more other grounds for revocation as specified in the contract.

e. Assessment of student progress, which is administered in accordance with state and locally determined indicators established pursuant to rules adopted by the state board, does not show improvement in student progress over that which existed in the same student population prior to the establishment of the charter school or the innovation zone school.

2. The decision by a school board or an innovation zone consortium to revoke or to fail to take action to renew a charter school or innovation zone school contract is subject to appeal under procedures set forth in chapter 290.

3. A school board or a board participating in an innovation zone consortium that is considering revocation or nonrenewal of a charter school or innovation zone school contract shall notify the advisory council, the parents or guardians of the students enrolled in the charter school or innovation zone school, and the teachers and administrators employed by the charter school or innovation zone school, sixty days prior to revoking or the date by which the contract must be renewed, but not later than the last day of classes in the school year.

4. If the state board determines that a charter school or innovation zone school is in substantial violation of the terms of the contract, the state board shall notify the school board or innovation zone consortium and the advisory council of its intention to revoke the contract at least sixty days prior to revoking a contract and the school board or the school boards participating in the innovation zone consortium shall assume oversight authority, operational authority, or both oversight and operational authority. The notice shall state the grounds for the proposed action in writing and in reasonable detail. The school board or innovation zone consortium may request in writing an informal hearing before the state board within fourteen days of receiving notice of revocation of the contract. Upon receiving a timely written request for a hearing, the state board shall give reasonable notice to the school board or innovation zone consortium of the hearing date. The state board shall

conduct an informal hearing before taking final action. Final action to revoke a contract shall be taken in a manner least disruptive to students enrolled in the charter school or innovation zone school. The state board shall take final action to revoke or approve continuation of a contract by the last day of classes in the school year. If the final action to revoke a contract under this section occurs prior to the last day of classes in the school year, a charter school or innovation zone school student may enroll in the resident district.

6. A school board revoking a contract or a school board, innovation zone consortium, or advisory council that fails to renew a contract under this chapter is not liable for that action to the charter school or innovation zone school, a student enrolled in the charter school or innovation zone school or the student's parent or guardian, or any other person.

Sec. 20. Section 256F.8, subsection 7, Code 2009, is amended by striking the subsection.

Sec. 21. Section 256F.9, Code Supplement 2009, is amended to read as follows:

256F.9 Procedures after revocation — student enrollment.

If a charter school or innovation zone school contract is revoked in accordance with this chapter, a nonresident student who attended the school, and any siblings of the student, shall be determined to have shown "good cause" as provided in section 282.18, subsection 4, paragraph "b", and may submit an application to another school district according to section 282.18 at any time. Applications and notices required by section 282.18 shall be processed and provided in a prompt manner. The application and notice deadlines in section 282.18 do not apply to a nonresident student application under these circumstances.

Sec. 22. Section 256F.10, subsections 1 and 2, Code 2009, are amended to read as follows:

1. A charter school or innovation zone school shall report at least annually to the school board or innovation zone consortium, advisory council, and the state board the information required by the school board or innovation zone consortium, advisory council, or the state board. The reports are public records subject to chapter 22.

2. Not later than December 1, ~~2003~~, and annually ~~thereafter~~, the state board shall submit a comprehensive report, with findings and recommendations, to the ~~senate and house standing committees on education general assembly~~. The report shall evaluate the state's charter school and innovation zone school programs generally, including but not limited to, an evaluation of whether the ~~pilot programs~~ charter schools and innovation zone schools are fulfilling the purposes set forth in section 256F.4, subsection 2. The report also shall contain, for each charter school or innovation zone school, a copy of the charter ~~school's~~ school or innovation zone school's mission statement, attendance statistics and dropout rate, aggregate assessment test scores, projections of financial stability, the number and qualifications of teachers and administrators, and number of and comments on supervisory visits by the department of education.

Sec. 23. REPEAL. Section 256F.11, Code 2009, is repealed.

Approved January 15, 2010

CHAPTER 1002

SCHOOL FINANCE — ALLOWABLE GROWTH

S.F. 2045

AN ACT delaying the establishment of the state percent of growth for the budget year beginning July 1, 2011, for purposes of the state school foundation program, and including effective date provisions.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. ALLOWABLE GROWTH DELAY. Notwithstanding the provision of section 257.8, subsection 1, relating to the deadline for enactment of the statute establishing the state percent of growth, the state percent of growth for the budget year beginning July 1, 2011, shall be established by statute which shall be enacted within thirty days of the submission of the governor's budget under section 8.21 for the fiscal year beginning July 1, 2011.

Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved January 20, 2010

CHAPTER 1003

SCHOOL FINANCE — CATEGORICAL ALLOWABLE GROWTH

S.F. 2046

AN ACT delaying the establishment of the categorical state percent of growth for the budget year beginning July 1, 2011, for purposes of the state school foundation program, and including effective date provisions.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. CATEGORICAL ALLOWABLE GROWTH DELAY. Notwithstanding the provision of section 257.8, subsection 2, relating to the deadline for enactment of the statute establishing the categorical state percent of growth, the categorical state percent of growth for the budget year beginning July 1, 2011, shall be established by statute which shall be enacted within thirty days of the submission of the governor's budget under section 8.21 for the fiscal year beginning July 1, 2011.

Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved January 20, 2010

CHAPTER 1004

SCHOOL FINANCE AND CASH FLOW — SCHOOL BUDGET REVIEW COMMITTEE

H.F. 2030

AN ACT relating to the school budget review committee by modifying its membership and by modifying the committee's duties related to school district unusual financial circumstances and including effective date provisions.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 257.2, Code 2009, is amended by adding the following new subsection:
NEW SUBSECTION. 13. "Unexpended fund balance" means a school district's unreserved and undesignated fund balances.

Sec. 2. Section 257.30, subsection 1, Code Supplement 2009, is amended to read as follows:

1. A school budget review committee is established in the department of education and consists of the director of the department of education in an ex officio, nonvoting capacity, the director of the department of management, and ~~three~~ four members who are knowledgeable in the areas of Iowa school finance or public finance issues appointed by the governor to represent the public. At least one of the public members shall possess a master's or doctoral degree in which areas of school finance, economics, or statistics are an integral component, or shall have equivalent experience in an executive administrative or senior research position in the education or public administration field. The members appointed by the governor shall serve staggered three-year terms beginning and ending as provided in section 69.19 and are subject to senate confirmation as provided in section 2.32. The committee shall meet and hold hearings each year and shall continue in session until it has reviewed budgets of school districts, as provided in section 257.31. The committee may call in school board members and employees as necessary for the hearings. The committee's scheduled hearing agendas and the minutes of such hearings shall be posted on the department of education's internet ~~website~~ site. Legislators shall be notified of hearings concerning school districts in their legislative districts.

Sec. 3. Section 257.31, subsection 5, unnumbered paragraph 1, Code Supplement 2009, is amended to read as follows:

If a district has unusual circumstances, creating an unusual need for additional funds, including but not limited to the ~~following~~ circumstances enumerated in paragraphs "a" through "n", the committee may grant supplemental aid to the district from any funds appropriated to the department of education for the use of the school budget review committee for the purposes of this subsection, ~~and such~~. The school budget review committee shall review a school district's unexpended fund balance prior to any decision regarding unusual finance circumstances. Such aid shall be miscellaneous income and shall not be included in district cost, or. In addition to or as an alternative to granting supplemental aid the committee may establish a modified allowable growth for the district by increasing its allowable growth, or both. The school budget review committee shall review a school district's unspent balance prior to any decision to increase modified allowable growth under this subsection.

Sec. 4. Section 257.31, subsection 7, paragraph a, unnumbered paragraph 1, Code Supplement 2009, is amended to read as follows:

The committee may authorize a district to spend a reasonable and specified amount from its unexpended ~~cash~~ fund balance for the following purposes:

Sec. 5. Section 257.31, subsection 7, paragraph b, Code Supplement 2009, is amended to read as follows:

b. Other expenditures, including but not limited to expenditures for salaries or recurring costs, are not authorized under this subsection. Expenditures authorized under this subsection shall not be included in allowable growth or district cost, and the portion of the unexpended ~~cash~~ fund balance which is authorized to be spent shall be regarded as if it were miscellaneous income. Any part of the amount not actually spent for the authorized purpose shall revert to its former status as part of the unexpended ~~cash~~ fund balance.

Sec. 6. Section 257.31, subsection 14, paragraph b, subparagraph (3), Code Supplement 2009, is amended to read as follows:

(3) A school district is only eligible to receive supplemental aid payments during the budget year if the school district certifies to the school budget review committee that for the year following the budget year it will notify the school budget review committee to instruct the director of the department of management to increase the district's allowable growth and will fund the allowable growth increase either by using moneys from its unexpended ~~cash~~ fund balance to reduce the district's property tax levy or by using cash reserve moneys to equal the amount of the deficit that would have been property taxes and any part of the state aid portion of the deficit not received as supplemental aid under this subsection. The

director of the department of management shall make the necessary adjustments to the school district's budget to provide the modified allowable growth and shall make the supplemental aid payments.

Sec. 7. Section 298.10, Code Supplement 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 1A. For fiscal years beginning on or after July 1, 2009, if the school budget review committee determines that a school district's unexpended fund balance is in excess of the amount necessary for operations, the school budget review committee shall direct the school district to use the unexpended fund balance in lieu of levying property taxes and shall direct the department of management to do one of the following:

a. For the fiscal period beginning July 1, 2009, and ending June 30, 2012, limit the school district's cash reserve levy to a level that is not excessive as determined by the school budget review committee.

b. For fiscal years beginning on or after July 1, 2012, limit the school district's cash reserve levy to a level that is not excessive as determined by the school budget review committee and does not exceed the cash reserve limitation in subsection 2.

Sec. 8. Section 298.10, subsection 2, Code Supplement 2009, is amended to read as follows:

2. For fiscal years beginning on or after July 1, 2012, the cash reserve levy for a budget year shall not exceed twenty percent of the general fund expenditures for the year previous to the base year minus the ~~general fund~~ unexpended fund balance, as defined in section 257.2, for the year previous to the base year.

Sec. 9. EMERGENCY RULES. The department of education may adopt emergency rules under section 17A.4, subsection 3, and section 17A.5, subsection 2, paragraph "b", to implement the provisions of this Act, and the rules shall be effective immediately upon filing unless a later date is specified in the rules. Any rules adopted in accordance with this section shall also be published as a notice of intended action as provided in section 17A.4.

Sec. 10. EFFECTIVE UPON ENACTMENT. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved January 20, 2010

CHAPTER 1005

STATE EMPLOYEE RETIREMENT INCENTIVES PROGRAM

S.F. 2062

AN ACT providing for a retirement incentive program for state employees and including effective date provisions.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. 2010 STATE EMPLOYEE RETIREMENT INCENTIVE PROGRAM.

1. *Definitions.* As used in this section, unless the context provides otherwise:

a. "*Eligible employee*" means an employee or qualified employee who has filed a completed application for benefits with the Iowa public employees' retirement system created in chapter 97B in which the employee's or qualified employee's intended first month of entitlement, as defined in section 97B.1A, is no later than July 2010.

b. "*Employee*" means an employee, as defined by section 97B.1A, who is employed within the executive branch of this state. However, "*employee*" does not mean a qualified employee,

an elected official, or an employee eligible for the sick leave conversion program as described in section 70A.23, subsection 4.

c. “*Employer*” means a department, agency, board, or commission of the state that employs individuals.

d. “*Health insurance contribution benefit*” means the amount representing the monthly contribution cost of an affordable group health care plan offered by the state, as determined by the department of administrative services, providing coverage to the participant and, if applicable, the participant’s spouse for the applicable period of coverage.

e. “*Participant*” means a person who timely submits an election to participate, is accepted to participate, and does participate, in the state employee retirement incentive program established under this section.

f. “*Program*” means the state employee retirement incentive program established under this section.

g. “*Qualified employee*” means an employee of a judicial district department of correctional services, an employee in the office of a statewide elected official, or an employee of the state board of regents if the board elects to participate in the program.

h. “*Years of service incentive benefit*” means an amount equal to the entire value of an eligible employee’s accumulated but unused vacation plus, for eligible employees with at least ten years of state employment service, one thousand dollars for each year of state employment service up to a maximum of twenty-five years of state employment service. For purposes of this paragraph, “*state employment service*” means service, as defined in section 97B.1A, for which the employer is the state.

2. *Program eligibility.* To become a participant in the program, an eligible employee shall do all of the following:

a. Submit by April 15, 2010, a written application, on forms prescribed by the department of administrative services, seeking participation in the program.

b. Acknowledge in writing the eligible employee’s agreement to voluntarily terminate employment in exchange for the state employee retirement incentive program as provided in this section.

c. Agree to waive all rights to file suit against the state of Iowa, including all of its departments, agencies, and other subdivisions, based on state or federal claims arising out of the employment relationship.

d. Acknowledge, in writing, that participation in the program waives any right to accept any employment with the state other than as an elected official on or after the date the eligible employee separates from employment.

e. Agree to separate from employment with the state no later than June 24, 2010.

3. *Participant acceptance.* An eligible employee shall be accepted into the program if the department of administrative services determines that the eligible employee meets the requirements to be eligible to participate in the program.

4. *Program benefits.* Upon acceptance to participate in the program and separation from employment with the state no later than June 24, 2010, a participant shall receive the following benefits:

a. During September 2010, and each September thereafter for a total of five years, the state shall pay to the participant, or the participant’s beneficiary, an amount equal to twenty percent of the years of service incentive benefit for that participant. Receipt of a years of service incentive benefit pursuant to this section by a participant shall be in lieu of receiving a payment for the participant’s accumulated but unused vacation upon termination of employment.

b. For the period of time commencing with the first month in which a participant is ineligible for or exhausts the participant’s available remaining value of sick leave used to pay the state share for the participant’s continuation of state group health insurance coverage as provided in section 70A.23, subsection 3, and ending five years from the date the participant separates from employment with the state as provided in this section, the participant, or the participant’s surviving spouse, shall be entitled to receive a health insurance contribution benefit to be used by the participant or the participant’s beneficiary to pay the cost for eligible state group health insurance. The department of administrative services shall

determine what health insurance plans constitute eligible state group health insurance for purposes of this paragraph "b".

5. *Vacancies and reemployment.*

a. An employer shall not fill a position vacancy created as a result of participation in the program by an employee without approval from the department of management.

b. An employer shall not offer permanent part-time employment, permanent full-time employment, temporary employment, or retention as an independent contractor to a participant.

c. This section shall not preclude a participant from membership on a board or commission.

6. *Program administration and reporting.*

a. The department of administrative services shall administer the program and shall adopt administrative rules to administer the program. The department of administrative services and the department of management may adopt rules on an emergency basis under section 17A.4, subsection 3, and section 17A.5, subsection 2, paragraph "b", to implement this section and the rules shall be effective immediately upon filing unless a later date is specified in the rules.

b. Records of the Iowa public employees' retirement system shall be released for the purposes of administering and monitoring the program subject to the requirements of section 97B.17, subsection 5.

c. The department of administrative services, in collaboration with the department of management, shall present an interim report to the general assembly, including copies to the legislative services agency and the fiscal committee of the legislative council, by October 1, 2010, concerning the operation of the program. The department shall also submit an annual update concerning the program by October 1 of each year for four years, commencing October 1, 2011. The reports shall include information concerning the number of program participants, the cost of the program including any payments made to participants, the number of state employment positions not filled pursuant to the program, and the number of positions vacated by a program participant that have been refilled.

7. *Legislative and judicial branch employees.*

a. The legislative council may provide a retirement incentive program for employees of the legislative branch consistent with the program provided in this section for executive branch employees. If the legislative council provides an incentive program, the legislative council shall collaborate with the department of administrative services to establish the program as required under this section as nearly as identical as possible to the program provided executive branch employees under this section. The program provided pursuant to this paragraph "a" shall establish the same time guidelines and benefit calculations as provided under the program for executive branch employees.

b. The supreme court may provide a retirement incentive program for employees of the judicial branch consistent with the program provided in this section for executive branch employees. If the supreme court provides an incentive program, the supreme court shall collaborate with the department of administrative services to establish the program as required under this section as nearly as identical as possible to the program provided executive branch employees under this section. The program provided pursuant to this paragraph "b" shall establish the same time guidelines and benefit calculations as provided under the program for executive branch employees.

Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved February 10, 2010

CHAPTER 1006**ETHICS — MISCELLANEOUS CHANGES***H.F. 2109*

AN ACT relating to ethics laws by establishing disclosure requirements, providing jurisdictional authority, and allowing certain procedures in resolving ethics complaints, and including effective date provisions.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 68B.22, subsection 4, paragraph s, Code Supplement 2009, is amended to read as follows:

s. Gifts of food, beverage, and entertainment received by ~~public officials or public employees~~ at a function where every member of the general assembly has been invited to attend, when the function takes place during a regular session of the general assembly. A sponsor of a function under this paragraph shall file a registration prior to the function taking place identifying the sponsor and the date, time, and location of the function. The registration shall be filed with the person or persons designated by the secretary of the senate and the chief clerk of the house and with the board. After a function takes place, the sponsor of the function shall file a report disclosing the total amount expended, including in-kind expenditures, on food, beverage, and entertainment for the function. The report shall be filed with the person or persons designated by the secretary of the senate and the chief clerk of the house and with the board within five business twenty-eight calendar days following the date of the function. ~~The person or persons designated by the secretary of the senate and the chief clerk of the house shall forward a copy of each report to the board.~~

Sec. 2. Section 68B.31, subsection 4, paragraph a, subparagraphs (3) and (4), Code 2009, are amended to read as follows:

(3) Issue advisory opinions interpreting the intent of constitutional and statutory provisions relating to legislators, and lobbyists, and clients as well as interpreting the code of ethics and rules issued pursuant to this section. Opinions shall be issued when approved by a majority of the six members and may be issued upon the written request of a member of the general assembly or upon the committee's initiation. Opinions are not binding on the legislator, or lobbyist, or client.

(4) Receive and hear complaints and charges against members of its house, lobbyists, or clients of a lobbyist alleging a violation of the code of ethics, rules governing lobbyists, this chapter, or other matters referred to it by its house or the independent special counsel. The committee shall recommend rules for the receipt and processing of findings of probable cause relating to ethical violations of members of the general assembly, or lobbyists, or clients of lobbyists during the legislative session and those received after the general assembly adjourns.

Sec. 3. Section 68B.31, subsection 5, Code 2009, is amended to read as follows:

5. Any person may file a complaint with the ethics committee of either house alleging that a member of the general assembly, ~~or a lobbyist, or client of a lobbyist~~ before the general assembly has committed a violation of this chapter. The ethics committee shall prescribe and provide forms for this purpose. The complaint shall include the name and address of the complainant and a statement of the facts believed to be true that form the basis of the complaint, including the sources of information and approximate dates of the acts alleged and a certification by the complainant under penalty of perjury that the facts stated to be true are true to the best of the complainant's knowledge.

Sec. 4. Section 68B.31, subsection 7, Code 2009, is amended to read as follows:

7. a. If the ethics committee determines that a complaint is not valid, the complaint shall be dismissed and returned to the complainant with a notice of dismissal stating the reason or reasons for the dismissal. If the ethics committee determines that a complaint is valid and the ethics committee does not take action under rules adopted pursuant to paragraph

“b”, the ethics committee shall request that the chief justice of the supreme court appoint an independent special counsel to investigate the allegations contained in the complaint to determine whether there is probable cause to believe that a violation of this chapter has occurred and whether an evidentiary hearing on the complaint should be held. Payment of costs for the independent special counsel shall be made from section 2.12.

b. The ethics committee may adopt rules for purposes of taking action on valid complaints without requesting the appointment of an independent special counsel and without requiring action by the appropriate house pursuant to subsection 11. Such action may only be taken if the committee determines that no dispute exists between the parties regarding material facts that establish a violation.

Sec. 5. Section 68B.31, subsection 8, Code 2009, is amended to read as follows:

8. If a hearing on the complaint is ordered the ethics committee shall receive all admissible evidence, determine any factual or legal issues presented during the hearing, and make findings of fact based upon evidence received. Hearings shall be conducted in the manner prescribed in section 17A.12. The rules of evidence applicable under section 17A.14 shall also apply in hearings before the ethics committee. Clear and convincing evidence shall be required to support a finding that the member of the general assembly, or lobbyist, or client before the general assembly has committed a violation of this chapter. Parties to a complaint may, subject to the approval of the ethics committee, negotiate for settlement of disputes that are before the ethics committee. Terms of any negotiated settlements shall be publicly recorded. If a complaint is filed or initiated less than ninety days before the election for a state office, for which the person named in the complaint is the incumbent officeholder, the ethics committee shall, if possible, set the hearing at the earliest available date so as to allow the issue to be resolved before the election. An extension of time for a hearing may be granted when both parties mutually agree on an alternate date for the hearing. The ethics committee shall make every effort to hear all ethics complaints within three months of the date that the complaints are filed. However, after three months from the date of the filing of the complaint, extensions of time for purposes of preparing for hearing may only be granted by the ethics committee when the party charged in the complaint with the ethics violation consents to an extension. If the party charged does not consent to an extension, the ethics committee shall not grant any extensions of time for preparation prior to hearing. All complaints alleging a violation of this chapter or the code of ethics shall be heard within nine months of the filing of the complaint. Final dispositions of violations, which the ethics committee has found to have been established by clear and convincing evidence, shall be made within thirty days of the conclusion of the hearing on the complaint.

Sec. 6. Section 68B.32A, subsection 5, Code Supplement 2009, is amended to read as follows:

5. Receive and file registration ~~and reports~~ from lobbyists of the executive branch of state government, client disclosure from clients of lobbyists of the executive branch of state government, personal financial disclosure information from officials and employees in the executive branch of state government who are required to file personal financial disclosure information under this chapter, and gift and bequest disclosure information pursuant to section 8.7. The board, upon its own motion, may initiate action and conduct a hearing relating to reporting requirements under this chapter or section 8.7.

Sec. 7. Section 68B.34A, Code Supplement 2009, is amended to read as follows:

68B.34A Actions commenced against local officials or employees.

1. Complaints alleging conduct of local officials or local employees which violates this chapter, except for sections 68B.36, ~~68B.37~~, and 68B.38, shall be filed with the county attorney in the county where the accused resides. However, if the county attorney is the person against whom the complaint is filed, or if the county attorney otherwise has a personal or legal conflict of interest, the complaint shall be referred to another county attorney.

2. Complaints alleging conduct of local officials or local employees which violates section 68B.36, ~~68B.37~~, or 68B.38 shall be filed with the ethics committee of the appropriate house of

the general assembly if the conduct involves lobbying activities before the general assembly or with the board if the conduct involves lobbying activities before the executive branch.

Sec. 8. Section 68B.36, subsections 1 and 5, Code 2009, are amended to read as follows:

1. All lobbyists shall, on or before the day their lobbying activity begins, register by filing a lobbyist's registration statement at times and in the manner provided in this section. In addition to any other information required by the general assembly and the board, a lobbyist shall identify in the registration statement all clients of the lobbyist. Lobbyists engaged in lobbying activities before the general assembly shall file the statement with the chief clerk of the house of representatives or the secretary of the senate. Lobbyists engaged in lobbying activities before the office of the governor or any state agency shall file the statement with the board. The chief clerk of the house and the secretary of the senate shall provide appropriate registration forms to lobbyists before the general assembly. The board shall prescribe appropriate registration forms for lobbyists before the office of the governor and state agencies.

~~5. All federal, state, and local officials or employees representing the official positions of their departments, commissions, boards, or agencies shall, when lobbying the general assembly, present to the chief clerk of the house or the secretary of the senate a letter of authorization from their department or agency heads prior to the commencement of their lobbying. When lobbying a state agency or the office of the governor, the letter shall be presented to the board. The lobbyist registration statement of these officials and employees shall not be deemed complete until the letter of authorization is attached. Federal, state, and local officials who wish to lobby in opposition to the official position of their departments, commissions, boards, or agencies must indicate this on their lobbyist registration statements.~~

Sec. 9. Section 68B.38, subsection 1, Code 2009, is amended to read as follows:

1. On or before July 31 of each year, a lobbyist's client shall file with the general assembly ~~or~~ and board a report that contains information on all salaries, fees, retainers, and reimbursement of expenses paid ~~or anticipated to be paid~~ by the lobbyist's client to the lobbyist for lobbying purposes during the preceding twelve calendar months, concluding on June 30 of each year. The amount reported to the general assembly and the board shall include the total amount of all salaries, fees, retainers, and reimbursement of expenses paid to a lobbyist for lobbying both the legislative and executive branches.

Sec. 10. REPEAL. Section 68B.37, Code 2009, is repealed.

Sec. 11. EFFECTIVE UPON ENACTMENT. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved February 10, 2010

CHAPTER 1007

TRUTH IN LENDING REFERENCES UPDATE

H.F. 2131

AN ACT updating references to the federal Truth in Lending Act.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 537.1302, Code 2009, is amended to read as follows:

537.1302 Definition — Truth in Lending Act.

As used in this chapter, "Truth in Lending Act" means Title 1 of the Consumer Credit Protection Act, in subchapter 1 of 15 U.S.C. ch. 41, as amended to and including January

July 1, ~~2008~~ 2010, and includes regulations issued pursuant to that Act prior to ~~January~~ July 1, ~~2008~~ 2010.

Approved February 10, 2010

CHAPTER 1008

CONSUMER FRAUD AND ARTISAN'S LIENS

S.F. 2108

AN ACT relating to artisan's liens and Iowa's consumer frauds Act and making remedies applicable and including effective date provisions.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. NEW SECTION. **577.3 Possession to be surrendered upon notice from attorney general.**

1. A supplier, as defined in section 537B.2, upon receipt of a written notice from the attorney general that the attorney general has reason to believe that the supplier has engaged in a deceptive act or practice pursuant to section 537B.6, subsections 2 through 12, in connection with a transaction in which the supplier is asserting a lien to personal property pursuant to this chapter, shall surrender possession of the property to the owner of the property. The supplier shall make the property available to the owner within one business day of receiving notice from the attorney general during the supplier's usual business hours.

2. The attorney general shall serve the written notice pursuant to subsection 1 by certified mail and such notice shall be presumed to have been received by the supplier upon the earlier of the date of actual receipt, the date upon which the supplier refused initial delivery, or the date the supplier was notified was the last day to retrieve the delivery from the postal service.

3. The attorney general's belief that the supplier has engaged in a deceptive act or practice pursuant to section 537B.6, subsections 2 through 12, the supplier's surrendering possession of the motor vehicle to the owner pursuant to this section, and the attorney general's service of notice on the supplier pursuant to this section shall not be admissible in any litigation between the supplier and the owner of the property subject to the lien unless the supplier fails to comply with the requirements of this section.

4. An otherwise valid lien under this chapter is not lost as a result of the supplier surrendering possession of the property pursuant to this section and an otherwise valid lien may be foreclosed pursuant to section 554.7308 within one year of the supplier surrendering possession under this section.

5. In addition to any other applicable remedy, the attorney general may seek relief against a supplier for a violation of this section to the same extent the attorney general may seek relief under section 714.16, subsection 6, for failure or refusal to obey a subpoena issued by the attorney general.

Sec. 2. **EFFECTIVE DATE.** This Act takes effect May 1, 2010.

Approved February 17, 2010

CHAPTER 1009

ECONOMIC DEVELOPMENT — PROGRAMS AND ADMINISTRATION

S.F. 2076

AN ACT relating to economic development including changes to the administration of certain economic development programs and to the terms served by members of the economic development board and including effective date provisions.

Be It Enacted by the General Assembly of the State of Iowa:

DIVISION I
MISCELLANEOUS PROGRAM CHANGES

Section 1. Section 15.335A, subsection 1, paragraph e, Code Supplement 2009, is amended to read as follows:

e. The number of jobs is sixteen ~~but not more than thirty~~ or more and the amount of the qualifying investment is one of the following:

(1) Less than one hundred thousand dollars, then the tax incentive is the investment tax credit of up to five percent.

(2) At least one hundred thousand dollars but less than five hundred thousand dollars, then the tax incentives are the investment tax credit of up to five percent and the sales tax refund.

(3) At least five hundred thousand dollars, then the tax incentives are the investment tax credit of up to five percent, the sales tax refund, and the additional research and development tax credit.

Sec. 2. Section 15.411, subsection 6, Code Supplement 2009, is amended to read as follows:

6. The department shall, upon board approval, establish and administer a targeted industries internship program for ~~students of Iowa community colleges, private colleges, or institutions of higher learning under the control of the state board of regents~~ Iowa students. For purposes of this subsection, "Iowa student" means a student of an Iowa community college, private college, or institution of higher learning under the control of the state board of regents, or a student who graduated from high school in Iowa but now attends an institution of higher learning outside the state of Iowa. The purpose of the program is to link Iowa students to small and medium sized Iowa firms in the targeted industries through internship opportunities. An Iowa employer may receive financial assistance in an amount of one dollar for every two dollars paid by the employer to an intern. The amount of financial assistance shall not exceed three thousand one hundred dollars for any single internship, or nine thousand three hundred dollars for any single employer. In order to be eligible to receive financial assistance under this subsection, the employer must have five hundred or fewer employees and must be engaged in a targeted industry. The department shall encourage youth who reside in economically distressed areas, youth adjudicated to have committed a delinquent act, and youth transitioning out of foster care to participate in the targeted industries internship program.

Sec. 3. Section 15G.111, subsection 5, paragraph c, Code Supplement 2009, is amended to read as follows:

c. The state board of regents shall annually prepare a report for submission to the governor, the general assembly, the department, and the legislative services agency regarding the activities, projects, and programs funded with moneys allocated under this subsection. The report shall be provided in an electronic format and shall include a list of metrics and criteria mutually agreed to in advance by the board of regents and the department. The metrics and criteria shall allow the governor's office, the general assembly, and the department to quantify and evaluate the progress of the board of regents institutions with regard to their activities, projects, and programs in the areas of technology commercialization, entrepreneurship, regional development, and market research.

Sec. 4. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION II
ECONOMIC DEVELOPMENT BOARD

Sec. 5. Section 15.103, subsection 1, paragraph a, Code Supplement 2009, is amended to read as follows:

a. The Iowa economic development board is created, consisting of fifteen voting members appointed by the governor and seven ex officio, nonvoting members. The ex officio, nonvoting members are four legislative members; one president, or the president's designee, of the university of northern Iowa, the university of Iowa, or Iowa state university of science and technology designated by the state board of regents on a rotating basis; and one president, or the president's designee, of a private college or university appointed by the Iowa association of independent colleges and universities; and one superintendent, or the superintendent's designee, of a community college, appointed by the Iowa association of community college presidents. The legislative members are two state senators, one appointed by the president of the senate after consultation with the majority leader of the senate, and one appointed by the minority leader of the senate from their respective parties; and two state representatives, one appointed by the speaker and one appointed by the minority leader of the house of representatives from their respective parties. Not more than eight of the voting members shall be from the same political party. Beginning with the first appointment to the board made after July 1, 2005, at least one voting member shall have been less than thirty years of age at the time of appointment. The governor shall appoint the voting members of the board ~~for a term to~~ staggered terms of four years beginning and ending as provided by section 69.19, subject to confirmation by the senate, and the governor's appointments shall include persons knowledgeable of the various elements of the department's responsibilities.

Sec. 6. ECONOMIC DEVELOPMENT BOARD MEMBER TERMS. Notwithstanding the four-year term required by section 15.103 for members of the economic development board, and in order to ensure that members of the board serve staggered terms, of the fifteen members initially appointed after the effective date of this Act, the governor shall appoint seven members to terms of two years and eight members to terms of four years.

Sec. 7. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Approved February 23, 2010

CHAPTER 1010

PHARMACEUTICAL-DELIVERING CONTACT LENSES AND THERAPEUTICALLY CERTIFIED OPTOMETRISTS

S.F. 2117

AN ACT to allow therapeutically certified optometrists to supply pharmaceutical-delivering contact lenses.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 147.108, subsection 2, Code 2009, is amended to read as follows:

2. After contact lenses have been adequately adapted and the patient released from initial follow-up care by a person licensed under chapter 148 or 154, the patient may request a copy,

at no cost, of the contact lens prescription from that licensed person. A person licensed under chapter 148 or 154 shall not withhold a contact lens prescription after the requirements of this section have been met. The prescription, at the option of the prescriber, may be given orally only to a person who is actively practicing and licensed under chapter 148, 154, or 155A. The contact lens prescription shall contain an expiration date, at the discretion of the prescriber, but not to exceed eighteen months. The contact lens prescription shall contain the necessary requirements of the ophthalmic lens, and the prescription validation requirements as defined by rules adopted pursuant to this section. The prescription may contain adapting and material guidelines and may also contain specific instructions for use by the patient. For the purpose of this section, "*ophthalmic lens*" means one which has been fabricated to fill the requirements of a particular contact lens prescription, including pharmaceutical-delivering contact lenses as defined in section 154.1, subsection 4.

Sec. 2. Section 154.1, subsection 4, Code 2009, is amended to read as follows:

4. a. Therapeutically certified optometrists may employ all diagnostic and therapeutic pharmaceutical agents for the purpose of diagnosis and treatment of conditions of the human eye and adnexa pursuant to this subsection, excluding the use of injections other than to counteract an anaphylactic reaction, and notwithstanding section 147.107, may without charge supply any of the above pharmaceuticals to commence a course of therapy.

b. Therapeutically certified optometrists may employ and, notwithstanding section 147.107, supply pharmaceutical-delivering contact lenses for the purpose of treatment of conditions of the human eye and adnexa. For purposes of this paragraph, "*pharmaceutical-delivering contact lenses*" means contact lenses that contain one or more therapeutic pharmaceutical agents authorized for employment by this section for the purpose of treatment of conditions of the human eye and adnexa and that deliver such agents into the wearer's eye.

c. Therapeutically certified optometrists may prescribe oral steroids for a period not to exceed fourteen days without consultation with a physician. Therapeutically certified optometrists shall not prescribe oral Imuran or oral Methotrexate.

d. Therapeutically certified optometrists may be authorized, where reasonable and appropriate, by rule of the board, to employ new diagnostic and therapeutic pharmaceutical agents approved by the United States food and drug administration on or after July 1, 2002, for the diagnosis and treatment of the human eye and adnexa.

e. The board shall not be required to adopt rules relating to topical pharmaceutical agents, oral antimicrobial agents, oral antihistamines, oral antiglaucoma agents, and oral analgesic agents. Superficial foreign bodies may be removed from the human eye and adnexa.

f. The therapeutic efforts of a therapeutically certified optometrist are intended for the purpose of examination, diagnosis, and treatment of visual defects, abnormal conditions, and diseases of the human eye and adnexa, for proper optometric practice or referral for consultation or treatment to persons licensed under chapter 148.

g. A therapeutically certified optometrist is an optometrist who is licensed to practice optometry in this state and who is certified by the board to use the agents and procedures authorized pursuant to this subsection.

Approved February 23, 2010

CHAPTER 1011**MOTOR VEHICLE DEALERS AND WARRANTY PARTS, REPAIRS, OR SERVICE —
CLAIMS PAYMENT***S.F. 2146*

AN ACT relating to claims for warranty parts, repairs, or service performed by motor vehicle dealers.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 322.3, Code Supplement 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 15. A manufacturer, distributor, or importer of motor vehicles or an agent or representative of a manufacturer, distributor, or importer shall not reduce the amount of compensation for, or disallow a claim for, warranty parts, repairs, or service supplied by a motor vehicle dealer on the grounds that the dealer failed to submit a claim fewer than sixty days after the motor vehicle dealer completed the work underlying the claim for warranty parts, repairs, or service.

Approved February 23, 2010

CHAPTER 1012**HEALTH CARE SERVICES PROVIDERS AND EMPLOYEES — CRIMINAL HISTORY
AND ABUSE RECORD CHECKS***S.F. 2149*

AN ACT relating to criminal history and abuse registry checks for employees of health care facilities and other health-related providers and requiring such checks for certified nurse aide training program students and providing a penalty.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 135C.33, subsection 1, Code Supplement 2009, is amended to read as follows:

1. a. For the purposes of this section, the term “crime” does not include offenses under chapter 321 classified as a simple misdemeanor or equivalent simple misdemeanor offenses from another jurisdiction.

b. Prior to employment of a person in a facility, the facility shall request that the department of public safety perform a criminal history check and the department of human services perform child and dependent adult abuse record checks of the person in this state. A facility shall inform all persons prior to employment regarding the performance of the record checks and shall obtain, from the persons, a signed acknowledgment of the receipt of the information. A facility shall include the following inquiry in an application for employment:

“Do you have a record of founded child or dependent adult abuse or have you ever been convicted of a crime other than a simple misdemeanor offense relating to motor vehicles and laws of the road under chapter 321 or equivalent provisions, in this state or any other state?”

Sec. 2. Section 135C.33, Code Supplement 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 8. *a.* For the purposes of this subsection, unless the context otherwise requires:

(1) “*Certified nurse aide training program*” means a program approved in accordance with the rules for such programs adopted by the department of human services for the training of

persons seeking to be a certified nurse aide for employment in any of the facilities or programs this section applies to or in a hospital, as defined in section 135B.1.

(2) “*Student*” means a person applying for, enrolled in, or returning to a certified nurse aide training program.

b. Prior to a student beginning or returning to a certified nurse aide training program, the program shall request that the department of public safety perform a criminal history check and the department of human services perform child and dependent adult abuse record checks, in this state, of the student. The program may access the single contact repository established pursuant to this section as necessary for the program to initiate the record checks.

c. If a student has a criminal record or a record of founded child or dependent adult abuse, the student shall not be involved in a clinical education component of the certified nurse aide training program involving children or dependent adults unless an evaluation has been performed by the department of human services. Upon request of the certified nurse aide training program, the department of human services shall perform an evaluation to determine whether the record warrants prohibition of the student’s involvement in a clinical education component of the certified nurse aide training program involving children or dependent adults. The evaluation shall be performed in accordance with the criteria specified in subsection 3 and the department of human services shall report the results of the evaluation to the certified nurse aide training program. The department of human services has final authority in determining whether prohibition of the student’s involvement in the clinical education component is warranted.

d. (1) If a student is convicted of a crime or has a record of founded child or dependent adult abuse entered in the abuse registry after the record checks and any evaluation have been performed, the student shall inform the certified nurse aide training program of such information within forty-eight hours of the criminal conviction or entry of the record of founded child or dependent adult abuse. The program shall act to verify the information within forty-eight hours of notification. If the information is verified, the requirements of paragraph “c” shall be applied by the program to determine whether or not the student’s involvement in a clinical education component may continue. The program may allow the student involvement to continue pending the performance of an evaluation by the department of human services. A student who is required by this subparagraph to inform the program of a conviction or entry of an abuse record and fails to do so within the required period commits a serious misdemeanor.

(2) If a program receives credible information, as determined by the program, that a student has been convicted of a crime or a record of founded child or dependent adult abuse has been entered in the abuse registry after the record checks and any evaluation have been performed, from a person other than the student and the student has not informed the program of such information within the period required under subparagraph (1), the program shall act to verify the credible information within forty-eight hours of receipt of the credible information. If the information is verified, the requirements of paragraph “c” shall be applied to determine whether or not the student’s involvement in a clinical education component may continue.

(3) The program may notify the county attorney for the county where the program is located of any violation or failure by a student to notify the program of a criminal conviction or entry of an abuse record within the period required under subparagraph (1).

e. If a certified nurse aide training program is conducted by a health care facility and a student of that program subsequently accepts and begins employment with the facility within thirty days of completing the program, the criminal history and abuse registry checks of the student performed pursuant to this subsection shall be deemed to fulfill the requirements for such checks prior to employment pursuant to subsection 1.

CHAPTER 1013**HEALTH INSURANCE COVERAGE — CANCER TREATMENT — CLINICAL TRIALS***H.F. 2075*

AN ACT requiring health benefit coverage for certain cancer treatment delivered pursuant to approved cancer clinical trials and providing an applicability date.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. **NEW SECTION. 514C.26 Approved cancer clinical trials coverage.**

1. *Definitions.* For purposes of this section, unless the context otherwise requires:

a. “*Approved cancer clinical trial*” means a scientific study of a new therapy for the treatment of cancer in human beings that meets the requirements set forth in subsection 3 and consists of a scientific plan of treatment that includes specified goals, a rationale and background for the plan, criteria for patient selection, specific directions for administering therapy and monitoring patients, a definition of quantitative measures for determining treatment response, and methods for documenting and treating adverse reactions.

b. “*Institutional review board*” means a board, committee, or other group formally designated by an institution and approved by the national institutes of health, office for protection from research risks, to review, approve the initiation of, and conduct periodic review of biomedical research involving human subjects. “*Institutional review board*” means the same as “institutional review committee” as used in section 520(g) of the federal Food, Drug, and Cosmetic Act, as codified in 21 U.S.C. § 301 et seq.

c. (1) “*Routine patient care costs*” means medically necessary services or treatments that are a benefit under a contract or policy providing for third-party payment or prepayment of health or medical expenses that would be covered if the patient were receiving standard cancer treatment.

(2) “*Routine patient care costs*” does not include any of the following:

(a) Costs of any treatments, procedures, drugs, devices, services, or items that are the subject of the approved cancer clinical trial or any other investigational treatments, procedures, drugs, devices, services, or items.

(b) Costs of nonhealth care services that the patient is required to receive as a result of participation in the approved cancer clinical trial.

(c) Costs associated with managing the research that is associated with the approved cancer clinical trial.

(d) Costs that would not be covered by the third-party payment provider if noninvestigational treatments were provided.

(e) Costs of any services, procedures, or tests provided solely to satisfy data collection and analysis needs that are not used in the direct clinical management of the patient participating in an approved cancer clinical trial.

(f) Costs paid for, or not charged for, by the approved cancer clinical trial providers.

(g) Costs for transportation, lodging, food, or other expenses for the patient, a family member, or a companion of the patient that are associated with travel to or from a facility where an approved cancer clinical trial is conducted.

(h) Costs for services, items, or drugs that are eligible for reimbursement from a source other than a patient’s contract or policy providing for third-party payment or prepayment of health or medical expenses, including the sponsor of the approved cancer clinical trial.

(i) Costs associated with approved cancer clinical trials designed exclusively to test toxicity or disease pathophysiology.

(j) Costs of extra treatments, services, procedures, tests, or drugs that would not be performed or administered except for participation in the cancer clinical trial. Nothing in this subparagraph subdivision¹ shall limit payment for treatments, services, procedures, tests, or drugs that are otherwise a covered benefit under subparagraph (1).

d. “*Therapeutic intent*” means that a treatment is aimed at improving a patient’s health outcome relative to either survival or quality of life.

¹ See chapter 1193, §61 herein

2. *Coverage required.* Notwithstanding the uniformity of treatment requirements of section 514C.6, a policy or contract providing for third-party payment or prepayment of health or medical expenses shall provide coverage benefits for routine patient care costs incurred for cancer treatment in an approved cancer clinical trial to the same extent that such policy or contract provides coverage for treating any other sickness, injury, disease, or condition covered under the policy or contract, if the insured has been referred for such cancer treatment by two physicians who specialize in oncology and the cancer treatment is given pursuant to an approved cancer clinical trial that meets the criteria set forth in subsection 3. Services that are furnished without charge to a participant in the approved cancer clinical trial are not required to be covered as routine patient care costs pursuant to this section.

3. *Criteria.* Routine patient care costs for cancer treatment given pursuant to an approved cancer clinical trial shall be covered pursuant to this section if all of the following requirements are met:

a. The treatment is provided with therapeutic intent and is provided pursuant to an approved cancer clinical trial that has been authorized or approved by one of the following:

- (1) The national institutes of health.
- (2) The United States food and drug administration.
- (3) The United States department of defense.
- (4) The United States department of veterans affairs.

b. The proposed treatment has been reviewed and approved by the applicable qualified institutional review board.

c. The available clinical or preclinical data indicate that the treatment that will be provided pursuant to the approved cancer clinical trial will be at least as effective as the standard therapy and is anticipated to constitute an improvement in therapeutic effectiveness for the treatment of the disease in question.

4. *Notice.* As soon as practical after the insured provides written consent to participate in an approved cancer clinical trial, the physician shall provide notice to the third-party payment provider of the insured's intent to participate in an approved cancer clinical trial. Failure to provide such notice to the third-party payment provider shall not be the basis for denying the coverage required under subsection 2.

5. *Applicability.*

a. This section applies to the following classes of third-party payment provider contracts or policies delivered, issued for delivery, continued, or renewed in this state on or after July 1, 2010:

(1) Individual or group accident and sickness insurance providing coverage on an expense-incurred basis.

(2) An individual or group hospital or medical service contract issued pursuant to chapter 509, 514, or 514A.

(3) An individual or group health maintenance organization contract regulated under chapter 514B.

(4) Any other entity engaged in the business of insurance, risk transfer, or risk retention, which is subject to the jurisdiction of the commissioner.

(5) A plan established pursuant to chapter 509A for public employees.

(6) An organized delivery system licensed by the director of public health.

b. This section shall not apply to accident-only, specified disease, short-term hospital or medical, hospital confinement indemnity, credit, dental, vision, Medicare supplement, long-term care, basic hospital and medical-surgical expense coverage as defined by the commissioner, disability income insurance coverage, coverage issued as a supplement to liability insurance, workers' compensation or similar insurance, or automobile medical payment insurance.

CHAPTER 1014**FIRE SAFETY AND ABOVEGROUND STORAGE TANKS***H.F. 2319*

AN ACT relating to activities of the department of public safety including regulating the storage of flammable and combustible liquids in aboveground storage tanks and retaining fees.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 100.1, subsection 5, Code 2009, is amended to read as follows:

5. To promulgate fire safety rules. The state fire marshal shall have exclusive right to promulgate fire safety rules as they apply to enforcement or inspection requirements by the state fire marshal, but the rules shall be promulgated only after public hearing pursuant to chapter 17A. Wherever by any statute the fire marshal or the department of public safety is authorized or required to promulgate, proclaim, or amend rules and minimum standards regarding fire hazards or fire safety or protection in any establishment, building or structure, the rules and standards shall promote and enforce fire safety, fire protection and the elimination of fire hazards as the rules may relate to the use, occupancy and construction of the buildings, establishments or structures. The word "*construction*" shall include, but is not limited to, electrical wiring, plumbing, heating, lighting, ventilation, construction materials, entrances and exits, and all other physical conditions of the building which may affect fire hazards, safety or protection. The rules and minimum standards shall be in substantial compliance except as otherwise specifically provided in this chapter, with the standards of the national fire protection association relating to fire safety as published in the national fire codes.

Sec. 2. Section 100C.9, subsection 2, Code 2009, is amended to read as follows:

2. Notwithstanding section 8.33, fees collected by the division of state fire marshal that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the in succeeding fiscal year years.

Sec. 3. Section 101.1, Code 2009, is amended to read as follows:

101.1 Rules by fire marshal.

1. The state fire marshal is hereby empowered and directed to formulate and adopt and from time to time amend or revise and to promulgate, in conformity with and subject to the conditions set forth in this chapter, reasonable rules for the safe transportation, storage, handling, and use of combustible liquids, flammable liquids, liquefied petroleum gases, and liquefied natural gases.

2. For purposes of this chapter:

a. "Combustible liquid" means any liquid that has a closed-cup flash point greater than or equal to 100 degrees F.

a. b. "Flammable liquid" means a liquid having a with a closed-cup flash point below 200 100 degrees F. and a Reid vapor pressure not exceeding forty p.s.i. absolute, 2026.6 mm Hg, at 100 degrees F.

b. c. "Liquefied petroleum gas" means material composed predominantly of any of the following hydrocarbons, or mixtures of the same: Propane, propylene, butanes (normal butane or isobutane) and butylenes.

e. d. "Liquefied natural gas" means a fuel in the liquid state composed predominantly of methane and which may contain minor quantities of ethane, propane, nitrogen, or other components normally found in natural gas.

Sec. 4. Section 101.3, Code 2009, is amended to read as follows:

101.3 Separate rules for liquids and gas.

The rules covering combustible and flammable liquids and shall be formulated and promulgated separately from those covering liquefied petroleum gas shall be separately

~~formulated and separately promulgated.~~

Sec. 5. Section 101.5, Code 2009, is amended to read as follows:

101.5 Publication of rules Rules.

~~The rules shall be promulgated pursuant to chapter 17A, only after a public hearing at least twenty days' notice of the time and place of which is given by publication in the Iowa administrative bulletin and by mail to any person who has filed the person's name and address with the state fire marshal for the purpose of receiving the notice.~~

Sec. 6. Section 101.12, Code 2009, is amended by striking the section and inserting in lieu thereof the following:

101.12 Aboveground tanks authorized.

1. An aboveground flammable or combustible liquid storage tank may be installed at a retail motor vehicle fuel outlet, subject to rules adopted by the state fire marshal.

2. Rules adopted by the state fire marshal pursuant to this section shall be in substantial compliance with the applicable standards of the national fire protection association.

3. The installation of an aboveground flammable or combustible liquid storage tank at a retail motor vehicle fuel outlet shall also be subject to approval by the governing body of the local governmental subdivision which has jurisdiction over the fuel outlet.

Sec. 7. Section 101.21, Code 2009, is amended to read as follows:

101.21 Definitions.

As used in this ~~part~~ division unless the context otherwise requires:

1. ~~"Aboveground petroleum flammable or combustible liquid storage tank"~~ means one or a combination of tanks, including connecting pipes connected to the tanks which are used to contain an accumulation of ~~petroleum flammable or combustible liquid~~ and the volume of which, including the volume of the underground pipes, is more than ninety percent above the surface of the ground. ~~Aboveground petroleum flammable or combustible liquid storage tank~~ does not include any of the following:

a. Aboveground tanks of one thousand one hundred gallons or less capacity.

b. Tanks used for storing heating oil for consumptive use on the premises where stored.

c. Underground storage tanks as defined by section 455B.471.

d. A flow-through process tank, or a tank containing a regulated substance, other than motor fuel used for transportation purposes, for use as part of a manufacturing process, system, or facility.

2. ~~"Nonoperational aboveground petroleum tank"~~ means an aboveground storage tank in which ~~petroleum is not deposited or from which petroleum is not dispensed on or after July 1, 1989.~~

3. ~~2.~~ "Operator" means a person in control of, or having responsibility for, the daily operation of an aboveground ~~petroleum flammable or combustible liquid~~ storage tank.

4. ~~3.~~ "Owner" means:

a. In the case of an aboveground ~~petroleum flammable or combustible liquid~~ storage tank in use on or after July 1, 1989, a person who owns the aboveground ~~petroleum flammable or combustible liquid~~ storage tank used for the storage, use, or dispensing of ~~petroleum flammable or combustible liquid~~.

b. In the case of an aboveground ~~petroleum flammable or combustible liquid~~ storage tank in use before July 1, 1989, but no longer in use on or after that date, a person who owned the tank immediately before the discontinuation of its use.

5. ~~4.~~ "Petroleum" means petroleum as defined in section 455B.471.

6. ~~5.~~ "Release" means spilling, leaking, emitting, discharging, escaping, leaching, or disposing from an aboveground ~~petroleum flammable or combustible liquid~~ storage tank into groundwater, surface water, or subsurface soils.

7. ~~6.~~ "State fire marshal" means the state fire marshal or the state fire marshal's designee.

8. ~~7.~~ "Tank site" means a tank or grouping of tanks within close proximity of each other located on a facility for the purpose of storing ~~petroleum flammable or combustible liquid~~.

Sec. 8. Section 101.22, Code 2009, is amended to read as follows:

101.22 Report of existing and new tanks — registration fee — tag — penalty.

1. Except as provided in subsection 2, the owner or operator of an aboveground petroleum flammable or combustible liquid storage tank existing on ~~or before July 1, 1989~~ July 1, 2010, shall notify the state fire marshal in writing by ~~May 1, 1990~~ October 1, 2010, of the existence of each tank and specify the age, size, type, location, and uses of the tank.

2. The owner of an aboveground petroleum flammable or combustible liquid storage tank taken out of operation ~~between January 1, 1979, and July 1, 1989~~ on or before July 1, 2010, shall notify the state fire marshal in writing by ~~July 1, 1990~~ October 1, 2010, of the existence of the tank unless the owner knows the tank has been removed from the site. The notice shall specify, to the extent known to the owner, the date the tank was taken out of operation, the age of the tank on the date taken out of operation, the size, type, and location of the tank, and the type and quantity of substances left stored in the tank on the date that it was taken out of operation.

3. An owner or operator ~~which~~ who brings into use an aboveground petroleum flammable or combustible liquid storage tank after July 1, ~~1989~~ 2010, shall notify the state fire marshal in writing within thirty days of the existence of the tank and specify the age, size, type, location, and uses of the tank.

4. The registration notice of the owner or operator to the state fire marshal under subsections 1 through 3 shall be accompanied by an annual fee of ten dollars for each tank included in the notice. All moneys collected shall be retained by the department of public safety and are appropriated for the use of the state fire marshal. The annual renewal fee applies to all owners or operators who ~~filed~~ file a registration notice with the state fire marshal pursuant to subsections 1 through 3.

5. A person who deposits petroleum flammable or combustible liquid in an aboveground petroleum flammable or combustible liquid storage tank shall notify the owner or operator in writing of the notification requirements of this section.

6. A person who sells or constructs a tank intended to be used as an aboveground storage tank shall notify the purchaser of the tank in writing of the notification requirements of this section applicable to the purchaser.

7. It is unlawful to deposit petroleum flammable or combustible liquid in an aboveground petroleum flammable or combustible liquid storage tank which has not been registered pursuant to subsections 1 through 4.

8. The state fire marshal shall furnish the owner or operator of an aboveground petroleum flammable or combustible liquid storage tank with a registration tag for each aboveground petroleum flammable or combustible liquid storage tank registered with the state fire marshal.

a. The owner or operator shall affix the tag to the fill pipe of each registered aboveground petroleum flammable or combustible liquid storage tank.

b. A person who conveys or deposits petroleum flammable or combustible liquid shall inspect the aboveground petroleum flammable or combustible liquid storage tank to determine the existence or absence of the registration tag. If a registration tag is not affixed to the aboveground petroleum flammable or combustible liquid storage tank fill pipe, the person conveying or depositing the petroleum flammable or combustible liquid may deposit the petroleum flammable or combustible liquid in the unregistered tank. However, the deposit is allowed only in the single instance, that the person provides the owner or operator with another notice as required by subsection 5, and that the person provides the owner or operator with an aboveground petroleum flammable or combustible liquid storage tank registration form.

c. It is the owner or operator's duty to comply with registration requirements. A late registration penalty of twenty-five dollars is imposed in addition to the registration fee for a tank registered after the required date.

Sec. 9. Section 101.22A, Code 2009, is amended to read as follows:

101.22A Exemption.

An aboveground petroleum flammable or combustible liquid storage tank which is subject to regulation or registration under either the federal department of transportation or state department of transportation or both, is exempt from the registration requirements of section 101.22.

Sec. 10. Section 101.23, Code 2009, is amended to read as follows:

101.23 State fire marshal reporting rules.

The state fire marshal shall adopt rules pursuant to chapter 17A relating to reporting requirements necessary to enable the state fire marshal to maintain an accurate inventory of aboveground ~~petroleum~~ flammable or combustible liquid storage tanks.

Sec. 11. Section 101.24, subsections 1 and 2, Code 2009, are amended to read as follows:

1. Inspect and investigate the facilities and records of owners and operators of aboveground ~~petroleum~~ flammable or combustible liquid storage tanks with a capacity of fifteen thousand or more gallons, as necessary to determine compliance with this division and the rules adopted pursuant to this division. An inspection or investigation shall be conducted subject to subsection 4. For purposes of developing a rule, maintaining an accurate inventory, or enforcing this division, the department may:

a. Enter at reasonable times an establishment or other place where an aboveground storage tank is located.

b. Inspect and obtain samples from any person of ~~petroleum~~ flammable or combustible liquid or another regulated substance and conduct monitoring or testing of the tanks, associated equipment, contents, or surrounding soils, air, surface water, and groundwater. Each inspection shall be commenced and completed with reasonable promptness.

(1) If the state fire marshal obtains a sample, prior to leaving the premises, the fire marshal shall give the owner, operator, or agent in charge a receipt describing the sample obtained and if requested a portion of each sample equal in volume or weight to the portion retained. If the sample is analyzed, a copy of the results of the analysis shall be furnished promptly to the owner, operator, or agent in charge.

(2) Documents or information obtained from a person under this subsection shall be available to the public except as provided in this subparagraph. Upon a showing satisfactory to the state fire marshal by a person that public disclosure of documents or information, or a particular part of the documents or information to which the state fire marshal has access under this subsection would divulge commercial or financial information entitled to protection as a trade secret, the state fire marshal shall consider the documents or information or the particular portion of the documents or information confidential. However, the documents or information may be disclosed to officers, employees, or authorized representatives of the United States charged with implementing the federal Solid Waste Disposal Act, to employees of the state of Iowa or of other states when the document or information is relevant to the discharge of their official duties, and when relevant in a proceeding under the federal Solid Waste Disposal Act or this division.

2. Maintain an accurate inventory of aboveground ~~petroleum~~ flammable or combustible liquid storage tanks.

Sec. 12. Section 101A.5, unnumbered paragraph 1, Code 2009, is amended to read as follows:

The state fire marshal shall ~~prepare, adopt, and distribute to permit-issuing authorities and other interested persons, without cost, rules in accordance with provisions of chapter 17A, adopt rules pursuant to chapter 17A~~ pertaining to the manufacture, transportation, storage, possession, and use of explosive materials. Rules adopted by the state fire marshal shall be compatible with, but not limited to the national fire protection association's pamphlet number 495 and federal rules pertaining to commerce, possession, storage, and use of explosive materials. Such rules shall:

Approved February 23, 2010

CHAPTER 1015**EMPLOYMENT PRACTICES AND OCCUPATIONAL SAFETY AND HEALTH REGULATION***S.F. 2181*

AN ACT relating to employment practices and public safety programs administered by the division of labor services of the department of workforce development.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 88.5, subsection 1, Code 2009, is amended by striking the subsection and inserting in lieu thereof the following:

1. *Promulgation of rules.* The commissioner shall, by rule, promulgate standards as needed to conform state occupational safety and health standards to federal occupational safety and health standards. The commissioner shall follow the rulemaking procedures of chapter 17A, and shall file a notice of intended action within ninety days of federal publication of a new, amended, or revoked federal standard.

Sec. 2. Section 88.19, Code 2009, is amended to read as follows:

88.19 Annual report.

Within one hundred twenty days following the convening of each session of each general assembly, the commissioner shall prepare and submit to the governor for transmittal to the general assembly a report upon the subject matter of this chapter, the progress toward achievement of the purpose of this chapter, the needs and requirements in the field of occupational safety and health, and any other relevant information. Such reports may include information regarding occupational safety and health standards, and criteria for such standards, developed during the preceding year; evaluation of standards and criteria previously developed under this chapter, defining areas of emphasis for new criteria and standards; and evaluation of the degree of observance of applicable occupational safety and health standards, and a summary of inspection and enforcement activity undertaken, ~~including remedial actions taken under chapter 89A~~; analysis and evaluation of research activities for which results have been obtained under governmental and nongovernmental sponsorship; an analysis of major occupational diseases; evaluation of available control and measurement technology for hazards for which standards or criteria have been developed during the preceding year; description of cooperative efforts undertaken between government agencies and other interested parties in the implementation of this chapter during the preceding year; a progress report on the development of an adequate supply of trained personnel in the field of occupational safety and health, including estimates of future needs and the efforts being made by government and others to meet those needs; listing of all toxic substances in industrial usage for which labeling requirements, criteria, or standards have not yet been established; and such recommendations for additional legislation as are deemed necessary to protect the safety and health of the worker and improve the administration of this chapter.

Sec. 3. Section 89.3, subsection 9, Code Supplement 2009, is amended by striking the subsection and inserting in lieu thereof the following:

9. An internal inspection shall not be required on an unfired steam pressure vessel that was manufactured without an inspection opening.

Sec. 4. Section 89.4, subsection 3, Code 2009, is amended by striking the subsection.

Sec. 5. Section 89.6, Code 2009, is amended to read as follows:

89.6 New boilers — ~~notice~~ Notice to commissioner.

1. Before any equipment included under the provisions of this chapter is installed by any owner, user, or lessee thereof, a ten days' written notice of intention to install the equipment shall be given to the commissioner. The notice shall designate the proposed place of installation, the type and capacity of the equipment, the use to be made thereof, the name of the company which manufactured the equipment, and whether the equipment is new or used.

2. Before any power boiler is converted to a low pressure boiler, the owner or user shall give ten days' written notice of intent to convert the boiler to the commissioner. The notice shall designate the boiler location, the uses of the building, and other information specified by rule by the board.

Sec. 6. Section 89.14, Code Supplement 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 9. The board may adopt rules governing the conversion of power boilers to low pressure boilers.

Sec. 7. Section 91.4, subsection 5, Code 2009, is amended to read as follows:

5. The director of the department of workforce development, in consultation with the labor commissioner, shall, at the time provided by law, make an annual report to the governor setting forth in appropriate form the business and expense of the division of labor services for the preceding year, the number of remedial actions taken under chapter 89A, the number of disputes or violations processed by the division and the disposition of the disputes or violations, and other matters pertaining to the division which are of public interest, together with recommendations for change or amendment of the laws in this chapter and chapters 88, 88A, 88B, 89, 89A, 89B, 90A, 91A, 91C, 91D, 91E, 92, and 94A, and section 85.68, and the recommendations, if any, shall be transmitted by the governor to the first general assembly in session after the report is filed.

Sec. 8. Section 92.12, Code 2009, is amended to read as follows:

92.12 Migrant labor permits.

1. Every person, firm, or corporation employing migrant laborers shall obtain and keep on file, accessible to any officer charged with the enforcement of this chapter, a ~~special~~ work permit, prior to the employment of such migratory laborer.

2. ~~Special work~~ Work permits for migrant workers shall be issued by the superintendent of schools, or the superintendent's designee, nearest the temporary living quarters of the family, ~~or by the county director of social welfare or by the department of workforce development,~~ upon application of the parent or head of the migrant family. The person authorized to issue such permits for migratory workers shall not issue such permit until the person has received, examined, and approved ~~one of the following as evidence of age: a birth certificate, passport, baptism certificate, or school record~~ documentation of proof of age as described in section 92.11. ~~Applicants under fourteen years of age must obtain a certificate from a registered nurse or physician stating that the applicant for the work permit has reached the normal development of a child of the applicant's age and is in sufficiently sound health and physically able to perform the work for which the permit is sought.~~

3. One copy of the permit issued shall be given to the employer to be kept on file for the length of employment and upon termination of employment shall be returned to the labor commissioner. One copy of the permit shall be kept by the issuing officer, and one copy forwarded to the commissioner, ~~along with the certificate of fitness of the persons under fourteen years of age.~~ The blank forms for the work permit for migratory workers shall be formulated by the commissioner and furnished by the commissioner to the issuing officer.

Approved March 2, 2010

CHAPTER 1016
SPECIAL EDUCATION
S.F. 2291

AN ACT relating to special education rights and duties and to the related duties and operations of the department of education and local school boards.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 256B.2, subsection 1, paragraph a, Code Supplement 2009, is amended to read as follows:

a. “*Children requiring special education*” means persons under twenty-one years of age, including children under five years of age, who have a disability in obtaining an education because of a head injury, autism, behavioral disorder, or physical, mental, communication, or learning disability, as defined by the rules of the department of education. If a child requiring special education reaches the age of twenty-one during an academic year, the child may elect to receive special education services until the end of the academic year.

Sec. 2. Section 256B.3, Code 2009, is amended by adding the following new subsection:
NEW SUBSECTION. 14A. To submit copies of all reports the division provides to the United States department of education under part B of the federal Individuals with Disabilities Education Act, as amended, including but not limited to any report concerning disproportionate representation in special education based on race or ethnicity, to the general assembly on the date each such report is provided to the United States department of education.

Sec. 3. Section 256B.6, Code 2009, is amended to read as follows:

256B.6 Parent’s or guardian’s duties — review.

1. When the school district or area education agency has provided special education services and programs as provided herein for any child requiring special education, either by admission to a special class or by supportive services, it shall be the duty of the parent or guardian to enroll said the child for instruction in such special classes or supportive services as may be established, except in the event a doctor’s certificate is filed with the secretary of the school district showing that it is inadvisable for medical reasons for the child requiring special education to receive the special education provided; all the provisions and conditions of chapter 299 ~~and amendments thereto~~ shall be applicable to this section, and any violations shall be punishable as provided in ~~said~~ chapter 299.

2. A child, or the parent or guardian of the child, or the school district in which the child resides, may obtain a review of an action or omission of ~~state or~~ local authorities pursuant to the procedures established by the state board of education on the ground that the child has been or is about to be:

1. a. Denied entry or continuance in a program of special education appropriate to the child’s condition and needs.

2. b. Placed in a special education program which is inappropriate to the child’s condition and needs.

3. c. Denied educational services because ~~no~~ suitable program of education or related services is maintained.

4. d. Provided with special education which is insufficient in quantity to satisfy the requirements of law.

5. e. Assigned to a program of special education when the child does not have a disability.

3. When a child requiring special education attains the age of majority or is incarcerated in an adult or juvenile, state or local, correctional institution, all rights accorded to the parent or guardian under this chapter transfer to the child except as provided in this subsection. Any notice required by this chapter shall be provided to both the child who has reached the age of majority or is incarcerated in an adult or juvenile, state or local, correctional institution, and the parent or guardian. If rights under this chapter have transferred to the child and the child has been determined to be incompetent by a court or determined unable to provide

informed educational consent by a court or other competent authority, then rights under this chapter shall be exercised by the person who has been appointed to represent the educational interest of the child. The director of the department of education may establish standards for determining whether a public agency, as defined in section 28E.2, is competent to determine whether a child is unable to provide informed educational consent, and the procedures by which such determination shall be made and reviewed.

4. Notwithstanding section 17A.11, the state board of education shall adopt rules for the appointment of an impartial administrative law judge for special education appeals. The rules shall comply with federal statutes and regulations.

Sec. 4. Section 256B.8, unnumbered paragraph 2, Code 2009, is amended to read as follows:

An area education agency director of special education may request approval from the department of education to continue the special education program of a person beyond the ~~person's twenty-first birthday~~ period specified in section 256B.2, subsection 1, paragraph "a", if the person had an accident or prolonged illness that resulted in delays in the initiation of or interruptions in that person's special education program. Approval may be granted by the department to continue the special education program of that person for up to three years or until the person's twenty-fourth birthday.

Sec. 5. Section 256B.11, Code 2009, is amended to read as follows:

256B.11 Program plans.

1. Program plans submitted to the department of education pursuant to section 273.5 for approval by the director of the department of education shall establish all of the following:

1. a. That there are sufficient children requiring special education within the area.
2. b. That the service or program will be provided by the most appropriate educational agency.
3. c. That the educational agency providing the service or program has employed qualified special educational personnel.
4. d. That the instruction is a natural and normal progression of a planned course of instruction.
5. e. That all revenue raised for support of special education instruction and services is expended for actual delivery of special education instruction or services.
6. f. Other factors as the state board may require.

2. Notwithstanding subsection 1 and section 273.5, subsection 6, the director of the department of education may authorize the area education agency to submit a statement assuring that the requirements of subsection 1 are satisfied in lieu of submitting a special education instructional and support program plan.

Sec. 6. Section 256B.15, subsection 7, Code 2009, is amended to read as follows:

7. The area education agencies shall transfer to the department of education human services an amount equal to ~~eighty-four percent~~ the nonfederal share of the payments to be received from the medical assistance program ~~provided~~ pursuant to chapter 249A. The nonfederal share amount shall be transferred to the medical assistance account prior to claims payment. This requirement does not apply to medical assistance reimbursement for services provided by an area education agency under part C of the federal Individuals With Disabilities Education Act. Funds received under this section shall not be considered or included as part of the area education agencies' budgets when calculating funds that are to be received by area education agencies during a fiscal year.

Sec. 7. Section 257.11, subsection 8, Code Supplement 2009, is amended to read as follows:

8. *Pupils ineligible.* A pupil eligible for the weighting plan provided in section 256B.9 is not eligible for supplementary weighting pursuant to this section unless it is determined that the course generating the supplemental weighting has no relationship to the pupil's disability. A pupil attending an alternative program or an at-risk pupils' program, including alternative high school programs, is not eligible for supplementary weighting under subsection 2.

Sec. 8. STATE MANDATE FUNDING SPECIFIED. In accordance with section 25B.2, subsection 3, the state cost of requiring compliance with any state mandate included in this Act shall be paid by a school district from state school foundation aid received by the school district under section 257.16. This specification of the payment of the state cost shall be deemed to meet all of the state funding-related requirements of section 25B.2, subsection 3, and no additional state funding shall be necessary for the full implementation of this Act by and enforcement of this Act against all affected school districts.

Approved March 2, 2010

CHAPTER 1017

LANDLORD AND TENANT LAW — NOTICE REQUIREMENTS

S.F. 2300

AN ACT relating to the service of notice requirements for landlords and tenants and the service of notice requirements in an action for forcible entry and detainer and including effective date provisions.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 562A.8, Code 2009, is amended by striking the section and inserting in lieu thereof the following:

562A.8 Notice.

1. Notices required under this chapter, except those notices identified in section 562A.29A, shall be served as follows:

a. A landlord shall serve notice on a tenant by one or more of the following methods:

(1) Hand delivery to the tenant.

(2) Delivery evidenced by an acknowledgment of delivery that is signed and dated by a resident of the dwelling unit who is at least eighteen years of age. Delivery under this subparagraph shall be deemed to provide notice to all tenants of the dwelling unit.

(3) Personal service pursuant to rule of civil procedure 1.305, Iowa court rules, for the personal service of original notice.

(4) Mailing by both regular mail and certified mail, as defined in section 618.15, to the address of the dwelling unit or to an address provided by the tenant for mailing.

(5) Posting on the primary entrance door of the dwelling unit. A notice posted according to this subparagraph shall be posted within the applicable time period for serving notice and shall include the date the notice was posted.

(6) A method of providing notice that results in the notice actually being received by the tenant.

b. A tenant shall serve notice on a landlord by one or more of the following methods:

(1) Hand delivery to the landlord or the landlord's agent designated under section 562A.13.

(2) Delivery evidenced by an acknowledgment of delivery that is signed and dated by the landlord or the landlord's agent designated under section 562A.13.

(3) Personal service pursuant to rule of civil procedure 1.305, Iowa court rules, for the personal service of original notice.

(4) Delivery to an employee or agent of the landlord at the landlord's business office.

(5) Mailing by both regular mail and certified mail, as defined in section 618.15, to the address of the landlord's business office or to an address designated by the landlord for mailing.

(6) A method of providing notice that results in the notice actually being received by the landlord.

2. Notice served by mail under this section is deemed completed four days after the notice is deposited in the mail and postmarked for delivery, whether or not the recipient signs a receipt for the notice.

Sec. 2. Section 562A.12, subsection 6, Code 2009, is amended to read as follows:

6. Upon termination of the landlord's interest in the dwelling unit, the landlord's successor in interest shall have all the rights and obligations of the landlord with respect to the rental deposits, except that if the tenant does not object to the stated amount within twenty days after written notice to the tenant of the amount of rental deposit being transferred or assumed, the obligations of the landlord's successor to return the deposit shall be limited to the amount contained in the notice. The notice shall contain a stamped envelope addressed to the landlord's successor ~~and may be given by mail or by personal service.~~

Sec. 3. Section 562A.29A, Code 2009, is amended by striking the section and inserting in lieu thereof the following:

562A.29A Method of service of notice on tenant.

1. A written notice of termination required under section 562A.27, subsection 1, 2, or 5, a notice of termination and notice to quit under section 562A.27A, or a notice to quit required by section 648.3, shall be served upon the tenant by one or more of the following methods:

a. Delivery evidenced by an acknowledgment of delivery that is signed and dated by a resident of the dwelling unit who is at least eighteen years of age. Delivery under this paragraph shall be deemed to provide notice to all tenants of the dwelling unit.

b. Personal service pursuant to rules¹ of civil procedure 1.305, Iowa court rules, for the personal service of original notice.

c. Posting on the primary entrance door of the dwelling unit and mailing by both regular mail and certified mail, as defined in section 618.15, to the address of the dwelling unit or to the tenant's last known address, if different from the address of the dwelling unit. A notice posted according to this paragraph shall be posted within the applicable time period for serving notice and shall include the date the notice was posted.

2. Notice served by mail under this section is deemed completed four days after the notice is deposited in the mail and postmarked for delivery, whether or not the recipient signs a receipt for the notice.

Sec. 4. Section 562B.9, Code 2009, is amended by striking the section and inserting in lieu thereof the following:

562B.9 Notice.

1. Notices required under this chapter, except those notices identified in section 562B.27A, shall be served as follows:

a. A landlord shall serve notice on a tenant by one or more of the following methods:

(1) Hand delivery to the tenant.

(2) Delivery evidenced by an acknowledgment of delivery that is signed and dated by a resident of the dwelling unit who is at least eighteen years of age. Delivery under this subparagraph shall be deemed to provide notice to all tenants of the dwelling unit.

(3) Personal service pursuant to rule of civil procedure 1.305, Iowa court rules, for the personal service of original notice.

(4) Mailing by both regular mail and certified mail, as defined in section 618.15, to the address of the dwelling unit or to an address provided by the tenant for mailing.

(5) Posting on the primary entrance door of the dwelling unit. A notice posted according to this subparagraph shall be posted within the applicable time period for serving notice and shall include the date the notice was posted.

(6) A method of providing notice that results in the notice actually being received by the tenant.

b. A tenant shall serve notice on a landlord by one or more of the following methods:

(1) Hand delivery to the landlord or the landlord's agent designated under section 562B.14.

¹ See chapter 1193, §63, 80 herein

(2) Delivery evidenced by an acknowledgment of delivery that is signed and dated by the landlord or the landlord's agent designated under section 562B.14.

(3) Personal service pursuant to rule of civil procedure 1.305, Iowa court rules, for the personal service of original notice.

(4) Delivery to an employee or agent of the landlord at the landlord's business office.

(5) Mailing by both regular mail and certified mail, as defined in section 618.15, to the address of the landlord's business office or to an address designated by the landlord for mailing.

(6) A method of providing notice that results in the notice actually being received by the landlord.

2. Notice served by mail under this section is deemed completed four days after the notice is deposited in the mail and postmarked for delivery, whether or not the recipient signs a receipt for the notice.

Sec. 5. Section 562B.13, subsection 7, Code 2009, is amended to read as follows:

7. Upon termination of the landlord's interest in the manufactured home community or mobile home park, the landlord's successor in interest shall have all the rights and obligations of the landlord with respect to the rental deposits, except that if the tenant does not object to the stated amount within twenty days after written notice to the tenant of the amount of rental deposit being transferred or assumed, the obligations of the landlord's successor to return the deposit shall be limited to the amount contained in the notice. The notice shall contain a stamped envelope addressed to the landlord's successor ~~and may be given by mail or by personal service.~~

Sec. 6. Section 562B.27A, Code 2009, is amended by striking the section and inserting in lieu thereof the following:

562B.27A Method of service of notice on tenant.

1. A written notice of termination required under section 562B.25, a notice of termination and notice to quit under section 562B.25A, or a notice to quit required by section 648.3, shall be served upon the tenant according to one or more of the following methods:

a. Delivery evidenced by an acknowledgment of delivery that is signed and dated by a resident of the dwelling unit who is at least eighteen years of age. Delivery under this paragraph shall be deemed to provide notice to all tenants of the dwelling unit.

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

c. Posting on the primary entrance door of the dwelling unit and mailing by both regular mail and certified mail, as defined in section 618.15, to the address of the dwelling unit or to the tenant's last known address, if different from the address of the dwelling unit. A notice posted according to this paragraph shall be posted within the applicable time period for serving notice and shall include the date the notice was posted.

2. Notice served by mail under this section is deemed completed four days after the notice is deposited in the mail and postmarked for delivery, whether or not the recipient signs a receipt for the notice.

Sec. 7. Section 631.4, subsection 2, Code Supplement 2009, is amended by striking the subsection and inserting in lieu thereof the following:

2. *Actions for forcible entry and detainer.* The manner of service of original notice and the times for appearance for an action for forcible entry and detainer shall be governed by the requirements of chapter 648.

Sec. 8. Section 648.3, Code 2009, is amended to read as follows:

648.3 Notice to quit.

1. Before action can be brought ~~in any except the first of the above classes, under any ground specified in section 648.1, except subsection 1,~~ three days' notice to quit must be given to the defendant in writing. However, a landlord who has given a tenant three days' notice to pay rent and has terminated the tenancy as provided in section 562A.27, subsection 2, or section 562B.25, subsection 2, if the tenant is renting the manufactured or mobile home

or the land from the landlord, may commence the action without giving a three-day notice to quit.

2. A notice to quit required under subsection 1 shall be served on the defendant according to one or more of the following methods:

a. Delivery evidenced by an acknowledgment of delivery that is signed and dated by a resident of the premises who is at least eighteen years of age. Delivery under this paragraph shall be deemed to provide notice to the defendant.

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

c. Posting on the primary entrance door of the premises and mailing by both regular mail and certified mail, as defined in section 618.15, to the address of the premises or to the defendant's last known address, if different from the address of the premises. A notice posted according to this paragraph shall be posted within the applicable time period for serving notice and shall include the date the notice was posted.

3. A notice to quit served by mail under this section is deemed completed four days after the notice is deposited in the mail and postmarked for delivery, whether or not the recipient signs a receipt for the notice.

Sec. 9. Section 648.5, Code 2009, is amended by striking the section and inserting in lieu thereof the following:

648.5 Venue — service of original notice — hearing.

1. An action for forcible entry and detainer shall be brought in a county where all or part of the premises is located. Such an action shall be tried as an equitable action. Upon receipt of the petition, the court shall set a date, time, and place for hearing. The court shall set the date of hearing no later than eight days from the filing date, except that the court shall set a later hearing date no later than fifteen days from the date of filing if the plaintiff requests or consents to the later date of hearing.

2. Original notice shall be served upon a defendant by one or more of the following methods:

a. Delivery evidenced by an acknowledgment of service that is signed and dated by a resident of the premises who is at least eighteen years of age. Delivery under this paragraph shall be deemed to provide notice to all tenants or residents of the premises. Service of original notice under this paragraph is invalid if the acknowledgment of service is signed and dated less than three days prior to the hearing.

b. Personal service pursuant to rule of civil procedure 1.305, Iowa court rules, for the personal service of original notice. Service of original notice under this paragraph shall not occur less than three days prior to the hearing.

c. If service cannot be made following two attempts using a method specified under paragraph "a" or "b", by posting on the primary entrance door of the premises and mailing by both regular mail and certified mail, as defined in section 618.15, to the address of the premises or to the defendant's last known address, if different from the address of the premises. An original notice posted according to this paragraph shall be posted not less than three days prior to the hearing and shall include the date the original notice was posted. Service of original notice by mailing shall occur not less than three days prior to the hearing.

3. Service of original notice by mail is deemed completed four days after the notice is deposited in the mail and postmarked for delivery, whether or not the recipient signs a receipt for the original notice.

4. If service of original notice is made by posting and mailing under subsection 2, paragraph "c", the plaintiff shall, at or before the time of the hearing, file one or more affidavits describing the time and manner in which the notice was posted and mailed. The plaintiff shall attach copies of the documents that were mailed and posted to the affidavits.

5. A default judgment shall not be entered against a defendant if original notice has not been served on the defendant as required in this section. If the original notice cannot be served within the time periods required in this section, the court may set a new hearing date and time.

6. At the hearing, except for actions commenced as a small claim action under chapter 631, the court shall determine whether a genuine issue of material fact exists in the action. If the

court determines that a genuine issue of material fact exists, an evidentiary hearing on the petition shall be held and the court shall continue the hearing to a future date and issue all appropriate orders relating to discovery and trial preparation.

Sec. 10. REPEAL. Section 648.10, Code 2009, is repealed.

Sec. 11. EFFECTIVE UPON ENACTMENT. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved March 2, 2010

CHAPTER 1018

ELECTRIC POWER AGENCIES

S.F. 2313

AN ACT modifying provisions applicable to the formation and operation of electric power agencies.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 12C.1, subsection 1, Code 2009, is amended to read as follows:

1. All funds held by the following officers or institutions shall be deposited in one or more depositories first approved by the appropriate governing body as indicated: for the treasurer of state, by the executive council; for judicial officers and court employees, by the supreme court; for the county treasurer, recorder, auditor, and sheriff, by the board of supervisors; for the city treasurer or other designated financial officer of a city, by the city council; for the county public hospital or merged area hospital, by the board of hospital trustees; for a memorial hospital, by the memorial hospital commission; for a school corporation, by the board of school directors; for a city utility or combined utility system established under chapter 388, by the utility board; for a library service area established under chapter 256, by the library service area board of trustees; and for an electric power agency as defined in section 28F.2 or ~~476A.20~~ 390.9, by the governing body of the electric power agency. However, the treasurer of state and the treasurer of each political subdivision or the designated financial officer of a city shall invest all funds not needed for current operating expenses in time certificates of deposit in approved depositories pursuant to this chapter or in investments permitted by section 12B.10. The list of public depositories and the amounts severally deposited in the depositories are matters of public record. This subsection does not limit the definition of “public funds” contained in subsection 2. Notwithstanding provisions of this section to the contrary, public funds of a state government deferred compensation plan established by the executive council may also be invested in the investment products authorized under section 509A.12.

Sec. 2. Section 12C.1, subsection 2, paragraph e, subparagraph (4), Code 2009, is amended to read as follows:

(4) The moneys of an electric power agency as defined in section 28F.2 or ~~476A.20~~ 390.9.

Sec. 3. Section 28F.1, unnumbered paragraphs 3 and 4, Code 2009, are amended by striking the unnumbered paragraphs.

Sec. 4. Section 28F.2, subsection 1, Code 2009, is amended to read as follows:

1. “*Electric power agency*” means an entity financing or acquiring electric power facilities pursuant to this chapter or chapter 28E or ~~476A~~.

Sec. 5. NEW SECTION. 390.9 Definitions.

For purposes of this subchapter, unless the context otherwise requires:

1. “*Electric power agency*” means an entity financing or acquiring an electric power facility pursuant to this chapter, chapter 28E, or chapter 28F. An electric power agency may be organized as a nonprofit corporation, limited liability company, or as a separate administrative or legal entity pursuant to chapter 28E. When the electric power agency is comprised solely of cities or solely of cities and other political subdivisions, the electric power agency shall be a political subdivision of the state with the name under which it was organized, and shall have all the powers of a city or city utility under this chapter.

2. “*Facility*”, “*joint facility*”, “*electric power facility*”, or “*project*” means an electric power generating plant, or transmission line or system, including a joint facility as defined in section 390.1, subsection 7.

3. “*Public bond or obligation*” means an obligation as defined in section 76.14.

Sec. 6. Section 476.1B, subsection 1, paragraph m, Code 2009, is amended to read as follows:

m. An electric power agency as defined in ~~chapters~~ chapter 28F and 476A section 390.9 that includes as a member a city or municipally owned utility that builds transmission facilities after July 1, 2001, is subject to applicable transmission reliability rules or standards adopted by the board for those facilities.

Sec. 7. REPEAL. Section 476A.20, Code 2009, is repealed.

Sec. 8. CODE EDITOR’S DIRECTIVE. Section 476A.21 shall be transferred to new section 390.10.

Sec. 9. CODE EDITOR’S DIRECTIVE. Section 476A.22 shall be transferred to new section 390.11.

Sec. 10. CODE EDITOR’S DIRECTIVE. Section 476A.23 shall be transferred to new section 390.12.

Sec. 11. CODE EDITOR’S DIRECTIVE. Section 476A.24 shall be transferred to new section 390.13.

Sec. 12. CODE EDITOR’S DIRECTIVE. Section 476A.25 shall be transferred to new section 390.14.

Sec. 13. CODE EDITOR’S DIRECTIVE. Section 476A.26 shall be transferred to new section 390.15.

Sec. 14. CODE EDITOR’S DIRECTIVE. Section 476A.27 shall be transferred to new section 390.16.

Sec. 15. CODE EDITOR’S DIRECTIVE. Section 476A.28 shall be transferred to new section 390.17.

Sec. 16. CODE EDITOR’S DIRECTIVE. Section 476A.29 shall be transferred to new section 390.18.

Sec. 17. CODE EDITOR’S DIRECTIVE. Section 476A.30 shall be transferred to new section 390.19.

Sec. 18. CODE EDITOR’S DIRECTIVE. Section 476A.31 shall be transferred to new section 390.20.

Sec. 19. CODE EDITOR’S DIRECTIVE. Section 476A.32 shall be transferred to new section 390.21.

Sec. 20. CODE EDITOR'S DIRECTIVE. Section 476A.33 shall be transferred to new section 390.22.

Sec. 21. CODE EDITOR'S DIRECTIVE. Section 476A.34 shall be transferred to new section 390.23.

Sec. 22. CODE EDITOR'S DIRECTIVE. Section 476A.35 shall be transferred to new section 390.24.

Sec. 23. CODE EDITOR'S DIRECTIVE. Section 476A.36 shall be transferred to new section 390.25.

Approved March 2, 2010

CHAPTER 1019

CIVIL SERVICE COMMISSIONERS — PROHIBITED ACTIVITIES AND INTERESTS

S.F. 2350

AN ACT relating to prohibited contracts and activities for civil service commissioners.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 400.2, subsection 2, paragraphs a and b, Code Supplement 2009, are amended to read as follows:

a. Sell to, or in any manner become parties, directly or indirectly, to any contract to furnish supplies, material, or labor to the city unless the sale is made or the contract is awarded by competitive bid in writing, publicly invited and opened.

b. Have an interest, direct or indirect, in any contract or job of work or material or the profits thereof or services to be furnished or performed for the city unless the contract or job is awarded by competitive bid in writing, publicly invited and opened.

Approved March 2, 2010

CHAPTER 1020

DISCLAIMERS OF PROPERTY INTERESTS

H.F. 2253

AN ACT relating to Iowa's uniform disclaimer of property interest Act.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 633E.4, Code 2009, is amended to read as follows:

633E.4 Tax qualified disclaimer.

~~Notwithstanding~~ Except as provided in sections 633E.13 and 633E.15, notwithstanding any other provision of this chapter, any disclaimer or transfer that meets the requirements of section 2518 of the Internal Revenue Code, ~~as now or hereafter amended, or any successor statute thereto,~~ and the regulations promulgated thereunder, for the purpose of being a tax qualified disclaimer with the effect that the disclaimed or transferred interest is treated as never having been transferred to the disclaimant is effective as a disclaimer under this

chapter. For purposes of this section, "Internal Revenue Code" means the same as defined in section 422.3.

Sec. 2. Section 633E.7, subsection 1, Code 2009, is amended by striking the subsection and inserting in lieu thereof the following:

1. Upon the death of a holder of jointly held property, either of the following may occur:

a. If, during the deceased holder's lifetime, the deceased holder could have unilaterally regained a portion of the property attributable to the deceased holder's contribution without the consent of any other holder, a surviving holder may disclaim, in whole or in part, a fractional share of that portion of the property attributable to the deceased holder's contributions determined by dividing the number one by the number of joint holders alive immediately after the death of the holder to whose death the disclaimer relates.

b. For all other jointly held property, a surviving holder may disclaim, in whole or in part, a fraction of the whole of the property the numerator of which is one and the denominator of which is the product of the number of joint holders alive immediately before the death of the holder to whose death the disclaimer relates multiplied by the number of joint holders alive immediately after the death of the holder to whose death the disclaimer relates.

Sec. 3. Section 633E.7, Code 2009, is amended by adding the following new subsection: NEW SUBSECTION. 4. A noncitizen spouse who is a surviving joint tenant of real property interests created after July 13, 1988, can disclaim the spouse's interest to the full extent permitted under section 633E.4.

Sec. 4. Section 633E.13, subsection 5, Code 2009, is amended to read as follows:

5. A disclaimer is barred or limited if so provided by law other than this chapter, except as provided in subsection 7.

Sec. 5. Section 633E.13, Code 2009, is amended by adding the following new subsection: NEW SUBSECTION. 7. A disclaimer may be made at any time unless otherwise barred and any other law that would bar a disclaimer due to the passage of time shall not apply under this chapter.

Sec. 6. Section 633E.14, subsection 2, Code 2009, is amended to read as follows:

2. This chapter does not limit any right of a person to ~~waive, release, disclaim, or renounce~~ disclaim an interest in or power over property under a ~~law~~ statute other than this chapter.

Approved March 2, 2010

CHAPTER 1021

JUDGMENT LIENS ON HOMESTEADS

H.F. 2282

AN ACT relating to judgment liens on homesteads.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 624.23, subsection 2, Code 2009, is amended to read as follows:

2. a. Judgment liens described in subsection 1 do not ~~remain a lien upon~~ attach to real estate of the defendant, ~~platted~~ occupied as a homestead pursuant to ~~section 561.4, chapter 561, except as provided in section 561.21 or if the real estate claimed as a homestead exceeds the limitations prescribed in sections 561.1 through 561.3.~~

b. A claim of lien against real estate claimed as a homestead is barred unless execution is levied within thirty days of the time the defendant, ~~or the defendant's agent, or a person~~

with an interest in the real estate has served written demand on the owner of the judgment. The demand shall state that the lien and all benefits derived from the lien as to the real estate platted as alleged to be or to have been a homestead shall be forfeited unless the owner of the judgment levies execution against that real estate within thirty days from the date of service of the demand. The demand shall contain an affidavit setting forth facts indicating why the judgment is not believed to be a lien against the real estate. A warranty of title by a former occupying homeowner in a conveyance for value constitutes a claim of exemption against all judgments against the current homeowner or the current homeowner's spouse not specifically exempted in the conveyance. Written demand shall be served in any manner authorized for service of original notice under the Iowa rules of civil procedure or in a manner provided in section 654.4A, subsections 1 through 3. A copy of the written demand and proof of service of the written demand shall be recorded filed in the office of the county recorder of the county where the real estate platted as a homestead is located court file of the case in which the judgment giving rise to the alleged lien was entered.

c. A party serving a written demand under this subsection may obtain an immediate court order releasing the claimed lien by posting with the clerk of court a cash bond in an amount of at least one hundred twenty-five percent of the outstanding balance owed on the judgment. A copy of the court order shall be served along with a written demand under this subsection. Thereafter, any execution on the judgment shall be against the bond, subject to all claims and defenses which the moving party had against the execution against the real estate, including but not limited to a lack of equity in the property to support the lien in its proper priority. The bond shall be released by the clerk of court upon demand of its principal or surety if no execution is ordered on the judgment within thirty days of completion of service of the written demand under this subsection.

Approved March 2, 2010

CHAPTER 1022

ANNEXATION AND SEVERANCE OF PROPERTY BY CITIES

H.F. 2376

AN ACT providing for the severance and annexation of real property upon petition of the real property owners and approval of the city development board.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. NEW SECTION. 368.25A **Boundary adjustment between cities by petition and consent.**

1. A real property owner within the boundaries of a city may file a petition for severance with the city council if the petitioner's real property, if severed, would be eligible for annexation by a different city and if such annexation would not create an island. Contiguous property owners may file a combined petition under this section.

2. The petition shall be filed with the city council of the city from which severance is sought and the city council of the city to which annexation is requested. The petition shall be in substantially the form required of an application under section 368.7.

3. If the city councils of both cities approve the petition, the petition shall be filed with the board. Approval by either city council may be conditioned upon an agreement entered into by the cities providing for the transition of property taxes or the sharing of property tax revenues from the real property described in the petition for a period not to exceed forty years and providing for all necessary zoning ordinance changes within a period not to exceed ten years. An agreement between cities under this subsection shall be filed with the board at the same time the approved petition is filed. An agreement may include additional transition

provisions relating to the transfer or sharing of property tax revenues for property outside the boundaries of the territory described in the petition and any other provisions deemed by the cities to be in the public interest if such actions are within the authority of the cities.

4. Following receipt of a petition, the board shall initiate proceedings to sever the territory from the city in which it is located and annex the territory to the annexing city. The board shall notify both cities of the severance and annexation proceedings and shall hold a public hearing on the severance, annexation, and any agreement between the cities pursuant to subsection 3. The board shall give notice of the hearing in the same manner as notice of a public meeting in section 368.11, subsection 5.

5. The board may only approve the petition if the board also approves any agreements between the cities pursuant to subsection 3, and filed with the board. The board may only approve or deny the severance and annexation of the territory described in the petition, and the order of the board approving the petition is not subject to approval at an election.

6. The severance and annexation approved by the board is completed when the board files with the secretary of state and the clerk of each city involved in the severance and annexation, and records with the recorder of each county which contains a portion of any city or territory involved, copies of the proceedings including the petition, any agreements between the cities, the order of the board approving the petition, proofs of service and publication of required notices, and any other material deemed by the board to be of primary importance to the proceedings. The board shall also file with the state department of transportation a copy of the map and legal land description of each completed severance and annexation under this section.

Approved March 2, 2010

CHAPTER 1023

INSTRUMENTS AFFECTING REAL PROPERTY — DEFINITIONS AND INDEX RECORDS

H.F. 2407

AN ACT establishing certain definitions relating to instruments affecting real estate and specifying information to be contained in index records.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 558.1B, Code 2009, is amended to read as follows:

558.1B Definitions.

As used in this chapter, unless the context otherwise requires: ~~“book”~~,

1. “Book”, “list”, “record”, or “schedule” kept by a county auditor, assessor, treasurer, recorder, sheriff, or other county officer means the county system as defined in section 445.1.

2. “Grantee” means the name of the transferee in the transaction used to create the recording index. For other instruments affecting real estate, “grantee” includes but is not limited to a buyer, mortgagee, lender, assignee, lessee, or party to an affidavit who is not the affiant.

3. “Grantor” means the name of the transferor in the transaction used to create the recording index. For other instruments affecting real estate, “grantor” includes but is not limited to a seller, mortgagor, borrower, assignor, lessor, or affiant.

Sec. 2. Section 558.49, subsection 7, Code 2009, is amended to read as follows:

7. The description of the real estate ~~conveyed~~ affected by the instrument.

Approved March 2, 2010

CHAPTER 1024**CAMPAIGN FINANCE REPORTING REQUIREMENTS — ELECTRONIC FORMAT***S.F. 2128*

AN ACT requiring certain campaign finance statements and reports to be filed in an electronic format.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 68A.201, subsection 5, Code 2009, is amended by striking the subsection.

Sec. 2. NEW SECTION. 68A.201A Contributions from federal and out-of-state committees or organizations.

1. When either a committee or organization not organized as a committee under section 68A.201 makes a contribution to a committee organized in Iowa, that committee or organization shall disclose each contribution in excess of fifty dollars to the board.

2. A committee or organization not organized as a committee under section 68A.201 that is not registered and filing full disclosure reports of all financial activities with the federal election commission or another state's disclosure commission shall register and file full disclosure reports with the board pursuant to this chapter. The committee or organization shall either appoint an eligible Iowa elector as committee or organization treasurer, or shall maintain all committee funds in an account in a financial institution located in Iowa.

3. A committee that is currently filing a disclosure report in another jurisdiction shall either file a statement of organization under section 68A.201 and file disclosure reports under section 68A.402, or shall file a verified statement with the board within fifteen days of the contribution being made.

4. The verified statement shall be on forms prescribed by the board and shall attest that the committee is filing reports with the federal election commission or in a jurisdiction with reporting requirements which are substantially similar to those of this chapter, and that the contribution is made from an account that does not accept contributions that would be in violation of section 68A.503.

5. The verified statement shall include the complete name, address, and telephone number of the contributing committee, the state or federal jurisdiction under which it is registered or operates, the identification of any parent entity or other affiliates or sponsors, its purpose, the name and address of an Iowa resident authorized to receive service of original notice, the name and address of the receiving committee, the amount of the cash or in-kind contribution, and the date the contribution was made.

6. Effective January 1, 2011, the verified statement shall be filed in an electronic format by 4:30 p.m. of the day the filing is due.

Sec. 3. Section 68A.401, subsection 1, Code Supplement 2009, is amended to read as follows:

1. All statements and reports required to be filed under this chapter shall be filed with the board as provided in section 68A.402, subsection 1. The board shall post on its internet website all statements and reports filed under this chapter. For purposes of this section, the term "*statement*" does not include a bank statement.

a. A candidate's committee of a candidate for statewide office or the general assembly shall file all statements and reports in an electronic format by 4:30 p.m. of the day the filing is due and according to rules adopted by the board. ~~Any other candidate or political committee may submit the statements and reports in an electronic format as prescribed by rule.~~

b. Effective January 1, 2011, a county statutory political committee shall file all statements and reports in an electronic format by 4:30 p.m. of the day the filing is due and according to rules adopted by the board.

c. Effective January 1, 2011, any other candidate or committee involved in a county, city, school, or other political subdivision election that accepts monetary or in-kind contributions in excess of two thousand dollars, or incurs indebtedness in excess of two thousand dollars

in the aggregate in a calendar year, or makes expenditures in excess of two thousand dollars in a calendar year to expressly advocate for or against a clearly identified candidate or ballot issue shall file all statements and reports in an electronic format by 4:30 p.m. of the day the filing is due and according to rules adopted by the board. The committee shall continue to file subsequent statements and reports in an electronic format until being certified as dissolved under section 68A.402B.

d. Any other candidate or political committee not otherwise required to file a statement or report in an electronic format under this section shall file the statements and reports in either an electronic format as prescribed by rule or by one of the methods specified in section 68A.402, subsection 1.

b. e. If the board determines that a violation of this subsection has occurred, the board may impose any of the remedies or penalties provided for under section 68B.32D, except that the board shall not refer any complaint or supporting information of a violation of this section to the attorney general or any county attorney for prosecution.

Approved March 3, 2010

CHAPTER 1025

CAMPAIGN FINANCE REGULATION AND REPORTING

S.F. 2195

AN ACT relating to campaign finance requirements and reporting.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 68A.102, subsection 18, unnumbered paragraph 1, Code 2009, is amended to read as follows:

“Political committee” means ~~either~~ any of the following:

Sec. 2. Section 68A.102, subsection 18, Code 2009, is amended by adding the following new paragraph:

NEW PARAGRAPH. c. A person, other than an individual, that accepts contributions in excess of seven hundred fifty dollars in the aggregate, makes expenditures in excess of seven hundred fifty dollars in the aggregate, or incurs indebtedness in excess of seven hundred fifty dollars in the aggregate in any one calendar year to expressly advocate that an individual should or should not seek election to a public office prior to the individual becoming a candidate as defined in section 68A.102, subsection 4.

Sec. 3. Section 68A.202, subsection 2, Code 2009, is amended to read as follows:

2. a. A political committee shall not be established to expressly advocate the nomination, election, or defeat of only one candidate for office. However, a political committee may be established to expressly advocate the passage or defeat of approval of a single judge standing for retention. A permanent organization, as defined in section 68A.402, subsection 9, may make a one-time contribution to only one candidate for office in excess of seven hundred fifty dollars.

b. The prohibition in paragraph “a” does not apply to a political committee described in section 68A.102, subsection 18, paragraph “c”, until the individual becomes a candidate for public office. A political committee organized to expressly advocate that an individual should or should not seek election to a public office prior to the individual becoming a candidate for public office shall be dissolved when the individual becomes a candidate for public office.

Sec. 4. Section 68A.304, Code 2009, is amended by adding the following new subsection:
NEW SUBSECTION. 4. The board shall adopt rules pursuant to chapter 17A defining “fair market value” for purposes of this section.

Sec. 5. Section 68A.402, subsection 3, Code Supplement 2009, is amended by adding the following new paragraph:

NEW PARAGRAPH. c. Only a candidate who is eligible to participate in a runoff election is required to file a report five days before the runoff election.

Sec. 6. Section 68A.402, subsection 9, Code Supplement 2009, is amended to read as follows:

9. *Permanent organizations.* A permanent organization temporarily engaging in activity described in section 68A.102, subsection 18, shall organize a political committee and shall keep the funds relating to that political activity segregated from its operating funds. The political committee shall file reports on the appropriate due dates as required by this section. The reports filed under this subsection shall identify the source of the original funds used for a contribution made to a candidate or a ~~candidate's committee~~ committee organized under this chapter. When the permanent organization ceases to be involved in the political activity, the permanent organization shall dissolve the political committee. As used in this subsection, “permanent organization” means an organization that is continuing, stable, and enduring, and was originally organized for purposes other than engaging in election activities.

Sec. 7. Section 68A.405, subsection 2, paragraph b, Code Supplement 2009, is amended to read as follows:

b. Small items upon which the inclusion of the statement is impracticable including, but not limited to, campaign signs as provided in section 68A.406, subsection 3, bumper stickers, pins, buttons, pens, political business cards, and matchbooks.

Sec. 8. Section 68A.503, subsection 2, paragraph d, Code Supplement 2009, is amended to read as follows:

d. The board shall adopt rules prohibiting the owner, publisher, or editor of a sham newspaper from using the sham newspaper to promote in any way the candidacy of ~~such~~ a any person for any public office. As used in this paragraph, “sham newspaper” means a newspaper that does not meet the requirements set forth in section 618.3 and “owner” means a person having an ownership interest exceeding ten percent of the equity or profits of the newspaper.

Approved March 3, 2010

CHAPTER 1026

ADMINISTRATION OF ELECTIONS

S.F. 2196

AN ACT relating to the administration of the election laws by the secretary of state and including effective date provisions.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 49.4, subsection 1, Code 2009, is amended to read as follows:

1. Where a civil township, or the portion of a civil township outside the corporate limits of any city of over two thousand population contained ~~therein~~ within the civil township, is divided into two or more election precincts, the precincts shall be so drawn that their total populations shall be reasonably equal on the basis of data available from the most recent

federal decennial census, except where the division is necessary to comply with section 49.3, subsection 3.

Sec. 2. Section 49.8, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 3A. If city population data certified by the United States bureau of the census following the federal decennial census is revised and the revision is certified by the United States bureau of the census, such revisions may be used to revise precinct and ward boundaries in accordance with the requirements of sections 49.3 and 49.5. The board of supervisors shall determine whether such revised population data affects the population equality of supervisor districts. If necessary, the temporary county redistricting commission shall be reconvened, notwithstanding section 331.210A, subsection 4, and supervisor districts shall be revised in accordance with the requirements of section 331.210A, subsection 2.

Sec. 3. Section 49.13, Code Supplement 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 3A. In appointing the election board to serve for a nonpartisan election, the commissioner may give preference to the persons who are willing to serve without pay identified pursuant to section 49.15, subsection 2, paragraph "b", by the city council or the school board.

Sec. 4. Section 49.14, subsections 1 and 2, Code 2009, are amended to read as follows:

1. The commissioner may appoint substitute precinct election officials as alternates for election board members. The responsibilities and duties of a precinct election official, ~~other than the chairperson,~~ present at the time the polling place was opened on the day of an election may be assumed at any later time that day by a substitute appointed as an alternate. The substitute shall serve either for the balance of that election day or for any shorter period of time the commissioner may designate. At partisan elections, a substitute precinct election official assuming the duties of a precinct election official shall be a member of the same political party as the precinct election official whose duties are being assumed, unless substitution of a precinct election official not of the same political party results in no more than a simple majority of the total number of precinct election officials serving in that precinct being members of the same political party.

2. Substitute precinct election officials shall be appointed and shall serve in accordance with sections 49.12, 49.13, 49.15, and 49.16, and shall receive compensation as provided by sections ~~49.19, 49.20,~~ and 49.125. Upon arriving at the polling place and prior to performing any official duty, a substitute precinct election official shall take the oath required by section 49.75.

Sec. 5. Section 49.15, subsection 2, paragraph b, Code 2009, is amended to read as follows:

b. The commissioner may also place on the election board panel names of persons whom either the city council of a city of ~~three thousand five hundred or less population~~ or a school board has advised the commissioner at least thirty days before each primary election are willing to serve without pay at elections conducted for that school district or city, as the case may be, during the tenure of the election board panel on which these names are included.

Sec. 6. Section 49.16, subsection 4, Code 2009, is amended to read as follows:

4. In appointing the election board for any election conducted for a city of ~~three thousand five hundred or less population,~~ or any a school district, the commissioner may give preference to any persons who are willing to serve without pay at those elections.

Sec. 7. Section 49.20, Code 2009, is amended to read as follows:

49.20 Compensation of members.

The members of election boards shall be deemed temporary state employees who are compensated by the county in which they serve, and shall receive compensation at a rate established by the board of supervisors, which shall be not less than the minimum wage established in section 91D.1, subsection 1, paragraph "b", while engaged in the discharge of their duties and shall be reimbursed for actual and necessary travel expense

at a rate determined by the board of supervisors, except that persons who have advised the commissioner prior to their appointment to the election board that they are willing to serve without pay at elections conducted for ~~any~~ a school district or a city of ~~three thousand five hundred or less population~~, shall receive no compensation for service at those elections. Compensation shall be paid to members of election boards only after the vote has been canvassed and it has been determined in the course of the canvass that the election record certificate has been properly executed by the election board.

Sec. 8. Section 49.72, Code 2009, is amended to read as follows:

49.72 Absentee voters designated before polling place opened.

The commissioner shall deliver to each precinct election board not less than one hour before the time at which the polls are to open for any election the list of all registered voters of that precinct who have been given or sent an absentee ballot for that election, and the election board shall immediately designate those registered voters who are so listed and therefore not entitled to vote in person at the polls, ~~except as required by~~ provided in section 53.19, subsection 3.

Sec. 9. Section 49.77, subsection 4, paragraph c, Code Supplement 2009, is amended to read as follows:

c. A person who has been sent an absentee ballot by mail but for any reason has not received it shall be permitted to cast a ballot in person pursuant to section 53.19 ~~and in the manner prescribed by section 49.81~~.

Sec. 10. Section 49.81, subsection 1, Code 2009, is amended to read as follows:

1. A prospective voter who is prohibited under section 48A.8, subsection 4, section 49.77, subsection 4, ~~or section 49.80, or section 53.19, subsection 3~~, from voting except under this section shall be notified by the appropriate precinct election official that the voter may cast a provisional ballot. ~~If a booth meeting the requirement of section 49.25 is not available at that polling place, the precinct election officials shall make alternative arrangements to insure the voter the opportunity to vote in secret.~~ The voter shall mark the ballot, ~~fold it or insert it in a secrecy envelope as required by section 49.84~~, and immediately seal it in an envelope of the type prescribed by subsection 4. The voter shall deliver the sealed envelope to a precinct election official who shall deposit it in an envelope marked "provisional ballots". The ballot shall be considered as having been cast in the special precinct established by section 53.20 for purposes of the postelection canvass.

Sec. 11. Section 49.104, subsection 3, Code 2009, is amended to read as follows:

3. Any number of persons not exceeding three at a time from each of such political parties, appointed and accredited in the same manner as ~~above~~ prescribed in subsection 2 for challenging committees, and any number of persons not exceeding three at a time appointed as observers under subsection 5, to witness the counting of ballots. Subject to the restrictions of section 51.11, the witnesses and observers may observe the counting of ballots by a counting board during the hours the polls are open in any precinct for which double election boards have been appointed.

Sec. 12. Section 51.11, Code 2009, is amended to read as follows:

51.11 Presence of persons.

No person shall be admitted into the space or room where such ballots are being counted until the polls are closed, except the counting board, ~~and the witnesses appointed and accredited under section 49.104, subsection 3~~, and the observers appointed under section 49.104, subsection 5. It shall be unlawful for any witness or observer to communicate or attempt to communicate, directly or indirectly, information regarding the progress of the count at any time before the polls are closed.

Sec. 13. Section 53.18, subsections 2 and 3, Code Supplement 2009, are amended to read as follows:

2. If the commissioner receives the return envelope containing the completed absentee ballot by 5:00 p.m. on the Saturday before the election for general and primary elections

and by 5:00 p.m. on the Friday before the election for all other elections, the commissioner shall open the envelope to review the affidavit for ~~any deficiencies~~ completeness. If the affidavit ~~contains a deficiency that would cause the ballot to be rejected~~ is incomplete, the commissioner shall, within twenty-four hours of the time the envelope was received, notify the voter of that fact and that the voter may ~~correct the deficiency~~ complete the affidavit in person at the office of the commissioner by 5:00 p.m. on the day before the election, vote a replacement ballot in the manner and within the time period provided in subsection 3, or appear at the voter's precinct polling place on election day and cast a ballot in accordance with section 53.19, subsection 3.

3. If the affidavit envelope ~~is open when received by the commissioner, or has been opened and resealed, or if the ballot is not enclosed in the affidavit envelope~~ contains a defect that would cause the absentee ballot to be rejected by the absentee and special voters precinct board, the commissioner shall immediately notify the voter of that fact and that the voter's absentee ballot shall not be counted unless the voter applies for a replacement ballot requests and returns the a replacement ballot in the time permitted under section 53.17, subsection 2. The replacement ballot application shall be the same as is required for an application under section 53.2. If the information on the replacement ballot application matches the information on the original application, the voter shall be allowed to complete a replacement absentee ballot. The voter may request a replacement ballot in person, in writing, or over the telephone. The same serial number that was assigned to the records of the original absentee ballot application shall be used on the envelope and records of the replacement ballot. The affidavit envelope containing the completed replacement ballot shall be marked "Replacement ballot". The affidavit envelope containing the original ballot shall be marked "~~Defective ballot~~" "Defective" and the replacement ballot ~~and replacement ballot application~~ shall be attached to the original application and affidavit envelope containing the original ballot and shall be stored in a secure place until they are delivered to the absentee and special voters precinct board, notwithstanding sections 53.26 and 53.27.

Sec. 14. Section 53.19, Code 2009, is amended to read as follows:

53.19 Listing absentee ballots.

1. The commissioner shall maintain a list of the absentee ballots provided to registered voters, the serial number appearing on the unsealed envelope, the date the application for the absentee ballot was received, and the date the absentee ballot was sent to the registered voter requesting the absentee ballot.

2. The commissioner shall provide each precinct election board with a list of all registered voters from that precinct who have received an absentee ballot. The precinct officials shall immediately designate on the election register those registered voters who have received an absentee ballot and are not entitled to vote in person at the polls, except as provided in subsection 3.

3. ~~a. However, any~~ A registered voter who has received an absentee ballot and not returned it may surrender the absentee ballot to the precinct officials and vote in person at the polls. The precinct officials shall mark the uncast absentee ballot "void" and return it to the commissioner.

~~b. Any~~ A registered voter who has ~~been sent~~ requested an absentee ballot by mail but for any reason has not received it or who has not brought the ballot to the polls may appear at the voter's precinct polling place on election day and, after the precinct election officials confirm the commissioner has not received the voter's absentee ballot, the voter shall be permitted to vote in person at the polls. If the precinct election officials are unable to confirm whether the commissioner has received the voter's absentee ballot, the voter shall cast a ballot in accordance with section 49.81.

~~c. Any~~ A registered voter who has been notified by the commissioner pursuant to section 53.18 of the need to ~~correct a deficiency on~~ complete the affidavit or ~~to apply for and~~ vote a replacement absentee ballot and who has not corrected the deficiency completed the affidavit or voted a replacement absentee ballot may appear at the voter's precinct polling place on election day and, after the precinct election officials confirm the voter has not completed the affidavit or voted a replacement ballot, the voter shall be permitted to vote in person at the polls. If the precinct election officials are unable to confirm whether the voter has completed

the affidavit or voted a replacement ballot, the voter shall cast a ballot in accordance with section 49.81.

Sec. 15. Section 260C.15, Code Supplement 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 3A. a. Objections to the legal sufficiency of a nomination petition or to the eligibility of a candidate may be filed by any person who would have the right to vote for a candidate for the office in question.

b. The objection must be filed with the secretary of the board as least thirty-five days before the day of the election at which members of the board are elected. When objections are filed, notice shall immediately be given to the candidate affected, addressed to the candidate's place of residence as given on the candidate's affidavit, stating that objections have been made to the legal sufficiency of the petition or to the eligibility of the candidate, and also stating the time and place the objections will be considered. The board secretary shall also attempt to notify the candidate by telephone if the candidate provided a telephone number on the candidate's affidavit.

c. Objections shall be considered not later than two working days following the receipt of the objections by the president of the board of directors, the secretary of the board, and one additional director of the board chosen by ballot. If objections have been filed to the nominations of either of the directors, that director shall not pass on the objection. The director's place shall be filled by a member of the board of directors against whom no objection exists. The replacement shall be chosen by ballot.

Sec. 16. REPEAL. Section 49.19, Code Supplement 2009, is repealed.

Sec. 17. EFFECTIVE UPON ENACTMENT. The sections of this Act amending sections 49.13, 49.14, 49.15, 49.16, and 49.20, and repealing section 49.19, being deemed of immediate importance, take effect upon enactment.

Approved March 3, 2010

CHAPTER 1027

TAKING OF CROPS ON FARM TENANCIES

H.F. 2380

AN ACT providing for the taking of crops on land classified as a farm tenancy.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. NEW SECTION. **562.5A Farm tenancy — right to take part of a harvested crop's aboveground plant.**

Unless otherwise agreed to in writing by a lessor and farm tenant, a farm tenant may take any part of the aboveground part of a plant associated with a crop, at the time of harvest or after the harvest, until the farm tenancy terminates as provided in this chapter.

Approved March 3, 2010

CHAPTER 1028
REGULATION OF BANKING
S.F. 2191

AN ACT relating to and making changes to matters under the purview of the division of banking of the department of commerce, making a penalty applicable, and including effective date provisions.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 12C.1, subsection 2, paragraph a, Code 2009, is amended to read as follows:

a. “Bank” means a corporation or limited liability company engaged in the business of banking ~~authorized by law to receive deposits and whose deposits are insured by the bank insurance fund or the savings association insurance fund of the federal deposit insurance corporation and includes any office of a bank and organized under the laws of this state, another state, or the United States.~~ “Bank” also means a savings and loan, ~~or~~ savings association, or savings bank organized under the laws of this state, another state, or the United States.

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

NEW PARAGRAPH. *0h.* “*Superintendent*” means the superintendent of banking of this state when the depository is a bank, and the superintendent of credit unions of this state when the depository is a credit union.

Sec. 3. Section 12C.23A, subsection 1, Code 2009, is amended by adding the following new paragraph:

NEW PARAGRAPH. *e.* Consent to the jurisdiction and authority of the superintendent as provided under section 12C.29.

Sec. 4. Section 12C.28, Code 2009, is amended to read as follows:

12C.28 Electronic reporting.

Any notice, information, report, or other communication required by this chapter shall be deemed effective and in compliance with this chapter if sent or given electronically as provided in rules adopted pursuant to chapter 17A by the appropriate superintendent or the treasurer of state.

Sec. 5. NEW SECTION. **12C.29 Authority of superintendent to issue orders.**

1. If it appears to the superintendent that a bank is violating or has violated, or the superintendent has reasonable cause to believe that a bank is about to violate, any provision of this chapter or any rules adopted pursuant thereto, or if a bank is less than well capitalized as defined in 12 U.S.C. § 1831o(b)(1)(A), or if a bank is subject to a final order or written agreement subject to the public disclosure requirements of 12 U.S.C. § 1818(u), the superintendent may issue an order requiring the bank to do one or more of the following:

- a. Not accept uninsured public funds deposits.
- b. Reduce the amount of uninsured public funds accepted.
- c. Return to the depositors some or all uninsured public funds held in demand deposits and, when deposit instruments or agreements mature, return to the depositors some or all uninsured deposits representing proceeds of such instruments or agreements.
- d. Pledge collateral to the treasurer of state, with such collateral having a value at all times up to one hundred ten percent of the public funds held by the bank.
- e. Comply with such other requirements as the superintendent may impose.

2. An order issued pursuant to this section shall become effective upon service of the order on the bank and shall remain effective except to such extent modified, terminated, or set aside by action of the superintendent or of the district court of Polk county as provided in subsection 3.

3. An order issued pursuant to this section shall contain a concise statement of the facts forming the basis for issuing the order and shall provide the bank an opportunity to appeal the order by requesting a hearing. If the bank requests a hearing, the hearing shall be fixed for a date not later than thirty days after the service of the order unless a later date is set at the request of the bank. If upon the record made at the hearing, the superintendent finds that the grounds for the order have been established, the superintendent may issue and serve upon the bank an order upholding the original order. If the superintendent finds the grounds for the order have not been established, the superintendent shall set aside the original order or modify the order, as the superintendent deems appropriate. An administrative law judge may assist the superintendent at the hearing or, at the superintendent's request, preside over the hearing. The hearing shall not be open to the public. The superintendent's decision shall be subject to judicial review in Polk county district court in accordance with the provisions of chapter 17A.

4. An order issued pursuant to this section shall be confidential, and the Polk county district court shall review the record in camera and shall maintain filings of any judicial review filed pursuant to section ¹ 3 under seal.

5. This section is intended to provide the superintendent additional authority and regulatory flexibility in regulating a bank that accepts public funds deposits and whose financial condition, level of public funds, or level of collateral may pose a greater than normal risk of loss coverage from the state sinking fund applicable for uninsured and unsecured public funds.

6. An act or omission by the superintendent pursuant to this section shall not subject the state to liability.

Sec. 6. Section 524.213, Code 2009, is amended to read as follows:

524.213 Duties and powers of superintendent.

The superintendent shall have general control, supervision and regulation of all state banks and shall be charged with the administration, interpretation, and execution of the laws, rules, and regulations of this state relating to banks and banking and with such other duties and responsibilities as are imposed upon the superintendent by the laws of this state. The superintendent shall have power to adopt and promulgate such rules and regulations as necessary to carry out and enforce, properly and effectively, the provisions of this chapter and chapter 12C applicable to banks.

Sec. 7. Section 524.215A, Code 2009, is amended by adding the following new subsection: NEW SUBSECTION. 4. The division of banking may adopt a record retention policy authorizing the division to destroy communications received by electronic mail that are more than six months old.

Sec. 8. Section 524.310, Code 2009, is amended by adding the following new subsection: NEW SUBSECTION. 5. A state bank using a fictitious name to transact business in this state may file its fictitious name with the secretary of state by delivering to the superintendent for filing with the secretary of state a copy of the resolution of its board of directors certified by its secretary, adopting the fictitious name. A state bank using a fictitious name shall comply with the requirements of section 524.1206 and with any other regulatory requirements governing use of its name. The fictitious name must be distinguishable upon the record of the secretary of state from all of the following:

a. The corporate name of a business or nonprofit corporation incorporated or authorized to transact business in this state.

b. A corporate name reserved, registered, or protected as provided in section 490.402, 490.403, 504.402, or 504.403.

c. The fictitious name of another foreign business or nonprofit corporation authorized to transact business in this state.

¹ According to enrolled Act; the word "subsection" probably intended

Sec. 9. Section 524.602, Code 2009, is amended to read as follows:

524.602 Board of directors — election.

1. ~~At~~ Except as provided in subsection 2, at the first annual meeting of shareholders and at each annual meeting thereafter the shareholders shall elect directors to hold office until the next succeeding annual meeting. Directors shall hold office for one year or until their successors have been elected and qualified, unless removed in accordance with provisions of section 524.606. When the shareholders determine the number of directors at an annual meeting or at a special meeting, they shall, at the same meeting, elect a director to fill each directorship.

2. The articles of incorporation of a state bank may authorize directors to be elected to staggered terms of three years. At the first meeting of shareholders or at an annual or special meeting where the shareholders adopt staggered terms for directors, and at each annual meeting thereafter, the shareholders shall elect directors to hold office for any vacant position. A director shall hold office until the director's term expires or until the director's successor has been elected and qualified, unless the director is removed in accordance with the provisions of section 524.606.

Sec. 10. Section 524.814, subsection 1, Code 2009, is amended to read as follows:

1. To secure deposits of the state bank or a bank that is an affiliate of the state bank when a customer is required to obtain such security, or a bank is required to provide security, by the laws of the United States, by any agency or instrumentality of the United States, by the laws of the state of Iowa or another state, by the state board of regents, by a resolution or ordinance relating to the issuance of bonds, by the terms of any interstate compact or by order of any court of competent jurisdiction. The lending of securities to a bank that is an affiliate, or the pledging of securities for the account of a bank that is an affiliate, shall be on terms and conditions that are consistent with safe and sound banking practices.

Sec. 11. Section 524.901, subsection 2, Code 2009, is amended to read as follows:

2. A state bank shall not invest for its own account more than fifteen percent of its aggregate capital in investment securities of any one obligor. ~~Any~~ The par value of the investment securities shall be used to determine the amount that may be invested under this subsection, and any premium paid by a state bank for any investment securities shall not be included in determining the amount that may be invested under this subsection.

Sec. 12. Section 536.13, subsection 7, paragraph d, Code 2009, is amended by striking the paragraph and inserting in lieu thereof the following:

d. Except as provided in this subsection, the provisions of the Iowa consumer credit code, chapter 537, apply to loans regulated by this chapter and supersede conflicting provisions of this chapter. Section 537.2402, subsection 1, does not apply to loans regulated by this chapter.

Sec. 13. Section 536A.31, subsection 3, Code 2009, is amended by striking the subsection and inserting in lieu thereof the following:

3. Except as provided in this subsection, the provisions of the Iowa consumer credit code, chapter 537, apply to loans regulated by this chapter and supersede conflicting provisions of this chapter. Section 537.2402, subsection 1, does not apply to loans regulated by this chapter.

Sec. 14. EFFECTIVE UPON ENACTMENT. The sections of this Act amending sections 12C.1, 12C.23A, and 12C.28 and enacting section 12C.29, being deemed of immediate importance, take effect upon enactment.

Approved March 8, 2010

CHAPTER 1029

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMITS

S.F. 2248

AN ACT relating to permits issued under the national pollutant discharge elimination system, and making penalties applicable.

Be It Enacted by the General Assembly of the State of Iowa:

DIVISION I
PERSONS CONTESTING THE DENIAL
OF APPLICATIONS OR PERMITS ISSUED UNDER NPDES

Section 1. Section 455B.174, subsection 4, paragraph b, Code Supplement 2009, is amended to read as follows:

b. In addition to the requirements of paragraph "a", a permit shall not be issued to operate or discharge from any disposal system unless the conditions of the permit assure that any discharge from the disposal system meets or will meet all applicable state and federal water quality standards and effluent standards and the issuance of the permit is not otherwise prohibited by the federal Water Pollution Control Act. All applications for discharge permits are subject to public notice and opportunity for public participation including public hearing as the department may by rule require. The director shall promptly notify the applicant in writing of the director's action and, if the permit is denied, state the reasons for denial. The A person who is an applicant or permittee may appeal to the commission from contest the denial of a permit or from any condition in any of a permit issued by the director, if the applicant files notice of appeal with person notifies the director within thirty days of the director's notice of denial or issuance of the permit. The director shall notify the applicant within thirty days of the time and place of the hearing. Notwithstanding section 17A.11, subsection 1, if the applicant or permittee timely contests the director's action, the presiding officer in the resulting contested case proceeding shall be an administrative law judge assigned by the division of administrative hearings pursuant to sections 10A.801 and 17A.11.

DIVISION II
NPDES PERMITS ISSUED TO CONFINEMENT FEEDING OPERATIONS

Sec. 2. Section 459.311, Code Supplement 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 1A. Notwithstanding subsection 1, a confinement feeding operation that is a concentrated animal feeding operation as defined in 40 C.F.R. § 122.23(b) shall comply with applicable national pollutant discharge elimination system permit requirements as provided in the federal Water Pollution Control Act, 33 U.S.C. ch. 26, as amended, and 40 C.F.R. pts. 122 and 412, pursuant to rules that shall be adopted by the commission. Any rules adopted pursuant to this subsection shall be no more stringent than requirements under the federal Water Pollution Control Act, 33 U.S.C. ch. 26, as amended, and 40 C.F.R. pts. 122 and 412.

Approved March 8, 2010

CHAPTER 1030

REGULATION OF COMMERCIAL ESTABLISHMENTS FOR NONAGRICULTURAL ANIMALS

H.F. 2280

AN ACT providing for the treatment of animals other than agricultural animals, by providing for regulation of commercial establishments, providing for fees, providing penalties, and including effective date provisions.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 162.1, Code 2009, is amended to read as follows:

162.1 Policy Purpose and scope.

1. The purpose of this chapter is to accomplish all of the following:

1. ~~a. To insure~~ Insure that all dogs and cats handled by ~~boarding kennels, commercial kennels, commercial breeders, dealers, and public auctions~~ commercial establishments are provided with humane care and treatment ~~by regulating.~~

b. Regulate the transportation, sale, purchase, housing, care, handling, and treatment of ~~such animals~~ dogs and cats by persons ~~or organizations~~ engaged in transporting, buying, or selling them ~~and to provide.~~

c. Provide that all vertebrate animals consigned to pet shops are provided humane care and treatment by regulating the transportation, sale, purchase, housing, care, handling, and treatment of such animals by pet shops.

2. ~~d. To authorize~~ Authorize the sale, trade, or adoption of only those animals which appear to be free of infectious or communicable disease.

3. ~~e. To protect~~ Protect the public from zoonotic disease.

2. This chapter ~~does not apply to livestock as defined in section 717.1 or any other agricultural animal used in agricultural production as provided in chapter 717A.~~

Sec. 2. Section 162.2, Code Supplement 2009, is amended by adding the following new subsections:

NEW SUBSECTION. 4A. “*Animal Welfare Act*” means the federal Animal Welfare Act, 7 U.S.C. ch. 54, and regulations promulgated by the United States department of agriculture and published in 9 C.F.R. ch. 1.

NEW SUBSECTION. 4B. “*Authorization*” means a state license, certificate of registration, or permit issued or renewed by the department to a commercial establishment as provided in section 162.2A.

NEW SUBSECTION. 6A. “*Commercial establishment*” or “*establishment*” means an animal shelter, boarding kennel, commercial breeder, commercial kennel, dealer, pet shop, pound, public auction, or research facility.

NEW SUBSECTION. 8A. “*Department*” means the department of agriculture and land stewardship.

NEW SUBSECTION. 9A. “*Federal license*” means a license issued by the United States department of agriculture to a person classified as a dealer or exhibitor pursuant to the federal Animal Welfare Act.

NEW SUBSECTION. 9B. “*Federal licensee*” means a person to whom a federal license as a dealer or exhibitor is issued.

NEW SUBSECTION. 10A. “*Permittee*” means a commercial breeder, dealer, or public auction to whom a permit is issued by the department as a federal licensee pursuant to section 162.2A.

NEW SUBSECTION. 15A. “*Registrant*” means a pound, animal shelter, or research facility to whom a certificate of registration is issued by the department pursuant to section 162.2A.

NEW SUBSECTION. 16A. “*State fiscal year*” means the fiscal year described in section 3.12.

NEW SUBSECTION. 16B. “*State licensee*” means any of the following:

a. A boarding kennel, commercial kennel, or pet shop to whom a state license is issued by the department pursuant to section 162.2A.

b. A commercial breeder, dealer, or public auction to whom a state license is issued in lieu of a permit by the department pursuant to section 162.2A.

Sec. 3. Section 162.2, subsections 6 and 13, Code Supplement 2009, are amended to read as follows:

6. “*Commercial breeder*” means a person, engaged in the business of breeding dogs or cats, who sells, exchanges, or leases dogs or cats in return for consideration, or who offers to do so, whether or not the animals are raised, trained, groomed, or boarded by the person. A person who owns or harbors three or fewer breeding males or females is not a commercial breeder. However, a person who breeds ~~or harbors more than three~~ any number of breeding male or female greyhounds for the purposes of using them for pari-mutuel racing wagering at a racetrack as provided in chapter 99D shall be considered a commercial breeder irrespective of whether the person sells, leases, or exchanges the greyhounds for consideration or offers to do so.

13. “*Pound*” ~~or “dog pound”~~ means a facility for the prevention of cruelty to animals operated by the state, a municipal corporation, or other political subdivision of the state for the purpose of impounding or harboring seized stray, homeless, abandoned or unwanted dogs, cats or other animals; or a facility operated for such a purpose under a contract with any municipal corporation or incorporated society.

Sec. 4. **NEW SECTION. 162.2A Application, issuance, and renewal of authorizations.**

1. The department shall provide for the operation of a commercial establishment by issuing or renewing an authorization, including any of the following:

- a. A certificate of registration for a pound, animal, shelter, or research facility.
- b. A state license for a boarding kennel, commercial kennel, or pet shop.
- c. A state license or permit for a commercial breeder, dealer, or public auction. A federal licensee must apply for and be issued either a permit or a state license in lieu of a permit.

2. A person must be issued a separate state license, certificate of registration, or permit for each commercial establishment owned or operated by the person.

3. A person must apply for the issuance or renewal of an authorization on forms and according to procedures required by rules adopted by the department. The application shall contain information required by the department, including but not limited to all of the following:

- a. The person’s name.
- b. The person’s principal office or place of business.
- c. The name, address, and type of establishment covered by the authorization.
- d. The person’s identification number. Notwithstanding chapter 22, the department shall keep the person’s tax identification number confidential except for purposes of tax administration by the department of revenue, including as provided in section 421.18.

4. The authorization expires on an annual basis as provided by the department, and must be renewed by the commercial establishment on an annual basis on or before the authorization’s expiration date.

5. a. A commercial establishment applying for the issuance or renewal of a permit shall provide the department with proof that the person is a federal licensee.

b. The department shall not require that it must enter onto the premises of a commercial establishment in order to issue a permit. The department shall not require that it must enter onto the premises of a commercial establishment in order to renew a permit, unless it has reasonable cause to monitor the commercial establishment as provided in section 162.10C.

Sec. 5. **NEW SECTION. 162.2B Fees.**

The department shall establish, assess, and collect fees as provided in this section.

1. A commercial establishment shall pay authorization fees to the department for the issuance or renewal of a certificate of registration, state license, or permit.

- a. For the issuance or renewal of a certificate of registration, seventy-five dollars.
- b. For the issuance or renewal of a state license or permit, one hundred seventy-five dollars. However, a commercial breeder who owns, keeps, breeds, or transports a greyhound dog for

pari-mutuel wagering at a racetrack as provided in chapter 99D shall pay a different fee for the issuance or renewal of a state license as provided in rules adopted by the department.

2. The department shall retain all fees that it collects under this section for the exclusive purpose of administering and enforcing the provisions of this chapter. The fees shall be considered repayment receipts as defined in section 8.2. The general assembly shall appropriate moneys to the department each state fiscal year necessary for the administration and enforcement of this chapter.

Sec. 6. Section 162.3, Code 2009, is amended by striking the section and inserting in lieu thereof the following:

162.3 Operation of a pound — certificate of registration.

A pound shall only operate pursuant to a certificate of registration issued or renewed by the department as provided in section 162.2A. A pound may sell dogs or cats under its control, if sales are allowed by the department. The pound shall maintain records as required by the department in order for the department to ensure the pound's compliance with the provisions of this chapter.

Sec. 7. Section 162.4, Code 2009, is amended by striking the section and inserting in lieu thereof the following:

162.4 Operation of an animal shelter — certificate of registration.

An animal shelter shall only operate pursuant to a certificate of registration issued or renewed by the department as provided in section 162.2A. An animal shelter may sell dogs or cats if sales are allowed by the department. The animal shelter facility shall maintain records as required by the department in order for the department to ensure the animal shelter's compliance with the provisions of this chapter.

Sec. 8. NEW SECTION. **162.4A Operation of a research facility — certificate of registration.**

A research facility shall only operate pursuant to a certificate of registration issued by the department as provided in section 162.2A. The research facility shall maintain records as required by the department in order for the department to ensure the research facility's compliance with the provisions of this chapter. A research facility shall not purchase a dog or cat from a commercial establishment that does not have a valid authorization issued or renewed under this chapter or a similar authorization issued or renewed by another state.

Sec. 9. Section 162.5, Code 2009, is amended by striking the section and inserting in lieu thereof the following:

162.5 Operation of a pet shop — state license.

A pet shop shall only operate pursuant to a state license issued or renewed by the department pursuant to section 162.2A. The pet shop shall maintain records as required by the department in order for the department to ensure the pet shop's compliance with the provisions of this chapter. A pet shop shall not purchase a dog or cat from a commercial establishment that does not have a valid authorization issued or renewed under this chapter or a similar authorization issued or renewed by another state.

Sec. 10. NEW SECTION. **162.5A Operation of a boarding kennel — state license.**

A boarding kennel shall only operate pursuant to a state license issued by the department as provided in section 162.2A. The boarding kennel shall maintain records as required by the department in order for the department to ensure the boarding kennel's compliance with the provisions of this chapter. A boarding kennel shall not purchase a dog or cat from a commercial establishment that does not have a valid authorization issued or renewed under this chapter or a similar authorization issued or renewed by another state.

Sec. 11. Section 162.6, Code 2009, is amended by striking the section and inserting in lieu thereof the following:

162.6 Operation of a commercial kennel — state license.

A commercial kennel shall only operate pursuant to a state license issued or renewed by the department as provided in section 162.2A. A commercial kennel shall maintain records

as required by the department in order for the department to ensure the commercial kennel's compliance with the provisions of this chapter. A commercial kennel shall not purchase a dog or cat from a commercial establishment that does not have a valid authorization issued or renewed under this chapter or a similar authorization issued or renewed by another state.

Sec. 12. Section 162.7, Code 2009, is amended by striking the section and inserting in lieu thereof the following:

162.7 Operation of a dealer — state license or permit.

A dealer shall only operate pursuant to a state license, or a permit, issued or renewed by the department as provided in section 162.2A. A dealer who is a state licensee shall maintain records as required by the department in order for the department to ensure compliance with the provisions of this chapter. A dealer who is a permittee may, but is not required to maintain records. A dealer shall not purchase a dog or cat from a commercial establishment that does not have a valid authorization issued or renewed under this chapter or a similar authorization issued or renewed by another state.

Sec. 13. Section 162.8, Code 2009, is amended by striking the section and inserting in lieu thereof the following:

162.8 Operation of a commercial breeder — state license or permit.

A commercial breeder shall only operate pursuant to a state license, or a permit, issued or renewed by the department as provided in section 162.2A. A commercial breeder who is a state licensee shall maintain records as required by the department in order for the department to ensure the commercial breeder's compliance with the provisions of this chapter. A commercial breeder who is a permittee may but is not required to maintain records. A commercial breeder shall not purchase a dog or cat from a commercial establishment that does not have a valid authorization issued or renewed under this chapter or a similar authorization issued or renewed by another state.

Sec. 14. NEW SECTION. **162.9A Operation of a public auction — state license or permit.**

A public auction shall only operate pursuant to a state license, or a permit, issued or renewed by the department as provided in section 162.2A. A public auction which is a state licensee shall maintain records as required by the department in order for the department to ensure the public auction's compliance with the provisions of this chapter. A public auction which is a permittee may but is not required to maintain records. A public auction shall not purchase a dog or cat from a commercial establishment that does not have a valid authorization issued or renewed under this chapter or a similar authorization issued or renewed by another state.

Sec. 15. NEW SECTION. **162.10A Commercial establishments — standard of care.**

1. *a.* A commercial establishment shall provide for a standard of care that ensures that an animal in its possession or under its control is not lacking any of the following:

(1) Adequate feed, adequate water, housing facilities, sanitary control, or grooming practices, if such lack causes adverse health or suffering.

(2) Veterinary care.

b. A commercial establishment, other than a research facility or pet shop, shall provide for the standard of care for dogs and cats in its possession or under its control, and a research facility or pet shop shall provide for the standard of care for vertebrate animals in its possession or under its control.

2. *a.* Except as provided in paragraph "b" or "c", a commercial establishment shall comply with rules that the department adopts to implement subsection 1. A commercial establishment shall be regulated under this paragraph "a" unless the person is a state licensee as provided in paragraph "b" or a permittee as provided in paragraph "c".

b. A state licensee who is a commercial breeder owning, breeding, transporting, or keeping a greyhound dog for pari-mutuel wagering at a racetrack as provided in chapter 99D may be required to comply with different rules adopted by the department.

c. A permittee is not required to comply with rules that the department adopts to implement a standard of care as provided in subsection 1 for state licensees and registrants.

The department may adopt rules regulating a standard of care for a permittee, so long as the rules are not more restrictive than required for a permittee under the Animal Welfare Act. However, the department may adopt prescriptive rules relating to the standard of care. Regardless of whether the department adopts such rules, a permittee meets the standard of care required in subsection 1, if it voluntarily complies with rules applicable to state licensees or registrants. A finding by the United States department of agriculture that a permittee complies with the Animal Welfare Act is not conclusive when determining that the permittee provides a standard of care required in subsection 1.

3. A commercial establishment fails to provide for a standard of care as provided in subsection 1, if the commercial establishment commits abuse as described in section 717B.2, neglect as described in section 717B.3, or torture as provided in section 717B.3A.

Sec. 16. NEW SECTION. 162.10B Commercial establishments — inspecting state licensees and registrants.

The department may inspect the commercial establishment of a registrant or state licensee by entering onto its business premises at any time during normal working hours. The department may inspect records required to be maintained by the state licensee or registrant as provided in this chapter. If the owner or person in charge of the commercial establishment refuses admittance, the department may obtain an administrative search warrant issued under section 808.14.

Sec. 17. NEW SECTION. 162.10C Commercial establishments — monitoring permittees.

1. The department may monitor the commercial establishment of a permittee by entering onto its business premises at any time during normal working hours. The department shall monitor the commercial establishment for the limited purpose of determining whether the permittee is providing for a standard of care required for permittees under section 162.10A. If the owner or person in charge of the commercial establishment refuses admittance, the department may obtain an administrative search warrant issued under section 808.14.

2. In order to enter onto the business premises of a permittee's commercial establishment, the department must have reasonable cause to suspect that the permittee is not providing for the standard of care required for permittees under section 162.10A. Reasonable cause must be supported by any of the following:

a. An oral or written complaint received by the department by a person. The complainant must provide the complainant's name and address and telephone number. Notwithstanding chapter 22, the department's record of a complaint is confidential, unless any of the following apply:

(1) The results of the monitoring are used in a contested case proceeding as provided in chapter 17A or in a judicial proceeding.

(2) The record is sought in discovery in any administrative, civil, or criminal case.

(3) The department's record of a complaint is filed by a person other than an individual.

b. A report prepared by a person employed by the United States department of agriculture that requires a permittee to take action necessary to correct a breach of standard of care required of federal licensees by the Animal Welfare Act or of permittees by section 162.10A. The department is not required to dedicate any number of hours to viewing or analyzing such reports.

3. When carrying out this section, the department may cooperate with the United States department of agriculture. The department shall report any findings resulting in an enforcement action under section 162.10D to the United States department of agriculture.

Sec. 18. NEW SECTION. 162.10D Commercial establishments — disciplinary actions.

1. The department may take disciplinary action against a person by suspending or revoking the person's authorization for violating a provision of this chapter or chapter 717B, or who commits an unlawful practice under section 714.16.

2. The department may require that¹ an owner, operator, or employee of a commercial establishment subject to disciplinary action under subsection 1 to complete a continuing

¹ See chapter 1193, §41, 80 herein

education program as a condition for retaining an authorization. This section does not prevent a person from voluntarily participating in a continuing education program.

3. The department shall administer the continuing education program by either providing direct instruction or selecting persons to provide such instruction. The department is not required to compensate persons for providing the instruction, and may require attendees to pay reasonable fees necessary to compensate the department providing the instruction or a person selected by the department to provide the instruction. The department shall, to every extent possible, select persons to provide the instruction by consulting with organizations that represent commercial establishments, including but not limited to the Iowa pet breeders association.

4. The department shall establish the criteria for a continuing education program which shall include at least three and not more than eight hours of instruction. The department shall provide for the program's beginning and ending dates. However, a person must complete the program in twelve months or less.

Sec. 19. Section 162.11, subsections 1 and 3, Code 2009, are amended by striking the subsections.

Sec. 20. Section 162.11, subsection 2, Code 2009, is amended by striking the subsection and inserting in lieu thereof the following:

2. This chapter does not apply to a federal licensee except as provided in the following:

a. Section 162.1, subsection 2, and sections 162.2, 162.2A, 162.2B, 162.7, 162.8, 162.9A, 162.10A, 162.10C, 162.10D, 162.12A, and 162.13.

b. Section 162.1, subsection 1, but only to the extent required to implement sections described in paragraph "a".

c. Section 162.16 but only to the extent required to implement sections described in paragraph "a".

Sec. 21. Section 162.12, Code 2009, is amended to read as follows:

162.12 Denial or revocation of license or registration.

A certificate of registration may be denied to any animal shelter, pound, or animal shelter research facility and a state license or ~~certificate of registration~~ may be denied to any public auction, boarding kennel, commercial kennel, ~~research facility~~, pet shop, commercial breeder, or dealer, or an existing certificate of registration or state license may be revoked by the secretary if, after public hearing, it is determined that the housing facilities or primary enclosures are inadequate under this chapter or if the feeding, watering, cleaning, and housing practices at the pound, animal shelter, public auction, pet shop, boarding kennel, commercial kennel, research facility, or those practices by the commercial breeder or dealer, are not in compliance with this chapter or with the rules adopted pursuant to this chapter. The premises of each registrant or state licensee or ~~certificate holder~~ shall be open for inspection during normal business hours.

Sec. 22. **NEW SECTION. 162.12A Civil penalties.**

The department shall establish, impose, and assess civil penalties for violations of this chapter. The department may by rule establish a schedule of civil penalties for violations of this chapter. All civil penalties collected under this section shall be deposited into the general fund of the state.

1. a. A commercial establishment that operates pursuant to an authorization issued or renewed under this chapter is subject to a civil penalty of not more than five hundred dollars, regardless of the number of animals possessed or controlled by the commercial establishment, for violating this chapter. Except as provided in paragraph "b", each day that a violation continues shall be deemed a separate offense.

b. This paragraph applies to a commercial establishment that violates a standard of care involving housing as provided in section 162.10A. The departmental official who makes a determination that a violation exists shall provide a corrective plan to the commercial establishment describing how the violation will be corrected within a compliance period of not more than fifteen days from the date of approval by the official of the corrective plan. The civil penalty shall not exceed five hundred dollars for the first day of the violation.

After that day, the department shall not impose a civil penalty for the violation during the compliance period. The department shall not impose an additional civil penalty, unless the commercial establishment fails to correct the violation by the end of the compliance period. If the commercial establishment fails to correct the violation by the end of the compliance period, each day that the violation continues shall be deemed a separate offense.

2. A commercial establishment that does not operate pursuant to an authorization issued or renewed under this chapter is subject to a civil penalty of not more than one thousand dollars, regardless of the number of animals possessed or controlled by the commercial establishment, for violating this chapter. Each day that a violation continues shall be deemed a separate offense.

Sec. 23. Section 162.13, Code 2009, is amended to read as follows:

162.13 Penalties Criminal penalties — confiscation.

~~1. Operation of a pound, animal shelter, pet shop, boarding kennel, commercial kennel, research facility, or public auction, or dealing in dogs or cats, or both, either as a dealer or a commercial breeder, without a currently valid license or a certificate of registration is~~ A person who operates a commercial establishment without an authorization issued or renewed by the department as required in section 162.2A is guilty of a simple misdemeanor and each day of operation is a separate offense.

~~2. The failure of any pound, research facility, animal shelter, pet shop, boarding kennel, commercial kennel, commercial breeder, public auction, or dealer, to adequately house, feed, or water dogs, cats, or vertebrate animals in the person's or facility's possession or custody~~ a person who owns or operates a commercial establishment to meet the standard of care required in section 162.10A, subsection 1, is a simple misdemeanor. The animals are subject to seizure and impoundment and may be sold or destroyed as provided by rules which shall be adopted by the department pursuant to chapter 17A. The rules shall provide for the destruction of an animal by a humane method, including by euthanasia.

~~3. The failure of a person who owns or operates a commercial establishment to meet the requirements of this section is also cause for the suspension or revocation or suspension of license or registration after public hearing of the person's authorization as provided in section 162.10D. The commission of an act declared to be an unlawful practice under section 714.16 or prohibited under chapter 717 or 717B, by a person licensed or registered under this chapter is cause for revocation or suspension of the license or registration certificate.~~

~~4. Dogs, cats, and other vertebrates~~ vertebrate animals upon which euthanasia is permitted by law may be destroyed by a person subject to this chapter or chapter 169, by a humane method, including euthanasia, as provided by rules which shall be adopted by the department pursuant to chapter 17A.

~~5. It is unlawful for a dealer to knowingly ship a diseased animal. A dealer violating this paragraph subsection is subject to a fine not exceeding one hundred dollars. Each diseased animal shipped in violation of this paragraph subsection is a separate offense.~~

Sec. 24. Section 162.16, Code 2009, is amended by striking the section and inserting in lieu thereof the following:

162.16 Rules.

The department shall adopt rules and promulgate forms necessary to administer and enforce the provisions of this chapter.

Sec. 25. Section 717B.1, Code 2009, is amended by adding the following new subsection: NEW SUBSECTION. 3A. "Department" means the department of agriculture and land stewardship.²

Sec. 26. REPEAL. Sections 162.9, 162.10, and 162.18, Code 2009, are repealed.

Sec. 27. CURRENT DEPARTMENTAL RULES. This Act does not diminish the authority of the department of agriculture and land stewardship to regulate different types of commercial establishments as provided in 21 IAC ch. 67.

² See chapter 1193, §74, 80 herein

Sec. 28. ISSUANCE OF PERMITS. This Act does not require a commercial establishment that has been issued or renewed a certificate of registration to be issued a permit earlier than required in section 162.2A for the renewal of a permit. The person shall hold the certificate of registration in the same manner as a permit pursuant to this Act.

Sec. 29. EFFECTIVE UPON ENACTMENT. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved March 9, 2010

CHAPTER 1031

STATE GOVERNMENT REORGANIZATION

S.F. 2088

AN ACT concerning state government reorganization and efficiency, making appropriations, establishing fees and penalties, and providing effective and applicability provisions.

Be It Enacted by the General Assembly of the State of Iowa:

DIVISION I

GOVERNMENT INFORMATION TECHNOLOGY SERVICES

Section 1. Section 8A.104, subsection 12, Code 2009, is amended by striking the subsection.

Sec. 2. Section 8A.111, subsection 3, Code 2009, is amended by striking the subsection.

Sec. 3. Section 8A.111, subsection 5, Code 2009, is amended by striking the subsection.

Sec. 4. Section 8A.201, subsection 1, Code 2009, is amended to read as follows:

1. “*Information technology*” means computing and electronics applications used to process and distribute information in digital and other forms and includes information technology devices, information technology services, infrastructure services, and value-added services.

Sec. 5. Section 8A.201, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 3A. “*Infrastructure services*” includes all of the following:

a. Data centers used to support mainframe and other computers and their associated components including servers, information networks, storage systems, redundant or backup power systems, redundant data communications connections, environmental controls, and security devices.

b. Servers, mainframes, or other centralized processing systems.

c. Storage systems, including but not limited to disk, tape, optical, and other structured repositories for storing digital information.

d. Computer networks commonly referred to as local area networks.

e. Network services, including equipment and software which support local area networks, campus area networks, wide area networks, and metro area networks. Network services also include data network services such as routers, switches, firewalls, virtual private networks, intrusion detection systems, access control, internet protocol load balancers, event logging and correlation, and content caching. Network services do not include services provided by the Iowa communications network pursuant to chapter 8D or by the public broadcasting division of the department of education.

f. Groupware applications used to facilitate collaboration, communication, and workflow, including electronic mail, directory services, calendaring and scheduling, and imaging systems.

- g. Information technology help desk services.
- h. Cyber security functions and equipment.
- i. Digital printing and printing procurement services.
- j. Data warehouses, including services that assist in managing and locating digital information.
- k. Disaster recovery technology and services.
- l. Other similar or related services as determined by the chief information officer.

Sec. 6. Section 8A.201, subsection 4, Code 2009, is amended by striking the subsection and inserting in lieu thereof the following:

4. “*Participating agency*” means any state agency, except the state board of regents and institutions operated under the authority of the state board of regents.

Sec. 7. Section 8A.201, subsection 5, Code 2009, is amended to read as follows:

5. “~~*Technology governance board*~~” *advisory council*” means the ~~board~~ council established in section 8A.204.

Sec. 8. NEW SECTION. 8A.201A Chief information officer appointed.

1. A chief information officer shall be appointed by the governor to serve at the pleasure of the governor and is subject to confirmation by the senate. If the office becomes vacant, the vacancy shall be filled in the same manner as provided for the original appointment. The chief information officer position is attached to the department of management.

2. The person appointed as the chief information officer for the state shall be professionally qualified by education and have no less than five years’ experience in the field of information technology, and a working knowledge of financial management. The chief information officer shall not be a member of any local, state, or national committee of a political party, an officer or member of a committee in any partisan political club or organization, or hold or be a candidate for a paid elective public office. The chief information officer is subject to the restrictions on political activity provided in section 8A.416.

Sec. 9. Section 8A.202, subsection 2, paragraph g, Code 2009, is amended to read as follows:

g. Coordinating and managing the acquisition of information technology services by participating agencies in furtherance of the purposes of this chapter. The department shall institute procedures to ensure effective and efficient compliance with the applicable standards established pursuant to this subchapter. ~~This subchapter shall not be construed to prohibit or limit a participating agency from entering into an agreement or contract for information technology with a qualified private entity.~~

Sec. 10. Section 8A.202, Code 2009, is amended by adding the following new subsection:
NEW SUBSECTION. 4A. Waivers.

a. The department shall adopt rules allowing for participating agencies to seek a temporary or permanent waiver from any of the requirements of this subchapter concerning the acquisition, utilization, or provision of information technology. The rules shall provide that a waiver may be granted upon a written request by a participating agency and approval of the chief information officer. A waiver shall only be approved if the participating agency shows that a waiver would be in the best interests of the state.

b. Prior to approving or denying a request for a waiver, the chief information officer shall consider all of the following:

(1) Whether the failure to grant a waiver would violate any state or federal law; or any published policy, standard, or requirement established by a governing body other than the department.

(2) Whether the waiver would result in the duplication of existing services, resources, or support.

(3) Whether the waiver would obstruct the state’s information technology strategic plan, enterprise architecture, security plans, or any other information technology policy, standard, or requirement.

(4) Whether the waiver would result in excessive expenditures or expenditures above market rates.

(5) The life cycle of the system or application for which the waiver is requested.

(6) Whether the participating agency can show that it can obtain or provide the information technology more economically than the information technology can be provided by the department. For purposes of determining if the participating agency can obtain or provide the information technology more economically, the chief information officer shall consider the impact on other participating agencies if the waiver is approved or denied.

(7) Whether the failure to grant a waiver would jeopardize federal funding.

c. Rules adopted pursuant to this subsection relating to a request for a waiver, at a minimum, shall provide for all of the following:

(1) The request shall be in writing and signed by the head of the participating agency seeking the waiver.

(2) The request shall include a reference to the specific policy, standard, or requirement for which the waiver is submitted.

(3) The request shall include a statement of facts including a description of the problem or issue prompting the request; the participating agency's preferred solution; an alternative approach to be implemented by the participating agency intended to satisfy the waived policy, standard, or requirement; the business case for the alternative approach; the economic justification for the waiver or a statement as to why the waiver is in the best interests of the state; the time period for which the waiver is requested; and any other information deemed appropriate.

d. A participating agency may appeal the decision of the chief information officer to the director within seven calendar days following the decision of the chief information officer. The director, after consultation with the technology advisory council, shall respond within fourteen days following the receipt of the appeal.

e. The department of public defense, including both the military division and the homeland security and emergency management division, shall not be required to obtain any information technology services pursuant to this subchapter for the department of public defense or its divisions that is provided by the department pursuant to this chapter without the consent of the adjutant general.

Sec. 11. Section 8A.203, unnumbered paragraph 1, Code 2009, is amended to read as follows:

The chief information officer, in consultation with the director, shall do all of the following as it relates to information technology services:

Sec. 12. Section 8A.203, subsection 1, Code 2009, is amended to read as follows:

1. ~~Prescribe and adopt~~ Advise the director concerning the adoption of information technology standards and rules.

Sec. 13. Section 8A.203, Code 2009, is amended by adding the following new subsections:

NEW SUBSECTION. 6. Coordinate the internal operations of the department as they relate to information technology and develop and implement policies and procedures designed to ensure the efficient administration of the department as they relate to information technology.

NEW SUBSECTION. 7. Recommend to the director for adoption rules deemed necessary for the administration of this subchapter in accordance with chapter 17A.

NEW SUBSECTION. 8. Advise the director concerning contracts for the receipt and provision of information technology services as deemed necessary.

NEW SUBSECTION. 9. Exercise and perform such other powers and duties related to information technology as may be delegated by the director or as may be prescribed by law.

Sec. 14. Section 8A.204, Code 2009, is amended by striking the section and inserting in lieu thereof the following:

8A.204 Technology advisory council.

1. *Definitions.* For purposes of this section, unless the context otherwise requires:

a. "Large agency" means a participating agency with more than seven hundred full-time, year-round employees.

b. "Medium-sized agency" means a participating agency with at least seventy or more full-time, year-round employees, but not more than seven hundred permanent employees.

c. "Small agency" means a participating agency with less than seventy full-time, year-round employees.

2. *Membership.*

a. The technology advisory council is composed of ten members as follows:

(1) The chief information officer.

(2) The director of the department of management, or the director's designee.

(3) Eight members appointed by the governor as follows:

(a) Three representatives from large agencies.

(b) Two representatives from medium-sized agencies.

(c) One representative from a small agency.

(d) Two public members who are knowledgeable and have experience in information technology matters.

b. (1) Members appointed pursuant to paragraph "a", subparagraph (3), shall serve two-year staggered terms. The department shall provide, by rule, for the commencement of the term of membership for the nonpublic members. The terms of the public members shall be staggered at the discretion of the governor.

(2) Sections 69.16, 69.16A, and 69.19 shall apply to the public members of the council.

(3) Public members appointed by the governor are subject to senate confirmation.

(4) Public members appointed by the governor may be eligible to receive compensation as provided in section 7E.6.

(5) Members shall be reimbursed for actual and necessary expenses incurred in performance of the members' duties.

(6) A director, deputy director, or employee with information technology expertise of an agency is preferred as an appointed representative for each of the agency categories of membership pursuant to paragraph "a", subparagraph (3).

c. The technology advisory council annually shall elect a chair and a vice chair from among the members of the council, by majority vote, to serve one-year terms.

d. A majority of the members of the council shall constitute a quorum.

e. Meetings of the council shall be held at the call of the chairperson or at the request of three members.

3. *Powers and duties of the council.* The powers and duties of the technology advisory council as they relate to information technology services shall include but are not limited to all of the following:

a. Advise the chief information officer in developing and adopting information technology standards pursuant to sections 8A.203 and 8A.206 applicable to all agencies.

b. Make recommendations to the chief information officer regarding all of the following:

(1) Technology utility services to be implemented by the department.

(2) Improvements to information technology service levels and modifications to the business continuity plan for information technology operations developed by the department for agencies, and to maximize the value of information technology investments by the state.

(3) Technology initiatives for the executive branch.

c. Advise the department regarding rates to be charged for access to and for value-added services performed through lowAccess.

Sec. 15. Section 8A.205, subsection 2, paragraph f, Code 2009, is amended by striking the paragraph and inserting in lieu thereof the following:

f. Assist participating agencies in converting printed government materials to electronic materials which can be accessed through an internet searchable database.

g. Encourage participating agencies to utilize a print on demand strategy to reduce publication overruns, excessive inventory, and obsolete printed materials.

Sec. 16. Section 8A.206, subsection 1, Code 2009, is amended to read as follows:

1. The department, ~~in conjunction after consultation~~ with the technology governance board advisory council, shall develop and adopt information technology standards applicable to the procurement of information technology by all participating agencies. Such standards, unless waived by the department pursuant to section 8A.202, subsection 4A, shall apply to all information technology procurements for participating agencies.

Sec. 17. Section 8A.207, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 2A. The department shall develop policies and procedures that apply to all information technology goods and services acquisitions, and shall ensure the compliance of all participating agencies. The department shall also be the sole provider of infrastructure services for participating agencies.

Sec. 18. Section 8A.221, Code 2009, is amended by striking the section and inserting in lieu thereof the following:

8A.221 IowAccess — duties and responsibilities.

1. *IowAccess.* The department shall establish IowAccess as a service to the citizens of this state that is the gateway for one-stop electronic access to government information and transactions, whether federal, state, or local. Except as provided in this section, IowAccess shall be a state-funded service providing access to government information and transactions. The department, in establishing the fees for value-added services, shall consider the reasonable cost of creating and organizing such government information through IowAccess.

2. *Duties.* The department shall do all of the following:

a. Establish rates to be charged for access to and for value-added services performed through IowAccess.

b. Approve and establish the priority of projects associated with IowAccess. The determination may also include requirements concerning funding for a project proposed by a political subdivision of the state or an association, the membership of which is comprised solely of political subdivisions of the state. Prior to approving a project proposed by a political subdivision, the department shall verify that all of the following conditions are met:

(1) The proposed project provides a benefit to the state.

(2) The proposed project, once completed, can be shared with and used by other political subdivisions of the state, as appropriate.

(3) The state retains ownership of any final product or is granted a permanent license to the use of the product.

c. Establish expected outcomes and effects of the use of IowAccess and determine the manner in which such outcomes are to be measured and evaluated.

d. Establish the IowAccess total budget request and ensure that such request reflects the priorities and goals of IowAccess as established by the department.

e. Advocate for access to government information and services through IowAccess and for data privacy protection, information ethics, accuracy, and security in IowAccess programs and services.

f. Receive status and operations reports associated with IowAccess.

3. *Data purchasing.* This section shall not be construed to impair the right of a person to contract to purchase information or data from the Iowa court information system or any other governmental entity. This section shall not be construed to affect a data purchase agreement or contract in existence on April 25, 2000.

Sec. 19. Section 8A.224, subsection 1, Code Supplement 2009, is amended to read as follows:

1. An IowAccess revolving fund is created in the state treasury. The revolving fund shall be administered by the department and shall consist of moneys collected by the department as fees, moneys appropriated by the general assembly, and any other moneys obtained or accepted by the department for deposit in the revolving fund. The proceeds of the revolving fund are appropriated to and shall be used by the department to maintain, develop, operate,

and expand IowaAccess consistent with this subchapter, and for the support of activities of the technology ~~governance board~~ advisory council pursuant to section 8A.204.

Sec. 20. REPEAL. Section 8A.223, Code 2009, is repealed.

Sec. 21. DEPARTMENT OF ADMINISTRATIVE SERVICES INFORMATION TECHNOLOGY — UTILIZATION BY LEGISLATIVE AND JUDICIAL BRANCH. The department of administrative services shall consult with and explore opportunities with the legislative and judicial branches of government relative to the providing of information technology services to those branches of government.

Sec. 22. CHIEF INFORMATION OFFICER — CONVENIENCE FEE STUDY. The chief information officer of the state shall conduct a study concerning convenience or other handling fees charged by state agencies by credit or debit card or other electronic means of payment. The goal of the study would be to encourage the elimination of such fees wherever possible. The department shall determine the extent and amount of the fees charged, revenues generated by those fees, and explore ways to reduce or eliminate the fees. The chief information officer shall submit a report to the general assembly by January 15, 2011, concerning the results of the study, including any recommendations for legislative consideration.

Sec. 23. STATE AGENCY ELECTRONIC RENEWAL NOTICES. State agencies, as defined in section 8A.101, should, to the greatest extent possible, utilize electronic mail or similar electronic means to notify holders of licenses or permits issued by that state agency that the license or permit needs to be renewed. The chief information officer of the state shall assist state agencies in implementing the directive in this section.

DIVISION II ELECTRONIC RECORDS

Sec. 24. Section 7A.11A, Code 2009, is amended to read as follows:

7A.11A Reports to the general assembly.

All reports required to be filed with the general assembly by a state department or agency shall be filed by delivering ~~one printed copy and~~ one copy in electronic format as prescribed by the secretary of the senate and the chief clerk of the house.

Sec. 25. STUDY — CREATION, STORAGE, AND RETENTION OF ELECTRONIC RECORDS — STATE AGENCIES. The departments of administrative services and cultural affairs, in consultation with the state records commission, shall conduct a study on and make recommendations for the creation, storage, and retention of state agency records in an electronic format and shall submit a report containing the recommendations to the general assembly by December 15, 2010. In conducting the study, the departments shall collect and assess information from each state agency that includes an inventory of each agency's records including the types of agency records as well as agency records series retention and disposition schedules. The assessment shall include agency records identified as having permanent historical value by the state records commission. The departments shall also describe in the report what efficiencies and cost-saving efforts could be achieved through the creation, storage, and maintenance of such records in an electronic format.

DIVISION III PUBLICATION MODERNIZATION

Sec. 26. Section 2.42, subsection 13, Code 2009, is amended to read as follows:

13. To establish policies with regard to the publishing of printed and electronic versions of legal publications as provided in chapters 2A and 2B, including the Iowa administrative code, the Iowa administrative bulletin, the Iowa Code, the Iowa Code Supplement, and the Iowa Acts Acts, Iowa Code, Code Supplement, Iowa administrative bulletin, Iowa administrative code, and Iowa court rules, or any part of those publications. The publishing policies may

include, but are not limited to: the style and format to be used; the frequency of publication; the contents of the publications; the numbering system systems to be used in the Iowa Code, the Iowa Code Supplement, and the Iowa Acts; the preparation of editorial comments or notations; the correction of errors; the type of print or electronic media and data processing software to be used; the number of printed volumes to be published; recommended revisions of the Iowa Code, the Iowa Code Supplement, and the Iowa Acts; the letting of contracts for the publication of the Iowa administrative code, the Iowa administrative bulletin, the Iowa court rules, the Iowa Code, the Iowa Code Supplement, and the Iowa Acts; the pricing of the publications to which section 22.3 does not apply; access to, and the use, reproduction, legal protection, sale or distribution, and pricing of related data processing software consistent with chapter 22; and any other matters deemed necessary to the publication of uniform and understandable publications.

Sec. 27. Section 2A.1, subsection 2, paragraph d, Code 2009, is amended to read as follows:

d. Publication of the official legal publications of the state, including but not limited to the Iowa Acts, Iowa Code, Iowa Code Supplement, Iowa Acts, Iowa court rules, Iowa administrative bulletin, and Iowa administrative code, and Iowa court rules as provided in chapter 2B. The legislative services agency shall do all of the following:

(1) Designate a legal publication described in chapter 2B as an official legal publication. The legislative services agency may also designate a legal publication as an unofficial legal publication. The legislative services agency may use the great seal of the state of Iowa as provided in section 1A.1 or other symbol to identify an official or unofficial legal publication.

(2) Provide for citing official legal publications as provided in chapter 2B.

Sec. 28. Section 2A.5, subsection 1, Code 2009, is amended to read as follows:

1. The legislative services agency shall publish the official legal publications of the state as provided in chapter 2B. The legislative services agency shall have legal custody of the publications and shall provide for the warehousing, sale, and distribution of the publications. The legislative services agency shall retain or cause to be retained a number of old editions of the publications but may otherwise distribute or cause to be distributed old editions of the publications to any person upon payment by the person of any distribution costs. This section and chapter 2B do not require the legislative services agency to publish a publication in both a printed and electronic version.

Sec. 29. Section 2A.5, subsection 2, paragraph b, Code 2009, is amended to read as follows:

b. The Iowa Code Supplement.

Sec. 30. Section 2A.5, subsection 3, Code 2009, is amended to read as follows:

3. The legislative services agency shall in each odd-numbered year compile for publication and distribute in odd-numbered years a printed or electronic version of the Iowa official register for distribution as soon as practicable. The register shall contain historical, political, and other information and statistics of general value but shall not contain information or statistics of a partisan character. The ~~print~~ printed and electronic versions of the register need not contain the same information and statistics but shall be published to provide the greatest access to such information and statistics at the most reasonable cost as determined by the legislative services agency. The different versions of the register may be distributed free of charge, may be distributed free of charge except for postage and handling charges, or may be sold at a price to be established by the legislative services agency.

Sec. 31. Section 2A.6, Code 2009, is amended to read as follows:

2A.6 Special distribution of legal publications — restrictions on free distributions.

1. The legislative services agency shall make free distribution of the available electronic or printed versions of the official legal publications listed in section 2A.5, subsection 2, subject to payment of any routine distribution costs such as but not limited to mailing and handling costs, to the three branches of state government, to elected county officers, to county and city assessors, to Iowa's congressional delegation, to federal courts in Iowa and federal judges and

magistrates for Iowa, and to state and university depository libraries, the library of Congress, and the library of the United States supreme court. Only such officers, offices, and agencies entitled to or receiving free copies during the fiscal year beginning July 1, 2002, and ending June 30, 2003, shall be entitled to continue to receive free copies in subsequent years, except that successor and new officers, offices, and agencies shall receive a reasonable number of free copies as determined by the legislative services agency. Such officers, offices, and agencies shall annually review the number of copies received in the prior year to determine if the number of copies received can be reduced and shall submit the information in a report to the legislative services agency. The number of copies received, once reduced, shall not be increased to the previous level without the express consent of the legislative services agency.

~~2. Each officer, office, or agency receiving one or more free copies of a publication under this section shall only receive up to the number of copies indicated free at the time of initial distribution. If an officer, office, or agency receiving one or more free copies of a publication under this section desires additional copies beyond the number initially received, the officer, office, or agency must request the additional copies and pay the normal charge for such publication.~~

~~3. If a version of a publication provided under this section is available in an electronic format, the legislative services agency may establish policies providing for the substitution of an electronic version for the printed version of the publication, and for the amount of payment, if any, required for the electronic publication. The payment amount shall not be more than established pursuant to section 2A.5 for the same publication. For the Iowa administrative code and its supplements, the legislative services agency may provide that the distribution requirement of this section is met by distributing relevant portions of the Iowa administrative code or its supplements in either a printed or electronic format.~~

~~4. 2. Notwithstanding any provision of this section to the contrary, the The legislative services agency may review the publication costs and offsetting sales revenues relating to legal publications in electronic and printed formats, and may. If a legal publication is available in an electronic version, the legislative services agency may provide the version free of charge or may charge a fee for any mailing or handling costs in the distribution of the electronic version or may charge a fee for an electronic version which includes programming not originally part of the stored information, including but not limited to search and retrieval functions. The legislative services agency shall establish policies requiring payment for any printed versions of the official legal publications from persons otherwise entitled to receive them at no cost or at a price covering distribution costs to whom the legislative services agency is obligated to make the legal publications available pursuant to subsection 1. The payment amount shall not be more than established pursuant to section 2A.5 for the same publication.~~

Sec. 32. Section 2B.5, subsections 1 and 2, Code 2009, are amended by striking the subsections and inserting in lieu thereof the following:

1. Publish the Iowa administrative bulletin and the Iowa administrative code as provided in section 2B.5A.

2. Publish the Iowa court rules as provided in section 2B.5B.

Sec. 33. Section 2B.5, subsection 3, Code 2009, is amended to read as follows:

~~3. Cause to be published annually a~~ Publish annually an electronic or printed edition of the roster of state officials. The roster of state officials shall include a correct list of state officers and deputies; members of boards and commissions; justices of the supreme court, judges of the court of appeals, and judges of the district courts including district associate judges and judicial magistrates; and members of the general assembly. The office of the governor shall cooperate in the preparation of the list.

Sec. 34. **NEW SECTION. 2B.5A Iowa administrative bulletin and Iowa administrative code.**

1. The legislative services agency shall control and maintain in a secure electronic repository custodial information used to produce the Iowa administrative bulletin and the Iowa administrative code.

2. In consultation with the administrative rules coordinator, the administrative code editor shall prescribe a uniform style and form required for a person filing a document for publication in the Iowa administrative bulletin or the Iowa administrative code, including but not limited to a rulemaking document. A rulemaking document includes a notice of intended action as provided in section 17A.4 or an adopted rule for filing as provided in section 17A.5. The rulemaking document shall correlate each rule to the uniform numbering system established by the administrative code editor. The administrative code editor shall provide for electronic publication of the Iowa administrative bulletin and the Iowa administrative code. The administrative code editor shall review all submitted documents for style and form and notify the administrative rules coordinator if a rulemaking document is not in proper style or form, and may return or revise a document which is not in proper style and form. The style and form prescribed shall require that a rulemaking document include a reference to the statute which the rules are intended to implement.

3. *a.* The administrative code editor may omit from the Iowa administrative bulletin or the Iowa administrative code any document for publication in the Iowa administrative bulletin or the Iowa administrative code, if the administrative code editor determines that its publication would be unduly cumbersome, expensive, or otherwise inexpedient. The person filing the document for publication shall provide the administrative code editor with an electronic version of the document. The administrative code editor shall publish the document on the general assembly's internet site, and publish a notice in the Iowa administrative bulletin or the Iowa administrative code stating the specific subject matter of the omitted document and how the omitted document may be accessed.

b. The administrative code editor shall omit or cause to be omitted from the Iowa administrative code any rule or portion of a rule nullified by the general assembly pursuant to Article III, section 40, of the Constitution of the State of Iowa.

4. The administrative code editor who receives a publication from an agency because the publication is referenced in the Iowa administrative bulletin or Iowa administrative code shall make the publication available to the public pursuant to section 17A.6.

5. The administrative code editor shall publish the Iowa administrative bulletin in accordance with section 2.42 at least every other week, unless the administrative code editor and the administrative rules review committee determine that an alternative publication schedule is preferable. The administrative code editor shall provide for the arrangement of the contents of the Iowa administrative bulletin.

a. The Iowa administrative bulletin shall contain all of the following:

(1) Rulemaking documents, including notices of intended action as provided in section 17A.4, and rules adopted and effective immediately upon filing and rules adopted and filed as provided in section 17A.5.

(2) Resolutions nullifying administrative rules passed by the general assembly pursuant to Article III, section 40 of the Constitution of the State of Iowa.

(3) All proclamations and executive orders of the governor which are general and permanent in nature.

(4) Other materials deemed fitting and proper by the administrative rules review committee.

(5) Items required to be published by statute.

(6) A comprehensive method to search and identify its contents. An electronic version may include search and retrieval programming and index.

b. The Iowa administrative bulletin may contain all of the following:

(1) A preface.

(2) A rulemaking schedule.

(3) The agenda for the next meeting of the administrative rules review committee as provided in section 17A.8, if available.

(4) A schedule of known public hearings.

(5) A list of agencies referenced by agency identification number.

6. The administrative code editor shall publish the Iowa administrative code in accordance with section 2.42 at least every other week, unless the administrative code editor and the administrative rules review committee determine that an alternative publication schedule is preferable. However, the legislative services agency may publish supplements in lieu of the

Iowa administrative code. The administrative code editor shall provide for the arrangement of the Iowa administrative code.

a. The Iowa administrative code shall include all of the following:

(1) Rules of general application adopted and filed with the administrative code editor by state agencies. However, the administrative code editor may delete a rule from the Iowa administrative code if the agency that adopted the rule has ceased to exist, no successor agency has jurisdiction over the rule, and no statutory authority exists supporting the rule.

(2) A comprehensive method to search and identify its contents, including rules.

(a) An electronic version may include search and retrieval programming and index.

(b) A print edition may include an index.

b. The Iowa administrative code may include all of the following:

(1) A preface.

(2) Uniform rules on agency procedure.

Sec. 35. NEW SECTION. 2B.5B Iowa court rules.

1. The legislative services agency shall control and maintain in a secure electronic repository custodial information used to produce the Iowa court rules.

2. The administrative code editor, upon direction by the Iowa supreme court and in accordance with the policies of the legislative council pursuant to section 2.42 and the legislative services agency pursuant to section 2A.1, shall prescribe a uniform style and form required for filing a document for publication in the Iowa court rules. The document shall correlate each rule to the uniform numbering system. The administrative code editor shall provide for electronic publication of the Iowa court rules. The administrative code editor shall review all submitted documents for style and form and notify the Iowa supreme court if a rulemaking document is not in proper style or form, and may return or revise a document which is not in proper style and form.

3. a. The administrative code editor shall publish the Iowa court rules in accordance with section 2.42. However, the legislative services agency may publish supplements in lieu of the Iowa court rules. The administrative code editor shall provide for arrangement of the Iowa court rules in consultation with the Iowa supreme court.

b. The Iowa court rules shall include all of the following:

(1) Rules prescribed by the supreme court, which may include the Iowa rules of civil procedure, the Iowa rules of criminal procedure, the Iowa rules of evidence, the Iowa rules of appellate procedure, the Iowa rules of professional conduct, and the Iowa code of judicial conduct.

(2) A comprehensive method to search and identify its contents, including court rules.

(a) An electronic version may include search and retrieval programming and index.

(b) A print version shall include an index.

c. The Iowa court rules may include all of the following:

(1) A preface.

(2) Tables, including tables of corresponding rule numbers.

Sec. 36. Section 2B.6, subsections 2 and 3, Code 2009, are amended by striking the subsections and inserting in lieu thereof the following:

2. Provide for the publication of all of the following:

a. The Iowa Acts as provided in section 2B.10.

b. The Iowa Code or Code Supplement, as provided in section 2B.12.

Sec. 37. Section 2B.10, Code 2009, is amended to read as follows:

2B.10 Iowa Acts.

1. The legislative services agency shall control and maintain in a secure electronic repository custodial information used to produce the Iowa Acts.

2. The legislative services agency shall publish the annual edition of the Iowa Acts as soon as possible after the final adjournment of a regular session of the general assembly. The legislative services agency may also publish an updated edition of the Iowa Acts or a supplement to the Iowa Acts after a special session of the general assembly.

~~1. 3. a. The arrangement of the Acts and resolutions, and the size, style, type, binding, general arrangement, and tables of the Iowa Acts, appearance, and contents of the Iowa Acts shall be printed and published in the manner determined by the Iowa Code editor in accordance with the policies set by the of the legislative council and legislative services agency as provided in section 2.42.~~

~~2. b. Chapters of The bills and joint resolutions of the Iowa Acts may be arranged by chapter, numbered from one for the first regular session shall be numbered from one and chapters of the second regular session shall be and numbered from one thousand one for the second regular session.~~

~~4. The Iowa Acts shall include all of the following:~~

~~a. A preface.~~

~~b. A table of contents.~~

~~3. c. A list of elective state officers and deputies, supreme court justices, judges of the court of appeals, and members of the general assembly shall be published annually with the Iowa Acts, and members of Iowa's congressional delegation.~~

~~4. d. A statement of the condition of the state treasury shall be included, as provided by Article III, section 18, of the Constitution of the State of Iowa. The statement shall be furnished to the legislative services agency by the director of the department of administrative services.~~

~~e. An analysis of its chapters.~~

~~f. The text of bills that have been enacted and joint resolutions that have been enacted or passed by the general assembly, including text indicating items disapproved in appropriation bills.~~

~~g. Messages transmitted by the governor disapproving items in appropriation bills.~~

~~h. A notation of the filing of an estimate of a state mandate prepared by the legislative services agency pursuant to section 25B.5.~~

~~i. Tables including any analysis of tables.~~

~~j. A comprehensive method to search and identify its contents, including the text of bills that have been enacted and joint resolutions that have been enacted or passed by the general assembly.~~

~~(1) An electronic version may include search and retrieval programming and an index and a summary index.~~

~~(2) A print version may include an index and a summary index.~~

~~k. Other reference material as determined by the Iowa Code editor in accordance with any policies of the legislative council.~~

~~5. The enrolling clerks of the house and senate shall arrange for the Iowa Code editor to receive suitable copies of all Acts and resolutions as soon as they are enrolled.~~

~~6. A notation of the filing of an estimate of a state mandate prepared by the legislative services agency pursuant to section 25B.5 shall be included in the Iowa Acts with the text of an enacted bill or joint resolution containing the state mandate.~~

Sec. 38. Section 2B.12, subsections 1 and 2, Code 2009, are amended to read as follows:

1. The legislative services agency shall control and maintain in a secure electronic repository custodial information used to publish the Iowa Code.

1. 2. A new Iowa Code shall be issued The legislative services agency shall publish an annual edition of the Iowa Code as soon as possible after the final adjournment of the second a regular session of the a general assembly. A However, the legislative services agency may publish a new Code Supplement shall be issued in lieu of the Iowa Code as soon as possible after the first final adjournment of a regular session of the a general assembly. A The legislative services agency may publish a new edition of the Iowa Code or Code Supplement may be issued as soon as possible after the final adjournment of a special session of the general assembly or as required by the legislative council.

2. The entire Iowa Code shall be maintained on a computer database which shall be updated as soon as possible after each session of the general assembly. The Iowa Code and Code Supplement shall be prepared and printed on a good quality of paper in one or more volumes, in the manner determined by the Iowa Code editor in accordance with the policies of the legislative council, as provided in section 2.42.

Sec. 39. Section 2B.12, subsection 5, Code 2009, is amended by striking the subsection.

Sec. 40. Section 2B.12, subsection 6, unnumbered paragraph 1, Code 2009, is amended to read as follows:

The Iowa Code ~~published after the second regular session of the general assembly~~ shall include all of the following:

Sec. 41. Section 2B.12, subsection 6, paragraph a, Code 2009, is amended by striking the paragraph.

Sec. 42. Section 2B.12, subsection 6, paragraph h, Code 2009, is amended by striking the paragraph and inserting in lieu thereof the following:

h. The arrangement of the Code into distinct units, as established by the legislative services agency, which may include titles, subunits of titles, chapters, subunits of chapters, and sections, and subunits of sections. The distinct units shall be numbered and may include names.

Sec. 43. Section 2B.12, subsection 6, paragraph j, Code 2009, is amended to read as follows:

j. A comprehensive index and a summary index covering method to search and identify its contents, including the text of the Constitution and statutes of the State of Iowa.

(1) An electronic version may include search and retrieval programming, analysis of titles and chapters, and an index and a summary index.

(2) A print version shall include an analysis of titles and chapters, and an index and a summary index.

Sec. 44. Section 2B.12, Code 2009, is amended by adding the following new subsection: NEW SUBSECTION. 6A. The Iowa Code may include all of the following:

a. A preface.

b. A description of citations to statutes.

c. Abbreviations to other publications which may be referred to in the Iowa Code.

d. Appropriate historical references or source notes.

e. An analysis of the Code by titles and chapters.

f. Other reference materials as determined by the Iowa Code editor in accordance with any policies of the legislative council.

Sec. 45. Section 2B.12, subsections 7 and 8, Code 2009, are amended to read as follows:

7. ~~The A Code Supplement published after the first regular session of the general assembly~~ shall include all of the following:

~~*a.* All of the The text of statutes of Iowa of a general and permanent nature which that were enacted or amended during that the preceding regular or special session, except as provided in subsection 3, and; an indication of all sections repealed during that session; and any amendments to the Constitution of the State of Iowa approved by the voters at the preceding general election since the adjournment of the previous regular session of the general assembly.~~

b. A chapter title and number for each chapter or part of a chapter included.

c. ~~An index covering the material included~~ A comprehensive method to search and identify its contents, including the text of statutes and the Constitution of the State of Iowa.

(1) An electronic version may include search and retrieval programming and an index and a summary index.

(2) A print version may include an index and a summary index.

8. A ~~The Iowa Code or Code Supplement~~ may include appropriate tables showing the disposition of Acts of the general assembly, the corresponding sections from edition to edition of a an Iowa Code or Code Supplement, and other reference material as determined by the Iowa Code editor in accordance with policies of the legislative council.

Sec. 46. Section 2B.13, subsection 1, unnumbered paragraph 1, Code 2009, is amended to read as follows:

The Iowa Code editor in preparing the copy for an edition of the Iowa Code or Iowa Code Supplement shall not alter the sense, meaning, or effect of any Act of the general assembly, but may:

Sec. 47. Section 2B.13, subsection 2, paragraph f, Code 2009, is amended to read as follows:

f. Perform any other editorial tasks required or authorized by section ~~17A.6~~ 2B.5A.

Sec. 48. Section 2B.13, subsections 3, 4, 5, and 7, Code 2009, are amended to read as follows:

3. a. The Iowa Code editor may, in preparing the copy for an edition of the Iowa Code or Iowa Code Supplement, establish standards for and change capitalization, spelling, and punctuation in any Code provision for purposes of uniformity and consistency in Code language.

b. The administrative code editor may establish standards for capitalization, spelling, and punctuation for purposes of uniformity and consistency in the Iowa administrative code.

4. a. The Iowa Code editor shall seek direction from the senate committee on judiciary and the house committee on judiciary when making Iowa Code or Iowa Code Supplement changes, ~~and the~~.

b. The administrative code editor shall seek direction from the administrative rules review committee and the administrative rules coordinator when making Iowa administrative code changes, which appear to require substantial editing and which might otherwise be interpreted to exceed the scope of the authority granted in this section.

5. The Iowa Code editor may prepare and publish comments deemed necessary for a proper explanation of the manner of printing a section or chapter of the Iowa Code or Code Supplement. The Iowa Code editor shall maintain a record of all of the corrections made under subsection 1. The Iowa Code editor shall also maintain a separate record of the changes made under subsection 1, paragraphs "b" through "h". The records shall be available to the public.

7. a. ~~The effective date of all editorial changes in an edition of the Iowa Code or Iowa Code Supplement is the date of the Iowa Code editor's approval of the final press proofs for the statutory text contained within that publication. The effective date of all editorial changes for the or an edition of the Iowa administrative code is the its publication date those changes are published in the Iowa administrative code. A publication date is the date the publication is conclusively presumed to be complete, incorporating all revisions or editorial changes.~~

b. The publication date for the publications are as follows:

(1) For the Iowa Code or Code Supplement, the publication date is the first day of the next regular session of the general assembly convened pursuant to Article III, section 2, of the Constitution of the State of Iowa. However, the legislative services agency may establish an alternative publication date, which may be the date that the publication is first available to the public accessing the general assembly's internet site. The legislative services agency shall provide notice of such an alternative publication date on the general assembly's internet site.

(2) The publication date for the Iowa administrative code is the date that it is first available to the public accessing the general assembly's internet site according to a publication schedule provided in section 2B.5A.

c. A publication designated by the legislative services agency as unofficial shall not be used to establish a publication date.

Sec. 49. Section 2B.17, Code 2009, is amended by striking the section and inserting in lieu thereof the following:

2B.17 Official legal publications — citations.

1. An official legal publication designated as such by the legislative services agency as provided in sections 2.42 and 2A.1, is the official and authoritative version of the statutes, administrative rules, or court rules of the state of Iowa.

2. a. The codified version of the state's constitution shall be known as the Constitution of the State of Iowa.

b. For statutes, the official versions of publications shall be known as the Iowa Acts, the Iowa Code, and the Code Supplement.

c. For administrative rules, the official versions of the publications shall be known as the Iowa Administrative Bulletin and the Iowa Administrative Code.

d. For court rules, the official version of the publication shall be known as the Iowa Court Rules.

3. The legislative services agency may adopt a style manual providing a uniform system of citing the codified Constitution of the State of Iowa and the official versions of publications listed in subsection 2, including by reference to commonly accepted legal sources. The legislative services agency style manual may provide for a different form of citation for electronic and printed versions of the same publication. Nothing in this section affects rules for style and format adopted pursuant to section 2.42.

4. The codified Constitution of the State of Iowa, and statutes enacted and joint resolutions enacted or passed by the general assembly shall be cited as follows:

a. The codified Constitution of the State of Iowa shall be cited as the Constitution of the State of Iowa, with a reference identifying the preamble or boundaries, or article, section, and subunit of a section. Subject to the legislative services agency style manual, the Constitution of the State of Iowa may be cited as the Iowa Constitution.

b. The Iowa Acts shall be cited as the Iowa Acts with a reference identifying the year of the publication in conformance with section 2.2, and the chapter of a bill enacted or joint resolution enacted or passed during a regular session, or in the alternative the bill or joint resolution chamber designation, and the section of the chapter or bill or subunit of a section. A bill or joint resolution enacted or passed during a special session shall be cited by the extraordinary session designation in conformance with section 2.2. If the Iowa Acts have not been published, a bill or joint resolution may be cited by its bill or joint resolution chamber designation.

c. The Iowa Code shall be cited as the Iowa Code. The Code Supplement shall be cited as the Code Supplement. Subject to the legislative services agency style manual, the Iowa Code may be cited as the Code of Iowa or Code and the Code Supplement may be cited as the Iowa Code Supplement, with references identifying parts of the publication, including but not limited to title or chapter, section, or subunit of a section. If the citation refers to a past edition of the Iowa Code or Code Supplement, the citation shall identify the year of publication.

5. Administrative rules shall be cited as follows:

a. The Iowa Administrative Bulletin shall be cited as the IAB, with references identifying the volume number which may be based on a fiscal year cycle, the issue number, and the ARC number assigned to the rulemaking document by the administrative rules coordinator pursuant to section 17A.4. Subject to the legislative services agency style manual, the citation may also include the publication's page number.

b. The Iowa Administrative Code shall be cited as the IAC, with references to an agency's identification number placed at the beginning of the citation and with references to parts of the publication, including but not limited to chapter, rule, or subunit of a rule.

6. The Iowa Court Rules shall be cited as the Iowa Court Rules, with references to the rule number and to subunits of the publication, which may include but are not limited to the Iowa Rules of Civil Procedure, the Iowa Rules of Criminal Procedure, the Iowa Rules of Evidence, the Iowa Rules of Appellate Procedure, the Iowa Rules of Professional Conduct, and the Iowa Code of Judicial Conduct. Subject to the legislative services agency style manual, the names of the rules may be abbreviated.

Sec. 50. NEW SECTION. 2B.18 Iowa Code editor and administrative code editor — custody and authentication.

1. The Iowa Code editor is the custodian of the official legal publications known as the Iowa Acts, Iowa Code, and Code Supplement. The Iowa Code editor may attest to and authenticate any portion of such official legal publication for purposes of admitting a portion of the official legal publication in any court or office of any state, territory, or possession of the United States or in a foreign jurisdiction.

2. The administrative code editor is the custodian of the official legal publications known as the Iowa administrative bulletin, the Iowa administrative code, and the Iowa court rules.

The administrative code editor may attest to and authenticate any portion of such official legal publication for purposes of admitting a portion of the official legal publication in any court or office of any state, territory, or possession of the United States or in a foreign jurisdiction.

Sec. 51. Section 7.17, subsection 2, Code 2009, is amended by striking the subsection.

Sec. 52. Section 17A.4, subsection 1, paragraph a, Code 2009, is amended to read as follows:

a. Give notice of its intended action by submitting the notice to the administrative rules coordinator and the administrative code editor. The administrative rules coordinator shall assign an ARC number to each rulemaking document. The administrative code editor shall publish each notice meeting the requirements of this chapter in the Iowa administrative bulletin created pursuant to section ~~17A.6~~ 2B.5A. The agency shall also submit a copy of the notice to the chairpersons and ranking members of the appropriate standing committees of the general assembly for additional study. Any notice of intended action shall be published at least thirty-five days in advance of the action. The notice shall include a statement of either the terms or substance of the intended action or a description of the subjects and issues involved, and the time when, the place where, and the manner in which interested persons may present their views.

Sec. 53. Section 17A.6, Code 2009, is amended by striking the section and inserting in lieu thereof the following:

17A.6 Publications.

1. The administrative code editor shall publish the Iowa administrative bulletin and the Iowa administrative code as provided in section 2B.5A.

2. An agency which adopts standards by reference to another publication shall deliver an electronic copy of the publication, or the relevant part of the publication, containing the standards to the administrative code editor who shall publish it on the general assembly's internet site. If an electronic copy of the publication is not available, the agency shall deliver a printed copy of the publication to the administrative code editor who shall deposit the copy in the state law library where it shall be made available for inspection and reference.

Sec. 54. Section 89.5, subsection 3, unnumbered paragraph 1, Code 2009, is amended to read as follows:

A rule adopted pursuant to this chapter which adopts standards by reference to another publication shall be exempt from the requirements of section ~~17A.6~~ 2B.5A, subsection 4, if the following conditions exist:

Sec. 55. Section 89A.3, subsection 5, unnumbered paragraph 1, Code Supplement 2009, is amended to read as follows:

A rule adopted pursuant to this section which adopts standards by reference to another publication shall be exempt from the requirements of section ~~17A.6~~ 2B.5A, subsection 4, if the following conditions exist:

Sec. 56. Section 256.53, Code 2009, is amended to read as follows:

256.53 State publications.

Upon issuance of a state publication in any format, a state agency shall ~~deposit with~~ provide the division with an electronic version of the publication at no cost to the division, ~~seventy-five copies of the publication or a lesser number if specified by the division, except as provided in section 2A.6.~~

Sec. 57. Section 267.6, Code 2009, is amended to read as follows:

267.6 Iowa administrative procedure Act.

The provisions of chapter 17A shall not apply to the council or any actions taken by it, except that any recommendations adopted by the council pursuant to section 267.5, subsection 3, and any rules adopted by the council shall be adopted, amended, or repealed only after compliance with the provisions of sections 17A.4, and 17A.5, and ~~17A.6~~ the publication requirements in section 2B.5A.

Sec. 58. APPLICABILITY. The amendment to section 17A.4 in this division of this Act, establishing requirements for an agency to submit copies of rule notices to the chairpersons and ranking members of the appropriate standing committees, is applicable beginning January 11, 2011.

DIVISION IV
STATE BUDGETING AND PERSONNEL

Sec. 59. Section 8.36A, subsection 2, Code 2009, is amended to read as follows:

2. a. If a department or establishment has reached or anticipates reaching the full-time equivalent position level authorized for the department but determines that conversion of a contract position to a full-time equivalent position would result in cost savings while providing comparable or better services, the department or establishment may request the director of the department of management to approve the conversion and addition of the full-time equivalent position. The request shall be accompanied by evidence demonstrating how the cost savings and service quality will be achieved through the conversion. If approved by the director of the department of management, the department's or establishment's authorized full-time equivalent position level shall be increased accordingly and the revised level shall be reported to the fiscal committee of the legislative council and the legislative services agency.

b. A department or establishment shall not convert a full-time equivalent position authorized for the department or establishment to a contract position and shall not use appropriated moneys for such a contract position unless the department or establishment receives approval from the director of the department of management to convert the full-time equivalent position to a contract position. The director of the department of management shall not approve the conversion unless the department or establishment submits sufficient evidence that the conversion would result in cost savings while providing comparable or better services.

Sec. 60. Section 8.62, subsection 2, Code Supplement 2009, is amended to read as follows:

2. Notwithstanding the provisions of section 8.33 or any other provision of law to the contrary, if on June 30 of a fiscal year, a balance of an operational appropriation remains unexpended or unencumbered, not more than fifty percent of the balance may be encumbered by the agency to which the appropriation was made and used as provided in this section and the remaining balance shall be deposited in the cash reserve fund created in section 8.56. Moneys encumbered under this section shall only be used by the agency during the succeeding fiscal year for internet-based employee training, technology enhancement, or purchases of goods and services from Iowa prison industries. Unused moneys encumbered under this section shall be deposited in the cash reserve fund on June 30 of the succeeding fiscal year.

Sec. 61. Section 8A.413, Code Supplement 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 24. For the development and operation of programs to promote job sharing, telecommuting, and flex-time opportunities for employment within the executive branch.

Sec. 62. COMMUNITY-BASED CORRECTIONS — STATE ACCOUNTING SYSTEM. Each judicial district department of correctional services shall utilize the state accounting system for purposes of tracking both appropriations and expenditures. Each judicial district department shall coordinate its accounting activities with the department of management for purposes of implementing the requirements of this section.¹

Sec. 63. STATE AGENCY EFFICIENCY EFFORTS.

1. LEAN EFFORTS. State agencies shall budget for and plan to conduct lean events as described in section 8.70. Each state agency shall coordinate its activities with the office of lean enterprise created in section 8.70 in developing plans to conduct lean events.

¹ See chapter 1190, §21 herein

2. SHARED RESOURCES. State agencies are encouraged to share resources and services, including staff, training, and educational services, to the greatest extent possible in order to best fulfill the duties of each agency at the least cost.

Sec. 64. CONTRACT SERVICES — TRAINING.

1. Each department, as defined in section 8.2, shall separately track the budget and actual expenditures for contract services and for employee training for each appropriation line item.

2. The terms of the contracts for contracted services entered into or revised during the fiscal year shall incorporate quality assurance and cost control measures.

3. The employee training tracking information shall be further divided into training categories. Each department's report on training tracking shall specifically address the use of electronically based training.

4. Each department shall report to the legislative services agency on January 15 and July 15 of each year concerning the budget, expenditure, quality assurance, and cost control information addressed by this section for the previous six calendar months.

Sec. 65. FULL-TIME EQUIVALENT POSITIONS — VACANCIES — FUNDING. For the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following shall apply:

1. If a full-time equivalent position authorized for a department or establishment remains vacant for a period of at least six months, the department's or establishment's authorized full-time equivalent position level shall be decreased accordingly. However, the department or establishment may request the director of the department of management to reauthorize the full-time equivalent position if the department or establishment can establish that the position is difficult to fill and is critical for fulfilling the duties of the department or establishment.

2. Moneys appropriated to a department or establishment and designated by the department or establishment in the department's or establishment's adopted budget in the state accounting system for full-time equivalent positions shall only be used for full-time equivalent positions and shall not be used for other purposes.

Sec. 66. JOINT APPROPRIATIONS SUBCOMMITTEES — REVIEW OF AGENCY FEES. Each joint appropriations subcommittee of the general assembly shall examine and review on an annual basis the fees charged by state agencies under the purview of that joint appropriations subcommittee.

DIVISION V
SPAN OF CONTROL

Sec. 67. Section 8A.402, subsection 2, paragraph g, Code Supplement 2009, is amended to read as follows:

g. (1) (a) Consult with the department of management and discuss and collaborate with executive branch agencies to implement and maintain a policy for incrementally increasing the aggregate ratio in the number of employees per supervisor supervisory employee in executive branch agencies to be fourteen employees for one supervisor. For purposes of determining the effects of the policy on the state employee workforce, the base date of July 1, 2008, shall be used and the target date for full implementation shall be July 1, 2011. The target aggregate ratio of supervisory employees to other employees shall be as follows:

(i) For the fiscal year beginning July 1, 2010, one to fourteen.

(ii) For the fiscal year beginning July 1, 2011, one to fifteen.

(b) For the purposes of this paragraph "g", "supervisory employee" means a public employee who is not a member of a collective bargaining unit and who has authority, in the interest of a public employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other public employees, to direct such public employees, or to adjust the grievances of such public employees, or to effectively recommend any such action.

(c) In this paragraph "g", executive branch agencies, except the department of public safety, shall not grant a supervisory employee with the right to replace or bump a junior employee not being laid off for a position for which the supervisory employee is qualified.

(d) The policy shall allow appropriation units with twenty-eight or fewer full-time equivalent employee positions to apply for an exception to the policy through the executive

council. The policy shall allow for exceptions when the supervisory employee ratio is mandated by a federal requirement.

(e) (i) Beginning July 1, 2011, the policy shall allow a director of an executive branch agency who believes that the agency will not be able to reach the applicable target aggregate ratio to apply for a waiver of that requirement through a five-person review board. In applying for a waiver, the director shall provide detailed documentation to the board describing the efforts that the executive branch agency has made in attempting to meet the applicable target aggregate ratio provided in this paragraph "g". The review board shall consist of the director of the department of management or a designee of the director, three agency directors or the designees of those directors as designated by the governor, and one public member selected by the employee organization representing the greatest number of executive branch employees. However, if a department represented on the review board seeks a waiver, the member representing the department shall not participate in the decision on whether to grant a waiver for that department.

(ii) Prior to determining whether to grant a waiver, the review board shall make an initial determination of whether the executive branch agency has provided sufficient information to conduct a review. If not, the review board shall deny the request and notify the executive branch agency of the information needed to consider the request for waiver. If a waiver is granted, the review board shall limit the waiver to only those operations within an executive branch agency in which adequate justification for granting a waiver has been established.

(f) The policy shall provide that if layoffs are implemented, the number of middle management position layoffs shall correspond to the relative number of direct service position layoffs.

(g) The policy shall improve on the system in effect as of the base date by specifically defining and accounting for supervisory employee span of control.

(h) The policy shall provide that in calculating the span of control ratio for an executive branch agency, unfunded full-time equivalent positions shall not be utilized.

(e) (i) The department shall present an interim report to the governor and general assembly on or before April 1, 2010, annual updates on or before April 1 subsequently, and a final report on or before April 1, 2011 2012, detailing the effects of the policy on the composition of the workforce, cost savings, government efficiency, and outcomes.

(d) (j) The policy developed pursuant to this paragraph "g" shall not encompass employees under the state board of regents, the department of human services, or a judicial district department of correctional services. However, the department of administrative services shall work with the state board of regents, the department of human services, and the judicial district departments of correctional services to advance the policy as a goal for the supervisory staff of these units of state government.

(2) Evaluate the state's systems for job classification of executive branch employees in order to ensure the existence of technical skill-based career paths for such employees which do not depend upon an employee gaining supervisory responsibility for advancement, and which provide incentives for such employees to broaden their knowledge and skill base. The evaluation shall include but is not limited to a review of the classifications for all positions and providing options for eliminating obsolete, duplicative, or unnecessary job classifications. The department shall present interim reports to the general assembly on or before January 15, 2010, and January 14, 2011, concerning the department's progress in completing the evaluation and associated outcomes.

Sec. 68. NEW SECTION. 262.9C Span of control policy.

1. The state board of regents shall develop and maintain a policy regarding the aggregate ratio of the number of employees per supervisory employee at each of the institutions under the control of the board subject to the requirements of this section.

2. The target span of control aggregate ratio of supervisory employees to other employees shall be one to fifteen. The target span of control ratio shall not apply to employees involved with direct patient care, faculty, and employees in other areas of the institutions that must maintain different span of control ratios due to federal or state regulations.

3. For the purposes of this section, "supervisory employee" means a public employee who is not a member of a collective bargaining unit and who has authority, in the interest of a public

employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other public employees, to direct such public employees, or to adjust the grievances of such public employees, or to effectively recommend any such action.

4. The policy shall allow departments within an institution under the control of the state board of regents with twenty-eight or fewer full-time equivalent employee positions to be granted an exception to the policy by the board. Departments applying for an exception shall file a statement of need with the applicable institutional human resources office and the office shall make a recommendation to the state board of regents.

5. The state board of regents shall present an interim report to the governor and general assembly on or before April 1, 2010, with annual updates detailing the effects of the policy on the composition of the workforce, cost savings, efficiencies, and outcomes. In addition, the report and annual updates shall identify those departments within each institution under the control of the board granted an exception by the board to the policy as provided in this section.

Sec. 69. **EFFECTIVE UPON ENACTMENT.** This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION VI
BOARD OF REGENTS — COOPERATIVE
PURCHASING

Sec. 70. **NEW SECTION. 262.9B Cooperative purchasing.**

1. *Overview.* The state board of regents for institutions under its control shall coordinate interagency cooperation with state agencies, as defined in section 8A.101, in the area of purchasing and information technology with the goal of annually increasing the amount of joint purchasing. The board and the institutions under the control of the board shall engage the department of administrative services, the chief information officer of the state, and other state agencies authorized to purchase goods and services in pursuing mutually beneficial activities relating to purchasing items and acquiring information technology. The board and the institutions shall explore ways to leverage resources, identify cost savings, implement efficiencies, and improve effectiveness without compromising the mission of the board and the institutions under the control of the board relative to students and research commitments.

2. *Purchasing.*

a. The board shall direct the institutions under its control to cooperate with the department of administrative services and other state agencies authorized to purchase goods and services in efforts to collaboratively purchase goods and services that result in mutual cost savings and efficiency improvements.

b. The board and the institutions under its control shall assist the department of administrative services by doing the following:

(1) Identifying best practices that produce cost savings and improve state government processes.

(2) Exploring joint purchases of general use items that result in mutual procurement of quality goods and services at the lowest reasonable cost.

(3) Exploring flexibility, administrative relief, and transformational changes through procurement technology.

c. The board shall convene at least quarterly an interagency purchasing group meeting including the institutions under its control, the department of administrative services, the department of transportation, and any other state agency authorized to purchase goods and services, for the purposes of timely cooperation in purchasing goods and services and for the identification of practical measures that improve state agency performance of programs and operations, reduce total costs of state government operations, increase productivity, improve services and make state government more responsive and accountable to the public.

3. *Information technology.*

a. The board shall direct institutions under its control to cooperate with the chief information officer of the state in efforts to cooperatively obtain information technology and related services that result in mutual cost savings and efficiency improvements, and shall

seek input from the department of administrative services and the chief information officer of the state regarding specific areas of potential cooperation between the institutions under the control of the board and the department of administrative services.

b. The board shall convene at least quarterly an interagency information technology group meeting including the institutions under its control, the state chief information officer and any other agency authorized to purchase goods and services, for purposes of timely cooperation in obtaining information technology and related services.

4. *Cooperative purchasing plan.* The board shall, before July 1 of each year, prepare a plan that identifies specific areas of cooperation between the institutions under its control, the department of administrative services, and the chief information officer of the state, that will be addressed for the next fiscal year including timelines for implementing, analyzing, and evaluating each of the areas of cooperation. The plan shall also identify the potential for greater interinstitutional cooperation in areas that would result in a net cost savings.

5. *Report.* The board shall, on or before November 1, submit a report to the general assembly and the governor providing information on the cooperative purchasing plan prepared for that fiscal year by the board and on the results of the quarterly interagency meetings, including the specific cost savings or efficiency gains that have resulted from utilization of cooperative efforts and the implementation of identified best practices.

DIVISION VII DEPARTMENT OF ADMINISTRATIVE SERVICES — PURCHASING

Sec. 71. Section 8A.302, subsection 1, Code 2009, is amended to read as follows:

1. Providing a system of uniform standards and specifications for purchasing. When the system is developed, all items of general use shall be purchased by state agencies through the department, except items² used by the state ~~department of transportation, board of regents and~~ institutions under the control of the state board of regents. However, the department may authorize the department of transportation, the department for the blind, and any other agencies otherwise exempted by law from centralized purchasing, to directly purchase items used by those agencies without going through the department, if the department of administrative services determines such purchasing is in the best interests of the state. However, items of general use may be purchased through the department by any governmental entity.

Sec. 72. Section 8A.311, subsection 10, paragraph a, Code 2009, is amended to read as follows:

a. The director shall adopt rules providing that any state agency may, upon request and approval by the department, purchase directly from a vendor if the direct purchasing is as ~~economical or~~ more economical than purchasing through the department, ~~or upon a showing if the agency shows that direct purchasing by the state agency would be in the best interests of the state due to an immediate or emergency need.~~ The rules shall include a provision permitting a state agency to purchase directly from a vendor, on the agency's own authority, or if the purchase will not exceed ten thousand dollars and the purchase will contribute to the agency complying with or exceeding the targeted small business procurement goals under sections 73.15 through 73.21.

Sec. 73. **NEW SECTION. 8A.311A Centralized purchasing.**

1. The department may designate goods and services of general use that agencies shall, and governmental subdivisions may, purchase pursuant to a master contract established by the department for that good or service. The department shall establish a master contract subject to the requirements of this section if the department determines that a high-quality good or service can be acquired by agencies and governmental subdivisions at lower cost through the establishment of a master contract.

² See chapter 1190, §22 herein

2. The department shall establish a master contract pursuant to this section on a competitive basis, and the purchase of a good or service pursuant to the contract shall be deemed to satisfy any otherwise applicable competitive bidding requirements.

3. Upon the establishment of a master contract for a good or service pursuant to this section, an agency shall purchase the good or service pursuant to the contract, and shall not expend money to purchase the good or service directly from a vendor and not through the contract, unless any of the following applies:

a. The department determines, upon a request by the agency, that the agency can satisfy the requirements for purchase of the good or service directly from a vendor as provided in section 8A.311, subsection 10, paragraph "a".

b. The agency is purchasing the good or service pursuant to another contract in effect on the effective date of the master contract. However, the agency shall terminate the other contract if the contract permits the termination of the contract without penalty and the agency shall not renew the other contract beyond the current term of the other contract.

Sec. 74. Section 8A.312, Code 2009, is amended to read as follows:

8A.312 Cooperative purchasing.

~~The director may purchase items through the state department of transportation, institutions under the control of the state board of regents, and any other agency specifically exempted by law from centralized purchasing as well as from other interstate and intergovernmental entities. These state agencies shall upon request furnish the director with a list of and specifications for all items of office equipment, furniture, fixtures, motor vehicles, heavy equipment, and other related items to be purchased during the next quarter and the date by which the director must file with the agency the quantity of items to be purchased by the state agency for the department. The department shall collaborate and cooperate with the state board of regents and institutions under the control of the state board of regents, as provided in section 262.9B, and any other state agency exempt from centralized purchasing to explore joint purchases of general use items that present opportunities to obtain quality goods and services at the lowest reasonable cost. The department shall be liable to the state agency for the proportionate costs the items purchased for the department bear to the total purchase price. When items purchased have been delivered, the state agency shall notify the director and after receipt of the purchase price shall release the items to the director or upon the director's order.~~

Sec. 75. Section 307.21, subsection 1, paragraph d, Code Supplement 2009, is amended to read as follows:

~~d. Provide centralized purchasing services for the department, in cooperation with if authorized by the department of administrative services. The administrator shall, when the price is reasonably competitive and the quality as intended, purchase soybean-based inks and plastic products with recycled content, including but not limited to plastic garbage can liners, and shall purchase these items in accordance with the schedule established in section 8A.315. However, the administrator need not purchase garbage can liners in accordance with the schedule if the liners are utilized by a facility approved by the environmental protection commission created under section 455A.6, for purposes of recycling. For purposes of this section, "recycled content" means that the content of the product contains a minimum of thirty percent postconsumer material.~~

Sec. 76. STATE GOVERNMENT PURCHASING EFFORTS — DEPARTMENT OF ADMINISTRATIVE SERVICES. In order to facilitate efficient and cost-effective purchasing, the department of administrative services shall do the following:

1. Require state agencies to provide the department a report regarding planned purchases on an annual basis and to report on an annual basis regarding efforts to standardize products and services within their own agencies and with other state agencies.

2. Require state employees who conduct bids for services to receive training on an annual basis about procurement rules and regulations and procurement best practices.

3. Identify procurement compliance employees within the department.

4. Review the process and basis for establishing departmental fees for purchasing.

5. Establish a work group to collaborate on best practices to implement the best cost savings for the state concerning purchasing.

6. Explore interstate and intergovernmental purchasing opportunities and encourage the legislative and judicial branches to participate in consolidated purchasing and efficiencies wherever possible.

7. Expand the use of procurement cards throughout state government to facilitate purchasing of items by state agencies.

DIVISION VIII
DEPARTMENT OF ADMINISTRATIVE SERVICES — OPERATIONS

Sec. 77. Section 8A.104, Code 2009, is amended by adding the following new subsection:
NEW SUBSECTION. 12A. Examine and develop best practices for the efficient operation of government and encourage state agencies to adopt and implement these practices.

Sec. 78. **NEW SECTION. 8A.459 State employee pay and allowances — electronic funds transfer.**

Effective July 1, 2011, notwithstanding any provision of law to the contrary, all pay and allowances to state employees shall be paid via electronic funds transfer, unless otherwise provided pursuant to a collective bargaining agreement. A state employee may elect to receive pay and allowances as paper warrants in lieu of electronic funds transfers, but the department shall charge an administrative fee for processing such paper warrants. However, the department may, for good cause shown, waive the administrative fee. The fee may be automatically deducted from the state employee's pay and allowances before the warrant is issued to the state employee.

Sec. 79. **DEPARTMENT OF ADMINISTRATIVE SERVICES — STREAMLINED HIRING.** The department of administrative services shall, in consultation with the department of management, examine the process by which state agencies hire personnel with the goal of simplifying and reducing the steps needed for state agencies to hire personnel. The department shall provide information to the general assembly concerning steps taken to implement a more streamlined hiring process and any recommendations for legislative action.

Sec. 80. **DEPARTMENT OF ADMINISTRATIVE SERVICES — REAL ESTATE AND LEASE MANAGEMENT.**

1. **REAL ESTATE AUDIT.** The department of administrative services shall complete an inventory of surplus and unused state properties, including properties owned or under the control of the department of transportation, and recommend which assets could be sold at a premium price. State historic buildings would not be eligible for sale and only those assets identified as being surplus and no longer related to their mission would be eligible for sale.

2. **LEASE AUDIT.** The department of administrative services shall conduct a thorough review of all state office leases and wherever possible, require state agencies to consolidate office spaces that are rented from private sector landlords. In addition, the department should work directly with all state agencies to begin renegotiating office leases to obtain more favorable lease terms.

3. **SALE AND LEASEBACK OF STATE OFFICE BUILDING ASSETS.** The department of administrative services shall explore potential opportunities for state agencies to sell some properties to a private sector owner and then lease them back.

4. **REPORT.** The department shall submit a report to the general assembly by January 1, 2011, concerning the requirements of this section. The report shall, if applicable, identify any statutory barriers for pursuing efforts described in this section and shall include in the report its findings and any recommendations for legislative action.

Sec. 81. **STATE BOARD OF REGENTS — REAL ESTATE AUDIT.** The state board of regents shall complete an inventory of real estate property owned or leased by the state board of regents and institutions under the control of the state board of regents, including information regarding the current and intended use of the property. The board shall submit

a report to the general assembly and governor by January 1, 2011, detailing the real estate property owned or leased by the state board of regents and institutions under the control of the state board of regents.

Sec. 82. DEPARTMENT OF ADMINISTRATIVE SERVICES — SALE OF REAL PROPERTY.

1. During the fiscal year beginning July 1, 2010, and ending June 30, 2011, the department of administrative services, in collaboration with the department of human services and the department of corrections, shall identify and sell real property under the control of the departments that is not necessary to further the mission of the department of human services and the department of corrections and that will maximize the return to the state. Notwithstanding any provision of law to the contrary, moneys received for the sale of property pursuant to this subsection shall be deposited in the general fund of the state.

2. During the fiscal year beginning July 1, 2010, and ending June 30, 2011, the department of administrative services shall, pursuant to the real estate and lease management review conducted by the department as provided in this Act, identify and sell or sell and lease back real property under the control of the department that will maximize the return to the state. Notwithstanding any provision of law to the contrary, moneys received for the sale of property pursuant to this subsection shall be deposited in the general fund of the state.

**DIVISION IX
ALCOHOLIC BEVERAGES
DIVISION — MICRO-DISTILLERIES**

Sec. 83. Section 123.32, subsection 1, Code Supplement 2009, is amended to read as follows:

1. *Filing of application.* An application for a class “A”, class “B”, class “C”, or class “E” liquor control license, for a class “A” micro-distilled spirits permit, for a retail beer permit as provided in sections 123.128 and 123.129, or for a class “B”, class “B” native, or class “C” native retail wine permit as provided in section 123.178, 123.178A, or 123.178B, accompanied by the necessary fee and bond, if required, shall be filed with the appropriate city council if the premises for which the license or permit is sought are located within the corporate limits of a city, or with the board of supervisors if the premises for which the license or permit is sought are located outside the corporate limits of a city. An application for a class “D” liquor control license and for a class “A” beer or class “A” wine permit, accompanied by the necessary fee and bond, if required, shall be filed with the division, which shall proceed in the same manner as in the case of an application approved by local authorities.

Sec. 84. NEW SECTION. 123.43A Micro-distilled spirits — permit.

1. For the purposes of this section, unless the context otherwise³ requires:

a. “*Micro-distillery*” means a business with an operational still which, combining all production facilities of the business, produces and manufactures less than fifty thousand proof gallons of distilled spirits on an annual basis.

b. “*Micro-distilled spirits*” means distilled spirits fermented, distilled, or, for a period of two years, barrel matured on the licensed premises of the micro-distillery where fermented, distilled, or matured. “*Micro-distilled spirits*” also includes blended or mixed spirits comprised solely of spirits fermented, distilled, or, for a period of two years, barrel matured at a micro-distillery.

2. Subject to rules of the division, a micro-distillery holding a class “A” micro-distilled spirits permit pursuant to this section may sell or offer for sale micro-distilled spirits. As provided in this section, sales may be made at retail for off-premises consumption when sold on the premises of the micro-distillery that manufactures micro-distilled spirits. All sales shall be made through the state’s wholesale distribution system.

3. A micro-distillery shall not sell more than one and one-half liters per person per day, of micro-distilled spirits on the premises of the micro-distillery. In addition, a micro-distillery

³ See chapter 1193, §40 herein

shall not directly ship micro-distilled spirits for sale at retail. The micro-distillery shall maintain records of individual purchases of micro-distilled spirits at the micro-distillery for three years.

4. A micro-distillery shall not sell micro-distilled spirits other than as permitted in this chapter and shall not allow micro-distilled spirits sold to be consumed upon the premises of the micro-distillery. However, as a part of a micro-distillery tour, micro-distilled spirits of no more than two ounces per person per day may be sampled on the premises where fermented, distilled, or matured, when no charge is made for the sampling.

5. A class "A" micro-distilled spirits permit for a micro-distillery shall be issued and renewed annually upon payment of a fee of five hundred dollars.

6. The sale of micro-distilled spirits to the division for wholesale disposition and sale by the division shall be subject to the requirements of this chapter regarding such disposition and sale.

7. The division shall issue no more than three permits under this section to a person. In addition, a micro-distillery issued a permit under this section shall file with the division all documents filed by the micro-distillery with the alcohol and tobacco tax and trade bureau of the United States department of the treasury, including all production, storage, and processing reports.

8. Micro-distilled spirits purchased at a micro-distillery shall not be consumed within three hundred feet of a micro-distillery or on any property owned, operated, or controlled by a micro-distillery.

DIVISION X

ALCOHOLIC BEVERAGES DIVISION — CHARITY BEER AND WINE AUCTION PERMIT

Sec. 85. NEW SECTION. **123.173A Charity beer and wine auction permit.**

1. For purposes of this section, "*authorized nonprofit entity*" includes a nonprofit entity which has a principal office in the state, a nonprofit corporation organized under chapter 504, or a foreign corporation as defined in section 504.141, whose income is exempt from federal taxation under section 501(c) of the Internal Revenue Code.

2. An authorized nonprofit entity may, upon application to the division and receipt of a charity beer and wine auction permit from the division, conduct a charity auction which includes beer and wine. The application shall specify the date and time when the charity beer and wine auction is to be conducted and the premises in this state where the charity beer and wine auction is to be physically conducted. The applicant shall certify that the objective of the charity beer and wine auction is to raise funds solely to be used for educational, religious, or charitable purposes and that the entire proceeds from the charity beer and wine auction are to be expended for any of the purposes described in section 423.3, subsection 78.

3. An authorized nonprofit entity shall be eligible to receive only two charity beer and wine auction permits during a calendar year and each charity beer and wine auction permit shall be valid for a period not to exceed thirty-six consecutive hours.

4. The authorized nonprofit entity conducting the charity beer and wine auction shall obtain the beer and wine to be auctioned at the charity beer and wine auction from an Iowa retail beer permittee or an Iowa retail wine permittee, or may receive donations of beer or wine to be auctioned at the charity beer and wine auction from persons who purchased the donated beer or wine from an Iowa retail beer permittee or an Iowa retail wine permittee and who present a receipt documenting the purchase at the time the beer or wine is donated. The authorized nonprofit entity conducting the charity beer and wine auction shall retain a copy of the receipt for a period of one year from the date of the charity beer and wine auction.

5. Persons shall be physically present at the charity beer and wine auction to be eligible to bid on beer and wine sold at the charity auction.

6. The beer and wine sold at the charity beer and wine auction shall be in original containers for consumption off of the premises where the charity beer and wine auction is conducted. No other alcoholic beverage may be sold by the charity beer and wine auction permittee at the charity beer and wine auction. A purchaser of beer or wine at a charity beer and wine auction shall not take possession of the beer or wine until the person is leaving the event. A purchaser of beer or wine at a charity beer and wine auction shall not open

the container or consume or permit the consumption of the beer or wine purchased on the premises where the charity beer and wine auction is conducted. A purchaser of beer or wine at a charity beer and wine auction shall not resell the beer or wine.

7. A liquor control licensee, beer permittee, or wine permittee shall not purchase beer or wine at a charity beer and wine auction. The charity beer and wine auction may be conducted on a premises for which a class "B" liquor control license or class "C" liquor control license has been issued, provided that the liquor control licensee does not participate in the charity beer and wine auction, supply beer or wine to be auctioned at the charity beer and wine auction, or receive any of the proceeds of the charity beer and wine auction.

Sec. 86. Section 123.179, Code 2009, is amended by adding the following new subsection: NEW SUBSECTION. 5. The fee for a charity beer and wine auction permit is one hundred dollars.

DIVISION XI
ALCOHOLIC BEVERAGES DIVISION — HIGH
ALCOHOL BEER

Sec. 87. Section 123.3, subsection 5, Code 2009, is amended to read as follows:

5. "*Alcoholic liquor*" or "*intoxicating liquor*" means the varieties of liquor defined in subsections 3 and 33 which contain more than five percent of alcohol by weight, beverages made as described in subsection 7 which beverages contain more than five percent of alcohol by weight but which are not wine as defined in subsection 37 or high alcoholic content beer as defined in subsection 14A, and every other liquid or solid, patented or not, containing spirits and every beverage obtained by the process described in subsection 37 containing more than seventeen percent alcohol by weight or twenty-one and twenty-five hundredths percent of alcohol by volume, and susceptible of being consumed by a human being, for beverage purposes. Alcohol manufactured in this state for use as fuel pursuant to an experimental distilled spirits plant permit or its equivalent issued by the federal bureau of alcohol, tobacco and firearms is not an "*alcoholic liquor*".

Sec. 88. Section 123.3, Code 2009, is amended by adding the following new subsection: NEW SUBSECTION. 14A. "*High alcoholic content beer*" means beer which contains more than five percent of alcohol by weight, but not more than twelve percent of alcohol by weight, that is made by the fermentation of an infusion in potable water of barley, malt, and hops, with or without unmalted grains or decorticated and degerminated grains.

Sec. 89. Section 123.124, Code 2009, is amended to read as follows:

123.124 Permits — classes.

Permits for the manufacture and sale, or sale of beer shall be divided into ~~four~~ six classes, known as class "A", special class "A", class "AA", special class "AA", class "B", or class "C" permits. A class "A" permit allows the holder to manufacture and sell beer at wholesale. A holder of a special class "A" permit may only manufacture beer to be consumed on the licensed premises for which the person also holds a class "C" liquor control license or class "B" beer permit and to be sold to a class "A" permittee for resale purposes. A class "AA" permit allows the holder to manufacture and sell high alcoholic content beer at wholesale. A holder of a special class "AA" permit may only manufacture high alcoholic content beer to be consumed on the licensed premises for which the person also holds a class "C" liquor control license or class "B" beer permit and to be sold to a class "AA" permittee for resale purposes. A class "B" permit allows the holder to sell beer to consumers at retail for consumption on or off the premises. A class "C" permit allows the holder to sell beer to consumers at retail for consumption off the premises.

Sec. 90. Section 123.125, Code 2009, is amended to read as follows:

123.125 Issuance of permits.

The administrator shall issue class "A", special class "A", class "AA", special class "AA", class "B", and class "C" beer permits and may suspend or revoke permits for cause as provided in this chapter.

Sec. 91. Section 123.127, subsection 1, unnumbered paragraph 1, Code Supplement 2009, is amended to read as follows:

A class "A" or class "AA" permit shall be issued by the administrator to any person who:

Sec. 92. Section 123.127, subsection 2, Code Supplement 2009, is amended to read as follows:

2. An applicant for a special class "A" or special class "AA" permit shall comply with the requirements for a class "A" or class "AA" permit, as applicable, and shall also state on the application that the applicant holds or has applied for a class "C" liquor control license or class "B" beer permit.

Sec. 93. Section 123.130, unnumbered paragraph 1, Code 2009, is amended to read as follows:

Any person holding a class "A" permit issued by the division shall be authorized to manufacture and sell, or sell at wholesale, beer for consumption off the premises, such sales within the state to be made only to persons holding subsisting class "A", "B", or "C" permits, or liquor control licenses issued in accordance with the provisions of this chapter. ~~The holder of a class "A" permit may manufacture beer of more than five percent alcohol by weight for shipment outside this state only. However, a class "A", class "AA", or special class "AA" permit does not grant authority to manufacture wine as defined in section 123.3, subsection 37.~~

Sec. 94. Section 123.134, Code 2009, is amended by adding the following new subsection: NEW SUBSECTION. 1A. The annual permit fee for a class "AA" or special class "AA" permit is five hundred dollars.

Sec. 95. Section 123.135, subsection 1, Code 2009, is amended to read as follows:

1. A manufacturer, brewer, bottler, importer, or vendor of beer or any agent thereof desiring to ship or sell beer, or have beer brought into this state for resale by a class "A" permittee shall first make application for and be issued a brewer's certificate of compliance by the administrator for that purpose. The certificate of compliance expires at the end of one year from the date of issuance and shall be renewed for a like period upon application to the administrator unless otherwise revoked for cause. Each application for a certificate of compliance or renewal of a certificate shall be accompanied by a fee of ~~one~~ five hundred dollars payable to the division. Each holder of a certificate of compliance shall furnish the information in the form the administrator requires. ~~A brewer whose plant is located in Iowa and who otherwise holds a class "A" beer permit to sell beer at wholesale is exempt from the fee, but not from the terms and conditions of the permit. The holder of a special class "A" permit is exempt from the requirements of this section.~~

Sec. 96. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION XII ALCOHOLIC BEVERAGES DIVISION — OPERATIONS

Sec. 97. ALCOHOLIC BEVERAGES DIVISION — STATE WAREHOUSE FRIDAY CLOSURE. For the fiscal period beginning July 1, 2010, and ending June 30, 2015, the administrator of the alcoholic beverages division of the department of commerce as created in chapter 123, shall, pursuant to the authority provided in section 123.21, close the main state warehouse every Friday. However, the administrator may keep the warehouse open on designated Fridays if the administrator determines that anticipated sales on that Friday justify keeping the state warehouse open. The administrator may extend the closure authorized pursuant to this section to the succeeding fiscal year. This section does not repeal any authority previously granted to the division in chapter 123.

Sec. 98. TOBACCO RETAIL COMPLIANCE CHECKS. The terms of a chapter 28D agreement entered into between the division of tobacco use prevention and control of the Iowa department of public health and the alcoholic beverages division of the department of commerce, governing compliance checks conducted to ensure licensed retail tobacco outlet conformity with tobacco laws, regulations, and ordinances relating to persons under eighteen years of age, shall restrict the number of such checks to one check per retail outlet, and one additional check for any retail outlet found to be in violation during the first check, for the fiscal year beginning July 1, 2010, and ending June 30, 2011.

DIVISION XIII
ALCOHOLIC BEVERAGES DIVISION — DIRECT
SHIPMENT OF WINE

Sec. 99. Section 123.173, subsection 1, Code 2009, is amended to read as follows:

1. Permits Except as provided in section 123.187, permits exclusively for the sale or manufacture and sale of wine shall be divided into four classes, and shall be known as class “A”, “B”, “B” native, or “C” native wine permits.

Sec. 100. Section 123.187, Code 2009, is amended by striking the section and inserting in lieu thereof the following:

123.187 Direct shipment of wine — licenses and requirements.

1. A wine manufacturer licensed or permitted pursuant to laws regulating alcoholic beverages in this state or another state may apply for a wine direct shipper license, as provided in this section. For the purposes of this section, a “*wine manufacturer*” means a person who processes the fruit, vegetables, dandelions, clover, honey, or any combination of these ingredients, by fermentation into wines.

2. a. The administrator shall issue a wine direct shipper license to a wine manufacturer who submits a written application for the license on a form to be established by the administrator by rule, accompanied by a true copy of the manufacturer’s current alcoholic beverage license or permit and a copy of the manufacturer’s winery license issued by the federal alcohol and tobacco tax and trade bureau.

b. An application submitted pursuant to paragraph “a” shall be accompanied by a license fee in the amount of twenty-five dollars.

c. An application submitted pursuant to paragraph “a” shall also be accompanied by a bond in the amount of five thousand dollars in the form prescribed and furnished by the division with good and sufficient sureties to be approved by the division conditioned upon compliance with this chapter.

d. A license issued pursuant to this section may be renewed annually by resubmitting the information required in paragraph “a”, accompanied by the twenty-five dollar license fee.

3. The direct shipment of wine pursuant to this section shall be subject to the following requirements and restrictions:

a. Wine may only be shipped by a wine direct shipper licensee to a resident of this state who is at least twenty-one years of age, for the resident’s personal use and consumption and not for resale.

b. Wine subject to direct shipping shall be properly registered with the federal alcohol and tobacco tax and trade bureau, and fermented on the winery premises of the wine direct shipper licensee.

c. All containers of wine shipped directly to a resident of this state shall be conspicuously labeled with the words CONTAINS ALCOHOL: SIGNATURE OF PERSON AGE 21 OR OLDER REQUIRED FOR DELIVERY or shall be conspicuously labeled with alternative wording preapproved by the administrator.

d. All containers of wine shipped directly to a resident of this state shall be shipped by an alcohol carrier licensed as provided in subsection 6.

4. Shipment of wine pursuant to this subsection does not require a refund value for beverage container control purposes under chapter 455C. ⁴

⁴ See chapter 1193, §165 herein

5. A wine direct shipper licensee shall be deemed to have consented to the jurisdiction of the division or any other agency or court in this state concerning enforcement of this section and any related laws, rules, or regulations. A licensee shall permit the division to perform an audit of shipping records upon request.

6. *a.* Wine subject to direct shipment within this state pursuant to this section shall be delivered only by a carrier having obtained from the division an alcohol carrier license. An alcohol carrier license shall be issued upon payment of a one hundred dollar license fee, and shall be subject to requirements, and issued pursuant to application forms, to be determined by the administrator by rule.

b. An alcohol carrier licensee shall not deliver wine to any person under twenty-one years of age, or to any person who either is or appears to be in an intoxicated state or condition. A licensee shall obtain valid proof of identity and age prior to delivery, and shall obtain the signature of an adult as a condition of delivery.

c. An alcohol carrier licensee shall maintain records of wine shipped which include the license number and name of the wine manufacturer, quantity of wine shipped, recipient's name and address, and an electronic or paper form of signature from the recipient of the wine. Records shall be submitted to the division on a monthly basis in a form and manner to be determined by the division by rule.

7. A violation of this section shall subject a licensee to the penalty provisions of section 123.39.

DIVISION XIV
DEPARTMENT OF HUMAN RIGHTS — REORGANIZATION

Sec. 101. Section 216A.1, Code 2009, is amended to read as follows:

216A.1 Department of human rights — purpose.

1. A department of human rights is created, with the following divisions and offices:

a. Division of community advocacy and services, with the following offices:

1. ~~(1) Division Office of Latino affairs.~~

2. ~~(2) Division Office on the status of women.~~

3. ~~(3) Division Office of persons with disabilities.~~

4. ~~Division of community action agencies.~~

5. ~~(4) Division Office of deaf services.~~

6. ~~Division of criminal and juvenile justice planning.~~

7. ~~(5) Division Office on the status of African-Americans African Americans.~~

8. ~~(6) Division on the status of Iowans Office of Asian and Pacific Islander heritage affairs.~~

9. ~~(7) Division on Office of Native American affairs.~~

b. Division of community action agencies.

c. Division of criminal and juvenile justice planning.

2. The purpose of the department is to ensure basic rights, freedoms, and opportunities for all by empowering underrepresented Iowans and eliminating economic, social, and cultural barriers.

Sec. 102. Section 216A.2, Code 2009, is amended by striking the section and inserting in lieu thereof the following:

216A.2 Appointment of department director, deputy director, and administrators — duties.

1. The governor shall appoint a director of the department of human rights, subject to confirmation by the senate pursuant to section 2.32. The department director shall serve at the pleasure of the governor and is exempt from the merit system provisions of chapter 8A, subchapter IV. The governor shall set the salary of the department director within the ranges set by the general assembly.

2. The director is the chief administrative officer of the department and in that capacity administers the programs and services of the department in compliance with applicable federal and state laws and regulations. The duties of the director include preparing a budget, establishing an internal administrative structure, and employing personnel.

3. The department director shall appoint the administrators of the divisions within the department and all other personnel deemed necessary for the administration of this chapter. The department director shall establish the duties of the administrators of the divisions within the department.

4. The department director shall do all of the following:

a. Manage the internal operations of the department and establish guidelines and procedures to promote the orderly and efficient administration of the department.

b. Prepare a budget for the department, subject to the budget requirements pursuant to chapter 8, for approval by the board.

c. Coordinate and supervise personnel services and shared administrative support services to assure maximum support and assistance to the divisions.

d. Serve as an ex officio member of all commissions or councils within the department.

e. Serve as an ex officio, nonvoting member of the human rights board.

f. Solicit and accept gifts and grants on behalf of the department and each commission or council and administer such gifts and grants in accordance with the terms thereof.

g. Enter into contracts with public and private individuals and entities to conduct the business and achieve the objectives of the department and each commission or council.

h. Issue an annual report to the governor and general assembly no later than November 1 of each year concerning the operations of the department. However, the division of criminal and juvenile justice planning and the division of community action agencies shall submit annual reports as specified in this chapter.

i. Seek to implement the comprehensive strategic plan approved by the board under section 216A.3.

Sec. 103. Section 216A.3, Code 2009, is amended by striking the section and inserting in lieu thereof the following:

216A.3 Human rights board.

1. A human rights board is created within the department of human rights.

2. The board shall consist of fourteen members, including nine voting members and five nonvoting members and determined as follows:⁵

a. The voting members shall consist of nine voting members selected by each of the permanent commissions within the department, and two voting members, appointed by the governor. For purposes of this paragraph "a", "*permanent commissions*" means the commission of Latino affairs, commission on the status of women, commission of persons with disabilities, commission on community action agencies, commission of deaf services, criminal and juvenile justice planning advisory council, commission on the status of African Americans, commission of Asian and Pacific Islander affairs, and commission of Native American affairs. The term of office for voting members is four years.

b. The nonvoting members shall consist of the department director, two state representatives, one appointed by the speaker of the house of representatives and one by the minority leader of the house of representatives, and two state senators, one appointed by the majority leader of the senate and one by the minority leader of the senate.

3. A majority of the members of the board shall constitute a quorum, and the affirmative vote of two-thirds of the voting members is necessary for any substantive action taken by the board. The board shall select a chairperson from the voting members of the board. The board shall meet not less than four times a year.

4. The board shall have the following duties:

a. Develop and monitor implementation of a comprehensive strategic plan to remove barriers for underrepresented populations and, in doing so, to increase Iowa's productivity and inclusivity, including performance measures and benchmarks.

b. Approve, disapprove, amend, or modify the budget recommended by the department director for the operation of the department, subject to the budget requirements pursuant to chapter 8.

c. Adopt administrative rules pursuant to chapter 17A, upon the recommendation of the department director, for the operation of the department.

⁵ See chapter 1189, §44 herein

d. By November 1 of each year, approve the department report to the general assembly and the governor that covers activities during the preceding fiscal year.

Sec. 104. Section 216A.4, Code 2009, is amended by adding the following new subsections:

NEW SUBSECTION. 0A. “Board” means human rights board.

NEW SUBSECTION. 3. “Underrepresented” means the historical marginalization of populations or groups in the United States and Iowa, including but not limited to African Americans, Asian and Pacific Islanders, persons who are deaf or hard of hearing, persons with disabilities, Latinos, Native Americans, women, persons who have low socioeconomic status, at-risk youth, and adults or juveniles with a criminal history.

Sec. 105. NEW SECTION. 216A.7 Access to information.

Upon request of the director or a commission, council, or administrator of a division of the department, all boards, agencies, departments, and offices of the state shall make available nonconfidential information, records, data, and statistics which are relevant to the populations served by the offices, councils, and commissions of the department.

Sec. 106. Section 216A.11, subsection 1, Code 2009, is amended by striking the subsection.

Sec. 107. Section 216A.11, subsection 3, Code 2009, is amended to read as follows:

3. “~~Division~~” “Office” means the ~~division~~ office of Latino affairs of the department of human rights.

Sec. 108. Section 216A.12, Code Supplement 2009, is amended to read as follows:

216A.12 Commission of Latino affairs — ~~terms~~ — ~~compensation established.~~

1. The commission of Latino affairs consists of ~~nine~~ seven members, appointed by the governor, and ~~subject to confirmation by the senate pursuant to section 2.32.~~ Commission members shall be appointed in compliance with sections 69.16 and 69.16A ~~and with consideration given to geographic residence and density of Latino population represented by each member.~~ Commission members shall reside in the state.

2. The members of the commission shall be appointed during the month of June and shall serve for staggered four-year terms of ~~two years~~ commencing July 1 of ~~each odd-numbered~~ the year of appointment.⁶ Members appointed shall continue to serve until their respective successors are appointed. Vacancies in the membership of the commission shall be filled by the original appointing authority and in the manner of the original appointments. Members shall receive actual expenses incurred while serving in their official capacity. Members may also be eligible to receive compensation as provided in section 7E.6.

3. The commission shall select from its membership a chairperson and other officers as it deems necessary and shall meet at least quarterly each fiscal year. A majority of the members currently appointed to the commission shall constitute a quorum and the affirmative vote of a majority of the currently appointed members is necessary for any substantive action taken by the commission. A member shall not vote on any action if the member has a conflict of interest on the matter and a statement by the member of a conflict of interest shall be conclusive for this purpose.

Sec. 109. Section 216A.13, Code 2009, is amended by striking the section and inserting in lieu thereof the following:

216A.13 Commission of Latino affairs — duties.

The commission shall have the following duties:

1. Study the opportunities for and changing needs of the Latino population of this state.
2. Serve as liaison between the department of human rights and the public, sharing information and gathering constituency input.
3. Recommend to the board the adoption of rules pursuant to chapter 17A as it deems necessary.

⁶ See chapter 1189, §45 herein

4. Recommend legislative and executive action to the governor and general assembly.
5. Establish advisory committees, work groups, or other coalitions as appropriate.

Sec. 110. Section 216A.14, Code 2009, is amended by striking the section and inserting in lieu thereof the following:

216A.14 Office of Latino affairs — duties.

The office of Latino affairs is established and shall do the following:

1. Serve as the central permanent agency to advocate for Latino persons.
2. Coordinate and cooperate with the efforts of state departments and agencies to serve the needs of Latino persons in participating fully in the economic, social, and cultural life of the state, and by providing direct assistance to those who request it.
3. Develop, coordinate, and assist other public organizations which serve Latino persons.
4. Serve as an information clearinghouse on programs and agencies operating to assist Latino persons.

Sec. 111. Section 216A.15, subsections 1 through 9, Code 2009, are amended by striking the subsections and inserting in lieu thereof the following:

1. Study the opportunities for and changing needs of the Latino population of this state.
2. Serve as liaison between the office and the public, sharing information and gathering constituency input.
3. Recommend to the board for adoption rules pursuant to chapter 17A as it deems necessary for the commission and office.
4. Recommend to the department director policies and programs for the office.
5. Establish advisory committees, work groups, or other coalitions as appropriate.

Sec. 112. Section 216A.51, subsection 1, Code 2009, is amended by striking the subsection.

Sec. 113. Section 216A.51, subsection 3, Code 2009, is amended to read as follows:

3. ~~“Division”~~ “Office” means the ~~division~~ office on the status of women of the department of human rights.

Sec. 114. Section 216A.52, Code 2009, is amended by striking the section and inserting in lieu thereof the following:

216A.52 Office on the status of women.

The office on the status of women is established, and shall do the following:

1. Serve as the central permanent agency to advocate for women and girls.
2. Coordinate and cooperate with the efforts of state departments and agencies to serve the needs of women and girls in participating fully in the economic, social, and cultural life of the state, and provide direct assistance to individuals who request it.
3. Serve as a clearinghouse on programs and agencies operating to assist women and girls.
4. Develop, coordinate, and assist other public or private organizations which serve women and girls.

Sec. 115. Section 216A.53, Code 2009, is amended by striking the section and inserting in lieu thereof the following:

216A.53 Commission on the status of women established.

1. The commission on the status of women is established and shall consist of seven voting members who shall be appointed by the governor, subject to confirmation by the senate pursuant to section 2.32, and shall represent a cross section of the citizens of the state. All members shall reside in the state.

2. The term of office for voting members is four years. Terms shall be staggered. Members whose terms expire may be reappointed. Vacancies in voting membership positions on the commission shall be filled for the unexpired term in the same manner as the original appointment. Voting members of the commission may receive a per diem as specified in section 7E.6 and shall be reimbursed for actual expenses incurred while serving in their official capacity, subject to statutory limits.

3. Members of the commission shall appoint a chairperson and vice chairperson and any other officers as the commission deems necessary. The commission shall meet at least quarterly during each fiscal year. A majority of the voting members currently appointed to the commission shall constitute a quorum. A quorum of the members shall be required for the conduct of business of the commission and the affirmative vote of a majority of the currently appointed voting members is necessary for any substantive action taken by the commission. A member shall not vote on any action if the member has a conflict of interest on the matter and a statement by the member of a conflict of interest shall be conclusive for this purpose.

Sec. 116. Section 216A.54, Code 2009, is amended by striking the section and inserting in lieu thereof the following:

216A.54 Commission powers and duties.

The commission shall have the following powers and duties:

1. Study the opportunities for and changing needs of the women and girls of this state.
2. Serve as liaison between the office and the public, sharing information and gathering constituency input.
3. Recommend to the board the adoption of rules pursuant to chapter 17A as it deems necessary for the commission and office.
4. Recommend legislative and executive action to the governor and general assembly.
5. Establish advisory committees, work groups, or other coalitions as appropriate.

Sec. 117. Section 216A.71, subsection 1, Code 2009, is amended by striking the subsection.

Sec. 118. Section 216A.71, subsection 3, Code 2009, is amended to read as follows:

3. "~~Division~~" "Office" means the ~~division~~ office of persons with disabilities of the department of human rights.

Sec. 119. Section 216A.72, Code 2009, is amended by striking the section and inserting in lieu thereof the following:

216A.72 Office of persons with disabilities.

The office of persons with disabilities is established, and shall do all of the following:

1. Serve as the central permanent agency to advocate for persons with disabilities.
2. Coordinate and cooperate with the efforts of state departments and agencies to serve the needs of persons with disabilities in participating fully in the economic, social, and cultural life of the state, and provide direct assistance to individuals who request it.
3. Develop, coordinate, and assist other public or private organizations which serve persons with disabilities.
4. Serve as an information clearinghouse on programs and agencies operating to assist persons with disabilities.

Sec. 120. Section 216A.74, Code Supplement 2009, is amended by striking the section and inserting in lieu thereof the following:

216A.74 Commission of persons with disabilities established.

1. The commission of persons with disabilities is established and shall consist of seven voting members appointed by the governor subject to confirmation by the senate pursuant to section 2.32. A majority of the commission shall be persons with disabilities. All members shall reside in the state.

2. Members of the commission shall serve four-year staggered terms which shall begin and end pursuant to section 69.19. Members whose terms expire may be reappointed. Vacancies on the commission shall be filled for the unexpired term in the same manner as the original appointment. Voting members shall receive actual expenses incurred while serving in their official capacity, subject to statutory limits. Voting members may also be eligible to receive compensation as provided in section 7E.6.

3. Members of the commission shall appoint a chairperson. The commission shall meet at least quarterly during each fiscal year. A majority of the voting members currently appointed to the commission shall constitute a quorum. A quorum shall be required for the conduct of

business of the commission and the affirmative vote of a majority of the currently appointed voting members is necessary for any substantive action taken by the commission. A member shall not vote on any action if the member has a conflict of interest on the matter and a statement by the member of a conflict of interest shall be conclusive for this purpose.

Sec. 121. Section 216A.75, Code 2009, is amended by striking the section and inserting in lieu thereof the following:

216A.75 Commission powers and duties.

The commission shall have the following powers and duties:

1. Study the opportunities for and changing needs of persons with disabilities in this state.
2. Serve as liaisons between the office and the public, sharing information and gathering constituency input.
3. Recommend to the board the adoption of rules pursuant to chapter 17A as it deems necessary for the commission and office.
4. Recommend legislative and executive action to the governor and general assembly.
5. Establish advisory committees, work groups, or other coalitions as appropriate.

Sec. 122. Section 216A.92, Code 2009, is amended by striking the section and inserting in lieu thereof the following:

216A.92 Division of community action agencies.

1. The division of community action agencies is established. The purpose of the division of community action agencies is to strengthen, supplement, and coordinate efforts to develop the full potential of each citizen by recognizing certain community action agencies and supporting certain community-based programs delivered by community action agencies.

2. The division shall do all of the following:

a. Provide financial assistance for community action agencies to implement community action programs, as permitted by the community service block grant and subject to the funding made available for the program.

b. Administer the community services block grant, the low-income energy assistance block grants, department of energy funds for weatherization, and other possible funding sources. If a political subdivision is the community action agency, the financial assistance shall be allocated to the political subdivision.

c. Implement accountability measures for its programs and require regular reporting on the measures by the community action agencies.

d. Issue an annual report to the governor and general assembly by July 1 of each year.

Sec. 123. Section 216A.92A, subsection 1, paragraph c, Code 2009, is amended to read as follows:

c. One-third of the members shall be persons who, according to federal guidelines, have incomes at or below one hundred eighty-five percent of poverty level.

Sec. 124. Section 216A.92A, subsection 3, Code 2009, is amended to read as follows:

3. The commission shall select from its membership a chairperson and other officers as it deems necessary. The commission shall meet no less than four times per year. A majority of the members of the commission shall constitute a quorum.

Sec. 125. Section 216A.92B, Code 2009, is amended by striking the section and inserting in lieu thereof the following:

216A.92B Commission powers and duties.

The commission shall have the following powers and duties:

1. Recommend to the board the adoption of rules pursuant to chapter 17A as it deems necessary for the commission and division.

2. Supervise the collection of data regarding the scope of services provided by the community action agencies.

3. Serve as liaisons between the division and the public, sharing information and gathering constituency input.

4. Make recommendations to the governor and the general assembly for executive and legislative action designed to improve the status of low-income persons in the state.

5. Establish advisory committees, work groups, or other coalitions as appropriate.

Sec. 126. Section 216A.93, Code 2009, is amended to read as follows:

216A.93 Establishment of community action agencies.

The division shall recognize and assist in the designation of certain community action agencies to assist in the delivery of community action programs. These programs shall include, but not be limited to, outreach, community services block grant, low-income energy assistance, and weatherization programs. If a community action agency is in effect and currently serving an area, that community action agency shall become the designated community action agency for that area. ~~If there is not a designated community action agency in the area a city council or county board of supervisors or any combination of one or more councils or boards may establish a community action agency and may apply to the division for recognition. The council or board or the combination may adopt an ordinance or resolution establishing a community action agency if a community action agency has not been designated. It is the purpose of the division of community action agencies to strengthen, supplement, and coordinate efforts to develop the full potential of each citizen by recognizing certain community action agencies and the continuation of certain community-based programs delivered by community action agencies. If any geographic area of the state ceases to be served by a designated community action agency, the division may solicit applications and assist the governor in designating a community action agency for that area in accordance with current community services block grant requirements.~~

Sec. 127. Section 216A.94, subsection 2, Code 2009, is amended to read as follows:

2. Notwithstanding subsection 1, a public agency shall establish an advisory board ~~or may contract with a delegate agency~~ to assist the governing board in meeting the requirements of section 216A.95. The advisory board ~~or delegate agency board~~ shall be composed of the same type of membership as a board of directors for community action agencies under subsection 1. ~~However, the public agency acting as~~ In addition, the advisory board of the community action agency shall have the sole authority to determine annual program budget requests.

Sec. 128. Section 216A.95, subsection 1, Code 2009, is amended by striking the subsection and inserting in lieu thereof the following:

1. The governing board or advisory board shall fully participate in the development, planning, implementation, and evaluation of programs to serve low-income communities.

Sec. 129. Section 216A.96, subsection 1, Code 2009, is amended by striking the subsection and inserting in lieu thereof the following:

1. Plan and implement strategies to alleviate the conditions of poverty and encourage self-sufficiency for citizens in its service area and in Iowa. In doing so, an agency shall plan for a community action program by establishing priorities among projects, activities, and areas to provide for the most efficient use of possible resources.

Sec. 130. Section 216A.96, subsection 4, Code 2009, is amended to read as follows:

4. Encourage and support self-help, volunteer, business, labor, and other groups and organizations to assist public officials and agencies in supporting a community action program ~~which results in the additional use of by providing private resources while, developing new employment opportunities, encouraging investments which have an impact on reducing poverty among the poor in areas of concentrated poverty, and providing methods by which low-income persons can work with private organizations, businesses, and institutions in seeking solutions to problems of common concern.~~

Sec. 131. Section 216A.97, Code 2009, is amended to read as follows:

216A.97 Administration.

A community action agency or a delegate agency may administer the components of a community action program when the program is consistent with plans and purposes and applicable law. The community action programs may be projects which are eligible for assistance from any source. The programs shall be developed to meet local needs and may be designed to meet eligibility standards of a federal or state program ~~providing assistance~~

~~to a plan to meet local needs.~~

Sec. 132. Section 216A.98, Code 2009, is amended to read as follows:

216A.98 Audit.

Each community action agency shall be audited annually but shall not be required to obtain a duplicate audit to meet the requirements of this section. In lieu of an audit by the auditor of state, the community action agency may contract with or employ a certified public accountant to conduct the audit, pursuant to the applicable terms and conditions prescribed by sections 11.6 and 11.19 and an audit format prescribed by the auditor of state. Copies of each audit shall be furnished to the division ~~within three months following the annual audit~~ in a manner prescribed by the division.

Sec. 133. Section 216A.102, subsection 3, Code 2009, is amended to read as follows:

3. Under rules developed by the division of community action agencies of the department of human rights and adopted by the board, the fund may be used to negotiate reconnection of essential utility services with the energy provider.

Sec. 134. Section 216A.104, subsections 4 and 5, Code 2009, are amended by striking the subsections.

Sec. 135. Section 216A.107, subsection 2, Code Supplement 2009, is amended to read as follows:

2. Unless otherwise provided by law, terms of members, election of officers, and other procedural matters shall be as determined by the council. A quorum shall be required for the conduct of business of the council and the affirmative vote of a majority of the currently appointed voting members is necessary for any substantive action taken by the council. A member shall not vote on any action if the member has a conflict of interest on the matter and a statement by the member of a conflict of interest shall be conclusive for this purpose.

Sec. 136. Section 216A.111, subsection 1, Code 2009, is amended by striking the subsection.

Sec. 137. Section 216A.111, subsection 3, Code 2009, is amended to read as follows:

3. ~~“Division”~~ “Office” means the ~~division office~~ of deaf services of the department of human rights.

Sec. 138. Section 216A.112, Code 2009, is amended by striking the section and inserting in lieu thereof the following:

216A.112 Office of deaf services.

The office of deaf services is established, and shall do all of the following:

1. Serve as the central permanent agency to advocate for persons who are deaf or hard of hearing.

2. Coordinate and cooperate with the efforts of state departments and agencies to serve the needs of persons who are deaf or hard of hearing in participating fully in the economic, social, and cultural life of the state, and provide direct assistance to individuals who request it.

3. Develop, coordinate, and assist other public or private organizations which serve persons who are deaf or hard of hearing.

4. Serve as an information clearinghouse on programs and agencies operating to assist persons who are deaf or hard of hearing.

Sec. 139. Section 216A.113, Code 2009, is amended by striking the section and inserting in lieu thereof the following:

216A.113 Deaf services commission established.

1. The commission on the deaf⁷ is established, and shall consist of seven voting members appointed by the governor, subject to confirmation by the senate pursuant to section 2.32.

⁷ See chapter 1193, §42, 80 herein

Membership of the commission shall include at least four members who are deaf and who cannot hear human speech with or without use of amplification and at least one member who is hard of hearing. All members shall reside in Iowa.

2. Members of the commission shall serve four-year staggered terms which shall begin and end pursuant to section 69.19. Members whose terms expire may be reappointed. Vacancies on the commission may be filled for the remainder of the term in the same manner as the original appointment. Members shall receive actual expenses incurred while serving in their official capacity, subject to statutory limits. Members may also be eligible to receive compensation as provided in section 7E.6.

3. Members of the commission shall appoint a chairperson and vice chairperson and other officers as the commission deems necessary. The commission shall meet at least quarterly during each fiscal year. A majority of the members currently appointed to the commission shall constitute a quorum. A quorum shall be required for the conduct of business of the commission and the affirmative vote of a majority of the currently appointed members is necessary for any substantive action taken by the commission. A member shall not vote on any action if the member has a conflict of interest on the matter and a statement by the member of a conflict of interest shall be conclusive for this purpose.

Sec. 140. Section 216A.114, Code 2009, is amended by striking the section and inserting in lieu thereof the following:

216A.114 Commission powers and duties.

The commission shall have the following powers and duties:

1. Study the changing needs and opportunities for the deaf and hard-of-hearing people in this state.
2. Serve as a liaison between the office and the public, sharing information and gathering constituency input.
3. Recommend to the board for adoption rules pursuant to chapter 17A as it deems necessary for the commission and office.
4. Recommend legislative and executive action to the governor and general assembly.
5. Establish advisory committees, work groups, or other coalitions as appropriate.

Sec. 141. NEW SECTION. **216A.131A Division of criminal and juvenile justice planning.**

The division of criminal and juvenile justice planning is established to fulfill the responsibilities of this subchapter, including the duties specified in sections 216A.135, 216A.136, 216A.137, 216A.138, and 216A.139.

Sec. 142. Section 216A.132, subsection 1, unnumbered paragraph 1, Code 2009, is amended to read as follows:

A criminal and juvenile justice planning advisory council is established consisting of twenty-three members who shall all reside in the state.

Sec. 143. Section 216A.132, subsection 1, paragraph b, Code 2009, is amended to read as follows:

b. The departments of human services, corrections, and public safety, the ~~division office~~ on the status of ~~African-Americans~~ African Americans, the Iowa department of public health, the chairperson of the board of parole, the attorney general, the state public defender, the governor's office of drug control policy, and the chief justice of the supreme court shall each designate a person to serve on the council. The person appointed by the Iowa department of public health shall be from the departmental staff who administer the comprehensive substance abuse program under chapter 125.

Sec. 144. Section 216A.132, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 3. Members of the council shall appoint a chairperson and vice chairperson and other officers as the council deems necessary. A majority of the voting members currently appointed to the council shall constitute a quorum. A quorum shall be required for the conduct of business of the council and the affirmative vote of a majority

of the currently appointed members is necessary for any substantive action taken by the council. A member shall not vote on any action if the member has a conflict of interest on the matter and a statement by the member of a conflict of interest shall be conclusive for this purpose.

Sec. 145. Section 216A.133, subsection 5, Code 2009, is amended to read as follows:

5. Administer federal funds and funds appropriated by the state or that are otherwise available in compliance with applicable laws, regulations, and other requirements for purposes of study, research, investigation, planning, and implementation in the areas of criminal and juvenile justice.

Sec. 146. Section 216A.133, Code 2009, is amended by adding the following new subsections:

NEW SUBSECTION. 8. Provide input to the department director in the development of budget recommendations for the division.

NEW SUBSECTION. 9. Serve as liaison between the division and the public, sharing information and gathering constituency input.

NEW SUBSECTION. 10. Recommend to the board for adoption rules pursuant to chapter 17A as it deems necessary for the council and division.

NEW SUBSECTION. 11. Recommend legislative and executive action to the governor and general assembly.

NEW SUBSECTION. 12. Establish advisory committees, work groups, or other coalitions as appropriate.

Sec. 147. Section 216A.138, subsection 8, Code 2009, is amended by striking the subsection.

Sec. 148. Section 216A.141, subsection 1, Code 2009, is amended by striking the subsection.

Sec. 149. Section 216A.141, subsection 3, Code 2009, is amended to read as follows:

3. ~~"Division"~~ "Office" means the division office on the status of ~~African-Americans~~ African Americans of the department of human rights.

Sec. 150. Section 216A.142, Code 2009, is amended by striking the section and inserting in lieu thereof the following:

216A.142 Commission on the status of African Americans established.

1. The commission on the status of African Americans is established and shall consist of seven members appointed by the governor, subject to confirmation by the senate. All members shall reside in Iowa. At least five members shall be individuals who are African American.

2. Terms of office are staggered four-year terms. Members whose terms expire may be reappointed. Vacancies on the commission shall be filled for the remainder of the term of and in the same manner as the original appointment. The commission shall meet quarterly and may hold special meetings on the call of the chairperson. The members of the commission shall be reimbursed for actual expenses while engaged in their official duties. Members may also be eligible to receive compensation as provided in section 7E.6.

3. Members of the commission shall appoint a chairperson and vice chairperson and other officers as the commission deems necessary. A majority of members of the commission shall constitute a quorum. A quorum shall be required for the conduct of business of the commission and the affirmative vote of a majority of the currently appointed members is necessary for any substantive action taken by the commission. A member shall not vote on any action if the member has a conflict of interest on the matter and a statement by the member of a conflict of interest shall be conclusive for this purpose.

Sec. 151. Section 216A.143, Code 2009, is amended by striking the section and inserting in lieu thereof the following:

216A.143 Commission powers and duties.

The commission shall have the following powers and duties:

1. Study the opportunities for and changing needs of the African American community in this state.
2. Serve as liaison between the office and the public, sharing information and gathering constituency input.
3. Recommend to the board for adoption rules pursuant to chapter 17A as it deems necessary for the commission and office.
4. Recommend executive and legislative action to the governor and general assembly.
5. Establish advisory committees, work groups, or other coalitions as appropriate.

Sec. 152. Section 216A.146, Code 2009, is amended by striking the section and inserting in lieu thereof the following:

216A.146 Office on the status of African Americans.

The office on the status of African Americans is established and shall do the following:

1. Serve as the central permanent agency to advocate for African Americans.
2. Coordinate and cooperate with the efforts of state departments and agencies to serve the needs of African Americans in participating fully in the economic, social, and cultural life of the state, and provide direct assistance to individuals who request it.
3. Develop, coordinate, and assist other public or private organizations which serve African Americans.
4. Serve as an information clearinghouse on programs and agencies operating to assist African Americans.

Sec. 153. Section 216A.151, subsection 1, Code 2009, is amended by striking the subsection.

Sec. 154. Section 216A.151, subsection 3, Code 2009, is amended to read as follows:

3. "~~Commission~~" means the commission ~~on the status of Iowans~~ of Asian and Pacific Islander heritage affairs.

Sec. 155. Section 216A.151, subsection 4, Code 2009, is amended to read as follows:

4. "~~Division~~" "Office" means the ~~division on the status of Iowans~~ office of Asian and Pacific Islander heritage affairs of the department of human rights.

Sec. 156. Section 216A.152, Code 2009, is amended by striking the section and inserting in lieu thereof the following:

216A.152 Commission of Asian and Pacific Islander affairs established.

1. The commission of Asian and Pacific Islander affairs is established and shall consist of seven members appointed by the governor, subject to confirmation by the senate. Members shall be appointed representing every geographical area of the state and ethnic groups of Asian and Pacific Islander heritage. All members shall reside in Iowa.

2. Terms of office are four years and shall begin and end pursuant to section 69.19. Members whose terms expire may be reappointed. Vacancies on the commission may be filled for the remainder of the term of and in the same manner as the original appointment. Members shall receive actual expenses incurred while serving in their official capacity, subject to statutory limits. Members may also be eligible to receive compensation as provided in section 7E.6.

3. Members of the commission shall appoint a chairperson and vice chairperson and other officers as the commission deems necessary. The commission shall meet at least quarterly during each fiscal year. A majority of the members of the commission shall constitute a quorum. A quorum shall be required for the conduct of business of the commission and the affirmative vote of a majority of the currently appointed members is necessary for any substantive action taken by the commission. A member shall not vote on any action if the member has a conflict of interest on the matter and a statement by the member of a conflict of interest shall be conclusive for this purpose.

Sec. 157. Section 216A.153, Code 2009, is amended by striking the section and inserting in lieu thereof the following:

216A.153 Commission powers and duties.

The commission shall have the following powers and duties:

1. Study the opportunities for and changing needs of the Asian and Pacific Islander persons in this state.
2. Serve as liaison between the office and the public, sharing information and gathering constituency input.
3. Recommend to the board for adoption rules pursuant to chapter 17A as it deems necessary for the commission and office.
4. Recommend legislative and executive action to the governor and general assembly.
5. Establish advisory committees, work groups, or other coalitions as appropriate.

Sec. 158. Section 216A.154, Code 2009, is amended by striking the section and inserting in lieu thereof the following:

216A.154 Office of Asian and Pacific Islander affairs.

The office of Asian and Pacific Islander affairs is established and shall do the following:

1. Serve as the central permanent agency to advocate for Iowans of Asian and Pacific Islander heritage.
2. Coordinate and cooperate with the efforts of state departments and agencies to serve the needs of Iowans of Asian and Pacific Islander heritage in participating fully in the economic, social, and cultural life of the state, and provide direct assistance to individuals who request it.
3. Develop, coordinate, and assist other public or private organizations which serve Iowans of Asian and Pacific Islander heritage.
4. Serve as an information clearinghouse on programs and agencies operating to assist Iowans of Asian and Pacific Islander heritage.

Sec. 159. Section 216A.161, subsection 1, Code 2009, is amended by striking the subsection.

Sec. 160. Section 216A.161, subsection 2, Code 2009, is amended to read as follows:

2. "*Commission*" means the commission ~~on~~ of Native American affairs.

Sec. 161. Section 216A.161, subsection 3, Code 2009, is amended to read as follows:

3. "*Division*" "*Office*" means the ~~division on~~ office of Native American affairs of the department of human rights.

Sec. 162. Section 216A.162, subsection 1, Code 2009, is amended to read as follows:

1. A commission ~~on~~ of Native American affairs is established consisting of eleven voting members appointed by the governor, subject to confirmation by the senate. ~~The members of the commission shall appoint one of the members to serve as chairperson of the commission.~~

Sec. 163. Section 216A.162, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 4. Members of the commission shall appoint one of their members to serve as chairperson and may appoint such other officers as the commission deems necessary. The commission shall meet at least four times per year and shall hold special meetings on the call of the chairperson. The members of the commission shall be reimbursed for actual expenses while engaged in their official duties. A member may also be eligible to receive compensation as provided in section 7E.6. A majority of the members of the commission shall constitute a quorum. A quorum shall be required for the conduct of business of the commission and the affirmative vote of a majority of the currently appointed members is necessary for any substantive action taken by the commission. A member shall not vote on any action if the member has a conflict of interest on the matter and a statement by the member of a conflict of interest shall be conclusive for this purpose.

Sec. 164. Section 216A.165, subsections 1 through 9, Code 2009, are amended by striking the subsections and inserting in lieu thereof the following:

1. Study the opportunities for and changing needs of Native American persons in this state.
2. Serve as a liaison between the department and the public, sharing information and gathering constituency input.
3. Recommend to the board for adoption rules pursuant to chapter 17A as it deems necessary for the commission and office.
4. Recommend legislative and executive action to the governor and general assembly.
5. Establish advisory committees, work groups, or other coalitions as appropriate.

Sec. 165. Section 216A.166, Code 2009, is amended by striking the section and inserting in lieu thereof the following:

216A.166 Office of Native American affairs.

The office of Native American affairs is established and shall do the following:

1. Serve as the central permanent agency to advocate for Native Americans.
2. Coordinate and cooperate with the efforts of state departments and agencies to serve the needs of Native Americans in participating fully in the economic, social, and cultural life of the state, and provide direct assistance to individuals who request it.
3. Develop, coordinate, and assist other public or private organizations which serve Native Americans.
4. Serve as an information clearinghouse on programs and agencies operating to assist Native Americans.

Sec. 166. Section 216A.167, subsections 1 and 2, Code 2009, are amended by striking the subsections.

Sec. 167. Section 216A.167, subsection 3, unnumbered paragraph 1, Code 2009, is amended to read as follows:

The commission and office shall not have the authority to do any of the following:

Sec. 168. REPEAL. Sections 216A.16, 216A.17, 216A.55, 216A.56, 216A.57, 216A.58, 216A.59, 216A.60, 216A.73, 216A.76, 216A.77, 216A.78, 216A.79, 216A.101, 216A.103, 216A.115, 216A.116, 216A.117, 216A.134, 216A.144, 216A.145, 216A.147, 216A.148, 216A.149, 216A.155, 216A.156, 216A.157, 216A.158, 216A.159, 216A.160, 216A.164, 216A.168, 216A.169, and 216A.170, Code 2009, are repealed.

Sec. 169. DEPARTMENT OF HUMAN RIGHTS REORGANIZATION — TRANSITION PROVISIONS.

1. Except for the department director, no other employee of the department of human rights shall be appointed by the governor. Those persons now occupying positions that were previously appointed by the governor shall be retained but shall be subject to the merit system and state human resource management system as provided by sections 8A.412 and 8A.413.

2. Through December 31, 2010, the department director shall be granted reasonable flexibility within the department's appropriation and allotted full-time equivalent positions to reassign, retrain, or reclassify personnel as deemed necessary in order to most effectively and efficiently carry out the department's mission. Any personnel in the state merit system of employment who are transferred from one work unit to another due to the effect of this division of this Act shall be so transferred without any loss in salary, benefits, or accrued years of service.

3. In regard to updating references and format in the Iowa administrative code in order to correspond to the transferring of the authority to adopt rules from the previous divisions of the department of human rights to the department of human rights as established by this division of this Act, the administrative rules coordinator and the administrative rules review committee, in consultation with the administrative code editor, shall jointly develop a schedule for the necessary updating of the Iowa administrative code.

4. Current contracts that bind any division of the department of human rights shall be honored by the department, or expediently and judiciously amended if changes in the name of the contractor must be made before the expiration of the contract.

5. All client and organizational files in the possession of any office subsumed within the division of community advocacy and services as enacted by this division of this Act will become the property of the office that will serve that population.

6. Any replacement of signs, logos, stationery, insignia, uniforms, and related items that is made due to the effect of this division of this Act shall if possible be done as part of the normal replacement cycle for such items.

7. The governor, in consultation with the director of the department of human rights, shall establish a process to implement the requirements of this division of this Act and shall have the authority to terminate and modify the terms of office of voting members of the commissions and the council within the department of human rights in order to effectuate the requirements of this division of this Act. New appointments or reappointments to the commissions and the council as required by this division of this Act shall be made to effectuate the requirement, if applicable, that members shall serve for staggered four-year terms.

Sec. 170. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION XV GAMBLING SETOFFS

Sec. 171. Section 99D.28, subsection 1, Code 2009, is amended to read as follows:

1. A licensee or a person acting on behalf of a licensee shall be provided electronic access to the names of the persons indebted to a claimant agency pursuant to the process established pursuant to section 99D.7, subsection 23. The electronic access provided by the claimant agency shall include access to the names of the debtors, their social security numbers, and any other information that assists the licensee in identifying the debtors. If the name of a debtor provided to the licensee through electronic access is retrieved by the licensee and the winnings are equal to or greater than ~~ten~~ one thousand two hundred dollars per occurrence, the retrieval of such a name shall constitute a valid lien upon and claim of lien against the winnings of the debtor whose name is electronically retrieved from the claimant agency. If a debtor's winnings are equal to or greater than ~~ten~~ one thousand two hundred dollars per occurrence, the full amount of the debt shall be collectible from any winnings due the debtor without regard to limitations on the amounts that may be collectible in increments through setoff or other proceedings.

Sec. 172. Section 99D.28, subsection 7, Code 2009, is amended to read as follows:

7. A claimant agency or licensee, acting in good faith, shall not be liable to any person for actions taken ~~to comply with~~ pursuant to this section.

Sec. 173. Section 99F.19, subsection 1, Code 2009, is amended to read as follows:

1. A licensee or a person acting on behalf of a licensee shall be provided electronic access to the names of the persons indebted to a claimant agency pursuant to the process established pursuant to section 99F.4, subsection 26. The electronic access provided by the claimant agency shall include access to the names of the debtors, their social security numbers, and any other information that assists the licensee in identifying the debtors. If the name of a debtor provided to the licensee through electronic access is retrieved by the licensee and the winnings are equal to or greater than ~~ten~~ one thousand two hundred dollars per occurrence, the retrieval of such a name shall constitute a valid lien upon and claim of lien against the winnings of the debtor whose name is electronically retrieved from the claimant agency. If a debtor's winnings are equal to or greater than ~~ten~~ one thousand two hundred dollars per occurrence, the full amount of the debt shall be collectible from any winnings due the debtor without regard to limitations on the amounts that may be collectible in increments through setoff or other proceedings.

Sec. 174. Section 99F.19, subsection 7, Code 2009, is amended to read as follows:

7. A claimant agency or licensee, acting in good faith, shall not be liable to any person for actions taken ~~to comply with~~ pursuant to this section.

DIVISION XVI
DEPARTMENT OF MANAGEMENT — FINANCIAL ADMINISTRATION
REORGANIZATION

Sec. 175. **NEW SECTION. 8.71 Definitions.**

As used in this section and sections 8.72 through 8.89, unless the context otherwise requires:

1. “Agency” or “state agency” means a unit of state government, which is an authority, board, commission, committee, council, department, or independent agency as defined in section 7E.4, including but not limited to each principal central department enumerated in section 7E.5. However, “agency” or “state agency” does not mean any of the following:

- a. The office of the governor or the office of an elective constitutional or statutory officer.
- b. The general assembly, or any office or unit under its administrative authority.
- c. The judicial branch, as provided in section 602.1102.
- d. A political subdivision of the state or its offices or units, including but not limited to a county, city, or community college.

2. “Department” means the department of management.

3. “Director” means the director of the department of management or the director’s designee.⁸

Sec. 176. **NEW SECTION. 8.72 Financial administration duties.**

The department shall provide for the efficient management and administration of the financial resources of state government and shall have and assume the following powers and duties:

1. *Centralized accounting and payroll system.* To assume the responsibilities related to a centralized accounting system for state government and to establish a centralized payroll system for all state agencies. However, the state board of regents and institutions under the control of the state board of regents shall not be required to utilize the centralized payroll system.

2. *Setoff procedures.* To establish and maintain a setoff procedure as provided in section 8.74.

3. *Cost allocation system.* To establish a cost allocation system as provided in section 8.75.

4. *Collection and payment of funds — monthly payments.* To control the payment of all moneys into the state treasury, and all payments from the state treasury by the preparation of appropriate warrants, or warrant checks, directing such collections and payment, and to advise the treasurer of state monthly in writing of the amount of public funds not currently needed for operating expenses. Whenever the state treasury includes state funds that require distribution to counties, cities, or other political subdivisions of this state, and the counties, cities, and other political subdivisions certify to the director that warrants will be stamped for lack of funds within the thirty-day period following certification, the director may partially distribute the funds on a monthly basis. Whenever the law requires that any funds be paid by a specific date, the director shall prepare a final accounting and shall make a final distribution of any remaining funds prior to that date.

5. *Preaudit system.* To establish and fix a reasonable imprest cash fund for each state department and institution for disbursement purposes where needed. These revolving funds shall be reimbursed only upon vouchers approved by the director. It is the purpose of this subsection to establish a preaudit system of settling all claims against the state, but the preaudit system is not applicable to any of the following:

a. Institutions under the control of the state board of regents.

b. The state fair board as established in chapter 173.

c. The Iowa dairy industry commission as established in chapter 179, the Iowa beef cattle producers association as established in chapter 181, the Iowa pork producers council as established in chapter 183A, the Iowa egg council as established in chapter 184, the Iowa turkey marketing council as established in chapter 184A, the Iowa soybean association as provided in chapter 185, and the Iowa corn promotion board as established in chapter 185C.

⁸ See chapter 1193, §35 herein

6. *Audit of claims.* To set rules and procedures for the preaudit of claims by individual agencies or organizations. The director reserves the right to refuse to accept incomplete or incorrect claims and to review, preaudit, or audit claims as determined by the director.

7. *Contracts.* To certify, record, and encumber all formal contracts to prevent overcommitment of appropriations and allotments.

8. *Accounts.* To keep the central budget and proprietary control accounts of the general fund of the state and special funds, as defined in section 8.2, of the state government. Upon elimination of the state deficit under generally accepted accounting principles, including the payment of items budgeted in a subsequent fiscal year which under generally accepted accounting principles should be budgeted in the current fiscal year, the recognition of revenues received and expenditures paid and transfers received and paid within the time period required pursuant to section 8.33 shall be in accordance with generally accepted accounting principles. Budget accounts are those accounts maintained to control the receipt and disposition of all funds, appropriations, and allotments. Proprietary accounts are those accounts relating to assets, liabilities, income, and expense. For each fiscal year, the financial position and results of operations of the state shall be reported in a comprehensive annual financial report prepared in accordance with generally accepted accounting principles, as established by the governmental accounting standards board.

8A. *Budget database.* To develop and make available to the public a searchable budget database.

9. *Fair board and state board of regents.* To control the financial operations of the state fair board and the institutions under the state board of regents:

a. By charging all warrants issued to the respective educational institutions and the state fair board to an advance account to be further accounted for and not as an expense which requires no further accounting.

b. By charging all collections made by the educational institutions and state fair board to the respective advance accounts of the institutions and state fair board, and by crediting all such repayment collections to the respective appropriations and special funds.

c. By charging all disbursements made to the respective allotment accounts of each educational institution or state fair board and by crediting all such disbursements to the respective advance and inventory accounts.

d. By requiring a monthly abstract of all receipts and of all disbursements, both money and stores, and a complete account current each month from each educational institution and the state fair board.

10. *Entities representing agricultural producers.* To control the financial operations of the Iowa dairy industry commission as provided in chapter 179, the Iowa beef cattle producers association as provided in chapter 181, the Iowa pork producers council as provided in chapter 183A, the Iowa egg council as provided in chapter 184, the Iowa turkey marketing council as provided in chapter 184A, the Iowa soybean association as provided in chapter 185, and the Iowa corn promotion board as provided in chapter 185C.

11. *Custody of records.* To have the custody of all books, papers, records, documents, vouchers, conveyances, leases, mortgages, bonds, and other securities appertaining to the fiscal affairs and property of the state, which are not required to be kept in some other office.

12. *Interest of the permanent school fund.* To transfer the interest of the permanent school fund to the credit of the interest for Iowa schools fund.

13. *Forms.* To prescribe all accounting and business forms and the system of accounts and reports of financial transactions by all departments and agencies of the state government other than those of the legislative branch.

14. *Federal cash management and improvement act administrator.*

a. To serve as administrator for state actions relating to the federal Cash Management and Improvement Act of 1990, Pub. L. No. 101-453, as codified in 31 U.S.C. § 6503. The director shall perform the following duties relating to the federal law:

(1) Act as the designated representative of the state in the negotiation and administration of contracts between the state and federal government relating to the federal law.

(2) Modify the centralized statewide accounting system and develop, or require to be developed by the appropriate departments of state government, the reports and procedures

necessary to complete the managerial and financial reports required to comply with the federal law.

b. There is annually appropriated from the general fund of the state to the department an amount sufficient to pay interest costs that may be due the federal government as a result of implementation of the federal law. This paragraph does not authorize the payment of interest from the general fund of the state for any department of administrative services' revolving, trust, or special fund of the department of administrative services where monthly interest earnings accrue to the credit of the department of administrative services' revolving, trust, or special fund. For any department of administrative services' revolving, trust, or special fund where monthly interest is accrued to the credit of the fund, the director may authorize a supplemental expenditure to pay interest costs from the individual fund which are due the federal government as a result of implementation of the federal law.⁹

Sec. 177. NEW SECTION. 8.73 Rules — deposit of departmental moneys.

The director shall prescribe by rule the manner and methods by which all departments and agencies of the state that collect money for and on behalf of the state shall cause the money to be deposited with the treasurer of state or in a depository designated by the treasurer of state. All such moneys collected shall be deposited at such times and in such depositories to permit the state of Iowa to deposit the funds in a manner consistent with the state's investment policies. All such moneys shall be promptly deposited, as directed, even though the individual amount remitted may not be correct. If any individual amount remitted is in excess of the amount required, the department or agency receiving the same shall refund the excess amount. If the individual amount remitted is insufficient, the person, firm, or corporation concerned shall be immediately billed for the amount of the deficiency.¹⁰

Sec. 178. NEW SECTION. 8.74 Setoff procedures.

1. *Definitions.* As used in this section, unless the context otherwise requires:

a. "Collection entity" means the department of management and any other state agency that maintains a separate accounting system and elects to establish a debt collection setoff procedure for collection of debts owed to the state or its agencies.

b. "Person" does not include a state agency.

c. "Qualifying debt" includes but is not limited to the following:

(1) Any debt, which is assigned to the department of human services, or which the child support recovery unit is otherwise attempting to collect, or which the foster care recovery unit of the department of human services is attempting to collect on behalf of a child receiving foster care provided by the department of human services.

(2) An amount that is due because of a default on a guaranteed student or parental loan under chapter 261.

(3) Any debt which is in the form of a liquidated sum due, owing, and payable to the clerk of the district court.

d. "State agency" means a board, commission, department, including the department of administrative services, or other administrative office or unit of the state of Iowa or any other state entity reported in the Iowa comprehensive annual financial report, or a political subdivision of the state, or an office or unit of a political subdivision. "State agency" does include the clerk of the district court as it relates to the collection of a qualifying debt. "State agency" does not include the general assembly or the governor.

2. *Setoff procedure.* The collection entity shall establish and maintain a procedure to set off against any claim owed to a person by a state agency any liability of that person owed to a state agency, a support debt being enforced by the child support recovery unit pursuant to chapter 252B, or such other qualifying debt. The procedure shall only apply when at the discretion of the director it is feasible. The procedure shall meet the following conditions:

a. Before setoff, a person's liability to a state agency and the person's claim on a state agency shall be in the form of a liquidated sum due, owing, and payable.

⁹ See chapter 1193, §35 herein

¹⁰ See chapter 1193, §35 herein

b. Before setoff, the state agency shall obtain and forward to the collection entity the full name and social security number of the person liable to it or to whom a claim is owing who is a natural person. If the person is not a natural person, before setoff, the state agency shall forward to the collection entity the information concerning the person as the collection entity shall, by rule, require. The collection entity shall cooperate with other state agencies in the exchange of information relevant to the identification of persons liable to or of claimants of state agencies. However, the collection entity shall provide only relevant information required by a state agency. The information shall be held in confidence and used for the purpose of setoff only. Section 422.72, subsection 1, does not apply to this paragraph.

c. Before setoff, a state agency shall, at least annually, submit to the collection entity the information required by paragraph "b" along with the amount of each person's liability to and the amount of each claim on the state agency. The collection entity may, by rule, require more frequent submissions.

d. Before setoff, the amount of a person's claim on a state agency and the amount of a person's liability to a state agency shall constitute a minimum amount set by rule of the collection entity.

e. Upon submission of an allegation of liability by a state agency, the collection entity shall notify the state agency whether the person allegedly liable is entitled to payment from a state agency, and, if so entitled, shall notify the state agency of the amount of the person's entitlement and of the person's last address known to the collection entity. Section 422.72, subsection 1, does not apply to this paragraph.

f. (1) Upon notice of entitlement to a payment, the state agency shall send written notification to that person of the state agency's assertion of its rights to all or a portion of the payment and of the state agency's entitlement to recover the liability through the setoff procedure, the basis of the assertion, the opportunity to request that a jointly or commonly owned right to payment be divided among owners, and the person's opportunity to give written notice of intent to contest the amount of the allegation. The state agency shall send a copy of the notice to the collection entity. A state agency subject to chapter 17A shall give notice, conduct hearings, and allow appeals in conformity with chapter 17A.

(2) However, upon submission of an allegation of the liability of a person which is owing and payable to the clerk of the district court and upon the determination by the collection entity that the person allegedly liable is entitled to payment from a state agency, the collection entity shall send written notification to the person which states the assertion by the clerk of the district court of rights to all or a portion of the payment, the clerk's entitlement to recover the liability through the setoff procedure, the basis of the assertions, the person's opportunity to request within fifteen days of the mailing of the notice that the collection entity divide a jointly or commonly owned right to payment between owners, the opportunity to contest the liability to the clerk by written application to the clerk within fifteen days of the mailing of the notice, and the person's opportunity to contest the collection entity's setoff procedure.

g. Upon the timely request of a person liable to a state agency or of the spouse of that person and upon receipt of the full name and social security number of the person's spouse, a state agency shall notify the collection entity of the request to divide a jointly or commonly owned right to payment. Any jointly or commonly owned right to payment is rebuttably presumed to be owned in equal portions by its joint or common owners.

h. The collection entity shall, after the state agency has sent notice to the person liable or, if the liability is owing and payable to the clerk of the district court, the collection entity has sent notice to the person liable, set off the amount owed to the agency against any amount which a state agency owes that person. The collection entity shall refund any balance of the amount to the person. The collection entity shall periodically transfer amounts set off to the state agencies entitled to them. If a person liable to a state agency gives written notice of intent to contest an allegation, a state agency shall hold a refund or rebate until final disposition of the allegation. Upon completion of the setoff, a state agency shall notify in writing the person who was liable or, if the liability is owing and payable to the clerk of the district court, shall comply with the procedures as provided in paragraph "j".

i. The department of revenue's existing right to credit against tax due or to become due under section 422.73 is not to be impaired by a right granted to or a duty imposed upon the collection entity or other state agency by this section. This section is not intended to impose

upon the collection entity or the department of revenue any additional requirement of notice, hearing, or appeal concerning the right to credit against tax due under section 422.73.

j. If the alleged liability is owing and payable to the clerk of the district court and setoff as provided in this section is sought, all of the following shall apply:

(1) The judicial branch shall prescribe procedures to permit a person to contest the amount of the person's liability to the clerk of the district court.

(2) The collection entity shall, except for the procedures described in subparagraph (1), prescribe any other applicable procedures concerning setoff as provided in this subsection.

(3) Upon completion of the setoff, the collection entity shall file, at least monthly, with the clerk of the district court a notice of satisfaction of each obligation to the full extent of all moneys collected in satisfaction of the obligation. The clerk shall record the notice and enter a satisfaction for the amounts collected and a separate written notice is not required.

3. *Priority claims.* In the case of multiple claims to payments filed under this section, priority shall be given to claims filed by the child support recovery unit or the foster care recovery unit, next priority shall be given to claims filed by the college student aid commission, next priority shall be given to claims filed by the investigations division of the department of inspections and appeals, next priority shall be given to claims filed by a clerk of the district court, and last priority shall be given to claims filed by other state agencies. In the case of multiple claims in which the priority is not otherwise provided by this subsection, priority shall be determined in accordance with rules to be established by the director.

4. *State reciprocal agreements.* The director shall have the authority to enter into reciprocal agreements with the departments of revenue of other states that have enacted legislation that is substantially equivalent to the setoff procedure provided in this section for the recovery of an amount due because of a default on a guaranteed student or parental loan under chapter 261. A reciprocal agreement shall also be approved by the college student aid commission. The agreement shall authorize the department to provide by rule for the setoff of state income tax refunds or rebates of defaulters from states with which Iowa has a reciprocal agreement and to provide for sending lists of names of Iowa defaulters to the states with which Iowa has a reciprocal agreement for setoff of that state's income tax refunds.

5. *Agency reimbursements.* Under substantive rules established by the director, the department shall seek reimbursement from other state agencies to recover its costs for setting off liabilities.¹¹

Sec. 179. NEW SECTION. 8.75 Cost allocation system — appropriation.

The department shall develop and administer an indirect cost allocation system for state agencies. The system shall be based upon standard cost accounting methodologies and shall be used to allocate both direct and indirect costs of state agencies or state agency functions in providing centralized services to other state agencies. A cost that is allocated to a state agency pursuant to this system shall be billed to the state agency and the cost is payable to the general fund of the state. The source of payment for the billed cost shall be any revenue source except for the general fund of the state. If a state agency is authorized by law to bill and recover direct expenses, the state agency shall recover indirect costs in the same manner.¹²

Sec. 180. NEW SECTION. 8.76 Accounting.

The director may at any time require any person receiving money, securities, or property belonging to the state, or having the management, disbursement, or other disposition of them, an account of which is kept in the department, to render statements of them and information in reference to them.¹³

Sec. 181. NEW SECTION. 8.77 Stating account.

If an officer who is accountable to the state treasury for any money or property neglects to render an account to the director within the time prescribed by law, or if no time is so

¹¹ See chapter 1193, §35 herein

¹² See chapter 1193, §35 herein

¹³ See chapter 1193, §35 herein

prescribed, within twenty days after being required to do so by the director, the director shall state an account against the officer from the books of the officer's office, charging ten percent damages on the whole sum appearing due, and interest at the rate of six percent per annum on the aggregate from the time when the account should have been rendered; all of which may be recovered by action brought on the account, or on the official bond of the officer.¹⁴

Sec. 182. NEW SECTION. **8.78 Compelling payment.**

If an officer fails to pay into the state treasury the amount received by the officer within the time prescribed by law, or having settled with the director, fails to pay the amount found due, the director shall charge the officer with twenty percent damages on the amount due, with interest on the aggregate from the time the amount became due at the rate of six percent per annum, and the whole may be recovered by an action brought on the account, or on the official bond of the officer, and the officer shall forfeit the officer's commission.¹⁵

Sec. 183. NEW SECTION. **8.79 Defense to claim.**

The penal provisions in sections 8.77 and 8.78 are subject to any legal defense which the officer may have against the account as stated by the director, but judgment for costs shall be rendered against the officer in the action, whatever its result, unless the officer rendered an account within the time named in those sections.¹⁶

Sec. 184. NEW SECTION. **8.80 Requested credits — oath required.**

When a county treasurer or other receiver of public moneys seeks to obtain credit on the books of the department for payment made to the county treasurer, before giving such credit the director shall require that person to take and subscribe an oath that the person has not used, loaned, or appropriated any of the public moneys for the person's private benefit or for the benefit of any other person.¹⁷

Sec. 185. NEW SECTION. **8.81 Requisition for information.**

In those cases where the director is authorized to call upon persons or officers for information, or statements, or accounts, the director may issue a requisition therefor in writing to the person or officer called upon, allowing reasonable time, which, having been served and return made to the director, as a notice in a civil action, is evidence of the making of the requisition.¹⁸

Sec. 186. NEW SECTION. **8.82 Limits on claims.**

The director is limited in authorizing the payment of claims, as follows:

1. *Funding limit.*

a. A claim shall not be allowed by the department if the appropriation or fund of certification available for paying the claim has been exhausted or proves insufficient.

b. The authority of the director is subject to the following exceptions:

(1) Claims by state employees for benefits pursuant to chapters 85, 85A, 85B, and 86 are subject to limitations provided in those chapters.

(2) Claims for medical assistance payments authorized under chapter 249A are subject to the time limits imposed by rule adopted by the department of human services.

(3) Claims approved by an agency according to the provisions of section 25.2.

2. *Convention expenses.* Claims for expenses in attending conventions, meetings, conferences, or gatherings of members of an association or society organized and existing as a quasi-public association or society outside the state of Iowa shall not be allowed at public expense, unless authorized by the executive council; and claims for these expenses outside of the state shall not be allowed unless the voucher is accompanied by the portion of the minutes of the executive council, certified to by its secretary, showing that the expense was authorized by the council. This section does not apply to claims in favor of the governor,

¹⁴ See chapter 1193, §35 herein

¹⁵ See chapter 1193, §35 herein

¹⁶ See chapter 1193, §35 herein

¹⁷ See chapter 1193, §35 herein

¹⁸ See chapter 1193, §35 herein

attorney general, utilities board members, or to trips referred to in sections 97B.7A and 217.20.

3. *Payment from fees.* Claims for per diem and expenses payable from fees shall not be approved for payment in excess of those fees if the law provides that such expenditures are limited to the special funds collected and deposited in the state treasury.¹⁹

Sec. 187. NEW SECTION. 8.83 Claims — approval.

The director before approving a claim on behalf of the department shall determine:

1. That the creation of the claim is clearly authorized by law. Statutes authorizing the expenditure may be referenced through account coding authorized by the director.

2. That the claim has been authorized by an officer or official body having legal authority to so authorize and that the fact of authorization has been certified to the director by such officer or official body.

3. That all legal requirements have been observed, including notice and opportunity for competition, if required by law.

4. That the claim is in proper form as the director may provide.

5. That the charges are reasonable, proper, and correct and no part of the claim has been paid.²⁰

Sec. 188. NEW SECTION. 8.84 Vouchers — interest — payment of claims.

1. Before a warrant or its equivalent is issued for a claim payable from the state treasury, the department shall file an itemized voucher showing in detail the items of service, expense, item furnished, or contract for which payment is sought. However, the director may authorize the prepayment of claims when the best interests of the state are served under rules adopted by the director. The claimant's original invoice shall be attached to a department's approved voucher. The director shall adopt rules specifying the form and contents for invoices submitted by a vendor to a department. The requirements apply to acceptance of an invoice by a department. A department shall not impose additional or different requirements on submission of invoices than those contained in rules of the director unless the director exempts the department from the invoice requirements or a part of the requirements upon a finding that compliance would result in poor accounting or management practices.

2. Vouchers for postage, stamped envelopes, and postal cards may be audited as soon as an order for them is entered.

3. The departments, the general assembly, and the courts shall pay their claims in a timely manner. If a claim for services, supplies, materials, or a contract which is payable from the state treasury remains unpaid after sixty days following the receipt of the claim or the satisfactory delivery, furnishing, or performance of the services, supplies, materials, or contract, whichever date is later, the state shall pay interest at the rate of one percent per month on the unpaid amount of the claim. This subsection does not apply to claims against the state under chapters 25 and 669 or to claims paid by federal funds. The interest shall be charged to the appropriation or fund to which the claim is certified. Departments may enter into contracts for goods or services on payment terms of less than sixty days if the state may obtain a financial benefit or incentive which would not otherwise be available from the vendor. The department, in consultation with other affected departments, shall develop policies to promote consistency and fiscal responsibility relating to payment terms authorized under this subsection. The director shall adopt rules under chapter 17A relating to the administration of this subsection.²¹

Sec. 189. NEW SECTION. 8.85 Warrants — form.

A warrant shall bear on its face the signature of the director or its facsimile, or the signature of an assistant or its facsimile in case of a vacancy in the office of the director; a proper number, date, amount, and name of payee; a reference to the law under which it is drawn; whether for salaries or wages, services, or supplies, and what kind of supplies; and from

¹⁹ See chapter 1193, §35 herein

²⁰ See chapter 1193, §35 herein

²¹ See chapter 1193, §35 herein

what office or department, or for what other general or special purposes; or in lieu thereof, a coding system may be used, which particulars shall be entered in a warrant register kept for that purpose in the order of issuance; and as soon as practicable after issuing a warrant register, the director shall certify a duplicate of it to the treasurer of state.²²

Sec. 190. NEW SECTION. **8.86 Required payee.**

All warrants shall be drawn to the order of the person entitled to payment or compensation, except that when goods or materials are purchased in foreign countries, warrants may be drawn upon the treasurer of state, payable to the bearer for the net amount of invoice and current exchange, and the treasurer of state shall furnish a foreign draft payable to the order of the person from whom purchase is made.²³

Sec. 191. NEW SECTION. **8.87 Prohibited payee.**

In no case shall warrants be drawn in the name of the certifying office, department, board, or institution, or in the name of an employee, except for personal service rendered or expense incurred by the employee, unless express statutory authority exists therefor.²⁴

Sec. 192. NEW SECTION. **8.88 Claims exceeding appropriations.**

A claim shall not be allowed when the claim will exceed the amount specifically appropriated for the claim.²⁵

Sec. 193. NEW SECTION. **8.89 Cancellation of state warrants.**

On the last business day of each month, the director shall cancel and request the treasurer of state to stop payment on all state warrants which have been outstanding and unredeemed by the treasurer of state for six months or longer.²⁶

Sec. 194. Section 8.9, subsection 1, Code Supplement 2009, is amended to read as follows:

1. The office of grants enterprise management is established in the department of management. The function of the office is to develop and administer a system to track, identify, advocate for, and coordinate nonstate grants as defined in section 8.2, subsections 1 and 3. Staffing for the office of grants enterprise management shall be provided by a facilitator appointed by the director of the department of management. Additional staff may be hired, subject to the availability of funding. Funding for the office is from the appropriation to the department pursuant to section ~~8A.505, subsection 2.~~²⁷

Sec. 195. Section 8.31, subsection 4, Code 2009, is amended to read as follows:

4. The procedure to be employed in controlling the expenditures and receipts of the state fair board and the institutions under the state board of regents, whose collections are not deposited in the state treasury, is that outlined in section ~~8A.502~~ 8.72, subsection 9.²⁸

Sec. 196. Section 8A.102, subsection 2, Code 2009, is amended to read as follows:

2. The person appointed as director shall be professionally qualified by education and have no less than five years' experience in the field of management, public or private sector personnel administration including the application of merit principles in employment, ~~financial management~~, and policy development and implementation. The appointment shall be made without regard for political affiliation. The director shall not be a member of any local, state, or national committee of a political party, an officer or member of a committee in any partisan political club or organization, or hold or be a candidate for a paid elective public office. The director is subject to the restrictions on political activity provided in section 8A.416. The governor shall set the salary of the director within pay grade nine.²⁹

²² See chapter 1193, §35 herein

²³ See chapter 1193, §35 herein

²⁴ See chapter 1193, §35 herein

²⁵ See chapter 1193, §35 herein

²⁶ See chapter 1193, §35 herein

²⁷ See chapter 1193, §35 herein

²⁸ See chapter 1193, §35 herein

²⁹ See chapter 1193, §35 herein

Sec. 197. Section 8A.103, unnumbered paragraph 1, Code 2009, is amended to read as follows:

The department is created for the purpose of managing and coordinating the major resources of state government including the human, ~~financial~~, physical, and information resources of state government.³⁰

Sec. 198. Section 8A.104, subsection 12, Code 2009, is amended to read as follows:

12. Serve as the chief information officer for the state. However, the director may designate a person in the department to serve in this capacity at the discretion of the director. If the director designates a person to serve as chief information officer, the person designated shall be professionally qualified by education and have no less than five years' experience in the fields field of information technology and ~~financial management~~.³¹

Sec. 199. Section 8A.111, subsection 11, Code 2009, is amended by striking the subsection.³²

Sec. 200. Section 8A.204, subsection 3, paragraph b, Code 2009, is amended to read as follows:

b. Work with the department of management and the state accounting enterprise of the department, pursuant to section ~~8A.502~~, to maintain the relevancy of the central budget and proprietary control accounts of the general fund of the state and special funds to information technology, as those terms are defined in section 8.2, of state government.³³

Sec. 201. Section 8A.323, subsection 5, Code 2009, is amended to read as follows:

5. Any fine that remains unpaid upon becoming delinquent may be collected by the department pursuant to the setoff procedures provided for in section ~~8A.504~~ 8.74. For purposes of this subsection, a fine becomes delinquent if it has not been paid within thirty days of the date of the issuance of the parking citation, unless a written request for a hearing is filed as provided pursuant to the rules of the department. If an appeal is filed and the citation is upheld, the fine becomes delinquent ten days after the issuance of the final decision on the appeal or thirty-one days after the date of the issuance of the parking citation, whichever is later.³⁴

Sec. 202. Section 11.2, subsection 1, paragraph b, Code 2009, is amended to read as follows:

b. Provided further, that a preliminary audit of the educational institutions and the state fair board shall be made periodically, at least quarterly, to check the monthly reports submitted to the director of the department of administrative services as required by section ~~8A.502~~ 8.72, subsection 9, and that a final audit of such state agencies shall be made at the close of each fiscal year.³⁵

Sec. 203. Section 25.2, subsection 5, Code 2009, is amended to read as follows:

5. Outstanding state warrants that have been canceled pursuant to section ~~8A.519~~ 8.89 and were charged to the general fund of the state or another state funding source shall be addressed as provided in section 556.2C.³⁶

Sec. 204. Section 96.11, subsection 16, Code 2009, is amended to read as follows:

16. *Reimbursement of setoff costs.* The department shall include in the amount set off in accordance with section ~~8A.504~~ 8.74, for the collection of an overpayment created pursuant to section 96.3, subsection 7, or section 96.16, subsection 4, an additional amount for the reimbursement of setoff costs incurred by the department of administrative services.³⁷

³⁰ See chapter 1193, §35 herein

³¹ See chapter 1193, §35 herein

³² See chapter 1193, §35 herein

³³ See chapter 1193, §35 herein

³⁴ See chapter 1193, §35 herein

³⁵ See chapter 1193, §35 herein

³⁶ See chapter 1193, §35 herein

³⁷ See chapter 1193, §35 herein

Sec. 205. Section 97B.7A, subsection 5, Code 2009, is amended to read as follows:

5. *Travel*. In the administration of the investment of moneys in the retirement fund, employees of the system and members of the board may travel outside the state for the purpose of meeting with investment firms and consultants and attending conferences and meetings to fulfill their fiduciary responsibilities. This travel is not subject to section ~~8A.512~~ 8.82, subsection 2.³⁸

Sec. 206. Section 99D.2, subsection 3, Code 2009, is amended to read as follows:

3. “*Claimant agency*” means a state agency as defined in section ~~8A.504~~ 8.74, subsection 1, or the state court administrator as defined in section 602.1101.³⁹

Sec. 207. Section 99D.28, subsection 2, Code 2009, is amended to read as follows:

2. The licensee is authorized and directed to withhold any winnings of a debtor which are paid out directly by the licensee subject to the lien created by this section and provide notice of such withholding to the winner when the winner appears and claims winnings in person. The licensee shall pay the funds over to the collection entity which administers the setoff program pursuant to section ~~8A.504~~ 8.74.⁴⁰

Sec. 208. Section 99F.1, subsection 4, Code 2009, is amended to read as follows:

4. “*Claimant agency*” means a state agency as defined in section ~~8A.504~~ 8.74, subsection 1, or the state court administrator as defined in section 602.1101.⁴¹

Sec. 209. Section 99F.19, subsection 2, Code 2009, is amended to read as follows:

2. The licensee is authorized and directed to withhold any winnings of a debtor which are paid out directly by the licensee subject to the lien created by this section and provide notice of such withholding to the winner when the winner appears and claims winnings in person. The licensee shall pay the funds over to the collection entity which administers the setoff program pursuant to section ~~8A.504~~ 8.74.⁴²

Sec. 210. Section 99G.38, subsection 3, Code 2009, is amended to read as follows:

3. The state of Iowa offset program, as provided in section ~~8A.504~~ 8.74, shall be available to the authority to facilitate receipt of funds owed to the authority.⁴³

Sec. 211. Section 217.34, Code 2009, is amended to read as follows:

217.34 Debt setoff.

The investigations division of the department of inspections and appeals and the department of human services shall provide assistance to set off against a person’s or provider’s income tax refund or rebate any debt which has accrued through written contract, subrogation, departmental recoupment procedures, or court judgment and which is in the form of a liquidated sum due and owing the department of human services. The department of inspections and appeals, with approval of the department of human services, shall adopt rules under chapter 17A necessary to assist the department of administrative services management in the implementation of the setoff under section ~~8A.504~~ 8.74 in regard to money owed to the state for public assistance overpayments. The department of human services shall adopt rules under chapter 17A necessary to assist the department of administrative services management in the implementation of the setoff under section ~~8A.504~~ 8.74, in regard to collections by the child support recovery unit and the foster care recovery unit.⁴⁴

Sec. 212. Section 218.58, subsection 5, Code 2009, is amended to read as follows:

5. A claim for payment relating to a project shall be itemized on a voucher form pursuant to section ~~8A.514~~ 8.84, certified by the claimant and the architect or engineer in charge, and

³⁸ See chapter 1193, §35 herein

³⁹ See chapter 1193, §35 herein

⁴⁰ See chapter 1193, §35 herein

⁴¹ See chapter 1193, §35 herein

⁴² See chapter 1193, §35 herein

⁴³ See chapter 1193, §35 herein

⁴⁴ See chapter 1193, §35 herein

audited and approved by the department of ~~administrative services management~~. Upon approval by the department of ~~administrative services management~~, the director of the department of ~~administrative services management~~ shall draw a warrant to be paid by the treasurer of state from funds appropriated for the project. A partial payment made before completion of the project does not constitute final acceptance of the work or a waiver of any defect in the work.⁴⁵

Sec. 213. Section 218.85, Code 2009, is amended to read as follows:

218.85 Uniform system of accounts.

The director of human services through the administrators in control of the institutions shall install in all the institutions the most modern, complete, and uniform system of accounts, records, and reports possible. The system shall be prescribed by the director of the department of ~~administrative services management~~ as authorized in section ~~8A.502 8.72~~, subsection 13, and, among other matters, shall clearly show the detailed facts relative to the handling and uses of all purchases.⁴⁶

Sec. 214. Section 234.8, Code 2009, is amended to read as follows:

234.8 Fees for child welfare services.

The department of human services may charge a fee for child welfare services to a person liable for the cost of the services. The fee shall not exceed the reasonable cost of the services. The fee shall be based upon the person's ability to pay and consideration of the fee's impact upon the liable person's family and the goals identified in the case permanency plan. The department may assess the liable person for the fee and the means of recovery shall include a setoff against an amount owed by a state agency to the person assessed pursuant to section ~~8A.504 8.74~~. In addition the department may establish an administrative process to recover the assessment through automatic income withholding. The department shall adopt rules pursuant to chapter 17A to implement the provisions of this section. This section does not apply to court-ordered services provided to juveniles which are a charge upon the state pursuant to section 232.141 and services for which the department has established a support obligation pursuant to section 234.39.⁴⁷

Sec. 215. Section 252B.5, subsection 4, Code Supplement 2009, is amended to read as follows:

4. Assistance to set off against a debtor's income tax refund or rebate any support debt, which is assigned to the department of human services or which the child support recovery unit is attempting to collect on behalf of any individual not eligible as a public assistance recipient, which has accrued through written contract, subrogation, or court judgment, and which is in the form of a liquidated sum due and owing for the care, support, or maintenance of a child. Unless the periodic payment plan provisions for a retroactive modification pursuant to section 598.21C apply, the entire amount of a judgment for accrued support, notwithstanding compliance with a periodic payment plan or regardless of the date of entry of the judgment, is due and owing as of the date of entry of the judgment and is delinquent for the purposes of setoff, including for setoff against a debtor's federal income tax refund or other federal nontax payment. The department of human services shall adopt rules pursuant to chapter 17A necessary to assist the department of ~~administrative services management~~ in the implementation of the child support setoff as established under section ~~8A.504 8.74~~.⁴⁸

Sec. 216. Section 261.37, subsection 7, Code 2009, is amended to read as follows:

7. To establish an effective system for the collection of delinquent loans, including the adoption of an agreement with the department of ~~administrative services management~~ to set off against a defaulter's income tax refund or rebate the amount that is due because of a default on a guaranteed or parental loan made under this division. The commission shall adopt rules under chapter 17A necessary to assist the department of ~~administrative~~

⁴⁵ See chapter 1193, §35 herein

⁴⁶ See chapter 1193, §35 herein

⁴⁷ See chapter 1193, §35 herein

⁴⁸ See chapter 1193, §35 herein

~~services management~~ in the implementation of the student loan setoff program as established under section ~~8A.504 8.74~~. The commission shall apply administrative wage garnishment procedures authorized under the federal Higher Education Act of 1965, as amended and codified in 20 U.S.C. § 1071 et seq., for all delinquent loans, including loans authorized under section 261.38, when a defaulter who is financially capable of paying fails to voluntarily enter into a reasonable payment agreement. In no case shall the commission garnish more than the amount authorized by federal law for all loans being collected by the commission, including those authorized under section 261.38. ⁴⁹

Sec. 217. Section 321.11A, subsection 1, paragraph c, Code 2009, is amended to read as follows:

c. The department of ~~administrative services management~~ for the purpose of administering the setoff program pursuant to section ~~8A.504 8.74~~. ⁵⁰

Sec. 218. Section 321.31, subsection 1, unnumbered paragraph 3, Code 2009, is amended to read as follows:

The director shall maintain a records system of delinquent accounts owed to the state using information provided through the computerized data bank established in section 421.17. The department and county treasurers shall use the information maintained in the records system to determine if applicants for renewal of registration have delinquent accounts, charges, fees, loans, taxes, or other indebtedness owed to or being collected by the state as provided pursuant to section ~~8A.504 8.74~~. The director, the director of the department of ~~administrative services management~~, and the director of revenue shall establish procedures for updating the delinquent accounts records to add and remove accounts, as applicable. ⁵¹

Sec. 219. Section 321.40, subsection 6, Code Supplement 2009, is amended to read as follows:

6. The department or the county treasurer shall refuse to renew the registration of a vehicle registered to the applicant if the department or the county treasurer knows that the applicant has a delinquent account, charge, fee, loan, taxes, or other indebtedness owed to or being collected by the state, from information provided pursuant to sections ~~8A.504 8.74~~ and 421.17. An applicant may contest this action by requesting a contested case proceeding from the agency that referred the debt for collection pursuant to section ~~8A.504 8.74~~. ⁵²

Sec. 220. Section 331.552, subsection 5, Code 2009, is amended to read as follows:

5. Account for, report, and pay into the state treasury any money, property, or securities received on behalf of the state as provided in sections ~~8A.506 to 8A.508 8.76 to 8.78~~. ⁵³

Sec. 221. Section 422.12D, subsection 4, Code 2009, is amended to read as follows:

4. The department shall adopt rules to implement this section. However, before a checkoff pursuant to this section shall be permitted, all liabilities on the books of the department of ~~administrative services management~~ and accounts identified as owing under section ~~8A.504 8.74~~ and the political contribution allowed under section 68A.601 shall be satisfied. ⁵⁴

Sec. 222. Section 422.12K, subsection 2, Code Supplement 2009, is amended to read as follows:

2. The director of revenue shall draft the income tax form to allow the designation of contributions to the child abuse prevention program fund on the tax return. The department of revenue, on or before January 31, shall transfer the total amount designated on the tax return forms due in the preceding calendar year to the child abuse prevention program fund. However, before a checkoff pursuant to this section shall be permitted, all liabilities on the books of the department of ~~administrative services management~~ and accounts identified

⁴⁹ See chapter 1193, §35 herein

⁵⁰ See chapter 1193, §35 herein

⁵¹ See chapter 1193, §35 herein

⁵² See chapter 1193, §35 herein

⁵³ See chapter 1193, §35 herein

⁵⁴ See chapter 1193, §35 herein

as owing under section ~~8A.504~~ 8.74 and the political contribution allowed under section 68A.601 shall be satisfied.⁵⁵

Sec. 223. Section 422.12L, subsection 2, Code 2009, is amended to read as follows:

2. The director of revenue shall draft the income tax form to allow the designation of contributions to the veterans trust fund and to the volunteer fire fighter preparedness fund as one checkoff on the tax return. The department of revenue, on or before January 31, shall transfer one-half of the total amount designated on the tax return forms due in the preceding calendar year to the veterans trust fund and the remaining one-half to the volunteer fire fighter preparedness fund. However, before a checkoff pursuant to this section shall be permitted, all liabilities on the books of the department of ~~administrative services management~~ and accounts identified as owing under section ~~8A.504~~ 8.74 and the political contribution allowed under section 68A.601 shall be satisfied.⁵⁶

Sec. 224. Section 422.20, subsection 3, paragraph a, Code 2009, is amended to read as follows:

a. Unless otherwise expressly permitted by section ~~8A.504~~ 8.74, section 421.17, subsections 22, 23, and 26, sections 252B.9, 321.120, 421.19, 421.28, 422.72, and 452A.63, and this section, a tax return, return information, or investigative or audit information shall not be divulged to any person or entity, other than the taxpayer, the department, or internal revenue service for use in a matter unrelated to tax administration.⁵⁷

Sec. 225. Section 422.72, subsection 3, paragraph a, Code 2009, is amended to read as follows:

a. Unless otherwise expressly permitted by section ~~8A.504~~ 8.74, section 421.17, subsections 22, 23, and 26, sections 252B.9, 321.120, 421.19, 421.28, 422.20, and 452A.63, and this section, a tax return, return information, or investigative or audit information shall not be divulged to any person or entity, other than the taxpayer, the department, or internal revenue service for use in a matter unrelated to tax administration.⁵⁸

Sec. 226. Section 456A.16, unnumbered paragraph 7, Code 2009, is amended to read as follows:

The department shall adopt rules to implement this section. However, before a checkoff pursuant to this section shall be permitted, all liabilities on the books of the department of ~~administrative services management~~ and accounts identified as owing under section ~~8A.504~~ 8.74 and the political contribution allowed under section 68A.601 shall be satisfied.⁵⁹

Sec. 227. Section 556.2C, subsection 1, paragraph a, Code 2009, is amended to read as follows:

a. An unpaid, outdated warrant that is canceled pursuant to section ~~8A.519~~ 8.89 shall be included in a list of outstanding state warrants maintained by the director of the department of ~~administrative services management~~. On or before July 1 of each year, the director of the department of ~~administrative services management~~ shall provide the office of the treasurer of state with a consolidated list of such outstanding warrants that have not been previously reported to the office.⁶⁰

Sec. 228. Section 602.8102, subsection 58A, Code 2009, is amended to read as follows:

58A. Assist the department of ~~administrative services management~~ in setting off against debtors' income tax refunds or rebates under section ~~8A.504~~ 8.74, debts which are due, owing, and payable to the clerk of the district court as criminal fines, civil penalties, surcharges, or court costs.⁶¹

⁵⁵ See chapter 1193, §35 herein

⁵⁶ See chapter 1193, §35 herein

⁵⁷ See chapter 1193, §35 herein

⁵⁸ See chapter 1193, §35 herein

⁵⁹ See chapter 1193, §35 herein

⁶⁰ See chapter 1193, §35 herein

⁶¹ See chapter 1193, §35 herein

Sec. 229. Section 602.8107, subsection 4, paragraph a, Code Supplement 2009, is amended to read as follows:

a. This subsection does not apply to amounts collected for victim restitution, the victim compensation fund, the criminal penalty surcharge, sex offender civil penalty, drug abuse resistance education surcharge, the law enforcement initiative surcharge, county enforcement surcharge, amounts collected as a result of procedures initiated under subsection 5 or under section ~~8A.504~~ 8.74, or fees charged pursuant to section 356.7. ⁶²

Sec. 230. Section 642.2, subsection 4, Code 2009, is amended to read as follows:

4. Notwithstanding subsections 2, 3, 6, and 7, any moneys owed to the child support obligor by the state, with the exception of unclaimed property held by the treasurer of state pursuant to chapter 556, and payments owed to the child support obligor through the Iowa public employees' retirement system are subject to garnishment, attachment, execution, or assignment by the child support recovery unit if the child support recovery unit is providing enforcement services pursuant to chapter 252B. Any moneys that are determined payable by the treasurer pursuant to section 556.20, subsection 2, to the child support obligor shall be subject to setoff pursuant to section ~~8A.504~~ 8.74, notwithstanding any administrative rule pertaining to the child support recovery unit limiting the amount of the offset. ⁶³

Sec. 231. REPEAL. Sections 8A.502, 8A.503, 8A.504, 8A.506, 8A.507, 8A.508, 8A.509, 8A.510, 8A.511, 8A.512, 8A.513, 8A.514, 8A.515, 8A.516, 8A.517, 8A.518, and 8A.519, Code 2009, are repealed. ⁶⁴

Sec. 232. REPEAL. Section 8A.505, Code Supplement 2009, is repealed. ⁶⁵

Sec. 233. DEPARTMENT OF MANAGEMENT — CENTRALIZED PAYROLL SYSTEM. The department of management ⁶⁶ shall examine the possibility of merging all state payroll systems into the centralized payroll system operated by the department. The department shall consult with those entities of state government not utilizing the centralized payroll system, including but not limited to the state department of transportation, about strategies for encouraging utilization of the state's centralized payroll system and by identifying those barriers preventing merging of the payroll systems. The department shall provide information to the joint appropriations subcommittee on administration and regulation concerning efforts by the department to merge payroll systems and any recommendations for legislative action to encourage, or eliminate barriers to, the provision of payroll services by the department to other state agencies.

Sec. 234. DEPARTMENT OF MANAGEMENT — PAYROLL FREQUENCY. The department of management ⁶⁷ shall implement to the greatest extent possible a reduction in the frequency of paying state employees by paying employees through the payroll system on a semimonthly instead of a biweekly basis.

DIVISION XVII
ADMINISTRATION AND REGULATION APPROPRIATIONS

Sec. 235. DEPARTMENT OF REVENUE — EXAMINERS. There is appropriated from the general fund of the state to the department of revenue for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:		
.....	\$	325,000
.....	FTEs	5.00

⁶² See chapter 1193, §35 herein
⁶³ See chapter 1193, §35 herein
⁶⁴ See chapter 1193, §35 herein
⁶⁵ See chapter 1193, §35 herein
⁶⁶ See chapter 1193, §33 herein
⁶⁷ See chapter 1193, §34 herein

The moneys appropriated in this section shall be utilized by the department to hire five additional examiners.

Sec. 236. DEPARTMENT OF MANAGEMENT — GRANTS ENTERPRISE MANAGEMENT. There is appropriated from the general fund of the state to the department of management for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For the office of grants enterprise management, including salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent position:	\$	175,000
.....		
.....	FTEs	1.00

Of the moneys appropriated in this section, \$50,000 shall be used by the department of management to create and fill an additional position in the office of grants enterprise management.

DIVISION XVIII
 ELIMINATION OF STATE ENTITIES
 ENTITIES ASSOCIATED WITH THE DEPARTMENT OF AGRICULTURE AND
 LAND STEWARDSHIP

Sec. 237. Section 159.20, subsection 1, paragraph j, Code Supplement 2009, is amended to read as follows:

j. Assist the office of renewable fuels and coproducts and ~~the renewable fuels and coproducts advisory committee~~ in administering the provisions of chapter 159A.

Sec. 238. Section 159A.1, subsection 3, Code 2009, is amended to read as follows:

3. This state adopts a policy of enhancing agricultural production by encouraging the development and use of fuels and coproducts derived from agricultural commodities, as provided in this chapter, including rules adopted by the office of renewable fuels and coproducts ~~and the renewable fuels and coproducts advisory committee~~.

Sec. 239. Section 159A.2, subsection 2, Code 2009, is amended by striking the subsection.

Sec. 240. Section 159A.3, subsection 2, paragraph h, Code Supplement 2009, is amended by striking the paragraph.

Sec. 241. Section 159A.3, subsection 2, paragraph i, Code Supplement 2009, is amended by striking the paragraph.

Sec. 242. Section 159A.3, subsection 4, Code Supplement 2009, is amended to read as follows:

4. The office and state entities, including the department, ~~the committee~~, the Iowa department of economic development, the state department of transportation, the office of energy independence, and the state board of regents institutions, shall cooperate to implement this section.

Sec. 243. Section 159A.6, Code Supplement 2009, is amended to read as follows:

159A.6 Education, promotion, and advertising.

1. The office shall ~~support~~ do all of the following:

a. ~~Support~~ education regarding, and promotion and advertising of, renewable fuels and coproducts. The office shall consult with the Iowa corn growers association and the Iowa soybean association.

2. ~~b. The office shall promote~~ Promote the advantages related to the use of renewable fuels as an alternative to nonrenewable fuels. Promotions shall be designed to inform the ultimate consumer of advantages associated with using renewable fuels, and emphasize the benefits to the natural environment. The promotion shall inform consumers at the businesses of retail dealers of motor vehicle fuels.

~~3. c. The committee shall develop~~ Develop standards for decals required pursuant to section 214A.16, which shall be designed to promote the advantages of using renewable fuels. The standards may be incorporated within a model decal adopted ~~by the committee and approved by the office.~~

4. ~~d. The office shall promote~~ Promote the advantages related to the use of coproducts derived from the production of renewable fuels, including the use of coproducts used as livestock feed or meal. Promotions shall be designed to inform the potential purchasers of the advantages associated with using coproducts. The office shall promote advantages associated with using coproducts of ethanol production as livestock feed or meal to cattle producers in this state.

~~5. 2. The office may contract to provide all or part of these~~ the services described in subsection 1.

Sec. 244. Section 159A.7, subsection 2, Code Supplement 2009, is amended to read as follows:

2. Moneys in the fund shall be used only to carry out the provisions of this section and sections 159A.3, ~~159A.4, 159A.5,~~ 159A.6, 159A.6A, and 159A.6B within the state of Iowa.

Sec. 245. Section 214A.1, subsection 7, Code 2009, is amended by striking the subsection.

Sec. 246. Section 214A.1, Code 2009, is amended by adding the following new subsection:
NEW SUBSECTION. 17A. "Office" means the office of renewable fuels and coproducts created pursuant to section 159A.3.

Sec. 247. Section 214A.2, subsection 1, Code Supplement 2009, is amended to read as follows:

1. The department shall adopt rules pursuant to chapter 17A for carrying out this chapter. The rules may include, but are not limited to, specifications relating to motor fuel, including but not limited to renewable fuel such as ethanol blended gasoline, biodiesel, biodiesel blended fuel, and motor fuel components such as an oxygenate. In the interest of uniformity, the department shall adopt by reference other specifications relating to tests and standards for motor fuel including renewable fuel and motor fuel components, established by the United States environmental protection agency and A.S.T.M. international. ~~In adopting standards for a renewable fuel, the department shall consult with the committee.~~

Sec. 248. Section 422.11N, subsection 4, paragraph b, unnumbered paragraph 2, Code 2009, is amended to read as follows:

If the governor finds that exigent circumstances exist, the governor may reduce the applicable biofuel threshold percentage by replacing it with an adjusted biofuel threshold percentage. The governor shall consult with the department of revenue and the office of renewable fuels and coproducts ~~advisory committee established pursuant to section 159A.4~~ 159A.3. The governor shall make the adjustment by giving notice of intent to issue a proclamation which shall take effect not earlier than thirty-five days after publication in the Iowa administrative bulletin of a notice to issue the proclamation. The governor shall provide a period of notice and comment in the same manner as provided in section 17A.4, subsection 1. The adjusted biofuel threshold percentage shall be effective for the following determination period.

Sec. 249. Section 469.3, subsection 2, paragraph m, Code Supplement 2009, is amended to read as follows:

m. Coordinate with other state agencies regarding implementation of the office of renewable fuels and coproducts pursuant to section 159A.3, ~~serve on the renewable fuels and coproducts advisory committee,~~ and assist in providing technical assistance to new or existing renewable fuel production facilities.

Sec. 250. REPEAL. Section 159A.4, Code Supplement 2009, is repealed.

Sec. 251. REPEAL. Section 159A.5, Code 2009, is repealed.

Sec. 252. REPEAL. Chapter 175A, Code 2009, is repealed.

Sec. 253. ORGANIC ADVISORY COUNCIL — FEES. Notwithstanding section 190C.5, for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the department of agriculture and land stewardship shall increase all fees that it establishes, imposes, and collects pursuant to 21 IAC ch. 47 by ten percent. Of the fees collected by the department, the amount collected representing the ten percent increase in fees authorized by this section shall not be deposited in the general fund of the state but shall be retained by the department for the purposes of the department.

Sec. 254. GRAPE AND WINE DEVELOPMENT FUND. This division of this Act does not affect the expenditure of moneys by the department of agriculture and land stewardship to satisfy any obligations or encumbrances of moneys in the grape and wine development fund created in section 175A.5, if the obligations or encumbrances were incurred prior to the effective date of this division of this Act. Moneys credited to the grape and wine development fund that are unobligated or unencumbered at the close of the fiscal year ending June 30, 2010, shall be transferred to the wine gallonage tax fund created in section 123.183 in the same manner as a reversion.

DIVISION XIX
ELIMINATION OF STATE ENTITIES
ENTITIES ASSOCIATED WITH THE DEPARTMENT OF NATURAL RESOURCES'
CONTROL OF THE NATURAL HABITAT

Sec. 255. 2008 Iowa Acts, chapter 1080, section 1, subsection 6, is amended to read as follows:

6. This section is repealed on ~~July 1, 2010~~ the effective date of this section of this division of this Act.

Sec. 256. REPEAL. 2009 Iowa Acts, chapter 144, section 49, is repealed.

Sec. 257. EFFECTIVE UPON ENACTMENT. The following provisions of this division of this Act, being deemed of immediate importance, take effect upon enactment:

The section of this Act amending 2008 Iowa Acts, chapter 1080, section 1, concerning the sustainable natural resource funding advisory committee.

The sections of this Act repealing 2009 Iowa Acts, chapter 144, section 49, establishing an upland game bird study advisory committee.

DIVISION XX
ELIMINATION OF STATE ENTITIES
ENTITIES ASSOCIATED WITH THE DEPARTMENT OF NATURAL RESOURCES —
IOWA CLIMATE CHANGE ADVISORY COUNCIL

Sec. 258. Section 455B.104, Code Supplement 2009, is amended by adding the following new subsections:

NEW SUBSECTION. 3. The department may periodically forward recommendations to the commission designed to encourage the reduction of statewide greenhouse gas emissions.

NEW SUBSECTION. 4. By September 1 of each year, the department shall submit a report to the governor and the general assembly regarding the greenhouse gas emissions in the state during the previous calendar year and forecasting trends in such emissions. The first submission by the department shall be filed by September 1, 2011, for the calendar year beginning January 1, 2010.⁶⁸

Sec. 259. Section 455B.851, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 10. This section is repealed July 1, 2011.

⁶⁸ See chapter 1193, §54 herein

Sec. 260. Section 473.7, subsection 12, paragraph b, Code Supplement 2009, is amended by striking the paragraph.

DIVISION XXI
ECONOMIC DEVELOPMENT — COMMITTEES AND COUNCILS

Sec. 261. Section 15.108, subsection 7, paragraph h, Code 2009, is amended by striking the paragraph.

Sec. 262. Section 15G.115, subsections 2 and 3, Code Supplement 2009, are amended to read as follows:

2. a. Each application from a business for financial assistance under the grow Iowa values financial assistance program shall be reviewed by the due diligence committee established by the board pursuant to section 15.103, subsection 6. The due diligence committee shall make a recommendation on each application to the board.

~~b. Each application from a business for financial assistance under the value-added agriculture component of the grow Iowa values financial assistance program shall be reviewed by the agricultural products advisory council established in section 15.203, which shall make a recommendation on each application to the board.~~

e. b. Each application for financial assistance from funds allocated by the department for deposit in the innovation and commercialization development fund pursuant to section 15G.111, subsection 10, shall be reviewed by the technology commercialization committee established in section 15.116, which shall make a recommendation on each application to the board.

3. In overseeing the administration of the grow Iowa values fund and grow Iowa values financial assistance program pursuant to this chapter, the board shall do all of the following:

a. At the first scheduled meeting of the board after the start of a new fiscal year, take final action on all of the following:

(1) The department's recommendations for the annual fiscal year allocation of moneys in the fund, as provided in section 15G.111, subsection 4. The board may adjust the allocation of moneys during the fiscal year as necessary.

(2) The department's recommendations for the allocation of moneys among the program components referred to in section 15G.112, subsection 1, paragraph "b". The board may adjust the allocation of moneys during the fiscal year as necessary.

b. Consider the recommendation of the due diligence committee ~~and the agricultural products advisory council~~ on each application for financial assistance, as described in subsection 2, and take final action on each application.

c. Take final action on the required plans for proposed expenditures submitted by the entities receiving moneys allocated under section 15G.111, subsections 5 through 8.

d. Take final action on any rules recommended by the department for the implementation of the provisions of this chapter.

Sec. 263. REPEAL. Section 15.114, Code 2009, is repealed.

Sec. 264. REPEAL. Section 15.203, Code Supplement 2009, is repealed.

DIVISION XXII
CONSOLIDATION OF HOUSING PROGRAMS

Sec. 265. NEW SECTION. 16.41 Shelter assistance fund.

1. A shelter assistance fund is created as a revolving fund in the state treasury under the control of the authority consisting of any moneys appropriated by the general assembly and received under section 428A.8 for purposes of the rehabilitation, expansion, or costs of operations of group home shelters for the homeless and domestic violence shelters.

2. Of the moneys in the fund, not less than five hundred forty-six thousand dollars shall be spent annually on homeless shelter projects.

3. Notwithstanding section 8.33, all moneys in the shelter assistance fund which remain unexpended or unobligated at the close of the fiscal year shall not revert to the general fund of the state but shall remain available for expenditure for subsequent fiscal years.

Sec. 266. Section 428A.8, subsection 2, unnumbered paragraph 1, Code 2009, is amended to read as follows:

The treasurer of state shall deposit or transfer the receipts paid the treasurer of state pursuant to subsection 1 to either the general fund of the state, the housing trust fund created in section 16.181, or the shelter assistance fund created in section ~~15.349~~ 16.41 as follows:

Sec. 267. REPEAL. Section 15.349, Code 2009, is repealed.

Sec. 268. DEPARTMENTAL PROGRAM REVIEW — HOUSING PROGRAMS.

1. The department of economic development and the Iowa finance authority shall conduct a joint review of programs administered by the agencies that relate to housing, including all such federal programs. The joint review of programs shall include a review of all federal moneys received and spent on housing programs. The agencies shall identify all programs that are duplicative of another program and all programs that have purposes similar to that of another program.

2. The agencies shall produce a report on how best to transfer all responsibilities for housing-related programs from the department of economic development to the Iowa finance authority.

3. By September 1, 2010, the agencies shall submit a joint written report to the governor, the department of management, and the general assembly consisting of the information required under this section, a complete list of programs reviewed pursuant to this section, and any other relevant information.

DIVISION XXIII AREA EDUCATION AGENCIES

Sec. 269. Section 256.9, Code Supplement 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 59. Provide guidance and standards to area education agencies for federal and state education initiatives which the area education agencies must implement statewide.

Sec. 270. Section 273.2, Code Supplement 2009, is amended by adding the following new subsections:

NEW SUBSECTION. 8. The area education agency board shall collaborate with the department of education to provide a statewide infrastructure for educational data to create cost efficiencies, provide storage and disaster mitigation, and improve interconnectivity between schools and school districts. In addition, the area education agency boards shall work with the department to provide systemwide coordination in the implementation of the statewide longitudinal data system consistent with the federal American Recovery and Reinvestment Act of 2009. The area education agencies shall provide support to school districts' information technology infrastructure that is consistent with the statewide infrastructure for the educational data collaborative.

NEW SUBSECTION. 9. The area education agency boards shall jointly develop a three-year statewide strategic plan that supports goals adopted by the state board of education pursuant to section 256.7, subsection 4, and the accreditation standards established pursuant to section 256.11; establish performance goals; and clearly identify the statewide efforts to improve student learning and create efficiencies in management operations for area education agencies and school districts. The statewide strategic plan shall be approved by the state board of education. The area education agency boards shall jointly provide the state board with annual updates on the performance measures.

Sec. 271. Section 273.10, subsection 2, Code Supplement 2009, is amended to read as follows:

2. Prior to a visit to an area education agency, the accreditation team shall have access to that area education agency's program audit report filed with the department. After a visit to an area education agency, the accreditation team shall determine whether the accreditation standards for a program, including but not limited to standards established pursuant to section 256.9, subsection 59, have been met and shall make a report to the director and the state board, together with a recommendation as to whether the programs of the area education agency should receive initial accreditation or remain accredited. The accreditation team shall report strengths and weaknesses, if any, for each accreditation standard and shall advise the area education agency of available resources and technical assistance to further enhance the strengths and improve areas of weakness. An area education agency may respond to the accreditation team's report.

Sec. 272. Section 273.11, subsection 2, Code 2009, is amended by adding the following new paragraph:

NEW PARAGRAPH. *j.* Support for early childhood service coordination for families and children to meet health, safety, and learning needs.

Sec. 273. NEW SECTION. **273.15 Advisory group.**

1. The board of directors of each area education agency shall appoint an advisory group to make recommendations on policy, programs, and services to the board. The advisory group shall provide input, feedback, and recommendations to the board regarding projected future needs, and shall provide a review and response to any state-directed study or task force report on area education agency efficiencies or reorganization.

2. The advisory group shall consist of the following:

a. A minimum of three superintendents employed by school districts served by the area education agency; at least one of whom shall represent a small school district, at least one of whom shall represent a medium-sized school district, and at least one of whom shall represent a large school district.

b. A minimum of three principals employed by school districts served by the area education agency; at least one of whom shall represent an elementary school, at least one of whom shall represent a middle school, and at least one of whom shall represent a high school.

c. A minimum of four teachers employed by school districts served by the area education agency; at least one of whom shall represent early childhood teachers, at least one of whom shall represent elementary school teachers, at least one of whom shall represent middle school teachers, and at least one of whom shall represent high school teachers. At least one of the teachers appointed shall also represent special education and at least one of the teachers appointed shall represent general education. At least one of the teachers appointed shall represent related personnel, including but not limited to media and technology specialists and counselors.

d. A minimum of three parents or guardians of school age children receiving services from the area education agency, at least one of whom shall be the parent or guardian of a child requiring special education.

e. One member who represents accredited nonpublic schools located within the boundaries of the area education agency.

3. In appointing members of the advisory group pursuant to subsection 2, the area education agency shall collaborate with the superintendents and school boards of the school districts served by the area education agency.

4. All member appointments made pursuant to subsection 2 shall comply with sections 69.16, 69.16A, and 69.16C. In addition, every reasonable effort shall be made to appoint members to provide balanced representation based on age, experience, ethnicity, district size, and geography.

5. The advisory group shall meet at least twice annually and shall submit its recommendations in a report to the board of directors of the area education agency at least once annually. The report shall be timely submitted to allow for consideration of the recommendations prior to program planning and budgeting for the following fiscal year.

Sec. 274. Section 280.20, subsection 3, Code 2009, is amended by striking the subsection.

Sec. 275. REPEAL. Sections 280A.1, 280A.3, 280A.4, and 280A.5, Code 2009, are repealed.

Sec. 276. REPEAL. Section 280A.2, Code Supplement 2009, is repealed.

Sec. 277. REPEAL. Section 256.32, Code 2009, is repealed.

DIVISION XXIV
EARLY CHILDHOOD IOWA INITIATIVE

Sec. 278. **NEW SECTION. 256I.1 Definitions.**

For the purposes of this chapter, unless the context otherwise requires:

1. “*Department*” means the department of management.
2. “*Desired results*” means the set of desired results for improving the quality of life in this state for young children and their families identified in section 256I.2.
3. “*Early care*”, “*early care services*”, or “*early care system*” means the programs, services, support, or other assistance made available to a parent or other person who is involved with addressing the health and education needs of a child from zero through age five. “*Early care*”, “*early care services*”, or “*early care system*” includes but is not limited to public and private efforts and formal and informal settings.
4. “*Early childhood Iowa area*” means a geographic area designated in accordance with this chapter.
5. “*Early childhood Iowa area board*” or “*area board*” means the board for an early childhood Iowa area created in accordance with this chapter.
6. “*Early childhood Iowa state board*” or “*state board*” means the early childhood Iowa state board created in section 256I.3.

Sec. 279. **NEW SECTION. 256I.2 Desired results — purpose and scope.**

1. It is intended that through the early childhood Iowa initiative every community in Iowa will develop the capacity and commitment for using local, informed decision making to achieve the following set of desired results for improving the quality of life in this state for young children and their families:

- a. Healthy children.
- b. Children ready to succeed in school.
- c. Safe and supportive communities.
- d. Secure and nurturing families.
- e. Secure and nurturing early learning environments.

2. The purpose of creating the early childhood Iowa initiative is to empower individuals, communities, and state level partners to achieve the desired results. The desired results will be achieved as private and public entities work collaboratively. This initiative creates a partnership between communities and state level partners to support children zero through age five and their families. The role of the early childhood Iowa state board, area boards, and other state and local government agencies is to provide support, leadership, and facilitation of the growth of individual, community, and state responsibility in addressing the desired results.

3. To achieve the desired results, the initiative’s primary focus shall be on the efforts of the state and communities to work together to improve the efficiency and effectiveness of early care, education, health, and human services provided to families with children from zero through age five.

Sec. 280. **NEW SECTION. 256I.3 Early childhood Iowa state board created.**

1. The early childhood Iowa state board is created to promote a vision for a comprehensive early care, education, health, and human services system in this state. The board shall oversee state and local efforts. The vision shall be achieved through strategic planning, funding identification, guidance, and decision-making authority to assure collaboration among state and local early care, education, health, and human services systems.

2. *a.* The board shall consist of twenty-one voting members with fifteen citizen members and six state agency members. The six state agency members shall be the directors or their designees of the following departments: economic development, education, human rights, human services, public health, and workforce development. The designees of state agency directors shall be selected on an annual basis. The citizen members shall be appointed by the governor, subject to confirmation by the senate. The governor's appointments of citizen members shall be made in a manner so that each of the state's congressional districts is represented by at least two citizen members and so that all the appointments as a whole reflect the ethnic, cultural, social, and economic diversity of the state. A member of the state board shall not be a provider of services or other entity receiving funding through the early childhood Iowa initiative or be employed by such a provider or other entity.

b. The governor's appointees shall be selected from individuals nominated by area boards. The nominations shall reflect the range of interests represented on the area boards so that the governor is able to appoint one or more members each for early care, education, health, human services, business, faith, and public interests. At least one of the citizen members shall be a service consumer or the parent of a service consumer. The term of office of the citizen members is three years. A citizen member vacancy on the board shall be filled in the same manner as the original appointment for the balance of the unexpired term.

3. Citizen members shall be reimbursed for actual and necessary expenses incurred in performance of their duties. Citizen members shall be paid a per diem as specified in section 7E.6.

4. In addition to the voting members, the state board shall include four members of the general assembly with not more than one member from each chamber being from the same political party. The two senators shall be appointed one each by the majority leader of the senate and by the minority leader of the senate. The two representatives shall be appointed one each by the speaker of the house of representatives and by the minority leader of the house of representatives. Legislative members shall serve in an ex officio, nonvoting capacity. A legislative member is eligible for per diem and expenses as provided in section 2.10.

5. The state board shall elect a chairperson from among the citizen members and may select other officers from the voting members as determined to be necessary by the board. The board shall meet regularly as determined by the board, upon the call of the board's chairperson, or upon the call of a majority of voting members. The board shall meet at least quarterly.

Sec. 281. NEW SECTION. 256I.4 Early childhood Iowa state board duties.

The state board shall perform the following duties:

1. Provide oversight of early childhood Iowa areas.
2. Manage and coordinate the provision of grant funding and other moneys made available to early childhood Iowa areas by combining all or portions of appropriations or other revenues as authorized by law.
3. Approve the geographic boundaries for the early childhood Iowa areas throughout the state and approve any proposed changes in the boundaries.
4. Create a strategic plan that supports a comprehensive system of early care, education, health, and human services. The strategic plan shall be developed with extensive community involvement. The strategic plan shall be annually updated and disseminated to the public. Specific items to be addressed in the strategic plan shall include but are not limited to all of the following:
 - a.* Provisions to strengthen the state structure including interagency levels of collaboration, coordination, and integration.
 - b.* Provisions for building public-private partnerships.
 - c.* Provisions to support consolidating, blending, and redistributing state-administered funding streams and the coordination of federal funding streams. The strategic plan shall also address integration of services provided through area boards, other state and local commissions, committees, and other bodies with overlapping and similar purposes which contribute to redundancy and fragmentation in early care, education, health, and human services programs provided to the public.
 - d.* Provisions for improving the efficiency of working with federally mandated bodies.

e. Identification of indicators that measure the success of the various strategies that impact communities, families, and children. The indicators shall be developed with input from area boards.

5. Adopt common performance measures and data reporting requirements, applicable statewide, for services, programs, and activities provided by area boards. The data from common performance measures and other data shall be posted on the early childhood Iowa internet site and disseminated by other means and shall also be aggregated to provide statewide information.

6. Assist with the linkage of child welfare and juvenile justice decategorization projects with early childhood Iowa areas.

7. Coordinate and respond to requests from an area board relating to any of the following:

a. Waiver of existing rules, federal regulation, or amendment of state law, or removal of other barriers.

b. Pooling and redirecting of existing federal, state, or other public or private funds.

c. Seeking of federal waivers.

d. Consolidating community-level committees, planning groups, and other bodies with common memberships formed in response to state requirements.

8. Develop and implement a levels of excellence rating system for use with the state board's designation process for area boards. Allow for flexibility and creativity of area boards in implementing area board responsibilities and provide authority for the area boards to support the communities in the areas served. The levels of excellence rating system shall utilize a tiered approach for recognizing the performance of an area board. The system shall provide for action to address poor performing areas as well as higher performing areas. Subject to the funding requirements and other requirements established in law, if an area board achieves the highest rating level, the state board may allow special flexibility provisions in regard to the funding appropriated or allocated for that area board. The state board shall determine how often area boards are reviewed under the system.

9. Adopt rules pursuant to chapter 17A as necessary for the designation, governance, and oversight of area boards and the administration of this chapter. The state board shall provide for area board input in the rules adoption process.

10. Develop guidelines for recommended insurance or other liability coverage and take other actions to assist area boards in acquiring such coverage at a reasonable cost. Moneys expended by an area board to acquire necessary insurance or other liability coverage shall be considered an administrative cost.

11. In January each year, submit an annual report to the governor and general assembly that includes but is not limited to all of the following:

a. Any updates to the strategic plan.

b. The status and results of the early childhood Iowa initiative efforts to engage the public regarding the early care, education, health, human services, and other needs of children zero through age five.

c. The status and results of the efforts to develop and promote private sector involvement with the early care system.

d. The status of the early childhood Iowa initiative and the overall early care system in achieving the set of desired results.

e. The data and common performance measures addressed by the strategic plan, which shall include but is not limited to funding amounts.

f. The indicators addressed by the strategic plan along with associated data trends and their source.

12. Integrate statewide quality standards and results indicators adopted by other boards and commissions into the state board's funding requirements for investments in early care, health, education, and human services.

13. Ensure alignment of other state departments' activities with the strategic plan.

14. Develop and keep current memoranda of agreements between the state agencies represented on the state board to promote system development and integration and to clarify the roles and responsibilities of partner agencies.

15. Work with the early childhood Iowa office in building public-private partnerships for promoting the collaborative early care, education, health, and human services system.

16. Support and align the early childhood Iowa internet site with other agencies and improve internet communication.

17. Except for the fiscal oversight measures to be adopted by the department, adopt rules to implement this chapter. The rules shall include but are not limited to the following:

a. Indicators of the effectiveness of early childhood Iowa areas, area boards, and the services provided under the auspices of the area boards. The indicators shall be developed with input from area boards and shall build upon the core indicators of effectiveness for the school ready children grant program.

b. Minimum standards to further the provision of equal access to services subject to the authority of area boards.

c. Core functions for family support services, parent education programs, preschool services provided under a school ready children grant, and other programs and services provided under this chapter. The state board shall also develop guidelines and standards for state-supported family support programs, based upon existing guidelines and standards for the services.

18. Address other measures to advance the initiative. The measures may include any of the following:

a. Advance the development of integrated data systems.

b. Expand efforts to improve quality and utilize evidence-based practices.

c. Further develop kindergarten assessment approaches that are tied to state early learning standards.

Sec. 282. NEW SECTION. 256I.5 Early childhood coordination staff.

1. The department shall provide administrative support for implementation of the early childhood Iowa initiative and for the state board. The department shall adopt rules in consultation with the state board to provide fiscal oversight of the initiative. The fiscal oversight measures adopted shall include but are not limited to all of the following:

a. Reporting and other requirements to address the financial activities employed by area boards.

b. Regular audits and other requirements of fiscal agents for area boards.

c. Requirements for area boards to undertake and report on fiscal and performance reviews of the programs, contracts, services, and other functions funded by the area boards.

2. An early childhood Iowa office is established in the department to provide leadership for facilitation, communication, and coordination for the early childhood Iowa initiative activities and funding and for improvement of the early care, education, health, and human services systems. An administrator for the early childhood Iowa office shall be appointed by the director of the department. Other staff may also be designated, subject to appropriation made for this purpose.

3. The state agencies represented on the state board may designate additional staff, as part of the early childhood Iowa initiative, to work as a technical assistance team with the office in providing coordination and other support to the state's comprehensive early care, education, health, and human services system.

4. The office shall work with the state and area boards to provide leadership for comprehensive system development. The office shall also do all of the following:

a. Enter into memoranda of agreement with the departments of economic development, education, human rights, human services, public health, and workforce development to formalize the respective departments' commitments to collaborating with and integrating a comprehensive early care, education, health, and human services system. Items addressed in the memoranda shall include but are not limited to data sharing and providing staffing to the technical assistance team.

b. Work with private businesses, foundations, and nonprofit organizations to develop sustained funding.

c. Maintain the internet site in accordance with section 256I.10.

d. Propose any needed revisions to administrative rules based on stakeholder input.

e. Provide technical support to the state and area boards and to the early childhood Iowa areas through staffing services made available through the state agencies that serve on the state board.

f. Develop, collect, disseminate, and provide guidance for common performance measures for the programs receiving funding under the auspices of the area boards.

g. If a disagreement arises within an early childhood Iowa area regarding the interests represented on the area's board, board decisions, or other disputes that cannot be locally resolved, upon request, provide state or regional technical assistance as deemed appropriate by the office to assist the area in resolving the disagreement.

Sec. 283. NEW SECTION. 256I.6 Early childhood Iowa areas.

1. The purpose of an early childhood Iowa area is to enable local citizens to lead collaborative efforts involving early care, education, health, and human services on behalf of the children, families, and other citizens residing in the area. Leadership functions may include but are not limited to strategic planning for and oversight and managing of such programs and the funding made available to the early childhood Iowa area for such programs from federal, state, local, and private sources. The focus of the area shall be to achieve the desired results and to improve other results for families with young children.

2. An early childhood Iowa area shall be designated by using existing county boundaries to the extent possible.

3. The designation of an early childhood Iowa area boundaries and the creation of an area board are both subject to the approval of the state board. The state board shall determine if a proposed area board can efficiently and effectively administer the responsibilities and authority of the area to be served. The state board may apply additional criteria for designating areas and approving area boards, but shall apply all of the following minimum criteria:

a. An area cannot encompass more than four counties.

b. The counties encompassing a multicounty area must have contiguous borders.

c. A single county area shall have a minimum population of children zero through age five in excess of five thousand, based on the most recent population estimates issued by the United States bureau of the census.

4. If the state board determines exceptional circumstances exist, the state board may waive any of the criteria otherwise specified in subsection 3.

Sec. 284. NEW SECTION. 256I.7 Early childhood Iowa area boards created.

1. a. The early childhood Iowa functions for an area shall be performed under the authority of an early childhood Iowa area board. The members of an area board shall be elected officials or members of the public who are not employed by a provider of services to or for the area board. In addition, the membership of an area board shall include representation from early care, education, health, human services, business, and faith interests, and at least one parent, grandparent, or guardian of a child from zero through age five. The education, health, and human services agencies represented on an area board may receive funding from the area board.⁶⁹

b. Terms of office of area board members shall be not more than three years and the terms shall be staggered.

2. An area board may designate an advisory council consisting of persons employed by or otherwise paid to represent an entity listed in subsection 1 or other provider of service. However, the deliberations of and documents considered by such an advisory council shall be public.

3. An area board shall elect a chairperson from among the members who are citizens or elected officials.

4. An area board is a unit of local government for purposes of chapter 670, relating to tort liability of governmental subdivisions. For purposes of implementing a formal organizational structure, an area board may utilize recommended guidelines and bylaws established for this purpose by the state board.

5. All meetings of an area board or any committee or other body established by an area board at which public business is discussed or formal action taken shall comply with the

⁶⁹ See chapter 1183, §18 herein

requirements of chapter 21. An area board shall maintain its records in accordance with chapter 22.

Sec. 285. **NEW SECTION. 256I.8 Early childhood Iowa area board duties.**

1. An early childhood Iowa area board shall do all of the following:

a. Designate a public agency of this state, as defined in section 28E.2, a community action agency as defined in section 216A.91, an area education agency established under section 273.2, or a nonprofit corporation, to be the fiscal agent for grant moneys and for other moneys administered by the area board.

b. Administer early childhood Iowa grant moneys available from the state to the area board as provided by law and other federal, state, local, and private moneys made available to the area board. Eligibility for receipt of early childhood Iowa grant moneys shall be limited to those early childhood area boards that have developed an approved community plan in accordance with this chapter. An early childhood area board may apply to the state board for any private moneys received by the early childhood Iowa initiative outside of a state appropriation.

c. Develop a comprehensive community plan for providing services for children from zero through age five. At a minimum, the plan shall do all of the following:

(1) Describe community and area needs for children from zero through age five as identified through ongoing assessments.

(2) Describe the current and desired levels of community and area coordination of services for children from zero through age five, including the involvement and specific responsibilities of all related organizations and entities.

(3) Identify all federal, state, local, and private funding sources including funding estimates available in the early childhood Iowa area that will be used to provide services to children from zero through age five.

(4) Describe how funding sources will be used collaboratively and the degree to which the sources can be combined to provide necessary services to young children and their families.

(5) Identify the desired results and the community-wide indicators the area board expects to address through implementation of the comprehensive community plan. The plan shall identify community-specific, quantifiable performance measures to be reported in the area board's annual report and integration with the strategic plan adopted by the state board.

(6) Describe the current status of support services to prevent the spread of infectious diseases, prevent child injuries, develop health emergency protocols, help with medication, and care for children with special health needs that are being provided to child care facilities registered or licensed under chapter 237A within the early childhood Iowa area.

d. Submit an annual report on the effectiveness of the community plan in addressing school readiness and children's health and safety needs to the state board and to the local government bodies in the area. The annual report shall indicate the effectiveness of the area board in addressing state and locally determined goals.

e. Function as a coordinating body for services offered by different entities directed to similar purposes within the area.

f. Assume other responsibilities established by law or administrative rule.

g. Cooperate with the state board, department of education, and school districts and other local education agencies in securing unique student identifiers, in compliance with all applicable federal and state confidentiality provisions.

2. An area board may do any of the following:

a. Designate one or more committees to assist with area board functions.

b. Utilize community bodies for input to the area board and implementation of services.

Sec. 286. **NEW SECTION. 256I.9 School ready children grant program.**

1. The state board shall develop and promote a school ready children grant program which shall provide for all of the following components:

a. Identify the performance measures that will be used to assess the effectiveness of the school ready children grants, including the amount of early intellectual stimulation of very young children, the basic skill levels of students entering school, the health status of

children, the incidence of child abuse and neglect, the level of involvement by parents with their children, and the degree of quality of an accessibility to child care.

b. Identify guidelines and a process to be used for determining the readiness of an early childhood Iowa area board for administering a school ready children grant.

c. Provide for technical assistance concerning funding sources, program design, and other pertinent areas.

2. The state board shall provide maximum flexibility to grantees for the use of the grant moneys included in a school ready children grant.

3. A school ready children grant shall, to the extent possible, be used to support programs that meet quality standards identified by the state board. At a minimum, a grant shall be used to provide all of the following:

a. Preschool services provided on a voluntary basis to children deemed at risk.

b. Family support services and parent education programs promoted to parents of children from zero through age five. Family support services shall include but are not limited to home visitation. Of the funding from all sources that an area board designates for family support programs, at least sixty percent shall be committed to programs with a home visitation component.

c. Other services to support the strategic plan developed by the state board.

d. Services to improve the quality and availability of all types of child care. The services may include but are not limited to making nurse consultants available to support quality improvement.

4. a. A school ready children grant shall be awarded to an area board annually, as funding is available. Receipt of continued funding is subject to submission of the required annual report and the state board's determination that the area board is measuring, through the use of performance measures and community-wide indicators developed by the state board with input from area boards, progress toward and is achieving the desired results and other results identified in the community plan. Each area board shall participate in the levels of excellence rating system to measure the area's success. If the use of performance measures and community-wide indicators does not show that an area board has made progress toward achieving the results identified in the community plan, the state board shall require a plan of corrective action, withhold any increase in funding, or withdraw grant funding.

b. The state board shall distribute school ready children grant moneys to area boards with approved comprehensive community plans based upon a determination of an early childhood Iowa area's readiness to effectively utilize the grant moneys. The grant moneys shall be adjusted for other federal and state grant moneys to be received by the area for services to children from zero through age five.

c. An area board's readiness shall be determined by evidence of successful collaboration among public and private early care, education, health, and human services interests in the area or a documented program design that supports a strong likelihood of a successful collaboration between these interests. Other criteria which may be used by the state board to determine readiness and funding amounts for an area include one or more of the following:

(1) The levels of excellence rating received by the area.

(2) Evidence of the area's capacity to successfully implement the services in the area's community plan.

(3) Local public and private funding and other resources committed to implementation of the community plan.

(4) The adequacy of plans for commitment of local funding and other resources for implementation of the community plan.

d. The provisions for distribution of school ready children grant moneys shall be determined by the state board.

e. The amount of school ready children grant funding an area board may carry forward from one fiscal year to the succeeding fiscal year shall not exceed twenty percent of the grant amount for the fiscal year. All of the school ready children grant funds received by an area board for a fiscal year which remain unencumbered or unobligated at the close of a fiscal year shall be carried forward to the succeeding fiscal year. However, the grant amount for the succeeding fiscal year shall be reduced by the amount in excess of twenty percent of the grant amount received for the fiscal year.

Sec. 287. **NEW SECTION. 256I.10 Early childhood Iowa internet site.**

1. The department shall provide for the operation of an internet site for purposes of widely distributing information regarding early care, education, health, and human services and other information provided by the departments represented on the state board and the public and private agencies addressing the comprehensive system for such services.

2. Information provided on the internet site shall include but is not limited to all of the following:

a. Information about the early childhood Iowa initiative for state and local use. The information shall include data from the indicators of success and performance measures adopted by the state board and fiscal information and other data developed by the department.

b. A link to a special internet site directed to parents, including parent-specific information on early care, education, health, and human services and links to other resources available on the internet and from other sources.

c. Program standards for early care, education, health, and human services that have been approved by state agencies.

3. The department shall provide to the state board information regarding the extent and frequency of usage of the internet site or sites and this information shall be included in the board's annual report to the governor and general assembly.

Sec. 288. **NEW SECTION. 256I.11 Early childhood Iowa fund.**

1. An early childhood Iowa fund is created in the state treasury. The moneys credited to the fund are not subject to section 8.33 and moneys in the fund shall not be transferred, used, obligated, appropriated, or otherwise encumbered except as provided by law. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys deposited in the fund shall be credited to the fund.

2. A school ready children grants account is created in the fund under the authority of the director of the department of education. Moneys credited to the account are appropriated to and shall be distributed by the department in the form of grants to early childhood Iowa areas pursuant to criteria established by the state board in accordance with law.

3. Unless a different amount is authorized by law, up to three percent of the school ready children grant moneys distributed to an area board may be used by the area board for administrative costs.

4. a. An early childhood programs grants account is created in the fund under the authority of the director of the department of human services. Moneys credited to the account are appropriated to and shall be distributed by the department of human services in the form of grants to early childhood Iowa areas pursuant to criteria established by the state board in accordance with law. The criteria shall include but are not limited to a requirement that an early childhood Iowa area must be designated by the state board in order to be eligible to receive an early childhood programs grant.

b. The maximum funding amount an early childhood Iowa area is eligible to receive from the early childhood programs grant account for a fiscal year shall be determined by applying the area's percentage of the state's average monthly family investment program population in the preceding fiscal year to the total amount credited to the account for the fiscal year.

c. An early childhood Iowa area receiving funding from the early childhood programs grant account shall comply with any federal reporting requirements associated with the use of that funding and other results and reporting requirements established by the state board. The department of human services shall provide technical assistance in identifying and meeting the federal requirements. The availability of funding provided from the account is subject to changes in federal requirements and amendments to Iowa law.

d. The moneys distributed from the early childhood programs grant account shall be used by early childhood Iowa areas for the purposes of enhancing quality child care capacity in support of parent capability to obtain or retain employment. The moneys shall be used with a primary emphasis on low-income families and children from zero to age five. Moneys shall be provided in a flexible manner and shall be used to implement strategies identified by the early

childhood Iowa area to achieve such purposes. The department of management⁷⁰ may use a portion of the funding appropriated to the department under this subsection for provision of technical assistance and other support to the early childhood Iowa areas developing and implementing strategies with grant moneys distributed from the account.

e. Moneys from a federal block grant that are credited to the early childhood programs grant account but are not distributed to an early childhood Iowa area or otherwise remain unobligated or unexpended at the end of the fiscal year shall revert to the fund created in section 8.41 to be available for appropriation by the general assembly in a subsequent fiscal year.

5. A first years first account is created in the fund under the authority of the department of management. The account shall consist of gift or grant moneys obtained from any source, including but not limited to the federal government. Moneys credited to the account are appropriated to the department to be used for the early childhood-related purposes for which the moneys were received.

Sec. 289. **NEW SECTION. 256I.12 Early childhood stakeholders alliance.**

1. *Alliance created.* An early childhood stakeholders alliance is created to support the state board in addressing the early care, health, and education systems that affect children ages zero through five in Iowa.

2. *Purpose.* The purpose of the early childhood stakeholders alliance is to oversee and provide broad input into the development of a high quality Iowa early childhood system that meets the needs of children zero through age five and their families and integrates the early care, health, and education systems. The alliance shall advise the governor, general assembly, state board, and other public and private policy bodies and service providers in coordinating activities throughout the state to fulfill its purpose.

3. *Vision statement.* All system development activities addressed by the early childhood stakeholders alliance shall be aligned around the following vision statement for the children of Iowa: "Every child, beginning at birth, will be healthy and successful."

4. *Membership.* The early childhood stakeholders alliance membership shall include a representative of any organization that touches the lives of young children in the state zero through age five, has endorsed the purpose and vision statement for the alliance, has endorsed the guiding principles adopted by the alliance for the early childhood system, and has formally asked to be a member and remains actively engaged in alliance activities. The alliance shall work to ensure there is geographic, cultural, and ethnic diversity among the membership.

5. *Procedure.* Except as otherwise provided by law, the early childhood stakeholders alliance shall determine its own rules of procedure and operating provisions.

6. *Steering committee.* The early childhood stakeholders alliance shall operate with a steering committee to organize, manage, and coordinate the activities of the alliance and its component groups. The steering committee may act on behalf of the alliance as necessary. The steering committee membership shall consist of the co-chairpersons of the alliance's component groups, the administrator of the early childhood Iowa office, and other leaders designated by the alliance.

7. *Component groups.* The early childhood stakeholders alliance shall maintain component groups to address the key components of the Iowa early childhood system. Each component group shall have one private and one public agency co-chairperson. The alliance may change the component groups as deemed necessary by the alliance. Initially, there shall be a component group for each of the following:

- a. Governance planning and administration.
- b. Professional development.
- c. Public engagement.
- d. Quality services and programs.
- e. Resources and funding.
- f. Results accountability.

8. *Duties.* The early childhood stakeholders alliance duties shall include but are not limited to all of the following regarding the Iowa early childhood system:

⁷⁰ See chapter 1183, §19 herein

a. Coordinate with the early childhood Iowa state board.

b. Serve as the state advisory council required under the federal Improving Head Start for School Readiness Act of 2007, Pub. L. No. 110-134, as designated by the governor.

9. *Staffing.* Staff support for the early childhood stakeholders alliance shall be provided by the department.

Sec. 290. Section 135.106, subsection 3, Code 2009, is amended to read as follows:

3. It is the intent of the general assembly to provide communities with the discretion and authority to redesign existing local programs and services targeted at and assisting families expecting babies and families with children who are newborn through five years of age. The Iowa department of public health, department of human services, department of education, and other state agencies and programs, as appropriate, shall provide technical assistance and support to communities desiring to redesign their local programs and shall facilitate the consolidation of existing state funding appropriated and made available to the community for family support services. Funds which are consolidated in accordance with this subsection shall be used to support the redesigned service delivery system. In redesigning services, communities are encouraged to implement a single uniform family risk assessment mechanism and shall demonstrate the potential for improved outcomes for children and families. Requests by local communities for the redesigning of services shall be submitted to the Iowa department of public health, department of human services, and department of education, and are subject to the approval of the early childhood Iowa empowerment state board in consultation with the departments, based on the practices utilized with ~~community empowerment~~ early childhood Iowa areas under chapter ~~28~~ 256I.

Sec. 291. Section 135.119, subsection 2, paragraph d, Code Supplement 2009, is amended to read as follows:

d. The program plan shall incorporate a multiyear, collaborative approach for implementation of the plan. The plan shall address how to involve those who regularly work with parents and persons responsible for the care of a child, including but not limited to child abuse prevention programs, child care resource and referral programs, child care providers, family support programs, programs receiving funding through the ~~community empowerment~~ early childhood Iowa initiative, public and private schools, health care providers, local health departments, birth centers, and birthing hospitals.

Sec. 292. Section 135.159, subsection 3, paragraph i, Code Supplement 2009, is amended to read as follows:

i. For children, coordinate with and integrate guidelines, data, and information from existing newborn and child health programs and entities, including but not limited to the healthy opportunities for parents to experience success – healthy families Iowa program, the ~~community empowerment program~~ early childhood Iowa initiative, the center for congenital and inherited disorders screening and health care programs, standards of care for pediatric health guidelines, the office of multicultural health established in section 135.12, the oral health bureau established in section 135.15, and other similar programs and services.

Sec. 293. Section 142A.4, subsection 8, Code Supplement 2009, is amended to read as follows:

8. Assist with the linkage of the initiative with child welfare and juvenile justice decategorization projects, education programming, ~~community empowerment~~ early childhood Iowa areas, and other programs and services directed to youth at the state and community level.

Sec. 294. Section 142A.8, subsection 2, Code 2009, is amended to read as follows:

2. A community partnership area shall encompass a county or multicounty area, school district or multischool district area, economic development enterprise zone that meets the requirements of an urban or rural enterprise community under ~~Title~~ Tit. XIII of the federal Omnibus Budget Reconciliation Act of 1993, or ~~community empowerment~~ early childhood Iowa area, in accordance with criteria adopted by the commission for appropriate population levels and size of geographic areas.

Sec. 295. Section 216A.140, subsection 5, paragraph j, Code Supplement 2009, is amended to read as follows:

j. ~~Office of community empowerment~~ Early childhood Iowa office in the department of management.

Sec. 296. Section 217.42, subsection 1, Code 2009, is amended to read as follows:

1. The organizational structure to deliver the department's field services shall be based upon service areas. The service areas shall serve as a basis for providing field services to persons residing in the counties comprising the service area. The service areas shall be those designated by the department effective January 1, 2002. In determining the service areas, the department shall consider other geographic service areas including but not limited to judicial districts and ~~community empowerment~~ early childhood Iowa areas. The department shall consult with the county boards of supervisors in a service area with respect to the selection of the service area manager responsible for the service area who is initially selected for the service area designated effective January 1, 2002, and any service area manager selected for the service area thereafter. Following establishment of the service areas effective January 1, 2002, if a county seeks to change the boundaries of a service area, the change shall only take place if the change is mutually agreeable to the department and all affected counties. If it is necessary for the department to significantly modify its field operations or the composition of a designated service area, or if it is necessary for the department to change the number of offices operating less than full-time, the department shall consult with the affected counties prior to implementing such action.

Sec. 297. Section 232.188, subsection 4, paragraph c, Code 2009, is amended to read as follows:

c. A decategorization governance board shall coordinate the project's planning and budgeting activities with the departmental service area manager for the county or counties comprising the project area and the ~~community empowerment~~ early childhood Iowa area board or boards for the ~~community empowerment~~ early childhood Iowa area or areas within which the decategorization project is located.

Sec. 298. Section 237A.21, subsection 3, paragraph n, Code Supplement 2009, is amended to read as follows:

n. One designee of the ~~community empowerment office~~ early childhood Iowa office of the department of management.

Sec. 299. Section 237A.21, subsection 3, paragraph q, Code Supplement 2009, is amended to read as follows:

q. One person who represents the early childhood Iowa ~~council~~ state board created in section ~~135.173~~ 256I.3.

Sec. 300. Section 237A.22, subsection 1, paragraph j, Code Supplement 2009, is amended to read as follows:

j. Advise and assist the early childhood Iowa ~~council~~ state board in developing the strategic plan required pursuant to section ~~135.173~~ 256I.4.

Sec. 301. Section 237A.26, subsection 8, Code 2009, is amended to read as follows:

8. For purposes of improving the quality and consistency of data collection, consultation, and other support to child care home and child development home providers, a resource and referral services agency grantee shall coordinate and assist with publicly and privately funded efforts administered at the community level to provide the support. The support and efforts addressed by a grantee may include but are not limited to community-funded child care home and child development home consultants. Community members involved with the assistance may include but are not limited to the efforts of a ~~community empowerment~~ an early childhood Iowa area board under chapter ~~28~~ 256I, and of community representatives of education, health, human services, business, faith, and public interests.

Sec. 302. Section 237A.30, subsection 1, Code 2009, is amended to read as follows:

1. The department shall work with the ~~community empowerment office of~~ early childhood Iowa office in the department of management established in section 28.3 256I.5 and the state child care advisory council in designing and implementing a voluntary quality rating system for each provider type of child care facility.

Sec. 303. Section 256C.3, subsection 3, paragraph e, Code 2009, is amended to read as follows:

e. Collaboration with participating families, early care providers, and community partners including but not limited to ~~community empowerment~~ early childhood Iowa area boards, head start programs, shared visions and other programs provided under the auspices of the child development coordinating council, licensed child care centers, registered child development homes, area education agencies, child care resource and referral services provided under section 237A.26, early childhood special education programs, services funded by ~~Title~~ Tit. I of the federal Elementary and Secondary Education Act of 1965, and family support programs.

Sec. 304. Section 256C.3, subsection 4, paragraph a, Code 2009, is amended to read as follows:

a. Methods of demonstrating community readiness to implement high-quality instruction in a local program shall be identified. The potential provider shall submit a collaborative program proposal that demonstrates the involvement of multiple community stakeholders including but not limited to, and only as applicable, parents, the school district, accredited nonpublic schools and faith-based representatives, the area education agency, the ~~community empowerment~~ early childhood Iowa area board, representatives of business, head start programs, shared visions and other programs provided under the auspices of the child development coordinating council, center-based and home-based providers of child care services, human services, public health, and economic development programs. The methods may include but are not limited to a school district providing evidence of a public hearing on the proposed programming and written documentation of collaboration agreements between the school district, existing community providers, and other community stakeholders addressing operational procedures and other critical measures.

Sec. 305. Section 256C.4, subsection 2, paragraph b, Code 2009, is amended to read as follows:

b. The enrollment count of eligible students shall not include a child who is included in the enrollment count determined under section 257.6 or a child who is served by a program already receiving state or federal funds for the purpose of the provision of four-year-old preschool programming while the child is being served by the program. Such preschool programming includes but is not limited to child development assistance programs provided under chapter 256A, special education programs provided under section 256B.9, school ready children grant programs and other programs provided under chapter 28 256I, and federal head start programs and the services funded by ~~Title~~ Tit. I of the federal Elementary and Secondary Education Act of 1965.

Sec. 306. Section 279.60, Code 2009, is amended to read as follows:

279.60 Kindergarten assessment — access to data — reports.

Each school district shall administer the dynamic indicators of basic early literacy skills kindergarten benchmark assessment or other kindergarten benchmark assessment adopted by the department of education in consultation with the early childhood Iowa empowerment state board to every kindergarten student enrolled in the district not later than the date specified in section 257.6, subsection 1. The school district shall also collect information from each parent, guardian, or legal custodian of a kindergarten student enrolled in the district, including but not limited to whether the student attended preschool, factors identified by the ~~early care staff~~ childhood Iowa office pursuant to section 28.3 256I.5, and other demographic factors. Each school district shall report the results of the assessment and the preschool information collected to the department of education in the manner prescribed by the department not later than January 1 of that school year. The ~~early care staff designated pursuant to section 28.3~~ early childhood Iowa office in the department of management

shall have access to the raw data. The department shall review the information submitted pursuant to this section and shall submit its findings and recommendations annually in a report to the governor, the general assembly, the early childhood Iowa empowerment state board, and the ~~community empowerment~~ early childhood Iowa area boards.

Sec. 307. Section 915.35, subsection 4, paragraph b, Code Supplement 2009, is amended to read as follows:

b. A child protection assistance team may also consult with or include juvenile court officers, medical and mental health professionals, physicians or other hospital-based health professionals, court-appointed special advocates, guardians ad litem, and members of a multidisciplinary team created by the department of human services for child abuse investigations. A child protection assistance team may work cooperatively with the ~~local community empowerment~~ early childhood Iowa area board established under ~~section 28.6 chapter 256I~~. The child protection assistance team shall work with the department of human services in accordance with section 232.71B, subsection 3, in developing the protocols for prioritizing the actions taken in response to child abuse reports and for law enforcement agencies working jointly with the department at the local level in processes for child abuse reports. The department of justice may provide training and other assistance to support the activities of a child protection assistance team.

Sec. 308. REPEALS.

1. Sections 135.173 and 135.174, Code 2009, are repealed.
2. Chapter 28, Code and Code Supplement 2009, is repealed.

Sec. 309. IMPLEMENTATION OF ACT. Section 25B.2, subsection 3, shall not apply to this division of this Act.

Sec. 310. TRANSITION.

1. The initial membership of the early childhood Iowa state board shall be composed of the membership of the Iowa empowerment board.

2. Effective on or after July 1, 2011, as determined by the early childhood Iowa state board created pursuant to this division of this Act, the designations granted by the Iowa empowerment board to community empowerment areas and community empowerment area boards under chapter 28, Code 2009, are withdrawn. However, subject to the approval of the early childhood Iowa state board in accordance with the area board designation criteria established by this division of this Act, all or a portion of the membership of a community empowerment area board may be redesignated to serve as the membership of the initial early childhood Iowa area board for the relevant early childhood Iowa area to be served. Subject to rules to be adopted by the state board addressing redesignation of community empowerment areas as early childhood Iowa areas, existing multicounty community empowerment area boards may choose to be redefined as early childhood Iowa area boards.

3. Until the early childhood Iowa state board has adopted administrative rules to implement the provisions of chapter 256I, as enacted by this division of this Act, the department of management shall apply the relevant rules adopted to implement the community empowerment initiative under chapter 28, Code 2009. The state board shall also adopt rules addressing transition of contracts entered into by community empowerment area boards that include provisions in effect on or after July 1, 2012.

4. The department of management and the early childhood Iowa board shall implement requirements for school ready children grant funds or other state, federal, or other funds in possession of a community empowerment area remaining unobligated or unexpended to be remitted to the successor early childhood Iowa area board designated to serve that area. The requirements shall include measures to ensure there is continuity of services in the transition from the community empowerment initiative to the early childhood Iowa initiative.

DIVISION XXV
COMMUNITY COLLEGE ACCREDITATION

Sec. 311. DEPARTMENT OF EDUCATION — COMMUNITY COLLEGE ACCREDITATION RECOMMENDATIONS IMPLEMENTATION REVIEW. The department of education shall review and evaluate the implementation of the recommendations submitted on January 22, 2010, by the community college accreditation advisory committee in its final report to the general assembly. The department shall submit its findings and recommendations to the general assembly on or before December 31, 2010.

Sec. 312. DEPARTMENT OF EDUCATION — COMMUNITY COLLEGE ACCREDITATION ADVISORY COMMITTEE — INSTRUCTIONAL HOURS STUDY. The department of education shall convene a working group, whose members shall include at a minimum the members of the community college accreditation advisory committee and the community college faculty advisory committee. The working group shall solicit comments from each of the community college quality faculty committees. The working group shall study the maximum academic credit hour per school term workload appropriate for an instructor beyond the standard workload. The working group shall submit its findings and recommendations to the state board of education and the general assembly on or before December 31, 2010.

Sec. 313. COMMUNITY COLLEGE ACADEMIC WORKLOAD EXCEPTION — FISCAL YEAR 2010-2011. Notwithstanding section 260C.48, subsection 2, a faculty member who has in previous fiscal years exceeded the eighteen credit hour standard set pursuant to section 260C.48, subsection 2, may continue to exceed the eighteen credit hour workload standard for the 2010-2011 fiscal year if the faculty member elects to teach beyond the eighteen credit hour workload standard.

DIVISION XXVI
REGISTRATION OF POSTSECONDARY SCHOOLS

Sec. 314. Section 261.2, subsection 7, paragraph b, Code Supplement 2009, is amended to read as follows:

b. ~~The commission may require a school seeking registration under chapter 261B to provide copies of its application to the Iowa coordinating council for post-high school education. The commission may consider comments from the council that are received by the commission within ninety days of the filing of the application. However, if the council meets to consider comments for submission to the commission, the meeting shall be open to the public and subject to the provisions of chapter 21. The commission shall post an application on the commission's internet site and shall render a decision on an application for registration within one hundred eighty days of the filing of the application.~~

Sec. 315. REPEAL. Section 261B.10, Code Supplement 2009, is repealed.

DIVISION XXVII
DIVISION OF LIBRARIES AND INFORMATION SERVICES

Sec. 316. Section 256.51, subsection 1, paragraph a, Code 2009, is amended to read as follows:

a. Determine policy for providing information service to the three branches of state government and to the legal and medical ⁷¹ ~~communities~~ community in this state.

Sec. 317. Section 256.52, subsection 1, Code 2009, is amended to read as follows:

1. The state commission of libraries consists of one member appointed by the supreme court, the director of the department of education, or the director's designee, and six members appointed by the governor to serve four-year terms beginning and ending as

⁷¹ See chapter 1193, §44, 80 herein

provided in section 69.19. ~~Of the~~ The governor's appointees, ~~one member shall be from the medical profession and five members selected at large. Not more than three of the members appointed by the governor shall be of the same gender.~~ The members shall be reimbursed for their actual expenditures necessitated by their official duties. Members may also be eligible for compensation as provided in section 7E.6.

Sec. 318. Section 256.52, subsection 3, paragraph d, Code 2009, is amended to read as follows:

d. Appoint and approve the technical, professional, ~~excepting the medical librarian and the law librarian,~~ secretarial, and clerical staff necessary to accomplish the purposes of the division subject to chapter 8A, subchapter IV.

Sec. 319. Section 256.54, unnumbered paragraph 1, Code 2009, is amended to read as follows:

The state library includes, but is not limited to, ~~a medical library,~~ a law library, and the state data center.

Sec. 320. Section 256.54, subsection 1, Code 2009, is amended by striking the subsection.

Sec. 321. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION XXVIII LIBRARY DISTRICTS

Sec. 322. Section 336.2, unnumbered paragraphs 2 and 6, Code 2009, are amended to read as follows:

Eligible electors residing within the proposed district in a number not less than five percent of those voting for president of the United States or governor, as the case may be, within the district at the last general election may petition the board of supervisors of the county, or the city council, for the establishment of the library district. The petition shall clearly designate the area to be included in the district, the total number of board members, and how representation on the board shall be divided among the jurisdictions.

~~After the establishment of a library district other areas may be included by mutual agreement subject to the approval of the board of trustees of the library district and the governing body passage of a referendum by the electors of the area sought to be included.~~

Sec. 323. Section 336.4, Code 2009, is amended to read as follows:

336.4 Library trustees.

In any area in which a library district has been established in accordance with this chapter, a board of library trustees, consisting of five, seven, or nine ~~electors of members who resident~~⁷² within the library district, shall be appointed by the ~~board of supervisors of any county or city governing bodies of the jurisdictions comprising the library district. Membership on the library board shall be apportioned between the rural and city areas of the district in proportion to the population in each of such areas. In the event the library district is composed of two or more counties, two or more cities, or any combination of counties and cities, representation on the library board shall be equitably divided between or among the counties and cities in proportion to the population in each of the counties and cities.~~

Sec. 324. Section 336.5, Code 2009, is amended to read as follows:

336.5 Terms — vacancies.

1. ~~Of said the trustees so appointed in accordance with section 336.4 on boards to consist consisting of nine members, three shall hold office for two years, three for four years, and three for six years; on boards to consist consisting of seven members, two shall hold office for two years, two for four years, and three for six years; and on boards to consist consisting of five members, one shall hold office for two years, two for four years, and two for six years,~~

⁷² See chapter 1193, §51 herein

from the first day of July following their appointment in each case. At ~~their~~ the first meeting ~~they of the board, members~~ shall cast lots for their respective terms, reporting the result of such lot to ~~the board of supervisors~~ the governing body of each jurisdiction forming the library district. All subsequent appointments, whatever the size of the board, shall be for terms of six years each.

2. A vacancy exists when a member ceases to be a resident of the jurisdiction the member represents or is absent for six consecutive regular meetings of the board.

3. Vacancies shall be filled for unexpired terms by the governing body of the taxing unit of ~~the district~~ jurisdiction represented by the ~~retiring member~~ vacancy.

Sec. 325. Section 336.8, Code 2009, is amended to read as follows:

336.8 Powers.

~~Said~~ The board of library trustees shall have and exercise the following powers:

1. To meet and ~~organize by the election of one of their number~~ as elect from among its members a president of the board, and ~~by the election of a secretary and such other officers~~ as the board may deem necessary.

2. To direct and control all affairs of the library district, as well as to have charge, and supervision of the public library, and its rooms, appurtenances, and fixtures, and rooms containing the same, directing and controlling all the affairs of such library.

3. To employ a librarian, and authorize the librarian to employ such assistants and employees as may be necessary for the proper management of ~~said the library, and district.~~ The board shall fix their the compensation, but, prior of such employees. Prior to such employment, the compensation of ~~such the~~ librarian, assistants, and employees shall be fixed for the term of employment by a majority of the members of ~~said the~~ board voting in favor thereof.

4. To remove ~~such, by a two-thirds vote of the board, the librarian, and provide procedures for the removal of assistants, or employees by a vote of two-thirds of such board for misdemeanor, incompetency, or inattention to the duties of such employment duty.~~

5. To authorize the librarian to select and make purchases of books, pamphlets, magazines, periodicals, papers, maps, journals, furniture, fixtures, stationery technology, and supplies for such the library district.

6. To authorize the use of ~~such libraries by school corporations or the public library~~ by nonresidents of the area which is taxed to support ~~such libraries~~ the public library and to fix charges therefor for library services.

7. To make and adopt, amend, modify, or repeal bylaws, rules, and regulations, not inconsistent with law, for the care, use, government, and management of ~~such the public library and the business of said the board, fixing and enforcing penalties for the violation thereof violations.~~ The board shall keep a record of its proceedings.

8. To have exclusive control of ~~the expenditures all funds allocated for public library purposes, as provided by law, and of the expenditures of all moneys available by gift or otherwise for the erection of public library buildings, and all other moneys belonging to the public library, including fines and rental fees collected, under the rules of the board.~~ The board shall keep a record of its proceedings.

9. To accept gifts of ~~any real property, personal property, or mixed property, and devises and bequests, including trust funds; to take the title to said the property in the name of said the public library; to execute deeds and bills of sale for the conveyance of said the property; and to expend the funds received by them generated from such the gifts, for the improvement of said the public library.~~

10. To make agreements with local county historical associations to set apart the necessary room and to care for articles that come into the possession of the association. The board may purchase necessary receptacles and materials for the preservation and protection of articles which are of an historical and educational nature.

Sec. 326. Section 336.10, Code 2009, is amended to read as follows:

336.10 Library fund.

1. All moneys ~~received and set apart appropriated or received~~ for the maintenance of the public library shall be deposited in the treasury of the county or city, as determined by the

board of library trustees, and paid out upon warrants drawn by the county or city auditor upon requisition of expenditures shall be paid by the treasurer of the county or city in which the moneys are deposited on warrants ordered by the board of trustees, signed by its board's president and secretary.

~~Provided that where a free public library is maintained jointly by two or more counties or cities or any combination of counties and cities, the library trustees may elect a library treasurer, and it shall be the duty of the city and county treasurers to pay over to the library treasurer any and all library taxes that may be collected by them monthly.~~

2. The library treasurer of the county or city in which the public library moneys are deposited pursuant to subsection 1 shall be required to furnish a bond conditioned as provided by section 64.2 in an amount as agreed upon by the participating boards of supervisors and city councils and the cost shall be paid by the participating counties and cities.

Sec. 327. Section 336.11, Code 2009, is amended to read as follows:

336.11 Annual report.

The board of library trustees shall, immediately after within ninety days after the close of each fiscal year, submit a report to the board of supervisors, and the city council, as appropriate, a report containing governing bodies of the respective jurisdictions comprising the library district. The report shall contain a statement of the condition of the library, the number of books and other resources added thereto, the number of books and other resources circulated, the number of books and other resources not returned or lost, the amount of fines collected, and the amount of money expended in the maintenance thereof of the public library during such the preceding fiscal year, together with such further any other information as it may deem the board deems important.

Sec. 328. Section 336.12, Code 2009, is amended to read as follows:

336.12 Real estate acquired.

~~In any county or city in which a free library has been established, the~~ The board of library trustees may purchase real estate in the name of the county or city library district for the location of public library buildings and branch libraries, and for the purpose of enlarging the grounds.

Sec. 329. Section 336.13, Code 2009, is amended to read as follows:

336.13 Maintenance expense on proportionate basis.

1. The maintenance of a public library established in accordance with this chapter shall be on the basis of each participating unit bearing its share of the total cost in proportion to its population as compared to the total population of the library district.

2. The board of library trustees shall make an estimate of the amount necessary for the maintenance of the library, the sources of direct library revenue, and the amount to be contributed from taxes or other revenues by the participating city or county and hold a hearing on the estimate after notice of the hearing is published as provided in section 331.305 or section 362.3, as appropriate. On or before January 10 of each year, the board of library trustees shall transmit the estimate in dollars to the board of supervisors and to the cities governing bodies of the jurisdictions participating in the library district. The unincorporated area of each county in the library district shall be considered as a separate supporting unit. Each board of supervisors participating shall review the estimate and appropriate for library purposes its share in from the county rural services fund budget. Each city council participating shall review the estimate for the city and appropriate for library purposes its share in from the city general fund budget. Each participating city or county shall contribute its share from taxation or from other sources available for library purposes on an equitable basis. With approval of a city council, the county treasurer may withhold a reasonable portion of the taxes collected for a city to meet the city's contribution for library purposes and deliver a receipt to the city clerk for the amount withheld.

This section shall not affect the taxing authority provided under section 256.69.

Sec. 330. Section 336.15, Code 2009, is amended to read as follows:

336.15 Existing contracts assumed.

Whenever a library district is established in accordance with this chapter, its board of trustees shall assume all the obligations of the existing library service contracts made by cities, townships, school corporations, or counties to receive library service from free public libraries jurisdictions participating in the library district.

Sec. 331. Section 336.16, Code 2009, is amended to read as follows:

336.16 Withdrawal from district — termination.

1. A city may withdraw from the library district upon a majority vote in favor of withdrawal by the electorate of the city in an election held on a motion by the city council. The election shall be held simultaneously with a general or city election. Notice of a favorable vote to withdraw shall be sent by certified mail to the board of library trustees of the library district and the county auditor or city clerk, as appropriate, prior to January 10, and the withdrawal shall be effective on July 1.

2. A county may withdraw from the district after a majority of the voters of the unincorporated area of the county voting on the issue favor the withdrawal. The board of supervisors shall call for the election which shall be held at the next general election.

3. A city or county election shall not be called until a hearing has been held on the proposal to submit a proposition of withdrawal to an election. A hearing may be held only after public notice published as provided in section 362.3 in the case of a city or section 331.305 in the case of a county. A copy of the notice submitted for publication shall be mailed to the public library on or before the date of publication. The proposal presented at the hearing must include a plan for continuing adequate library service with or without all participants and the respective allocated costs and levels of service shall be stated. At the hearing, any interested person shall be given a reasonable time to be heard, either for or against the withdrawal or the plan to accompany it.

4. A library district may be terminated if a majority of the electors of the unincorporated area of the county and the cities included in the library district voting on the issue favor the termination. ~~The election shall be held upon motion of the board of supervisors and simultaneously with a general or other county election.~~ If the vote favors termination, the termination shall be effective on the succeeding July 1.

5. An election for withdrawal from or termination of a library district shall not be held more than once each four years.

Sec. 332. Section 336.18, subsection 4, paragraphs c and d, Code 2009, are amended to read as follows:

c. If a majority of those voting upon the question favors it, the board of supervisors shall ~~within thirty days appoint a board of library trustees from residents of the petitioning area. Vacancies shall be filled by the board.~~

d. ~~The board of trustees may contract with any a~~ library for library use or service for the benefit of the residents and area represented by it.

Sec. 333. NEW SECTION. **336.19 Contracts for use of public library.**

1. *Contracting.* The board of library trustees may contract with any other board of trustees of a free public library or any other city, school corporation, institution of higher learning, township, or county, or with the trustees of any county library district for the use of the library by their respective residents.

2. *Termination.* A contract entered into pursuant to subsection 1 may be terminated as follows:

a. By mutual consent of the contracting parties.

b. By a majority vote of the electors represented by either of the contracting parties. Upon a written petition of a number of eligible electors equaling five percent or more of the number of electors voting at the last general election within the jurisdiction of the contracting party, a termination proposition shall be submitted to the electors by the governing body of the contracting party. The petition shall be presented to the governing body not less than forty days prior to the next general election or special election held throughout the jurisdiction of the party seeking to terminate the contract. The proposition shall be submitted at the next

general election or next special election held throughout the jurisdiction of the party seeking to terminate the contract.

Sec. 334. REPEAL. Sections 336.6, 336.9, and 336.17, Code 2009, are repealed.

DIVISION XXIX
HEALTH AND HUMAN SERVICES PROGRAM EFFICIENCIES

Sec. 335. DIRECTIVE FOR INCREASED EFFICIENCIES IN HUMAN SERVICES PROGRAMS. The department of human services shall develop and implement strategies to increase efficiencies by reducing paperwork, decreasing staff time, and providing more streamlined services to the public relative to programs under the purview of the department. Such strategies may include but are not limited to simplifying and reducing duplication in eligibility determinations among programs by utilizing the same eligibility processes across programs to the extent allowed by federal law. The department shall provide a progress report to the joint appropriations subcommittee on health and human services on an annual basis.

Sec. 336. PHARMACEUTICAL IMPROVEMENTS. The department of human services, department of public health, department of corrections, department of management, and any other appropriate agency shall review the provision of pharmaceuticals to populations they serve and programs under their respective purview to determine efficiencies in the purchase of pharmaceuticals. The departments shall develop strategies to implement efficiencies and reduce costs to the state, and shall determine any changes in state law or approval from the federal government necessary to implement any strategy identified.

DIVISION XXX
CHILD SUPPORT

Sec. 337. Section 252D.17, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 13. The department shall establish criteria and a phased-in schedule to require, no later than June 30, 2015, payors of income to electronically transmit the amounts withheld under an income withholding order. The department shall assist payors of income in complying with the required electronic transmission, and shall adopt rules setting forth procedures for use in electronic transmission of funds, and exemption from use of electronic transmission taking into consideration any undue hardship electronic transmission creates for payors of income.

DIVISION XXXI
FALSE CLAIMS ACT

Sec. 338. NEW SECTION. **685.1 Definitions.**

1. “*Claim*” means any request or demand, whether pursuant to a contract or otherwise, for money or property and whether the state has title to the money or property, which is presented to an officer, employee, agent, or other representative of the state or to a contractor, grantee, or other person if the money or property is to be spent or used on the state’s behalf or to advance a state program or interest, and if the state provides any portion of the money or property which is requested or demanded, or if the state will reimburse directly or indirectly such contractor, grantee, or other person for any portion of the money or property which is requested or demanded. “*Claim*” does not include any requests or demands for money or property that the state has paid to an individual as compensation for state employment or as an income subsidy with no restrictions on that individual’s use of the money or property.

2. “*Custodian*” means the custodian, or any deputy custodian, designated by the attorney general under section 685.6.

3. “*Documentary material*” includes the original or any copy of any book, record, report, memorandum, paper, communication, tabulation, chart, or other document, or data compilations stored in or accessible through computer or other information retrieval

systems, together with instructions and all other materials necessary to use or interpret such data compilations, and any product of discovery.

4. “*False claims law*” means this chapter.

5. “*False claims law investigation*” means any inquiry conducted by a false claims law investigator for the purpose of ascertaining whether any person is or has been engaged in any violation of a false claims law.

6. “*False claims law investigator*” means any attorney or investigator employed by the department of justice who is charged with the duty of enforcing or carrying into effect any false claims law, or any officer or employee of the state acting under the direction and supervision of such attorney or investigator in connection with a false claims law investigation.

7. a. “*Knowing*” or “*knowingly*” means that a person with respect to information, does any of the following:

(1) Has actual knowledge of the information.

(2) Acts in deliberate ignorance of the truth or falsity of the information.

(3) Acts in reckless disregard of the truth or falsity of the information.

b. “*Knowing*” or “*knowingly*” does not require proof of specific intent to defraud.

8. “*Material*” means having a natural tendency to influence, or be capable of influencing, the payment or receipt of money or property.

9. “*Obligation*” means an established duty, whether or not fixed, arising from an express or implied contractual, grantor-grantee, or licensor-licensee relationship, from a fee-based or similar relationship, from statute or regulation, or from the retention of any overpayment.

10. “*Official use*” means any use that is consistent with the law, and the regulations and policies of the department of justice, including use, in connection with internal department of justice memoranda and reports; communications between the department of justice and a federal, state, or local government agency or a contractor of a federal, state, or local government agency, undertaken in furtherance of a department of justice investigation or prosecution of a case; interviews of any qui tam plaintiff or other witness; oral examinations; depositions; preparation for and response to civil discovery requests; introduction into the record of a case or proceeding; applications, motions, memoranda and briefs submitted to a court or other tribunal; and communications with government investigators, auditors, consultants and experts, the counsel of other parties, and arbitrators and mediators, concerning an investigation, case, or proceeding.

11. “*Original source*” means an individual who has direct and independent knowledge of the information on which the allegations are based and has voluntarily provided the information to the state before filing an action under section 685.3 which is based on the information.

12. “*Person*” means any natural person, partnership, corporation, association, or other legal entity, including any state or political subdivision of the state.

13. “*Product of discovery*” includes all of the following:

a. The original or duplicate of any deposition, interrogatory, document, thing, result of the inspection of land or other property, examination, or admission, which is obtained by any method of discovery in any judicial or administrative proceeding of an adversarial nature.

b. Any digest, analysis, selection, compilation, or derivation of any item listed in paragraph “a”.

c. Any index or other manner of access to any item listed in paragraph “a”.

14. “*Qui tam plaintiff*” means a private plaintiff who brings an action under this chapter on behalf of the state.

Sec. 339. NEW SECTION. 685.2 Acts subjecting person to treble damages, costs, and civil penalties — exceptions.

1. A person who commits any of the following acts is liable to the state for a civil penalty of not less than five thousand dollars and not more than ten thousand dollars, plus three times the amount of damages which the state sustains because of the act of that person:

a. Knowingly presents, or causes to be presented, a false or fraudulent claim for payment or approval.

b. Knowingly makes, uses, or causes to be made or used, a false record or statement material to a false or fraudulent claim.

c. Conspires to commit a violation of paragraph “a”, “b”, “d”, “e”, “f”, or “g”.

d. Has possession, custody, or control of property or money used, or to be used, by the state and knowingly delivers, or causes to be delivered, less than all of that money or property.

e. Is authorized to make or deliver a document certifying receipt of property used, or to be used, by the state and, intending to defraud the state, makes or delivers the receipt without completely knowing that the information on the receipt is true.

f. Knowingly buys, or receives as a pledge of an obligation or debt, public property from an officer or employee of the state, or a member of the Iowa national guard, who lawfully may not sell or pledge property.

g. Knowingly makes, uses, or causes to be made or used, a false record or statement material to an obligation to pay or transmit money or property to the state, or knowingly conceals or knowingly and improperly avoids or decreases an obligation to pay or transmit money or property to the state.

2. Notwithstanding subsection 1, the court may assess not less than two times the amount of damages which the state sustains because of the act of the person described in subsection 1, if the court finds all of the following:

a. The person committing the violation furnished officials of the state responsible for investigating false claims violations with all information known to such person about the violation within thirty days after the date on which the person first obtained the information.

b. The person fully cooperated with the state investigation of such violation.

c. At the time the person furnished the state with the information about the violation, a criminal prosecution, civil action, or administrative action had not commenced under this chapter with respect to such violation, and the person did not have actual knowledge of the existence of an investigation into such violation.

3. A person violating this section shall also be liable to the state for the costs of a civil action brought to recover any such penalty or damages.

4. Any information furnished pursuant to subsection 2 is deemed confidential information exempt from disclosure pursuant to chapter 22.

5. This section shall not apply to claims, records, or statements made under Tit. X relating to state revenue and taxation.

Sec. 340. NEW SECTION. 685.3 Investigations and prosecutions — powers of prosecuting authority — civil actions by individuals as qui tam plaintiffs and as private citizens — jurisdiction of courts.

1. The attorney general shall diligently investigate a violation under section 685.2. If the attorney general finds that a person has violated or is violating section 685.2, the attorney general may bring a civil action under this section against that person.

2. a. A person may bring a civil action for a violation of this chapter for the person and for the state, in the name of the state. The person bringing the action shall be referred to as the qui tam plaintiff. Once filed, the action may be dismissed only if the court and the attorney general provide written consent to the dismissal and the reasons for such consent.

b. A copy of the complaint and written disclosure of substantially all material evidence and information the person possesses shall be served on the attorney general pursuant to the Iowa rules of civil procedure. The complaint shall also be filed in camera, shall remain under seal for at least sixty days, and shall not be served on the defendant until the court so orders. The state may elect to intervene and proceed with the action within sixty days after the state receives both the complaint and the material evidence and the information.

c. The state may, for good cause shown, move the court for extensions of the time during which the complaint remains under seal under paragraph “b”. Any such motions may be supported by affidavits or other submissions in camera. The defendant shall not be required to respond to any complaint filed under this section until twenty days after the complaint is unsealed and served upon the defendant pursuant to rule 1.302 of the Iowa rules of civil procedure.

d. Before the expiration of the sixty-day period or any extensions obtained under paragraph “c”, the state shall do one of the following:

(1) Proceed with the action, in which case the action shall be conducted by the state.

(2) Notify the court that the state declines to take over the action, in which case the qui tam plaintiff shall have the right to conduct the action.

e. When a person brings an action under this section, no person other than the state may intervene or bring a related action based on the facts underlying the pending action.

3. a. If the state proceeds with the action, the state shall have the primary responsibility for prosecuting the action, and shall not be bound by an act of the qui tam plaintiff. Such qui tam plaintiff shall have the right to continue as a party to the action, subject to the limitations specified in paragraph "b".

b. (1) The state may move to dismiss the action, notwithstanding the objections of the qui tam plaintiff if the qui tam plaintiff has been notified by the state of the filing of the motion and the court has provided the qui tam plaintiff with an opportunity for a hearing on the motion.

(2) The state may settle the action with the defendant notwithstanding the objections of the qui tam plaintiff if the court determines, after a hearing, that the proposed settlement is fair, adequate, and reasonable under all of the circumstances. Upon a showing of good cause, such hearing may be held in camera.

(3) Upon a showing by the state that unrestricted participation during the course of the litigation by the qui tam plaintiff would interfere with or unduly delay the state's prosecution of the case, or would be repetitious, irrelevant, or for purposes of harassment, the court may, in its discretion, impose limitations on the qui tam plaintiff's participation, including but not limited to any of the following:

(a) Limiting the number of witnesses the qui tam plaintiff may call.

(b) Limiting the length of the testimony of such witnesses.

(c) Limiting the qui tam plaintiff's cross-examination of witnesses.

(d) Otherwise limiting the participation by the qui tam plaintiff in the litigation.

(4) Upon a showing by the defendant that unrestricted participation during the course of the litigation by the qui tam plaintiff would be for purposes of harassment or would cause the defendant undue burden or unnecessary expense, the court may limit the participation by the qui tam plaintiff in the litigation.

c. If the state elects not to proceed with the action, the qui tam plaintiff shall have the right to conduct the action. If the state so requests, the state shall be served with copies of all pleadings filed in the action and shall be supplied with copies of all deposition transcripts at the state's expense. When a qui tam plaintiff proceeds with the action, the court, without limiting the status and rights of the qui tam plaintiff, may permit the state to intervene at a later date upon a showing of good cause.

d. Whether or not the state proceeds with the action, upon a showing by the state that certain actions of discovery by the qui tam plaintiff would interfere with the state's investigation or prosecution of a criminal or civil matter arising out of the same facts, the court may stay such discovery for a period of not more than sixty days. Such a showing shall be conducted in camera. The court may extend the sixty-day period upon a further showing in camera that the state has pursued the criminal or civil investigation or proceedings with reasonable diligence and any proposed discovery in the civil action will interfere with the ongoing criminal or civil investigation or proceedings.

e. Notwithstanding subsection 2, the state may elect to pursue the state's claim through any alternate remedy available to the state, including any administrative proceeding to determine a civil penalty. If any such alternate remedy is pursued in another proceeding, the qui tam plaintiff shall have the same rights in such proceeding as such qui tam plaintiff would have had if the action had continued under this section. Any finding of fact or conclusion of law made in such other proceeding that has become final, shall be conclusive as to all such parties to an action under this section. For purposes of this paragraph, a finding or conclusion is final if it has been finally determined on appeal to the appropriate court of the state, if all time for filing such an appeal with respect to the finding or conclusion has expired, or if the finding or conclusion is not subject to judicial review.

4. a. (1) If the state proceeds with an action brought by a qui tam plaintiff under subsection 2, the qui tam plaintiff shall, subject to subparagraph (2), receive at least fifteen percent but not more than twenty-five percent of the proceeds of the action or settlement of the claim,

depending upon the extent to which the qui tam plaintiff substantially contributed to the prosecution of the action.

(2) If the action is one which the court finds to be based primarily on disclosures of specific information, other than information provided by the qui tam plaintiff, relating to allegations or transactions in a criminal, civil, or administrative hearing, or in a legislative, administrative or state auditor report, hearing, audit, or investigation, or from the news media, the court may award an amount the court considers appropriate, but in no case more than ten percent of the proceeds, taking into account the significance of the information and the role of the qui tam plaintiff in advancing the case to litigation.

(3) Any payment to a qui tam plaintiff under subparagraph (1) or (2) shall be made from the proceeds. Any such qui tam plaintiff shall also receive an amount for reasonable expenses which the appropriate court finds to have been necessarily incurred, plus reasonable attorney fees and costs. All such expenses, fees, and costs shall be awarded against the defendant.

b. If the state does not proceed with an action under this section, the qui tam plaintiff or person settling the claim shall receive an amount which the court decides is reasonable for collecting the civil penalty and damages. The amount shall be not less than twenty-five percent and not more than thirty percent of the proceeds of the action or settlement and shall be paid out of such proceeds. Such qui tam plaintiff or person shall also receive an amount for reasonable expenses which the court finds to have been necessarily incurred, plus reasonable attorney fees and costs. All such expenses, fees, and costs shall be awarded against the defendant.

c. Whether or not the state proceeds with the action, if the court finds that the action was brought by a qui tam plaintiff who planned and initiated the violation of section 685.2 upon which the action was brought, the court may, to the extent the court considers appropriate, reduce the share of the proceeds of the action which the qui tam plaintiff would otherwise receive under paragraph "a" or "b", taking into account the role of that qui tam plaintiff in advancing the case to litigation and any relevant circumstances pertaining to the violation. If the qui tam plaintiff is convicted of criminal conduct arising from the qui tam plaintiff's role in the violation of section 685.2, the qui tam plaintiff shall be dismissed from the civil action and shall not receive any share of the proceeds of the action. Such dismissal shall not prejudice the right of the state to continue the action represented by the attorney general.

d. If the state does not proceed with the action and the qui tam plaintiff conducts the action, the court may award to the defendant reasonable attorney fees and expenses if the defendant prevails in the action and the court finds that the claim of the qui tam plaintiff was clearly frivolous, clearly vexatious, or brought primarily for purposes of harassment.

5. a. A court shall not have jurisdiction over an action brought by a former or present member of the Iowa national guard under this chapter against a member of the Iowa national guard arising out of such person's services in the Iowa national guard.

b. A qui tam plaintiff shall not bring an action under subsection 2 which is based upon allegations or transactions which are the subject of a civil suit or an administrative civil penalty proceeding in which the state is already a party.

c. A court shall not have jurisdiction over an action under this section based upon the public disclosure of allegations or transactions in a criminal, civil, or administrative hearing, or in a legislative, administrative, or state auditor report, hearing, audit, or investigation, or from the news media, unless the action is brought by the attorney general or the qui tam plaintiff is an original source of the information.

d. The state is not liable for expenses which a person incurs in bringing an action under this section.

6. Any employee, contractor, or agent who is discharged, demoted, suspended, threatened, harassed, or in any other manner discriminated against in the terms and conditions of employment because of lawful acts performed by the employee, contractor, or agent on behalf of the employee, contractor, or agent or associated others in furtherance of other efforts to stop a violation of this chapter, shall be entitled to all relief necessary to make the employee, contractor, or agent whole. Such relief shall include reinstatement with the same seniority status such employee, contractor, or agent would have had but for the discrimination, two times the amount of back pay, interest on the back pay, and compensation for any special damages sustained as a result of the discrimination, including litigation costs

and reasonable attorney fees. An employee, contractor, or agent may bring an action in the appropriate district court of the state for the relief provided in this subsection.

Sec. 341. NEW SECTION. 685.4 Procedure — statute of limitations.

1. A subpoena requiring the attendance of a witness at a trial or hearing conducted under this chapter may be served at any place in the state, or through any means authorized in the Iowa rules of civil procedure.

2. A civil action under this chapter may not be brought more than six years after the date on which the violation of section 685.2 is committed, or more than three years after the date when facts material to the right of action are known or reasonably should have been known by the official of state charged with responsibility to act in the circumstances, but in no event more than ten years after the date on which the violation is committed, whichever occurs last.

3. If the state elects to intervene and proceed with an action brought under this chapter, the state may file its own complaint or amend the complaint of a qui tam plaintiff to clarify or add detail to the claims in which the state is intervening and to add any additional claims with respect to which the state contends it is entitled to relief. For statute of limitations purposes, any such state pleading shall relate back to the filing date of the complaint of the qui tam plaintiff who originally brought the action, to the extent that the claim of the state arises out of the conduct, transactions, or occurrences set forth, or attempted to be set forth, in the prior complaint of that person.

4. In any action brought under section 685.3, the state shall prove all essential elements of the cause of action, including damages, by a preponderance of the evidence.

5. Notwithstanding any other provision of law, the Iowa rules of criminal procedure, or the Iowa rules of evidence, a final judgment rendered in favor of the state in any criminal proceeding charging fraud or false statements, whether upon a verdict after trial or upon a plea of guilty or nolo contendere, shall estop the defendant from denying the essential elements of the offense in any action which involves the same transaction as in the criminal proceeding and which is brought under section 685.3.

Sec. 342. NEW SECTION. 685.5 Jurisdiction.

1. Any action under section 685.3 may be brought in any county in which the defendant or, in the case of multiple defendants, any one defendant can be found, resides, transacts business, or in which any act proscribed by section 685.2 occurred. An original notice as required by the Iowa rules of civil procedure shall be issued by the appropriate district court and served in accordance with the Iowa rules of civil procedure.

2. A seal on the action ordered by the court under section 685.3 shall not preclude the state, local government, or the qui tam plaintiff from serving the complaint, any other pleadings, or the written disclosure of substantially all material evidence and information possessed by the qui tam plaintiff on the law enforcement authorities that are authorized under the law of the state or local government to investigate and prosecute such actions on behalf of such governments, except that such seal applies to the law enforcement authorities so served to the same extent as the seal applies to other parties in the action.

Sec. 343. NEW SECTION. 685.6 Civil investigative demands.

1. Issuance and service.

a. If the attorney general, or a designee, for the purposes of this section, has reason to believe that any person may be in possession, custody, or control of any documentary material or information relevant to a false claims law investigation, the attorney general, or a designee, may, before commencing a civil proceeding under section 685.3, subsection 1, or other false claims law, or making an election under section 685.3, subsection 2, issue in writing and cause to be served upon such person, a civil investigative demand requiring any of the following of such person:

- (1) To produce such documentary material for inspection and copying.
- (2) To answer in writing, written interrogatories with respect to such documentary material or information.
- (3) To give oral testimony concerning such documentary material or information.
- (4) To furnish any combination of such material, answers, or testimony.

b. The attorney general may delegate the authority to issue civil investigative demands under this subsection. If a civil investigative demand is an express demand for any product of discovery, the attorney general, a deputy attorney general, or an assistant attorney general shall cause to be served, in any manner authorized by this section, a copy of such demand upon the person from whom the discovery was obtained and shall notify the person to whom such demand is issued of the date on which such copy was served. Any information obtained by the attorney general or a designee of the attorney general under this section may be shared with any qui tam plaintiff if the attorney general or designee determines it is necessary as part of any false claims law investigation.

2. *Contents and deadlines.*

a. Each civil investigative demand issued under subsection 1 shall state the nature of the conduct constituting the alleged violation of a false claims law which is under investigation, and the applicable provision of law alleged to be violated.

b. If such demand is for the production of documentary material, the demand shall provide all of the following:

(1) Describe each class of documentary material to be produced with such definiteness and certainty as to permit such material to be fairly identified.

(2) Prescribe a return date for each such class which will provide a reasonable period of time within which the material so demanded may be assembled and made available for inspection and copying.

(3) Identify the false claims law investigator to whom such material shall be made available.

c. If such demand is for answers to written interrogatories, the demand shall provide for all of the following:

(1) Set forth with specificity the written interrogatories to be answered.

(2) Prescribe dates at which time answers to written interrogatories shall be submitted.

(3) Identify the false claims law investigator to whom such answers shall be submitted.

d. If such demand is for the giving of oral testimony, the demand shall provide for all of the following:

(1) Prescribe a date, time, and place at which oral testimony shall be commenced.

(2) Identify a false claims law investigator who shall conduct the examination and the custodian to whom the transcript of such examination shall be submitted.

(3) Specify that such attendance and testimony are necessary to the conduct of the investigation.

(4) Notify the person receiving the demand of the right to be accompanied by an attorney and any other representative.

(5) Describe the general purpose for which the demand is being issued and the general nature of the testimony, including the primary areas of inquiry, which will be taken pursuant to the demand.

e. Any civil investigative demand issued under this section which is an express demand for any product of discovery shall not be returned or returnable until twenty days after a copy of such demand has been served upon the person from whom the discovery was obtained.

f. The date prescribed for the commencement of oral testimony pursuant to a civil investigative demand issued under this section shall be a date which is not less than seven days after the date on which demand is received, unless the attorney general or an assistant attorney general designated by the attorney general determines that exceptional circumstances are present which warrant the commencement of such testimony within a lesser period of time.

g. The attorney general shall not authorize the issuance under this section of more than one civil investigative demand for oral testimony by the same person, unless the person requests otherwise or unless the attorney general, after investigation, notifies that person in writing that an additional demand for oral testimony is necessary.

3. *Protected material or information.*

a. A civil investigative demand issued under subsection 1 shall not require the production of any documentary material, the submission of any answers to written interrogatories, or the giving of any oral testimony if such material, answers, or testimony would be protected from disclosure under any of the following:

(1) The standards applicable to subpoenas or subpoenas duces tecum issued by a court of the state to aid in a grand jury investigation.

(2) The standards applicable to discovery requests under the Iowa rules of civil procedure, to the extent that the application of such standards to any such demand is appropriate and consistent with the provisions and purposes of this section.

b. Any such demand which is an express demand for any product of discovery, supersedes any inconsistent order, rule, or provision of law, other than this section, preventing or restraining disclosure of such product of discovery to any person. Disclosure of any product of discovery pursuant to any such express demand does not constitute a waiver of any right or privilege which the person making such disclosure may be entitled to invoke to resist discovery of trial preparation materials.

4. *Service.*

a. Any civil investigative demand issued under subsection 1 may be served by a false claims law investigator, or by any official authorized to issue civil investigative demands.

b. Service of any civil investigative demand issued under subsection 1 or of any petition filed under subsection 9 may be made upon a partnership, corporation, association, or other legal entity by any of the following methods:

(1) Delivering an executed copy of such demand or petition to any partner, executive officer, managing agent, or general agent of the partnership, corporation, association, or entity, or to any agent authorized by appointment or by law to receive service of process on behalf of such partnership, corporation, association, or entity.

(2) Delivering an executed copy of such demand or petition to the principal office or place of business of the partnership, corporation, association, or entity.

(3) Depositing an executed copy of such demand or petition in the United States mails by registered or certified mail, with a return receipt requested, addressed to such partnership, corporation, association, or entity at its principal office or place of business.

c. Service of any such demand or petition may be made upon any natural person by any of the following methods:

(1) Delivering an executed copy of such demand or petition to the person.

(2) Depositing an executed copy of such demand or petition in the United States mails by registered or certified mail, with a return receipt requested, addressed to the person at the person's residence or principal office or place of business.

d. A verified return by the individual serving any civil investigative demand issued under subsection 1 or any petition filed under subsection 9 setting forth the manner of such service shall be proof of such service. In the case of service by registered or certified mail, such return shall be accompanied by the return post office receipt of delivery of such demand.

5. *Documentary material.*

a. The production of documentary material in response to a civil investigative demand served under this section shall be made under a sworn certificate, in such form as the demand designates, by the following persons, as applicable:

(1) In the case of a natural person, the person to whom the demand is directed.

(2) In the case of a person other than a natural person, a person having knowledge of the facts and circumstances relating to such production and authorized to act on behalf of such person.

b. The certificate shall state that all of the documentary material required by the demand and in the possession, custody, or control of the person to whom the demand is directed has been produced and made available to the false claims law investigator identified in the demand.

c. Any person upon whom any civil investigative demand for the production of documentary material has been served under this section shall make such material available for inspection and copying to the false claims law investigator identified in such demand at the principal place of business of such person, or at such other place as the false claims law investigator and the person agree and prescribe in writing, or as the court may direct under subsection 9. Such material shall be made available on the return date specified in such demand, or on such later date as the false claims law investigator may prescribe in writing. Such person may, upon written agreement between the person and the false claims law investigator, substitute copies for originals of all or any part of such material.

6. *Interrogatories.*

a. Each interrogatory in a civil investigative demand served under this section shall be answered separately and fully in writing under oath and shall be submitted under a sworn certificate, in such form as the demand designates, by the following persons, as applicable:

(1) In the case of a natural person, the person to whom the demand is directed.

(2) In the case of a person other than a natural person, the person or persons responsible for answering each interrogatory.

b. If any interrogatory is objected to, the reasons for the objection shall be stated in the certificate instead of an answer. The certificate shall state that all information required by the demand and in the possession, custody, control, or knowledge of the person to whom the demand is directed has been submitted. To the extent that any information is not furnished, the information shall be identified and reasons set forth with particularity regarding the reasons why the information was not furnished.

7. *Oral examinations.*

a. The examination of any person pursuant to a civil investigative demand for oral testimony served under this section shall be taken before an officer authorized to administer oaths and affirmations by the laws of this state or of the place where the examination is held. The officer before whom the testimony is to be taken shall put the witness on oath or affirmation and shall, personally or by someone acting under the direction of the officer and in the officer's presence, record the testimony of the witness. The testimony shall be taken stenographically and shall be transcribed. When the testimony is fully transcribed, the officer before whom the testimony is taken shall promptly transmit a copy of the transcript of the testimony to the custodian. This subsection shall not preclude the taking of testimony by any means authorized by, and in a manner consistent with, the Iowa rules of civil procedure.

b. The false claims law investigator conducting the examination shall exclude from the place where the examination is held all persons except the person giving the testimony, the attorney for and any other representative of the person giving the testimony, the attorney for the state, any person who may be agreed upon by the attorney for the state and the person giving the testimony, the officer before whom the testimony is to be taken, and any stenographer taking such testimony.

c. The oral testimony of any person taken pursuant to a civil investigative demand served under this section shall be taken in any state in which such person resides, is found, or transacts business, or in such other place as may be agreed upon by the false claims law investigator conducting the examination and such person.

d. When the testimony is fully transcribed, the false claims law investigator or the officer before whom the testimony is taken shall afford the witness, who may be accompanied by counsel, a reasonable opportunity to examine and read the transcript, unless such examination and reading are waived by the witness. Any changes in form or substance which the witness desires to make shall be entered and identified upon the transcript by the officer or the false claims law investigator, with a statement of the reasons given by the witness for making such changes. The transcript shall then be signed by the witness, unless the witness in writing waives the signing, is ill, cannot be found, or refuses to sign. If the transcript is not signed by the witness within thirty days after being afforded a reasonable opportunity to examine the transcript, the officer or the false claims law investigator shall sign the transcript and state on the record the fact of the waiver, illness, absence of the witness, or the refusal to sign, together with the reasons, if any, for the waiver, illness, absence, or refusal.

e. The officer before whom the testimony is taken shall certify on the transcript that the witness was sworn by the officer and that the transcript is a true record of the testimony given by the witness, and the officer or false claims law investigator shall promptly deliver the transcript, or send the transcript by registered or certified mail, to the custodian.

f. Upon payment of reasonable charges for a copy, the false claims law investigator shall furnish a copy of the transcript to the witness only, except that the attorney general, the deputy attorney general, or an assistant attorney general may, for good cause, limit such witness to inspection of the official transcript of the witness' testimony.

g. (1) Any person compelled to appear for oral testimony under a civil investigative demand issued under subsection 1 may be accompanied, represented, and advised by

counsel. Counsel may advise such person, in confidence, with respect to any question asked of such person. Such person or counsel may object on the record to any question, in whole or in part, and shall briefly state for the record the reason for the objection. An objection may be made, received, and entered upon the record when it is claimed that such person is entitled to refuse to answer the question on the grounds of any constitutional or other legal right or privilege, including the privilege against self-incrimination. Such person may not otherwise object to or refuse to answer any question, and may not directly or through counsel otherwise interrupt the oral examination. If such person refuses to answer any question, a petition may be filed in the district court of the state under subsection 9 for an order compelling such person to answer such question.

(2) If such person refuses to answer any question on the grounds of the privilege against self-incrimination, the testimony of such person may be compelled in accordance with applicable law.

h. Any person appearing for oral testimony under a civil investigative demand issued under subsection 1 shall be entitled to the same fees and allowances which are paid to witnesses in the district courts of the state.

8. Custodians of documents, answers, and transcripts.

a. The attorney general shall designate a false claims law investigator to serve as custodian of documentary material, answers to interrogatories, and transcripts of oral testimony received under this section, and shall designate such additional false claims law investigators as the attorney general determines from time to time to be necessary to serve as deputies to the custodian.

b. (1) A false claims law investigator who receives any documentary material, answers to interrogatories, or transcripts of oral testimony under this section shall transmit them to the custodian. The custodian shall take physical possession of such material, answers, or transcripts and shall be responsible for their use and for the return of documentary material under paragraph "d".

(2) The custodian may cause the preparation of such copies of such documentary material, answers to interrogatories, or transcripts of oral testimony as may be required for official use by any false claims law investigator, or other officer or employee of the department of justice. Such material, answers, and transcripts may be used by any such authorized false claims law investigator or other officer or employee in connection with the taking of oral testimony under this section.

(3) Except as otherwise provided in this subsection, documentary material, answers to interrogatories, or transcripts of oral testimony, or copies of documentary materials, answers or transcripts, while in the possession of the custodian, shall not be available for examination by any individual other than a false claims law investigator or other officer or employee of the department of justice authorized under subparagraph (2). This prohibition on the availability of material, answers, or transcripts shall not apply if consent is given by the person who produced such material, answers, or transcripts, or, in the case of any product of discovery produced pursuant to an express demand for such material, consent is given by the person from whom the discovery was obtained. Nothing in this subparagraph is intended to prevent disclosure to the general assembly, including any committee or subcommittee of the general assembly, or to any other agency of the state for use by such agency in furtherance of its statutory responsibilities.

(4) While in the possession of the custodian and under such reasonable terms and conditions as the attorney general shall prescribe all of the following shall apply, as applicable:

(a) Documentary material and answers to interrogatories shall be available for examination by the person who produced such material or answers, or by a representative of that person authorized by that person to examine such material and answers.

(b) Transcripts of oral testimony shall be available for examination by the person who produced such testimony, or by a representative of that person authorized by that person to examine such transcripts.

c. If an attorney of the department of justice has been designated to appear before any court, grand jury, state agency, or federal agency in any case or proceeding, the custodian of any documentary material, answers to interrogatories, or transcripts of oral testimony

received under this section may deliver to such attorney such material, answers, or transcripts for official use in connection with any such case or proceeding as such attorney determines to be required. Upon the completion of any such case or proceeding, such attorney shall return to the custodian any such material, answers, or transcripts delivered which have not passed into the control of such court, grand jury, or agency through introduction into the record of such case or proceeding.

d. If any documentary material has been produced by any person in the course of any false claims law investigation pursuant to a civil investigative demand under this section, and any case or proceeding before the court or grand jury arising out of such investigation, or any proceeding before any state agency or federal agency involving such material, has been completed, or a case or proceeding in which such material may be used has not been commenced within a reasonable time after completion of the examination and analysis of all documentary material and other information assembled in the course of such investigation, the custodian shall, upon written request of the person who produced such material, return to such person any such material, other than copies furnished to the false claims law investigator under subsection 5 or made for the department of justice under paragraph "b" which has not passed into the control of any court, grand jury, or agency through introduction into the record of such case or proceeding.

e. (1) In the event of the death, disability, or separation from service in the department of justice of the custodian of any documentary material, answers to interrogatories, or transcripts of oral testimony produced pursuant to a civil investigative demand under this section, or in the event of the official relief of such custodian from responsibility for the custody and control of such material, answers, or transcripts, the attorney general shall promptly do all of the following:

(a) Designate another false claims law investigator to serve as custodian of such material, answers, or transcripts.

(b) Transmit in writing to the person who produced such material, answers, or testimony notice of the identity and address of the successor designated.

(2) Any person who is designated to be a successor under this paragraph "e" shall have, with regard to such material, answers, or transcripts, the same duties and responsibilities as were imposed by this section upon that person's predecessor in office, except that the successor shall not be held responsible for any default or dereliction which occurred before that designation.

9. *Judicial proceedings.*

a. If a person fails to comply with any civil investigative demand issued under subsection 1, or if satisfactory copying or reproduction of any material requested in such demand cannot be completed and such person refuses to surrender such material, the attorney general may file, in the district court of the state for any county in which such person resides, is found, or transacts business, and serve upon such person, a petition for an order of such court for the enforcement of the civil investigative demand.

b. (1) A person who has received a civil investigative demand issued under subsection 1 may file, in the district court of the state for the county within which such person resides, is found, or transacts business, and serve upon the false claims law investigator identified in such demand, a petition for an order of the court to modify or set aside such demand. In the case of a petition addressed to an express demand for any product of discovery, a petition to modify or set aside such demand may be brought only in the district court of the state for the county in which the proceeding in which such discovery was obtained is or was last pending. Any petition under this paragraph shall be filed in accordance with the following, as applicable:

(a) Within twenty days after the date of service of the civil investigative demand, or at any time before the return date specified in the demand, whichever date is earlier.

(b) Within such longer period as may be prescribed in writing by any false claims law investigator identified in the demand.

(2) The petition shall specify each ground upon which the petitioner relies in seeking relief under subparagraph (1), and may be based upon any failure of the demand to comply with the provisions of this section or upon any constitutional or other legal right or privilege of such person. During the pendency of the petition in the court, the court may stay, as it deems

proper, the running of the time allowed for compliance with the demand, in whole or in part, except that the person filing the petition shall comply with any portions of the demand not sought to be modified or set aside.

c. (1) In the case of any civil investigative demand issued under subsection 1 which is an express demand for any product of discovery, the person from whom such discovery was obtained may file, in the district court of the state for the county in which the proceeding in which such discovery was obtained is or was last pending, and serve upon any false claims law investigator identified in the demand and upon the recipient of the demand, a petition for an order of such court to modify or set aside those portions of the demand requiring production of any such product of discovery. Any petition under this subparagraph shall be filed in accordance with the following, as applicable:

(a) Within twenty days after the date of service of the civil investigative demand, or at any time before the return date specified in the demand, whichever date is earlier.

(b) Within such longer period as may be prescribed in writing by any false claims law investigator identified in the demand.

(2) The petition shall specify each ground upon which the petitioner relies in seeking relief under subparagraph (1), and may be based upon any failure of the portions of the demand from which relief is sought to comply with the provisions of this section, or upon any constitutional or other legal right or privilege of the petitioner. During the pendency of the petition, the court may stay, as it deems proper, compliance with the demand and the running of the time allowed for compliance with the demand.

d. At any time during which any custodian is in custody or control of any documentary material or answers to interrogatories produced, or transcripts of oral testimony given, by any person in compliance with any civil investigative demand issued under subsection 1, such person, and in the case of an express demand for any product of discovery, the person from whom such discovery was obtained, may file, in the district court of⁷³ state for the judicial district within which the office of such custodian is located, and serve upon such custodian, a petition for an order of such court to require the performance by the custodian of any duty imposed upon the custodian by this section.

e. If a petition is filed in any district court of the state under this subsection, such court shall have jurisdiction to hear and determine the matter so presented, and to enter such order or orders as may be required to carry out the provisions of this section. Any final order so entered shall be subject to appeal in accordance with the Iowa rules of civil procedure. Any disobedience of any final order entered under this section by any court shall be punished as a contempt of the court.

f. The Iowa rules of civil procedure shall apply to any petition under this subsection, to the extent that such rules are not inconsistent with the provisions of this section.

10. *Disclosure exemption.* Any documentary material, answers to written interrogatories, or oral testimony provided under any civil investigative demand issued under subsection 1 shall be deemed confidential and exempt from disclosure under chapter 22.

Sec. 344. **NEW SECTION. 685.7 Rulemaking authority.**

The attorney general may adopt such rules and regulations as are necessary to effectuate the purposes of this chapter.

Sec. 345. **ANNUAL REPORTING REQUIREMENT.** On the thirtieth day after the effective date of this division of this Act, and on the anniversary of the effective date of this division of this Act each year thereafter, the attorney general shall submit to the chairpersons and ranking members of the house and senate committees on judiciary, the legislative caucus staffs, and the legislative services agency, in electronic format, a report containing all of the following information:

1. The number of cases the attorney general filed during the previous calendar year under this chapter.

⁷³ See chapter 1193, §64 herein

2. The number of cases qui tam plaintiffs filed under this chapter during the previous calendar year, including those cases that remain under seal, and specifying all of the following for the cases:

- a. The state or federal court in which each case was filed and the total number filed in each court.
 - b. The state program or agency involved in each case.
 - c. The number of cases filed by qui tam plaintiffs who previously filed an action based on the same or similar transaction or allegation under the federal False Claims Act or the false claims act of another state.
3. The amount recovered by the state in the form of settlement, damages, penalties, and litigation costs, if known, and specifying the following for each case:
- a. The case number and parties for each case in which there was a recovery.
 - b. The amount of funds recovered respectively for damages, penalties, and litigation costs.
 - c. The percentage of the recovery and the amount that the state paid to any qui tam plaintiff.

Sec. 346. DEPARTMENT OF JUSTICE — FALSE CLAIMS ACT ENFORCEMENT. There is appropriated from the general fund of the state to the department of justice for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For the general office of the attorney general, including salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	60,000
.....	FTEs	1.00

DIVISION XXXII
MEDICAID PRESCRIPTION DRUGS

Sec. 347. Section 249A.20A, subsection 4, Code 2009, is amended to read as follows:

4. With the exception of drugs prescribed for the treatment of human immunodeficiency virus or acquired immune deficiency syndrome, transplantation, or cancer ~~and drugs prescribed for mental illness~~ with the exception of drugs and drug compounds that do not have a significant variation in a therapeutic profile or side effect profile within a therapeutic class, prescribing and dispensing of prescription drugs not included on the preferred drug list shall be subject to prior authorization.

Sec. 348. MEDICAID NONPREFERRED DRUG LIST PRESCRIBING.

1. The department shall adopt rules pursuant to chapter 17A to restrict physicians and other prescribers to prescribing not more than a 72-hour or three-day supply of a prescription drug not included on the medical assistance preferred drug list while seeking approval to continue prescribing the medication.

2. Notwithstanding subsection 1, the department shall adopt rules pursuant to chapter 17A to restrict a physician or other prescriber prescribing a chemically unique mental health prescription drug to prescribing not more than a seven-day supply of the prescription drug while requesting approval to continue to prescribe the medication. The rules shall provide that if an approval or disapproval is not received by the physician or other prescriber within 48 hours of the request, the request is deemed approved.

Sec. 349. MEDICAID MENTAL HEALTH MEDICATIONS. The department shall adopt rules pursuant to chapter 17A to require that unless the manufacturer of a chemically unique mental health prescription drug enters into a contract to provide the state with a supplemental rebate, the drug may be placed on the nonpreferred drug list and subject to prior authorization before a medical assistance program recipient is able to obtain the drug. The department shall consult with the national alliance on mental illness, Iowa chapter, and other mental health patient organizations in the development of the rules and the development of associated formularies. The rules shall provide that a medical assistance program recipient whose drug regimen is established prior to January 1, 2011, on a chemically unique mental health prescription drug that would otherwise be placed on the nonpreferred drug list and subject to prior authorization under this section, shall be

exempt from the restrictions of this section. The department shall not adopt rules under this section by emergency rulemaking pursuant to section 17A.4, subsection 3, and section 17A.5, subsection 2, paragraph “b”. The rules adopted pursuant to this section shall not take effect prior to January 1, 2011.

DIVISION XXXIII
MEDICAID DISEASE MANAGEMENT

Sec. 350. MEDICAID DISEASE MANAGEMENT FOR CHILDREN. The department of human services shall design and implement a disease management program for children to address the most prevalent chronic diseases among children in Iowa. The program may include technology-based disease management, in-person or telephonic care management, self-management strategies, and health literacy education and training.

DIVISION XXXIV
MEDICAID HOME AND COMMUNITY-BASED SERVICES WAIVER PAYMENTS

Sec. 351. MEDICAID HOME AND COMMUNITY-BASED SERVICES WAIVER PAYMENTS — REVIEW. The department of human services shall evaluate payment records and determine the proper mechanism to trigger a review of payments for services provided under each home and community-based services waiver that are in excess of the median amount for payments through the applicable waiver. Following development of the trigger mechanism, the department shall require advance approval for services for which payment is projected to exceed the median as applicable to each waiver. The use of trigger mechanism and the approval process is intended to preserve necessary services while preventing overuse of services.

DIVISION XXXV
DIVESTITURE — MEDICAID PROGRAM

Sec. 352. Section 249F.1, subsection 2, paragraph a, Code 2009, is amended to read as follows:

a. *“Transfer of assets”* means any transfer or assignment of a legal or equitable interest in property, as defined in section 702.14, from a transferor to a transferee for less than fair consideration, made while the transferor is receiving medical assistance or within five years prior to application for medical assistance by the transferor. Any such transfer or assignment is presumed to be made with the intent, on the part of the transferee; transferor; or another person acting on behalf of a transferor who is an actual or implied agent, guardian, attorney-in-fact, or person acting as a fiduciary, of enabling the transferor to obtain or maintain eligibility for medical assistance or of impacting the recovery or payment of a medical assistance debt. This presumption is rebuttable only by clear and convincing evidence that the transferor’s eligibility or potential eligibility for medical assistance or the impact on the recovery or payment of a medical assistance debt was no part of the transferee’s reason of the transferee; transferor; or other person acting on behalf of a transferor who is an actual or implied agent, guardian, attorney-in-fact, or person acting as a fiduciary for making or accepting the transfer or assignment. A transfer of assets includes a transfer of an interest in the transferor’s home, domicile, or land appertaining to such home or domicile while the transferor is receiving medical assistance, unless otherwise exempt under paragraph “b”.

Sec. 353. Section 249F.1, subsection 2, paragraph b, subparagraph (6), Code 2009, is amended to read as follows:

(6) Transfers of assets that would, at the time of the transferor’s application for medical assistance, have been exempt from consideration as a resource if retained by the transferor, pursuant to 42 U.S.C. § 1382b(a), as implemented by regulations adopted by the secretary of the United States department of health and human services, excluding the home and land appertaining to the home.

DIVISION XXXVI
CHILD CARE ADVISORY COMMITTEE

Sec. 354. **NEW SECTION. 135.173A Child care advisory committee.**

1. The early childhood Iowa council shall establish a state child care advisory committee as part of the council. The advisory committee shall advise and make recommendations to the governor, general assembly, department of human services, and other state agencies concerning child care.

2. The membership of the advisory committee shall consist of a broad spectrum of parents and other persons from across the state with an interest in or involvement with child care.

3. Except as otherwise provided, the voting members of the advisory committee shall be appointed by the council from a list of names submitted by a nominating committee to consist of one member of the advisory committee, one member of the department of human services' child care staff, three consumers of child care, and one member of a professional child care organization. Two names shall be submitted for each appointment. The voting members shall be appointed for terms of three years.

4. The voting membership of the advisory committee shall be appointed in a manner so as to provide equitable representation of persons with an interest in child care and shall include all of the following:

- a. Two parents of children served by a registered child development home.
- b. Two parents of children served by a licensed center.
- c. Two not-for-profit child care providers.
- d. Two for-profit child care providers.
- e. One child care home provider.
- f. Three child development home providers.
- g. One child care resource and referral service grantee.
- h. One nongovernmental child advocacy group representative.
- i. One designee of the department of human services.
- j. One designee of the Iowa department of public health.
- k. One designee of the department of education.
- l. One head start program provider.
- m. One person who is a business owner or executive officer from nominees submitted by the Iowa chamber of commerce executives.
- n. One designee of the community empowerment office of the department of management.
- o. One person who is a member of the Iowa afterschool alliance.
- p. One person who is part of a local program implementing the statewide preschool program for four-year-old children under chapter 256C.
- q. One person who represents the early childhood Iowa council.

5. In addition to the voting members of the advisory committee, the membership shall include four legislators as ex officio, nonvoting members. The four legislators shall be appointed one each by the majority leader of the senate, the minority leader of the senate, the speaker of the house of representatives, and the minority leader of the house of representatives for terms as provided in section 69.16B.

6. In fulfilling the advisory committee's role, the committee shall do all of the following:

a. Consult with the department of human services and make recommendations concerning policy issues relating to child care.

b. Advise the department of human services concerning services relating to child care, including but not limited to any of the following:

- (1) Resource and referral services.
- (2) Provider training.
- (3) Quality improvement.
- (4) Public-private partnerships.
- (5) Standards review and development.

(6) The federal child care and development block grant, state funding, grants, and other funding sources for child care.

c. Assist the department of human services in developing an implementation plan to provide seamless service to recipients of public assistance, which includes child care

services. For the purposes of this subsection, “seamless service” means coordination, where possible, of the federal and state requirements which apply to child care.

d. Advise and provide technical services to the director of the department of education or the director’s designee relating to prekindergarten, kindergarten, and before and after school programming and facilities.

e. Make recommendations concerning child care expansion programs that meet the needs of children attending a core education program by providing child care before and after the core program hours and during times when the core program does not operate.

f. Make recommendations for improving collaborations between the child care programs involving the department of human services and programs supporting the education and development of young children including but not limited to the federal head start program, the statewide preschool program for four-year-old children and the early childhood, at-risk, and other early education programs administered by the department of education.

g. Make recommendations for eliminating duplication and otherwise improving the eligibility determination processes used for the state child care assistance program and other programs supporting low-income families, including but not limited to the federal head start, early head start, and even start programs; the early childhood, at-risk, and preschool programs administered by the department of education; the family and self-sufficiency grant program; and the family investment program.

h. Make recommendations as to the most effective and efficient means of managing the state and federal funding available for the state child care assistance program.

i. Review program data from the department of human services and other departments concerning child care as deemed to be necessary by the advisory committee, although a department shall not provide personally identifiable data or information.

j. Advise and assist the early childhood Iowa council in developing the strategic plan required pursuant to section 135.173.

7. The department of human services shall provide information to the advisory committee semiannually on all of the following:

a. Federal, state, local, and private revenues and expenditures for child care, including but not limited to updates on the current and future status of the revenues and expenditures.

b. Financial information and data relating to regulation of child care by the department of human services and the usage of the state child care assistance program.

c. Utilization and availability data relating to child care regulation, quantity, and quality from consumer and provider perspectives.

d. Statistical and demographic data regarding child care providers and the families utilizing child care.

e. Statistical data regarding the processing time for issuing notices of decision to state child care assistance applicants and for issuing payments to child care providers.

8. The advisory committee shall coordinate with the early childhood Iowa council its reporting annually in December to the governor and general assembly concerning the status of child care in the state, providing findings, and making recommendations. The annual report may be personally presented to the general assembly’s standing committees on human resources by a representative of the advisory committee.

Sec. 355. Section 237A.1, subsection 16, Code 2009, is amended to read as follows:

16. “*State child care advisory council*” committee means the state child care advisory council committee established pursuant to ~~sections 237A.21 and 237A.22~~ section 135.173A.

Sec. 356. Section 237A.12, subsection 3, Code 2009, is amended to read as follows:

3. Rules relating to fire safety for child care centers shall be adopted under this chapter by the state fire marshal in consultation with the department. Rules adopted by the state fire marshal for a building which is owned or leased by a school district or accredited nonpublic school and used as a child care facility shall not differ from standards adopted by the state fire marshal for school buildings under chapter 100. Rules relating to sanitation shall be adopted by the department in consultation with the director of public health. All rules shall be developed in consultation with the state child care advisory ~~council~~ committee. The state fire marshal shall inspect the facilities.

Sec. 357. Section 237A.25, subsection 1, Code 2009, is amended to read as follows:

1. The department shall develop consumer information material to assist parents in selecting a child care provider. In developing the material, the department shall consult with department of human services staff, department of education staff, the state child care advisory ~~council~~ committee, the Iowa empowerment board, and child care resource and referral services. In addition, the department may consult with other entities at the local, state, and national level.

Sec. 358. Section 237A.30, subsection 1, Code 2009, is amended to read as follows:

1. The department shall work with the community empowerment office of the department of management established in section 28.3 and the state child care advisory ~~council~~ committee in designing and implementing a voluntary quality rating system for each provider type of child care facility.

Sec. 359. Section 256.9, subsection 32, paragraph b, Code Supplement 2009, is amended to read as follows:

b. Standards and materials developed shall include materials which employ developmentally appropriate practices and incorporate substantial parental involvement. The materials and standards shall include alternative teaching approaches including collaborative teaching and alternative dispute resolution training. The department shall consult with the child development coordinating council, the state child care advisory ~~council~~ committee established pursuant to section 135.173A, the department of human services, the state board of regents center for early developmental education, the area education agencies, the department of ~~child~~ human development and family studies in the college of ~~family and consumer~~ human sciences at Iowa state university of science and technology, the early childhood elementary division of the college of education at the university of Iowa, and the college of education at the university of northern Iowa, in developing these standards and materials.

Sec. 360. REPEAL. Sections 237A.21 and 237A.22, Code Supplement 2009, are repealed.

Sec. 361. IMPLEMENTATION — EFFECTIVE DATE.

1. The early childhood Iowa council shall develop a legislation proposal identifying memberships slots for the state child care advisory committee as created by this division of this Act. The proposal shall ensure that there is appropriate representation for the various types of child care arrangements available in the state and for expertise. The proposal shall be submitted to the governor and general assembly on or before December 15, 2010.

2. If a provision of this Act or another enactment of the Eighty-third General Assembly repeals section 135.173 and creates the early childhood Iowa state board in new Code chapter 256I, the early childhood Iowa state board shall fulfill the responsibilities assigned to the early childhood Iowa council in subsection 1 and the department of education⁷⁴ shall propose corrective legislation for the provisions of this division of this Act in accordance with section 2.16 for consideration by the Eighty-fourth General Assembly, 2011 Regular Session.

3. The provisions of this division of this Act other than this section take effect July 1, 2011.

DIVISION XXXVII MH/MR/DD/BI COMMISSION DUTIES

Sec. 362. Section 229.24, subsection 3, unnumbered paragraph 1, Code 2009, is amended to read as follows:

If all or part of the costs associated with hospitalization of an individual under this chapter are chargeable to a county of legal settlement, the clerk of the district court shall provide to the county of legal settlement and to the county in which the hospitalization order is entered, ~~in a form prescribed by the mental health, mental retardation, developmental disabilities, and brain injury commission,~~ the following information pertaining to the individual which would be confidential under subsection 1:

⁷⁴ See chapter 1192, §84 herein

Sec. 363. Section 230A.2, Code 2009, is amended to read as follows:

230A.2 Services offered.

A community mental health center established or operating as authorized by section 230A.1 may offer to residents of the county or counties it serves any or all of the mental health services defined by the ~~mental health, mental retardation, developmental disabilities, and brain injury commission~~ in the comprehensive state mental health and disability services plan under section 225C.6B.

Sec. 364. Section 230A.15, Code 2009, is amended to read as follows:

230A.15 Comprehensive community mental health program.

A community mental health center established or operating as authorized by section 230A.1, or which a county or group of counties has agreed to establish or support pursuant to that section, may with approval of the board or boards of supervisors of the county or counties supporting or establishing the center, undertake to provide a comprehensive community mental health program for the county or counties. A center providing a comprehensive community mental health program shall, at a minimum, make available to residents of the county or counties it serves all of the ~~comprehensive mental health services~~ described in the comprehensive state mental health and disability services plan under section 225C.6B.

Sec. 365. Section 331.438, subsection 1, paragraph b, Code 2009, is amended to read as follows:

b. ~~“Qualified mental health, mental retardation, and developmental disabilities services” means the services specified on forms issued in the rules adopted by the county finance committee following consultation with the state commission for administering the services fund, pursuant to section 331.424A.~~

Sec. 366. Section 331.438, subsection 4, paragraph b, Code 2009, is amended to read as follows:

b. The state commission shall do all of the following:

(1) ~~Identify~~ Receive and review reports from the department of human services identifying characteristics of the service county services system, including amounts expended, equity of funding among counties, funding sources, provider types, service availability, and equity of service availability among counties and among persons served.

~~(2) Assess the accuracy and uniformity of recordkeeping and reporting in the service system.~~

~~(3) Identify for each county the factors associated with inflationary growth of the service system.~~

~~(4) Identify opportunities for containing service system growth.~~

~~(5) (2) Consider proposals for revising service county services system administrative rules.~~

~~(6) Consider provisions and adopt rules for counties to implement a central point of coordination to plan, budget, and monitor county expenditures for the service system. The provisions shall provide options for counties to implement the central point of coordination in collaboration with other counties.~~

~~(7) Develop criteria for annual county mental health, mental retardation, and developmental disabilities plans.~~

~~(8) (3) Adopt administrative rules identifying qualified mental health, mental retardation, and developmental disabilities service expenditures for purposes of state payment pursuant to subsection 1 relating to county management plans.~~

~~(9) Adopt rules for the county central point of coordination and clinical assessment processes required under section 331.440 and other rules necessary for the implementation of county management plans and expenditure reports required for state payment pursuant to section 331.439.~~

~~(10) Consider recommendations to improve the programs and cost-effectiveness of state and county contracting processes and procedures, including strategies for negotiations relating to managed care. The recommendations implemented by the commission for the state and county regarding managed care shall include but are not limited to standards for~~

~~limiting excess costs and profits, and for restricting cost shifting under a managed care system.~~

~~(11)~~ (4) Provide input, when appropriate, to the director of human services in any decision involving administrative rules which were adopted by the department of human services pertaining to the mental illness, mental retardation, and developmental disabilities services system administered by counties.

~~(12)~~ Identify the fiscal impact of existing or proposed legislation and administrative rules on state and county expenditures.

~~(13)~~ Adopt administrative rules providing statewide standards and a monitoring methodology to determine whether cost effective individualized services are available as required pursuant to section 331.439, subsection 1, paragraph "b".

(14) (5) Consider recommendations for and adopt administrative rules establishing statewide minimum standards for services and other support required to be available to persons covered by a county management plan under section 331.439.

(15) (6) Consider recommendations for measuring and improving the quality of state and county mental health, mental retardation, and developmental disabilities services and other support.

~~(16)~~ Develop a procedure for each county to disclose to the department of human services information approved by the commission concerning the mental health, mental retardation, developmental disabilities, and brain injury services provided to the individuals served through the county central point of coordination process. The procedure shall incorporate protections to ensure that if individually identified information is disclosed, it is disclosed and maintained in compliance with applicable Iowa and federal confidentiality laws, including but not limited to federal Health Insurance Portability and Accountability Act, Pub. L. No. 104-191, requirements.

Sec. 367. Section 331.439, subsection 1, unnumbered paragraph 1, Code 2009, is amended to read as follows:

The state payment to eligible counties under this section shall be made as provided in sections 331.438 and 426B.2. A county is eligible for the state payment, as defined in section 331.438, for a fiscal year if the director of human services, ~~in consultation with the state commission,~~ determines for a specific fiscal year that all of the following conditions are met:

Sec. 368. Section 331.439, subsection 1, paragraph a, Code 2009, is amended to read as follows:

a. The county accurately reported by December 1 the county's expenditures for mental health, mental retardation, and developmental disabilities services and the information required under section 225C.6A, subsection 2 3, paragraph "c", for the previous fiscal year ~~on forms prescribed by~~ in accordance with rules adopted by the state commission. If the department determines good cause exists, the department may extend a deadline otherwise imposed under this chapter, chapter 225C, or chapter 426B for a county's reporting concerning mental health, mental retardation, or developmental disabilities services or related revenues and expenditures.

Sec. 369. Section 331.439, subsection 1, paragraph b, unnumbered paragraph 1, Code 2009, is amended to read as follows:

The county developed and implemented a county management plan for the county's mental health, mental retardation, and developmental disabilities services system in accordance with the provisions of this paragraph "b". The plan shall comply with the administrative rules adopted for this purpose by the state commission and is subject to the approval of the director of human services in consultation with the state commission. The plan shall include a description of the county's service management provision for mental health, mental retardation, and developmental disabilities services. For mental retardation and developmental disabilities service management, the plan shall describe the county's development and implementation of a ~~managed~~ system of cost-effective individualized services and shall comply with the provisions of paragraph "f". The goal of this part of the plan shall be to assist the individuals served to be as independent, productive, and integrated

into the community as possible. The service management provisions for mental health shall comply with the provisions of paragraph "e". A county is subject to all of the following provisions in regard to the county's services system management plan and planning process:

Sec. 370. Section 331.439, subsection 1, paragraph b, subparagraphs (2) and (3), Code 2009, are amended to read as follows:

(2) For informational purposes, the county shall submit a management plan review to the department of human services by December 1 of each year. The annual review shall incorporate an analysis of the data associated with the services system managed during the preceding fiscal year by the county or by a ~~managed-care~~ private entity on behalf of the county. The annual review shall also identify measurable outcomes and results showing the county's progress in fulfilling the purposes listed in paragraph "c", and in achieving the disability services outcomes and indicators identified by the commission pursuant to section 225C.6.

(3) For informational purposes, every three years the county shall submit to the department of human services a three-year strategic plan. The strategic plan shall describe how the county will proceed to attain the plan's goals and objectives, and the measurable outcomes and results necessary for moving the county's ~~service~~ services system toward an individualized, community-based focus in accordance with paragraph "c". The three-year strategic plan shall be submitted by April 1, 2000, and by April 1 of every third year thereafter.

Sec. 371. Section 331.439, subsection 1, paragraphs c, e, and f, Code 2009, are amended to read as follows:

c. The county implements its county management plan under paragraph "b" and other service management functions in a manner that seeks to achieve all of the following purposes identified in section 225C.1 for persons who are covered by the plan or are otherwise subject to the county's ~~service~~ services system management functions:

(1) The ~~service~~ services system seeks to empower persons to exercise their own choices about the amounts and types of services and other support received.

(2) The ~~service~~ services system seeks to empower the persons to accept responsibility, exercise choices, and take risks.

(3) The ~~service~~ services system seeks to provide services and other support that are individualized, provided to produce results, flexible, and cost-effective.

(4) The ~~service~~ services system seeks to provide services and other ~~supports~~ support in a manner which supports the ability of the persons to live, learn, work, and recreate in communities of their choice.

e. (1) For mental health service management, the county may either directly implement a system of service management and contract with service providers, or contract with a private entity to manage the county services system, provided all requirements of this lettered paragraph are met by the private entity. The mental health ~~service management~~ services system shall incorporate a central point of coordination and clinical assessment process developed in accordance with the provisions of section 331.440.

(2) A ~~managed-care~~ The county services system for mental health proposed by a county shall include but is not limited to all of the following elements which shall be specified in administrative rules adopted by the state commission:

(a) The enrollment and eligibility process.

(b) The scope of services included.

(c) The method of plan administration.

(d) The process for managing utilization and access to services and other assistance.

(e) The quality assurance process.

(f) The risk management provisions and fiscal viability of the provisions, if the county contracts with a private ~~managed-care~~ entity.

f. For mental retardation and developmental disabilities services management, the county must either develop and implement a ~~managed~~ system of care which addresses a full array of appropriate services and cost-effective delivery of services by contracting directly with service providers or contract by contracting with a state-approved managed-care contractor or contractors private entity to manage the county services system. ~~Any system or contract~~

~~implemented under this paragraph~~ The county services system shall incorporate a central point of coordination and clinical assessment process developed in accordance with the provisions of section 331.440. The elements of ~~the county managed system of care~~ a county services system shall be specified in rules developed by the department of human services in consultation with and adopted by the state commission.

Sec. 372. Section 331.439, subsection 3, paragraph b, Code 2009, is amended to read as follows:

b. Based upon information contained in county management plans and budgets and proposals made by representatives of counties, the state commission shall recommend an allowed growth factor adjustment to the governor by November 15 for the fiscal year which commences two years from the beginning date of the fiscal year in progress at the time the recommendation is made. The allowed growth factor adjustment ~~shall~~ may address various costs including but not limited to the costs associated with new consumers of service, service cost inflation, and investments for economy and efficiency. In developing the service cost inflation recommendation, the state commission shall consider the cost trends indicated by the gross expenditure amount reported in the expenditure reports submitted by counties pursuant to subsection 1, paragraph "a". The governor shall consider the state commission's recommendation in developing the governor's recommendation for an allowed growth factor adjustment for such fiscal year. The governor's recommendation shall be submitted at the time the governor's proposed budget for the succeeding fiscal year is submitted in accordance with chapter 8.

Sec. 373. Section 331.439, subsection 7, Code 2009, is amended to read as follows:

7. A county shall annually report data concerning the county's services system managed by in accordance with the county management plan. At a minimum, the data reported shall indicate the number of different individuals who utilized services in a fiscal year and the various types of services. Data reported under this subsection shall be submitted with the county's expenditure report required under subsection 1, paragraph "a".

DIVISION XXXVIII MH/MR/DD/BI SERVICES

Sec. 374. Section 225C.4, subsection 1, paragraph a, Code 2009, is amended to read as follows:

a. Prepare and administer the comprehensive mental health and disability services plan as provided in section 225C.6B, including state mental health and mental retardation plans for the provision of disability services within the state and ~~prepare and administer~~ the state developmental disabilities plan. The administrator shall consult with the Iowa department of public health, the state board of regents or a body designated by the board for that purpose, the department of management or a body designated by the director of the department for that purpose, the department of education, the department of workforce development and any other appropriate governmental body, in order to facilitate coordination of disability services provided in this state. The state mental health and mental retardation plans shall be consistent with the state health plan, and shall incorporate county disability services plans.

Sec. 375. Section 225C.6, subsections 1 and 3, Code 2009, are amended to read as follows:

1. To the extent funding is available, the commission shall perform the following duties:

a. Advise the administrator on the administration of the overall state disability services system.

b. Adopt necessary rules pursuant to chapter 17A which relate to disability programs and services, including but not limited to definitions of each disability included within the term "*disability services*" as necessary for purposes of state, county, and regional planning, programs, and services.

c. Adopt standards for community mental health centers, services, and programs as recommended under section 230A.16. ~~The commission~~ administrator shall determine whether to grant, deny, or revoke the accreditation of the centers, services, and programs.

~~d. Adopt standards for the care of and services to persons with mental illness and mental retardation residing in county care facilities recommended under section 227.4 the provision under medical assistance of individual case management services.~~

~~e. Unless another governmental body sets standards for a service available to persons with disabilities, adopt state standards for that service. The commission shall provide that a service provider's compliance with standards for a service set by a nationally recognized body shall be deemed to be in compliance with the state standards adopted by the commission for that service. The commission shall adopt state standards for those residential and community-based providers of services to persons with mental illness or developmental disabilities that are not otherwise subject to licensure by the department of human services or department of inspections and appeals, including but not limited to remedial services payable under the medical assistance program and other services payable from funds credited to a county mental health, mental retardation, and developmental disabilities services fund created in section 331.424A. In addition, the The commission shall review the licensing standards used by the department of human services or department of inspections and appeals for those facilities providing disability services to persons with mental illness or developmental disabilities.~~

~~f. Assure that proper reconsideration and appeal procedures are available to persons aggrieved by decisions, actions, or circumstances relating to accreditation.~~

~~g. Adopt necessary rules for awarding grants from the state and federal government as well as other moneys that become available to the division for grant purposes.~~

~~h. Annually submit to the governor and the general assembly:~~

~~(1) A report concerning the activities of the commission.~~

~~(2) Recommendations formulated by the commission for changes in law.~~

~~i. By January 1 of each odd-numbered year, submit to the governor and the general assembly an evaluation of:~~

~~(1) The extent to which services to persons with disabilities are actually available to persons in each county in the state and the quality of those services.~~

~~(2) The effectiveness of the services being provided by disability service providers in this state and by each of the state mental health institutes established under chapter 226 and by each of the state resource centers established under chapter 222.~~

~~j. Advise the administrator, the council on human services, the governor, and the general assembly on budgets and appropriations concerning disability services.~~

~~k. Coordinate activities with the governor's developmental disabilities council and the mental health planning council, created pursuant to federal law. Work with other state agencies on coordinating, collaborating, and communicating concerning activities involving persons with disabilities.~~

~~l. Establish standards for the provision under medical assistance of individual case management services. The commission shall determine whether to grant, deny, or revoke the accreditation of the services.~~

~~m. l. Identify basic financial eligibility standards for disability services. The standards shall include but are not limited to the following:~~

~~(1) A financial eligibility standard providing that a person with an income equal to or less than one hundred fifty percent of the federal poverty level, as defined by the most recently revised poverty income guidelines published by the United States department of health and human services, is eligible for disability services paid with public funding. However, a county may apply a copayment requirement for a particular disability service to a person with an income equal to or less than one hundred fifty percent of the federal poverty level, provided the disability service and the copayment amount both comply with rules adopted by the commission applying uniform standards with respect to copayment requirements. A person with an income above one hundred fifty percent of the federal poverty level may be eligible subject to a copayment or other cost-sharing arrangement subject to limitations adopted in rule by the commission.~~

~~(2) A requirement that a person who is eligible for federally funded services and other support must apply for the services and support.~~

~~(3) Resource limitations that are derived from the federal supplemental security income program limitations. A person with resources above the federal supplemental security income~~

program limitations may be eligible subject to limitations adopted in rule by the commission. If a person does not qualify for federally funded services and other support but meets income, resource, and functional eligibility requirements, the following types of resources shall be disregarded:

- (a) A retirement account that is in the accumulation stage.
- (b) A burial, medical savings, or assistive technology account.

~~n. m.~~ Identify disability services outcomes and indicators to support the ability of eligible persons with a disability to live, learn, work, and recreate in communities of the persons' choice. The identification duty includes but is not limited to responsibility for identifying, collecting, and analyzing data as necessary to issue reports on outcomes and indicators at the county and state levels.

~~o. Prepare five-year plans based upon the county management plans developed pursuant to section 331.439.~~

~~p. Work with other state agencies on coordinating, collaborating, and communicating concerning activities involving persons with disabilities.~~

~~q. Perform analyses and other functions associated with a redesign of the mental health and developmental disability services systems for adults and for children.~~

3. If the executive branch creates a committee, task force, council, or other advisory body to consider mental health and developmental disabilities disability services policy, services, or program options involving children or adult consumers, the commission is designated to receive and consider any report, findings, recommendations, or other work product issued by such body. The commission may address the report, findings, recommendations, or other work product in fulfilling the commission's functions and to advise the department, council on human services, governor, and general assembly concerning disability services.

Sec. 376. Section 225C.6A, Code 2009, is amended to read as follows:

225C.6A Mental health, developmental disability, and brain injury service system redesign implementation.

1. *Purpose.* It is the intent of the general assembly to implement a redesign of the mental health, developmental disability, and brain injury service system over a period of years in order to transition to a coordinated system for Iowans with mental illness, mental retardation or other developmental disabilities, or brain injury. Because of the significance of the redesign to the persons who may be affected by it and the degree of uncertainty regarding the extent of funding changes necessary for implementation, the department and the commission shall not implement a redesign provision through rulemaking or other means unless specific statutory authority provides for the provision's implementation.

2. *Initial activities.* For the fiscal years beginning July 1, 2004, and July 1, 2005, the The commission shall do the following relating to redesign of the disability services system in the state:

~~a.~~ 1. Identify sources of revenue to support statewide delivery of core disability services to eligible disability populations.

~~b. Further develop adult disability services system redesign proposals and propose a redesign of the children's disability service system. The redesign of the children's system shall address issues associated with an individual's transition between the two systems.~~

2. Ensure there is a continuous improvement process for development and maintenance of the disability services system for adults and children. The process shall include but is not limited to data collection and reporting provisions.

~~e.~~ (1) 3. a. Plan, collect, and analyze data as necessary to issue cost estimates for serving additional populations and providing core disability services statewide. The department shall maintain compliance with applicable federal and state privacy laws to ensure the confidentiality and integrity of individually identifiable disability services data. The department shall regularly assess the status of the compliance in order to assure that data security is protected.

(2) ~~b.~~ In implementing a system under this ~~paragraph "e"~~ subsection for collecting and analyzing state, county, and private contractor data, the department shall establish a client identifier for the individuals receiving services. The client identifier shall be used in lieu of the individual's name or social security number. The client identifier shall consist of the last

four digits of an individual's social security number, the first three letters of the individual's last name, the individual's date of birth, and the individual's gender in an order determined by the department.

~~(3) c.~~ Each county shall report to the department annually on or before December 1, for the preceding fiscal year the following information for each individual served: demographic information, expenditure data, and data concerning the services and other support provided to each individual, as specified in administrative rule adopted by the commission.

~~d.~~ With consumer input, identify and propose standardized functional assessment tools and processes for use in the eligibility determination process when eligibility for a particular disability population group is implemented. The tools and processes shall be integrated with those utilized for the medical assistance program under chapter 249A. For the initial diagnostic criteria, the commission shall consider identifying a qualifying functional assessment score and any of the following diagnoses: mental illness, chronic mental illness, mental retardation, developmental disability, or brain injury.

~~e.~~ The commission shall adopt a multiyear plan for developing and providing the data, cost projections, revenue requirements, and other information needed to support decision making concerning redesign provisions. The information shall be provided as part of the commission's regular reports to the governor and general assembly or more often as determined to be appropriate by the commission.

~~f.~~ Propose case rates for disability services.

~~g.~~ 4. Work with county representatives and other qualified persons to develop an implementation plan for replacing the county of legal settlement approach to determining service system funding responsibilities with an approach based upon residency. The plan shall address a statewide standard for proof of residency, outline a plan for establishing a data system for identifying residency of eligible individuals, address residency issues for individuals who began residing in a county due to a court order or criminal sentence or to obtain services in that county, recommend an approach for contesting a residency determination, and address other implementation issues.

Sec. 377. Section 225C.6B, subsection 1, Code 2009, is amended to read as follows:

1. *Intent.*

a. The general assembly intends for the state to implement a comprehensive, continuous, and integrated state mental health and disability services plan in accordance with the requirements of sections 225C.4 and 225C.6 and other provisions of this chapter, by increasing the department's responsibilities in the development, funding, oversight, and ongoing leadership of mental health and disability services in this state.

b. In order to further the purposes listed in sections section 225C.1 and 225C.27 and in other provisions of this chapter, the general assembly intends that efforts focus on the goal of making available a comprehensive array of high-quality, evidence-based consumer and family-centered mental health and disability services and other support in the least restrictive, community-based setting appropriate for a consumer.

c. In addition, it is the intent of the general assembly to promote policies and practices that achieve for consumers the earliest possible detection of mental health problems and the need for disability services and for early intervention; to stress that all health care programs address mental health disorders with the same urgency as physical health disorders; to promote the policies of all public programs that serve adults and children with mental disorders or with a need for disability services, including but not limited to child welfare, Medicaid, education, housing, criminal and juvenile justice, substance abuse treatment, and employment services; to consider the special mental health and disability services needs of adults and children; and to promote recovery and resiliency as expected outcomes for all consumers.

Sec. 378. Section 225C.6B, subsection 2, Code 2009, is amended by striking the subsection and inserting in lieu thereof the following:

2. *Comprehensive plan.* The division shall develop a comprehensive written five-year state mental health and disability services plan with annual updates and readopt the plan every five years. The plan shall describe the key components of the state's mental health and disability

services system, including the services that are community-based, state institution-based, or regional or state-based. The five-year plan and each update shall be submitted annually to the commission on or before October 30 for review and approval.

Sec. 379. Section 225C.21, subsection 2, Code 2009, is amended to read as follows:

2. The commission shall adopt rules pursuant to chapter 17A establishing minimum standards for supported community living services. The ~~commission~~ administrator shall determine whether to grant, deny, or revoke approval for any supported community living service.

Sec. 380. Section 225C.52, subsection 1, Code 2009, is amended to read as follows:

1. Establishing a comprehensive community-based mental health services system for children and youth is part of fulfilling the requirements of the division and the commission to facilitate a comprehensive, continuous, and integrated state mental health and disability services plan in accordance with sections 225C.4, 225C.6, and 225C.6A, and other provisions of this chapter. The purpose of establishing the children's system is to improve access for children and youth with serious emotional disturbances and youth with other qualifying mental health disorders to mental health treatment, services, and other support in the least restrictive setting possible so the children and youth can live with their families and remain in their communities. The children's system is also intended to meet the needs of children and youth who have mental health disorders that co-occur with substance abuse, mental retardation, developmental disabilities, or other disabilities. The children's system shall emphasize community-level collaborative efforts between children and youth and the families and the state's systems of education, child welfare, juvenile justice, health care, substance abuse, and mental health.

Sec. 381. REPEAL. Section 225C.27, Code 2009, is repealed.

DIVISION XXXIX
MH/MR/DD/BI COMMISSION AND WAIVER NAME CHANGE

Sec. 382. Section 225C.2, subsection 3, Code 2009, is amended to read as follows:

3. "*Commission*" means the mental health, ~~mental retardation, developmental disabilities, and brain injury~~ and disability services commission.

Sec. 383. Section 225C.5, subsection 1, unnumbered paragraph 1, Code Supplement 2009, is amended to read as follows:

A mental health, ~~mental retardation, developmental disabilities, and brain injury~~ and disability services commission is created as the state policy-making body for the provision of services to persons with mental illness, mental retardation or other developmental disabilities, or brain injury. The commission's voting members shall be appointed to three-year staggered terms by the governor and are subject to confirmation by the senate. Commission members shall be appointed on the basis of interest and experience in the fields of mental health, mental retardation or other developmental disabilities, and brain injury, in a manner so as to ensure adequate representation from persons with disabilities and individuals knowledgeable concerning disability services. The department shall provide staff support to the commission, and the commission may utilize staff support and other assistance provided to the commission by other persons. The commission shall meet at least four times per year. The membership of the commission shall consist of the following persons who, at the time of appointment to the commission, are active members of the indicated groups:

Sec. 384. Section 249A.12, subsection 4, paragraph b, Code 2009, is amended to read as follows:

b. ~~Effective July 1, 1995, the~~ The state shall be responsible for all of the nonfederal share of medical assistance home and community-based services waivers for persons with ~~mental retardation~~ intellectual disabilities services provided to minors and a county is not required

to reimburse the department and shall not be billed for the nonfederal share of the costs of the services.

Sec. 385. Section 249A.12, subsection 5, paragraph a, unnumbered paragraph 1, Code 2009, is amended to read as follows:

The mental health, ~~mental retardation, developmental disabilities, and brain injury~~ and disability services commission shall recommend to the department the actions necessary to assist in the transition of individuals being served in an intermediate care facility for persons with mental retardation, who are appropriate for the transition, to services funded under a medical assistance home and community-based services waiver for persons with ~~mental retardation~~ intellectual disabilities in a manner which maximizes the use of existing public and private facilities. The actions may include but are not limited to submitting any of the following or a combination of any of the following as a request for a revision of the medical assistance home and community-based services waiver for persons with ~~mental retardation in effect as of June 30, 1996~~ intellectual disabilities:

Sec. 386. Section 249A.12, subsection 5, paragraph a, subparagraph (1), Code 2009, is amended to read as follows:

(1) Allow for the transition of intermediate care facilities for persons with mental retardation licensed under chapter 135C ~~as of June 30, 1996~~, to services funded under the medical assistance home and community-based services waiver for persons with ~~mental retardation~~ intellectual disabilities. The request shall be for inclusion of additional persons under the waiver associated with the transition.

Sec. 387. Section 249A.12, subsection 6, paragraphs a and b, Code 2009, are amended to read as follows:

a. ~~Effective July 1, 2003, the~~ The provisions of the home and community-based services waiver for persons with ~~mental retardation~~ intellectual disabilities shall include adult day care, prevocational, and transportation services. Transportation shall be included as a separately payable service.

b. The department of human services shall seek federal approval to amend the home and community-based services waiver for persons with ~~mental retardation~~ intellectual disabilities to include day habilitation services. Inclusion of day habilitation services in the waiver shall take effect upon receipt of federal approval ~~and no later than July 1, 2004~~.

Sec. 388. Section 423.3, subsection 18, paragraph f, subparagraph (6), Code Supplement 2009, is amended to read as follows:

(6) ~~MR~~ Intellectual disabilities waiver service providers, described in 441 IAC 77.37.

Sec. 389. MENTAL HEALTH, MENTAL RETARDATION, DEVELOPMENTAL DISABILITIES, AND BRAIN INJURY COMMISSION TERMINOLOGY CHANGES — CODE EDITOR'S DIRECTIVE.

1. Sections 230A.16, 230A.17, 230A.18, 249A.12, 331.438, and 426B.4, Code 2009, and sections 249A.4, 249A.31, and 426B.5, Code Supplement 2009, are amended by striking the term "mental health, mental retardation, developmental disabilities, and brain injury commission" and inserting in lieu thereof the term "mental health and disability services commission".

2. This division of this Act changes the name of the mental health, mental retardation, developmental disabilities, and brain injury commission to the mental health and disability services commission. The Code editor shall correct any references to the term "mental health, mental retardation, developmental disabilities, and brain injury commission" anywhere else in the Iowa Code or Iowa Code Supplement, in any bills awaiting codification, in this Act, and in any bills enacted by the Eighty-third General Assembly, 2010 Regular Session, or any extraordinary session.

Sec. 390. HOME AND COMMUNITY-BASED SERVICES WAIVER FOR PERSONS WITH MENTAL RETARDATION TERMINOLOGY CHANGES — CODE EDITOR'S DIRECTIVE.

1. Sections 135C.6, 219.1, 249A.26, and 249A.30, Code 2009, are amended by striking the term “waiver for persons with mental retardation” and inserting in lieu thereof the term “waiver for persons with intellectual disabilities”.

2. This division of this Act changes the name of the home and community-based services waiver for persons with mental retardation under the medical assistance program to the waiver for persons with intellectual disabilities. The Code editor shall correct any references to the term “waiver for persons with mental retardation” or other forms of the term anywhere else in the Iowa Code or Iowa Code Supplement, in any bills awaiting codification, in this Act, and in any bills enacted by the Eighty-third General Assembly, 2010 Regular Session, or any extraordinary session.

DIVISION XL
CONSOLIDATION OF ADVISORY
BODIES — COUNCIL ON HUMAN SERVICES

Sec. 391. NEW SECTION. **217.3A Advisory committees.**

1. *General.* The council on human services shall establish and utilize the advisory committees identified in this section and may establish and utilize other advisory committees. The council shall establish appointment provisions, membership terms, operating guidelines, and other operational requirements for committees established pursuant to this section.

2. *Child abuse prevention.* The council shall establish a child abuse prevention program advisory committee to support the child abuse prevention program implemented in accordance with section 235A.1. The duties of the advisory committee shall include all of the following:

a. Advise the director of human services and the administrator of the division of the department of human services responsible for child and family programs regarding expenditures of funds received for the child abuse prevention program.

b. Review the implementation and effectiveness of legislation and administrative rules concerning the child abuse prevention program.

c. Recommend changes in legislation and administrative rules to the general assembly and the appropriate administrative officials.

d. Require reports from state agencies and other entities as necessary to perform its duties.

e. Receive and review complaints from the public concerning the operation and management of the child abuse prevention program.

f. Approve grant proposals.

3. a. The council shall establish a child support advisory committee.

(1) Members of the advisory committee shall include at least one district judge and representatives of custodial parent groups, noncustodial parent groups, the general assembly, the office of citizens' aide, the Iowa state bar association, the Iowa county attorneys association, and other constituencies which have an interest in child support enforcement issues, appointed by the respective entity.

(2) The legislative members of the advisory committee shall be appointed as follows: one senator each by the majority leader of the senate, after consultation with the president of the senate, and by the minority leader of the senate, and one member of the house of representatives each by the speaker of the house of representatives, after consultation with the majority leader of the house of representatives, and by the minority leader of the house of representatives.

b. The legislative members of the advisory committee shall serve for terms as provided in section 69.16B. Appointments shall comply with sections 69.16 and 69.16A. Vacancies shall be filled by the original appointing authority and in the manner of the original appointments.

c. The child support advisory committee shall assist the department in all of the following activities:

(1) Review of existing child support guidelines and recommendations for revision.

(2) Examination of the operation of the child support system to identify program improvements or enhancements which would increase the effectiveness of securing parental support and parental involvement.

(3) Recommendation of legislation which would clarify and improve state law regarding support for children.

d. The committee shall receive input from the public regarding any child support issues.

4. *Child welfare.*

a. The council shall establish a child welfare advisory committee to advise the department of human services on programmatic and budgetary matters related to the provision or purchase of child welfare services. The committee shall meet to review departmental budgets, policies, and programs, and proposed budgets, policies, and programs, and to make recommendations and suggestions to make the state child welfare budget, programs, and policies more effective in serving families and children.

b. The membership of the advisory committee shall include representatives of child welfare service providers, juvenile court services, the Iowa foster and adoptive parent association, the child advocacy board, the coalition for family and children's services in Iowa, children's advocates, service consumers, and others who have training or knowledge related to child welfare services. In addition, four members shall be legislators, all serving as ex officio, nonvoting members, with one each appointed by the speaker of the house of representatives, the minority leader of the house of representatives, the majority leader of the senate, and the minority leader of the senate. The director of human services and the administrator of the division of the department of human services responsible for child welfare services, or their designees, shall also be ex officio, nonvoting members, and shall serve as resource persons to the advisory committee.

Sec. 392. Section 235A.1, subsections 3 and 4, Code Supplement 2009, are amended by striking the subsections.

Sec. 393. REPEAL. Sections 234.3 and 252B.18, Code 2009, are repealed.

Sec. 394. IMPLEMENTATION. In establishing the child abuse prevention program, child support, and child welfare advisory committees and appointing members, the council on human services shall consider reappointing those individuals who were serving as members of the child abuse prevention advisory council, the child support advisory committee, and the child welfare advisory committee as of June 30, 2009.

DIVISION XLI HEALTH ADVISORY BODIES

Sec. 395. Section 135.29, subsection 3, Code 2009, is amended to read as follows:

3. The local substitute medical decision-making board and its members shall not be held liable, jointly or severally, for any actions or omissions taken or made in the official discharge of their duties, except those acts or omissions constituting willful or wanton misconduct. A physician or other health care provider who acts on a decision or directive of the local substitute medical decision-making board ~~or state substitute medical decision-making board~~ shall not be held liable for any damages resulting from that act, unless such physician's or other health care provider's actions or omissions constitute negligence in the practice of the profession or occupation, or willful or wanton misconduct.

Sec. 396. Section 135.107, subsection 5, paragraph a, Code Supplement 2009, is amended to read as follows:

a. There is established an advisory committee to the center for rural health and primary care consisting of one representative, approved by the respective agency, of each of the following agencies: the department of agriculture and land stewardship, the Iowa department of public health, the department of inspections and appeals, the national institute for rural health policy, the rural health resource center, the institute of agricultural medicine and occupational health, and the Iowa state association of counties. The governor shall appoint two representatives of consumer groups active in rural health issues and a representative of each of two farm organizations active within the state, a representative of an agricultural business in the state, a representative of a critical needs hospital, a practicing rural family physician, a practicing rural physician assistant, a practicing rural

advanced registered nurse practitioner, and a rural health practitioner who is not a physician, physician assistant, or advanced registered nurse practitioner, as members of the advisory committee. The advisory committee shall also include as members two state representatives, one appointed by the speaker of the house of representatives and one by the minority leader of the house, and two state senators, one appointed by the majority leader of the senate and one by the minority leader of the senate.

Sec. 397. Section 136C.3, subsection 2, paragraph b, Code Supplement 2009, is amended by striking the paragraph.

Sec. 398. Section 691.6, subsection 3, Code Supplement 2009, is amended to read as follows:

3. To adopt rules pursuant to chapter 17A, and subject to the approval of the director of public health, ~~with the advice and approval of the state medical examiner advisory council.~~

Sec. 399. REPEAL. Sections 135.28, 135N.1, 135N.2, 135N.3, 135N.4, 135N.5,⁷⁵ 135N.6, and 142C.16, Code 2009, are repealed.

Sec. 400. ELIMINATION OF SWIMMING POOL ADVISORY COMMITTEE. On or before July 1, 2010, the department of public health shall no longer operate any advisory committee on swimming pools created by the department for purposes of chapter 135I.

DIVISION XLII DEPARTMENT OF HUMAN SERVICES — FIELD SERVICES ORGANIZATION

Sec. 401. Section 217.42, subsection 1, Code 2009, is amended to read as follows:

1. The organizational structure to deliver the department's field services shall be based upon service areas ~~designated by the department.~~ The service areas shall serve as a basis for providing field services to persons residing in the counties comprising the service area. ~~The service areas shall be those designated by the department effective January 1, 2002. In determining the service areas, the department shall consider other geographic service areas including but not limited to judicial districts and community empowerment areas. The department shall consult with the county boards of supervisors in a service area with respect to the selection of the service area manager responsible for the service area who is initially selected for the service area designated effective January 1, 2002, and any service area manager selected for the service area thereafter. Following establishment of the service areas effective January 1, 2002, if a county seeks to change the boundaries of a service area, the change shall only take place if the change is mutually agreeable to the department and all affected counties. If it is necessary for the department to significantly modify its field operations or the composition of a designated service area, or if it is necessary for the department to change the number of offices operating less than full-time, the department shall consult with the affected counties prior to implementing such action.~~

Sec. 402. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION XLIII DEPARTMENT OF HUMAN SERVICES — FAMILY SUPPORT SUBSIDY

Sec. 403. Section 225C.37, Code Supplement 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 3. Effective July 1, 2010, the department shall not accept new applications for the family support subsidy program and shall not approve pending applications for the program. Subsidy termination or application denial relating to family members enrolled in the family support subsidy program as of July 1, 2010, is subject to section 225C.40.

⁷⁵ See chapter 1192, §85 herein

DIVISION XLIV
DEPARTMENT OF HUMAN
SERVICES — LEVEL OF CARE

Sec. 404. LEVEL OF CARE EVALUATION. The department of human services shall amend the medical assistance program home and community-based services waiver for persons with intellectual disabilities so that required evaluations performed subsequent to the initial diagnosis of mental retardation are for the purpose of determining the appropriate level of care rather than confirming the original diagnosis.

DIVISION XLV
DEPARTMENT OF HUMAN
SERVICES — TRANSPORTATION SERVICES

Sec. 405. INCLUSION OF TRANSPORTATION SERVICES. The department of human services shall amend the medical assistance program home and community-based services waiver for persons with intellectual disabilities as necessary for employment-related transportation to be covered by the supported community living services provider.

DIVISION XLVI
DEPARTMENT OF HUMAN SERVICES — ELECTRONIC TRANSACTIONS

Sec. 406. Section 217.6, Code 2009, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. If the department of human services requires or requests a service consumer, service provider, or other person to maintain required documentation in electronic form, the department shall accept such documentation submitted by electronic means and shall not require a physical copy of the documentation unless required by state or federal law.

Sec. 407. NEW SECTION. 217.24 Payment by electronic funds transfer.

The department of human services shall continue expanding the practice of making payments to program participants and vendors by means of electronic funds transfer. The department shall seek the capacity for making payment by such means for all programs administered by the department.

DIVISION XLVII
DEPARTMENT OF HUMAN SERVICES — ADOPTION SUBSIDY PROGRAM

Sec. 408. ADOPTION SUBSIDY PROGRAM RATES. For the fiscal year beginning July 1, 2010, the maximum payment for nonrecurring expenses shall be limited to \$500 and additional amounts for court costs and other related legal expenses shall no longer be allowed.

DIVISION XLVIII
COUNTY COMMISSIONS OF VETERAN AFFAIRS FUND

Sec. 409. Section 35A.16, subsection 3, paragraph a, Code Supplement 2009, is amended to read as follows:

a. If sufficient moneys are available, the department shall annually allocate ten thousand dollars to each county commission of veteran affairs, or to each county sharing the services of an executive director or administrator pursuant to chapter 28E, to be used to provide services to veterans pursuant to section 35B.6. Each county receiving an allocation shall annually report on expenditure of the allocation in a form agreed to by the department and county representatives.

DIVISION XLIX
DEPARTMENT OF CORRECTIONS

Sec. 410. Section 904.106, Code 2009, is amended to read as follows:

904.106 Meetings — expenses.

The board shall meet at least twelve times a quarterly throughout the year. Special meetings may be called by the chairperson or upon written request of any three members of the board. The chairperson shall preside at all meetings or in the chairperson's absence, the vice chairperson shall preside. The members of the board shall be paid their actual expenses while attending the meetings. Each member of the board may also be able to receive compensation as provided in section 7E.6.

Sec. 411. Section 904.505, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 4. The disciplinary rules may impose a reasonable administrative fee for the filing of a report of a major disciplinary rule infraction for which an inmate is found guilty. A fee charged pursuant to this subsection shall be deposited in the general fund of the state.

Sec. 412. CORRECTIONAL FACILITY CLOSURE. The department of corrections shall close by July 1, 2010, farm 1 and by January 1, 2011, farm 3, which are satellite facilities of the Iowa state penitentiary, and shall transfer the inmates confined at such facilities to other institutions under the control of the department of corrections.

Sec. 413. EFFECTIVE UPON ENACTMENT. The section of this division of this Act concerning correctional facility closure, being deemed of immediate importance, takes effect upon enactment.

DIVISION L
STATE PUBLIC DEFENDER

Sec. 414. Section 13B.2A, Code 2009, is amended by striking the section and inserting in lieu thereof the following:

13B.2A Indigent defense — report — court-appointed counsel fees.

1. The state public defender shall file a written report every three years with the governor and the general assembly by January 1 of a year in which a report is due relating to the recommendations and activities of the state public defender relating to the state indigent defense system. The first such report shall be due on January 1, 2012.

2. The report shall contain recommendations to the general assembly regarding the hourly rates paid to court-appointed counsel and per case fee limitations. These recommendations shall be consistent with the constitutional requirement to provide effective assistance of counsel to those indigent persons for whom the state is required to provide counsel.

Sec. 415. PUBLIC DEFENDERS. There is appropriated from the general fund of the state to the office of the state public defender of the department of inspections and appeals for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For additional public defender positions and staff, including salaries, support, maintenance, and miscellaneous purposes:
..... \$ 1,140,000
..... FTEs 16.00

DIVISION LI
IOWA LAW ENFORCEMENT ACADEMY

Sec. 416. Section 80.13, Code 2009, is amended to read as follows:

80.13 Training schools.

The commissioner may hold a training school for peace officer candidates or for peace

officers of the department, and may send to recognized training schools peace officers of the department as the commissioner may deem advisable. The expenses candidate shall pay one-third of the costs of such school of training, and the remaining costs shall be paid in the same manner as other expenses paid by the department. The department may pay for all or a portion of the candidate's share of the costs.

Sec. 417. Section 80B.11B, subsection 2, Code 2009, is amended by striking the subsection and inserting in lieu thereof the following:

2. The Iowa law enforcement academy shall charge to the following entities the following costs to provide the basic training course which is designed to meet the minimum basic training requirements for a law enforcement officer:

a. To the department of natural resources and the department of transportation, the total cost.

b. To a candidate from any other state agency or department of the state, one-third of the total cost, and to the agency or department the remaining cost. The agency or department may pay for all or a portion of the candidate's share of the costs.

c. For a candidate sponsored by a political subdivision and hired by the political subdivision, to the political subdivision, one-third of the total cost; to the candidate, one-third of the total cost; and to the state, the remainder of the total cost. The political subdivision may pay for all or a portion of the candidate's share of the costs.

d. For all other candidates, including a candidate from a tribal government, to the candidate the total costs.

Sec. 418. Section 80B.11E, subsection 1, Code 2009, is amended to read as follows:

1. Notwithstanding any other provision of law to the contrary, an individual who is not a certified law enforcement officer may apply for attendance at the law enforcement academy ~~at their own expense~~ if such individual is sponsored by a law enforcement agency that either intends to hire or has hired the individual as a law enforcement officer on the condition that the individual meets the minimum eligibility standards described in subsection 2. The costs for attendance by such an individual at the law enforcement academy shall be paid as provided in section 80B.11B.

Sec. 419. IOWA LAW ENFORCEMENT ACADEMY — PILOT TRAINING PROGRAM — PRIVATE SECURITY PERSONNEL. The Iowa law enforcement academy, subject to the approval of the Iowa law enforcement academy council, shall develop and administer a pilot program consisting of training seminars for private security personnel. The pilot program shall consist of fifty hours of training for each of ten trainees at a cost of fifty dollars per hour of training. All moneys received from the training seminars shall be deposited in the general fund of the state.

DIVISION LII

STATE GOVERNMENT EFFICIENCY REVIEW COMMITTEE

Sec. 420. NEW SECTION. 2.69 **State government efficiency review committee established.**

1. A state government efficiency review committee is established which shall meet at least every two years to review the operations of state government. The committee shall meet as directed by the legislative council.

2. a. The committee shall consist of three members of the senate appointed by the majority leader of the senate, two members of the senate appointed by the minority leader of the senate, three members of the house of representatives appointed by the speaker of the house of representatives, and two members of the house of representatives appointed by the minority leader of the house of representatives.

b. Members shall be appointed prior to January 31 of the first regular session of each general assembly and shall serve for terms ending upon the convening of the following general assembly or when their successors are appointed, whichever is later. A vacancy shall be filled in the same manner as the original appointment and shall be for the remainder of the unexpired term of the vacancy.

- c. The committee shall elect a chairperson and vice chairperson.
3. The members of the committee shall be reimbursed for actual and necessary expenses incurred in the performance of their duties and shall be paid a per diem as specified in section 7E.6⁷⁶ for each day in which they engaged in the performance of their duties. However, per diem compensation and expenses shall not be paid when the general assembly is actually in session at the seat of government. Expenses and per diem shall be paid from funds appropriated pursuant to section 2.12.
4. The committee shall do the following:
 - a. Review and consider options for reorganizing state government to improve efficiency, modernize processes, eliminate duplication and outdated processes, reduce costs, and increase accountability. The review shall address the expanded use of the internet and other technology, and the incorporation of productivity improvement measures.
 - b. Review recommendations received through⁷⁷ a process to receive state government efficiency suggestions offered by the public and public employees.
 - c. Issue a report, including its findings and recommendations, to the general assembly.
5. The first report required by this section shall be submitted to the general assembly no later than January 1, 2013, with subsequent reports developed and submitted by January 1 at least every second year thereafter.
6. Administrative assistance shall be provided by the legislative services agency.

DIVISION LIII
BOARDS AND COMMISSIONS — ESTABLISHMENT CRITERIA

Sec. 421. **NEW SECTION. 69.16D Boards and commissions — criteria for establishing.**

1. Prior to establishing a new appointive board, commission, committee, or council of the state, the general assembly shall consider all of the following:
 - a. Whether there is an existing board or commission that would be able to perform the duties of the new board, commission, committee, or council.
 - b. The estimated annual cost of the new board, commission, committee, or council, including any additional personnel costs arising out of the creation of the new board, commission, committee, or council.
 - c. Whether a repeal date is needed for the new board, commission, committee, or council. Whenever possible, an appropriate repeal date should be included.
2. This section shall apply to appointive boards, commissions, committees, and councils of the state established by the Code on or after July 1, 2010.

Approved March 10, 2010

CHAPTER 1032
ANATOMICAL GIFTS — DONEE RIGHTS
S.F. 2138

AN ACT relating to the rights of a donee created by an anatomical gift.

Be It Enacted by the General Assembly of the State of Iowa:

⁷⁶ See chapter 1193, §36 herein

⁷⁷ According to enrolled Act; the word "through" probably intended

Section 1. Section 144C.10, subsection 4, Code 2009, is amended to read as follows:

4. The rights of a donee created by an anatomical gift pursuant to ~~section 142C.11~~ chapter 142C are superior to the authority of a designee under a declaration executed pursuant to this chapter.

Approved March 10, 2010

CHAPTER 1033

ELECTIONS AND VOTER REGISTRATION

S.F. 2194

AN ACT making technical changes to the laws relating to elections and voter registration and including effective date and applicability provisions.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 43.4, unnumbered paragraph 4, Code Supplement 2009, is amended to read as follows:

Within ~~fourteen~~ sixty days after the date of the caucus the county central committee shall certify to the county commissioner the names of those elected as party committee members and delegates to the county convention. The commissioner shall retain precinct caucus records for twenty-two months. In addition, within fourteen days after the date of the precinct caucus, the chairperson of the county central committee shall deliver to the county commissioner all completed voter registration forms received at the caucus.

Sec. 2. Section 43.30, Code 2009, is amended by striking the section and inserting in lieu thereof the following:

43.30 Sample ballots.

1. The commissioner shall prepare sample ballots for each political party. The sample ballots shall be clearly marked as sample ballots and shall be delivered to the precinct election officials for posting in the polling place pursuant to section 49.71, subsection 2.

2. The commissioner shall make sample ballots available to the public upon request. The sample ballots shall be clearly marked as sample ballots. A reasonable fee may be charged for printing costs if a person requests multiple copies of sample ballots.

Sec. 3. Section 43.38, Code 2009, is amended to read as follows:

43.38 Voter confined to party ticket.

The elector shall be allowed to vote for candidates for nomination on the ballot of the party with which the elector is registered as affiliated, and shall receive no other ballot. The voter shall mark and return the ballot, folded, to one of the precinct election officials who shall deposit it in the ballot box in the manner provided in section 49.84.

Sec. 4. Section 43.39, Code 2009, is amended to read as follows:

43.39 Ballot for another party's candidate.

If any primary elector ~~write~~ writes upon the elector's ticket the name of any person who is a candidate for the same office upon some other party ticket than that upon which the candidate's name shall be so written, such ballot shall be so counted for such person only as a candidate of the party upon whose ballot the candidate's name is written, and shall in no case be counted for such person as a candidate upon any other ticket.

Sec. 5. Section 43.43, Code 2009, is amended to read as follows:

43.43 Voter's declaration of eligibility.

Each person voting at a primary election shall sign a declaration of eligibility which shall

be in substantially the following form:

I do solemnly swear or affirm that I am a resident of the precinct, ward or township, city of, county of, Iowa.

I am a registered voter. I have not voted and will not vote in any other precinct in this election.

I am affiliated with the party. If my current voter registration record indicates another party affiliation or no party affiliation, I swear or affirm that I have in good faith changed my previously declared party affiliation, or declared my party affiliation, and now desire to be a member of the party indicated above.

..... Signature of voter
..... Address
(.....)..... Telephone (optional)

Approved:

..... Election board member
..... Date

Sec. 6. Section 43.45, subsection 2, Code Supplement 2009, is amended by striking the subsection.

Sec. 7. Section 43.46, Code 2009, is amended to read as follows:

43.46 Delivering returns.

The precinct election officials shall deliver all election supplies, by noon of the day after the close of the polls, to the commissioner who shall carefully preserve them and deliver the returns and envelopes containing ballots, in the condition in which received except as is otherwise required by sections 50.20 to 50.22, to the county board of supervisors.

Sec. 8. Section 43.49, subsection 1, unnumbered paragraph 1, Code 2009, is amended to read as follows:

On the Monday or Tuesday following the primary election, the board of supervisors shall meet, open, and canvass the returns from each voting precinct in the county, and make abstracts thereof, stating in words written at length the following:

Sec. 9. Section 43.49, subsection 1, paragraph c, Code 2009, is amended to read as follows:

c. The votes of all write-in candidates who each received less than two five percent of the votes cast for an office reported collectively under the heading "scattering".

Sec. 10. Section 43.61, Code 2009, is amended to read as follows:

43.61 Returns filed and abstracts recorded.

When the canvass is concluded, the board shall deliver the original returns to the commissioner, who shall file the same and record preserve each of the abstracts mentioned in section 43.60, in the election book pursuant to section 50.19.

Sec. 11. Section 43.72, Code 2009, is amended to read as follows:

43.72 State returns filed and recorded.

When the canvass is concluded, the board shall deliver the original abstract returns to the state commissioner, who shall file the same returns in the state commissioner's office and record preserve the abstracts of the canvass of the state board and certificates attached thereto in the book kept by the state commissioner known as the election book. The commissioner may preserve the abstracts and certificates attached thereto in an electronic format.

Sec. 12. Section 47.6, subsection 1, paragraph a, subparagraph (1), subparagraph division (b), Code Supplement 2009, is amended to read as follows:

(b) If the proposed date of the special election coincides with the date of a regularly scheduled election or previously scheduled special election, the notice shall be given no later than 5:00 p.m. on the last day on which nomination papers may be filed with the commissioner for the regularly scheduled election or previously scheduled special election, but in no case shall notice be less than thirty-two days before the election. Otherwise, the notice shall be given at least ~~thirty-two~~ forty-six days in advance of the date of the proposed special election.

Sec. 13. Section 48A.5, subsection 2, paragraph c, Code 2009, is amended to read as follows:

c. Be at least eighteen years of age. Completed registration forms shall be accepted from registrants who are at least seventeen and one-half years of age; however, the registration shall not be effective until the registrant reaches the age of eighteen. The commissioner of registration shall ensure that the birth date shown on the registration form is at least seventeen and one-half years earlier than the date the registration is processed. A registrant who is at least seventeen and one-half years of age and who will be eighteen by the date of a pending election is a registered voter for the pending election for purposes of chapter 53.

Sec. 14. Section 48A.27, subsection 2, paragraph a, subparagraph (1), Code Supplement 2009, is amended to read as follows:

(1) A signed, written notice to the county commissioner in person, by mail, by facsimile, or by electronic mail.

Sec. 15. Section 49.3, unnumbered paragraph 1, Code 2009, is amended to read as follows:

Election precincts shall be drawn and named or numbered by the county board of supervisors or the temporary county redistricting commission in all unincorporated portions of each county, and by the city council of each city in which it is necessary or deemed advisable to establish more than one precinct. Precincts established as provided by this chapter shall be used for all elections, except where temporary merger of established precincts is specifically permitted by law for certain elections, and no political subdivision shall concurrently maintain different sets of precincts for use in different types of elections. Election precincts shall be drawn so that:

Sec. 16. Section 49.13, subsection 2, Code Supplement 2009, is amended to read as follows:

2. ~~To the extent necessary~~ For all elections in which a partisan office is on the ballot, election boards shall include members of the two political parties whose candidates for president of the United States or for governor, as the case may be, received the largest and next largest number of votes in the county at the last general election. Election boards may also include persons not members of either of these parties. However, persons who are not members of either of these political parties shall not comprise more than one-third of the membership of an election board.

Sec. 17. Section 49.26, subsection 2, paragraph b, Code Supplement 2009, is amended to read as follows:

b. If the commissioner concludes, pursuant to paragraph "a", that voting will probably be so light as to make counting of ballots by the precinct election officials less expensive than preparation and use of automatic tabulating equipment, paper ballots ~~shall~~ may be used. ~~The If paper ballots are used, the commissioner may shall~~ use ballots and instructions similar to those used when the ballots are counted by automatic tabulating equipment.

Sec. 18. Section 49.30, Code 2009, is amended to read as follows:

49.30 All candidates and issues on one ballot — exceptions.

All constitutional amendments, all public measures, and the names of all candidates, other than presidential electors, to be voted for in each election precinct, shall be printed on one

ballot, except that separate ballots are authorized ~~under the following circumstances:~~

~~1. Where optical scan ballots are used, if when it is not possible to include all offices and public measures on a single ballot, In the event that it is not possible to include all offices and public measures on a single ballot, separate ballots may be provided for nonpartisan offices, judges, or public measures.~~

~~2. Where conventional paper ballots are used, separate paper ballots shall be used:~~

~~a. For the election of township officers in precincts including both incorporated and unincorporated areas or more than one township.~~

~~b. For public measures.~~

~~c. For judges.~~

Sec. 19. Section 49.43, subsection 1, Code Supplement 2009, is amended to read as follows:

1. If possible, all public measures and constitutional amendments to be voted upon by an elector shall be included on a single ballot which shall also include all offices to be voted upon. However, if it is necessary, a separate ballot may be used as provided in section 49.30, subsection 1.

Sec. 20. Section 49.70, Code 2009, is amended to read as follows:

49.70 Precinct election officials furnished instructions.

The commissioner shall cause copies of each set of instructions addressing the rights of voters and instructions for voting to be printed in large, clear type, under the heading of "Rights of Voters" and "Instructions for Voting", as applicable, and. The commissioner shall furnish the precinct election officials with a sufficient number of each set of instructions as will enable them to comply with section 49.71.

Sec. 21. Section 49.77, subsection 1, paragraph a, Code Supplement 2009, is amended to read as follows:

a. Any person desiring to vote shall sign a voter's declaration provided by the officials, in substantially the following form:

"VOTER'S DECLARATION
OF ELIGIBILITY

I do solemnly swear or affirm that I am a resident of the precinct, ward or township, city of, county of, Iowa.

I am a registered voter. I have not voted and will not vote in any other precinct in said election.

I understand that any false statement in this declaration is a criminal offense punishable as provided by law.

.....
Signature of Voter

.....
Address

.....
Telephone (optional)

Approved:

.....
Board Member"

Sec. 22. Section 49.77, subsection 2, Code Supplement 2009, is amended to read as follows:

2. If the declaration of eligibility is not printed on each page of the election register, any of those persons present pursuant to section 49.104, subsection 2, 3, ~~or 5,~~ or 6, may upon request view the signed declarations of eligibility and may review the signed declarations on file so long as the person does not interfere with the functions of the precinct election officials. If the declaration of eligibility is printed on the election register, voters shall also sign a voter roster which the precinct election official shall make available for viewing. Any of those persons present pursuant to section 49.104, subsection 2, 3, ~~or 5,~~ or 6, may upon request view the

roster of those voters who have signed declarations of eligibility, so long as the person does not interfere with the functions of the precinct election officials.

Sec. 23. Section 49.79, subsection 3, paragraph a, Code 2009, is amended to read as follows:

a. The state commissioner of elections shall prescribe a form to be used ~~for~~ by a registered voter challenging a prospective voter at the polls. A precinct election official working at the precinct is not required to use the challenge form. The challenge form shall include a space for the challenger to provide the challenger's printed name, signature, address, and telephone number. The challenge form shall also contain the following statement signed by the challenger:

"I am a registered voter in (name of county) County, Iowa. I swear or affirm that information contained in this challenge is true. I understand that knowingly filing a challenge containing false information is an aggravated misdemeanor."

Sec. 24. Section 50.19, Code 2009, is amended to read as follows:

50.19 Preservation and destruction of books.

1. The commissioner may destroy precinct election registers, the declarations of eligibility signed by voters, and other material pertaining to any election in which federal offices are not on the ballot, except the tally lists and abstracts of votes which have not been electronically recorded, six months after the election if a contest is not pending. If a contest is pending all election materials shall be preserved until final determination of the contest. Before destroying the election registers and declarations of eligibility, the commissioner shall prepare records as necessary to permit compliance with chapter 48A, subchapter V. Nomination papers for primary election candidates for state and county offices shall be destroyed ten days before the general election, if a contest is not pending.

2. Material pertaining to elections for federal offices, including ballots, precinct election registers, declarations of eligibility signed by voters, documents relating to absentee ballots, and challenges of voters, shall be preserved for twenty-two months after the election. If a contest is not pending the materials may be destroyed at the end of the retention period.

Sec. 25. Section 50.24, subsection 3, Code Supplement 2009, is amended to read as follows:

3. The board shall certify an election canvass summary report prepared by the commissioner. The election canvass summary report shall include the results of the election, including scatterings, overvotes, and undervotes, by precinct for each contest and public measure that appeared on the ballot of the election being canvassed. However, if paper ballots are used pursuant to section 49.26, the election canvass summary report shall not include overvotes and undervotes.

Sec. 26. Section 50.24, subsection 4, Code Supplement 2009, is amended by striking the subsection.

Sec. 27. Section 50.30A, Code Supplement 2009, is amended to read as follows:

50.30A Election canvass summary forwarded to state commissioner.

The commissioner shall, within thirteen days after each primary ~~and election~~, general election, and special election conducted pursuant to section 69.14, forward to the state commissioner a true and exact copy of the election canvass summary report certified by the county board of canvassers.

Sec. 28. Section 50.46, Code 2009, is amended to read as follows:

50.46 Special elections — canvass and certificate.

When a special election has been held to fill a vacancy, pursuant to section 69.14, the board of county canvassers shall meet ~~at one o'clock in the afternoon of no earlier than 1:00 p.m.~~ on the second day after the election, and canvass the votes cast at the election. If the second day after the election is a public holiday, section 4.1, subsection 34, controls. The commissioner, as soon as the canvass is completed, shall transmit to the state commissioner an abstract of the votes so canvassed, and the state board, within five days after receiving such abstracts,

shall canvass the tally lists. A certificate of election shall be issued by the county or state board of canvassers, as in other cases. All the provisions regulating elections, obtaining tally lists, and canvass of votes at general elections, except as to time, shall apply to special elections.

Sec. 29. Section 53.2, subsection 7, Code Supplement 2009, is amended to read as follows:

7. A registered voter who has not moved from the county in which the elector is registered to vote may submit a change of name, telephone number, or address on the absentee ballot application form when requesting an absentee ballot. The commissioner may also update a voter's identification number, as described in section 48A.11, subsection 1, paragraph "e", if an identification number is provided on an absentee ballot application. Upon receipt of a properly completed form, the commissioner shall enter a notation of the change on the registration records.

Sec. 30. Section 53.39, Code 2009, is amended to read as follows:

53.39 Request for ballot — when available.

1. Section 53.2 does not apply in the case of a qualified voter of the state of Iowa serving in the armed forces of the United States. In any such case an application for ballot as provided for in that section is not required and an absent voter's ballot shall be sent or made available to any such qualified voter upon a request as provided in this division.

2. All official ballots to be voted by qualified absent voters in the armed forces of the United States at the primary election and the general election shall be printed prior to ~~forty~~ forty-five days before the respective elections and shall be available for transmittal to such qualified voters in the armed forces of the United States at least ~~forty~~ forty-five days before the respective elections. The provisions of this chapter apply to absent voting by qualified voters in the armed forces of the United States except as modified by the provisions of this division.

Sec. 31. Section 53.40, subsection 1, paragraph a, Code Supplement 2009, is amended to read as follows:

a. A request in writing for a ballot may be made by any member of the armed forces of the United States who is or will be a qualified voter on the day of the election at which the ballot is to be cast, at any time before the election. Any member of the armed forces of the United States may request ballots for all elections to be held ~~through the next two general elections during a calendar year.~~ The request may be made by using the federal postcard application form and indicating that the applicant wishes to receive ballots for all elections as permitted by state law. The If the applicant does not specify which elections the request is for, the county commissioner shall send the applicant a ballot for each federal election held after the application is received and through the next two general elections until the end of the calendar year in which the request is received. The If the applicant requests ballots for all elections to be held in a calendar year, the commissioner, if necessary, shall forward a copy of the absentee ballot request to other commissioners who are responsible under section 47.2, subsection 2, for conducting elections in which the applicant is eligible to vote.

Sec. 32. Section 53.40, subsection 2, Code Supplement 2009, is amended to read as follows:

2. The commissioner shall immediately on the ~~fortieth~~ forty-fifth day prior to the particular election transmit ballots to the voter by mail or otherwise, postage prepaid, as directed by the state commissioner, requests for which are in the commissioner's hands at that time, and thereafter so transmit ballots immediately upon receipt of requests. A request for ballot for the primary election which does not state the party affiliation of the voter making the request is void and of no effect. A request which does not show that the person for whom a ballot is requested will be a qualified voter in the precinct in which the ballot is to be cast on the day of the election for which the ballot is requested, shall not be honored. However, a request which states the age and the city, including street address, ~~if any, or township,~~ and county where the voter resides, ~~and which shows a sufficient period of residence,~~ is sufficient to show that the person is a qualified voter. A request by the voter containing substantially the information required is sufficient.

Sec. 33. Section 260C.13, subsection 2, Code 2009, is amended to read as follows:

2. The board of the merged area shall redraw boundary lines of director districts in the merged area after each federal decennial census ~~to compensate for changes in population if changes in population have taken place.~~

Sec. 34. Section 260C.13, subsection 3, paragraph e, Code 2009, is amended to read as follows:

e. ~~Cities~~ A city shall not be divided into two or more director districts unless the population of that portion of the city that is within the merged area is greater than the ideal size of a director district. Cities shall be divided into the smallest number of director districts possible.

Sec. 35. Section 260C.15, subsection 3, Code Supplement 2009, is amended to read as follows:

3. Nomination papers ~~in~~ on behalf of candidates for member of the board of directors of a merged area shall be filed with the secretary of the board not earlier than ~~sixty-five~~ sixty-four days nor later than ~~five o'clock~~ 5:00 p.m. on the fortieth day prior to the election at which members of the board are to be elected. ~~The~~ On the day following the last day on which nomination petitions can be filed, and no later than 5:00 p.m. on that day, the secretary shall deliver all nomination petitions so filed, together with the text of any public measure being submitted by the board of directors to the electorate, to the county commissioner of elections who is responsible under section 47.2 for conducting elections held for the merged area, ~~not later than five o'clock p.m. on the day following the last day on which nomination petitions can be filed.~~ That commissioner shall certify the names of candidates, and the text and summary of any public measure being submitted to the electorate, to all county commissioners of elections in the merged area by the thirty-fifth day prior to the election.

Sec. 36. Section 275.23A, subsection 1, paragraph e, Code 2009, is amended to read as follows:

e. ~~Cities~~ A city shall not be divided into two or more director districts unless the population of that portion of the city that is within the school district is greater than the ideal size of a director district. Cities shall be divided into the smallest number of director districts possible.

Sec. 37. Section 275.37A, subsection 1, Code 2009, is amended to read as follows:

1. A change from seven to five directors shall be effected in a district at the first regular school election after authorization by the voters in the following manner:

a. If at the first election in the district there are four terms expiring, ~~three~~ two directors shall be elected. At the second election in that district, if three terms are expiring, ~~two~~ three directors shall be elected.

b. If at the first election there are three terms expiring, ~~two~~ one director shall be elected. At the second election in that district, if four terms are expiring, three directors shall be elected for a four-year term and one director shall be elected for a two-year term.

Sec. 38. Section 277.4, Code 2009, is amended to read as follows:

277.4 Nominations required.

1. Nomination papers for all candidates for election to office in each school district shall be filed with the secretary of the school board not more than sixty-four days, nor less than forty days before the election. Nomination petitions shall be filed not later than ~~five~~ 5:00 p.m. on the last day for filing. If the school board secretary is not readily available during normal office hours, the secretary may designate a full-time employee of the school district who is ordinarily available to accept nomination papers under this section. On the final date for filing nomination papers the office of the school secretary shall remain open until ~~five~~ 5:00 p.m.

2. a. Each candidate shall be nominated by petition. If the candidate is running for a seat in the district which is voted for at-large, the petition must be signed by the greater of at least ten eligible electors or a number of eligible electors equal in number to not less than one percent of the registered voters of the school district, which number need not be more than fifty. If the candidate is running for a seat which is voted for only by the voters of a director district, the petition must be signed by the greater of at least ten eligible electors of the director district or

a number of eligible electors equal in number to not less than one percent of the registered voters in the director district, which number need not be more than fifty.

b. Signers of nomination petitions shall include their addresses and the date of signing, and must reside in the same director district as the candidate if directors are elected by the voters of a director district, rather than at-large. A person may sign nomination petitions for more than one candidate for the same office, and the signature is not invalid solely because the person signed nomination petitions for one or more other candidates for the office. The petition shall be filed with the affidavit of the candidate being nominated, stating the candidate's name, place of residence, that such person is a candidate and is eligible for the office the candidate seeks, and that if elected the candidate will qualify for the office. The affidavit shall also state that the candidate is aware that the candidate is disqualified from holding office if the candidate has been convicted of a felony or other infamous crime and the candidate's rights have not been restored by the governor or by the president of the United States.

3. The secretary of the school board shall accept the petition for filing if on its face it appears to have the requisite number of signatures and if it is timely filed. The secretary of the school board shall note upon each petition and affidavit accepted for filing the date and time that the petition was filed. The secretary of the school board shall deliver all nomination petitions, together with the complete text of any public measure being submitted by the board to the electorate, to the county commissioner of elections ~~not later than five o'clock p.m.~~ on the day following the last day on which nomination petitions can be filed, and not later than 5:00 p.m. on that day.

4. Any person on whose behalf nomination petitions have been filed under this section may withdraw as a candidate by filing a signed statement to that effect with the secretary at any time prior to ~~five o'clock~~ 5:00 p.m. on the thirty-fifth day before the election.

Sec. 39. Section 279.1, Code 2009, is amended to read as follows:

279.1 Organization.

1. The board of directors of each school corporation shall meet and organize at the first regular meeting after the canvass for the regular school election at some suitable place to be designated by the secretary. Notice of the place and hour of the meeting shall be given by the secretary to each member and member-elect of the board.

2. Such organization shall be effected by the election of a president from the members of the board to serve for one year, and who shall be entitled to vote as a member.

Sec. 40. Section 279.7, Code 2009, is amended to read as follows:

279.7 Vacancies filled by special election — qualification — tenure.

1. If a vacancy or vacancies occur among the elective officers or members of a school board and the remaining members of the board have not filled the vacancy within thirty days after the vacancy ~~occurs~~ becomes known by the secretary or the board, or when the board is reduced below a quorum, the secretary of the board, or if there is no secretary, the area education agency administrator, shall call a special election in the district, subdistrict, or subdistricts, as the case may be, to fill the vacancy or vacancies. The county commissioner of elections shall publish the notices required by law for special elections, and the election shall be held not sooner than thirty days nor later than forty days after the thirtieth day following the ~~occurrence of~~ day the vacancy becomes known by the secretary or the board. If the secretary fails for more than three days to call an election, the administrator shall call it.

2. ~~Any~~ An appointment by the board to fill any vacancy in an elective office on or after the day notice has been given for a special election to fill such vacancy as provided ~~herein~~ in this section shall be null and void.

3. In ~~any~~ the case of a special election as provided ~~herein~~ in this section to fill a vacancy occurring among the elective officers or members of a school board before the expiration of a full term, the person so elected shall qualify within ten days thereafter in the manner required by section 277.28 and shall hold office for the residue of the unexpired term and until a successor is elected, or appointed, and qualified.

4. Nomination petitions shall be filed in the manner provided in section 277.4, except that the petitions shall be filed not less than twenty-five days before the date set for the election.

Sec. 41. Section 279.33, Code 2009, is amended to read as follows:

279.33 Annual settlements.

1. At a regular or special meeting held on or after August 31 of each year, and prior to the organizational meeting held after the regular school election, the board of each school corporation shall meet, examine the books of and settle with the secretary and treasurer for the year ending on the preceding June 30, and transact other business as necessary. The treasurer at the time of settlement shall furnish the board with a statement from each depository showing the balance then on deposit in the depository. If the secretary or treasurer fails to make proper reports for the settlement, the board shall take action to obtain the balance information.

2. In the even-numbered year, the board shall, at the meeting described in subsection 1, elect a president for a term of one year.

Sec. 42. Section 298.2, subsection 4, paragraph a, Code Supplement 2009, is amended to read as follows:

a. The board may on its own motion, and upon the written request of not less than one hundred eligible electors or thirty percent of the number of eligible electors voting at the last regular school election, whichever is greater, shall, direct the county commissioner of elections to provide for submitting the proposition of levying the voter-approved physical plant and equipment levy for a period of time authorized by the voters ~~in at the notice of election, not to exceed ten years, in the notice of the regular school election.~~ The election shall be held on a date specified in section 39.2, subsection 4, paragraph "c". The proposition is adopted if a majority of those voting on the proposition at the election approves it. The voter-approved physical plant and equipment levy shall be funded either by a physical plant and equipment property tax or by a combination of a physical plant and equipment property tax and a physical plant and equipment income surtax, as determined by the board. However, if the board intends to enter into a rental or lease arrangement under section 279.26, or intends to enter into a loan agreement under section 297.36, only a property tax shall be levied for those purposes. Subject to the limitations of section 298.14, if the board uses a combination of a physical plant and equipment property tax and a physical plant and equipment surtax, for each fiscal year the board shall determine the percent of income surtax to be imposed expressed as full percentage points, not to exceed twenty percent.

Sec. 43. Section 331.207, subsections 2 and 5, Code 2009, are amended to read as follows:

2. The petition shall be filed with the county commissioner by June 1 of an odd-numbered year, subject to subsection 6. The special election shall be held ~~within sixty days after the day the petition was received on the first Tuesday in August of the odd-numbered year.~~ Notice of the special election shall be published once each week for three successive weeks in an official newspaper of the county, shall state the representation plans to be submitted to the electors, and shall state the date of the special election ~~which shall be held not less than five nor more than twenty days from the date of last publication.~~ The last in the series of publications shall occur not less than four nor more than twenty days before the election.

5. If the plan adopted by a plurality of the ballots cast in the special election represents a change from plan "one" to plan "two" or "three", or from plan "two" to plan "three", as each plan is defined in section 331.206, the temporary county redistricting commission shall divide the county into districts as provided in sections 331.209 and 331.210. The plan shall be completed not later than ~~September 15~~ November 1 following the special election and shall be submitted to the state commissioner of elections. The plan shall become effective the following January 1.

Sec. 44. Section 331.425, subsection 4, Code Supplement 2009, is amended to read as follows:

4. The canvass shall be held ~~beginning at one o'clock~~ on the second day ~~which that~~ is not a holiday following the special levy election, and shall begin no earlier than 1:00 p.m. on that day.

Sec. 45. Section 331.501, subsection 1, Code 2009, is amended to read as follows:

1. The office of auditor is an elective office except that if a vacancy occurs in the office, a successor shall be elected or appointed to the unexpired term as provided in chapter 69.

Sec. 46. Section 331.551, subsection 1, Code 2009, is amended to read as follows:

1. The office of treasurer is an elective office except that if a vacancy occurs in the office, a successor shall be elected or appointed to the unexpired term as provided in chapter 69.

Sec. 47. Section 331.601, subsection 1, Code 2009, is amended to read as follows:

1. The office of recorder is an elective office except that if a vacancy occurs in the office, a successor shall be elected or appointed to the unexpired term as provided in chapter 69.

Sec. 48. Section 331.751, subsection 1, Code 2009, is amended to read as follows:

1. The office of county attorney is an elective office except that if a vacancy occurs in the office, a successor shall be elected or appointed to the unexpired term as provided in chapter 69.

Sec. 49. Section 357J.16, Code 2009, is amended to read as follows:

357J.16 Bonds in anticipation of revenue.

A district may anticipate the collection of taxes by the levy authorized in section 357J.10, and to carry out the purposes of this chapter may issue bonds payable in not more than ten equal installments with the rate of interest not exceeding that permitted by chapter 74A. An indebtedness shall not be incurred under this chapter until authorized by an election. The election shall be conducted by the county commissioner of elections pursuant to chapters 39 through 53. The commission shall give the county commissioner of elections ~~thirty-two~~ forty-six days' notice of the special election.

Sec. 50. Section 359.11, Code 2009, is amended to read as follows:

359.11 Officers to be elected.

~~At said the election there shall be elected one trustee two trustees for a term of two years, one trustee for a term of three years, and one trustee for a term of four years, and other officers as provided by law one clerk for a term of four years.~~

Sec. 51. Section 376.4, subsection 5, Code Supplement 2009, is amended to read as follows:

5. Nomination papers filed with the city clerk shall be available for public inspection. The city clerk shall deliver all nomination papers together with the text of any public measure being submitted by the city council to the electorate to the county commissioner of elections ~~not later than 5:00 p.m.~~ on the day following the last day on which nomination petitions can be filed, and not later than 5:00 p.m. on that day.

Sec. 52. Section 376.7, Code 2009, is amended to read as follows:

376.7 Date of primary.

1. If a primary election is necessary, it shall be held on the Tuesday four weeks before the date of the regular city election. For each office on the ballot, a voter shall only vote for the number of persons to be elected to that office at the regular city election. The county board of supervisors shall publicly canvass the tally lists of the vote cast in the primary election, following the procedures prescribed in section 50.24, at a meeting to be held ~~beginning at one o'clock in the afternoon~~ on the second day following the primary election, and beginning no earlier than 1:00 p.m. on that day.

2. The names of those candidates who receive the highest number of votes for each office on the primary election ballot, to the extent of twice the number of unfilled positions, must be placed on the ballot for the regular city election as candidates for that office.

Sec. 53. Section 376.9, Code 2009, is amended to read as follows:

376.9 Runoff election.

1. A runoff election may be held only for positions unfilled because of failure of a sufficient number of candidates to receive a majority vote in the regular city election. When a council

has chosen a runoff election in lieu of a primary, the county board of supervisors shall publicly canvass the tally lists of the vote cast in the regular city election, following the procedures prescribed in section 50.24, at a meeting to be held ~~beginning at one o'clock in the afternoon~~ on the second day following the regular city election, and beginning no earlier than 1:00 p.m. on that day. Candidates who do not receive a majority of the votes cast for an office, but who receive the highest number of votes cast for that office in the regular city election, to the extent of twice the number of unfilled positions, are candidates in the runoff election.

2. Runoff elections shall be held four weeks after the date of the regular city election and shall be conducted in the same manner as regular city elections.

3. Candidates in the runoff election who receive the highest number of votes cast for each office on the ballot are elected to the extent necessary to fill the positions open.

Sec. 54. Section 376.11, Code 2009, is amended to read as follows:

376.11 Write-in votes.

1. Write-in votes are permitted to be cast in all elections for city offices. A person who receives a sufficient number of write-in votes to be elected to a city office shall be declared the winner of the election. If the result is a tie vote, lots shall be drawn pursuant to section 50.44. If a person who was elected by write-in votes chooses not to serve in that office the person shall submit a resignation in writing to the city clerk not later than ~~five~~ 5:00 p.m. on the tenth day following the canvass of the election. If a person who was elected by write-in votes resigns at a later time, the office shall be considered vacant at the end of the term and the council shall fill the vacancy pursuant to the provisions of section 372.13, subsection 2.

2. Except in cities where the council has chosen a runoff election in lieu of a primary, following the resignation of a person who was elected by write-in votes, the city clerk shall notify the person who received the next highest number of votes cast for the office that the person may assume the office. If there is more than one person who received the next highest number of votes cast for the office, lots shall be drawn pursuant to section 50.44 to determine the person who received the next highest number of votes. If the person accepts the position, the person shall be considered the duly elected officer unless, within ten days after the clerk has given notice, a petition requesting a special election is filed by eligible electors of the city equal in number to twenty-five percent of the number of persons who voted for the office at the election. If the person declines, the person shall do so in writing to the city clerk within ten days and the office shall be considered vacant at the end of the term. The vacancy shall be filled pursuant to the provisions of section 372.13, subsection 2. If the council chooses to appoint, the appointment may be made before the end of the current term.

3. In city primary elections any person who receives write-in votes shall execute an affidavit in substantially the form required by section 45.3, and file it with the county commissioner of elections or the city clerk not later than ~~five o'clock~~ 5:00 p.m. on the day after the canvass of the primary election. If any person who received write-in votes fails to file the affidavit at the time required, the county commissioner shall disregard the write-in votes cast for that person. A notation shall be made on the abstract of votes showing which persons who received write-in votes filed affidavits. The total number of votes cast for each office on the ballot shall be amended by subtracting the write-in votes of those candidates who failed to file the affidavit. It is not necessary for a candidate whose name was printed upon the ballot to file an affidavit. Of the remaining candidates, those who receive the highest number of votes to the extent of twice the number of unfilled positions shall be placed on the ballot for the regular city election as candidates for that office.

4. In cities in which the city council has chosen a runoff election in lieu of a primary, if a person who was elected by write-in votes chooses not to accept the office by filing a resignation notice with the city clerk or commissioner of elections not later than ~~five o'clock~~ 5:00 p.m. on the day following the canvass, all remaining persons who received write-in votes and who wish to be considered candidates for the runoff election shall execute an affidavit in substantially the form required by section 45.3 and file it with the county commissioner or the city clerk not later than ~~five o'clock~~ 5:00 p.m. of the fourth day following the canvass. If a person receiving write-in votes fails to file the affidavit at the time required, the county commissioner of elections shall disregard the write-in votes cast for that person. The abstract of votes shall be amended to show that the person who was declared elected declined the

office and a notation shall be made next to the names of those persons who did not file the affidavit. A runoff election shall be held with the remaining candidates who have the highest number of votes to the extent of twice the number of unfilled positions.

5. In a city in which the council has chosen a runoff election, if no person was declared elected for an office all persons who received write-in votes shall execute an affidavit in substantially the form required by section 45.3 and file it with the county commissioner of elections or the city clerk not later than ~~five o'clock~~ 5:00 p.m. on the day following the canvass of votes. If any person who received write-in votes fails to file the affidavit the county commissioner of elections shall disregard the write-in votes cast for that person. The abstract of votes shall be amended to note which of the write-in candidates failed to file the affidavit. A runoff election shall be held with the remaining candidates who have the highest number of votes to the extent of twice the number of unfilled positions.

Sec. 55. Section 384.12, subsection 20, paragraphs a and d, Code Supplement 2009, are amended to read as follows:

a. The election may be held as specified in this subsection if notice is given by the city council, not later than ~~thirty-two~~ forty-six days before the first Tuesday in March, to the county commissioner of elections that the election is to be held.

d. The commissioner of elections conducting the election shall notify the city officials and other county auditors where applicable, of the results within two days of the canvass which shall be held ~~beginning at one o'clock~~ on the second day that is not a holiday following the special levy election, ~~and beginning no earlier than 1:00 p.m. on that day.~~

Sec. 56. EFFECTIVE UPON ENACTMENT AND APPLICABILITY. The sections of this Act amending sections 43.30, 43.38, 43.39, 43.45, 43.49, 43.61, 43.72, 47.6, 48A.5, 49.26, 49.70, 49.79, 53.2, 53.39, 53.40, 357J.16, and 384.12, being deemed of immediate importance, take effect upon enactment and apply to elections held on or after May 15, 2010.

Approved March 10, 2010

CHAPTER 1034

NATURAL RESOURCES DEPARTMENT — DATA, REPORTS, FUNDS

S.F. 2243

AN ACT regarding matters under the purview of the department of natural resources, and including effective date provisions.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 455B.152, subsection 2, Code 2009, is amended by adding the following new paragraph:

NEW PARAGRAPH. c. The department shall coordinate the data collection with the United States environmental protection agency upon the enactment of a federal mandatory greenhouse gas emission reporting rule.

Sec. 2. Section 455B.851, subsection 9, Code 2009, is amended to read as follows:

9. By ~~September 1~~ December 31 of each year, the department shall submit a report to the governor and the general assembly regarding the greenhouse gas emissions in the state during the previous calendar year and forecasting trends in such emissions. ~~The first submission by the department shall be filed by September 1, 2008, for the calendar year beginning January 1, 2007.~~

Sec. 3. Section 456A.17, Code 2009, is amended to read as follows:

456A.17 Funds — restrictions.

1. The following four funds are created in the state treasury:

~~1.~~ a. A state fish and game protection fund.

~~2.~~ b. A state conservation fund.

~~3.~~ c. An administration fund.

~~4.~~ d. A county conservation board fund.

2. The state fish and game protection fund, except as otherwise provided, consists of all moneys accruing from license fees and all other sources of revenue arising under the fish and wildlife programs. Notwithstanding section 12C.7, subsection 2, interest or earnings on investments or time deposits of the moneys in the state fish and game protection fund shall be credited to that fund.

3. The county conservation board fund consists of all moneys credited to it by law or appropriated to it by the general assembly.

4. The conservation fund, except as otherwise provided, consists of all other funds accruing to the department for the purposes embraced by this chapter.

5. The administration fund shall consist of an equitable portion of the gross amount of the state fish and game protection fund and the state conservation fund, to be determined by the commission, sufficient to pay the expense of administration entailed by this chapter.

6. All receipts and refunds and reimbursements related to activities funded by the administration fund are appropriated to the administration fund. All refunds and reimbursements relating to activities of the state fish and game protection fund shall be credited to the state fish and game protection fund.

7. Notwithstanding section 8.33, revenues deposited in the state conservation fund, and remaining in the state conservation fund on June 30 of any fiscal year shall not revert to the general fund of the state but shall remain available for expenditure for one year after the close of the fiscal year during which such revenues were deposited. Any such revenues remaining unexpended at the end of the one-year period during which the revenues are available for expenditure shall revert to the general fund of the state.

8. The department may apply for a loan for the construction of facilities for the collection and treatment of waste water and for the supply, treatment, and distribution of drinking water under the state water pollution control works and drinking water facilities financing program as established in sections 455B.291 through 455B.299. In order to provide for the repayment of a loan granted under the financing program, the commission may impose a lien on not more than ten percent of the annual revenues from user fees and related revenue derived from park and recreation areas under chapter 461A which are deposited in the state conservation fund. If a lien is established as provided in this paragraph, repayment of the loan is the first priority on the revenues received and dedicated for the loan repayment each year.

Sec. 4. EFFECTIVE DATE. The section of this Act amending section 456A.17, being deemed of immediate importance, takes effect upon enactment.

Approved March 10, 2010

CHAPTER 1035**MOTOR VEHICLE REGULATION — MISCELLANEOUS CHANGES***S.F. 2246*

AN ACT relating to the regulation of motor vehicles by the department of transportation, including modification of the definition of business-trade truck, provisions concerning licensing sanctions and penalties for vehicle recyclers and motor vehicle dealers, annual registration fees for certain vehicles equipped for a person with a disability or used by a person who relies on a wheelchair, requirements for the issuance of temporary persons with disabilities parking permits, and provisions for the operation of certain taxicabs and limousines.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 321.1, subsection 7A, Code Supplement 2009, is amended to read as follows:

7A. “*Business-trade truck*” means a model year 2010 or newer motor truck with an unladen weight of ten thousand pounds or less which is owned by a corporation, limited liability company, or partnership or by a person who files a schedule C or schedule F form with the federal internal revenue service and which is eligible for depreciation under § 167 of the Internal Revenue Code. If the motor truck is a leased vehicle, the motor truck is a business-trade truck only if the lessee is a corporation, limited liability company, or partnership and the truck is used primarily for purposes of the business operations of the corporation, limited liability company, or partnership or the lessee is a person who files a schedule C or schedule F form with the federal internal revenue service and the truck is used primarily for purposes of the person’s own business or farming operation.

Sec. 2. Section 321.109, subsection 1, paragraph b, Code 2009, is amended to read as follows:

b. The annual registration fee shall be sixty dollars for a vehicle, ~~otherwise subject to paragraph “a”~~, with permanently installed equipment manufactured for and necessary to assist a person with a disability who is either the owner or lessee of the vehicle or a member of the owner’s or lessee’s household in entry and exit of the vehicle or ~~for such a vehicle if the vehicle’s owner or lessee of the vehicle or a member of the vehicle owner’s or lessee’s household uses a wheelchair as the only means of mobility shall be sixty dollars~~. This paragraph applies only to vehicles that are otherwise subject to paragraph “a” and to motor trucks with an unladen weight of ten thousand pounds or less that are otherwise subject to section 321.122. For purposes of this paragraph, “*uses a wheelchair*” does not include use of a wheelchair due to a temporary injury or medical condition.

Sec. 3. Section 321H.3, subsection 4, Code Supplement 2009, is amended to read as follows:

4. Storing more than six vehicles not currently registered or storing damaged vehicles except where such storing of damaged vehicles is incidental to the primary purpose of the repair of ~~motor~~ vehicles for others.

Sec. 4. Section 321H.6, subsection 3, Code Supplement 2009, is amended to read as follows:

3. The licensee has been convicted of a fraudulent practice or any ~~other~~ indictable offense in connection with selling or other activity relating to ~~motor~~ vehicles, in this state or any other state, or has been convicted of three or more violations of section 321.92, subsection 2, or section 321.99.

Sec. 5. Section 321H.6, Code Supplement 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 6. The licensee has been determined in a final judgment of a court of competent jurisdiction to have violated section 714.16 in connection with selling or other activity relating to vehicles.

Sec. 6. Section 321H.8, subsection 2, Code Supplement 2009, is amended to read as follows:

2. A person who has been convicted of a fraudulent practice or, has been convicted of three or more violations of section 321.92, subsection 2, or section 321.99, or has been convicted of any other indictable offense in connection with selling or other activity relating to motor vehicles, in this state or any other state, shall not for a period of five years from the date of conviction be an owner, salesperson, employee, officer of a corporation, or representative of a licensed motor an authorized vehicle recycler or represent themselves as an owner, salesperson, employee, officer of a corporation, or representative of a licensed motor an authorized vehicle recycler.

Sec. 7. Section 321L.2, subsection 1, unnumbered paragraph 1, Code Supplement 2009, is amended to read as follows:

A resident of the state with a disability desiring a persons with disabilities parking permit shall apply to the department upon an application form furnished by the department providing the applicant's full legal name, address, date of birth, and social security number or Iowa driver's license number or Iowa nonoperator's identification card number, and shall also provide a statement from a physician licensed under chapter 148 or 149, a physician assistant licensed under chapter 148C, an advanced registered nurse practitioner licensed under chapter 152, or a chiropractor licensed under chapter 151, or a physician, physician assistant, nurse practitioner, or chiropractor licensed to practice in a contiguous state, written on the physician's, physician assistant's, nurse practitioner's, or chiropractor's stationery, stating the nature of the applicant's disability and such additional information as required by rules adopted by the department under section 321L.8. If the person is applying for a temporary persons with disabilities parking permit, the physician's, physician assistant's, nurse practitioner's, or chiropractor's statement shall state the period of time during which the person is expected to be disabled and the period of time for which the permit should be issued, not to exceed six months. The department may waive the requirement that the applicant furnish the applicant's social security number, Iowa driver's license number, or nonoperator's identification card number when the application for a temporary persons with disabilities parking permit is made on behalf of a person who is less than one year old.

Sec. 8. Section 322.3, subsection 12, Code Supplement 2009, is amended to read as follows:

12. A person who has been convicted of a fraudulent practice or, has been convicted of three or more violations of section 321.92, subsection 2, or section 321.99, or has been convicted of any other indictable offense in connection with selling or other activity relating to motor vehicles, in this state or any other state, shall not for a period of five years from the date of conviction be an owner, salesperson, employee, officer of a corporation, or representative of a licensed motor vehicle dealer or represent themselves as an owner, salesperson, employee, officer of a corporation, or representative of a licensed motor vehicle dealer.

Sec. 9. Section 322.6, subsection 1, paragraph d, Code Supplement 2009, is amended to read as follows:

d. The applicant has been convicted of a fraudulent practice or any indictable offense in connection with selling or other activity relating to motor vehicles, in this state or any other state, or has been convicted of three or more violations of section 321.92, subsection 2, or section 321.99.

Sec. 10. Section 322.6, subsection 1, paragraph i, Code Supplement 2009, is amended by striking the paragraph and inserting in lieu thereof the following:

i. The applicant has been determined in a final judgment of a court of competent jurisdiction to have violated section 714.16 in connection with selling or other activity relating to motor vehicles and the department determines that the applicant should not therefore be engaged in the business of selling motor vehicles.

Sec. 11. Section 325A.2, subsection 2, Code 2009, is amended to read as follows:

2. A local authority, as defined in section 321.1, shall not impose any regulations, including special registration or inspection requirements, upon the operation of motor carriers that are more restrictive than any of the provisions of this chapter, or section 321.449 or 321.450. This subsection does not, however, prohibit a local authority from exercising the home rule power of the local authority to impose additional or more restrictive regulations or requirements upon the operation of taxicabs or limousines engaged in nonfixed route transportation for hire.

Approved March 10, 2010

CHAPTER 1036

LOCAL PUBLIC HEALTH GOVERNANCE

S.F. 2266

AN ACT creating the local public health governance Act, and providing penalties.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. **NEW SECTION. 137.100 Title and purpose.**

This chapter shall be known and may be cited as the “*Local Public Health Governance Act*”. The purpose of this chapter is to define the structure, powers, and duties of local boards of health. This chapter also provides an optional process for counties to merge to form a district board of health in order to increase efficiencies and enhance the delivery and availability of public health services.

Sec. 2. **NEW SECTION. 137.101 Definitions.**

As used in this chapter unless the context otherwise requires:

1. “*City board*” means a city board of health in existence prior to July 1, 2010.
2. “*City health department*” refers to the personnel and property under the jurisdiction of a city board in existence prior to July 1, 2010.
3. “*Council*” means a city council.
4. “*County board*” means a county board of health.
5. “*County health department*” refers to the personnel and property under the jurisdiction of a county board.
6. “*Director*” means the director of public health.
7. “*District*” means any two or more geographically contiguous counties.
8. “*District board*” means a board of health representing at least two geographically contiguous counties formed with approval of the state department in accordance with this chapter, or any district board of health in existence prior to July 1, 2010.
9. “*District health department*” refers to the personnel and property under the jurisdiction of a district board.
10. “*Iowa public health standards*” means Iowa public health standards as defined in section 135A.2.
11. “*Local board of health*” means a city, county, or district board of health.
12. “*Officers*” means a local board of health chairperson, vice chairperson, and secretary, and other officers which may be named at the discretion of the local board of health.
13. “*State board*” means the state board of health.
14. “*State department*” means the Iowa department of public health.

Sec. 3. **NEW SECTION. 137.102 Local boards of health — jurisdiction.**

1. A city board shall have jurisdiction over public health matters within the city.
2. A county board shall have jurisdiction over public health matters within the county.

3. A district board shall have jurisdiction over public health matters within the district.

Sec. 4. NEW SECTION. 137.103 Local boards of health — powers and duties.

Local boards of health shall have the following powers and duties:

1. A local board of health shall:

a. Enforce state health laws and the rules and lawful orders of the state department.

b. Make and enforce such reasonable rules and regulations not inconsistent with law, the rules of the state board, or the Iowa public health standards as may be necessary for the protection and improvement of the public health.

(1) Rules of a city board shall become effective upon approval by the council and publication in a newspaper having general circulation in the city.

(2) Rules of a county board shall become effective upon approval by the county board of supervisors by a motion or resolution as defined in section 331.101, subsection 13, and publication in a newspaper having general circulation in the county.

(3) Rules of a district board shall become effective upon approval by the district board and publication in a newspaper having general circulation in the district.

(4) Before approving any rule or regulation the local board of health shall hold a public hearing on the proposed rule. Any citizen may appear and be heard at the public hearing. A notice of the public hearing, stating the time and place and the general nature of the proposed rule or regulation shall be published in a newspaper having general circulation as provided in section 331.305 in the area served by the local board of health.

c. Employ persons as necessary for the efficient discharge of its duties. Employment practices shall meet the requirements of chapter 8A, subchapter IV, or any civil service provision adopted under chapter 400.

d. Provide the names of all local board of health members and officers to the state department.

e. Provide minutes of local board of health meetings and reports of the local board of health's operations and activities to the state department as may be required by the director, by rule, or by contract.

2. A local board of health may:

a. Provide such population-based and personal health services as may be deemed necessary for the promotion and protection of the health of the public and charge reasonable fees for personal health services. A person shall not be denied necessary services within the limits of available resources because of inability to pay the cost of such services.

b. Provide such environmental health services as may be deemed necessary for the protection and improvement of the public health and issue licenses and permits and charge reasonable fees in relation to the construction or operation of nonpublic water supplies or private sewage disposal systems.

c. Engage in joint operations and contract with colleges and universities, the state department, other public, private, and nonprofit agencies, and individuals or form a district health department to provide personal and population-based public health services.

d. By written agreement, with the council of any city within its jurisdiction, enforce appropriate ordinances of the city relating to public health.

Sec. 5. NEW SECTION. 137.104 Local boards of health — membership and meetings.

1. *Membership, terms, compensation, and vacancies.*

a. All members of a city board shall be appointed by the council.

b. All members of a county board shall be appointed by the county board of supervisors.

c. All members of a district board shall be appointed by the county board of supervisors from each county represented by the district. Each county board of supervisors shall appoint at least one but no more than three members to the district board, and each county board of supervisors shall appoint the same number of members to the district board. There shall be no more than one board of supervisors member from any participating county on the district board.

d. Local boards of health shall consist of at least five members. At least one member shall be licensed as a physician under chapter 148.

e. A local board of health member shall serve for a term of three years. A member is eligible for reappointment.

f. A local board of health member shall serve without compensation, but may be reimbursed for necessary expenses in accordance with rules established by the state board or the applicable jurisdiction.

g. A local board of health member vacancy due to death, resignation, or other cause shall be filled as soon as possible after the vacancy exists for the unexpired term of the original appointment.

2. *Meetings.* A majority of the members of a local board of health shall be considered a quorum and an affirmative vote of the majority of the members present is necessary for action taken by a local board of health. The majority shall not include any member who has a conflict of interest and a statement by the member that a conflict of interest exists shall be conclusive for this purpose.

Sec. 6. NEW SECTION. 137.105 District boards of health — request to form.

The county boards of any two or more geographically contiguous counties may at any time submit a request to form a district board to the state department. The formation request shall be in writing, shall be executed by the county boards of supervisors and the county boards of health for each county comprising the proposed district board, and shall include but not be limited to the following required elements:

1. A written narrative that explains how the formation of a district board will increase organizational capacity and capability to provide population-based and personal public health services compared with operating as individual county boards.

2. The composition of the district board, including the number of members each county shall appoint pursuant to section 137.104 and the total number of members on the district board.

3. Proof of approval by all county boards of supervisors and county boards of health involved in the request to form a district board and of the elements included in the formation plan.

4. The service delivery plan.

5. The budget and fiscal plan for the proposed district board. The budget plan shall include an estimate of proposed expenditures and revenues and an allocation of the revenue responsibilities of each of the counties participating in the proposed district board.

6. A table of organization.

7. A personnel system description, including identification of the district treasurer and district auditor and a section which addresses the employment issues contained in section 137.109.

8. The location of the district board offices and workforce throughout the jurisdiction.

9. An inventory of the property and equipment in the custody of each county board and a description as to whether such property and equipment shall remain in the custody of the county or shall be transferred to the district board to become property of the district board.

10. A timeline for the adoption of district board rules and regulations.

11. Other criteria as established by rule of the state department.

Sec. 7. NEW SECTION. 137.106 Request reviewed by state department.

The state department shall review requests submitted pursuant to section 137.105. The state department, upon finding that all required elements are present, shall present findings to the state board. The state board may approve the formation of a district board and if the formation is approved, shall notify the county boards from whom the request was received.

Sec. 8. NEW SECTION. 137.107 Initial appointment of district board of health.

Upon receipt of notice of approval as a district board, district board members shall be appointed as specified in section 137.104.

Sec. 9. NEW SECTION. 137.108 Organizational structure of district board.

A district board is a governing body for purposes of chapter 670 and a district health department is a municipality for purposes of chapter 670. All meetings of a district board shall comply with the requirements of chapter 21 and all records of a district board and a

district health department shall be maintained in accordance with chapter 22.

Sec. 10. NEW SECTION. 137.109 District personnel.

1. A district board may employ persons as necessary for the efficient discharge of its duties. A district board shall have all the duties and powers in employing such persons as a county board of supervisors is granted pursuant to section 331.324, with the exception of the authority to provide for support of the civil service commission for deputy sheriffs as specified in section 331.324, subsection 1, paragraph "k". A district board may employ persons who were employed at the time of the formation of the district board by the counties represented by the district board, or may employ persons who were not employed by such counties. The county boards involved shall specify in the request submitted pursuant to section 137.105 whether the individual counties or the district board will be responsible for payment of unemployment compensation for any county employees employed by the county board at the time of formation of the district board but not employed by the district board following formation.

2. If the district board employs persons who were employed by the counties represented by the district board at the time of formation of the district board, the district board shall recognize the term of service of the former county employees for purposes of all employee benefits offered by the district board to such employees and such employees shall not forfeit accrued vacation, accrued sick leave, or longevity by becoming district board employees.

3. Persons who were covered by county employee life insurance, accident insurance, and health insurance plans prior to becoming district board employees pursuant to this chapter shall be permitted to apply prior to becoming district board employees for life, accident, and health insurance plans that are available to district board employees so that those persons do not suffer a lapse of insurance coverage as a result of becoming district board employees.

4. The district board may employ or contract with legal counsel to enforce this chapter and district board rules, represent and defend the district board and its officers and employees, provide legal advice to the district board, and perform any other legal duties required by law or assigned by the district board. The district board may employ or contract with the county attorney of a county within its jurisdiction.

Sec. 11. NEW SECTION. 137.110 District treasurer and auditor.

Upon establishment of a district board, the district board shall designate a treasurer of a county within its jurisdiction to serve as treasurer of the district health department, and shall designate the auditor of the same county to serve as auditor of the district health department. The treasurer's and the auditor's official bonds shall extend to cover their respective duties performed on behalf of the district health department. A county treasurer shall not serve in the capacity of district health department treasurer without consent from the county and agreement from the treasurer to perform this function, and a county auditor shall not serve in the capacity of district health department auditor without consent from the county and agreement from the auditor to perform this function.

Sec. 12. NEW SECTION. 137.111 District public health fund.

1. The district treasurer shall establish a district public health fund from which disbursements may be made in the manner specified for disbursements by law for the disbursement of county funds.

2. All moneys received by a district board or district health department for local public health purposes from federal appropriations, state appropriations, local appropriations, fees, gifts, grants, bequests, or other sources shall be deposited in the district public health fund. Expenditures shall be made from the fund on order of the district board for the purpose of carrying out its duties. No more than twenty percent of the unexpended balance remaining in the fund at the end of each fiscal year shall be maintained in the district public health fund. The remainder of the unexpended balance shall revert to the general funds of the member counties in the manner determined by the district board.

3. The district board shall adopt and certify an annual budget in accordance with section 24.17 relating to certification of budgets and section 24.27 relating to protesting budgets.

Sec. 13. NEW SECTION. 137.112 Adding to district.

A county may be added to an existing district board by submission and approval of a request, as specified in sections 137.105 and 137.106.

Sec. 14. NEW SECTION. 137.113 Withdrawal from district.

A county may withdraw from an existing district board upon submission of a request for withdrawal to and approval by the state department. The request shall include a plan to reform its county board or join a different district board, information specified in section 137.105, and approval of the request by the district board and, at the recommendation of the state department, the state board. Any county choosing to withdraw from the district board shall commit to the continuity of services in its county by reestablishing its county board or joining a different district board. The remaining counties in the district shall submit an application including the information specified in section 137.105 to the state department for review as provided in section 137.106.

Sec. 15. NEW SECTION. 137.114 Dissolution of county boards.

Upon appointment of a district board, the county boards involved shall be dissolved and their powers and duties specified in section 137.103 transferred to the district board. All property and equipment in the custody of the county board shall either remain the property of the county or shall become the property of the district board, as so provided in the district board formation request submitted pursuant to section 137.105.

Sec. 16. NEW SECTION. 137.115 Emergency request for funds.

A local board of health may, during a public health disaster as defined in section 135.140 or in preparation for or response to such disaster, request additional appropriations which may upon approval of the director be allotted from the funds reserved for that purpose to the extent that funds are appropriated and available. Upon termination of the disaster response, the local board of health shall report its expenditures of emergency funds to the director.

Sec. 17. NEW SECTION. 137.116 Penalties — criminal and civil.

1. Any person who violates any provision of this chapter or the rules of a local board of health or any lawful order of the board, its officers, or authorized agents is guilty of a simple misdemeanor. Each additional day of neglect or failure to comply with such provision, rule, or lawful order after notice of violation by the local board of health shall constitute a separate offense.

2. A local board of health may impose a civil penalty not to exceed seven hundred fifty dollars for each violation of this chapter or the rules of the local board of health or any lawful order of the board, its officers, or authorized agents. If the violation is a repeat offense a civil penalty not to exceed one thousand dollars may be imposed. The local board of health shall impose and enforce such penalties in the manner provided in section 331.307 for county infractions.

Sec. 18. NEW SECTION. 137.117 Individual choice of treatment.

Nothing in this chapter shall be construed to impede, limit, or restrict the right of free choice by an individual to the health care or treatment that the individual may select.

Sec. 19. NEW SECTION. 137.118 Adoption of rules.

The state board of health shall adopt rules to implement this chapter. The department is vested with discretionary authority to interpret the provisions of this chapter.

Sec. 20. Section 135I.1, subsection 2, Code 2009, is amended to read as follows:

2. "*Local board of health*" means a ~~county~~, city, county, or district board of health as defined in section ~~137.2~~ 137.101.

Sec. 21. Section 331.321, subsection 1, paragraph c, Code Supplement 2009, is amended to read as follows:

c. The members of the county board of health in accordance with section ~~137.4~~ 137.104.

Sec. 22. REPEAL. Chapter 137, Code and Code Supplement 2009, is repealed.

Approved March 10, 2010

CHAPTER 1037

FIRE PROTECTION SYSTEM INSTALLATION AND MAINTENANCE — LICENSURE

S.F. 2355

AN ACT relating to the licensure of persons engaged in fire protection system installation, maintenance, repair, service, or inspection.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 100C.6, subsection 4, Code Supplement 2009, is amended to read as follows:

4. Relieve any person engaged in fire sprinkler protection system installation, maintenance, repair, service, or inspection as defined in section 100D.1 from obtaining a fire sprinkler protection system installer and maintenance worker license as required pursuant to chapter 100D.

Sec. 2. Section 100D.1, subsections 1, 5, and 8, Code Supplement 2009, are amended to read as follows:

1. “Apprentice ~~sprinkler fitter~~ fire protection system installer and maintenance worker” means a person who is registered in an apprenticeship program approved by the United States department of labor who is engaged in learning the fire protection system industry trade under the direct supervision of a responsible managing employee of a certified fire extinguishing system contractor or licensed fire sprinkler protection system installer and maintenance worker and who is registered with the United States department of labor, office of apprenticeship other than a trainee.

5. “Fire protection system” means a sprinkler, standpipe, hose system, special hazard system, dry systems, foam systems, or any water-based fire protection system, either whether engineered or preengineered and whether manual or automatically activated, used for fire protection purposes that is composed of which may include an integrated system of underground and overhead piping and which may be connected to a water source. For licensing purposes only “fire protection system” does not include the water service piping to a structure or building from a city water main.

8. “Fire ~~sprinkler~~ protection system installer and maintenance worker” means a person who, having the necessary qualifications, training, experience, and technical knowledge, conducts fire protection system installation and maintenance, and who is licensed by the department to install or maintain the types of fire protection systems endorsed on the license.

Sec. 3. Section 100D.1, Code Supplement 2009, is amended by adding the following new subsections:

NEW SUBSECTION. 8A. “Preengineered fire protection system” means a fire protection system that has a predetermined flow rate, nozzle pressure, and quantity of extinguishing agent.

NEW SUBSECTION. 9. “Responsible managing employee” means an owner, partner, officer, or manager employed full-time by a fire extinguishing system contractor who is certified by the national institute for certification in engineering technologies at a level three in fire protection technology, automatic sprinkler system layout, or another certification in automatic sprinkler system layout recognized by rules adopted by the fire marshal pursuant to section 100C.7 or who meets any other criteria established by rule.

NEW SUBSECTION. 9A. "Routine maintenance" means the repair or replacement of existing fire protection system components of the same size and type for which no changes in configuration are made, and does not include any new installation or the expansion or extension of any existing fire protection system.

NEW SUBSECTION. 10. "Trainee" means a person who is engaged in learning the fire protection system industry trade under the direct supervision of a responsible managing employee of a certified fire extinguishing system contractor or licensed fire protection system installer and maintenance worker and who is not registered with the United States department of labor.

Sec. 4. Section 100D.2, subsections 1 and 2, Code Supplement 2009, are amended to read as follows:

1. On or after January 1, 2010, a person shall not perform fire protection system installations or fire protection system maintenance without holding a current, valid fire ~~sprinkler protection system~~ installer and maintenance worker license issued pursuant to this chapter, with appropriate endorsements for that type of system, with the following exceptions:

a. An employee of a fire extinguishing system contractor working as an apprentice ~~sprinkler fitter~~ fire protection system installer and maintenance worker performing fire protection system installation or maintenance under the direct supervision of an on-site responsible managing employee or licensed fire ~~sprinkler protection system~~ installer and maintenance worker is not required to hold a current, valid fire ~~sprinkler protection system~~ installer and maintenance worker license.

b. A person who installs or demolishes walls, ceilings, flooring, insulation, or associated materials or a person who demolishes ~~sprinkler pipe~~ fire protection system components is not subject to the provisions of this chapter except when the work involves a complete sprinkler system. A person is not required to be licensed in order to demolish part of a system or a partial system, provided that the system is taken out of service. If a system is restored to service after having been taken out of service, the restoration work must be performed by a person licensed pursuant to this chapter or a responsible managing employee.

c. A person who is a responsible managing employee of a fire extinguishing system contractor is not required to hold a current, valid fire ~~sprinkler protection system~~ installer and maintenance worker license, in order to perform fire protection system installations or maintenance.

d. A trainee who works at all times under the direct supervision of a licensed fire protection system installer and maintenance worker, other than an unclassified person, may be licensed to work on special hazard fire protection systems but shall not be licensed to perform installation or maintenance on a preengineered fire protection system or on an engineered water-based fire protection system. A trainee license may be renewed once and a person may work as a trainee for a maximum of four years.

2. A licensed fire ~~sprinkler protection system~~ installer and maintenance worker must be present at all locations and at all times when fire protection system installation work is being performed. At least one licensed fire ~~sprinkler protection system~~ installer and maintenance worker must be present for every three apprentice ~~sprinkler fitters~~ fire protection system installers and maintenance workers or trainees performing work related to fire protection system installation.

Sec. 5. Section 100D.2, subsection 6, Code Supplement 2009, is amended by striking the subsection.

Sec. 6. Section 100D.3, Code Supplement 2009, is amended to read as follows:

100D.3 Fire ~~sprinkler protection system~~ installer and maintenance worker license.

1. The state fire marshal shall issue a fire ~~sprinkler~~ protection system installer and maintenance worker license to an applicant who meets all of the following requirements:

a. ~~Possesses a minimum of four years of employment experience as an apprentice sprinkler fitter.~~

~~b. a.~~ Has completed a United States department of labor fire protection apprenticeship program approved by the United States department of labor, or has completed two years of full-time employment or the equivalent thereof as a trainee.

~~e. b.~~ Is employed by a fire extinguishing system contractor. However, an applicant whose work on extinguishing systems will be restricted to systems on property owned or controlled by the applicant's employer may obtain a license if the employer is not a certified contractor.

~~d. c.~~ Has received a passing score on the national inspection, testing, and certification star fire sprinkler mastery exam or on an equivalent exam from a nationally recognized third-party testing agency that is approved by the state fire marshal, or is certified at level one by the national institute for certification in engineering technologies based on general work elements, as defined by the national institute for certification in engineering technologies, and as specified by rule by the state fire marshal, or is certified by another entity approved by the fire marshal.

1A. The state fire marshal shall issue a fire protection system installer and maintenance worker license with endorsements restricted to preengineered fire protection systems to an applicant who does not meet the requirements of subsection 1 but does meet the following requirements:

a. To be endorsed as a preengineered kitchen fire extinguishing system installer, has successfully completed training and an examination verified by a preengineered system manufacturer, an agent of a preengineered system manufacturer, or an organization that is approved by the state fire marshal.

b. To be endorsed as a preengineered kitchen fire extinguishing system maintenance worker, has successfully completed training by the worker's employer or the system's manufacturer and has passed a written or online examination for preengineered kitchen fire extinguishing system maintenance that is approved by the state fire marshal.

c. To be endorsed as a preengineered industrial fire extinguishing system installer, possesses a training and examination certification from a preengineered system manufacturer, an agent of a preengineered system manufacturer, or an organization that is approved by the state fire marshal.

d. To be endorsed as a preengineered industrial fire extinguishing system maintenance worker, has been trained by the worker's employer, and has passed a written or online examination for preengineered industrial fire extinguishing system maintenance that is approved by the state fire marshal.

2. The holder of a fire sprinkler protection system installer and maintenance worker license shall be responsible for license fees, renewal fees, and continuing education hours.

3. The license of a fire sprinkler protection system installer and maintenance worker licensee who ceases to be employed by a fire extinguishing system contractor shall continue to be valid until it would otherwise expire, but the licensee shall not perform work requiring licensure under this chapter until the licensee is again employed by a fire extinguishing system contractor. If the licensee becomes employed by a fire extinguishing system contractor other than the contractor which employed the licensee at the time the license was issued, the licensee shall notify the fire marshal and shall apply for an amendment to the license. The fire marshal may establish by rule a fee for amending a license. This subsection shall not extend the time period during which a license is valid. This subsection does not apply to a licensee whose work on extinguishing systems is restricted to systems on property owned or controlled by the licensee's employer.

4. The fire marshal, by rule, may restrict the scope of work authorized by a license with appropriate endorsements.

Sec. 7. Section 100D.4, subsections 1 and 2, Code Supplement 2009, are amended to read as follows:

1. An applicant for a fire sprinkler protection system installer and maintenance worker license or renewal of an active license shall provide evidence of a public liability insurance policy and surety bond in an amount determined sufficient by the fire marshal by rule.

2. If the applicant is engaged in fire sprinkler protection system installer and maintenance worker work individually through a business conducted as a sole proprietorship, the applicant shall personally obtain the insurance and surety bond required by this section. If the applicant

is engaged in the fire sprinkler protection system installer and maintenance worker business as an employee or owner of a legal entity, then the insurance and surety bond required by this section shall be obtained by the entity and shall cover all fire sprinkler protection system installer and maintenance worker work performed by the entity.

Sec. 8. Section 100D.5, subsection 1, Code Supplement 2009, is amended to read as follows:

1. ~~Adopt~~ After consultation with the fire extinguishing system contractors and alarm systems advisory board established pursuant to section 100C.10, adopt rules pursuant to chapter 17A necessary for the administration and enforcement of this chapter.

Sec. 9. Section 100D.8, Code Supplement 2009, is amended to read as follows:

100D.8 Provisional licensure.

1. An applicant for licensure under this chapter as a fire sprinkler protection system installer and maintenance worker who possesses a minimum of four years of experience as an apprentice ~~sprinkler fitter~~ fire protection system installer and maintenance worker and who has not successfully passed the licensure examination or achieved certification as required pursuant to section 100D.3 by January 1, 2010, shall be issued a license as a fire sprinkler protection system installer and maintenance worker for a period ending no later than ~~June 30~~ December 31, 2010. A provisional license shall be granted upon presentation of satisfactory evidence to the fire marshal demonstrating experience and competency in conducting fire protection system installations and fire protection system maintenance according to criteria to be determined by the fire marshal in rule.

2. An applicant issued a provisional license pursuant to this section shall pass the licensure examination or achieve certification on or before ~~June 30~~ December 31, 2010, in order to remain licensed as a fire sprinkler protection system installer and maintenance worker. A provisional license fee shall be established by the fire marshal by rule. No provisional licenses shall be issued after ~~April~~ July 1, 2010.

Sec. 10. Section 100D.9, subsection 1, Code Supplement 2009, is amended to read as follows:

1. An applicant for licensure under this chapter, who is employed as a fire sprinkler protection system installer and maintenance worker as of July 1, 2008, shall be issued a license upon presentation of satisfactory evidence to the department of at least eight thousand five hundred hours of experience as a fire sprinkler protection system installer and maintenance worker and one of the following:

a. Presentation of a certificate of completion of a ~~United States department of labor, office of apprenticeship,~~ four-year or five-year protection system apprenticeship program, approved by the United States department of labor.

b. A passing score on the national inspection, testing and certification star fire sprinkler mastery exam or an equivalent exam from a nationally recognized third-party testing agency that is approved by the state fire marshal.

c. Certification, ~~based upon general work elements, as defined by the national institute for certification in engineering technologies, at level I by the national institute for certification in engineering technologies, and~~ or another entity as specified by rule by the state fire marshal.

Sec. 11. Section 100D.10, Code Supplement 2009, is amended to read as follows:

100D.10 Reciprocal licenses.

To the extent that another state provides for the licensing of fire sprinkler protection system installers and maintenance workers or similar action, the state fire marshal may issue a fire sprinkler protection system installer and maintenance worker license, without examination, to a nonresident fire sprinkler protection system installer and maintenance worker who has been licensed by such other state for at least three years provided such other state grants the same reciprocal licensing privileges to residents of Iowa who have obtained a fire sprinkler protection system installer and maintenance worker license upon payment by the applicant of the required fee and upon furnishing proof that the qualifications of the applicant are equal to the qualifications of holders of similar licenses in this state.

Sec. 12. Section 100D.11, subsection 2, Code Supplement 2009, is amended to read as follows:

2. The provisions of this chapter shall not be construed to apply to a person ~~employed full time as a custodian for a school corporation, hospital, or public facility, who performs fire sprinkler maintenance work involving no more than one sprinkler head or nozzle~~ only performing routine maintenance.

Sec. 13. Section 100D.13, subsection 1, unnumbered paragraph 1, Code Supplement 2009, is amended to read as follows:

The state fire marshal may issue a temporary fire ~~sprinkler protection system~~ installer and maintenance worker license to a person, providing that all of the following conditions are met:

Sec. 14. Section 100D.13, subsection 1, paragraphs a and e, Code Supplement 2009, are amended to read as follows:

a. The person is currently licensed or certified to perform work as a fire ~~sprinkler protection system~~ installer and maintenance worker in another state.

e. The person intends to perform work as a fire ~~sprinkler protection system~~ installer and maintenance worker only in areas of this state which are covered by a disaster emergency declaration issued by the governor pursuant to section 29C.6.

Sec. 15. Section 272C.1, subsection 6, paragraph af, Code Supplement 2009, is amended to read as follows:

af. The department of public safety, in licensing fire ~~sprinkler protection system~~ installers and maintenance workers pursuant to chapter 100D.

Approved March 10, 2010

CHAPTER 1038

CITY DEVELOPMENT BOARD — MEMBERSHIP TERMS

H.F. 2318

AN ACT relating to the length of terms and the limitation on length of service for city development board members and including effective date and applicability provisions.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 368.9, subsection 1, Code 2009, is amended to read as follows:

1. A city development board is created. The department of economic development shall provide office space and staff assistance, and shall budget funds to cover expenses of the board and committees. The board consists of five members appointed by the governor subject to confirmation by the senate. The appointments must be for ~~six-year~~ four-year staggered terms beginning and ending as provided by section 69.19, or to fill an unexpired term in case of a vacancy. Members are eligible for reappointment, ~~but no member shall serve more than two complete six-year terms.~~

Sec. 2. **APPLICABILITY.** This Act applies to appointments to the city development board to fill vacancies resulting from an expired term made on or after the effective date of this Act.

Sec. 3. **EFFECTIVE UPON ENACTMENT.** This Act, being deemed of immediate importance, takes effect upon enactment.

Approved March 10, 2010

CHAPTER 1039

DESIGNATION OF GAMING ENFORCEMENT OFFICERS

S.F. 2247

AN ACT authorizing the modification of the designation of a gaming enforcement officer.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. NEW SECTION. **80.26 Designation by department of administrative services.**

Notwithstanding the use of the designations “enforcement officer”, “officer”, “gaming enforcement officer”, and “special agent” in this chapter and chapters 97A, 97B, 99D, and 99F, nothing shall prohibit the department of administrative services from officially designating gaming enforcement officers or special agents by another class title for purposes of identifying job classifications. Any official class title designation made by the department of administrative services shall not create or establish any new employee rights with respect to promotional opportunities, compensation, or benefits, or establish any connection that does not exist as of July 1, 2010, between the designation of gaming enforcement officer and any existing job classifications, including special agents, as a result of a change in designation.

Sec. 2. **LEGISLATIVE INTENT — CONSTRUCTION.**

1. It is the intent of the general assembly that any change in class title designation pursuant to this Act shall not modify the existing job classification or duties for a gaming enforcement officer. The general assembly reaffirms that changes to existing compensation levels should be determined by the collective bargaining process and not determined by a change in employee designation as authorized by this Act.

2. Any change to the class title designation by the department of administrative services relating to gaming enforcement officers pursuant to this Act shall be construed as a nonsubstantive change.

Approved March 15, 2010

CHAPTER 1040

REINSTATEMENT OF DISSOLVED BUSINESS ENTITIES — TAX STATUS NOTIFICATION

H.F. 2111

AN ACT providing notification to the department of workforce development by the secretary of state when certain business entities apply for reinstatement after dissolution to ensure certain tax obligations have been fulfilled.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 489.706, subsection 2, Code 2009, is amended to read as follows:

2. The secretary of state shall refer the federal tax identification number contained in the application for reinstatement to the ~~department~~ departments of revenue and workforce development. The ~~department~~ departments of revenue and workforce development shall report to the secretary of state the tax status of the limited liability company. If ~~the~~ either department reports to the secretary of state that a filing delinquency or liability exists against the limited liability company, the secretary of state shall not cancel the declaration of dissolution until the filing delinquency or liability is satisfied.

Sec. 2. Section 490.1422, subsection 2, paragraph a, Code 2009, is amended to read as follows:

a. The secretary of state shall refer the federal tax identification number contained in the application for reinstatement to the ~~department~~ departments of revenue and workforce development. The ~~department~~ departments of revenue and workforce development shall report to the secretary of state the tax status of the corporation. If ~~the~~ either department reports to the secretary of state that a filing delinquency or liability exists against the corporation, the secretary of state shall not cancel the certificate of dissolution until the filing delinquency or liability is satisfied.

Sec. 3. Section 490A.1322, subsection 2, paragraph a, Code 2009, is amended to read as follows:

a. The secretary of state shall refer the federal tax identification number contained in the application for reinstatement to the ~~department~~ departments of revenue and workforce development. The ~~department~~ departments of revenue and workforce development shall report to the secretary of state the tax status of the limited liability company. If ~~the~~ either department reports to the secretary of state that a filing delinquency or liability exists against the limited liability company, the secretary of state shall not cancel the certificate of dissolution until the filing delinquency or liability is satisfied.

Sec. 4. Section 501.813, subsection 2, paragraph a, Code 2009, is amended to read as follows:

a. The secretary of state shall refer the federal tax identification number contained in the application for reinstatement to the ~~department~~ departments of revenue and workforce development. The ~~department~~ departments of revenue and workforce development shall report to the secretary of state the tax status of the cooperative. If ~~the~~ either department reports to the secretary of state that a filing delinquency or liability exists against the cooperative, the secretary of state shall not cancel the certificate of dissolution until the filing delinquency or liability is satisfied.

Sec. 5. Section 504.1423, subsection 2, paragraph a, Code 2009, is amended to read as follows:

a. The secretary of state shall refer the federal tax identification number contained in the application for reinstatement to the ~~department~~ departments of revenue and workforce development. The ~~department~~ departments of revenue and workforce development shall report to the secretary of state the tax status of the corporation. If ~~the~~ either department reports to the secretary of state that a filing delinquency or liability exists against the corporation, the secretary of state shall not cancel the certificate of dissolution until the filing delinquency or liability is satisfied.

Approved March 15, 2010

CHAPTER 1041

FINE ARTS PROJECTS IN STATE BUILDINGS

H.F. 2195

AN ACT concerning fine arts projects in state buildings.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 304A.10, Code 2009, is amended to read as follows:

304A.10 Cost of fine arts — percentage.

The total estimated cost of the fine arts elements included in a plan and specifications

for a state building or group of state buildings in accordance with the purposes of this division shall in no case be less than one-half of one percent of the total estimated cost of such building or group of buildings. This percentage allocation shall not be diminished by professional fees. By September 1 annually, the contracting officer or principal user shall submit to the department of cultural affairs the total amount of state financial assistance expended in accordance with this section during the previous fiscal year. If deemed in the best interests of the citizens, funds allocated for the acquisition of fine arts may be accumulated over more than one appropriation or fiscal period or combined to complete significant projects, ~~however, this sentence does not authorize interproject transfers. The total estimated cost of the fine arts elements included in a plan and specifications for a state building or group of state buildings in accordance with this section shall be included by the department of cultural affairs in calculating the amount of state financial assistance for the arts for purposes of national ranking surveys.~~ By January 1 annually, the department of cultural affairs shall submit a summary of the total amount of state financial assistance expended in accordance with this section and for which state buildings the assistance was expended.

Sec. 2. Section 304A.12, Code 2009, is amended to read as follows:

304A.12 Separate contract.

Contracts for the fine arts elements shall be executed within the limits of the actual costs as determined by section 304A.10. Funds shall be transferred to the arts division for administration of the program. All expenses related to the acquisition of the fine arts elements shall be contracted for separately by the ~~arts division~~ contracting agency or principal user with the funds allocated for these purposes.

Approved March 15, 2010

CHAPTER 1042

CRIMINAL HISTORY CHECKS AND CHILD CARE PROVIDERS

H.F. 2283

AN ACT relating to the requirements for national criminal history record checks for child care providers.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 237A.5, subsection 2, paragraph d, subparagraph (1), Code Supplement 2009, is amended to read as follows:

(1) For a person subject to a record check, in addition to any other record check conducted pursuant to this subsection, the person's fingerprints shall be provided to the department of public safety for submission through the state criminal history repository to the United States department of justice, federal bureau of investigation for a national criminal history check. The department may adopt rules specifying criteria in the public interest for requiring the national criminal history check shall of a person to be repeated every four years.

Approved March 15, 2010

CHAPTER 1043

DETENTION IN A BROTHEL

H.F. 2286

AN ACT relating to the criminal offense of detention in a brothel.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 272.2, subsection 14, paragraph b, subparagraph (1), subparagraph division (b), subparagraph subdivision (iii), Code Supplement 2009, is amended by striking the subparagraph subdivision.

Sec. 2. Section 692A.102, subsection 1, paragraph b, subparagraph (1), Code Supplement 2009, is amended by striking the subparagraph.

Sec. 3. REPEAL. Section 709.7, Code 2009, is repealed.

Approved March 15, 2010

CHAPTER 1044

SIMULATED PUBLIC INTOXICATION

H.F. 2287

AN ACT relating to the criminal offense of simulated public intoxication.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 123.46, subsection 2, Code 2009, is amended to read as follows:

2. A person shall not use or consume alcoholic liquor, wine, or beer upon the public streets or highways. A person shall not use or consume alcoholic liquor in any public place except premises covered by a liquor control license. A person shall not possess or consume alcoholic liquors, wine, or beer on public school property or while attending a public or private school-related function. A person shall not be intoxicated ~~or simulate intoxication~~ in a public place. A person violating this subsection is guilty of a simple misdemeanor.

Sec. 2. Section 123.46, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 2A. A person shall not simulate intoxication in a public place. A person violating this subsection is guilty of a simple misdemeanor.

Approved March 15, 2010

CHAPTER 1045

COWL LAMPS ON MOTOR VEHICLES

H.F. 2288

AN ACT repealing the simple misdemeanor offense relating to the use of cowl lamps on motor vehicles.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. REPEAL. Section 321.406, Code 2009, is repealed.

Approved March 15, 2010

CHAPTER 1046

CONTROLLED SUBSTANCES — MISCELLANEOUS CHANGES

H.F. 2403

AN ACT making changes to the uniform controlled substances Act.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 124.206, subsection 3, Code 2009, is amended by adding the following new paragraph:

NEW PARAGRAPH. *ab.* Tapentadol.

Sec. 2. Section 124.210, subsection 3, Code 2009, is amended by adding the following new paragraph:

NEW PARAGRAPH. *az.* Fospropofol.

Sec. 3. Section 124.212, subsection 5, Code Supplement 2009, is amended to read as follows:

5. *Depressants.* Unless specifically exempted or excluded or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of any of the following substance substances having a depressant effect on the central nervous system, including its salts of such substances: ~~pregabalin~~

a. Lacosamide [(R)-2-acetoamido-N-benzyl-3-methoxy-propionamide].

b. Pregabalin [(S)-3-(aminomethyl)-5-methylhexanoic acid].

Approved March 15, 2010

CHAPTER 1047

INJURED VETERANS GRANT PROGRAM — ELIGIBILITY

H.F. 755

AN ACT concerning eligibility for the injured veterans grant program.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 35A.14, subsection 5, paragraph a, Code 2009, is amended to read as follows:

a. Grants shall be paid in increments of two thousand five hundred dollars, up to a maximum of ten thousand dollars, upon proof that the veteran has been evacuated from the operational theater in which the veteran was injured to a military hospital or that the veteran has suffered an injury requiring at least thirty consecutive days of hospitalization at a military hospital, for an injury received in the line of duty and shall continue to be paid, at

thirty-day intervals, up to the maximum amount, so long as the veteran is hospitalized or receiving medical care or rehabilitation services authorized by the military.

Approved March 16, 2010

CHAPTER 1048

UNEMPLOYMENT INSURANCE — RELOCATION OF SPOUSE BY MILITARY

H.F. 2110

AN ACT relating to unemployment insurance benefits for spouses who leave employment to accompany a spouse on a military assignment.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 96.5, subsection 1, Code 2009, is amended by adding the following new paragraph:

NEW PARAGRAPH. *b.* The individual's leaving was caused by the relocation of the individual's spouse by the military. The employer's account shall not be charged for any benefits paid to an individual who leaves due to the relocation of a military spouse. Relief of charges under this paragraph applies to both contributory and reimbursable employers, notwithstanding section 96.8, subsection 5.

Approved March 16, 2010

CHAPTER 1049

SMALL BUSINESS ASSISTANCE FOR DISABLED VETERANS

H.F. 2449

AN ACT relating to the encouragement and assistance of businesses owned by disabled veterans.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 15.108, subsection 7, paragraph g, unnumbered paragraph 1, Code 2009, is amended to read as follows:

Encourage and assist small businesses, including small businesses owned and operated by disabled veterans, to obtain state contracts and subcontracts by cooperating with the directors of purchasing in the department of administrative services, the state board of regents, and the state department of transportation in performing the following functions:

Approved March 16, 2010

CHAPTER 1050**REAL ESTATE — MUNICIPAL INFRACTIONS, TAX SALES, AND NUISANCE
ABATEMENT****S.F. 434**

AN ACT relating to nuisance properties by requiring the indexing of certain municipal citations and petitions affecting real property and requiring the county treasurer to withhold certain real property from tax sale.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 364.22, subsection 4, Code Supplement 2009, is amended by adding the following new paragraph:

NEW PARAGRAPH. h. The legal description of the affected real property, if applicable.

Sec. 2. Section 364.22, Code Supplement 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 4A. a. Upon receiving a citation under subsection 4 that affects real property and that charges a violation relating to the condition of the property, including a building code violation, a local housing regulation violation, a housing code violation, or a public health or safety violation, the clerk of the district court shall index the citation pursuant to section 617.10, if the legal description of the affected property is included in or attached to the citation.

b. After filing the citation with the clerk of the district court, the city shall also file the citation in the office of the county treasurer. The county treasurer shall include a notation of the pendency of the action in the county system, as defined in section 445.1, until the judgment of the court is satisfied or until the action is dismissed. Pursuant to section 446.7, an affected property that is subject to a pending action shall not be offered for sale by the county treasurer at tax sale.

Sec. 3. Section 446.7, subsection 1, Code 2009, is amended to read as follows:

1. Annually, on the third Monday in June the county treasurer shall offer at public sale all parcels on which taxes are delinquent. The treasurer shall not, however, offer for sale any parcel that is subject to a pending action as the result of a municipal infraction citation under section 364.22, a petition filed under chapter 657, or a petition filed under chapter 657A, if such municipal infraction citation or petition is indexed under section 617.10 and noted in the county system as defined in section 445.1. The sale shall be made for the total amount of taxes, interest, fees, and costs due. If for good cause the treasurer cannot hold the annual tax sale on the third Monday of June, the treasurer may designate a different date in June for the sale.

Sec. 4. NEW SECTION. 448.13 Cancellation of tax sale and certificate of purchase — refund of purchase money.

If the county treasurer receives a verified statement from a city stating that a parcel sold at tax sale contains a building which is abandoned, as those terms are defined in section 657A.1, prior to redemption of the parcel under chapter 447 or the issuance of a tax deed for the parcel, and the verified statement is accompanied by a petition filed by the city under section 657A.10A for title to the parcel, the county treasurer shall make an entry in the county system canceling the sale of the parcel and shall refund the purchase money to the tax sale certificate holder.

Sec. 5. Section 602.8102, subsection 94, Code 2009, is amended to read as follows:

94. File and index petitions and municipal infraction citations affecting real estate as provided in sections 617.10 through 617.15.

Sec. 6. Section 617.10, subsection 1, Code 2009, is amended to read as follows:

1. When a petition or municipal infraction citation affecting real estate is filed, the clerk of the district court where the petition or municipal infraction citation is filed shall index

the petition or municipal infraction citation in an index book under the tract number which describes the property, entering in each instance the case number as a guide to the record of court proceedings which affect the real estate. If the petition or municipal infraction citation is amended to include other parties or other lands, the amended petition or municipal infraction citation shall be similarly indexed. When a final result is determined in the case, the result shall be indicated in the index book wherever indexed.

Sec. 7. Section 617.12, Code 2009, is amended to read as follows:

617.12 Exceptions.

If the real property affected ~~be~~ is situated in the county where the petition or municipal infraction citation is filed it shall be unnecessary to show in said index lands not situated in said county.

Sec. 8. Section 657.1, subsection 1, Code 2009, is amended to read as follows:

1. Whatever is injurious to health, indecent, or unreasonably offensive to the senses, or an obstruction to the free use of property, so as essentially to interfere unreasonably with the comfortable enjoyment of life or property, is a nuisance, and a civil action by ordinary proceedings may be brought to enjoin and abate the nuisance and to recover damages sustained on account of the nuisance. A petition filed under this subsection shall include the legal description of the real property upon which the nuisance is located unless the nuisance is not situated on or confined to a parcel of real property or is portable or capable of being removed from the real property.

Sec. 9. NEW SECTION. 657.2A Indexing of petition.

1. When a petition affecting real property is filed by a governmental entity under this chapter, the clerk of the district court shall index the petition pursuant to section 617.10, if the legal description of the affected property is included in or attached to the petition.

2. After filing the petition with the clerk of the district court, the governmental entity shall also file the petition in the office of the county treasurer. The county treasurer shall include a notation of the pendency of the action in the county system, as defined in section 445.1, until the judgment of the court is satisfied or until the action is dismissed. Pursuant to section 446.7, an affected property that is subject to a pending action shall not be offered for sale by the county treasurer at tax sale.

Sec. 10. Section 657A.2, subsection 1, Code 2009, is amended to read as follows:

1. A petition for abatement under this chapter may be filed in the district court of the county in which the property is located, by the city in which the property is located, by the county if the property is located outside the limits of a city, by a neighboring landowner, or by a duly organized nonprofit corporation which has as one of its goals the improvement of housing conditions in the county or city in which the property in question is located. A petition for abatement filed under this chapter shall include the legal description of the real property upon which the nuisance or dangerous or unsafe condition is located unless the nuisance or dangerous or unsafe condition is not situated on or confined to a parcel of real property or is portable or capable of being removed from the real property. Service on the owner shall be by personal service or by certified mail, or if service cannot be made by either method, by posting the notice in a conspicuous place on the building and by publication.

Sec. 11. Section 657A.10A, subsection 1, unnumbered paragraph 1, Code 2009, is amended to read as follows:

In lieu of the procedures in sections 657A.2 through 657A.10, a city in which an abandoned building is located may petition the court to enter judgment awarding title to the abandoned property to the city. A petition filed under this section shall include the legal description of the abandoned property. If more than one abandoned building is located on a parcel of real estate, the city may combine the actions into one petition. The owner of the building and grounds, mortgagees of record, lienholders of record, or other known persons who hold an interest in the property shall be named as respondents on the petition.

Sec. 12. Section 657A.10A, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 6. If a city files a petition under subsection 1, naming the holder of a tax sale certificate of purchase for the property as a respondent, the city shall also file the petition, along with a verified statement declaring that the property identified in the petition contains an abandoned building, with the county treasurer. Upon receiving the petition and verified statement, the county treasurer shall make an entry in the county system canceling the sale of the property and shall refund the purchase money to the tax sale certificate holder.

Sec. 13. NEW SECTION. **657A.12 Indexing of petition.**

1. When a petition affecting real property is filed by a governmental entity under this chapter, the clerk of the district court shall index the petition pursuant to section 617.10, if the legal description of the affected property is included in or attached to the petition.

2. After filing the petition with the clerk of the district court, the governmental entity shall also file the petition in the office of the county treasurer. The county treasurer shall include a notation of the pendency of the action in the county system, as defined in section 445.1, until the judgment of the court is satisfied or until the action is dismissed. Pursuant to section 446.7, an affected property that is subject to a pending action shall not be offered for sale by the county treasurer at tax sale.

Approved March 17, 2010

CHAPTER 1051

CITY SUBDIVISION PROPOSAL PROCESS AND HORIZONTAL PROPERTY REGIMES

S.F. 2264

AN ACT relating to the review and approval of proposed subdivisions by a city.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 354.9, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 4. For purposes of this section, “subdivision” also includes a declaration for the establishment of a horizontal property regime under chapter 499B. A declaration of a horizontal property regime that is proposed to be located within the area of review established by a city pursuant to this section shall be subject to review and approval in the same manner as a subdivision.

Sec. 2. Section 499B.3, Code Supplement 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 3. A declaration under this section for a horizontal property regime proposed to be located within an area of review established by a city under section 354.9 shall, in addition to being submitted to the county, be submitted to the city for review and approval.

Approved March 17, 2010

CHAPTER 1052**INFECTIOUS DISEASES TESTING OF PERSONS ON PAROLE, PROBATION, OR WORK
RELEASE***S.F. 205*

AN ACT relating to required testing for infectious diseases of persons under supervision of judicial district departments of correctional services.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. NEW SECTION. 905.15 Required test.

1. For purposes of this section, “*infectious disease*” means any infectious condition, which if spread by contamination, would place others at a serious health risk.

2. A person under supervision of a district department, who assaults another person as defined in section 708.1, by biting, casting bodily fluids, or acting in a manner that results in the exchange of bodily fluids, shall submit to the withdrawal of a bodily specimen for testing to determine if the person is infected with a contagious infectious disease. The bodily specimen to be taken shall be determined by a physician. The specimen taken shall be sent to the state hygienic laboratory at the state university at Iowa City or some other laboratory approved by the department of public health. If a person to be tested pursuant to this section refuses to submit to the withdrawal of a bodily specimen, application may be made by the director to the district court for an order compelling the person to submit to the withdrawal and, if infected, to available treatment. An order authorizing the withdrawal of a specimen for testing may be issued only by a district judge or district associate judge upon application by the director.

3. Failure to comply with an order issued pursuant to this section may result in revocation of probation, parole, or work release.

4. Personnel at an institution under the control of the department of corrections or of a residential facility operated by a judicial district department of correctional services shall be notified if a person committed to any of these institutions is found to have a contagious infectious disease.

5. The district department in cooperation with the department of corrections shall adopt policies and procedures to prevent the transmittal of a contagious infectious disease to other persons.

Approved March 19, 2010

CHAPTER 1053**RECOGNITION OF FOREIGN-COUNTRY MONEY JUDGMENTS***S.F. 358*

AN ACT relating to the recognition and enforcement of foreign-country money judgments and providing for the Act’s applicability.

Be It Enacted by the General Assembly of the State of Iowa:

DIVISION I**UNIFORM FOREIGN-COUNTRY MONEY JUDGMENTS RECOGNITION ACT****Section 1. NEW SECTION. 626B.101 Short title.**

This chapter may be cited as the “*Uniform Foreign-Country Money Judgments Recognition Act*”.

Sec. 2. NEW SECTION. 626B.102 Definitions.

As used in this chapter:

1. "Foreign country" means a government other than any of the following:
 - a. The United States.
 - b. A state, district, commonwealth, territory, or insular possession of the United States.
 - c. Any other government with regard to which the decision in this state as to whether to recognize a judgment of that government's courts is initially subject to determination under the full faith and credit clause of Article IV, section 1, of the Constitution of the United States.
 - d. Any Indian or Alaska native tribe, band, nation, pueblo, village, or community that the United States secretary of the interior recognizes as an Indian tribe.
2. "Foreign-country judgment" means a judgment of a court of a foreign country.

Sec. 3. NEW SECTION. 626B.103 Applicability.

1. Except as otherwise provided in subsection 2, this chapter applies to a foreign-country judgment to the extent that all of the following apply to the judgment:
 - a. It grants or denies recovery of a sum of money.
 - b. Under the law of the foreign country where rendered, it is final, conclusive, and enforceable.
2. This chapter does not apply to a foreign-country judgment, even if the judgment grants or denies recovery of a sum of money, to the extent that the judgment is any of the following:
 - a. A judgment for taxes.
 - b. A fine or other penalty.
 - c. A judgment for divorce, support, or maintenance, or other judgment rendered in connection with domestic relations.
3. A party seeking recognition of a foreign-country judgment has the burden of establishing that this chapter applies to the foreign-country judgment.

Sec. 4. NEW SECTION. 626B.104 Standards for recognition of foreign-country judgment.

1. Except as otherwise provided in subsections 2 and 3, a court of this state shall recognize a foreign-country judgment to which this chapter applies.
2. A court of this state shall not recognize a foreign-country judgment if any of the following applies:
 - a. The judgment was rendered under a judicial system that does not provide impartial tribunals or procedures compatible with the requirements of due process of law.
 - b. The foreign court did not have personal jurisdiction over the defendant.
 - c. The foreign court did not have jurisdiction over the subject matter.
3. A court of this state need not recognize a foreign-country judgment if any of the following apply:
 - a. The defendant in the proceeding in the foreign court did not receive notice of the proceeding in sufficient time to enable the defendant to defend.
 - b. The judgment was obtained by fraud that deprived the losing party of an adequate opportunity to present its case.
 - c. The judgment or the cause of action on which the judgment is based is repugnant to the public policy of this state or of the United States.
 - d. The judgment conflicts with another final and conclusive judgment.
 - e. The proceeding in the foreign court was contrary to an agreement between the parties under which the dispute in question was to be determined otherwise than by proceedings in that foreign court.
 - f. In the case of jurisdiction based only on personal service, the foreign court was a seriously inconvenient forum for the trial of the action.
 - g. The judgment was rendered in circumstances that raise substantial doubt about the integrity of the rendering court with respect to the judgment.
 - h. The specific proceeding in the foreign court leading to the judgment was not compatible with the requirements of due process of law.
4. A party resisting recognition of a foreign-country judgment has the burden of establishing that a ground for nonrecognition stated in subsection 2 or 3 exists.

Sec. 5. NEW SECTION. 626B.105 **Personal jurisdiction.**

1. A foreign-country judgment shall not be refused recognition for lack of personal jurisdiction if any of the following apply:

- a. The defendant was served with process personally in the foreign country.
- b. The defendant voluntarily appeared in the proceeding, other than for the purpose of protecting property seized or threatened with seizure in the proceeding or of contesting the jurisdiction of the court over the defendant.
- c. The defendant, before the commencement of the proceeding, had agreed to submit to the jurisdiction of the foreign court with respect to the subject matter involved.
- d. The defendant was domiciled in the foreign country when the proceeding was instituted or was a corporation or other form of business organization that had its principal place of business in, or was organized under the laws of, the foreign country.
- e. The defendant had a business office in the foreign country and the proceeding in the foreign court involved a cause of action arising out of business done by the defendant through that office in the foreign country.
- f. The defendant operated a motor vehicle or airplane in the foreign country and the proceeding involved a cause of action arising out of that operation.

2. The list of bases for personal jurisdiction in subsection 1 is not exclusive. The courts of this state may recognize bases of personal jurisdiction other than those listed in subsection 1 as sufficient to support a foreign-country judgment.

Sec. 6. NEW SECTION. 626B.106 **Procedure for recognition of foreign-country judgment.**

1. If recognition of a foreign-country judgment is sought as an original matter, the issue of recognition shall be raised by filing an action seeking recognition of the foreign-country judgment.

2. If recognition of a foreign-country judgment is sought in a pending action, the issue of recognition may be raised by counterclaim, cross-claim, or affirmative defense.

Sec. 7. NEW SECTION. 626B.107 **Effect of recognition of foreign-country judgment.**

If the court in a proceeding under section 626B.106 finds that the foreign-country judgment is entitled to recognition under this chapter then, to the extent that the foreign-country judgment grants or denies recovery of a sum of money, the foreign-country judgment is all of the following:

1. Conclusive between the parties to the same extent as the judgment of a sister state entitled to full faith and credit in this state would be conclusive.
2. Enforceable in the same manner and to the same extent as a judgment rendered in this state.

Sec. 8. NEW SECTION. 626B.108 **Stay of proceedings pending appeal of foreign-country judgment.**

If a party establishes that an appeal from a foreign-country judgment is pending or will be taken, the court may stay any proceedings with regard to the foreign-country judgment until the appeal is concluded, the time for appeal expires, or the appellant has had sufficient time to prosecute the appeal and has failed to do so.

Sec. 9. NEW SECTION. 626B.109 **Statute of limitations.**

An action to recognize a foreign-country judgment must be commenced within the earlier of the time during which the foreign-country judgment is effective in the foreign country or fifteen years from the date that the foreign-country judgment became effective in the foreign country.

Sec. 10. NEW SECTION. 626B.110 **Uniformity of interpretation.**

In applying and construing this chapter, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact the "*Uniform Foreign-Country Money Judgments Recognition Act*".

Sec. 11. NEW SECTION. 626B.111 **Saving clause.**

This chapter does not prevent the recognition under principles of comity or otherwise of a foreign-country judgment not within the scope of this chapter.

Sec. 12. APPLICABILITY TO ACTIONS COMMENCED ON OR AFTER THE EFFECTIVE DATE OF THIS ACT. This Act applies to all actions commenced on or after the effective date of this Act in which the issue of recognition of a foreign-country judgment is raised.

DIVISION II CONFORMING PROVISIONS

Sec. 13. Section 624.24, Code 2009, is amended to read as follows:

624.24 When judgment lien attaches.

When the real estate lies in the county wherein the judgment of the district court of this state or of the circuit or district courts of the United States was entered in the judgment docket and lien index kept by the clerk of the court having jurisdiction, the lien shall attach from the date of such entry of judgment, but if in another it will not attach until an attested copy of the judgment is filed in the office of the clerk of the district court of the county in which the real estate lies except for a foreign judgments judgment pursuant to chapters chapter 626A, and foreign-country money judgment pursuant to chapter 626B , and or tribal judgments as defined in section 626D.2 court judgment pursuant to chapter 626D, which shall not attach until an appeal is proceedings to challenge such judgment as authorized by its chapter have been concluded, and the time for the appeal has expired, or the stay of execution has expired or was vacated pursuant to section 626A.4, 626B.3, 626B.5, or 626D.7 district court finds that any such judgment is entitled to recognition. In such cases, the lien shall attach on the date the clerk of court files an attested copy of the judgment in the office of the clerk of the district court of the county in which the real estate lies in any of the following circumstances:

1. The foreign or tribal judgment has not been appealed and the time for filing an appeal has expired.
2. The foreign or tribal judgment has been appealed and the judgment has been affirmed on appeal and is not subject to further appeal.
3. An appeal from a foreign or tribal judgment has been filed and a stay from such judgment has not been granted by the district court to the appealing party.

DIVISION III REPEALS

Sec. 14. Sections 626B.1, 626B.2, 626B.3, 626B.4, 626B.5, 626B.6, 626B.7, and 626B.8, Code 2009, are repealed.

Approved March 19, 2010

CHAPTER 1054

ETHICS — ADDITIONAL MISCELLANEOUS CHANGES

S.F. 2067

AN ACT relating to ethics regulations for the executive branch, legislative branch, and local officials and employees and including effective date provisions.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 17A.2, subsection 11, Code 2009, is amended by adding the following new paragraph:

NEW PARAGRAPH. 1. An advisory opinion of the Iowa ethics and campaign disclosure board.

Sec. 2. Section 68B.3, subsection 1, Code 2009, is amended to read as follows:

1. ~~An~~ Except as part of official state duties, an official, a state employee, a member of the general assembly, or a legislative employee shall not sell, in any one occurrence, any goods or services having a value in excess of two thousand dollars to any state agency unless the sale is made pursuant to an award or contract let after public notice and competitive bidding.

Sec. 3. Section 68B.3, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 5. Except when performing official state duties, an official or a state employee making a permissible sale under this section shall file a report with the board within twenty days of making the sale. The report shall include but not be limited to the parties to the sale, the date of the sale, the total amount of the sale, and the type of goods or services being sold.

Sec. 4. Section 68B.32A, subsection 5, Code Supplement 2009, is amended to read as follows:

~~5. Receive and file registration and reports from lobbyists of the executive branch of state government, client disclosure from clients of lobbyists of the executive branch of state government, personal financial disclosure information from officials and employees in the executive branch of state government who are required to file personal financial disclosure information under all registrations and reports that are required to be filed with the board under this chapter, and gift and bequest disclosure information pursuant to or section 8.7. The board, upon its own motion, may initiate action, and conduct a hearing hearings, impose sanctions, and order administrative resolutions relating to reporting requirements under this chapter or section 8.7.~~

Sec. 5. Section 68B.32A, Code Supplement 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 19. Impose penalties upon, or refer matters relating to, persons who provide false information to the board during a board investigation of a potential violation of this chapter, chapter 68A, section 8.7, or rules of the board. The board shall adopt rules to administer this subsection.

Sec. 6. EFFECTIVE UPON ENACTMENT. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved March 19, 2010

CHAPTER 1055

PROFESSIONAL LICENSURE AND REGULATION — COMMERCE — ACCOUNTING

S.F. 2073

AN ACT relating to the practice of accounting and to the organization and operation of the licensing boards included within the professional licensure and regulation bureau of the banking division in the department of commerce.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 542.8, Code Supplement 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 22. The board, by rule, shall require as a condition for renewal of a license under this section by any license holder who performs compilation services for the public other than through a licensed public accounting firm or a certified public accounting firm, that such individual undergo, no more frequently than once every three years, a peer review conducted in such manner as the board shall by rule specify, and such review shall include verification that such individual has met the competency requirements set out in professional standards for such services.

Sec. 2. Section 542.13, subsections 6 and 13, Code Supplement 2009, are amended to read as follows:

6. A firm not holding a permit issued under section 542.8 shall not ~~provide compilation services or~~ assume or use the title “licensed public accountants”, the abbreviation “LPAs”, or any other title, designation, words, letters, abbreviation, sign, card, or device tending to indicate that such firm is composed of licensed public accountants.

13. An individual licensee shall not issue a report in standard form upon a compilation of financial information through any form of business that does not hold a permit issued under section 542.7 or 542.8 unless the report discloses the name of the business through which the individual is issuing the report and the individual licensee does all of the following:

- a. Signs the compilation report identifying the individual as a certified public accountant or licensed public accountant.
- b. Meets competency requirements provided in applicable standards.
- c. Undergoes, no less frequently than once every three years, a peer review conducted in a manner as specified by the board. The review shall include verification that such individual has met the competency requirements set out in professional standards for such services.

Sec. 3. Section 546.10, Code 2009, is amended by adding the following new subsections:

NEW SUBSECTION. 10. Notwithstanding section 17A.6, subsection 4, the licensing boards included within the bureau pursuant to subsection 1 may adopt standards by reference to another publication without providing a copy of the publication to the administrative rules coordinator if the publication containing the standards is readily accessible on the internet at no cost and the internet site at which the publication may be found is included in the administrative rules that adopt the standard.

NEW SUBSECTION. 11. Renewal periods for all licenses and certificates of the licensing boards included within the bureau pursuant to subsection 1 may be annual or multiyear, as provided by rule.

NEW SUBSECTION. 12. A quorum of a licensing board included within the bureau pursuant to subsection 1 shall be a majority of the members of the board and action may be taken upon a majority vote of board members present at a meeting who are not disqualified.

Approved March 19, 2010

CHAPTER 1056

INSURANCE RATING PRACTICES — EXTRAORDINARY LIFE CIRCUMSTANCES EXCEPTIONS

S.F. 2075

AN ACT requiring reasonable exceptions to insurance rates for consumers whose credit information is influenced by extraordinary life circumstances and providing an applicability date.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 515.103, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 5A. Extraordinary life circumstances.

a. An insurer authorized to do business in Iowa that uses credit information to underwrite or rate risks for a policy of personal insurance shall, on written request from a consumer, provide reasonable exceptions to the insurer's rates, rating classifications, company or tier placement, or underwriting rules or guidelines for a consumer who has experienced and whose credit information has been directly influenced by any of the following events:

- (1) Catastrophic event, as declared by the federal or a state government.
- (2) Serious illness or injury, or serious illness or injury to an immediate family member.
- (3) Death of a spouse, child, or parent.
- (4) Divorce or involuntary interruption of legally owed alimony or support payments.
- (5) Identity theft.
- (6) Temporary loss of employment for a period of three months or more, if such loss results from involuntary termination of employment.
- (7) Military deployment overseas.
- (8) Other events, as determined by the insurer.

b. If a consumer submits a request for an exception as set forth in paragraph "a", an insurer may, in its sole discretion, but is not required to, do any of the following:

- (1) Require the consumer to provide reasonable written and independently verifiable documentation of the event.
- (2) Require the consumer to demonstrate that the event had direct and meaningful impact on the consumer's credit information.
- (3) Require such request to be made no more than sixty days from the date of the application for insurance or the policy renewal.
- (4) Grant an exception despite the fact that the consumer did not provide the initial request for an exception in writing.
- (5) Grant an exception where the consumer asks for consideration of repeated events or the insurer has considered this event previously.

c. An insurer is not out of compliance with any law or rules relating to underwriting, rating, or rate-filing as a result of granting an exception under this subsection. Nothing in this subsection shall be construed to provide a consumer or other insured with a cause of action that does not exist in the absence of this subsection.

d. An insurer shall provide notice to consumers that reasonable exceptions are available pursuant to this subsection and information about how the consumer may inquire further about such exceptions.

e. Within thirty days of the insurer's receipt of sufficient documentation of an event described in paragraph "a" from a consumer, the insurer shall inform the consumer of the outcome of the consumer's request for a reasonable exception. Such communication shall be in writing or provided to a consumer using the same medium as the request.

Sec. 2. **APPLICABILITY DATE.** This Act applies to personal insurance contracts or policies delivered, issued for delivery, continued, or renewed in this state on or after July 1, 2010.

Approved March 19, 2010

CHAPTER 1057**CERTIFIED LAW ENFORCEMENT OFFICERS — AUTHORITY***S.F. 2095*

AN ACT relating to the authority of a certified law enforcement officer.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 9E.6A, subsection 1, Code 2009, is amended to read as follows:

1. Each person performing a notarial act pursuant to section 9E.10 must acquire and use a stamp or seal as provided in this chapter. ~~However, this section shall not apply to a notarial act performed by a judicial officer as defined in section 602.1101, if the notarial act is performed in accordance with state or federal statutory authority, and shall not apply to a certification by a chief officer or a chief officer's designee of a peace officer's verification of a uniform citation and complaint pursuant to section 805.6, subsection 5.~~

Sec. 2. Section 9E.6A, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 3. This section shall not apply to any of the following:

- a. A notarial act performed by a judicial officer as defined in section 602.1101, if the notarial act is performed in accordance with state or federal statutory authority.
- b. A certification by a chief officer or a chief officer's designee of a peace officer's verification of a uniform citation and complaint pursuant to section 805.6, subsection 5.
- c. The administration of oaths and the acknowledgment of signatures by a peace officer pursuant to section 80.9A, subsection 3, or by a certified law enforcement officer pursuant to section 817.3.

Sec. 3. NEW SECTION. **817.3 Certified law enforcement officers — oaths, signatures, and testimony.**

A law enforcement officer, as defined in section 80B.3, who is certified by the Iowa law enforcement academy, may administer oaths, acknowledge signatures, and take voluntary testimony pursuant to the officer's duties as provided by law.

Approved March 19, 2010

CHAPTER 1058**RECORDING OF RESIDENTIAL REAL ESTATE INSTALLMENT SALES CONTRACTS***S.F. 2157*

AN ACT relating to the recording requirements for certain residential real estate installment sales contracts and including applicability provisions.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 558.46, subsections 1, 2, and 7, Code 2009, are amended to read as follows:

1. Every real estate installment sales contract transferring an interest in residential property shall be recorded by the contract seller with the county recorder in the county in which the real estate is situated not later than ~~one hundred eighty~~ ninety days from the date the contract was signed by the contract seller and contract purchaser.

2. Failure to record a real estate contract required to be recorded by this section by the contract seller within the specified time limit is punishable by a fine not to exceed one hundred dollars per day for each day of violation. The county recorder shall record a real estate contract presented for recording even though not presented within ~~one hundred eighty~~ ninety

days of the signing of the contract. The county recorder shall forward to the county attorney a copy of each real estate contract recorded more than ~~one hundred eighty~~ ninety days from the date the contract was signed by the contract seller and contract purchaser. The county attorney shall initiate action in the district court to enforce the provisions of this section. Fines collected pursuant to this subsection shall be deposited in the general fund of the county.

7. If a contract seller is subject to the requirements of section 558.70, the contract must be recorded within ~~forty-five~~ thirty days rather than ~~one hundred eighty~~ ninety days and the recording requirement is only satisfied by recording the real estate contract rather than a memorandum of the contract.

Sec. 2. APPLICABILITY. This Act applies to real estate installment contracts signed on or after the effective date of this Act.

Approved March 19, 2010

CHAPTER 1059

BANKRUPTCY AND DEBTOR'S EXEMPTIONS — PERSONAL PROPERTY

S.F. 2190

AN ACT relating to an exemption for a debtor's personal property from execution by creditors in a bankruptcy action.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 627.6, subsection 14, Code 2009, is amended to read as follows:

14. The debtor's interest, not to exceed one thousand dollars in the aggregate, in any cash on hand, bank deposits, credit union share drafts, or other deposits, wherever situated, or in any other personal property not otherwise specifically provided for in whether otherwise exempt or not under this chapter.

Approved March 19, 2010

CHAPTER 1060

ELECTIONS — DOUBLE ELECTION BOARDS AND AUTOMATIC TABULATING EQUIPMENT

S.F. 2218

AN ACT relating to elections by eliminating double election boards and by requiring the commissioner of elections, upon petition, to use automatic tabulating equipment in certain elections and including effective date provisions.

Be It Enacted by the General Assembly of the State of Iowa:

DIVISION I
DOUBLE ELECTION BOARDS

Section 1. Section 39A.5, subsection 1, paragraph a, subparagraph (3), Code 2009, is amended to read as follows:

(3) Circulating, communicating, or attempting to circulate or communicate information with reference to the result of the counted ballots or making a compilation of vote subtotals before the polls are closed in violation of section ~~51.11~~ or 53.23.

Sec. 2. Section 43.5, Code Supplement 2009, is amended to read as follows:

43.5 Applicable statutes.

The provisions of chapters 39, 39A, 47, 48A, 49, 50, ~~51~~, 52, 53, 57, 58, 59, 61, 62, 68A, and 722 shall apply, so far as applicable, to all primary elections, except as hereinafter provided.

Sec. 3. Section 49.12, Code 2009, is amended to read as follows:

49.12 Election boards.

There shall be appointed in each election precinct an election board which shall ordinarily consist of three or five precinct election officials. At the commissioner's discretion, additional precinct election officials may be appointed to work at any election. ~~Double election boards may be appointed for any precinct as provided by chapter 51.~~ Not more than a simple majority of the members of the election board in any precinct, ~~or of the two combined boards in any precinct for which a double election board is appointed,~~ shall be members of the same political party or organization if one or more registered voters of another party or organization are qualified and willing to serve on the board.

Sec. 4. Section 49.13, subsection 4, Code Supplement 2009, is amended to read as follows:

4. The commissioner shall designate one member of each precinct election board as chairperson of that board. ~~If a counting board authorized by chapter 51 is appointed, the chairperson shall have authority over the mechanics of the work of both boards.~~ At the discretion of the commissioner, two people who are members of different political parties may be appointed as co-chairpersons. The co-chairpersons shall have joint authority over the work of the precinct election board.

Sec. 5. Section 49.25, subsection 3, Code Supplement 2009, is amended to read as follows:

3. The commissioner shall furnish to each precinct the necessary ballot boxes, suitably equipped with seals or locks and keys, and voting booths. The voting booths shall provide for voting in secrecy. At least one voting booth in each precinct shall be accessible to persons with disabilities. Ballot boxes shall be locked or sealed before the polls open and shall remain locked or sealed until the polls are closed, ~~except as provided in section 51.7 or to remain necessary service to malfunctioning automatic tabulating equipment.~~ If a ballot box is opened prior to the closing of the polls, two precinct election officials not of the same party shall be present and observe the ballot box being opened.

Sec. 6. Section 49.104, subsection 3, Code 2009, is amended to read as follows:

3. Any number of persons not exceeding three at a time from each of such political parties, appointed and accredited in the same manner as above prescribed for challenging committees, to witness the counting of ballots. ~~Subject to the restrictions of section 51.11, the witnesses may observe the counting of ballots by a counting board during the hours the polls are open in any precinct for which double election boards have been appointed.~~

Sec. 7. Section 331.383, Code Supplement 2009, is amended to read as follows:

331.383 Duties and powers relating to elections.

The board shall ensure that the county commissioner of elections conducts primary, general, city, school, and special elections in accordance with applicable state law. The board shall canvass elections in accordance with sections 43.49 to 43.51, 43.60 to 43.62, 46.24, 50.13, 50.24 to 50.29, 50.44 to 50.47, 260C.39, 275.25, 277.20, 376.1, 376.7, and 376.9. The board shall prepare and deliver a list of persons nominated in accordance with section 43.55, provide for a recount in accordance with section 50.48, provide for election precincts

in accordance with sections 49.3, 49.4, 49.6 to 49.8, and 49.11, pay election costs as provided in section 47.3, participate in election contests as provided in sections 62.1A and 62.9, and perform other election duties required by state law. The board may ~~authorize additional precinct election officials as provided in section 51.1,~~ provide for the use of an optical scan voting system as provided in sections 52.2, 52.3, and 52.8, and exercise other election powers as provided by state law.

Sec. 8. REPEAL. Sections 51.1, 51.2, 51.3, 51.4, 51.5, 51.6, 51.7, 51.8, 51.9, 51.10, 51.11, 51.12, 51.13, and 51.14, Code 2009, are repealed.

Sec. 9. REPEAL. Section 51.15, Code Supplement 2009, is repealed.

DIVISION II
USE OF AUTOMATIC TABULATING
EQUIPMENT AT CERTAIN ELECTIONS

Sec. 10. Section 49.26, subsection 2, paragraph b, Code Supplement 2009, is amended to read as follows:

b. If the commissioner concludes, pursuant to paragraph "a", that voting will probably be so light as to make counting of ballots by the precinct election officials less expensive than preparation and use of automatic tabulating equipment, paper ballots ~~shall~~ may be used, subject to paragraph "c". ~~The~~ If paper ballots are used, the commissioner may shall use ballots and instructions similar to those used when the ballots are counted by automatic tabulating equipment.

Sec. 11. Section 49.26, subsection 2, Code Supplement 2009, is amended by adding the following new paragraph:

NEW PARAGRAPH. c. Notwithstanding a determination by the commissioner pursuant to paragraph "b", upon receipt of a petition signed by not less than one hundred eligible electors, the commissioner shall count the ballots at an election described in paragraph "a" using automatic tabulating equipment. A petition filed under this paragraph must be received by the commissioner not later than 5:00 p.m. on the forty-second day before the election.

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

Approved March 19, 2010

CHAPTER 1061
NONSUBSTANTIVE CODE CORRECTIONS
S.F. 2237

AN ACT relating to nonsubstantive Code corrections and providing effective dates and for retroactive applicability.

Be It Enacted by the General Assembly of the State of Iowa:

DIVISION I
MISCELLANEOUS PROVISIONS

Section 1. Section 9A.102, subsection 2, Code Supplement 2009, is amended to read as follows:

2. "Athlete agent" means an individual who enters into an agency contract with a student athlete or, directly or indirectly, recruits or solicits a student athlete to enter into an agency

contract. "Athlete agent" includes an individual who represents to the public that the individual is an athlete agent. "Athlete agent" does not include a spouse, parent, sibling, grandparent, or guardian of the student athlete or an individual acting solely on behalf of a professional sports team or professional sports organization. "Athlete agent" does not include an individual licensed to practice as an attorney in this state when the individual is acting as a representative for a student athlete, unless the attorney also represents the student athlete in negotiations for an ~~agent~~ agency contract.

Sec. 2. Section 9H.1, subsection 18, paragraph b, Code 2009, is amended to read as follows:

b. Corporations which qualify under ~~Title 26, section 26 U.S.C. § 501(c)(3) of the United States Code.~~

Sec. 3. Section 10B.1, subsection 9, paragraph b, Code 2009, is amended to read as follows:

b. A corporation which qualifies under ~~Title 26, section 26 U.S.C. § 501, of the United States Code.~~

Sec. 4. Section 12B.10B, subsection 1, Code 2009, is amended to read as follows:

1. Political subdivisions shall approve written investment policies which incorporate the guidelines specified in ~~section sections 12B.10, sections 12B.10A through, this section, and section 12B.10C,~~ and any other provisions deemed necessary to adequately safeguard invested public funds.

Sec. 5. Section 20.4, subsection 2, Code Supplement 2009, is amended to read as follows:

2. Representatives of a public employer, including the administrative officer, director or chief executive officer of a public employer or major division thereof as well as the officer's or director's deputy, first assistant, and any supervisory employees. "Supervisory employee" means any individual having authority in the interest of the public employer to hire, transfer, suspend, ~~layoff~~ lay off, recall, promote, discharge, assign, reward or discipline other public employees, or the responsibility to direct them, or to adjust their grievances, or effectively to recommend such action, if, in connection with the foregoing, exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment. All school superintendents, assistant superintendents, principals and assistant principals shall be deemed to be supervisory employees.

Sec. 6. Section 28E.17, subsection 1, Code 2009, is amended to read as follows:

1. It is the public policy of this state to encourage the establishment or acquisition of urban mass transit systems and the equipment, maintenance, and operation thereof by public agencies in cooperation with, and with the assistance of the urban mass transportation administration of the United States department of transportation, pursuant to the provisions of the Urban Mass Transportation Act of 1964, as amended, ~~Title 49, sections 1601 49 U.S.C. § 5301 et seq., United States Code,~~ which requires unification or official coordination of local mass transportation services on an area-wide basis as a condition of such assistance.

Sec. 7. Section 43.31, Code Supplement 2009, is amended to read as follows:

43.31 Form of official ballot — implementation by rule.

The state commissioner shall adopt rules in accordance with chapter 17A to implement sections 43.27 through 43.30, section 43.36, sections 49.30 through 49.33, sections 49.36 through 49.41, section 49.57, and any other provision of the law prescribing the form of the official ballot.

Sec. 8. Section 53.40, subsection 3, Code Supplement 2009, is amended to read as follows:

3. If the affidavit on the affidavit envelope shows that the affiant is not a qualified voter on the day of the election at which the ballot is offered for voting, the envelope shall not be opened, but the envelope and ballot contained in the envelope shall be preserved and returned by the precinct election officials to the commissioner, who shall preserve them for the period

of time and under the conditions provided for in sections 50.12 ~~through, 50.13,~~ 50.15, and section 50.19.

Sec. 9. Section 53.41, subsection 3, Code 2009, is amended to read as follows:

3. Not more than one ballot shall be transmitted by the commissioner to any voter for a particular election unless after the ballot has been mailed the voter reports a change in the address to which the ballot should be sent. A ballot shall be mailed using a serial number that indicates that this is a replacement sent to an updated address. The original ballot shall be counted only if the replacement ballot does not arrive. If the commissioner receives more than one absent voter's ballot, provided for by this division, from or purporting to be from any one voter for a particular election, all of the ballots so received from or purporting to be from such voter are void, and the commissioner shall not deliver any of the ballots to the precinct election officials, but shall retain them in the commissioner's office, and preserve them for the period and under the conditions provided for in sections 50.12 ~~through, 50.13,~~ 50.15, and section 50.19.

Sec. 10. Section 76.2, subsection 1, paragraph a, Code Supplement 2009, is amended to read as follows:

a. The governing authority of ~~these political subdivisions~~ a political subdivision specified in section 76.1, subsection 1, before issuing bonds shall, by resolution, provide for the assessment of an annual levy upon all the taxable property in the political subdivision sufficient to pay the interest and principal of the bonds within a period named not exceeding the applicable period of time specified in section 76.1. A certified copy of this resolution shall be filed with the county auditor or the auditors of the counties in which the political subdivision is located; and the filing shall make it a duty of the auditors to enter annually this levy for collection from the taxable property within the boundaries of the political subdivision until funds are realized to pay the bonds in full. The levy shall continue to be made against property that is severed from the political subdivision after the filing of the resolution until funds are realized to pay the bonds in full.

Sec. 11. Section 92.9, subsection 4, Code 2009, is amended to read as follows:

4. The apprentice is registered by the ~~bureau~~ office of apprenticeship ~~and training~~ of the United States department of labor as employed in accordance with the standards established by that department.

Sec. 12. Section 92.18, Code 2009, is amended to read as follows:

92.18 Migratory labor — defined.

As used in this chapter, the term "*migratory labor*" shall include any person who customarily and repeatedly travels from state to state for the purpose of obtaining ~~seasonable~~ seasonal employment.

Sec. 13. Section 96.9, subsection 4, paragraph a, Code Supplement 2009, is amended to read as follows:

a. (1) Money credited to the account of this state in the unemployment trust fund by the secretary of the treasury of the United States pursuant to ~~section §~~ 903 of the Social Security Act may not be requisitioned from this state's account or used except for the payment of benefits and for the payment of expenses incurred for the administration of this chapter. Such money may be requisitioned pursuant to subsection 3 of this section for the payment of benefits. Such money may also be requisitioned and used for the payment of expenses incurred for the administration of this chapter but only pursuant to a specific appropriation by the legislature and only if the expenses are incurred and the money is requisitioned after the enactment of an appropriation law which ~~(1) specifies;~~

(a) Specifies the purposes for which such money is appropriated and the amounts appropriated therefor; ~~(2) limits;~~

(b) Limits the period within which such money may be obligated to a period ending not more than two years after the date of the enactment of the appropriation law; ~~and (3) limits~~

(c) Limits the amount which may be obligated during a twelve-month period beginning on July 1 and ending on the next June 30 to an amount which does not exceed the amount

by which the aggregate of the amounts transferred to the account of this state pursuant to section § 903 of the Social Security Act exceeds the aggregate of the amounts used by this state pursuant to this chapter and charged against the amounts transferred to the account of this state during the same twelve-month period.

(2) For purposes of this subsection, amounts used by this state for administration shall be chargeable against transferred amounts at the exact time the obligation is entered into. The use of money appropriated under this subsection shall be accounted for in accordance with standards established by the United States secretary of labor.

Sec. 14. Section 96.20, subsection 2, Code Supplement 2009, is amended to read as follows:

2. a. The department may enter into arrangements with the appropriate agencies of other states, or a contiguous country with which the United States has an agreement with respect to unemployment compensation or of the federal government ~~(a) whereby:~~

(1) Whereby wages or services, upon the basis of which an individual may become entitled to benefits under the unemployment compensation law of another state or of the federal government, shall be deemed to be wages for employment by employers for the purposes of section 96.3 and section 96.4, subsection 5; provided such other state agency or agency of the federal government has agreed to reimburse the fund for such portion of benefits paid under this chapter upon the basis of such wages or services as the department finds will be fair and reasonable as to all affected interests, and ~~(b) whereby~~

(2) Whereby the department will reimburse other state or federal agencies charged with the administration of unemployment compensation laws with such reasonable portion of benefits, paid under the law of any such other states or of the federal government upon the basis of employment or wages for employment by employers, as the department finds will be fair and reasonable as to all affected interests.

b. Reimbursements so payable shall be deemed to be benefits for the purposes of section 96.3, subsection 5, paragraph "a", and section 96.9, but no reimbursement so payable shall be charged against any employer's account for the purposes of section 96.7, unless wages so transferred are sufficient to establish a valid claim in Iowa, and that such charges shall not exceed the amount that would have been charged on the basis of a valid claim. The department is hereby authorized to make to other state or federal agencies and receive from such other state or federal agencies, reimbursements from or to the fund, in accordance with arrangements pursuant to this section. The department shall participate in any arrangements for the payment of compensation on the basis of combining an individual's wages and employment covered under this Act with the individual's wages and employment covered under the unemployment compensation laws of other states which are approved by the United States secretary of labor in consultation with the state unemployment compensation agencies as reasonably calculated to assure the prompt and full payment of compensation in such situations and which include provisions for: ~~Applying~~ applying the base period of a single state law to a claim involving the combining of an individual's wages and employment covered under two or more state unemployment compensation laws, and avoiding the duplication use of wages and employment by reason of such combining.

Sec. 15. Section 97B.1A, subsection 20, paragraph d, Code Supplement 2009, is amended to read as follows:

d. Temporary or seasonal interruptions in service for employees of a school corporation or educational institution when the temporary suspension of service does not terminate the period of employment of the employee and the employee returns to service at a school corporation or educational institution upon the end of the temporary or seasonal interruption. However,

~~However,~~ effective July 1, 2004, "service" does not mean service for which an employee receives remuneration from an employer for temporary employment during any quarter in which the employee is on an otherwise unpaid leave of absence that is not authorized under the federal Family and Medical Leave Act of 1993 or other similar leave. Remuneration paid by the employer for the temporary employment shall not be treated by the system as covered wages.

Sec. 16. Section 97B.42, Code 2009, is amended to read as follows:

97B.42 Mandatory membership — membership in other systems.

1. Each employee whose employment commences after July 4, 1953, or who has not qualified for credit for prior service rendered prior to July 4, 1953, or any publicly elected official of the state or any of its political subdivisions shall become a member upon the first day in which such employee is employed. The employee shall continue to be an active member so long as the employee continues in covered employment. The employee shall cease to be an active member if the employee joins another retirement system in the state which is maintained in whole or in part by public contributions or payments and receives retirement credit for service in that other system for the same position previously covered under this chapter. If an employee joins another publicly maintained retirement system and ceases to be an active member under this chapter, the employee may elect to leave the employee's accumulated contributions in the retirement fund or receive a refund of the employee's accumulated contributions in the manner provided for members who are terminating covered employment pursuant to section 97B.53. However, if an employee joins another publicly maintained retirement system and leaves the employee's accumulated contributions in the retirement fund, the employee shall not be eligible to receive retirement benefits until the employee has a bona fide retirement from employment with a covered employer as provided in section 97B.52A, or until the employee would otherwise be eligible to receive benefits upon attaining the age of seventy years as provided in section 97B.46.

2. Employment shall not be covered under this chapter until the employment is covered under the federal Social Security Act and any agreements which are required pursuant to chapter 97C are effective.

3. Nothing in this chapter shall be deemed to exclude from coverage, under the provisions of this chapter, any public employee who was not on or as of July 4, 1953, a member of another retirement system supported by public funds. All such employees and their employers shall be required to make contributions as specified as to other public employees and employers. Nothing in this chapter shall be deemed to prohibit the reestablishment of a retirement system supported by public funds which had been in operation prior to July 4, 1953, and was subsequently liquidated.

4. Persons who are members of any other retirement system in the state which is maintained in whole or in part by public contributions other than persons who are covered under the provisions of chapter 97, Code 1950, as amended by the Fifty-fourth General Assembly on the date of the repeal of said chapter, under the provisions of sections 97.50 through 97.53 shall not become members under this chapter while still actively participating in that other retirement system unless the persons do not receive retirement credit for service in that other system for the position to be covered under this chapter.

5. Nothing herein contained shall be construed to permit any employer to make any public contributions or payments on behalf of an employee in the same position for the same period of time to both the Iowa public employees' retirement system and any other retirement system in the state which is supported in whole or in part by public contributions or payments.

6. Notwithstanding any other provision of this section, a person newly entering employment with a community college on or after July 1, 1990, may elect coverage under an eligible alternative retirement benefits system described in section 260C.14, subsection 17, paragraph "a", subparagraph (1), in lieu of coverage under the Iowa public employees' retirement system, but only if the person is already a member of the alternative retirement benefits system. An election to participate in an eligible alternative retirement benefits system as described in section 260C.14, subsection 17, is irrevocable as to the person's employment with that community college and any other community college in this state.

7. Notwithstanding any other provision of this section, commencing July 1, 1994, a member who is employed by a community college may elect coverage under an eligible alternative retirement benefits system as provided in section 260C.14, subsection 17, in lieu of continuing or commencing contributions to the Iowa public employees' retirement system. However, the employer's annual contribution in dollars to the eligible alternative retirement benefits system shall not exceed the annual contribution in dollars which the employer would contribute if the employee had elected to remain an active member under this chapter, as set forth in section 97B.11. A member employed by a community college who

elects coverage under an eligible alternative retirement benefits system may withdraw the member's accumulated contributions effective when coverage under the eligible alternative retirement benefits system commences. A member who is employed by a community college prior to July 1, 1994, must file an election for coverage under the eligible alternative retirement benefits system described in section 260C.14, subsection 17, paragraph "a", subparagraph (1), with the system and the employing community college within eighteen months of the first day on which coverage commences under the community college's eligible alternative retirement benefits system described in section 260C.14, subsection 17, paragraph "a", subparagraph (1), or the employee shall remain a member under this chapter and shall not be eligible to elect to participate in that community college's eligible alternative retirement benefits system described in section 260C.14, subsection 17, paragraph "a", subparagraph (1) at a later date. Employees of a community college hired on or after July 1, 1994, must file an election for coverage under an eligible alternative retirement benefits system with the system and the employing community college within sixty days of commencing employment, or the employee shall remain a member under this chapter and shall not be eligible to elect to participate in an eligible alternative retirement benefits system of the community college at a later date. The system shall cooperate with the boards of directors of the community colleges to facilitate the implementation of this provision.

~~Notwithstanding any other provision of this section, a person newly entering employment with a community college on or after July 1, 1990, may elect coverage under an eligible alternative retirement benefits system, as defined in section 260C.14, subsection 17, paragraph "a", in lieu of coverage under the Iowa public employees' retirement system, but only if the person is already a member of the alternative retirement benefits system. An election to participate in an eligible alternative retirement benefits system as described in section 260C.14, subsection 17, is irrevocable as to the person's employment with that community college and any other community college in this state.~~

8. Except as otherwise provided in this section, an employer shall not sponsor and a member shall not participate in another retirement system in this state supported in whole or in part by public contributions or payments where such retirement system is in lieu of the retirement system established by this chapter. However, in addition to the retirement system established by this chapter, an employer may sponsor and a member may participate in a supplemental defined contribution plan qualified under Internal Revenue Code section § 401(a), a tax-deferred annuity qualified under Internal Revenue Code section § 403(b), or an eligible deferred compensation plan qualified under Internal Revenue Code section § 457, regardless of whether contributions to such supplemental plans are characterized as employer contributions or employee contributions, and subject to the applicable limits set forth in the Internal Revenue Code for such plans. A defined benefit plan that supplements the retirement system established by this chapter shall not be offered by public employers covered under this chapter.

Sec. 17. Section 100B.13, subsection 2, Code 2009, is amended to read as follows:

2. Revenue for the volunteer fire fighter preparedness fund shall include, but is not limited to, the following:

a. Moneys credited to the fund pursuant to section ~~422.12F~~ 422.12L.

b. Moneys credited to the fund pursuant to section ~~422.12G~~.

~~e.~~ b. Moneys in the form of a devise, gift, bequest, donation, or federal or other grant intended to be used for the purposes of the fund.

Sec. 18. Section 100D.1, subsections 4 and 5, Code Supplement 2009, are amended to read as follows:

4. "*Fire extinguishing system contractor*" means a person or persons who are engaging in or representing ~~oneself~~ themselves to the public as engaging in the activity or business of layout, installation, repair, service, alteration, addition, testing, maintenance, or maintenance inspection of automatic fire extinguishing systems in this state, as defined in section 100C.1, and who is certified pursuant to chapter 100C.

5. "*Fire protection system*" means a sprinkler system, standpipe system, hose system, special hazard system, dry ~~systems~~ system, foam ~~systems~~ system, or any water-based

fire protection system, either manual or automatically activated, used for fire protection purposes that is composed of an integrated system of underground and overhead piping connected to a water source. For licensing purposes only “*fire protection system*” does not include the water service piping to a structure or building from a city water main.

Sec. 19. Section 103.1, subsection 1, Code Supplement 2009, is amended to read as follows:

1. “*Apprentice electrician*” means any person who, as such person’s principal occupation, is engaged in learning and assisting in the installation, alteration, and repair of electrical wiring, apparatus, and equipment as an employee of a person licensed under this chapter, and who is licensed by the board and is progressing toward completion of an apprenticeship training program registered by the ~~bureau office~~ of apprenticeship and training of the United States department of labor. For purposes of this chapter, persons who are not engaged in the installation, alteration, or repair of electrical wiring, apparatus, and equipment, either inside or outside buildings, shall not be considered apprentice electricians.

Sec. 20. Section 103.12, subsection 1, Code 2009, is amended to read as follows:

1. An applicant for a class A journeyman electrician license shall have successfully completed an apprenticeship training program registered by the ~~bureau office~~ of apprenticeship and training of the United States department of labor in accordance with the standards established by that department or shall have received training or experience for a period of time and under conditions as established by the board by rule.

Sec. 21. Section 103.15, subsection 1, Code Supplement 2009, is amended to read as follows:

1. A person shall be licensed by the board and pay a licensing fee to work as an apprentice electrician while participating in an apprenticeship training program registered by the ~~bureau office~~ of apprenticeship and training of the United States department of labor in accordance with the standards established by that department. An apprenticeship shall be limited to six years from the date of licensure, unless extended by the board upon a finding that a hardship existed which prevented completion of the apprenticeship program. Such licensure shall entitle the licensee to act as an apprentice to an electrical contractor, a class A master electrician, a class B master electrician, a class A journeyman electrician, or a class B journeyman electrician as provided in subsection 3.

Sec. 22. Section 103.15, subsection 2, paragraph a, Code Supplement 2009, is amended to read as follows:

a. A person shall be licensed as an unclassified person by the board to perform electrical work if the work is performed under the personal supervision of a person actually licensed to perform such work and the licensed and unclassified persons are employed by the same employer. A person shall not be employed continuously for more than one hundred days as an unclassified person without having obtained a current license from the board. For the purposes of determining whether a person has been “*employed continuously*” for more than one hundred days under this subsection, employment shall include any days not worked due to illness, holidays, weekend days, and other absences that do not constitute separation from or termination of employment. Any period of employment as a nonlicensed unclassified person shall not be credited to any applicable experiential requirement of an apprenticeship training program registered by the ~~bureau office~~ of apprenticeship and training of the United States department of labor.

Sec. 23. Section 124.212A, subsection 1, paragraph a, Code Supplement 2009, is amended to read as follows:

a. Provide for the sale of a pseudoephedrine product ~~in~~ from a locked cabinet or behind the sales counter where the public is unable to reach the product and where the public is not permitted.

Sec. 24. Section 126.12, subsection 3, paragraph b, Code 2009, is amended to read as follows:

b. A drug which is licensed under the federal Public Health Service Act of July 1, 1944, 42 U.S.C. § 201 et seq. or under the Animal ~~Virus, Serum, Toxin, Antitoxin~~ Virus-Serum-Toxin Act of March 4, 1913, 21 U.S.C. § 151 et seq.

Sec. 25. Section 126.23A, subsection 1, paragraph b, subparagraph (1), Code Supplement 2009, is amended to read as follows:

(1) Provide for the sale of a pseudoephedrine product ~~in from~~ a locked cabinet or behind a sales counter where the public is unable to reach the product and where the public is not permitted.

Sec. 26. Section 135.107, subsection 3, paragraph b, subparagraph (2), subparagraph division (h), Code Supplement 2009, is amended to read as follows:

(h) Upon availability of state funds, ~~determine~~ determination of eligibility criteria and qualifications for participating communities and applicants not located in federally designated shortage areas.

Sec. 27. Section 135A.4, subsection 1, Code Supplement 2009, is amended to read as follows:

1. A governmental public health advisory council is established to advise the department and make policy recommendations to the director of the department concerning administration, implementation, and coordination of this chapter and to make recommendations to the department regarding the governmental public health system. The council shall meet at a ~~minimum of least~~ greater more quarterly. The council shall consist of no fewer than fifteen members and no ~~greater more~~ greater more than twenty-three members. The members shall be appointed by the director. The director may solicit and consider recommendations from professional organizations, associations, and academic institutions in making appointments to the council.

Sec. 28. Section 135A.5, subsection 1, Code Supplement 2009, is amended to read as follows:

1. A governmental public health evaluation committee is established to develop, implement, and evaluate the governmental public health system and voluntary accreditation program. The committee shall meet at least quarterly. The committee shall consist of no fewer than eleven members and no ~~greater more~~ greater more than thirteen members. The members shall be appointed by the director of the department. The director may solicit and consider recommendations from professional organizations, associations, and academic institutions in making appointments to the committee.

Sec. 29. Section 135A.9, subsection 1, Code Supplement 2009, is amended to read as follows:

1. Incorporation of the Iowa public health standards recommended to the department pursuant to section ~~135A.5~~ 135A.4, subsection 6.

Sec. 30. Section 142A.3, subsection 4, paragraph a, Code Supplement 2009, is amended to read as follows:

a. Four members of the general assembly, with not more than one member from each chamber being from the same political party. The majority leader of the senate and the minority leader of the senate shall each appoint one of the senate members. The majority leader of the house of representatives and the minority leader of the house of representatives shall each appoint one of the house members.

Sec. 31. Section 155.12, Code 2009, is amended to read as follows:

155.12 Conflict with federal law — effect.

If any provision of this chapter is in conflict with the requirements of section 1908 of the United States Social Security Act (~~42 United States Code, section 1396g~~) codified at 42 U.S.C. § 1396g, relative to a state program for licensing of administrators of nursing homes, and

except for such conflict the state would be entitled to receive contributions from the United States for payment of assistance under the program established pursuant to ~~Title Tit. XIX of the United States Social Security Act (42 United States Code, sections, codified at 42 U.S.C. § 1396 – 1396g, inclusive)~~, such provision of this chapter so in conflict with said statute of the United States shall be considered as suspended and of no effect until sixty days after the convening of the next regular session of the general assembly after such conflict is discovered.

Sec. 32. Section 158.16, Code Supplement 2009, is amended to read as follows:

158.16 Penalty.

A person convicted of violating any of the provisions of this chapter shall be fined an amount not to exceed one thousand dollars.

Sec. 33. Section 159.1, unnumbered paragraph 1, Code 2009, is amended to read as follows:

For the purposes of subtitles 1 through 3 of this title, excluding chapters 161A ~~through and~~ 161C, unless otherwise provided:

Sec. 34. Section 159.1, subsection 5, Code 2009, is amended to read as follows:

5. “Person” includes an individual, a corporation, company, firm, society, or association; and the act, omission, or conduct of any officer, agent, or other person acting in a representative capacity shall be imputed to the organization or person represented, and the person acting in such capacity shall also be liable for violation of subtitles 1 through 3 of this title, excluding chapters 161A ~~through and~~ 161C.

Sec. 35. Section 159.5, subsection 11, Code Supplement 2009, is amended to read as follows:

11. Establish, publish, and enforce rules not inconsistent with law for the enforcement of the provisions of subtitles 1 through 3 of this title, excluding chapters 161A ~~through and~~ 161C, and for the enforcement of the various laws, the administration and supervision of which are imposed upon the department.

Sec. 36. Section 159A.4, subsection 2, paragraph a, unnumbered paragraph 1, Code Supplement 2009, is amended to read as follows:

The following ~~department~~ agency representatives:

Sec. 37. Section 166D.2, subsection 31, Code 2009, is amended to read as follows:

31. “*Licensed pseudorabies vaccine*” means a pseudorabies virus vaccine produced under license from the United States secretary of agriculture under the federal ~~Virus, Serum and Toxin~~ Virus-Serum-Toxin Act of March 4, 1913, 21 U.S.C. § 151 et seq.

Sec. 38. Section 172A.5, Code 2009, is amended to read as follows:

172A.5 Bonded packers registration.

A dealer or broker who has a bond required by the United States department of agriculture under the Packers and Stockyards Act of 1921 as amended, ~~Title VII, sections 181 through 231, United States Code 7 U.S.C. § 181 – 231~~, shall be exempt from the provisions of this chapter upon registration with the secretary. Registration shall be effective upon filing with the secretary a certified copy of the bond filed with the United States department of agriculture, and shall continue in effect until that bond is terminated.

Sec. 39. Section 172D.3, subsection 2, paragraph a, Code 2009, is amended to read as follows:

a. Exclusion for federally mandated requirements. This section shall apply to the department’s rules except for rules required for delegation of the national pollutant discharge elimination system permit program pursuant to the federal Water Pollution Control Act, ~~Title 33, United States Code, 33 U.S.C. ch. 126 26~~, as amended, and 40 C.F.R. pt. 124.

Sec. 40. Section 196.9, Code 2009, is amended to read as follows:

196.9 Eggs unfit for human food.

Eggs determined to be unfit for human food under ~~title 21, section 21~~ U.S.C. § 1034 of the United States Code as amended to July 1, 1985, shall not be bought or sold or offered for purchase or sale by any person unless the eggs are denatured so that they cannot be used for human food.

Sec. 41. Section 215.17, Code 2009, is amended to read as follows:

215.17 Test weights to be used.

1. A person engaged in scale repair work for hire shall use only test weights sealed by the department in determining the effectiveness of repair work and the test weights shall be sealed as to their accuracy once each year. However, a person shall not claim to be an official scale inspector and shall not use the test weights except to determine the accuracy of scale repair work done by the person and the person shall not be entitled to a fee for their use. A fee shall be charged and collected at time of inspection for the inspection of such weights as follows:

All weights up to and including 25 pounds	\$ 1.10 each
Over twenty-five pounds capacity, up to and including 50 pounds.....	2.25 each
Over 50 pounds capacity, up to and including 100 pounds	3.00 each
Over 100 pounds capacity, up to and including 500 pounds	4.50 each
Over 500 pounds capacity, up to and including 1,000 pounds	7.50 each

2. The fee for all tank calibrations shall be as follows:

100 gallons up to and including 300 gallons.....	\$ 4.50
301 gallons up to and including 500 gallons.....	7.50
501 gallons up to and including 1,000 gallons.....	11.25
1,001 gallons up to and including 2,000 gallons.....	15.00
2,001 gallons up to and including 3,000 gallons.....	18.00
3,001 gallons up to and including 4,000 gallons.....	21.00
4,001 gallons up to and including 5,000 gallons.....	24.00
5,001 gallons up to and including 6,000 gallons.....	27.00
6,001 gallons up to and including 7,000 gallons.....	30.00
7,001 gallons and up.....	37.50

3. Calibration shall not be required of a tank which is not used for the purpose of measuring, or which is equipped with a meter, and vehicle tanks loaded from meters and carrying a printed ticket showing gallonage shall not be required to be calibrated.

Sec. 42. Section 256A.4, subsection 1, Code 2009, is amended to read as follows:

1. a. The board of directors of each school district may develop and offer a family support program which provides outreach and incentives for the voluntary participation of expectant parents and parents of children in the period of life from birth through age five, who reside within district boundaries, in educational family support experiences designed to assist parents in learning about the physical, mental, and emotional development of their children. A board may contract with another school district or public or private nonprofit agency for provision of the approved program or program site.

b. A family support program shall meet multicultural gender fair guidelines. The program shall encourage parents to be aware of practices that may affect equitable development of children. The program shall include parents in the planning, implementation, and evaluation of the program. A program shall be designed to meet the needs of the residents of the participating district and may use unique approaches to provide for those needs. The goals of a family support program shall include, but are not limited to, the following:

a. (1) Family involvement as a key component of school improvement with an emphasis on communication and active family participation in family support programming.

b. (2) Family participation in the planning and decision-making process for the program and encouragement of long-term parental involvement in their children's education.

c. (3) Meeting the educational and developmental needs of expectant parents and parents of young children.

d. (4) Developmentally appropriate activities for children that include those skills necessary for adaptation to both the home and school environments.

Sec. 43. Section 257.9, subsection 8, Code Supplement 2009, is amended to read as follows:

8. *Early intervention supplement state cost per pupil.* For the budget year beginning July 1, 2009, for the early intervention supplement state cost per pupil, the department of management shall add together the early intervention allocation made to each district for the fiscal year beginning July 1, 2008, pursuant to section 256D.4, Code 2009, and divide that sum by the statewide total budget enrollment for the fiscal year beginning July 1, 2009. The early intervention supplement state cost per pupil for the budget year beginning July 1, 2010, and succeeding budget years, shall be the amount calculated by the department of management under this subsection for the base year plus an allowable growth amount that is equal to the early intervention supplement categorical state percent of growth, pursuant to section 257.8, subsection 2, for the budget year, multiplied by the amount calculated by the department of management under this subsection for the base year.

Sec. 44. Section 257.10, subsection 11, paragraph a, Code Supplement 2009, is amended to read as follows:

a. For the budget year beginning July 1, 2009, the department of management shall divide the early intervention allocation made to each district for the fiscal year beginning July 1, 2008, pursuant to section 256D.4, Code 2009, by the district's budget enrollment in the fiscal year beginning July 1, 2009, to determine the early intervention supplement cost per pupil. For the budget year beginning July 1, 2010, and succeeding budget years, the early intervention supplement district cost per pupil for each school district for a budget year is the early intervention supplement district cost per pupil for the base year plus the early development supplement state allowable growth amount for the budget year.

Sec. 45. Section 257.15, subsection 1, paragraph a, Code 2009, is amended to read as follows:

a. For the budget year beginning July 1, 1991, the department of management shall calculate for each district the difference between the sum of the revenues generated by the foundation property tax and the additional property tax in the district calculated under this chapter and the revenues that would have been generated by the foundation property tax and the additional property tax in that district for that budget year calculated under chapter 442, Code 1989, if chapter 442, Code 1989, were in effect, except that the revenues that would have been generated by the additional property tax levy under chapter 442, Code 1989, shall not include revenues generated for the school improvement program. However in making the calculation of the difference in revenues under this subsection, the department shall not include the revenues generated under section 257.37 and under chapter 442, Code 1989, for funding media and educational services through the area education agencies. If the property tax revenues for a district calculated under this chapter exceed the property tax revenues for that district calculated under chapter 442, Code 1989, the department of management shall reduce the revenues raised by the additional property tax levy in that district under this chapter by that difference and the department of education shall pay

property tax adjustment aid to the district equal to that difference from moneys appropriated for property tax adjustment aid.

Sec. 46. Section 262A.2, subsection 5, Code Supplement 2009, is amended to read as follows:

5. “*Institutional income*” shall mean income received by an institution from sources other than ~~(a) student~~ the following:

a. Student fees and charges, ~~(b) rates.~~

b. Rates, fees, rentals or charges imposed and collected under the provisions of (1) sections 262.35 through 262.42, (2) sections 262.44 through 262.53, and (3) sections 262.55 through 262.66, ~~(c) state.~~

c. State appropriations, ~~and (d) “hospital.”~~

d. “Hospital income”, as that term is defined in ~~subsection 4 of~~ section 263A.1.

Sec. 47. Section 279.14, subsection 2, Code 2009, is amended to read as follows:

2. The determination of standards of performance expected of school district personnel shall be reserved as an exclusive management right of the school board and shall not be subject to mandatory negotiations under chapter 20. Notwithstanding chapter 20, objections to the procedures, use, or content of an evaluation in a teacher termination proceeding brought before the school board in a hearing held in accordance with section 279.16 or 279.27 shall not be subject to the grievance procedures negotiated in accordance with chapter 20. A school district shall not be obligated to process any evaluation grievance after service of a notice and recommendation to terminate an individual’s continuing teaching contract in accordance with this chapter 279.

Sec. 48. Section 282.1, subsection 1, Code Supplement 2009, is amended to read as follows:

1. Persons between five and twenty-one years of age are of school age. Nonresident children shall be charged the maximum tuition rate as determined in section 282.24, subsection 1, with the exception that those residing temporarily in a school corporation may attend school in the corporation upon terms prescribed by the board, ~~and boards.~~ A school district discontinuing grades under section 282.7, subsection 1 or subsections 1 and 3, shall be charged tuition as provided in section 282.24, subsection 2 1.

Sec. 49. Section 298.18, subsection 1, paragraph d, Code Supplement 2009, is amended to read as follows:

d. The amount estimated and certified to apply on principal and interest for any one year may exceed two dollars and seventy cents per thousand dollars of assessed value by the amount approved by the voters of the school corporation, but not exceeding four dollars and five cents per thousand dollars of the assessed value of the taxable property within any school corporation, provided that the registered voters of such school corporation have first approved such increased amount at an election held on a date specified in section 39.2, subsection 4, paragraph “c”.

Sec. 50. Section 299.1, unnumbered paragraph 2, Code 2009, is amended to read as follows:

The board of directors of a public school district or the governing body of an accredited nonpublic school may, by resolution, require attendance for the entire time when the schools are in session in any school year and adopt a policy or rules relating to the reasons considered to be valid or acceptable excuses for absence from school.

Sec. 51. Section 306C.20, Code 2009, is amended to read as follows:

306C.20 Bonus funds agreements.

The department shall enter into agreements with the duly constituted federal authorities in order to secure for the state all bonus federal funds allotted and appropriations to the state and to avoid loss or reduction, under ~~Title 23, section 131, of the United States Code 23 U.S.C. § 131,~~ of federal aid funds apportioned or to be apportioned to the state under ~~Title 23, section 104 of the United States Code 23 U.S.C. § 104.~~ The department may accept

funds from whatever source, including any allotment of funds by the United States, or any of its departments or agencies, appropriated to carry out the purposes of ~~Title 23, section 131 of the United States Code 23 U.S.C. § 131~~. The department shall take such steps as may be necessary to obtain from the United States or any of its departments or agencies, funds allotted and appropriated for the purpose of paying the federal share of just compensation to be paid to advertising device owners and owners of the real property under the terms of this chapter and ~~Title 23, section 131, paragraph "g" of the United States Code 23 U.S.C. § 131(g)~~. All moneys received pursuant to the provisions of this chapter shall be deposited in the "highway beautification fund".

Sec. 52. Section 321.166, subsection 4, Code Supplement 2009, is amended to read as follows:

4. The registration plate number, except on motorized ~~bicyele bicycles, motoreyele motorcycles, motorcycle trailer trailers,~~ and trailers with an empty weight of two thousand pounds or less shall be of sufficient size to be readable from a distance of one hundred feet during daylight.

Sec. 53. Section 331.321, subsection 1, paragraph a, Code Supplement 2009, is amended to read as follows:

a. A veterans memorial commission in accordance with sections 37.9 ~~to~~, 37.10, and 37.15, when a proposition to erect a memorial building or monument has been approved by the voters.

Sec. 54. Section 331.508, subsection 10, Code 2009, is amended to read as follows:

10. Real estate transfer book, index book, and plat book as provided in sections 558.60 ~~to~~, 558.63, and 558.65 through 558.67.

Sec. 55. Section 420.220, Code 2009, is amended to read as follows:

420.220 City tax sale after public bidder sale.

1. Property located in a city acting under special charter which collects its own taxes, shall not, after sale of such property to the county for taxes, be offered or sold at any sale for taxes or special assessments collectible by any such city except in the following events:

~~1. a.~~ In the event of redemption from sale to the county or transfer by the county of the certificate of purchase then sale may be made by the city as freely as if this section and sections 420.220 to 420.221 through 420.229 had never become law.

2. ~~b.~~ In the event that any special assessment or installment thereof levied by any such city, prior to April 22, 1941, shall be or become delinquent, then the property against which the same was levied may be sold therefor only at the first regular tax sale of such city occurring within such a period of time after delinquency that sale for such assessment or installment might lawfully be made at such first regular tax sale.

3. ~~c.~~ In the event of sale or conveyance of the property by the county after issuance of tax deed to it then sale may be made for general city taxes levied after such sale or conveyance by the county.

4. ~~d.~~ In the event of levy of any special assessment against the property after purchase thereof at tax sale by the county, then sale may be made for any such special assessment or installment thereof, then delinquent.

2. The county auditor shall, promptly after the purchase of any real estate by the county at tax sale, certify to the city treasurer of any such city, a statement showing the tracts or parcels so purchased and the dates of purchase thereof respectively. In the event either of redemption from any such sale or transfer of the certificate of purchase, the county auditor shall promptly certify to the city treasurer a statement showing such redemption or transfer. The city treasurer shall make appropriate entries in the treasurer's tax books of the facts so certified by the county auditor as well as of the matters certified by such treasurer to said auditor under the provisions of section 420.222.

Sec. 56. Section 422.34, subsection 1, Code 2009, is amended to read as follows:

1. All state, national, private, ~~co-operative cooperative~~, and savings banks, credit unions, title insurance and trust companies, savings and loan associations, production credit

associations, insurance companies or insurance associations, reciprocal or inter-insurance exchanges, and fraternal beneficiary associations.

Sec. 57. Section 424.16, subsection 2, Code Supplement 2009, is amended to read as follows:

2. A notice authorized or required under this section may be given by mailing the notice to the person for whom it is intended, addressed to that person at the address given in the last return filed by the person pursuant to this chapter, or if no return has been filed, then to any address obtainable. The mailing of the notice is presumptive evidence of the receipt of the notice by the person to whom addressed. Any period of time which is determined according to this chapter by the giving of notice commences to run from the date of mailing of the notice. Neither mailed notice ~~or~~ nor notice by publication is required for the initial determination and imposition of the charge. The board shall undertake to provide reasonable notice of the environmental protection charge and procedures, as in the board's sole discretion it deems appropriate, provided that the actual charge and procedures are published in the Iowa administrative bulletin prior to the effective date of the charge.

Sec. 58. Section 433.7, Code Supplement 2009, is amended to read as follows:

433.7 Hearing.

At the time of determination of value ~~of~~ by the director of revenue, any company interested shall have the right to appear, by its officers or agents, before the director of revenue and be heard on the question of the valuation of its property for taxation.

Sec. 59. Section 455B.602, subsection 8, paragraph a, Code 2009, is amended to read as follows:

a. "*Responsible person*" means a person who is legally liable for the contamination or who is legally responsible for abating contamination under any applicable law, including ~~chapters 455B and this chapter, chapter 455E,~~ and the common law. This may include a person causing, allowing, or otherwise participating in the activities or events which cause the contamination, persons who have failed to conduct their activities so as to prevent the release of contaminants into groundwater, persons who are obligated to abate a condition, or persons responsible for or a successor to such persons.

Sec. 60. Section 455G.3, subsection 3, paragraph b, Code 2009, is amended to read as follows:

b. To establish a loan guarantee account, as provided by and to the extent permitted by section 455G.10, Code 1999.

Sec. 61. Section 455G.21, subsection 3, Code 2009, is amended to read as follows:

3. Moneys in the fund shall not be used for purposes of bonding or providing security for bonding under this chapter 455G.

Sec. 62. Section 466B.3, subsection 4, paragraphs e and k, Code Supplement 2009, are amended to read as follows:

e. The ~~director administrator~~ of the homeland security and emergency management division of the department of public defense or the ~~director's administrator's~~ designee.

k. The executive director of the Iowa finance authority or the executive director's designee.

Sec. 63. Section 483A.24, subsection 2, paragraph f, Code 2009, is amended to read as follows:

f. (1) A deer hunting license or wild turkey hunting license issued pursuant to this subsection shall be attested by the signature of the person to whom the license is issued and shall contain a statement in substantially the following form:

By signing this license I certify that I qualify as an owner or tenant under Iowa Code section 483A.24.

(2) A person who makes a false attestation as ~~described in~~ under this paragraph "f" is guilty of a simple misdemeanor. In addition, the person's hunting license shall be revoked and the person shall not be issued a hunting license for a period of one year.

Sec. 64. Section 483A.24, subsection 14, Code 2009, is amended to read as follows:

14. Upon payment of the fee of five dollars for a lifetime fishing license or lifetime hunting and fishing combined license, the department shall issue a lifetime fishing license or lifetime hunting and fishing combined license to a resident of Iowa who has served in the armed forces of the United States on active federal service and who was disabled or was a prisoner of war during that veteran's military service. The department shall prepare an application to be used by a person requesting a lifetime fishing license or lifetime hunting and fishing combined license under this subsection. The department of veterans affairs shall assist the department in verifying the status or claims of applicants under this subsection. As used in this subsection, "*disabled*" means entitled to a service connected rating under the ~~United States Code, Title 38, 38 U.S.C. ch. 11.~~

Sec. 65. Section 489.1013, subsection 3, paragraph c, Code 2009, is amended to read as follows:

c. A statement that the domestication was approved as required by this chapter.

Sec. 66. Section 491.36, Code 2009, is amended to read as follows:

491.36 Foreign-trade zone corporation.

A corporation may be organized under the laws of this state for the purpose of establishing, operating, and maintaining a foreign-trade zone as defined in 19 ~~United States Code, § 81(a) U.S.C. § 81a.~~ A corporation organized for the purposes set forth in this section has all powers necessary or convenient for applying for a grant of authority to establish, operate, and maintain a foreign-trade zone under the provisions of 19 ~~United States Code § 81(a) U.S.C. § 81a,~~ et seq., and rules promulgated thereunder, and for establishing, operating, and maintaining a foreign-trade zone pursuant to that grant of authority.

Sec. 67. Section 518.14, subsection 4, paragraph g, Code Supplement 2009, is amended to read as follows:

g. *Home office real estate.* With the prior approval of the commissioner, funds may be invested in a home office real estate for the association or a subsidiary, at the direction of the board of directors. The association or subsidiary shall obtain the approval of the commissioner prior to the sale or disposition of home office real estate owned by the association or subsidiary. Effective as to home office real estate acquired on or after July 1, 2009, an association shall not invest more than twenty percent of its total admitted assets in such real estate. With the prior approval of the commissioner, an association may exceed the real estate investment limitation to effectuate a merger with, or the acquisition of, another association.

Sec. 68. Section 518A.12, subsection 4, paragraph g, Code Supplement 2009, is amended to read as follows:

g. *Home office real estate.* With the prior approval of the commissioner, funds may be invested in a home office real estate for the association or a subsidiary, at the direction of the board of directors. The association or subsidiary shall obtain the approval of the commissioner prior to the sale or disposition of home office real estate owned by the association or subsidiary. Effective as to home office real estate acquired on or after July 1, 2009, an association shall not invest more than twenty percent of its total admitted assets in such real estate. With the prior approval of the commissioner, an association may exceed the real estate investment limitation to effectuate a merger with, or the acquisition of, another association.

Sec. 69. Section 533A.8, subsection 5, unnumbered paragraph 1, Code Supplement 2009, is amended to read as follows:

If the debt management program is based on a model which requires the licensee or any licensee to receive money or evidences thereof from the debtor to distribute to the debtor's creditors, the licensee who receives the money or evidences thereof from the debtor for distribution to the debtor's creditors shall do all of the following:

Sec. 70. Section 537.5105, subsection 2, unnumbered paragraph 1, Code 2009, is amended to read as follows:

In addition to the provisions of section 642.21, the maximum part of the aggregate disposable earnings of an individual for any workweek which is subjected to garnishment to enforce payment of a judgment arising from a consumer credit transaction may not exceed the lesser of twenty-five percent of the individual's disposable earnings for that week, or the amount by which the individual's disposable earnings for that week exceed forty times the federal minimum hourly wage prescribed by the Fair Labor Standards Act of 1938, ~~United States Code, title 29, section 206, subsection "a," paragraph (1)~~ 29 U.S.C. 206(a)(1), in effect at the time the earnings are payable.

Sec. 71. Section 543C.2, subsection 9, Code 2009, is amended to read as follows:

9. If the subdivided land sought to be filed comes within the purview of the ~~interstate land sales full disclosure~~ federal Interstate Land Sales Full Disclosure Act (~~Title 15, United States Code section, codified at 15 U.S.C. § 1701 et seq.~~) seq., the subdivider must furnish a copy of the accepted report filed with the department of housing and urban development. If the subdivision comes under the regulation of the real estate laws of the state where the land is located and that state requires a state offering statement or public report, the subdivider must also include a copy of said state report.

Sec. 72. Section 554.2310, subsection 3, Code Supplement 2009, is amended to read as follows:

3. if delivery is authorized and made by way of documents of title otherwise than by subsection 2 then payment is due regardless of where the goods are to be received ~~(i)~~ at the time and place at which the buyer is to receive delivery of the tangible documents or ~~(ii)~~ at the time the buyer is to receive delivery of the electronic documents and at the seller's place of business or if none, the seller's residence; and

Sec. 73. Section 554.12403, subsection 2, Code 2009, is amended to read as follows:

2. a. ~~(i)~~ If the sender and receiving bank are members of a funds-transfer system that nets obligations multilaterally among participants, the receiving bank receives final settlement when settlement is complete in accordance with the rules of the system.

b. ~~(ii)~~ The obligation of the sender to pay the amount of a payment order transmitted through the funds-transfer system may be satisfied, to the extent permitted by the rules of the system, by setting off and applying against the sender's obligation the right of the sender to receive payment from the receiving bank of the amount of any other payment order transmitted to the sender by the receiving bank through the funds-transfer system.

c. ~~(iii)~~ The aggregate balance of obligations owed by each sender to each receiving bank in the funds-transfer system may be satisfied, to the extent permitted by the rules of the system, by setting off and applying against that balance the aggregate balance of obligations owed to the sender by other members of the system. The aggregate balance is determined after the right of setoff stated in ~~clause (ii) of this subsection~~ paragraph "b" has been exercised.

Sec. 74. Section 554B.2, Code 2009, is amended to read as follows:

554B.2 Security interest.

A security interest in rolling stock of a transmitting utility may be perfected either as provided in the Uniform Commercial Code, chapter 554, or as provided in the ~~Interstate Commerce~~ ICC Termination Act of 1995, 49 U.S.C., ~~section 20 "e."~~ § 701, 11301.

Sec. 75. Section 602.8106, subsection 1, paragraph d, Code Supplement 2009, is amended to read as follows:

d. ~~The For~~ court costs in scheduled violation cases where a court appearance is required, sixty dollars.

Sec. 76. Section 626D.3, subsection 2, Code 2009, is amended to read as follows:

2. The person filing the tribal judgment shall make and file with the clerk of court an affidavit setting forth the name and last known address of the party seeking enforcement and the responding party. Upon the filing of the tribal judgment and accompanying affidavit, the

enforcing party shall serve upon the responding party a notice of filing of the tribal judgment together with a copy of the tribal judgment in accordance with Iowa rule of civil procedure 1.442 of the Iowa rules of civil procedure. The enforcing party shall file proof of service or mailing with the clerk of court. The notice of filing shall include the name and address of the enforcing party and the enforcing party's attorney, if any, and shall include the text contained in sections 626D.4 and 626D.5.

Sec. 77. Section 633.517, subsection 1, Code 2009, is amended to read as follows:

1. A written finding of presumed death, made by the secretary of defense, or other officer or employee of the United States authorized to make such finding, pursuant to the federal Missing Persons Act [~~56, 56~~ Stat. 143, 1092, and P.L. 408, Ch. 371, 2d Session 78th Congress; ~~50 U.S.C. App. Supp. 1001-17~~] codified at 10 U.S.C. § 1501, et seq., as now or hereafter amended, or a duly certified copy of such a finding, shall be received in any court, office, or other place in this state, as evidence of the death of the person therein found to be dead, and of the date, circumstances, and place of the disappearance.

Sec. 78. Section 636.45, Code Supplement 2009, is amended to read as follows:

636.45 Federally insured loans.

1. Insurance companies, building savings and loan associations, trustees, guardians, executors, administrators, and other fiduciaries, the state and its political subdivisions, and institutions and agencies thereof, and all other persons, associations, and corporations (~~4~~) may:

a. May make such loans and advances of credit and purchases of obligations representing loans and advances of credit as are eligible for insurance pursuant to Tit. I, section § 2, of the National Housing Act [~~12 (1934), codified at 12~~ U.S.C. ch. ~~13~~] 13, and may obtain such insurance, (~~2~~) may;

b. May make such loans, secured by real property or leasehold, as the federal housing administrator insures or makes a commitment to insure pursuant to Tit. II of the National Housing Act (1934), and may obtain such insurance; and (~~3~~) may

c. May make real property loans which are guaranteed or insured by the secretary of the United States department of veterans affairs under the provisions of Tit. 38, sections 1801 through 1824, inclusive, United States Code 38 U.S.C. § 3701 et seq.

2. It shall be lawful for insurance companies, building and loan associations, trustees, guardians, executors, administrators, and other fiduciaries, the state and its political subdivisions, and institutions and agencies thereof, and all other persons, associations, and corporations, subject to the laws of this state, to originate real estate loans which are guaranteed or insured by the secretary of the United States department of veterans affairs under the provisions of Tit. 38, sections 1801 through 1824, inclusive, United States Code 38 U.S.C. § 3701 et seq., and originate loans secured by real property or leasehold, as the federal housing administrator insures or makes a commitment to insure pursuant to Tit. II of the National Housing Act (1934), and may obtain such insurance and may invest their funds, and the moneys in their custody or possession, eligible for investment, in bonds and notes secured by mortgage or trust deed insured by the federal housing administrator, and in the debentures issued by the federal housing administrator pursuant to Tit. II of the National Housing Act (1934), and in securities issued by national mortgage associations or similar credit institutions now or hereafter organized under Tit. III of the National Housing Act (1934), and in real estate loans which are guaranteed or insured by the secretary of the United States department of veterans affairs under the provisions of Tit. 38, sections 1801 through 1824, inclusive, United States Code 38 U.S.C. § 3701 et seq.

Sec. 79. Section 669.22, Code 2009, is amended to read as follows:

669.22 Actions in federal court.

The state shall defend any employee, and shall indemnify and hold harmless an employee of the state in any action commenced in federal court under section 1983, Title 42, United States Code, 42 U.S.C. § 1983 against the employee for acts of the employee while acting in the scope of employment. The duty to indemnify and hold harmless shall not apply and the state shall be entitled to restitution from an employee if the employee fails to cooperate in

the investigation or defense of the claim or demand, or if, in an action commenced by the state against the employee, it is determined that the conduct of the employee upon which the claim or demand was based constituted a willful and wanton act or omission or malfeasance in office.

Sec. 80. Section 670.8, unnumbered paragraph 2, Code 2009, is amended to read as follows:

The duties to defend and to save harmless and indemnify shall apply whether or not the municipality is a party to the action and shall include but not be limited to cases arising under ~~title 42 United States Code section 42 U.S.C. § 1983.~~

Sec. 81. Section 714B.10, subsection 2, Code 2009, is amended to read as follows:

2. Advertising in connection with the sale or purchase of books, recordings, videocassettes, periodicals, and similar goods through a membership group or club which is regulated by the federal trade commission pursuant to ~~Code of Federal Regulations, Title 16, part 4525.1~~ 16 C.F.R. pt. 425.1, concerning use of negative option plans by sellers in commerce.

Sec. 82. Section 723.4, subsection 6, paragraph b, unnumbered paragraph 1, Code 2009, is amended to read as follows:

As used in this ~~section~~ subsection:

Sec. 83. 2009 Iowa Acts, chapter 9, section 6, subsection 1, is amended by striking the subsection.

Sec. 84. 2009 Iowa Acts, chapter 100, section 35, is amended to read as follows:

SEC. 35. EFFECTIVE AND APPLICABILITY DATES. This division of this Act, being deemed of immediate importance, takes effect upon enactment and applies to disaster recovery housing project costs incurred on or after the effective date of this division of this Act and before July 1, 2010.

Sec. 85. 2009 Iowa Acts, chapter 175, section 25, is amended to read as follows:

SEC. 25. EFFECTIVE DATE. The section of this Act amending section 455B.172, subsection ~~1~~ 11, paragraph "a", as enacted by 2008 Iowa Acts, chapter 1033, section 1, takes effect July 1, 2010.

Sec. 86. 2009 Iowa Acts, chapter 179, section 30, is amended to read as follows:

SEC. 30. Section 12.90C, subsection 2, paragraph a, if enacted by 2009 Iowa Acts, Senate File 477, is amended to read as follows:

~~3.~~ a. The net proceeds of bonds issued pursuant to section 12.90A other than bonds issued for the purpose of refunding such bonds and investment earnings on the net proceeds.

Sec. 87. 2009 Iowa Acts, chapter 179, sections 201 and 202, are amended to read as follows:

SEC. 201. IMPLEMENTATION. Section 25B.7 does not apply to the property tax exemption enacted in this division of this Act.

SEC. 202. APPLICABILITY DATE PROVISION. The sections of this division of this Act providing sales and use tax refunds apply to sales and use tax paid on or after July 1, 2009.

Sec. 88. REPEAL. 2009 Iowa Acts, chapter 133, sections 228 and 247, are repealed.

Sec. 89. REPEAL. 2009 Iowa Acts, chapter 170, section 3, is repealed.

DIVISION II VOLUME III RENUMBERING

Sec. 90. Section 260C.14, subsections 10 and 17, Code Supplement 2009, are amended to read as follows:

10. Make necessary rules to provide for the policing, control, and regulation of traffic and parking of vehicles and bicycles on the property of the community college.

a. The rules may provide for the use of institutional roads, driveways, and grounds; registration of vehicles and bicycles; the designation of parking areas; the erection and maintenance of signs designating prohibitions or restrictions; the installation and maintenance of parking control devices except parking meters; and assessment, enforcement, and collection of reasonable penalties for the violation of the rules.

b. Rules made under this subsection may be enforced under procedures adopted by the board of directors. Penalties may be imposed upon students, faculty, and staff for violation of the rules, including, but not limited to, a reasonable monetary penalty which may be deducted from student deposits and faculty or staff salaries or other funds in possession of the community college or added to student tuition bills. The rules made under this subsection may also be enforced by the impoundment of vehicles and bicycles parked in violation of the rules, and a reasonable fee may be charged for the cost of impoundment and storage prior to the release of the vehicle or bicycle to the owner. Each community college shall establish procedures for the determination of controversies in connection with the imposition of penalties. The procedures shall require giving notice of the violation and the penalty prescribed and providing the opportunity for an administrative hearing.

17. a. Provide for eligible alternative retirement benefits systems which shall be limited to the following:

a. (1) An alternative retirement benefits system which is issued by or through a nonprofit corporation issuing retirement annuities exclusively to educational institutions and their employees for persons newly employed after July 1, 1990, and for persons employed by the community college who are members of the Iowa public employees' retirement system on July 1, 1994, and who elect coverage under that system pursuant to section 97B.42, in lieu of coverage under the Iowa public employees' retirement system.

b. (2) An alternative retirement benefits system which is issued by or through an insurance company authorized to issue annuity contracts in this state, for persons newly employed on or after July 1, 1997, who are already members of the alternative retirement benefits system and who elect coverage under that system pursuant to section 97B.42, in lieu of coverage under the Iowa public employees' retirement system.

c. (3) An alternative retirement benefits system offered through the community college, at the discretion of the board of directors of the community college, pursuant to this ~~lettered paragraph subparagraph~~ which is issued by or through an insurance company authorized to issue annuity contracts in this state, for persons newly employed by that community college on or after July 1, 1998, who are not members of the alternative retirement benefits system and who elect coverage under that system pursuant to section 97B.42, in lieu of coverage under the Iowa public employees' retirement system. The board of directors of a community college may limit the number of providers of alternative retirement benefits systems offered pursuant to this ~~lettered paragraph subparagraph~~ to no more than six. The selection by the board of directors of a community college of a provider of an alternative retirement benefits system pursuant to this ~~lettered paragraph subparagraph~~ shall not constitute an endorsement of that provider by the community college.

b. However, the employer's annual contribution in dollars under an eligible alternative retirement benefits system described in this subsection shall not exceed the annual contribution in dollars which the employer would contribute if the employee had elected to remain an active member pursuant to the Iowa public employees' retirement system, as set forth in section 97B.11.

c. For purposes of this subsection, "alternative retirement benefits system" means an employer-sponsored primary pension plan requiring mandatory employer contributions that meets the requirements of section 401(a), 403(a), or 403(b) of the Internal Revenue Code.

Sec. 91. Section 261.1, Code 2009, is amended to read as follows:

261.1 Commission created.

1. There is hereby created a commission to be known as the "College Student Aid Commission" of the state of Iowa.

2. Membership of the commission shall be as follows:

1. a. A member of the state board of regents to be named by the board, or the executive director of the board if so appointed by the board, who shall serve for a four-year term or until

the expiration of the member's term of office. Such member shall convene the organizational meeting of the commission.

2. ~~b.~~ The director of the department of education or the director's designee.

3. ~~a.~~ c. (1) Two members of the senate, one to be appointed by the president of the senate and one to be appointed by the minority leader of the senate, to serve as ex officio, nonvoting members.

~~b.~~ (2) Two members of the house of representatives, one to be appointed by the speaker of the house of representatives and one to be appointed by the minority leader of the house of representatives, to serve as ex officio, nonvoting members.

~~e.~~ (3) The members of the senate and house of representatives shall serve at the pleasure of the appointing legislator for a term beginning upon the convening of the general assembly and expiring upon the convening of the following general assembly, or when the appointee's successor is appointed, whichever occurs later.

4. d. Eight additional members to be appointed by the governor. One of the members shall be selected to represent private colleges and universities located in the state of Iowa. When appointing this member, the governor shall give careful consideration to any person or persons nominated or recommended by any organization or association of some or all private colleges and universities located in the state of Iowa. One of the members shall be selected to represent community colleges located in the state of Iowa. When appointing this member, the governor shall give careful consideration to any person or persons nominated or recommended by any organization or association of Iowa community colleges. One member shall be enrolled as a student at a board of regents institution, community college, or accredited private institution. One member shall be a representative of a lending institution located in this state. One member shall be an individual who is repaying or has repaid a student loan guaranteed by the commission. The other three members, none of whom shall be official board members or trustees of an institution of higher learning or of an association of institutions of higher learning, shall be selected to represent the general public.

3. The members of the commission appointed by the governor shall serve for a term of four years.

4. a. Vacancies on the commission shall be filled for the unexpired term of such vacancies in the same manner as the original appointment.

b. A vacancy shall exist on the commission when a legislative member of the commission ceases to be a member of the general assembly or when a student member ceases to be enrolled as a student. Such vacancy shall be filled within thirty days.

Sec. 92. Section 261.48, Code 2009, is amended to read as follows:

261.48 Minority teacher loan payments.

1. An individual is eligible for reimbursement payments under the guaranteed loan payment program if the individual meets all of the following conditions:

1. a. Is a teacher employed on a full-time basis under sections 279.13 through 279.19 in a school district in this state, is a teacher in an approved nonpublic school in this state, or is a licensed teacher at the Iowa braille and sight saving school or the Iowa school for the deaf.

2. b. Is a member of a minority.

3. c. Has never defaulted on a loan guaranteed by the commission.

4. d. Has an outstanding debt with an eligible lender under the Iowa guaranteed student loan program or the Iowa supplemental loans for students program, has parents with an outstanding debt with an eligible lender under the Iowa PLUS loan program, or has an outstanding debt under the Stafford loan program, the supplemental loans for students program, or the PLUS loan program.

5. e. Graduated from college after January 1, 1989.

2. The maximum annual reimbursement payment to an eligible teacher under this section for loan repayments made during a school year is one thousand dollars or the remainder of the teacher's loan, whichever is less. Total payments under this section for an eligible teacher are limited to a six-year period and shall not exceed six thousand dollars. If a teacher fails to complete a year of employment on a full-time basis as provided in subsection 1, paragraph "a", the teacher shall not be reimbursed for loan payments made during that school year. If

the number of eligible applicants exceeds the funding available, the commission may accept applicants based on academic scholarship.

3. The commission may sign contracts with eligible students at or after the time of loan origination to assure loan repayment.

Sec. 93. Section 261.121, subsection 2, unnumbered paragraph 2, Code 2009, is amended to read as follows:

3. The notice shall include all of the following:

Sec. 94. Section 272C.6, subsections 3, 4, and 6, Code 2009, are amended to read as follows:

3. a. The presiding officer of a hearing panel may issue subpoenas pursuant to rules of the board on behalf of the board or on behalf of the licensee. A licensee may have subpoenas issued on the licensee's behalf.

(1) A subpoena issued under the authority of a licensing board may compel the attendance of witnesses and the production of professional records, books, papers, correspondence and other records, whether or not privileged or confidential under law, which are deemed necessary as evidence in connection with a disciplinary proceeding.

(2) Nothing in this subsection shall be deemed to enable a licensing board to compel an attorney of the licensee, or stenographer or confidential clerk of the attorney, to disclose any information when privileged against disclosure by section 622.10.

(3) In the event of a refusal to obey a subpoena, the licensing board may petition the district court for its enforcement. Upon proper showing, the district court shall order the person to obey the subpoena, and if the person fails to obey the order of the court the person may be found guilty of contempt of court.

b. The presiding officer of a hearing panel may also administer oaths and affirmations, take or order that depositions be taken, and pursuant to rules of the board, grant immunity to a witness from disciplinary proceedings initiated either by the board or by other state agencies which might otherwise result from the testimony to be given by the witness to the panel.

4. a. In order to assure a free flow of information for accomplishing the purposes of this section, and notwithstanding section 622.10, all complaint files, investigation files, other investigation reports, and other investigative information in the possession of a licensing board or peer review committee acting under the authority of a licensing board or its employees or agents which relates to licensee discipline are privileged and confidential, and are not subject to discovery, subpoena, or other means of legal compulsion for their release to a person other than the licensee and the boards, their employees and agents involved in licensee discipline, and are not admissible in evidence in a judicial or administrative proceeding other than the proceeding involving licensee discipline. However, investigative information in the possession of a licensing board or its employees or agents which relates to licensee discipline may be disclosed to appropriate licensing authorities within this state, the appropriate licensing authority in another state, the coordinated licensure information system provided for in the nurse licensure compact contained in section 152E.1 or the advanced practice registered nurse compact contained in section 152E.3, the District of Columbia, or a territory or country in which the licensee is licensed or has applied for a license. If the investigative information in the possession of a licensing board or its employees or agents indicates a crime has been committed, the information shall be reported to the proper law enforcement agency. However, a final written decision and finding of fact of a licensing board in a disciplinary proceeding, including a decision referred to in section 272C.3, subsection 4, is a public record.

b. Pursuant to the provisions of section 17A.19, subsection 6, a licensing board upon an appeal by the licensee of the decision by the licensing board, shall transmit the entire record of the contested case to the reviewing court.

c. Notwithstanding the provisions of section 17A.19, subsection 6, if a waiver of privilege has been involuntary and evidence has been received at a disciplinary hearing, the court shall order withheld the identity of the individual whose privilege was waived.

6. a. A board created pursuant to chapter 147, 154A, 155, 169, 542, 542B, 543B, 543D, 544A, or 544B may charge a fee not to exceed seventy-five dollars for conducting a

disciplinary hearing pursuant to this chapter which results in disciplinary action taken against the licensee by the board, and in addition to the fee, may recover from a licensee the costs for the following procedures and associated personnel:

- a. (1) Transcript.
- b. (2) Witness fees and expenses.
- c. (3) Depositions.
- d. (4) Medical examination fees incurred relating to a person licensed under chapter 147, 154A, 155, or 169.

b. The department of agriculture and land stewardship, the department of commerce, and the Iowa department of public health shall each adopt rules pursuant to chapter 17A which provide for the allocation of fees and costs collected pursuant to this section to the board under its jurisdiction collecting the fees and costs. The fees and costs shall be considered repayment receipts as defined in section 8.2.

Sec. 95. Section 273.9, subsection 4, Code 2009, is amended to read as follows:

4. The costs of media services provided through the area education agency shall not be funded until the program plans submitted by the administrators of each area education agency as required by section 273.4 are modified as necessary and approved by the director of the department of education according to the criteria of section 273.6.

5. The state board of education shall adopt rules under chapter 17A relating to the approval of program plans under this section.

Sec. 96. Section 273.22, subsection 2, Code 2009, is amended to read as follows:

2. a. The collective bargaining agreement of the area education agency with the largest basic enrollment, as defined in section 257.6, for the year prior to the year the reorganization is effective, shall serve as the base agreement in the new area education agency and the employees of the other area education agencies involved in the formation of the new area education agency shall automatically be accreted to the bargaining unit of that collective bargaining agreement for purposes of negotiating the contracts for the following years without further action by the public employment relations board. If only one collective bargaining agreement is in effect among the area education agencies that are party to the reorganization, that agreement shall serve as the base agreement, and the employees of the other agencies involved in the formation of the new area education agency shall automatically be accreted to the bargaining unit of that collective bargaining agreement for purposes of negotiating the contracts for the following years without further action by the public employment relations board.

b. The board of the newly formed area education agency, using the base agreement as its existing contract, shall bargain with the combined employees of the affected agencies for the school year that begins on the effective date of the reorganization. The bargaining shall be completed by the dates specified in section 20.17 prior to the school year in which the reorganization becomes effective or within one hundred eighty days after the organization of the new board, whichever is later. If a bargaining agreement was already concluded by the board and employees of the affected agency with the contract serving as the base agreement for the school year beginning with the effective date of the reorganization, that agreement shall be void. However, if the base agreement contains multiyear provisions affecting school years subsequent to the effective year of the reorganization, the base agreement shall remain in effect as specified in the agreement.

c. The provisions of the base agreement shall apply to the offering of new contracts or continuation, modification, or termination of existing contracts as provided in subsection 1.

Sec. 97. Section 275.33, subsection 2, Code 2009, is amended to read as follows:

2. a. The collective bargaining agreement of the district with the largest basic enrollment for the year prior to the reorganization, as defined in section 257.6, in the new district shall serve as the base agreement and the employees of the other districts involved in the formation of the new district shall automatically be accreted to the bargaining unit of that collective bargaining agreement for purposes of negotiating the contracts for the following years without further action by the public employment relations board. If only one collective

bargaining agreement is in effect among the districts which are party to the reorganization, then that agreement shall serve as the base agreement, and the employees of the other districts involved in the formation of the new district shall automatically be accreted to the bargaining unit of that collective bargaining agreement for purposes of negotiating the contracts for the following years without further action by the public employment relations board.

b. The board of the newly formed district, using the base agreement as its existing contract, shall bargain with the combined employees of the existing districts for the school year beginning with the effective date of the reorganization. The bargaining shall be completed by the dates specified in section 20.17 prior to the school year in which the reorganization becomes effective or within one hundred eighty days after the organization of the new board, whichever is later. If a bargaining agreement was already concluded by the board and employees of the existing district with the contract serving as the base agreement for the school year beginning with the effective date of the reorganization, that agreement shall be void. However, if the base agreement contains multiyear provisions affecting school years subsequent to the effective date of the reorganization, the base agreement shall remain in effect as specified in the agreement.

c. The provisions of the base agreement shall apply to the offering of new contracts, or continuation, modification, or termination of existing contracts as provided in subsection 1 of this section.

Sec. 98. Section 277.28, Code 2009, is amended to read as follows:

277.28 Oath required.

1. Each director elected at a regular district or director district election shall qualify by taking the oath of office on or before the time set for the organization meeting of the board and the election and qualification entered of record by the secretary. The oath may be administered by any qualified member of the board or the secretary of the board and may be taken in substantially the following form:

“~~Do~~ Do you solemnly swear that you will support the Constitution of the United States and the Constitution of the State of Iowa and that you will faithfully and impartially to the best of your ability discharge the duties of the office of (naming the office) in (naming the district) as now or hereafter required by ~~law?~~ law?”

2. If the oath of office is taken elsewhere than in the presence of the board in session it may be administered by any officer listed in sections 63A.1 and 63A.2 and shall be subscribed to by the person taking it in substantially the following form:

“I,, do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Iowa and that I will faithfully and impartially to the best of my ability discharge the duties of the office of (naming the office) in (naming the district) as now or hereafter required by ~~law.~~ law.”

3. Such oath shall be properly verified by the administering officer and filed with the secretary of the board.

Sec. 99. Section 279.40, Code 2009, is amended to read as follows:

279.40 Sick leave.

1. *a.* Public school employees are granted leave of absence for medically related disability with full pay in the following minimum amounts:

1. (1) The first year of employment 10 days.
2. (2) The second year of employment 11 days.
3. (3) The third year of employment 12 days.
4. (4) The fourth year of employment 13 days.
5. (5) The fifth year of employment 14 days.
6. (6) The sixth and subsequent years
of employment 15 days.

b. The above amounts shall apply only to consecutive years of employment in the same school district and unused portions shall be cumulative to at least a total of ninety days. The school board shall, in each instance, require such reasonable evidence as it may desire confirming the necessity for such leave of absence.

2. Nothing in this section shall be construed as limiting the right of a school board to grant more time than the days herein specified.

3. Cumulation of sick leave under this section shall not be affected or terminated due to the organization or dissolution of a community school district or districts which include all or the portion of the district which employed the particular public school employee for the school year previous to the organization or dissolution, if the employee is employed by one of the community school districts for the first school year following its organization or dissolution.

4. Any amounts due an employee under this section shall be reduced by benefits payable under sections 85.33 and 85.34, subsection 1.

Sec. 100. Section 279.51, subsection 1, unnumbered paragraphs 1 and 2, Code 2009, are amended to read as follows:

There is appropriated from the general fund of the state to the department of education for the fiscal year beginning July 1, 2007, and each succeeding fiscal year, the sum of twelve million six hundred six thousand one hundred ninety-six dollars. The moneys shall be allocated as follows:

~~The moneys shall be allocated as follows:~~

Sec. 101. Section 280.21A, subsection 1, Code 2009, is amended to read as follows:

1. a. A school employee who, in the course of employment, suffers a personal injury causing temporary total disability, or a permanent partial or total disability, resulting from an episode of violence toward that employee, for which workers' compensation under chapter 85 is payable, shall be entitled to receive workers' compensation, which the district shall supplement in order for the employee to receive full salary and benefits for the shortest of the following periods:

~~a.~~ (1) One year from the date of the disability.

~~b.~~ (2) The period during which the employee is disabled and incapable of employment.

b. During the period described in paragraph "a" ~~or "b"~~, subparagraph (1) or (2), the school employee shall not be required to use accumulated sick leave or vacation.

Sec. 102. Section 284.14, subsection 5, Code 2009, is amended to read as follows:

5. *Iowa excellence fund.*

a. An Iowa excellence fund is created within the office of the treasurer of state, to be administered by the commission. Notwithstanding section 8.33, moneys in the fund that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain in the fund.

b. The commission may provide grants from this fund, according to criteria developed by the commission, for implementation of the pay-for-performance program.

Sec. 103. Section 298.4, Code 2009, is amended to read as follows:

298.4 District management levy.

1. The board of directors of a school district may certify for levy by April 15 of a school year, a tax on all taxable property in the school district for a district management levy. The revenue from the tax levied in this section shall be placed in the district management levy fund of the school district. The district management levy shall be expended only for the following purposes:

~~1.~~ a. To pay the cost of unemployment benefits as provided in section 96.31.

~~2.~~ b. To pay the costs of liability insurance and the costs of a judgment or settlement relating to liability together with interest accruing on the judgment or settlement to the expected date of payment.

~~3.~~ c. To pay the costs of insurance agreements under section 296.7.

~~4.~~ d. To pay the costs of a judgment under section 298.16.

~~5.~~ e. To pay the cost of early retirement benefits to employees under section 279.46.

2. Unencumbered funds collected from the levies authorized in sections 96.31, 279.46, and 296.7 prior to July 1, 1991, may be expended for the purposes listed in subsections ¹ 1, 3, ~~and 5~~ paragraphs "a", "c", and "e".

¹ See chapter 1193, §48 herein

Sec. 104. Section 303.1A, Code 2009, is amended to read as follows:

303.1A Director's duties.

1. The duties of the director shall include, but are not limited to, the following:

1. a. Adopt rules that are necessary for the effective administration of the department.
2. b. Direct and administer the programs and services of the department.
3. c. Prepare the departmental budget request by September ~~first~~ 1 of each year on the forms furnished, and including the information required by the department of management.
4. d. Accept, receive, and administer grants or other funds or gifts from public or private agencies including the federal government for the various divisions and the department.
5. e. Appoint and approve the technical, professional, secretarial, and clerical staff necessary to accomplish the purposes of the department subject to chapter 8A, subchapter IV.
6. f. Administer the Iowa cultural trust as provided in chapter 303A and do all of the following:
 - a. (1) Develop and adopt by rule criteria for the issuance of trust fund credits by measuring the efforts of qualified organizations, as defined in section 303A.3, to increase their endowment or other resources for the promotion of the arts, history, or the sciences and humanities in Iowa. If the director determines that the organizations have increased the amount of their endowment and other resources, the director shall certify the amount of increase in the form of trust fund credits to the treasurer, who shall deposit in the Iowa cultural trust fund, from moneys received for purposes of the trust fund as provided in section 303A.4, subsection 2, an amount equal to the trust fund credits. If the amount of the trust fund credits issued by the director exceeds the amount of moneys available to be deposited in the trust fund as provided in section 303A.4, subsection 2, the outstanding trust fund credits shall not expire but shall be available to draw down additional moneys which become available to be deposited in the trust fund as provided in section 303A.4, subsection 2.
 - b. (2) Develop and implement, in accordance with chapter 303A, a grant application process for grants issued to qualified organizations as defined in section 303A.3.
 - c. (3) Develop and adopt by rule criteria for the approval of Iowa cultural trust grants. The criteria shall include, but shall not be limited to, the future stability and sustainability of a qualified organization.
 - d. (4) Compile, in consultation with the Iowa arts council and the state historical society of Iowa, a list of grant applications recommended for funding in accordance with the amount available for distribution as provided in section 303A.6, subsection 3. The list of recommended grant applications shall be submitted to the Iowa cultural trust board of trustees for approval.
 - e. (5) Monitor the allocation and use of grant moneys by qualified organizations to determine whether moneys are used in accordance with the provisions of this ~~subsection~~ paragraph "f" and chapter 303A. The director shall annually submit the director's findings and recommendations in a report to the Iowa cultural trust board of trustees prior to final board action in approving grants for the next succeeding fiscal year.
2. The director may appoint a member of the staff to be acting director who shall have the powers delegated by the director in the director's absence. The director may delegate the powers and duties of that office to the administrators.

Sec. 105. Section 307.12, Code 2009, is amended to read as follows:

307.12 Duties of the director.

1. The director shall:
 1. a. Manage the internal operations of the department and establish guidelines and procedures to promote the orderly and efficient administration of the department.
 2. b. Employ personnel as necessary to carry out the duties and responsibilities of the department, consistent with chapter 8A, subchapter IV.
 3. c. Assist the commission in developing state transportation policy and a state transportation plan.
 4. d. Establish temporary advisory boards of a size the director deems appropriate to advise the department.

5. e. Prepare a budget for the department and prepare reports required by law.
6. f. Present the department's proposed budget to the commission prior to December 31 of each year.
7. g. Appoint the deputy director of transportation and the administrators of the department.
8. h. Review and submit legislative proposals necessary to maintain current state transportation laws.
9. i. Enter into reciprocal agreements relating to motor vehicle inspections with authorized officials of any other state, subject to approval by the commission. The director may exempt or impose requirements upon nonresident motor vehicles consistent with those imposed upon vehicles of Iowa residents operated in other states.
10. j. Adopt rules in accordance with chapter 17A as the director deems necessary for the administration of the department and the exercise of the director's and department's powers and duties.
11. k. Reorganize the administration of the department as needed to increase administrative efficiency.
12. l. Provide for the receipt or disbursement of federal funds allocated to the state and its political subdivisions for transportation purposes.
13. m. Include in the department's annual budget all estimated federal funds to be received or allocated to the department.
14. n. Adopt, after consultation with the department of natural resources and the department of public safety, rules relating to enforcement of the rules regarding transportation of hazardous wastes adopted by the department of natural resources. The department and the division of state patrol of the department of public safety shall carry out the enforcement of the rules.
15. o. Prepare and submit a report to the general assembly on or before January 15 of each fiscal year describing the prior fiscal year's highway construction program, actual expenditures of the program, and contractual obligations of the program.
16. p. Administer chapter 327J.
2. If in the interest of the state, the director may allow a subsistence expense to an employee under the supervision of the department's administrator for highways for continuous stay in one location while on duty away from established headquarters and place of domicile for a period not to exceed forty-five days; and allow automobile expenses in accordance with section 8A.363, for moving an employee and the employee's family from place of present domicile to new domicile, and actual transportation expense for moving of household goods. The household goods for which transportation expense is allowed shall not include pets or animals.

Sec. 106. Section 314.1, subsection 3, Code 2009, is amended to read as follows:

3. a. In the award of contracts for the construction, reconstruction, improvement, or repair or maintenance of a highway, bridge, or culvert, the agency having charge of awarding such contracts shall give due consideration not only to the prices bid but also to the mechanical or other equipment and the financial responsibility and experience in the performance of like or similar contracts. The agency may reject any or all bids. The agency may readvertise and relet the project without conducting an additional public hearing if no substantial changes are made to the project's plans or specifications. The agency may let by private contract or build by day labor, at a cost not in excess of the lowest bid received.

b. Upon the completion of any contract or project on either the farm-to-market or secondary road system, the county engineer shall file with the county auditor a statement showing the total cost thereof with certificate that the work has been done in accordance with the plans and specifications. Upon completion of a contract or project on the municipal street system, the city public works department or city engineer shall file with the city clerk a statement showing the total cost of the contract or project with a certificate that the work has been done in accordance with the plans and specifications. All contracts shall be in writing and shall be secured by a bond for the faithful performance thereof as provided by law.

Sec. 107. Section 314.22, subsection 3, paragraph b, unnumbered paragraph 2, Code 2009, is amended to read as follows:

c. Members of the committee shall serve without compensation, but may be reimbursed for allowable expenses from the living roadway trust fund created under section 314.21. No more than a simple majority of the members of the committee shall be of the same gender as provided in section 69.16A. The director of the department shall appoint the chair of the committee and shall establish a minimum schedule of meetings for the committee.

Sec. 108. Section 317.1A, Code 2009, is amended to read as follows:

317.1A Noxious weeds.

1. The following weeds are hereby declared to be noxious and shall be divided into two classes, namely as follows:

1. a. Primary noxious weeds, which shall include quack:

(1) Quack grass (Agropyron repens), perennial.

(2) Perennial sow thistle (Sonchus arvensis);

(3) Canada thistle (Cirsium arvense), bull.

(4) Bull thistle (Cirsium lanceolatum);

(5) European morning glory or field bindweed (Convolvulus arvensis), horse.

(6) Horse nettle (Solanum carolinense), leafy.

(7) Leafy spurge (Euphorbia esula), perennial.

(8) Perennial pepper-grass (Lepidium draba);

(9) Russian knapweed (Centaurea repens), buckthorn.

(10) Buckthorn (Rhamnus, not to include Rhamnus frangula), and all.

(11) All other species of thistles belonging in the genera of Cirsium and Carduus.

2. b. Secondary noxious weeds, which shall include butterprint:

(1) Butterprint (Abutilon theophrasti) annual, cocklebur.

(2) Cocklebur (Xanthium commune) annual, wild.

(3) Wild mustard (Brassica arvensis) annual, wild.

(4) Wild carrot (Daucus carota) biennial, buckhorn.

(5) Buckhorn (Plantago lanceolata) perennial, sheep.

(6) Sheep sorrel (Rumex acetosella) perennial, sour.

(7) Sour dock (Rumex crispus) perennial, smooth.

(8) Smooth dock (Rumex altissimus) perennial, poison.

(9) Poison hemlock (Conium maculatum), multiflora.

(10) Multiflora rose (Rosa multiflora), wild.

(11) Wild sunflower (wild strain of Helianthus annus L.) annual, puncture.

(12) Puncture vine (Tribulus terrestris) annual, teasel.

(13) Teasel (Dipsacus) biennial, and shattercane.

(14) Shattercane (Sorghum bicolor) annual.

2. a. The multiflora rose (Rosa multiflora) shall not be considered a secondary noxious weed when cultivated for or used as understock for cultivated roses or as ornamental shrubs in gardens, or in any county whose board of supervisors has by resolution declared it not to be a noxious weed.

b. Shattercane (Sorghum bicolor) shall not be considered a secondary noxious weed when cultivated or in any county whose board of supervisors has by resolution declared it not to be a noxious weed.

Sec. 109. Section 317.6, Code 2009, is amended to read as follows:

317.6 Entering land to destroy weeds — notice.

1. If there is a substantial failure by the owner or person in possession or control of any land to comply with any order of destruction pursuant to the provisions of this chapter, the county weed commissioner, including the weed commissioner's deputies, or employees acting under the weed commissioner's direction may enter upon any land within the commissioner's county for the purpose of destroying noxious weeds.

2. The entry may be made without the consent of the landowner or person in possession or control of the land. However, the actual work of destruction shall not be commenced until

five days after the landowner and the person in possession or control of the land have been notified.

3. The notice shall state the facts relating to failure of compliance with the county program of weed destruction order or orders made by the board of supervisors. The notice shall be delivered by personal service on the owner and persons in possession and control of the land. The personal service may be served by the weed commissioner or any person designated in writing by the weed commissioner. However, in lieu of personal service, the weed commissioner may provide that the notice be delivered by certified mail. A copy of the notice shall be filed in the office of the county auditor. The last known address of the owner or person in possession or control of the land may be ascertained, if necessary, from the last tax list in the county treasurer's office. Where any person owning land within the county has filed a written instrument in the office of the county auditor designating the name and address of its agent, the notice may be delivered to that agent. In computing time for notice, it shall be from the date of service as evidenced on the return of service. If delivery is made by certified mail, it shall be from the date of mailing.

Sec. 110. Section 317.14, Code 2009, is amended to read as follows:

317.14 Notice of program.

1. Notice of any order made pursuant to section 317.13 shall be given by one publication in the official newspapers of the county and shall be directed to all property owners.

2. ~~Said~~ The notice shall state:

1. a. The time for destruction.

2. b. The manner of destruction, if other than cutting above the surface of the ground.

3. c. That, unless ~~said~~ the order is complied with, the weed commissioner shall cause ~~said~~ the weeds to be destroyed and the cost ~~thereof~~ of destroying the weeds will be taxed against the real estate on which the noxious weeds are destroyed.

Sec. 111. Section 321.1, subsection 20A, Code Supplement 2009, is amended to read as follows:

20A. "*Driver's license*" means any license or permit issued to a person to operate a motor vehicle on the highways of this state, including but not limited to a temporary restricted or temporary license and an instruction, chauffeur's instruction, commercial driver's instruction, or temporary permit. For purposes of license suspension, revocation, bar, disqualification, cancellation, or denial under this chapter and chapters 321A, 321C, and 321J, "driver's license" includes any privilege to operate a motor vehicle.

~~For purposes of license suspension, revocation, bar, disqualification, cancellation, or denial under this chapter and chapters 321A, 321C, and 321J, "driver's license" includes any privilege to operate a motor vehicle.~~

Sec. 112. Section 321.190, subsection 1, paragraph d, Code 2009, is amended to read as follows:

d. The fee for a nonoperator's identification card shall be five dollars and the card shall be valid for a period of five years from the date of issuance. A nonoperator's identification card shall be issued without expiration to anyone age seventy or over. If an applicant for a nonoperator's identification card is a foreign national who is temporarily present in this state, the nonoperator's identification card shall be issued only for the length of time the foreign national is authorized to be present as determined by the department, not to exceed two years. An issuance fee shall not be charged for a person whose driver's license or driving privilege has been suspended under section 321.210, subsection 1, paragraph "e" (a), subparagraph (3).

e. The nonoperator's identification card fees shall be transmitted by the department to the treasurer of state who shall credit the fees to the road use tax fund.

Sec. 113. Section 321.210, subsection 1, Code 2009, is amended to read as follows:

1. a. The department is authorized to establish rules providing for the suspension of the license of an operator upon thirty days' notice and without preliminary hearing upon a showing by its records or other sufficient evidence that the licensee:

a. (1) Is an habitually reckless or negligent driver of a motor vehicle.

~~b.~~ (2) Is an habitual violator of the traffic laws.
~~e.~~ (3) Is physically or mentally incapable of safely operating a motor vehicle.
~~d.~~ (4) Has permitted an unlawful or fraudulent use of the license.
~~e.~~ (5) Has committed an offense or acted in a manner in another state or foreign jurisdiction which in this state would be grounds for suspension or revocation.
~~f.~~ (6) Has committed a serious violation of the motor vehicle laws of this state.
~~g.~~ (7) Is subject to a license suspension under section 321.513.
b. Prior to a suspension taking effect under paragraph “a”, “b”, “c”, “d”, “e”, or “f” subparagraphs (1), (2), (3), (4), (5), or (6), the licensee shall have received thirty days’ advance notice of the effective date of the suspension. Notwithstanding the terms of the Iowa administrative procedure Act, chapter 17A, the filing of a petition for judicial review shall, except for suspensions under paragraph “e” “a”, subparagraph (3), operate to stay the suspension pending the determination by the district court.

Sec. 114. Section 321.212, subsection 1, paragraph a, Code 2009, is amended to read as follows:

a. (1) Except as provided in section 321.210A or 321.513 the department shall not suspend a license for a period of more than one year, except that a license suspended because of incompetency to drive a motor vehicle shall be suspended until the department receives satisfactory evidence that the former holder is competent to operate a motor vehicle and a refusal to reinstate constitutes a denial of license within section 321.215; upon revoking a license the department shall not grant an application for a new license until the expiration of one year after the revocation, unless another period is specified by law.

(2) A suspension under section 321.210, subsection 1, paragraph “d” “a”, subparagraph (4), for a violation of section 321.216B shall not exceed six months. As soon as practicable after the period of suspension has expired, but not later than six months after the date of expiration, the department shall expunge information regarding the suspension from the person’s driving record.

Sec. 115. Section 321.299, Code 2009, is amended to read as follows:

321.299 Overtaking a vehicle.

The following rules shall govern the overtaking and passing of vehicles proceeding in the same direction, subject to those limitations, exceptions, and special rules hereinafter stated:

1. The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left ~~thereof of the other vehicle~~ at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle.

2. Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle and shall not increase the speed of the overtaken vehicle until completely passed by the overtaking vehicle.

Sec. 116. Section 321.366, Code 2009, is amended to read as follows:

321.366 Acts prohibited on fully controlled-access facilities.

1. It is unlawful for a person, except a person operating highway maintenance equipment or an authorized emergency vehicle, to do any of the following on a fully controlled-access facility:

1. ~~a.~~ Drive a vehicle over, upon, or across a curb, central dividing section, or other separation or dividing line.

2. ~~b.~~ Make a left turn or a semicircular or U-turn at a maintenance cross-over where an official sign prohibits the turn.

3. ~~c.~~ Drive a vehicle except in the proper lane provided for that purpose and in the proper direction and to the right of the central dividing curb, separation, section, or line.

4. ~~d.~~ Drive a vehicle into the facility from a local service road.

5. ~~e.~~ Stop, park, or leave standing a vehicle, whether attended or unattended, upon the paved portion.

6. ~~f.~~ Stop, park, or leave standing a vehicle, whether attended or unattended, upon the shoulders, or the right-of-way except at designated rest areas or in case of an emergency or other dire necessity.

2. For the purpose of this section, fully controlled-access facility is a highway which gives preference to through traffic by providing access connections at interchanges with selected public roads only and by prohibiting crossings at grade or direct access at driveway connections.

3. Violations of this section are punishable as a scheduled violation under section 805.8A, subsection 6, paragraph "d".

Sec. 117. Section 321.383, subsection 3, Code 2009, is amended to read as follows:

3. Garbage collection vehicles, when operated on the streets or highways of this state at speeds of thirty-five miles per hour or less, may display a reflective device that complies with the standards of the American society of agricultural engineers. At speeds in excess of thirty-five miles per hour the device shall not be visible.

4. Any person who violates any provision of this section shall be fined as provided in section 805.8A, subsection 3, paragraph "d".

Sec. 118. Section 321.409, Code 2009, is amended to read as follows:

321.409 Mandatory lighting equipment.

1. Except as hereinafter provided, the headlamps or the auxiliary driving lamp or the auxiliary passing lamp or combination thereof on motor vehicles other than motorcycles or motorized bicycles shall be so arranged that the driver may select at will between distributions of light projected to different elevations and the lamps may, in addition, be so arranged that selection can be made automatically, subject to the following limitations:

1. *a.* There shall be an uppermost distribution of light, or composite beam, so aimed and of sufficient intensity to reveal persons and vehicles at a distance of at least three hundred fifty feet ahead for all conditions.

2. *b.* There shall be a lowermost distribution of light, or composite beam so aimed and of sufficient intensity to reveal persons and vehicles at a distance of at least one hundred feet ahead. On a straight level road under any condition of loading none of the high-intensity portion of the beam shall be directed to strike the eyes of an approaching driver.

3. *2.* Every new motor vehicle, other than a motorcycle or motorized bicycle which has multiple-beam road-lighting equipment shall be equipped with a beam indicator, which shall be lighted whenever the uppermost distribution of light from the headlamps is in use, and shall not otherwise be lighted. The indicator shall be so designed and located that when lighted it will be readily visible without glare to the driver of the vehicle.

Sec. 119. Section 321.474, Code 2009, is amended to read as follows:

321.474 Department may restrict.

1. The department shall have authority, as granted to local authorities, to determine by resolution and to impose restrictions as to the weight of vehicles, except implements of husbandry as defined in section 321.1, implements of husbandry loaded on hauling units for transporting the implements to locations for repair, and fire apparatus and road maintenance equipment owned by, under lease to, or used in the performance of a contract with a state or local authority, operated upon any highway under the jurisdiction of the department for a definite period of time not to exceed twelve months. The restrictions shall be effective when signs giving notice of the restrictions and the expiration date of the restrictions are erected upon the affected highway or portion of highway.

2. Upon a finding that a bridge or culvert does not meet established standards set forth by state and federal authorities, the department may impose, by resolution, restrictions for an indefinite period of time on the weight of vehicles operated upon bridges or culverts located on highways under its jurisdiction. The restrictions shall be effective when signs giving notice of the restrictions are erected. The restrictions shall not apply to implements of husbandry loaded on hauling units for transporting the implements to locations for purposes of repair or to fire apparatus or road maintenance equipment owned by, under lease to, or used in the performance of a contract with a state or local authority.

3. For the purposes of restrictions imposed under this section, a triple axle is any group of three or more consecutive axles where the centers of any consecutive axles are more than forty inches apart and where the centers of the extreme axles are more than eighty-four inches

apart but not more than one hundred sixty-eight inches apart. Where triple axle restrictions are imposed, the signs erected by the department shall give notice of the restrictions.

4. Any person who violates a restriction imposed by resolution pursuant to this section, upon conviction or a plea of guilty, is subject to a fine determined by dividing the difference between the actual weight of the vehicle and the maximum weight allowed by the restriction by one hundred and multiplying the quotient by two dollars.

5. The department may issue special permits, during periods the restrictions are in effect, to permit limited operation of vehicles upon specified routes with loads in excess of any restrictions imposed under this section, but not in excess of load restrictions imposed by this chapter. The department shall issue a special permit for not to exceed eight weeks upon a showing of agricultural hardship. The department shall issue special permits to trucks moving farm produce, which decays or loses its value if not speedily put to its intended use, to market upon a showing to the department that there is a requirement for trucking the produce, or to trucks moving any farm feeds or fuel necessary for home heating purposes. The operator of a vehicle which is the subject of a permit issued under this paragraph subsection shall carry the permit while operating the vehicle and shall show the permit to any peace officer upon request.

Sec. 120. Section 321.491, Code 2009, is amended to read as follows:

321.491 Convictions and recommendations for suspension to be reported.

1. Every district judge, district associate judge, and judicial magistrate shall keep a full record of every case in which a person is charged with any violation of this chapter or of any other law regulating the operation of vehicles on highways.

2. *a.* Within ten days after the conviction or forfeiture of bail of a person upon a charge of violating any provision of this chapter or other law regulating the operation of vehicles on highways every magistrate of the court or clerk of the district court of record in which the conviction occurred or bail was forfeited shall prepare and immediately forward to the department an abstract of the record of the case. The abstract of the record of the case must be certified by the person preparing it to be true and correct.

b. A certified abstract of the record of the case prepared for the department shall only be available to the public from the department. A noncertified record of conviction or forfeiture of bail shall be available to the public from the judicial branch. The clerk of the district court shall collect a fee of fifty cents for each noncertified copy of any record of conviction or forfeiture of bail furnished to any requester except the department or other local, state, or federal government entity. Moneys collected under this section shall be transferred to the department as a repayment receipt, as defined in section 8.2, to enhance the efficiency of the department to process records and information between the department and the Iowa court information system.

c. Notwithstanding any other provision in this section or chapter 22, the judicial branch shall be the provider of public electronic access to the clerk's records of convictions and forfeitures of bail through the Iowa court information system and shall, if all such records are provided monthly to a vendor, collect a fee from such vendor for the period beginning on July 1, 1997, and ending on June 30, 1999, which is the greater of three thousand dollars per month or the actual direct cost of providing the records. On and after July 1, 1999, if all such records are provided monthly to a vendor, the judicial branch shall collect a fee from such vendor which is the greater of ten thousand dollars per month or the actual direct cost of providing the records.

3. The abstract must be made upon a form furnished by the department or by copying a uniform citation and complaint or by using an electronic process which accurately reproduces or forms a durable medium for accurately and legibly reproducing an unaltered image or reproduction of the citation, and must include the name and address of the party charged, the registration number of the vehicle involved, the nature of the offense, the date of hearing, the plea, the judgment, or whether the bail was forfeited, the amount of the fine or forfeiture, and any court recommendation, if any, that the person's driver's license be suspended. The department shall consider and act upon the recommendation.

4. Every clerk of a court of record shall also forward a like report to the department upon the conviction of any person of manslaughter or other felony in the commission of which a vehicle was used.

5. The failure, refusal, or neglect of an officer to comply with the requirements of this section shall constitute misconduct in office and shall be ~~ground~~ grounds for removal from office.

6. All abstracts received by the department under this section shall be open to public inspection during reasonable business hours.

Sec. 121. Section 321E.11, Code 2009, is amended to read as follows:

321E.11 Daylight movement only — exceptions — holidays.

1. Movements by permit in accordance with this chapter shall be permitted only during the hours from thirty minutes prior to sunrise to thirty minutes following sunset unless the issuing authority determines that the movement can be better accomplished at another period of time because of traffic volume conditions or the vehicle subject to the permit has an overall length not to exceed one hundred feet, an overall width not to exceed eleven feet, and an overall height not to exceed fourteen feet, four inches, and the permit requires the vehicle to operate only on those highways designated by the department. Additional safety lighting and escorts may be required for movement at night.

2. Except as provided in section 321.457, no movement by permit shall be permitted on holidays, after twelve o'clock noon on days preceding holidays and holiday weekends, or special events when abnormally high traffic volumes can be expected. Such restrictions shall not be applicable to urban transit systems as defined in section 321.19, subsection 2.

3. For the purposes of this chapter, ~~holidays~~ "holidays" shall include Memorial Day, Independence Day, and Labor Day.

Sec. 122. Section 327G.81, Code 2009, is amended to read as follows:

327G.81 Maintenance of improvements along rights-of-way.

1. A person, including a state agency or political subdivision of the state, who acquires a railroad right-of-way after July 1, 1979, for a purpose other than farming has all of the following responsibilities concerning that right-of-way:

1. a. Construction, maintenance, and repair of the fence on each side of the property, however, this requirement may be waived by a written agreement with the adjoining landowner.

2. b. Private crossings as provided for in section 327G.11.

3. c. Drainage as delineated in chapter 468, subchapter V.

4. d. Overhead, underground, or multiple crossings in accord with section 327G.12.

5. e. Weed control in accord with chapter 317.

2. This section does not absolve the property owners of other duties and responsibilities that they may be assigned as property owners by law. Subsection 1, paragraph "a", does not apply to rights-of-way located on land within the corporate limits of a city except where the acquired right-of-way is contiguous to land assessed as agricultural land.

Sec. 123. Section 328.41, Code 2009, is amended to read as follows:

328.41 Operating recklessly or while intoxicated.

It shall be unlawful for any person to operate an aircraft in the air space above this state or on the ground or water within this state, while under the influence of intoxicating liquor, narcotics, or other habit-forming drug, or to operate an aircraft in the air space above this state or on the ground or water within this state in a careless or reckless manner so as to endanger the life or property of another.

1. Any person who operates an aircraft in a careless or reckless manner in violation of the provisions of this section shall be guilty of a simple misdemeanor.

2. Any person who operates any aircraft, while in an intoxicated condition or under the influence of narcotic drugs in violation of this section, shall, upon conviction or a plea of guilty, be guilty of: a

a. A serious misdemeanor for the first offense, ~~be guilty of an~~.

b. An aggravated misdemeanor for the second offense, ~~and be guilty of a~~.

c. A class “D” felony for a third offense.

Sec. 124. Section 330A.9, subsection 4, paragraph e, unnumbered paragraph 2, Code 2009, is amended to read as follows:

5. Any of the bonds issued pursuant to this chapter are, and are hereby declared to be, negotiable instruments, and shall have all the qualities and incidents of negotiable instruments.

Sec. 125. Section 331.206, subsection 2, Code 2009, is amended to read as follows:

2. a. The plan used under subsection 1 shall be selected by the board or by a special election as provided in section 331.207. A plan selected by the board shall remain in effect for at least six years unless it is changed by a special election as provided in section 331.207.

b. A plan selected by the board shall become effective on the first day in January which is not a Sunday or holiday following the next general election, at which time the terms of the members expire and the terms of the members elected under the requirements of the new supervisor representation plan at the general election as specified in section 331.208, 331.209, or 331.210 shall commence.

Sec. 126. Section 331.236, Code 2009, is amended to read as follows:

331.236 Ballot requirements.

1. Unless otherwise provided, the question of adopting the proposed alternative form of government shall be submitted to the electors in substantially the following form:

Should the (charter or amendment) described below be adopted for (insert name of local government)?

2. The ballot must contain a brief description and summary of the proposed charter or amendment.

Sec. 127. Section 331.247, subsection 7, paragraph c, Code 2009, is amended to read as follows:

c. (1) If an election is held, the governing body shall submit the question of amending the charter to the electors in substantially the following form:

Should the amendment described below be adopted for the city-county consolidated charter of (insert name of county and of each consolidated city)?

(2) The ballot must contain a brief description and summary of the proposed amendment.

Sec. 128. Section 331.252, Code 2009, is amended to read as follows:

331.252 Form of ballot — city-county consolidation.

1. The question of city-county consolidation shall be submitted to the electors in substantially the following form:

Should the charter described below be adopted for (insert name of county and each city proposing to consolidate)?

2. The ballot must contain a brief description and summary of the proposed charter.

Sec. 129. Section 331.255, Code 2009, is amended to read as follows:

331.255 Form of ballot — multicounty consolidation.

1. The question of multicounty consolidation shall be submitted to the electors in substantially the following form:

Should the consolidation charter described below be adopted for (name of applicable county)?

2. The ballot must contain a brief description and summary of the proposed charter.

Sec. 130. Section 331.262, subsections 1 and 9, Code 2009, are amended to read as follows:

1. a. As a political subdivision of the state, the community commonwealth unit of local government shall have the statutory and constitutional status of a county and of a city to the extent the community commonwealth governing body assumes the powers and duties of cities as those powers and duties relate to the delivery of services. For each service provided by the community commonwealth, the community commonwealth shall assume the same

statutory rights, powers, and duties relating to the provision of the service as if the member city were itself providing the service to its citizens.

b. On its effective date, the community commonwealth charter operates to replace the existing county government structure. The governments of participating cities shall remain in existence to render those services not transferred to the community commonwealth government.

9. a. A city or county wishing to terminate its membership in the community commonwealth government must do so pursuant to the existing charter procedure under this chapter or chapter 372, whichever is applicable.

b. A city or county may join an existing community commonwealth government by resolution of the board or council, whichever is applicable, or upon petition of eligible electors of the city or county, whichever is applicable, equal in number to at least twenty-five percent of the persons who voted at the last general election for the office of governor or president of the United States, whichever is fewer. Within fifteen days after receiving a valid petition, the applicable governing body shall adopt a resolution in favor of participation and shall immediately forward the resolution to the governing body of the community commonwealth. If a majority of the community commonwealth governing body approves the resolution, the question of joining the community commonwealth shall be submitted to the electorate of the petitioning city or county within sixty days after approval of the resolution.

Sec. 131. Section 331.301, subsection 10, paragraph e, subparagraph (1), Code Supplement 2009, is amended to read as follows:

(1) (a) The board must follow substantially the authorization procedures of section 331.443 to authorize a lease or lease-purchase contract for personal property which is payable from the general fund. The board must follow substantially the authorization procedures of section 331.443 to authorize a lease or lease-purchase contract for real property which is payable from the general fund if the principal amount of the lease-purchase contract does not exceed the following limits:

~~(a)~~ (i) Four hundred thousand dollars in a county having a population of twenty-five thousand or less.

~~(b)~~ (ii) Five hundred thousand dollars in a county having a population of more than twenty-five thousand but not more than fifty thousand.

~~(c)~~ (iii) Six hundred thousand dollars in a county having a population of more than fifty thousand but not more than one hundred thousand.

~~(d)~~ (iv) Eight hundred thousand dollars in a county having a population of more than one hundred thousand but not more than two hundred thousand.

~~(e)~~ (v) One million dollars in a county having a population of more than two hundred thousand.

(b) However, if the principal amount of a lease or lease-purchase contract pursuant to this subparagraph (1) is less than twenty-five thousand dollars, the board may authorize the lease or lease-purchase contract without following the authorization procedures of section 331.443.

Sec. 132. Section 331.301, subsection 10, paragraph e, subparagraph (2), subparagraph division (b), Code Supplement 2009, is amended to read as follows:

(b) (i) If at any time before the end of the thirty-day period after which a meeting may be held to take action to enter into the lease or lease-purchase contract, a petition is filed with the auditor in the manner provided by section 331.306, asking that the question of entering into the lease or lease-purchase contract be submitted to the registered voters of the county, the board shall either by resolution declare the proposal to enter into the lease or lease-purchase contract to have been abandoned or shall direct the county commissioner of elections to call a special election upon the question of entering into the lease or lease-purchase contract. However, for purposes of this subparagraph (2), the petition shall not require signatures in excess of one thousand persons.

(ii) The question to be placed on the ballot shall be stated affirmatively in substantially the following manner:

Shall the county of enter into a lease or lease-purchase contract in an amount of \$ for the purpose of

(iii) Notice of the election and its conduct shall be in the manner provided in section 331.442, subsections 2 through 4.

Sec. 133. Section 331.307, subsections 9 through 12, Code 2009, are amended to read as follows:

9. a. When judgment has been entered against a defendant, the court may do any of the following:

~~a.~~ (1) Impose a civil penalty by entry of a personal judgment against the defendant.

~~b.~~ (2) Direct that payment of the civil penalty be suspended or deferred under conditions imposed by the court.

~~c.~~ (3) Grant appropriate alternative relief ordering the defendant to abate or cease the violation.

~~d.~~ (4) Authorize the county to abate or correct the violation.

~~e.~~ (5) Order that the county's costs for abatement or correction of the violation be entered as a personal judgment against the defendant or assessed against the property where the violation occurred, or both.

b. If a defendant willfully violates the terms of an order imposed by the court, the failure is contempt.

10. The magistrate or district associate judge shall have jurisdiction to assess or enter judgment for costs of abatement or correction in an amount not to exceed the jurisdictional amount for a money judgment in a civil action pursuant to section 631.1, subsection 1, for magistrates and section 602.6306, subsection 2, for district associate judges. If the county seeks abatement or correction costs in excess of those amounts, the case shall be referred to the district court for hearing and entry of an appropriate order. The procedure for hearing in the district court shall be the same procedure as that for a small claims appeal pursuant to section 631.13.

10. 11. A defendant or the county may file a motion for a new trial or may appeal the decision of the magistrate or district associate judge to the district court. The procedure on appeal shall be the same as for a small claim pursuant to section 631.13. A factual determination made by the trial court, supported by substantial evidence as shown in the record, is binding for purposes of appeal relating to the violation at issue, but shall not be admissible or binding as to any future violation for the same or similar ordinance provision by the same defendant.

11. 12. This section does not preclude a peace officer of a county from issuing a criminal citation for a violation of a county code or regulation if criminal penalties are also provided for the violation. Each day that a violation occurs or is permitted by the defendant to exist, constitutes a separate offense.

12. 13. The issuance of a civil citation for a county infraction or the ensuing court proceedings do not provide an action for false arrest, false imprisonment, or malicious prosecution.

Sec. 134. Section 331.342, Code 2009, is amended to read as follows:

331.342 Conflicts of interest in public contracts.

1. As used in this section, "contract" means a claim, account, or demand against or agreement with a county, express or implied, other than a contract to serve as an officer or employee of the county. However, contracts subject to section 314.2 are not subject to this section.

2. An officer or employee of a county shall not have an interest, direct or indirect, in a contract with that county. A contract entered into in violation of this section is void. The provisions of this section do not apply to:

1. a. The designation of a bank or trust company as a depository, paying agent, or for investment of funds.

2. b. An employee of a bank or trust company, who serves as treasurer of a county.

3. c. Contracts made by a county upon competitive bid in writing, publicly invited and opened.

4. d. Contracts in which a county officer or employee has an interest solely by reason of employment, or a stock interest of the kind described in ~~subsection 8~~ paragraph "h", or

both, if the contracts are made by competitive bid, publicly invited and opened, or if the remuneration of employment will not be directly affected as a result of the contract and the duties of employment do not directly involve the procurement or preparation of any part of the contract. The competitive bid qualification of this ~~subsection~~ paragraph does not apply to a contract for professional services not customarily awarded by competitive bid.

5. e. The designation of official newspapers.

6. f. A contract in which a county officer or employee has an interest if the contract was made before the time the officer or employee was elected or appointed, but the contract shall not be renewed.

7. g. A contract with volunteer fire fighters or civil defense volunteers.

8. h. A contract with a corporation in which a county officer or employee has an interest by reason of stockholdings when less than five percent of the outstanding stock of the corporation is owned or controlled directly or indirectly by the officer or employee or the spouse or immediate family of the officer or employee.

9. i. A contract made by competitive bid, publicly invited and opened, in which a member of a county board, commission, or administrative agency has an interest, if the member is not authorized by law to participate in the awarding of the contract. The competitive bid qualification of this ~~subsection~~ paragraph does not apply to a contract for professional services not customarily awarded by competitive bid.

10. j. Contracts not otherwise permitted by this section, for the purchase of goods or services by a county, which benefit a county officer or employee, if the purchases benefiting that officer or employee do not exceed a cumulative total purchase price of one thousand five hundred dollars in a fiscal year.

11. k. A contract that is a bond, note, or other obligation of the county and the contract is not acquired directly from the county, but is acquired in a transaction with a third party, who may or may not be the original underwriter, purchaser, or obligee of the contract.

Sec. 135. Section 331.402, subsection 3, paragraph d, subparagraph (2), subparagraph division (b), Code Supplement 2009, is amended to read as follows:

(b) (i) If at any time before the end of the thirty-day period after which a meeting may be held to take action to enter into the loan agreement, a petition is filed with the auditor in the manner provided by section 331.306 asking that the question of entering into the loan agreement be submitted to the registered voters of the county, the board shall either by resolution declare the proposal to enter into the loan agreement to have been abandoned or shall direct the county commissioner of elections to call a special election upon the question of entering into the loan agreement. However, for purposes of this subparagraph (2), the petition shall not require signatures in excess of one thousand persons.

(ii) The question to be placed on the ballot shall be stated affirmatively in substantially the following manner:

Shall the county of enter into a loan agreement in amount of \$ for the purpose of

(iii) Notice of the election and its conduct shall be in the manner provided in section 331.442, subsections 2 through 4.

Sec. 136. Section 331.424, subsection 1, Code 2009, is amended to read as follows:

1. a. For general county services, an amount sufficient to pay the charges for the following:

~~1.~~ (1) To the extent that the county is obligated by statute to pay the charges for:

~~(4)~~ (a) The costs of inpatient or outpatient substance abuse admission, commitment, transportation, care, and treatment at any of the following:

~~(a)~~ (i) The alcoholic treatment center at Oakdale. However, the county may require that an admission to the center shall be reported to the board by the center within five days as a condition of the payment of county funds for that admission.

~~(b)~~ (ii) A state mental health institute, or a community-based public or private facility or service.

~~(2)~~ (b) Care of children admitted or committed to the Iowa juvenile home at Toledo.

~~(3)~~ (c) Clothing, transportation, medical, or other services provided persons attending the Iowa braille and sight saving school, the Iowa school for the deaf, or the university of

Iowa hospitals and clinics' center for disabilities and development for children with severe disabilities at Iowa City, for which the county becomes obligated to pay pursuant to sections 263.12, 269.2, and 270.4 through 270.7.

b. (2) Foster care and related services provided under court order to a child who is under the jurisdiction of the juvenile court, including court-ordered costs for a guardian ad litem under section 232.71C.

e. (3) Elections, and voter registration pursuant to chapter 48A.

d. (4) Employee benefits under chapters 96, 97B, and 97C, which are associated with salaries for general county services.

e. (5) Joint county and city building authorities established under section 346.27, as provided in subsection 22 of that section.

f. (6) Tort liability insurance, property insurance, and any other insurance that may be necessary in the operation of the county, costs of a self-insurance program, costs of a local government risk pool, and amounts payable under any insurance agreements to provide or procure such insurance, self-insurance program, or local government risk pool.

g. (7) The maintenance and operation of the courts, including but not limited to the salary and expenses of the clerk of the district court and other employees of the clerk's office, and bailiffs, court costs if the prosecution fails or if the costs cannot be collected from the person liable, costs and expenses of prosecution under section 189A.17, salaries and expenses of juvenile court officers under chapter 602, court-ordered costs in domestic abuse cases under section 236.5, the county's expense for confinement of prisoners under chapter 356A, temporary assistance to the county attorney, county contributions to a retirement system for bailiffs, reimbursement for judicial magistrates under section 602.6501, claims filed under section 622.93, interpreters' fees under section 622B.7, uniform citation and complaint supplies under section 805.6, and costs of prosecution under section 815.13.

h. (8) Court-ordered costs of conciliation procedures under section 598.16.

i. (9) Establishment and maintenance of a joint county indigent defense fund pursuant to an agreement under section 28E.19.

j. (10) The maintenance and operation of a local emergency management agency established pursuant to chapter 29C.

b. The board may require a public or private facility, as a condition of receiving payment from county funds for services it has provided, to furnish the board with a statement of the income, assets, and legal residence including township and county of each person who has received services from that facility for which payment has been made from county funds under paragraphs "a" and "b" paragraph "a", subparagraphs (1) and (2). However, the facility shall not disclose to anyone the name or street or route address of a person receiving services for which commitment is not required, without first obtaining that person's written permission.

c. Parents or other persons may voluntarily reimburse the county or state for the reasonable cost of caring for a patient or an inmate in a county or state facility.

Sec. 137. Section 331.605, Code 2009, is amended to read as follows:

331.605 Other fees.

1. The recorder shall collect:

1. a. For the issuance of a registration or transfer for a vessel or boat:

a. (1) A registration fee as provided in section 462A.5.

b. (2) A writing fee as provided in section 462A.53.

e. (3) A transfer and writing fee as provided in section 462A.44.

2. b. For issuance of hunting, fishing, and fur harvester licenses:

a. (1) The fees specified in section 483A.1.

b. (2) The writing fee as provided in section 483A.12.

3. c. A state migratory game bird fee as provided in section 483A.1.

4. d. For the issuance of snowmobile registrations and user permits, the fees specified in sections 321G.4 and 321G.4A.

5. e. For the issuance of all-terrain vehicle registrations and user permits, the fees specified in sections 321I.4 and 321I.5.

6. f. A county fee of four dollars for a certified copy of a birth record, death record, or marriage certificate.

7. g. For filing an application for the license to marry, thirty-five dollars, which includes payment for one certified copy of the original certificate of marriage, to be issued following filing of the original certificate of marriage, four dollars of which shall be retained by the county pursuant to ~~subsection 6 paragraph "f"~~. For issuing an application for an order of the district court authorizing the validation of a license to marry before the expiration of three days from the date of issuance of the license, five dollars. The district court shall authorize the early validation of a marriage license without the payment of any fees imposed in this ~~subsection paragraph~~ upon showing that the applicant is unable to pay the fees.

8. h. Other fees as provided by law.

2. However, the county shall not be required to pay the fees required in this section.

Sec. 138. Section 331.651, Code 2009, is amended to read as follows:

331.651 Office of county sheriff.

1. The office of sheriff is an elective office. However, if a vacancy occurs in the office, the first deputy shall assume the office after qualifying as provided in this section. The first deputy shall hold the office until a successor is appointed or elected to the unexpired term as provided in chapter 69. If a sheriff is suspended from office, the district court may appoint a sheriff until a temporary appointment is made by the board as provided in section 66.19.

2. A person elected or appointed sheriff shall meet all the following qualifications:

a. Have no felony convictions.

b. Be age twenty-one or over at the time of assuming the office of sheriff.

c. Be a certified peace officer recognized by the Iowa law enforcement academy council under chapter 80B or complete the basic training course provided at the Iowa law enforcement academy's central training facility or a location other than the central training facility within one year of taking office. A person shall be deemed to have completed the basic training course if the person meets all course requirements except the physical training requirements.

2. 3. A person elected or appointed to the office of sheriff shall qualify by taking the oath of office as provided in section 63.10 and give bond as provided in section 64.8.

3. 4. The term of office of the sheriff is four years.

Sec. 139. Section 336.2, Code 2009, is amended to read as follows:

336.2 Library districts formed.

1. A library district may be established composed of one or more counties, one or more cities, or any combination of cities and counties.

2. a. Eligible electors residing within the proposed district in a number not less than five percent of those voting for president of the United States or governor, as the case may be, within the district at the last general election may petition the board of supervisors of the county, or the city council, for the establishment of the library district. The petition shall clearly designate the area to be included in the district.

b. The board of supervisors of each county and the city council of each city containing area within the proposed district shall submit the question to the registered voters within their respective counties and cities at the next general election. The petition shall be filed not less than eighty-two days before the election.

3. a. A library district shall be established if a majority of the electors voting on the question and residing in the proposed library district favor its establishment.

b. The result of the election within cities maintaining a free public library shall be considered separately, and no city shall be included within the library district unless a majority of its electors voting on the question favor its inclusion. In such cases the boundaries of an established district may vary from those of the proposed district.

4. After the establishment of a library district other areas may be included by mutual agreement of the board of trustees of the library district and the governing body of the area sought to be included.

Sec. 140. Section 336.16, Code 2009, is amended to read as follows:

336.16 Withdrawal from district — termination.

1. a. (1) A city may withdraw from the library district upon a majority vote in favor of withdrawal by the electorate of the city in an election held on a motion by the city council. The election shall be held simultaneously with a general or city election. Notice of a favorable vote to withdraw shall be sent by certified mail to the board of library trustees of the library district and the county auditor or city clerk, as appropriate, prior to January 10, and the withdrawal shall be effective on July 1.

(2) A county may withdraw from the district after a majority of the voters of the unincorporated area of the county voting on the issue favor the withdrawal. The board of supervisors shall call for the election which shall be held at the next general election.

b. A city or county election shall not be called until a hearing has been held on the proposal to submit a proposition of withdrawal to an election. A hearing may be held only after public notice published as provided in section 362.3 in the case of a city or section 331.305 in the case of a county. A copy of the notice submitted for publication shall be mailed to the library on or before the date of publication. The proposal presented at the hearing must include a plan for continuing adequate library service with or without all participants and the respective allocated costs and levels of service shall be stated. At the hearing, any interested person shall be given a reasonable time to be heard, either for or against the withdrawal or the plan to accompany it.

2. A library district may be terminated if a majority of the electors of the unincorporated area of the county and the cities included in the library district voting on the issue favor the termination. The election shall be held upon motion of the board of supervisors and simultaneously with a general or other county election. If the vote favors termination, the termination shall be effective on the succeeding July 1.

3. An election for withdrawal from or termination of a library district shall not be held more than once each four years.

Sec. 141. Section 352.3, subsections 1 and 4, Code 2009, are amended to read as follows:

1. a. In each county a county land preservation and use commission is created composed of the following members:

~~a.~~ (1) One member appointed by and from the county agricultural extension council.

~~b.~~ (2) Two members appointed by the district soil and water conservation commissioners, one of whom must be a member of the district soil and water conservation board of commissioners and one must be a person who is not a commissioner, but is actively operating a farm in the county.

~~c.~~ (3) One member appointed by the board of supervisors from the residents of the county who may be a member of the board.

~~d.~~ (4) One member appointed by and from a convention of the mayors and councilpersons of the cities of the county. If a participating city contains fifty percent or more of the total population of the participating cities, that city may appoint the member appointed under this paragraph.

b. However, if a city contains more than fifty percent of the population of a county which has a population exceeding fifty thousand persons, that city shall not participate in the convention of mayors and councilpersons and the members appointed under paragraph ~~"d"~~ "a", subparagraph (4), shall be one member appointed by and from the mayor and councilpersons of that city and one member appointed by and from the convention of mayors and councilpersons and the member appointed under paragraph ~~"e"~~ (a), subparagraph (3), shall be a resident of the county engaged in actual farming operations appointed by the board of supervisors.

4. A vacancy in the county commission shall be filled in the same manner as the appointment of the member whose position is vacant. The term of a county commissioner is four years. However, in the initial appointments to the county commission, the members appointed under subsection 1, ~~paragraphs~~ paragraph "a", subparagraphs (1) and "b" (2) shall be appointed to terms of two years. Members may be appointed to succeed themselves.

Sec. 142. Section 352.6, Code 2009, is amended to read as follows:

352.6 Creation or expansion of agricultural areas.

1. An owner of farmland may submit a proposal to the county board for the creation or expansion of an agricultural area within the county. An agricultural area, at its creation, shall include at least three hundred acres of farmland; however, a smaller area may be created if the farmland is adjacent to farmland subject to an agricultural land preservation ordinance pursuant to section 335.27 or adjacent to land located within an existing agricultural area. The proposal shall include a description of the proposed area to be created or expanded, including its boundaries. The territory shall be as compact and as nearly adjacent as feasible. Land shall not be included in an agricultural area without the consent of the owner. Agricultural areas shall not exist within the corporate limits of a city. The county board may consult with the department of natural resources when creating or expanding an agricultural area contiguous to a location which is under the direct supervision of the department, including a state park, state preserve, state recreation area, or sovereign lake. Agricultural areas may be created in a county which has adopted zoning ordinances. Except as provided in this section, the use of the land in agricultural areas is limited to farm operations.

~~1.~~ 2. The following shall be permitted in an agricultural area:

a. Residences constructed for occupation by a person engaged in farming or in a family farm operation. Nonconforming preexisting residences may be continued in residential use.

b. Property of a telephone company, city utility as defined in section 390.1, public utility as defined in section 476.1, or pipeline company as defined in section 479.2.

~~2.~~ 3. The county board of supervisors may permit any use not listed in subsection ~~1~~ 2 in an agricultural area only if it finds all of the following:

a. The use is not inconsistent with the purposes set forth in section 352.1.

b. The use does not interfere seriously with farm operations within the area.

c. The use does not materially alter the stability of the overall land use pattern in the area.

Sec. 143. Section 354.11, Code 2009, is amended to read as follows:

354.11 Attachments to subdivision plats.

1. A subdivision plat, other than an auditor's plat, that is presented to the recorder for recording shall conform to section 354.6 and shall not be accepted for recording unless accompanied by the following documents:

~~1.~~ a. A statement by the proprietors and their spouses, if any, that the plat is prepared with their free consent and in accordance with their desire, signed and acknowledged before an officer authorized to take the acknowledgment of deeds. The statement by the proprietors may also include a dedication to the public of all lands within the plat that are designated for streets, alleys, parks, open areas, school property, or other public use, if the dedication is approved by the governing body.

2. b. A statement from the mortgage holders or lienholders, if any, that the plat is prepared with their free consent and in accordance with their desire, signed and acknowledged before an officer authorized to take the acknowledgment of deeds. An affidavit and bond as provided for in section 354.12, may be recorded in lieu of the consent of the mortgage or lienholder. When a mortgage or lienholder consents to the subdivision, a release of mortgage or lien shall be recorded for any areas conveyed to the governing body or dedicated to the public.

~~3.~~ c. An opinion by an attorney at law who has examined the abstract of title of the land being platted. The opinion shall state the names of the proprietors and holders of mortgages, liens, or other encumbrances on the land being platted and shall note the encumbrances, along with any bonds securing the encumbrances. Utility easements shall not be construed to be encumbrances for the purpose of this section.

4. d. A certified resolution by each governing body as required by section 354.8 either approving the subdivision or waiving the right to review.

5. e. A statement by the auditor approving the name or title of the subdivision plat.

~~6.~~ f. A certificate of the treasurer that the land is free from certified taxes and certified special assessments or that the land is free from certified taxes and that the certified special assessments are secured by bond in compliance with section 354.12.

2. A subdivision plat which includes no land set apart for streets, alleys, parks, open areas, school property, or public use other than utility easements, shall be accompanied by the

documents listed in ~~subsections~~ subsection 1, 2, 3, 4, paragraphs "a", "b", "c", "d", and 5 "e" and a certificate of the treasurer that the land is free from certified taxes other than certified special assessments.

Sec. 144. Section 357C.13, Code 2009, is amended to read as follows:

357C.13 Determination of fee.

1. The owner of any property joining an established benefited street lighting district shall pay to the board of trustees of the district an initial fee to be computed as follows:

~~1.~~ a. The board of trustees shall first determine fair market value of all property and improvements owned by the benefited street lighting district, less any indebtedness.

~~2.~~ b. The board shall then determine the assessed value of all property in said district. This shall be divided into the value determined in ~~subsection 1 of this section~~ paragraph "a".

~~3.~~ c. The board shall determine the assessed value of the property of each landowner joining the established district.

~~4.~~ d. The result obtained in ~~subsection 2 paragraph "b"~~ shall be multiplied by the result obtained in ~~subsection 3 paragraph "c"~~. The result shall be the initial fee to be charged each landowner.

2. The initial fees paid to the district trustees shall be used to help defray the cost and maintenance of the district's street lighting service.

Sec. 145. Section 358.2, Code 2009, is amended to read as follows:

358.2 Petition — deposit.

1. Any twenty-five or more eligible electors resident within the limits of any proposed sanitary district may file a petition in the office of the county auditor of the county in which the proposed sanitary district, or the major portion thereof, is located, requesting that there be submitted to the registered voters of such proposed district the question whether the territory within the boundaries of such proposed district shall be organized as a sanitary district under this chapter. Such petition shall be addressed to the board of supervisors of the county wherein it is filed and shall set forth:

~~1.~~ a. An intelligible description of the boundaries of the territory to be embraced in such district.

~~2.~~ b. The name of such proposed sanitary district.

~~3.~~ c. That the public health, comfort, convenience, or welfare will be promoted by the establishment of such sanitary district.

~~4.~~ d. The signatures of the petitioners.

2. No territory shall be included within more than one sanitary district organized under this chapter, and if any proposed sanitary district shall fail to receive a majority of votes cast at any election thereon as hereinafter provided, no petition shall be filed for establishment of such a sanitary district within one year from the date of such previous election.

3. a. There shall be filed with the petition a bond with sureties approved by the auditor, or a certified check, credit union certified share draft or cash in an amount sufficient for the payment of all costs and expenses incurred in the proceedings if the district is not finally established.

b. No preliminary expense shall be incurred before the establishment of the proposed sanitary district by the board in excess of the amount of bond filed by the petitioners. In case it is necessary to incur any expense in addition to the amount of the bond, the board of supervisors shall require the filing of an additional security until the additional bond is filed in sufficient amount to cover the expense.

Sec. 146. Section 358.7, Code 2009, is amended to read as follows:

358.7 Election.

1. Each registered voter resident within such proposed sanitary district shall have the right to cast a ballot at such election and no person shall vote in any precinct but that of the person's residence. Ballots at such election shall be in substantially the following form, to wit:

For Sanitary District

Against Sanitary District

2. The board of supervisors shall cause a statement of the result of such election to be spread upon the records of the county auditor. If a majority of the votes cast upon the question of incorporation of the proposed sanitary district shall be in favor of the proposed sanitary district, such proposed sanitary district shall thenceforth be deemed an organized sanitary district under this chapter and established as conducive to the public health, comfort, convenience, and welfare.

Sec. 147. Section 360.9, Code 2009, is amended to read as follows:

360.9 Reversion of real estate — payment.

1. *a.* Any real estate, including improvements thereon, situated wholly outside of a city, owned by a township and heretofore used for township purposes and which is no longer necessary for township purposes, shall revert to the present owner of the tract from which the same was taken, provided that said owner of the tract last aforesaid shall, within the time hereinafter prescribed, pay the value thereof to the township clerk. In the event the township trustees and said owner of the tract from which such real property was taken do not agree as to the value of such property and improvements thereon, the township clerk shall, on written application of either party, appoint three disinterested residents of the township to appraise such property and improvements thereon.

b. The township clerk shall give notice to said trustees and said owner of the time and place of making such appraisal, which notice shall be served in the same manner and for the same time as for the commencement of action in the district court. Such appraisers shall inspect the real estate and improvements and, at the time and place designated in the notice, appraise the same in writing, which appraisal, after being duly verified, shall be filed with the township clerk.

c. If the present owner of the tract from which said site was taken fails to pay the amount of such appraisal to such township within twenty days after the filing of same with the township clerk, the township trustees may sell said site, including any improvements thereon, to any person at the appraised value, or may sell the same at public auction for the best bid.

2. Any real estate, including improvements thereon, situated within a city, owned by a township and heretofore used for township purposes and which is no longer necessary for township purposes, may be sold by the township trustees at public auction for the best bid.

3. The township trustees in the case of joint ownership, in conjunction with any city authorities, shall not sell such real estate including improvements thereon unless the city authorities concur in such sale. The proceeds of such sale of jointly owned real estate including improvements located thereon shall be prorated between the township and the city on the basis of their respective contribution to the acquisition and maintenance of such property.

4. *a.* Sales at public auction contemplated herein shall be made only after the township trustees advertise for bids for such property. Such advertisement shall definitely describe said property and be published by at least one insertion each week for two consecutive weeks in some newspaper having general circulation in the township.

b. The township trustee shall not, prior to two weeks after the said second publication, nor later than six months after said second publication, accept any bid. The township trustees may accept only the best bid received prior to acceptance. The township trustees may decline to sell if all the bids received are deemed inadequate.

5. Subject to the right of reversion to the present owner as above provided, the township trustees may sell, lease, exchange, give, or grant and accept any interest in real property to, with, or from any county, municipal corporation, or school district if the real property is within the jurisdiction of both the grantor and grantee and the advertising and public auction requirements of this section shall not apply to any such transaction between the aforesaid local units of government.

Sec. 148. Section 362.5, Code 2009, is amended to read as follows:

362.5 Interest in public contract prohibited — exceptions.

1. When used in this section, "contract" means any claim, account, or demand against or agreement with a city, express or implied.

2. A city officer or employee shall not have an interest, direct or indirect, in any contract or job of work or material or the profits thereof or services to be furnished or performed for the officer's or employee's city. A contract entered into in violation of this section is void.

3. The provisions of this section do not apply to:

1. a. The payment of lawful compensation of a city officer or employee holding more than one city office or position, the holding of which is not incompatible with another public office or is not prohibited by law.

2. b. The designation of a bank or trust company as a depository, paying agent, or for investment of funds.

3. c. An employee of a bank or trust company, who serves as treasurer of a city.

4. d. Contracts made by a city, upon competitive bid in writing, publicly invited and opened.

5. e. Contracts in which a city officer or employee has an interest solely by reason of employment, or a stock interest of the kind described in ~~subsection 9~~ paragraph "i", or both, if the contracts are made by competitive bid in writing, publicly invited and opened, and if the remuneration of employment will not be directly affected as a result of the contract and the duties of employment do not directly involve the procurement or preparation of any part of the contract. The competitive bid qualification of this ~~subsection~~ paragraph does not apply to a contract for professional services not customarily awarded by competitive bid.

6. f. The designation of an official newspaper.

7. g. A contract in which a city officer or employee has an interest if the contract was made before the time the officer or employee was elected or appointed, but the contract may not be renewed.

8. h. Contracts with volunteer fire fighters or civil defense volunteers.

9. i. A contract with a corporation in which a city officer or employee has an interest by reason of stockholdings when less than five percent of the outstanding stock of the corporation is owned or controlled directly or indirectly by the officer or employee or the spouse or immediate family of such officer or employee.

10. j. Contracts not otherwise permitted by this section, for the purchase of goods or services by a city having a population of more than two thousand five hundred, which benefit a city officer or employee, if the purchases benefiting that officer or employee do not exceed a cumulative total purchase price of one thousand five hundred dollars in a fiscal year.

11. k. Contracts not otherwise permitted by this section for the purchase of goods or services by a city having a population of two thousand five hundred or less, which benefit a city officer or employee, if the purchases benefiting that officer or employee do not exceed a cumulative total purchase price of two thousand five hundred dollars in a fiscal year.

12. l. Franchise agreements between a city and a utility and contracts entered into by a city for the provision of essential city utility services.

13. m. A contract that is a bond, note, or other obligation of the city and the contract is not acquired directly from the city, but is acquired in a transaction with a third party who may or may not be the original underwriter, purchaser, or obligee of the contract.

Sec. 149. Section 368.20, Code 2009, is amended to read as follows:

368.20 Procedure after approval.

1. After the county commissioner of elections has certified the results to the board, the board shall:

1. a. Serve and publish notice of the result as provided in section 362.3.

2. b. File with the secretary of state and the clerk of each city incorporated or involved in a boundary adjustment, and record with the recorder of each county which contains a portion of any city or territory involved, copies of the proceedings including the original petition or plan and any amendments, the order of the board approving the petition or plan, proofs of service and publication of required notices, certification of the election result, and any other material deemed by the board to be of primary importance to the proceedings.

2. Upon proper filing and expiration of time for appeal, the incorporation, discontinuance, or boundary adjustment is complete. However, if an appeal to any of the proceedings is pending, completion does not occur until the appeal is decided, unless a subsequent date is provided in the proposal. The board shall also file with the state department of transportation a copy of the map and legal land description of each completed incorporation

or corporate boundary adjustment completed under sections 368.11 through 368.22 or approved annexation within an urbanized area.

Sec. 150. Section 368.22, Code 2009, is amended to read as follows:

368.22 Appeal.

1. a. A city, or a resident or property owner in the territory or city involved may appeal a decision of the board or a committee, or the legality of an election, to the district court of a county which contains a portion of any city or territory involved.

b. Appeal must be filed within thirty days of the filing of a decision or the publication of notice of the result of an election.

c. Appeal of an approval of a petition or plan does not stay the election.

2. The judicial review provisions of this section and chapter 17A shall be the exclusive means by which a person or party who is aggrieved or adversely affected by agency action may seek judicial review of that agency action. The court's review on appeal of a decision is limited to questions relating to jurisdiction, regularity of proceedings, and whether the decision appealed from is arbitrary, unreasonable, or without substantial supporting evidence. The court may reverse and remand a decision of the board or a committee, with appropriate directions.

3. The following portions of section 17A.19 are not applicable to this chapter:

~~1. a. The part of subsection 2 which relates to where proceedings for judicial review shall be instituted.~~

~~2. b. Subsection 5.~~

~~3. c. Subsection 8.~~

~~4. d. Subsection 9.~~

~~5. e. Subsection 10.~~

~~6. f. Subsection 11.~~

Sec. 151. Section 372.5, Code 2009, is amended to read as follows:

372.5 Commission form.

1. A city governed by the commission form has five departments as follows:

~~1. a. Department of public affairs.~~

2. b. Department of accounts and finances.

3. c. Department of public safety.

4. d. Department of streets and public improvements.

5. e. Department of parks and public property.

2. a. A city governed by the commission form has a council composed of a mayor and four council members elected at large, unless the council representation plan is changed pursuant to section 372.13, subsection 11. The mayor administers the department of public affairs and each other council member is elected to administer one of the other four departments.

b. However, a city governed, on July 1, 1975, by the commission form and having a council composed of a mayor and two council members elected at large may continue with a council of three until the form of government is changed as provided in section 372.2 or section 372.9 or without changing the form, may submit to the voters the question of increasing the council to five members assigned to the five departments as set out in this section.

3. The mayor shall supervise the administration of all departments and report to the council all matters requiring its attention. The mayor is a member of the council and may vote on all matters before the council.

4. The council member elected to administer the department of accounts and finances is mayor pro tem.

5. The council may appoint a city treasurer or may, by ordinance, provide for election of that officer.

Sec. 152. Section 373.7, Code 2009, is amended to read as follows:

373.7 Form of ballot.

1. The question of metropolitan consolidation shall be submitted to the electors in substantially the following form:

Should the cities of and unite to form one joint

metropolitan corporation government?

2. The ballot must contain a brief description and summary of the proposed charter or amendment.

Sec. 153. Section 376.8, subsection 2, Code 2009, is amended to read as follows:

2. In a regular city election held for a city where the council has chosen a runoff election in lieu of a primary, candidates are elected as provided by subsection 1, except that no candidate is elected who fails to receive a majority of the votes cast for the office in question. In the case of at-large elections to a multimember body, a majority is one vote more than half the quotient found by dividing the total number of votes cast for all candidates for that body by the number of positions to be filled. In calculating the number of votes necessary to constitute a majority, fractions shall be rounded up to the next higher whole number.

~~In calculating the number of votes necessary to constitute a majority, fractions shall be rounded up to the next higher whole number.~~

Sec. 154. Section 384.24A, subsection 4, paragraph b, subparagraph (2), Code Supplement 2009, is amended to read as follows:

(2) (a) If at any time before the end of the thirty-day period after which a meeting may be held to take action to enter into the loan agreement, a petition is filed with the clerk of the city in the manner provided by section 362.4, asking that the question of entering into the loan agreement be submitted to the registered voters of the city, the governing body shall either by resolution declare the proposal to enter into the loan agreement to have been abandoned or shall direct the county commissioner of elections to call a special election upon the question of entering into the loan agreement. However, for purposes of this paragraph, the petition shall not require signatures in excess of one thousand persons.

(b) The question to be placed on the ballot shall be stated affirmatively in substantially the following manner:

Shall the city of enter into a loan agreement in amount of \$ for the purpose of

(c) Notice of the election and its conduct shall be in the manner provided in section 384.26, subsections 2 through 4.

Sec. 155. Section 384.50, Code 2009, is amended to read as follows:

384.50 Notice of hearing.

1. The clerk shall publish notice of the date, time, and place of the hearing once each week for two consecutive weeks in the manner provided by section 362.3, the first publication of which shall be not less than ten days before the date of the hearing.

2. The notice must be in substantially the following form:

NOTICE TO PROPERTY OWNERS

Notice is given that there is now on file for public inspection in the office of the clerk of, Iowa, a proposed resolution of necessity, an estimate of cost, and a plat and schedule showing the amounts proposed to be assessed against each lot and the valuation of each lot within a district approved by the council of, Iowa, for a improvement of the type(s) and in the location(s) as follows:

The council will meet at o'clockm., on (date), at the, at which time the owners of property subject to assessment for the proposed improvement or any other person having an interest in the matter may appear and be heard for or against the making of the improvement, the boundaries of the district, the cost, the assessment against any lot, or the final adoption of a resolution of necessity. A property owner will be deemed to have waived all objections unless at the time of hearing the property owner has filed objections with the clerk.

.....
Clerk

3. Not less than fifteen days before the hearing, the clerk shall send a copy of the notice by mail to each property owner whose property is subject to assessment for the improvement at the address as shown by the records of the county auditor. If a property is shown to be in the name of more than one owner at the same mailing address, a single notice may be mailed

addressed to all owners at that address. Failure to receive a mailed notice is not a defense to the special assessment.

Sec. 156. Section 389.2, Code 2009, is amended to read as follows:

389.2 Submission to voters.

A joint water utility may be established by two or more cities. A proposal to establish a joint water utility or to join an existing joint water utility may be submitted to the voters of a city by the city council upon its own motion, or upon receipt of a valid petition pursuant to section 362.4.

1. If the proposal is to establish a joint water utility, the proposal shall be submitted to the voters of each city proposing to establish the joint water utility. If a majority of the electorate in each of at least two cities approves the proposal, the cities approving the proposal may establish a joint water utility.

2. If the proposal is to join an existing joint water utility, the proposal must first be submitted to the joint water utility board for its approval. If the proposal is approved by the board, the proposal shall be submitted to the electorate of the city wishing to join. The proposal must receive a majority affirmative vote for passage.

Sec. 157. Section 403.5, subsection 4, paragraph b, Code 2009, is amended to read as follows:

b. (1) The urban renewal plan conforms to the general plan of the municipality as a whole; provided, that if the urban renewal area consists of an area of open land to be acquired by the municipality, such area shall not be so acquired except:

(1) (a) If it is to be developed for residential uses, the local governing body shall determine that a shortage of housing of sound standards and design with decency, safety, and sanitation exists in the municipality; that the acquisition of the area for residential uses is an integral part of and essential to the program of the municipality; and that one or more of the following conditions exist:

(a) (i) That the need for housing accommodations has been or will be increased as a result of the clearance of slums in other areas, including other portions of the urban renewal area.

(b) (ii) That conditions of blight in the municipality and the shortage of decent, safe, and sanitary housing cause or contribute to an increase in and spread of disease and crime, so as to constitute a menace to the public health, safety, morals, or welfare.

(c) (iii) That the provision of public improvements related to housing and residential development will encourage housing and residential development which is necessary to encourage the retention or relocation of industrial and commercial enterprises in this state and its municipalities.

(d) (iv) The acquisition of the area is necessary to provide for the construction of housing for low and moderate income families.

(2) (b) If it is to be developed for nonresidential uses, the local governing body shall determine that such nonresidential uses are necessary and appropriate to facilitate the proper growth and development of the community in accordance with sound planning standards and local community objectives.

(2) The acquisition of open land authorized in ~~subparagraphs (1) and (2)~~ subparagraph (1), subparagraph divisions (a) and (b) may require the exercise of governmental action, as provided in this chapter, because of defective or unusual conditions of title, diversity of ownership, tax delinquency, improper subdivisions, outmoded street patterns, deterioration of site, economic disuse, unsuitable topography or faulty lot layouts, or because of the need for the correlation of the area with other areas of a municipality by streets and modern traffic requirements, or any combination of such factors or other conditions which retard development of the area. If such governmental action involves the exercise of eminent domain authority, the municipality is subject to the limitations of this chapter and chapters 6A and 6B.

Sec. 158. Section 403A.5, Code 2009, is amended to read as follows:

403A.5 Exercise of municipal housing powers — municipal housing agency.

1. Any municipality may create, in such municipality, a public body corporate and politic to be known as the "Municipal Housing Agency" of such municipality except that such agency shall not transact any business or exercise its powers hereunder until or unless the local governing body has elected to exercise its municipal housing powers through such an agency as prescribed in this section.

2. If the municipal housing agency is authorized to transact business and exercise powers hereunder, the mayor, by and with the advice and consent of the local governing body, shall appoint a board of commissioners of the municipal housing agency which board shall consist of five commissioners. The term of office for three of the commissioners originally appointed shall be two years and the term of office for two of the commissioners originally appointed shall be one year. Thereafter the term of office for each commissioner shall be two years. In cities having a population of more than one hundred thousand, the city council may establish, by ordinance, the number of commissioners at not less than five.

3. A commissioner shall receive no compensation for services, but shall be entitled to the necessary expenses, including traveling expenses, incurred in the discharge of a duty. Each commissioner shall hold office until a successor has been appointed and has qualified. A certificate of the appointment or reappointment of any commissioner shall be filed with the clerk of the municipality, and the certificate shall be conclusive evidence of the due and proper appointment of the commissioner.

4. a. The powers of a municipal housing agency shall be exercised by the commissioners. A majority of the commissioners shall constitute a quorum for the purpose of conducting business and exercising the powers of the agency, and for all other purposes. Action may be taken by the agency upon a vote of a majority of the commissioners present, unless in any case the bylaws shall require a larger number. Any persons may be appointed as commissioners if they reside within the area of operation of the agency, which area shall be coterminous with the area of operation of the municipality, and if they are otherwise eligible for appointments under this chapter.

b. The mayor shall designate a chairperson and vice chairperson from among the commissioners. An agency may employ an executive director, technical experts and such other agents and employees, permanent and temporary, as it may require, and the agency may determine their qualifications, duties, and compensation. For such legal service as it may require, an agency may employ or retain its own counsel and legal staff. An agency authorized to transact business and exercise powers under this chapter shall file, with the local governing body, on or before September 30 of each year, a report of its activities for the preceding fiscal year, which report shall include a complete financial statement setting forth its assets, liabilities, income, and operating expense as of the end of such fiscal year. At the time of filing the report, the agency shall publish in a newspaper of general circulation in the community a notice to the effect that such report has been filed with the municipality, and that the report is available for inspection during business hours in the office of the city clerk and in the office of the agency.

c. For inefficiency, or neglect of duty, or misconduct in office, a commissioner may be removed by a majority vote of the governing body of the municipality only after a hearing before the body, and after the commissioner shall have been given a copy of the charges at least ten days prior to such hearing, and after the commissioner shall have had an opportunity to be heard in person or by counsel.

5. A municipality may itself exercise the powers in connection with municipal housing as defined in this chapter, or may, if the local governing body by resolution determines such action to be in the public interest, elect to have such powers exercised by the municipal housing agency, if one exists or is subsequently established in the community. In the event the local governing body makes such determination, the municipal housing agency shall be vested with all of the municipal housing project powers in the same manner as though all such powers were conferred on such agency instead of the municipality. If the local governing body does not elect to make such determination, the municipality in its discretion may exercise its municipal housing project powers through a board or commissioner, or through such officers of the municipality as the local governing body may by resolution determine.

6. A municipality or a "Municipal Housing Agency" may not proceed with a housing project until a study or a report and recommendation on housing available within the community

is made public by the municipality or agency and is included in its recommendations for a housing project. Recommendations must receive majority approval from the local governing body before proceeding on the housing project.

Sec. 159. Section 404.2, subsection 2, paragraph h, Code 2009, is amended to read as follows:

h. Any tax exemption schedule authorized in section 404.3, subsection 5, that shall be used in lieu of the schedule set out in section 404.3, subsection 1, 2, 3, or 4. In the case of a county, the tax schedules used shall only be applicable to property of the type for which the revitalization area is zoned at the time the county designates the area a revitalization area.

~~In the case of a county, the tax schedules used shall only be applicable to property of the type for which the revitalization area is zoned at the time the county designates the area a revitalization area.~~

Sec. 160. Section 411.5, subsection 9, Code 2009, is amended to read as follows:

9. *Duties of actuary.*

a. The actuary shall be the technical advisor of the system on matters regarding the operation of the fire and police retirement fund and shall perform such other duties as are required in connection with the operation of the system.

b. The actuary shall make such investigation of anticipated interest earnings and of the mortality, service, and compensation experience of the members of the system as the actuary recommends, and on the basis of the investigation the system shall adopt such tables and such rates as are required in subsection 11.

Sec. 161. Section 411.30, Code 2009, is amended to read as follows:

411.30 Transfer of membership.

1. Upon the written approval of the applicable county board of supervisors and city council, to the Iowa public employees' retirement system, a vested member of the Iowa public employees' retirement system on June 30, 1986, who meets all of the following requirements shall become a member of a retirement system under this chapter on July 1, 1986:

1. *a.* Was a vested member of the retirement system established in this chapter on June 30, 1973.

2. *b.* Was an elected bailiff of a municipal court on June 30, 1973.

3. *c.* Became a deputy sheriff on July 1, 1973, and pursuant to 1972 Iowa Acts, chapter 1124, section 43, continued coverage under a retirement system under this chapter.

4. *d.* Upon election as a county sheriff, was transferred from membership under this chapter to membership in a retirement system established in chapter 97B.

2. The Iowa public employees' retirement system shall transfer to the board of trustees of the applicable retirement system under this chapter an amount equal to the total of the accumulated contributions of the member as defined in section 97B.1A, subsection 2, together with the employer contribution for that period of service plus the interest that accrued on the contributions for that period equal to two percent plus the interest dividend rate applicable for each year. The board of trustees of the applicable retirement system under this chapter shall credit the member whose contributions are transferred under this section with membership service under this chapter for the period for which the member was covered under the Iowa public employees' retirement system. If the amount of the accumulated contributions as defined in section 97B.1A, subsection 2, transferred is less than the amount that would have been contributed under section 411.8, subsection 1, paragraph "f", at the rates in effect for the period for which contributions were made plus the interest that would have accrued on the amount, the member shall pay the difference together with interest that would have accrued on the amount.

3. *a.* If the amount of the employer contributions transferred is less than the amount that would have been contributed by the employer under section 411.5, subsection 12, paragraph "b", plus the interest that would have accrued on the contributions, the board of trustees of the applicable retirement system under this chapter shall determine the remaining contribution amount due. The board of trustees shall notify the county board of supervisors of the county

in which the sheriff was elected of the remaining amount to be paid to the retirement system under this chapter.

b. The county board of supervisors shall forthwith pay to the board of trustees of the applicable retirement system the remaining amount to be paid from moneys in the county general fund.

4. From July 1, 1986, the county board of supervisors of the county in which the sheriff was elected shall deduct the contribution required of the member under section 411.8, subsection 1, paragraph "f", from the member's earnable compensation and the county shall pay from the county general fund an amount equal to the normal rate of contribution multiplied by the member's earnable compensation to the applicable retirement system for the period in which the member remains sheriff or deputy sheriff of that county.

DIVISION III INTERNAL REFERENCE CHANGES

Sec. 162. Section 123.38, unnumbered paragraph 2, Code 2009, is amended to read as follows:

Any licensee or permittee, or the licensee's or permittee's executor or administrator, or any person duly appointed by the court to take charge of and administer the property or assets of the licensee or permittee for the benefit of the licensee's or permittee's creditors, may voluntarily surrender a license or permit to the division. When a license or permit is surrendered the division shall notify the local authority, and the division or the local authority shall refund to the person surrendering the license or permit, a proportionate amount of the fee received by the division or the local authority for the license or permit as follows: if a license or permit is surrendered during the first three months of the period for which it was issued, the refund shall be three-fourths of the amount of the fee; if surrendered more than three months but not more than six months after issuance, the refund shall be one-half of the amount of the fee; if surrendered more than six months but not more than nine months after issuance, the refund shall be one-fourth of the amount of the fee. No refund shall be made, however, for any special liquor permit, nor for a liquor control license, wine permit, or beer permit surrendered more than nine months after issuance. For purposes of this paragraph, any portion of license or permit fees used for the purposes authorized in section 331.424, subsection 1, paragraphs "a" and "b" paragraph "a", subparagraphs (1) and (2), and in section 331.424A, shall not be deemed received either by the division or by a local authority. No refund shall be made to any licensee or permittee, upon the surrender of the license or permit, if there is at the time of surrender, a complaint filed with the division or local authority, charging the licensee or permittee with a violation of this chapter. If upon a hearing on a complaint the license or permit is not revoked or suspended, then the licensee or permittee is eligible, upon surrender of the license or permit, to receive a refund as provided in this section; but if the license or permit is revoked or suspended upon hearing the licensee or permittee is not eligible for the refund of any portion of the license or permit fee.

Sec. 163. Section 144.36, subsection 4, Code 2009, is amended to read as follows:

4. The county registrar shall record and forward to the state registrar on or before the tenth day of each calendar month the original certificates of marriages filed with the county registrar during the preceding calendar month and the fees collected by the county registrar on behalf of the state for applications for a license to marry in accordance with section 331.605, subsection 7 1, paragraph "g".

Sec. 164. Section 144.46, subsection 2, Code 2009, is amended to read as follows:

2. Fees collected by the state registrar and by the county registrar on behalf of the state under this section shall be deposited in the general fund of the state and the vital records fund established in section 144.46A in accordance with an apportionment established by rule. Fees collected by the county registrar pursuant to section 331.605, subsection 6 1, paragraph "f", shall be deposited in the county general fund.

Sec. 165. Section 218.99, Code 2009, is amended to read as follows:

218.99 Counties to be notified of patients' personal accounts.

The administrator in control of a state institution shall direct the business manager of each institution under the administrator's jurisdiction which is mentioned in section 331.424, subsection 1, ~~paragraphs "a" and "b"~~ paragraph "a", subparagraphs (1) and (2), and for which services are paid under section 331.424A, to quarterly inform the county of legal settlement's entity designated to perform the county's central point of coordination process of any patient or resident who has an amount in excess of two hundred dollars on account in the patients' personal deposit fund and the amount on deposit. The administrators shall direct the business manager to further notify the entity designated to perform the county's central point of coordination process at least fifteen days before the release of funds in excess of two hundred dollars or upon the death of the patient or resident. If the patient or resident has no county of legal settlement, notice shall be made to the director of human services and the administrator in control of the institution involved.

Sec. 166. Section 303A.4, subsection 2, Code 2009, is amended to read as follows:

2. An Iowa cultural trust fund is created in the office of the treasurer of state for the purpose of receiving moneys appropriated by the general assembly and any other moneys available to the trust fund due to the issuance of trust fund credits by the director as provided in section 303.1A, subsection 6 1, paragraph "f".

Sec. 167. Section 303A.6, subsection 2, Code 2009, is amended to read as follows:

2. Approve or disapprove the grants recommended for approval by the director, in consultation with the Iowa arts council and the state historical society of Iowa, in accordance with section 303.1A, subsection 6 1, paragraph "e" "f", subparagraph (3). The board may delete any recommendation, but shall not add to or otherwise amend the list of recommended grants.

Sec. 168. Section 307.10, subsection 15, Code 2009, is amended to read as follows:

15. Approve all rules prior to their adoption by the director pursuant to section 307.12, subsection 40 1, paragraph "j".

Sec. 169. Section 321.12, subsection 3, paragraph a, Code 2009, is amended to read as follows:

a. Records concerning suspensions authorized under section 321.210, subsection 1, paragraph "g" "a", subparagraph (7), and section 321.210A may be destroyed six months after the suspension is terminated and the requirements of section 321.191 have been satisfied.

Sec. 170. Section 321.180A, subsections 1 and 3, Code 2009, are amended to read as follows:

1. Notwithstanding other provisions of this chapter, a person with a physical disability, who is not suffering from a convulsive disorder and who can provide a favorable medical report, whose license renewal has been denied under section 321.177, subsection 6 or 7, or whose driver's license has been suspended under section 321.210, subsection 1, paragraph "e" "a", subparagraph (3), upon meeting the requirements of section 321.186, other than a driving demonstration or the person's limitations which caused the denial under section 321.177, subsection 6 or 7, or suspension under section 321.210, subsection 1, paragraph "e" "a", subparagraph (3), and upon paying the fee required in section 321.191, shall be issued a special instruction permit by the department. Upon issuance of the permit the denial or suspension shall be stayed and the stay shall remain in effect as long as the permit is valid.

3. The permittee may apply for a driver's license if thirty days have elapsed since issuance of the special instruction permit. The department shall issue a driver's license if the permittee is qualified, passes all required tests, including a driving test, and pays the required fees. If the person has not obtained a driver's license before expiration of the person's special instruction permit, the person's former denial or suspension under section 321.177, subsection 6 or 7, or section 321.210, subsection 1, paragraph "e" "a", subparagraph (3), upon service of notice by the department, shall be reinstated. A permit shall be reissued for one additional six-month period if a permittee continues to meet the qualifications of subsection 1 and has incurred no motor vehicle violations.

Sec. 171. Section 321.191, subsection 8, Code 2009, is amended to read as follows:

8. *Driver's license reinstatements.* The fee for reinstatement of a driver's license shall be twenty dollars for a license which is, after notice and opportunity for hearing, canceled, suspended, revoked, or barred. However, reinstatement of the privilege suspended under section 321.210, subsection 1, paragraph "e" "a", subparagraph (3), shall be without fee. The fee for reinstatement of the privilege to operate a commercial motor vehicle after a period of disqualification shall be twenty dollars.

Sec. 172. Section 321.210, subsection 2, paragraph c, Code 2009, is amended to read as follows:

c. Parking violations, meaning violation of a local authority parking ordinance or violation of sections 321L.4, 321.366, subsection 6 1, paragraph "f", and 321.354 through 321.361 except section 321.354, subsection 1.

Sec. 173. Section 321.210C, subsection 1, Code 2009, is amended to read as follows:

1. A person whose driver's license or operating privileges have been suspended, revoked, or barred under this chapter for a conviction of a moving traffic violation, or suspended, revoked, or barred under section 321.205 or section 321.210, subsection 1, paragraph "e" "a", subparagraph (5), must satisfactorily complete a twelve-month probation period beginning immediately after the end of the period of suspension, revocation, or bar. Upon a second conviction of a moving traffic violation which occurred during the probation period, the department may suspend the driver's license or operating privileges for an additional period equal in duration to the original period of suspension, revocation, or bar, or for one year, whichever is the shorter period.

Sec. 174. Section 321.218, subsection 3, paragraph a, Code Supplement 2009, is amended to read as follows:

a. The department, upon receiving the record of the conviction of a person under this section upon a charge of operating a motor vehicle while the license of the person is suspended or revoked, shall, except for licenses suspended under section 252J.8, 321.210, subsection 1, paragraph "e" "a", subparagraph (3), or section 321.210A or 321.513, extend the period of suspension or revocation for an additional like period or for one year, whichever period is shorter, and the department shall not issue a new driver's license to the person during the extended period.

Sec. 175. Section 321.415, subsection 1, paragraphs a and b, Code 2009, are amended to read as follows:

a. Whenever a driver of a vehicle approaches an oncoming vehicle within one thousand feet, the driver shall use a distribution of light, or composite beam, so aimed that the glaring rays are not projected into the eyes of the oncoming driver. The lowermost distribution of light, or composite beam, specified in section 321.409, subsection 2 1, paragraph "b", shall be deemed to avoid glare at all times, regardless of road contour and loading.

b. Whenever the driver of a vehicle follows another vehicle within four hundred feet to the rear, except when engaged in the act of overtaking and passing, the driver shall use a distribution of light permissible under this chapter other than the uppermost distribution of light specified in section 321.409, subsection 1, paragraph "a".

Sec. 176. Section 321A.17, subsection 4, Code Supplement 2009, is amended to read as follows:

4. An individual applying for a driver's license following a period of suspension or revocation pursuant to a dispositional order issued under section 232.52, subsection 2, paragraph "a", or under section 321.180B, section 321.210, subsection 1, paragraph "d" "a", subparagraph (4), or section 321.210A, 321.213A, 321.213B, 321.216B, or 321.513, following a period of suspension under section 321.194, or following a period of revocation pursuant to a court order issued under section 901.5, subsection 10, or under section 321J.2A, is not required to maintain proof of financial responsibility under this section.

Sec. 177. Section 331.301, subsection 12, Code Supplement 2009, is amended to read as follows:

12. The board of supervisors may credit funds to a reserve for the purposes authorized by subsection 11 of this section; section 331.424, subsection 1, paragraph ~~“f”~~ “a”, subparagraph (6); and section 331.441, subsection 2, paragraph “b”. Moneys credited to the reserve, and interest earned on such moneys, shall remain in the reserve until expended for purposes authorized by subsection 11 of this section; section 331.424, subsection 1, paragraph ~~“f”~~ “a”, subparagraph (6); or section 331.441, subsection 2, paragraph “b”.

Sec. 178. Section 331.610, Code 2009, is amended to read as follows:

331.610 Abolition of office of recorder — identification of office — place of filing.

If the office of county recorder is abolished in a county, the auditor of that county shall be referred to as the county auditor and recorder. After abolition of the office of county recorder, references in the Code requiring filing or recording of documents with the county recorder shall be deemed to require the filing in the office of the county auditor and recorder, and all duties of the abolished office of recorder shall be performed by the county auditor and recorder. However, the board of supervisors may direct that any of the duties of the abolished office of recorder prescribed in section 331.602, subsection 9, 10, 11, or 16, or section 331.605, subsection 1, ~~2, 3, 4~~ paragraphs “a”, “b”, “c”, “d”, or ~~5~~ “e”, shall be performed by other county officers or employees as provided in section 331.323.

Sec. 179. Section 368.7, subsection 3, Code 2009, is amended to read as follows:

3. An application for annexation of territory within an urbanized area of a city other than the city to which the annexation is directed must be approved both by resolution of the council which receives the application and by the board. The board shall not approve an application which creates an island. Notice of the application shall be mailed by certified mail, by the city to which the annexation is directed, at least fourteen business days prior to any action by the city council on the application to the council of each city whose boundary adjoins the territory or is within two miles of the territory, to the board of supervisors of each county which contains a portion of the territory, each affected public utility, and to the regional planning authority of the territory. Notice of the application shall be published in an official county newspaper in each county which contains a portion of the territory at least ten business days prior to any action by the city council on the application. The annexation is completed when the board has filed and recorded copies of applicable portions of the proceedings as required by section 368.20, subsection ~~2~~ 1, paragraph “b”.

DIVISION IV
DIRECTIVES

Sec. 180. CODE EDITOR DIRECTIVES.

1. The Code editor is directed to number or renumber to eliminate unnumbered paragraphs in sections 256.33, 256B.4, 256B.6, 260C.31, 260C.66, 260C.69, 261.83, 261A.15, 262.25, 262A.13, 275.16, 277.4, 285.2, 305B.11, 306.22, 307.22, 309.10, 311.7, 313.3, 313.5, 321.31, 321.68, 321.193, 321.211, 321.473, 321.475, 321.476, 321E.28, 321I.15, 321L.3, 322.9, 322A.15, 322C.12, 326.19A, 326.25, 327D.13, 327F.27, 327G.4, 327G.15, 327G.29, 327G.32, 331.254, 331.261, 354.10, 354.12, 354.22, 356.26, 357.1A, 357A.2, 357A.18, 357A.20, 357C.1A, 357C.5, 359.52, 362.3, 372.1, 376.6, 384.18, 389.3, 400.7, 403A.14, and 420.43, Code 2009, in accordance with established Code section hierarchy and correct internal references in the Code and in any enacted Iowa Acts as necessary.

2. The Code editor is directed to number, renumber, designate, or redesignate to eliminate unnumbered paragraphs within section subunits in sections 22.1, subsection 3; 256.11, subsection 5, paragraphs “g”, “h”, and “j”; 256.12, subsection 2; 256.52, subsection 3; 257.3, subsection 1; 257.6, subsections 3 and 5; 257.32, subsection 1; 257.37, subsection 5; 258.17, subsections 2 and 3; 260C.18B, subsection 1; 260C.72, subsection 1; 261.17, subsection 3; 261.38, subsection 5; 261.126, subsection 4; 266.39, subsections 3 and 4; 273.8, subsection 8; 273.27, subsection 1; 279.10, subsection 3; 279.15, subsection 2; 280.15, subsection 2; 282.3, subsection 2; 282.4, subsection 2; 285.5, subsection 1; 296.7, subsections 1 and 4; 299A.4, subsection 7; 303.16, subsection 5; 303.16, subsection 9, paragraph “a”; 306.4, subsection

4; 313.2A, subsection 2; 316.2, subsection 3; 321.34, subsections 2, 8, 8A, 15, 16, 17, 18, 19, 20, 20A, and 20B; 321.48, subsection 1; 321.69, subsections 7 and 10; 321.109, subsection 2; 321.124, subsection 3, paragraph “h”; 321.166, subsection 1; 321.180, subsection 1, paragraphs “a” and “b”; 321.180B, subsections 1 and 2; 321.189, subsection 1; 321.201, subsection 1; 321.372, subsections 1 and 3; 321.445, subsection 2; 321.471, subsection 1; 321A.2, subsection 1; 321A.5, subsection 3; 321G.13, subsection 1; 321J.4B, subsection 5, paragraph “f”; 321J.20, subsection 1, paragraph “c”; 321J.24, subsection 5; 322.3, subsection 13; 322.19, subsection 1; 322G.4, subsections 1, 2, and 3; 322G.6, subsection 3; 324A.6, subsection 1; 331.238, subsection 2; 331.248, subsection 4; 331.249, subsections 2 and 7; 331.260, subsection 2; 331.323, subsection 1; 331.426, subsection 2; 331.463, subsection 1; 331.659, subsection 1; 331.904, subsection 1; 350.4, subsection 9; 352.5, subsection 3; 356.7, subsection 5; 357A.24, subsection 4; 359.49, subsection 8; 368.7, subsection 1, paragraph “b”, and subsection 4; 368.11, subsection 3, paragraph “m”; 372.4, subsection 1; 373.2, subsection 2; 373.11, subsection 1; 384.38, subsection 3; 384.65, subsection 4; 384.82, subsection 1; 384.103, subsection 2; 386.3, subsection 3; 403.5, subsection 2; 403.8, subsection 2; 403.9, subsection 3; 403.19, subsection 5, paragraph “a”; 403.22, subsection 1; 404.2, subsection 5; 411.6B, subsection 1, paragraph “b”; 411.8, subsection 1, paragraph “g”; and 411.21, subsection 7, Code 2009, and correct internal references in the Code and in any enacted Iowa Acts as necessary.

3. The Code editor is directed to number or renumber to eliminate unnumbered paragraphs within section subunits in sections 10A.108, subsection 1; 321L.5, subsection 6; and 411.36, subsection 1, Code Supplement 2009, and correct internal references in the Code and in any enacted Iowa Acts as necessary.

4. a. The Code editor is directed to strike the words “title” or “Title” and insert “Tit.” within federal Act references in sections 13.31, subsections 1 and 6; 15E.192, subsection 2; 15E.195, subsections 1 and 2; 30.1, subsection 3; 47.1, subsection 5; 96.11, subsection 10, paragraph “c”; 97C.1; 97C.2, subsections 2, 5, and 7; 97C.3, unnumbered paragraph 1, and subsections 1 and 2; 135C.9, subsection 1, paragraph “b”; 142A.8, subsection 2; 203C.1, subsection 26; 207.21, subsections 1, 4, and 5; 207.22, subsection 3, paragraph “b”; 217.38; 228.1, subsection 7; 230.20, subsection 6; 232.1A; 234.6, subsection 1; 249.1, subsection 3; 249A.2, subsections 1, 4, 6, 7, and 8; 249A.20A, subsection 5; 249A.24, subsection 2, paragraph “b”; 249B.1, subsections 6 and 7; 249F.1, subsection 1; 249F.8; 249J.3, subsection 8; 249J.10, subsection 3; 249J.22, subsection 3; 252B.6, subsection 3; 252B.9, subsection 2, paragraph “b”, subparagraph (1), subsection 3, paragraphs “c”, “d”, “e”, subparagraph (1), and “f”; 252B.14, subsection 5; 252D.20; 252E.15; 259.2, unnumbered paragraph 2; 259.9; 260C.18A, subsection 2, paragraph “c”; 306B.1, subsections 3 and 4; 307.10, subsection 13; 321.105, subsection 5; 321.450, subsections 1 and 3; 403.6, subsection 7; 455B.133, subsection 3 and subsection 8, paragraph “a”; 459A.102, subsection 19; 483A.4, subsection 1; 486A.101, subsection 2, paragraph “a”; 488.102, subsection 3, paragraph “a”; 490A.102, subsection 2; 514.7, subsections 2 through 4; 514B.1, subsection 5, paragraphs “b” though² “d”; 514C.8, subsection 1; 514F.4, subsection 2, paragraph “a”; 514I.9, subsection 1; 523A.401, subsection 5, paragraph “a”; 523A.402, subsection 5, paragraph “a”; 523A.602, subsection 3; 534.205, subsection 1; 541A.1, subsection 8, paragraph “b”, subparagraph (2); and 541A.6, Code 2009.

b. The Code editor is directed to strike the word “title” or “Title” and insert “Tit.” within federal Act references in section 35.1, subsection 2, paragraph “b”, subparagraphs (1) and (2), Code Supplement 2009.

c. The Code editor is directed to strike the word “Title” and “Part” and insert “Tit.” and “pt.” within federal Act references in sections 257.50 and 261.86, subsection 5, Code 2009.

d. The Code editor is directed to strike the words “Title”, “subtitle”, “Part”, and “Subpart” and insert “Tit.”, “subtit.”, “pt.”, and “subpt.”, where applicable, within federal Act references in sections 256.10A; 256F.3, subsection 1; and 476.42, subsection 1, unnumbered paragraph 2 and subsection 4, unnumbered paragraph 2, Code 2009.

e. The Code editor is directed to strike the word “Title” and “subchapter” and insert “Tit.” and “subch.” within a federal Act reference in section 537.1302, Code 2009.

² See chapter 1193, §71 herein

f. The Code editor is directed to strike the words “subchapter” and “part” and insert “pt.” within a Code of federal regulations reference in section 162.20, subsection 5, paragraph “c”, Code 2009.

DIVISION V
EFFECTIVE DATES

Sec. 181. EFFECTIVE UPON ENACTMENT AND RETROACTIVE APPLICABILITY. The following provision or provisions of this Act, being deemed of immediate importance, take effect upon enactment and apply retroactively to July 1, 2009:

1. The section of this Act striking 2009 Iowa Acts, chapter 9, section 6, subsection 1.
2. The section of this Act repealing 2009 Iowa Acts, chapter 133, sections 228 and 247.
3. The section of this Act repealing 2009 Iowa Acts, chapter 170, section 3.
4. The section of this Act amending 2009 Iowa Acts, chapter 179, section 30.
5. The section of this Act amending 2009 Iowa Acts, chapter 179, sections 201 and 202.

Sec. 182. EFFECTIVE UPON ENACTMENT AND RETROACTIVE APPLICABILITY. The section of this Act amending 2009 Iowa Acts, chapter 100, section 35, takes effect upon enactment and applies retroactively to May 12, 2009.

Approved March 19, 2010

CHAPTER 1062

LONG-TERM CARE RESIDENT'S ADVOCATE

S.F. 2263

AN ACT relating to the office of the long-term care resident’s advocate, and providing penalties.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 135C.37, Code 2009, is amended to read as follows:

135C.37 Complaints alleging violations — confidentiality.

A person may request an inspection of a health care facility by filing with the department, resident advocate committee of the facility, or the office of long-term care resident’s advocate as established pursuant to section 231.42, a complaint of an alleged violation of applicable requirements of this chapter or the rules adopted pursuant to this chapter. A person alleging abuse or neglect of a resident with a developmental disability or with mental illness may also file a complaint with the protection and advocacy agency designated pursuant to section 135B.9 or section 135C.2. A copy of a complaint filed with the resident advocate committee or the office of long-term care resident’s advocate shall be forwarded to the department. The complaint shall state in a reasonably specific manner the basis of the complaint, and a statement of the nature of the complaint shall be delivered to the facility involved at the time of the inspection. The name of the person who files a complaint with the department, resident advocate committee, or the office of long-term care resident’s advocate shall be kept confidential and shall not be subject to discovery, subpoena, or other means of legal compulsion for its release to a person other than department employees involved in the investigation of the complaint.

Sec. 2. Section 135C.38, subsection 2, paragraph d, Code 2009, is amended to read as follows:

d. A person who is dissatisfied with any aspect of the department’s handling of the complaint may contact the office of long-term care resident’s advocate, established pursuant

to section 231.42, or may contact the protection and advocacy agency designated pursuant to section 135C.2 if the complaint relates to a resident with a developmental disability or a mental illness.

Sec. 3. Section 231.4, Code Supplement 2009, is amended by adding the following new subsections:

NEW SUBSECTION. 1A. “*Assisted living program*” means a program which provides assisted living as defined pursuant to section 231C.2 and which is certified under chapter 231C.

NEW SUBSECTION. 4A. “*Elder group home*” means elder group home as defined in section 231B.1 which is certified under chapter 231B.

NEW SUBSECTION. 7A. “*Legal representative*” means a tenant’s legal representative as defined in section 231B.1 or 231C.2, or a guardian, conservator, or attorney in fact of a resident.

NEW SUBSECTION. 9A. “*Resident*” means a resident or tenant of a long-term care facility, assisted living program, or elder group home, excluding facilities licensed primarily to serve persons with mental retardation or mental illness.

Sec. 4. Section 231.4, subsection 10, Code Supplement 2009, is amended by striking the subsection.

Sec. 5. Section 231.23A, subsection 7, Code Supplement 2009, is amended to read as follows:

7. Administration relating to the office of long-term care resident’s advocate ~~program~~ and training for resident advocate committees.

Sec. 6. Section 231.41, Code Supplement 2009, is amended to read as follows:

231.41 Purpose.

The purpose of this subchapter is to establish the office of long-term care resident’s advocate ~~program operated by within the Iowa commission on aging department~~ in accordance with the requirements of the federal Act, and to adopt the supporting federal regulations and guidelines for its ~~implementation operation~~. ~~In accordance with chapter 17A, the commission on aging shall adopt and enforce rules for the implementation of this subchapter.~~

Sec. 7. Section 231.42, Code Supplement 2009, is amended by striking the section and inserting in lieu thereof the following:

231.42 Office of long-term care resident’s advocate — duties — penalties for violations.

1. *Office established.* The office of long-term care resident’s advocate is established within the department, in accordance with section 712 of the federal Act, as codified at 42 U.S.C. § 3058g. The office shall consist of the state long-term care resident’s advocate and any local long-term care resident’s advocates.

2. *State long-term care resident’s advocate.* The director of the department shall appoint the state long-term care resident’s advocate who shall do all of the following:

a. Establish and implement a statewide confidential uniform reporting system for receiving, analyzing, referring, investigating, and resolving complaints about administrative actions and the health, safety, welfare, and rights of residents or tenants of long-term care facilities, assisted living programs, and elder group homes, excluding facilities licensed primarily to serve persons with mental retardation or mental illness.

b. Publicize the office of long-term care resident’s advocate and provide information and education to consumers, the public, and other agencies about issues related to long-term care in Iowa.

c. Monitor the development and implementation of federal, state, and local laws, regulations, and policies that relate to long-term care in Iowa.

d. Annually report to the governor and general assembly on the activities of the office and make recommendations for improving the health, safety, welfare, and rights of residents and tenants of long-term care facilities, assisted living programs, and elder group homes.

e. Cooperate with persons and public or private agencies with regard to, and participate in, inquiries, meetings, or studies that may lead to improvements in the health, safety, welfare, and rights of residents and tenants and the functioning of long-term care facilities, assisted living programs, and elder group homes.

f. Recruit, train, educate, support, and monitor volunteers associated with the office.

3. *Local long-term care resident's advocates.* The local long-term care resident's advocates established pursuant to this section shall do all of the following:

a. Accept, investigate, verify, and work to resolve complaints, whether reported to or initiated by a long-term care resident's advocate, relating to any action or inaction that may adversely affect the health, safety, welfare, or rights of residents or tenants of a long-term care facility, assisted living program, or elder group home.

b. Provide information about long-term care, the rights of residents and tenants, payment sources for care, and selection of a long-term care facility, assisted living program, or elder group home to providers, consumers, family members, volunteers, and the public.

c. Make referrals to appropriate licensing, certifying, and enforcement agencies to assure appropriate investigation of abuse complaints and corrective actions.

d. Assist in the recruitment, training, education, support, and monitoring of volunteers associated with the office of the long-term care resident's advocate.

e. Make noncomplaint-related visits to long-term care facilities, assisted living programs, and elder group homes to observe daily routines, meals, and activities, and work to resolve complaints if any are identified during these visits.

4. *Referrals of abuse, neglect, or exploitation.*

a. If abuse, neglect, or exploitation of a resident or tenant of a long-term care facility, assisted living program, or elder group home is suspected, the state or a local long-term care resident's advocate shall, with the permission of the resident or tenant as applicable under federal law, make an immediate referral to the department of inspections and appeals or the department of human services as applicable, and to the appropriate law enforcement agency. The state or a local long-term care resident's advocate shall cooperate, if requested, with the department of inspections and appeals, department of human services, or any law enforcement agency pursuant to any investigation of such abuse, neglect, or exploitation.

b. If the department of inspections and appeals responds to a complaint referred by the state or a local long-term care resident's advocate against a long-term care facility, assisted living program, elder group home, or an employee of such entity, copies of related inspection reports, plans of correction, and notice of any citations and sanctions levied against the facility, program, or home shall be forwarded to the office of the long-term care resident's advocate.

5. *Access to facility, program, or home.* The state or a local long-term care resident's advocate or a trained volunteer may enter any long-term care facility, assisted living program, or elder group home at any time with or without prior notice or complaint and shall be granted access to residents and tenants at all times for the purpose of carrying out the duties specified in this section. As used in this section, "access" means the right to do all of the following:

a. Enter any long-term care facility, assisted living program, or elder group home and provide identification.

b. Seek consent to communicate privately and without restriction with any resident or tenant.

c. Communicate privately and without restriction with any resident, tenant, legal representative, or other representative who consents to communication.

d. Review the clinical or other records of a resident or tenant.

e. Observe all resident or tenant areas of a facility, program, or housing establishment except the living area of any resident or tenant who protests the observation.

6. *Access to medical and personal records.*

a. The state or a local long-term care resident's advocate shall have access to the medical and personal records of an individual who is a resident or tenant of a long-term care facility, assisted living program, or elder group home retained by the facility, program, or home.

b. Records may be reproduced by the state or a local long-term care resident's advocate.

c. Upon request of the state or a local long-term care resident's advocate, a long-term care facility, assisted living program, or elder group home shall provide the name, address, and telephone number of the legal representative or next of kin of any resident or tenant.

d. A long-term care facility, assisted living program, or elder group home or personnel of such a facility, program, or home who discloses records in compliance with this section and the procedures adopted pursuant to this section shall not be liable for such disclosure.

7. *Interference prohibited — penalties.*

a. An officer, owner, director, or employee of a long-term care facility, assisted living program, or elder group home who intentionally prevents, interferes with, or attempts to impede the work of the state or a local long-term care resident's advocate is subject to a penalty imposed by the director of not more than one thousand five hundred dollars for each violation. If the director imposes a penalty for a violation under this paragraph, no other state agency shall impose a penalty for the same interference violation. Any moneys collected pursuant to this subsection shall be deposited in the general fund of the state.

b. The office of the long-term care resident's advocate shall adopt rules specifying procedures for notice and appeal of penalties imposed pursuant to this subsection.

c. The director, in consultation with the office of the long-term care resident's advocate, shall notify the county attorney of the county in which the long-term care facility, assisted living program, or elder group home is located, or the attorney general, of any violation of this subsection.

8. *Retaliation prohibited — penalties.* An officer, owner, director, or employee of a long-term care facility, assisted living program, or elder group home shall not retaliate against any person for having filed a complaint with, or provided information to, the state or a local long-term care resident's advocate. A person who retaliates or discriminates in violation of this subsection is guilty of a simple misdemeanor.

9. *Change in operations.* A long-term care facility, assisted living program, or elder group home shall inform the office of the long-term care resident's advocate in writing at least thirty days prior to any change in operations, programs, services, licensure, or certification that affects residents or tenants, including but not limited to the intention to close, decertify, or change ownership. In an emergency situation, or when a long-term care facility, assisted living program, or elder group home is evacuated, the department of inspections and appeals shall notify the office of the state long-term care resident's advocate.

10. *Immunity.* The state or a local long-term care resident's advocate or any representative of the office participating in the good faith performance of their official duties shall have immunity from any civil or criminal liability that otherwise might result by reason of taking, investigating, or pursuing a complaint under this section.

11. *Confidentiality.* Information relating to any complaint made to or investigation by the state or a local long-term care resident's advocate that discloses the identity of a complainant, resident, or tenant, or information related to a resident's or tenant's personal or medical records, shall remain confidential except as follows:

a. If permission is granted by the director in consultation with the state long-term care resident's advocate.

b. If disclosure is authorized in writing by the complainant and the resident, tenant, or the individual's guardian or legal representative.

c. If disclosure is necessary for the provision of services to a resident or tenant, or the resident or tenant is unable to express written or oral consent.

d. If ordered by a court.

12. *Posting of state long-term care resident's advocate information.* Every long-term care facility, assisted living program, and elder group home shall post information in a prominent location that includes the name, address, and telephone number, and a brief description of the services provided by the office of the long-term care resident's advocate. The information posted shall be approved or provided by the office of the long-term care resident's advocate.

Sec. 8. Section 231.44, subsections 1 and 3, Code Supplement 2009, are amended to read as follows:

1. The resident advocate committee volunteer program is administered by the office of the long-term care resident's advocate program. The state and any local long-term care

resident's advocate shall provide information, assistance, and support to resident advocate committee program volunteers to the extent possible. If funding becomes insufficient to process applications and new appointments to resident advocate committees can no longer be made, the director shall notify the director of the department of inspections and appeals. A health care facility shall not be found in violation of section 135C.25 for not having a resident advocate committee if new appointments cannot be made as documented in accordance with this subsection.

3. A An elder group home or long-term care facility shall disclose the names, addresses, and phone numbers of a resident's family members, if requested, to a resident advocate committee member, unless permission for this disclosure is refused in writing by a family member.

Sec. 9. Section 235B.6, subsection 2, paragraph e, subparagraph (10), Code Supplement 2009, is amended to read as follows:

(10) The state or a local long-term care resident's advocate if the victim resides in a long-term care facility or the alleged perpetrator is an employee of a long-term care facility.

Sec. 10. REPEAL. Section 231.43, Code Supplement 2009, is repealed.

Approved March 19, 2010

CHAPTER 1063

IOWA LIFE AND HEALTH INSURANCE GUARANTY ASSOCIATION — MISCELLANEOUS CHANGES

S.F. 2272

AN ACT relating to the Iowa life and health insurance guaranty association regarding coverage, benefits, duties, powers, rights, the operation of the Iowa life and health insurance guaranty association, and the coordination of coverage and benefits with those of similar associations of other states, and to the Iowa insurance guaranty association with respect to covered claims, benefits, limitations, duties, and powers of the Iowa insurance guaranty association, and coordination and cooperation by it with similar associations of other states.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 508C.3, subsection 1, paragraph b, Code 2009, is amended to read as follows:

b. Persons who are owners of the policies or contracts specified in subsection 2, other than unallocated annuity contracts and structured settlement annuities, or are insureds or annuitants under the policies or contracts, and who are either of the following:

(1) Residents of this state.

(2) Nonresidents of this state if all of the following conditions are met:

(a) The state in which the person resides has an association similar to the association created in this chapter.

(b) The person is not eligible for coverage by an association described in subparagraph part ¹ (a) in any other state due to the fact that the insurer was not licensed in the state at the time specified in that state's guaranty association law.

~~(c) The insurer which issued the policy or contract never held a license or certificate of authority in the state in which the person resides.~~

~~(d)~~ (c) The insurer is domiciled in this state.

¹ See chapter 1193, §60 herein

Sec. 2. Section 508C.3, subsection 1, Code 2009, is amended by adding the following new paragraphs:

NEW PARAGRAPH. c. Persons who are the owners of unallocated annuity contracts if the contracts are issued to or in connection with a specific benefit plan whose plan sponsor has its principal place of business in this state.

NEW PARAGRAPH. d. (1) A payee, or the beneficiary of a payee if the payee is deceased, of a structured settlement annuity, if the payee or beneficiary of the structured settlement annuity is either of the following:

(a) The payee or beneficiary of the structured settlement annuity is a resident of this state regardless of where the owner of the structured settlement annuity resides.

(b) The payee or beneficiary of the structured settlement annuity is not a resident of this state and either of the following conditions is met:

(i) The owner of the structured settlement annuity is a resident of this state.

(ii) The owner of the structured settlement annuity is not a resident of this state and both of the following are applicable:

(A) The insurer that issued the structured settlement annuity is domiciled in this state.

(B) The state in which the owner of the structured settlement annuity resides has an association similar to the association created by this chapter.

(2) Subparagraph (1), subparagraph division (b) shall not be applicable if either the payee or beneficiary of the payee if the payee is deceased, or the owner of the structured settlement annuity is eligible for coverage by the association of the state in which the payee, beneficiary, or owner resides.

e.² Coverage under this chapter shall not be provided to any of the following:

(1) A person who is a payee, or the beneficiary of a payee if the payee is deceased, of a contract owner who is a resident of this state, if the payee or the beneficiary of the payee is provided any coverage by the association of another state.

(2) A person who is covered pursuant to paragraph "c" if that person is provided any coverage by the association of another state.

NEW PARAGRAPH. f. Coverage under this chapter shall be provided to a person who is a resident of this state and, only in special circumstances, to a nonresident. In order to avoid duplicate coverage, if a person who would otherwise receive coverage under this chapter is provided coverage under the laws of any other state, that person shall not be provided coverage under this chapter. In determining the application of the provisions of this paragraph in situations where a person could be provided coverage by the association of more than one state, whether as an owner, payee, beneficiary, or assignee, this chapter shall be construed in conjunction with other state laws to result in coverage by the association of only one state.

Sec. 3. Section 508C.3, subsection 3, paragraphs a, b, and d, Code 2009, are amended to read as follows:

a. Any portion of a policy or contract to the extent that the rate of interest on which it is based or the interest rate, crediting rate, or similar factor determined by use of an index or other external reference stated in the policy or contract and employed in calculating returns or changes in value, averaged over the period of four years prior to the date on which the association becomes obligated with respect to the policy or contract, exceeds a rate of interest determined by subtracting two percentage points from Moody's corporate bond yield average for the same four-year period or over such lesser period if the policy or contract was issued less than four years before the association became obligated; and on or after the date on which the association becomes obligated with respect to the policy or contract, exceeds the rate of interest determined by subtracting three percentage points from Moody's corporate bond yield average as most recently available.

b. That portion or part of a policy or contract not guaranteed by the insurer, or under which the risk is borne by the policyholder.

d. An unallocated annuity contract issued to an employee benefit plan protected under the federal pension benefit guaranty corporation regardless of whether the federal pension

² According to enrolled Act; the phrase "NEW PARAGRAPH. e." probably intended

benefit guaranty corporation has yet become liable to make any payments with respect to the benefit plan, or a portion of an unallocated annuity contract which is not issued to or in connection with a specific employee, union, or association of natural persons, or any portion of a financial guarantee.

Sec. 4. Section 508C.3, subsection 3, paragraph g, Code 2009, is amended by striking the paragraph and inserting in lieu thereof the following:

g. A charitable gift annuity under chapter 508F.

Sec. 5. Section 508C.3, subsection 3, paragraph j, Code 2009, is amended to read as follows:

j. An obligation that does not arise under the express written terms of a covered policy or contract issued by the insurer to the policy or contract owner including without limitation all of the following:

(1) Claims based on marketing materials.

(2) Claims based on side letters, riders, or other documents that were issued by the insurer without meeting applicable policy form filing or approval requirements.

(3) Misrepresentation of or regarding policy benefits.

(4) Extra-contractual claims.

(5) Claims for penalties, consequential, or incidental damages.

Sec. 6. Section 508C.3, subsection 3, Code 2009, is amended by adding the following new paragraphs:

NEW PARAGRAPH. m. A policy or contract issued in this state by a member insurer at a time the insurer was not licensed or did not have a certificate of authority to issue the policy or contract in this state.

NEW PARAGRAPH. n. A portion of a policy or contract issued to a plan or program of an employer, association, or other person to provide life, health, or annuity benefits to employees, members, or others, to the extent that the plan or program is self-funded or uninsured, including but not limited to benefits payable by an employer, association, or other person under any of the following:

(1) A multiple employer welfare arrangement as defined in section 3 of the federal Employee Retirement Income Security Act of 1974, 29 U.S.C. § 1002, paragraph 40.

(2) A minimum premium group insurance plan.

(3) A stop-loss group insurance plan.

(4) An administrative services-only contract.

NEW PARAGRAPH. o. A portion of a policy or contract to the extent that it provides for any of the following:

(1) Dividends of experience rating credits.

(2) Voting rights.

(3) Payment of any fees or allowances to any person, including the policy or contract owner, in connection with service to or administration of the policy or contract.

NEW PARAGRAPH. p. A portion of a policy or contract to the extent that the assessments authorized by section 508C.9 with respect to the policy or contract are preempted by federal or state law.

NEW PARAGRAPH. q. A policy or contract providing any hospital, medical, prescription drug, or other health care benefits pursuant to 42 U.S.C. ch. 7, subc. XVIII, Part C or Part D, commonly known as Medicare Part C and D pursuant to Tit. XVIII of the federal Social Security Act, or any regulations issued pursuant thereto.

Sec. 7. Section 508C.3, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 4. In performing its obligations to provide coverage under this chapter, the association shall not be required to guarantee, assume, reinsure, or perform, or cause to be guaranteed, assumed, reinsured, or performed, the contractual obligations of an insolvent or impaired insurer under a covered policy or contract that do not materially affect the economic values or economic benefits of the covered policy or contract.

Sec. 8. Section 508C.5, subsection 4, Code 2009, is amended to read as follows:

4. “Contractual obligation” means an obligation under a covered policy or contract or a certificate under a group policy or contract, or a portion thereof for which coverage is provided under section 508C.3.

Sec. 9. Section 508C.5, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 5A. “Extra-contractual claim” means, without limitation, a claim relating to bad faith in the payment of claims, punitive or exemplary damages, or attorney fees and costs.

Sec. 10. Section 508C.5, subsections 6, 7, and 8, Code 2009, are amended to read as follows:

6. ~~“Impaired insurer” means a member insurer which, after July 1, 1987, is either of the following:~~

~~a. Deemed by the commissioner to be potentially unable to fulfill its contractual obligations but is not an insolvent insurer.~~

~~b. Placed but is placed under an order of rehabilitation or conservation by a court of competent jurisdiction.~~

7. ~~“Insolvent insurer” means a member insurer which, after July 1, 1987, becomes insolvent and is placed under a final an order of liquidation with a finding of insolvency by a court of competent jurisdiction.~~

8. ~~“Member insurer” means a person licensed or who holds a certificate of authority to transact in this state any kind of insurance to which this chapter applies for which coverage is provided under section 508C.3, including a person whose license or certificate of authority in this state has been suspended, revoked, not renewed, or voluntarily withdrawn. but not including any of the following:~~

~~a. An entity which is a licensed company specified in section 508C.3, subsection 3, paragraph “e” or “f”.~~

~~b. A mandatory state pooling plan.~~

~~c. A mutual assessment company or other person which operates on an assessment basis.~~

~~d. An insurance exchange.~~

~~e. An entity which issues a charitable gift annuity under chapter 508F.~~

~~f. An entity similar to any of the entities enumerated in this subsection.~~

Sec. 11. Section 508C.5, Code 2009, is amended by adding the following new subsections:

NEW SUBSECTION. 8A. “Moody’s corporate bond yield average” means the monthly average corporate bond yields published by Moody’s investors service, inc., or any successor thereto.

NEW SUBSECTION. 8B. “Owner” of a policy of contract, “policy owner”, or “contract owner” means the person who is identified as the legal owner of a policy or contract under the terms of the policy or contract or who is otherwise vested with legal title to the policy or contract through a valid assignment completed in accordance with the terms of the policy or contract and properly recorded as the owner on the books of the insurer. “Owner”, “policy owner”, or “contract owner” does not include a person with a mere beneficial interest in a policy or contract.

Sec. 12. Section 508C.5, subsection 9, Code 2009, is amended to read as follows:

9. “Person” means an individual, corporation, limited liability company, government or governmental subdivision or agency, business trust, estate, trust, partnership, association, or voluntary organization any other legal entity.

Sec. 13. Section 508C.5, subsections 10 and 11, Code 2009, are amended by striking the subsections and inserting in lieu thereof the following:

10. “Premium” means amounts or consideration, by whatever name called, received on covered policies or contracts less returned premiums, considerations, and deposits and less dividends and experience credits. “Premium” does not include amounts for consideration received for policies or contracts or for the portions of policies or contracts for which coverage is not provided under section 508C.3, subsection 3, except that assessable

premium shall not be reduced on account of the provisions of section 508C.3, subsection 3, paragraph “a”, relating to interest limitations and section 508C.8, subsection 8, paragraph “a”, subparagraph (2), subparagraph division (a), relating to limitations with respect to one individual, one participant, and one owner. “Premium” also does not include any of the following:

a. Premiums in excess of five million dollars on an unallocated annuity contract not issued under a governmental retirement plan, or its trustee, established under section 401, 403(b), or 457 of the United States Internal Revenue Code.

b. With respect to multiple nongroup policies of life insurance owned by one owner, whether the policy owner is an individual, firm, corporation, or other person, and whether the persons insured are officers, managers, employees, or other persons, premiums in excess of five million dollars with respect to those policies or contracts, regardless of the number of policies or contracts held by the owner.

11. “Resident” means a person to whom a contractual obligation is owed and who resides in a state on the date of entry of a court order that determines a member insurer is an impaired insurer or a court order that determines a member insurer is an insolvent insurer, whichever occurs first. A person may be a resident of only one state, which in the case of a person other than a natural person shall be the state of that person’s principal place of business. A citizen of the United States who is a resident of a foreign country, or is a resident of a United States possession, territory, or protectorate that does not have an association similar to the association created by this chapter, shall be deemed a resident of the state or domicile of the insurer that issued the policy or contract.

Sec. 14. Section 508C.5, Code 2009, is amended by adding the following new subsections:

NEW SUBSECTION. 11A. “State” means a state, the District of Columbia, Puerto Rico, or a United States possession, territory, or protectorate.

NEW SUBSECTION. 11B. “Structured settlement annuity” means an annuity purchased in order to fund periodic payments for a plaintiff or other claimant in payment for or with respect to personal injuries suffered by the plaintiff or other claimant.

Sec. 15. Section 508C.5, subsection 12, Code 2009, is amended to read as follows:

12. “Supplemental contract” means ~~an~~ a written agreement entered into for the distribution of ~~policy or contract~~ proceeds under a life, health, or annuity policy or contract.

Sec. 16. Section 508C.8, subsection 1A, Code Supplement 2009, is amended by striking the subsection.

Sec. 17. Section 508C.8, subsection 2, Code Supplement 2009, is amended by striking the subsection and inserting in lieu thereof the following:

2. If a member insurer is an insolvent insurer, the association may in its discretion do any of the following:

a. The association may do either of the following:

(1) Guarantee, assume, or reinsure, or cause to be guaranteed, assumed, or reinsured the covered policies or contracts of an insolvent insurer.

(2) Assure payment of the contractual obligations of the insolvent insurer.

b. Provide moneys, pledges, notes, guarantees, or other means as reasonably necessary to discharge the duties described in this subsection.

c. Provide benefits and coverages in accordance with all of the following provisions:

(1) With respect to life and health insurance policies or contracts and annuity contracts, assure payment of benefits for premiums identical to the premiums and benefits, except for conversion and renewability, that would have been payable under the policies or contracts of the insolvent insurer for the following claims incurred as follows:

(a) With respect to group policies or contracts, not later than the earlier of the next renewal date under those policies or contracts or forty-five days, but in no event less than thirty days, after the date on which the association becomes obligated with respect to those policies or contracts.

(b) With respect to nongroup policies or contracts not later than the earlier of the next renewal date, if any, under those policies or contracts or one year, but in no event less than

thirty days, from the date on which the association becomes obligated with respect to the policies or contracts.

(2) Make diligent efforts to provide all known insureds or annuitants, for nongroup policies or contracts, or group policy owners, with respect to group policies or contracts, thirty days' notice of the termination of the benefits provided pursuant to subparagraph (1).

(3) With respect to nongroup life and health insurance policies or contracts covered by the association, make available to each known insured or annuitant, or owner if other than the insured or annuitant, and with respect to an individual formerly insured or formerly an annuitant under a group policy or contract who is not eligible for replacement group coverage, substitute coverage on an individual basis in accordance with the provisions of subparagraph (4), if the insureds or annuitants had a right under law or under the terminated policy or contract to convert coverage to individual coverage or to continue an individual policy or contract in force until a specified age or for a specified time, during which the insurer had no right to unilaterally make changes in any provision of the policy or contract or had a right only to make changes in premium by class.

(4) In providing the substitute coverage required under subparagraph (3), the association may offer either to reissue the terminated coverage or to issue an alternative policy or contract.

(a) Reissued or alternative policies or contracts shall be offered without requiring evidence of insurability, and shall not provide for any waiting period or exclusion that would not have applied under the terminated policy or contract.

(b) The association may reinsure any reissued or alternative policy or contract.

(5) Alternative policies or contracts adopted by the association shall be subject to the approval of the domiciliary insurance commissioner and the receivership court. The association may adopt alternative policies or contracts of various types for future issuance without regard to any particular impairment or insolvency of an insurer.

(a) Alternative policies or contracts shall contain at least the minimum statutory provisions required in this state and shall provide benefits that are not unreasonable in relation to the premium charged. The association shall set the premium in accordance with a table of rates that the association shall adopt. The premium shall reflect the amount of insurance to be provided and the age and class of risk of each insured, but shall not reflect any changes in the health of the insured after the original policy or contract was last underwritten.

(b) Any alternative policy or contract issued by the association shall provide coverage of a type similar to that of the policy or contract issued by the impaired or insolvent insurer, as determined by the association.

(6) If the association elects to reissue terminated coverage at a premium rate different from that charged under the terminated policy or contract the premium shall be set by the association in accordance with the amount of insurance provided and the age and class of risk, subject to approval of the domiciliary insurance commissioner and the receivership court.

(7) The association's obligations with respect to coverage under any policy or contract of an impaired or insolvent insurer or under any reissued or alternative policy or contract, shall cease on the date the coverage, or policy or contract, is replaced by another similar policy or contract by the policy or contract owner, or the association.

(8) When proceeding under this paragraph "c" with respect to a policy or contract carrying guaranteed minimum interest rates, the association shall assure the payment or crediting of a rate of interest consistent with section 508C.3, subsection 3, paragraph "a".

Sec. 18. Section 508C.8, subsections 6 and 7, Code Supplement 2009, are amended to read as follows:

6. a. The association ~~has~~ shall have standing to appear or intervene before any court or agency in this state with jurisdiction over an impaired or insolvent insurer concerning which the association is or may become obligated under this chapter or with jurisdiction over any person or property against which the association may have rights through subrogation or otherwise. Standing shall extend to all matters germane to the powers and duties of the association including, but not limited to, proposals for reinsuring, modifying, or guaranteeing the covered policies or contracts of the impaired or insolvent insurer and the determination of the covered policies or contracts, and contractual obligations. The association shall also have

the right to appear or intervene before any court or agency in another state with jurisdiction over an impaired or insolvent insurer for which the association is or may become obligated or with jurisdiction over any person or property against whom the association may have rights through subrogation or otherwise.

b. As a creditor of an impaired or insolvent insurer as provided under section 508C.13, subsection 3, and consistent with the provisions of section 507C.34, the association and other similar associations shall be entitled to receive a disbursement of assets out of the marshaled assets, from time to time as the assets become available to reimburse the association or similar associations, as a credit against contractual obligations under this chapter. If the liquidator has not, within one hundred twenty days of a final determination of insolvency of an insurer by the receivership court, made an application to the court for the approval of a proposal to disburse assets out of marshaled assets to guaranty associations having obligations because of the insolvency, the association or similar associations shall be entitled to make application to the receivership court for approval of its own proposal to disburse these assets.

7. a. A person receiving benefits under this chapter is deemed to have assigned the rights under any causes of action against any person for losses arising under, resulting from, or otherwise relating to the covered policy or contract to the association to the extent of the benefits received under this chapter, whether the benefits are payments of or on account of contractual obligations, or a continuation of coverage, or the provision of substitute or alternative coverages. The association may require an assignment to the association of the rights and causes of action by a any payee, policyholder or contract owner, beneficiary, insured, or annuitant as a condition precedent to the receipt of any rights or benefits conferred by this chapter upon the person. The association shall be subrogated to these rights against the assets of the impaired or insolvent insurer.

b. The subrogation rights of the association under this subsection have the same priority against the assets of the impaired or insolvent insurer as that possessed by the person entitled to receive benefits under this chapter.

c. In addition to the rights pursuant to subsection 3, paragraphs "a" and "b", the association shall have all common law rights of subrogation and any other equitable or legal remedy which would have been available to the impaired or insolvent insurer or holder owner, beneficiary, or payee of a covered policy or contract with respect to the policy or contract, including without limitation, in the case of a structured settlement annuity, any rights of the owner, beneficiary, or payee of the annuity, to the extent of benefits received pursuant to this chapter, against the person originally or by succession responsible for the losses arising from the personal injury relating to the annuity or payment for the annuity, excepting any such person responsible solely by reason of serving as an assignee in respect of a qualified assignment under section 130 of the Internal Revenue Code.

d. If the provisions of paragraphs "a" through "c" are invalid or ineffective with respect to any person or claim for any reason, the amount payable by the association with respect to the related covered obligations shall be reduced by the amount realized by any other person with respect to the person or claim that is attributable to the policies or contracts, or portion thereof, covered by the association.

e. If the association has provided benefits with respect to a covered obligation and a person recovers amounts as to which the association has rights as described in paragraphs "a" through "d", the person shall pay to the association the portion of the recovery attributable to the policies or contracts, or portion thereof, covered by the association.

Sec. 19. Section 508C.8, subsection 8, paragraph a, subparagraph (2), subparagraph division (a), subparagraph subdivisions (i) and (ii), Code Supplement 2009, are amended to read as follows:

(i) Three hundred thousand dollars in life insurance death benefits, but not more than one hundred thousand dollars in net cash surrender and net cash withdrawal values for life insurance, ~~or three hundred fifty thousand dollars in the aggregate.~~

(ii) ~~Three~~ Five hundred thousand dollars for health insurance benefits which are basic hospital expense coverage, basic medical-surgical expense coverage, or major medical expense coverage as defined by the commissioner by rule pursuant to section 514D.4; three hundred thousand dollars for health insurance benefits which are disability income

protection as defined by the commissioner by rule pursuant to section 514D.4; three hundred thousand dollars for long-term care insurance as defined in section 514G.103; or one hundred thousand dollars for other health insurance benefits including any net cash surrender and net cash withdrawal values.

Sec. 20. Section 508C.8, subsection 8, paragraph a, subparagraph (2), subparagraph division (a), Code Supplement 2009, is amended by adding the following new subparagraph subdivision:

NEW SUBPARAGRAPH SUBDIVISION. (iv) With respect to each payee of a structured settlement annuity, or the beneficiary or beneficiaries of the payee if the payee is deceased, two hundred fifty thousand dollars in present value annuity benefits, in the aggregate, including net cash surrender and net cash withdrawal values.

Sec. 21. Section 508C.8, subsection 8, paragraph a, subparagraph (2), subparagraph division (b), Code Supplement 2009, is amended to read as follows:

(b) (i) With respect to each individual participating in a benefit plan established under section 401, 403(b), or 457 of the United States Internal Revenue Code, or each unallocated annuity contract account, excluding a plan established under section 401, 403(b), or 457 of the United States Internal Revenue Code, not more than two hundred fifty thousand dollars in the aggregate, in present value annuity benefits, including net cash surrender and net cash withdrawal values for the beneficiaries of the deceased individual.

(ii) However, the association shall not in any event be obligated to cover more than an aggregate of three hundred fifty thousand dollars in benefits with respect to any one life under subparagraph division (a) and this subparagraph division (b), except with respect to benefits for basic hospital expense coverage, basic medical-surgical expense coverage, or major medical expense coverage under subparagraph division (a), subparagraph subdivision (ii), in which case the aggregate liability of the association shall not exceed five hundred thousand dollars with respect to any one individual, or more than five million dollars in benefits to one owner of multiple nongroup policies of life insurance regardless of whether the policy owner is an individual, firm, corporation, or other person, and whether the persons insured are officers, managers, employees, or other persons, and regardless of the number of policies and contracts held by the owner.

Sec. 22. Section 508C.8, Code Supplement 2009, is amended by adding the following new subsections:

NEW SUBSECTION. 11. a. (1) At any time within one hundred eighty days of the date of an order of liquidation, the association may elect to succeed to the rights and obligations of a ceding member insurer that relate to policies or contracts covered, in whole or in part, by the association in each case under any reinsurance contract entered into by the insolvent insurer and its reinsurers, selected by the association. Any such assumption of rights and obligations shall be effective as of the date of the order of liquidation. The election shall be effected by the association or by the national organization of life and health insurance guaranty associations on its behalf by sending written notices, return receipt requested, to the affected reinsurers. As used in this subsection, “*date of election*” means the date of the election of the association to succeed to the rights and obligations of the ceding member insurer as provided in this subparagraph.

(2) To facilitate the earliest practicable decision about whether to assume any of the contracts of reinsurance of the ceding member insurer, and in order to protect the financial position of the state, the receiver and each reinsurer of the ceding member insurer shall make available upon request to the association, or to the national organization of life and health insurance guaranty associations on its behalf, as soon as possible after commencement of formal delinquency proceedings all of the following:

(a) Copies of in-force contracts of reinsurance and all related files and records relevant to the determination of whether such contracts should be assumed.

(b) Notices of any defaults under the reinsurance contracts or any known event or condition which with the passage of time could become a default under the reinsurance contract.

(3) The following provisions shall apply to reinsurance contracts so assumed by the association:

(a) The association shall be responsible for all unpaid premiums due under the reinsurance contracts for periods both before and after the date of the order of liquidation and shall be responsible for the performance of all other obligations to be performed after the date of the order of liquidation, in each case which relate to policies or contracts covered, in whole or in part, by the association. The association may charge policies or contracts covered in part by the association, through reasonable allocation methods, the cost for reinsurance in excess of the obligations of the association and shall provide notice and an accounting of these charges to the liquidator.

(b) The association shall be entitled to any amounts payable by the reinsurer under the reinsurance contracts with respect to losses or events that occur in periods after the date of the order of liquidation and that relate to policies or contracts covered, in whole or in part, by the association, provided that, upon receipt of any such amounts, the association shall be obliged to pay to the beneficiary under the policy or contract on account of which the amounts were paid, a portion of the amount equal to the lesser of any of the following:

(i) The amount received by the association.

(ii) The excess of the amount received by the association over the amount equal to the benefits paid by the association on account of the policy or contract less the retention of the insurer applicable to the loss or event.

(c) Within thirty days following the date of election, the association and each reinsurer under reinsurance contracts assumed by the association shall calculate the net balance due to or from the association under each reinsurance contract as of the date of election with respect to policies or contracts covered, in whole or in part, by the association, which calculation shall give full credit to all items paid by either the insurer or its receiver or the reinsurer prior to the date of election. The reinsurer shall pay the receiver any amounts due for losses or events prior to the date of the order of liquidation, subject to any setoff for premiums unpaid for periods prior to the date, and the association or reinsurer shall pay any remaining balance due the other, in each case within five days of the completion of the aforementioned calculation. Any disputes over the amounts due to either the association or the reinsurer shall be resolved by arbitration pursuant to the terms of the affected reinsurance contracts or, if the contract contains no arbitration clause, as otherwise provided by law. If the receiver has received any amounts due the association pursuant to subparagraph division (b), the receiver shall remit the same to the association as promptly as practicable.

(d) If the association or receiver, on the association's behalf, within sixty days of the date of election, pays the unpaid premiums due for periods both before and after the date of election that relate to policies or contracts covered, in whole or in part, by the association, the reinsurer shall not be entitled to terminate the reinsurance contracts for failure to pay premiums insofar as the reinsurance contracts relate to policies or contracts covered, in whole or in part, by the association, and shall not be entitled to set off any unpaid amounts due under other policies or contracts, or unpaid amounts due from parties other than the association, against amounts due the association.

b. During the period from the date of the order of liquidation, until the date of election or, if the association does not elect to succeed to the rights and obligations of the ceding member insurer as provided in paragraph "a", subparagraph (1), until one hundred eighty days after the date of the order of liquidation all of the following provisions are applicable:

(1) The association and the reinsurer shall not have any rights or obligations under reinsurance contracts that the association has the right to assume under paragraph "a", whether for periods prior to or after the date of liquidation.

(2) The reinsurer, the receiver, and the association shall, to the extent practicable, provide each other with data and records reasonably requested.

(3) Once the association elects to assume a reinsurance contract, the parties' rights and obligations shall be governed by the provisions of paragraph "a".

c. If the association does not elect to assume the rights and obligations under a reinsurance contract, the association shall have no rights or obligations in each case for periods both before and after the date of the order of liquidation, with respect to the reinsurance contract.

d. When policies or contracts, or covered obligations with respect thereto, are transferred to an assuming insurer, reinsurance on the policies or contracts may also be transferred by the association, in the case of rights and obligations under reinsurance contracts assumed under paragraph "a", subject to the following provisions:

(1) Unless the reinsurer and the assuming insurer agree otherwise, the reinsurance contracts transferred shall not cover any new policies or contracts of insurance in addition to those transferred.

(2) The obligations described in paragraph "a" shall no longer apply with respect to matters arising after the effective date of the transfer.

(3) Notice shall be given in writing, return receipt requested, by the transferring party to the affected reinsurer not less than thirty days prior to the effective date of the transfer.

e. This subsection shall supersede the provisions of any state law or of any affected reinsurance contract that provides for or requires any payment of reinsurance proceeds, on account of losses or events that occur in periods after the date of the order of liquidation, to the receiver of the insolvent insurer or any other person. The receiver shall remain entitled to any amounts payable by the reinsurer under the reinsurance contract with respect to losses or events that occur in periods prior to the date of the order of liquidation, subject to applicable setoff provisions.

f. Except as otherwise provided in this subsection, this subsection shall not be construed to do any of the following:

(1) Alter or modify the terms and conditions of any reinsurance contract.

(2) Abrogate or limit any rights of any reinsurer to claim that the reinsurer is entitled to rescind a reinsurance contract.

(3) Give a policyholder or beneficiary an independent cause of action against a reinsurer that is not otherwise set forth in the reinsurance contract.

(4) Limit or affect the association's rights as a creditor of the state against the assets of this state.

(5) Apply to reinsurance agreements covering property or casualty risks.

NEW SUBSECTION. 12. The board of directors of the association shall have discretion and may exercise reasonable business judgment to determine the means by which the association will provide the benefits of this chapter in an economical and efficient manner.

NEW SUBSECTION. 13. Where the association has arranged or offered to provide the benefits of this chapter to a covered person under a plan or arrangement that fulfills the association's obligations under this chapter, the person shall not be entitled to benefits from the association in addition to or other than those provided under the plan or arrangement.

NEW SUBSECTION. 14. Venue in a suit against the association arising under this chapter shall be in the district court of Polk county. The association shall not be required to give an appeal bond in an appeal that relates to a cause of action arising under this chapter.

NEW SUBSECTION. 15. In carrying out its duties in connection with guaranteeing, assuming, or reinsuring policies or contracts under subsections 2 and 3, the association may, subject to approval of the receivership court, issue substitute coverage for a policy or contract that provides an interest rate, crediting rate, or similar factor determined by the use of an index or other external reference stated in the policy or contract employed in calculating returns or changes in value by issuing an alternative policy or contract in accordance with the following provisions:

a. In lieu of the index or other external reference provided for in the original policy or contract the alternative policy or contract provides for one of the following:

(1) A fixed interest rate.

(2) Payment of dividends with minimum guarantees.

(3) A different method for calculating interest or changes in value.

b. There is no requirement for evidence of insurability, waiting period, or other exclusion that would not have applied under the replaced policy or contract.

c. The alternative policy or contract is substantially similar to the replaced policy or contract in all other material terms.

Sec. 23. Section 515B.2, subsection 4, paragraph b, subparagraph (4), Code Supplement 2009, is amended by striking the subparagraph and inserting in lieu thereof the following:

(4) That is a fee or other amount relating to goods or services sought by or on behalf of an attorney, adjuster, witness, or other provider of goods or services retained by the insolvent insurer or by an insured prior to the date the insurer was declared insolvent.

Sec. 24. Section 515B.2, subsection 4, paragraph b, Code Supplement 2009, is amended by adding the following new subparagraphs:

NEW SUBPARAGRAPH. (5A) That is a fee or other amount sought by or on behalf of any attorney, adjuster, witness, or other provider of goods or services retained by the insured or claimant in connection with the assertion of any claim, covered or otherwise, against the association.

NEW SUBPARAGRAPH. (5B) That is a claim filed with the association or a liquidator for protection afforded under the insured's policy or contract for incurred but not reported losses or expenses.

Sec. 25. Section 515B.2, Code Supplement 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 6A. "*Liquidator*" means a receiver as defined in section 507C.2, or a comparable person appointed by the courts of the domiciliary state of a foreign insurer.

Sec. 26. Section 515B.5, subsection 1, paragraph a, subparagraph (3), Code 2009, is amended to read as follows:

(3) An amount not exceeding the lesser of the policy limits or ~~three~~ five hundred thousand dollars per claim for all covered claims for all damages arising out of any one or series of accidents, occurrences, or incidents, regardless of the number of persons making claims or the number of applicable policies.

Sec. 27. Section 515B.14, Code 2009, is amended to read as follows:

515B.14 Immunity.

~~There is shall be no liability on the part of, and no cause of action of any nature shall arise against any a member insurer, the association, or its agents or employees, the board of directors or any person serving as an alternate or substitute representative of any director, or the commissioner, or the commissioner's representatives, for any reasonable action taken or any failure to act by them in the performance of their duties and powers under this chapter.~~

Sec. 28. **NEW SECTION. 515B.19 Coordination among guaranty associations.**

1. The association may join one or more organizations of other state associations of similar purpose, to further the purposes and administer the powers and duties of the association. The association may designate one or more of these organizations to act as a liaison for the association and, to the extent the association authorizes, to bind the association in agreements or settlements with receivers of insolvent insurance companies or their designated representatives.

2. The association, in cooperation with other obligated or potentially obligated guaranty associations or their designated representatives, shall make all reasonable efforts to coordinate and cooperate with receivers or their designated representatives, in the most efficient and uniform manner, including the use of uniform data standards as promulgated or approved by the national association of insurance commissioners.

Approved March 19, 2010

CHAPTER 1064
SCHOOL DISTRICT DEACCREDITATION
S.F. 2289

AN ACT relating to deaccreditation of a school district by the state board of education and to the disposition of certain former school district funds, and including effective date, validation, and retroactive applicability provisions.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 256.11, subsection 11, paragraphs c and d, Code Supplement 2009, are amended to read as follows:

c. If the deficiencies have not been corrected, and the conditional accreditation alternatives contained in the report are not mutually acceptable to the state board and the local board, the state board shall deaccredit the school district and merge the territory of the school district with one or more contiguous school districts at the end of the school year. The state board may place a district under receivership for the remainder of the school year. The receivership shall be under the direct supervision and authority of the area education agency in which the district is located. The decision of whether to merge deaccredit the school district and require payment of tuition for the district's students or to place the district under receivership shall be based upon a determination by the state board of the best interests of the students, parents, residents of the community, teachers, administrators, and school district board members and upon the recommendations of the accreditation committee and the director.

d. In the case of a nonpublic school, if the deficiencies have not been corrected, the state board may declare a deaccredit the nonpublic school to be nonaccredited. The removal of accreditation deaccreditation shall take effect on the date established by the resolution of the state board, which shall be no later than the end of the school year in which the nonpublic school is declared to be nonaccredited deaccredited.

Sec. 2. Section 256.11, subsection 12, Code Supplement 2009, is amended to read as follows:

12. If the state board removes accreditation from deaccredits a school district and merges the territory of the school district with one or more contiguous school districts, the deaccredited school district whose accreditation is removed ceases to exist as a school corporation on the effective date set by the state board for removal of accreditation deaccreditation. Notwithstanding any other provision of law, the contiguous school districts receiving territory of the former deaccredited school district whose accreditation was removed are not considered successor school corporations of the former deaccredited school district.

a. Division of assets and liabilities of the deaccredited school district whose accreditation was removed shall be as provided in this paragraph "a" and in sections 275.29 through 275.31.

(1) If one or more of the contiguous school districts receiving assets and liabilities of the deaccredited school district whose accreditation was removed utilizes the equalization levy, only that territory in the school district imposing the equalization levy that comprises territory of the former deaccredited school district shall be taxed.

(2) Income surtax revenue and revenues generated by property taxes shall be distributed proportionately based on taxable value of the territory received by one or more school districts contiguous to the former deaccredited school district whose accreditation was removed.

(3) Revenues that are based on student enrollment shall be distributed based on percentages of students of the who were enrolled in the deaccredited school district whose accreditation was removed in the school year immediately prior to deaccreditation and who now reside in territory received by one or more school districts contiguous to the deaccredited school district whose accreditation was removed.

(4) If the deaccredited school district has a negative fund balance in its general fund at the time it is deaccredited by the state board, the director may order that the positive balance from

one or more other funds of the deaccredited school district be transferred to the deaccredited school district's general fund.

b. Prior to the effective date set by the state board for removal of accreditation deaccreditation, the school district whose accreditation is to be removed shall remain responsible for, and may retain such authority as is necessary to complete, all of the following:

(1) Execution of one or more quitclaim deeds, in fulfillment of the merger of territory received by one or more contiguous school districts from the former deaccredited school district whose accreditation was removed.

(2) Preparation of and payment for a final audit of all the district's financial accounts.

(3) Preparation and certification of a final certified annual report to the department.

c. The provisions of section 275.57 apply when removal deaccreditation of accreditation from a school district and merger of its the territory of such school district with a contiguous school district that is currently divided into director districts leads to the formation of new director districts.

Sec. 3. DEPARTMENT OF EDUCATION — AUTHORIZING FUND TRANSFERS — VALIDATION AND RETROACTIVE APPLICABILITY.

1. a. Notwithstanding any other statute or rule of law to the contrary, if a school district whose accreditation was removed by action of the state board of education effective July 1, 2008, had a negative fund balance in its general fund at the end of the school budget year beginning July 1, 2007, the director of the department of education is authorized to and shall approve by August 1, 2010, the transfer of any positive balance from one or more funds of the school district to the school district's general fund for the school budget year beginning July 1, 2007, and the transfer made is hereby validated and to that extent, this Act applies retroactively to July 1, 2007.

b. On the date on which the director of the department of education approves the transfer of funds pursuant to this subsection, the department shall provide notice of the approval of the funds transferred pursuant to this subsection to the boards of directors of the school districts to which the former school district's territory was merged and shall transmit to the state board of education a record of the approval of the funds transferred pursuant to this subsection.

2. The board of directors of a school district to which the former school district's territory was merged shall be exempted from any liability resulting from the action taken by the director of the department of education pursuant to subsection 1 if the school board, within 30 days of the date on which the director of the department of education took action pursuant to subsection 1, adopts a resolution to accept the action taken by the director pursuant to subsection 1.

Sec. 4. EFFECTIVE UPON ENACTMENT. The section of this Act providing for authorization and validation of fund transfers by the department of education, being deemed of immediate importance, takes effect upon enactment.

Approved March 19, 2010

CHAPTER 1065**CHILD IN NEED OF ASSISTANCE PROCEEDINGS — ATTENDANCE BY CHILD AT COURT HEARINGS***S.F. 2298*

AN ACT relating to the attendance of a child at juvenile court hearings or meetings during the pendency of a child in need of assistance case.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 232.91, subsection 3, Code 2009, is amended to read as follows:

3. Any person who is entitled under section 232.88 to receive notice of a hearing concerning a child shall be given the opportunity to be heard in any other review or hearing involving the child. A foster parent, relative, or other individual with whom a child has been placed for preadoptive care shall have the right to be heard in any proceeding involving the child. If a child is of an age appropriate to attend the hearing but the child does not attend, the court shall determine if the child was informed of the child's right to attend the hearing. A presumption exists that it is in the best interest of a child fourteen years of age or older to attend all hearings.

Sec. 2. Section 232.91, Code 2009, is amended by adding the following new subsections:

NEW SUBSECTION. 4. If a child is of an age appropriate to attend a hearing but the child does not attend, the court shall determine if the child was informed of the child's right to attend the hearing. A presumption exists that it is in the best interests of a child fourteen years of age or older to attend all hearings and all staff or family meetings involving placement options or services provided to the child. The department shall allow the child to attend all such hearings and meetings unless the attorney for the child finds the child's attendance is not in the best interests of the child. If the child is excluded from attending a hearing or meeting, the department shall maintain a written record detailing the reasons for excluding the child. Notwithstanding sections 232.147 through 232.151, a copy of the written record shall be made available to the child upon the request of the child after reaching the age of majority.

NEW SUBSECTION. 5. For purposes of this section, "attend" includes the appearance of the child at a hearing by video or telephonic means.

Approved March 19, 2010

CHAPTER 1066**PAROLE AND OUT-OF-STATE DETAINERS***S.F. 2303*

AN ACT relating to detainees lodged against parolees in this state.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 906.4, Code 2009, is amended by adding the following new unnumbered paragraph after unnumbered paragraph 2:

NEW UNNUMBERED PARAGRAPH. A person paroled who has a detainer lodged against the person under the provisions of chapter 821 may be paroled directly to the receiving state

rather than to a residential facility operated by a judicial district department of correctional services in this state.

Approved March 19, 2010

CHAPTER 1067

MORTUARY SCIENCE, CEMETERY AND FUNERAL MERCHANDISE, AND FUNERAL SERVICES

S.F. 2325

AN ACT relating to the practice of mortuary science and to the preneed sale of cemetery and funeral merchandise and funeral services and providing a penalty.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. NEW SECTION. 272C.2B **Continuing education minimum requirements — mortuary science.**

1. The board of mortuary science, created pursuant to chapter 147, shall require, as a condition of license renewal, a minimum number of hours of continuing education in the two years immediately prior to a licensee's license renewal as prescribed by rule.

2. A person licensed to practice mortuary science in this state shall be deemed to have complied with the continuing education requirements of this state during periods that the person serves honorably on active duty in the military services, or for periods that the person is a government employee working in the person's licensed specialty and assigned to duty outside of the United States, or for other periods of active practice and absence from the state approved by the board of mortuary science.

Sec. 2. Section 523A.207, Code 2009, is amended to read as follows:

523A.207 Audits by certified public accountants — penalties.

A purchase agreement shall not be sold or transferred, as part of the sale of a business or the assets of a business, until an audit has been performed by a certified public accountant and filed with the commissioner that expresses the auditor's opinion of the adequacy of funding related to the purchase agreements to be sold or transferred. If the buyer of a purchase agreement sold or transferred as part of the sale of a business or the assets of a business, fails to file such an audit, the commissioner shall suspend the preneed seller's license of the buyer and the preneed sales license of any sales agent in the employ of the buyer until the audit is filed. In addition, the commissioner shall assess a penalty against the buyer in an amount up to one hundred dollars for each day that the audit remains unfiled. The commissioner shall allow a thirty-day grace period after the date that a purchase agreement is sold or transferred before suspension of a license or assessment of a penalty for failure to file an audit pursuant to this section.

Approved March 19, 2010

CHAPTER 1068

DISCIPLINE OF REAL ESTATE BROKERS AND SALESPERSONS

S.F. 2326

AN ACT modifying disciplinary provisions applicable to real estate brokers and salespersons.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 543B.15, subsection 5, Code 2009, is amended to read as follows:

5. A person who makes a false statement of material fact on an application for a real estate broker's or salesperson's license, or who causes to be submitted, or has been a party to preparing or submitting any false application for such license, may be denied a license by the commission on the grounds of the false statement or submission. ~~A licensee found to have made such a statement or who caused to be submitted, or was a party to preparing or submitting any false application for a real estate broker's or salesperson's license, may have the license suspended or revoked by the commission on the grounds of the false statement or submission.~~

Sec. 2. Section 543B.15, subsection 6, Code 2009, is amended by striking the subsection.

Sec. 3. Section 543B.15, subsection 7, Code 2009, is amended to read as follows:

7. The commission, when considering the denial ~~or revocation~~ of a license pursuant to this section, shall consider the nature of the offense; any aggravating or extenuating circumstances which are documented; the time lapsed since the revocation, conduct, or conviction; the rehabilitation, treatment, or restitution performed by the applicant ~~or licensee~~; and any other factors the commission deems relevant. Character references may be required but shall not be obtained from licensed real estate brokers or salespersons.

Sec. 4. Section 543B.29, subsection 1, Code 2009, is amended by adding the following new paragraph:

NEW PARAGRAPH. 0b. Having made a false statement of material fact on an application for a real estate broker's or salesperson's license, or having caused to be submitted, or having been a party to preparing or submitting any false application for such license.

Sec. 5. Section 543B.29, subsection 1, paragraph e, Code 2009, is amended to read as follows:

e. Conviction of an offense included in section 543B.15, subsection 3. For purposes of this section, "conviction" means a conviction for an indictable offense and includes the court's acceptance of a guilty plea, a deferred judgment from the time of entry of the deferred judgment until the time the defendant is discharged by the court without entry of judgment, or other finding of guilt by a court of competent jurisdiction. A copy of the record of conviction, guilty plea, deferred judgment, or other finding of guilt is conclusive evidence.

(1) A licensed real estate broker or salesperson shall notify the commission of the licensee's conviction of an offense included in section 543B.15, subsection 3, paragraph "a", within ten days of the conviction. Notification of a conviction for an offense which is classified as a felony shall result in the immediate suspension of a license pending the outcome of a hearing conducted pursuant to section 543B.35 to determine the nature of the disciplinary action, if any, the commission will impose on the licensee. The hearing shall be conducted within thirty days of the licensee's notification to the commission, and the commission's decision shall be provided to the licensee no later than thirty days following the hearing. The failure of the licensee to notify the commission of the conviction within ten days of the date of the conviction is sufficient grounds for revocation of the license.

(2) The commission, when considering the revocation or suspension of a license pursuant to ¹ paragraph "e", shall consider the nature of the offense; any aggravating or extenuating circumstances which are documented; the time lapsed since the conduct or conviction; the

¹ See chapter 1193, §62 herein

rehabilitation, treatment, or restitution performed by the licensee; and any other factors the commission deems relevant. Character references may be required but shall not be obtained from licensed real estate brokers or salespersons.

Approved March 19, 2010

CHAPTER 1069

SUBSTANTIVE CODE CORRECTIONS

S.F. 2340

AN ACT relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, and including effective date and applicability provisions.

Be It Enacted by the General Assembly of the State of Iowa:

DIVISION I MISCELLANEOUS PROVISIONS

Section 1. Section 8.7, Code 2009, is amended to read as follows:

8.7 Reporting of gifts and bequests received.

All gifts and bequests received by a department or accepted by the governor on behalf of the state shall be reported to the Iowa ethics and campaign disclosure board and the general assembly's standing committees on government oversight committees. The ethics and campaign disclosure board shall, by January 31 of each year, submit to the fiscal services division of the legislative services agency a written report listing all gifts and bequests received during the previous calendar year with a value over one thousand dollars and the purpose for each such gift or bequest. The submission shall also include a listing of all gifts and bequests received by a department from a person if the cumulative value of all gifts and bequests received by the department from the person during the previous calendar year exceeds one thousand dollars, and the ethics and campaign disclosure board shall include, if available, the purpose for each such gift or bequest. However, the reports on gifts or bequests filed by the state board of regents pursuant to section 8.44 shall be deemed sufficient to comply with the requirements of this section.

Sec. 2. Section 8.9, subsection 2, paragraph b, Code Supplement 2009, is amended to read as follows:

b. The office of grants enterprise management shall submit by July 1 and January 1 of each year to the general assembly's standing committees on government oversight committees a written report summarizing departmental compliance with the requirements of this subsection.

Sec. 3. Section 9H.4, subsection 1, paragraph b, subparagraph (3), subparagraph division (a), subparagraph subdivision (i), Code Supplement 2009, is amended to read as follows:

(i) The corporation or limited liability company must not hold the agricultural land other than as a lessee. The term of the lease must be for not more than twelve years. The corporation or limited liability company shall not renew a lease. The corporation or limited liability company shall not enter into a lease under this subparagraph subdivision, if the corporation or limited liability company has ever entered into another lease under this subparagraph (3), whether or not the lease is in effect. However, this subparagraph subdivision does not apply to a domestic corporation organized under chapter 504, Code 1989, or current chapter 504.

Sec. 4. Section 12B.6, Code 2009, is amended to read as follows:

12B.6 Certain public funds of political subdivisions.

All funds received, expended, or held by an association of elected county officers before, on, or after June 16, 2005, to implement a state-authorized program, are subject to audit by the auditor of state at the request of the general assembly's standing committees on government oversight committees or the legislative council. All such funds received or held on and after July 1, 2005, shall be deposited in a fund in the office of the treasurer of state.

Sec. 5. Section 15G.111, subsection 2, paragraph c, Code Supplement 2009, is amended to read as follows:

c. Of the moneys accruing to the fund pursuant to subsection 1, paragraph "c", the department, with the approval of the board, may allocate an amount necessary to fund administrative and operations costs. An allocation pursuant to this section paragraph may be made in addition to any allocations made pursuant to subsection 4, paragraph "a".

Sec. 6. Section 15G.112, subsection 1, paragraph h, Code Supplement 2009, is amended to read as follows:

h. If a business that is approved to receive financial assistance experiences a layoff within this state or closes any of its facilities within this state, the board has the discretion to reduce or eliminate some or all of the amount of financial assistance to be received. If a business has received financial assistance under this part section and experiences a layoff within this state or closes any of its facilities within this state, the business may be subject to repayment of all or a portion of the incentives that the business has received.

Sec. 7. Section 15G.115, subsection 3, paragraph b, Code Supplement 2009, is amended to read as follows:

b. Consider the recommendation of the due diligence committee, and the agricultural products advisory council, and the technology commercialization committee on each application for financial assistance, as described in subsection 2, and take final action on each application.

Sec. 8. Section 73.1, unnumbered paragraph 1, Code 2009, is amended to read as follows:

Every commission, board, committee, officer, or other governing body of the state, or of any county, township, school district or city, and every person acting as contracting or purchasing agent for any such commission, board, committee, officer, or other governing body shall use only those products and provisions grown and coal produced within the state of Iowa, when they are found in marketable quantities in the state and are of a quality reasonably suited to the purpose intended, and can be secured without additional cost over foreign products or products of other states. This section shall apply to horticultural products grown in this state even if the products are not in the stage of processing that the agency usually purchases the product. However, this section does not apply to a school district purchasing food while the school district is participating in the federal school lunch or breakfast program.

Sec. 9. Section 85A.11, subsection 2, Code 2009, is amended to read as follows:

2. The specimens for the tests required herein must be taken by a licensed practicing physician or osteopathic physician, and immediately delivered to the university state hygienic laboratory of the Iowa department of public health at Iowa City, and each such specimen shall be in a container upon which is plainly printed the name and address of the subject, the date when the specimen was taken, the name and address of the subject's employer and a certificate by the physician or osteopathic physician that the physician took the specimen from the named subject on the date stated over the physician's signature and address.

Sec. 10. Section 99G.7, subsection 1, paragraph g, Code 2009, is amended to read as follows:

g. Report semiannually to the legislative general assembly's standing committees on government oversight committees regarding the operations of the authority.

Sec. 11. Section 99G.21, subsection 3, Code 2009, is amended to read as follows:

3. Notwithstanding any other provision of law, any purchase of real property and any borrowing of more than one million dollars by the authority shall require written notice from the authority to the legislative general assembly's standing committees on government oversight committees and the prior approval of the executive council.

Sec. 12. Section 99G.40, subsection 4, Code 2009, is amended to read as follows:

4. For informational purposes only, the chief executive officer shall submit to the department of management by October 1 of each year a proposed operating budget for the authority for the succeeding fiscal year. This budget proposal shall also be accompanied by an estimate of the net proceeds to be deposited into the general fund during the succeeding fiscal year. This budget shall be on forms prescribed by the department of management. A copy of the information required to be submitted to the department of management pursuant to this subsection shall be submitted to the legislative general assembly's standing committees on government oversight committees and the legislative services agency by October 1 of each year.

Sec. 13. Section 124.212B, subsection 9, Code Supplement 2009, is amended to read as follows:

9. The office ~~and the board~~ shall report to the board on an annual basis, beginning January 1, 2010, regarding the repository, including the effectiveness of the repository in discovering unlawful sales of pseudoephedrine products.

Sec. 14. Section 135.43, subsection 7, paragraph b, Code Supplement 2009, is amended to read as follows:

b. A person in possession or control of medical, investigative, assessment, or other information pertaining to a child death and child abuse review shall allow the inspection and reproduction of the information by the office of the state medical examiner upon the request of the office, to be used only in the administration and for the duties of the Iowa child death review team. Except as provided for a report on a child fatality by an ad hoc child fatality review committee under subsection 4, information and records produced under this section which are confidential under section 22.7 and chapter 235A, and information or records received from the confidential records, remain confidential under this section. A person does not incur legal liability by reason of releasing information to the department or the office of the state medical examiner as required under and in compliance with this section.

Sec. 15. Section 135.150, subsection 2, Code Supplement 2009, is amended to read as follows:

2. The department shall report semiannually to the legislative general assembly's standing committees on government oversight committees regarding the operation of the gambling treatment program. The report shall include but is not limited to information on the moneys expended and grants awarded for operation of the gambling treatment program.

Sec. 16. Section 135C.41, subsection 2, Code Supplement 2009, is amended to read as follows:

2. Notify the director that the facility desires to contest the citation and, ~~in the case of citations for Class I, Class II, or Class III violations,~~ request an informal conference with a representative of the department.

Sec. 17. Section 135C.43, subsection 1, Code Supplement 2009, is amended to read as follows:

1. A facility which desires to further contest an affirmed or modified citation for a Class I, Class II, or Class III violation, may do so in the manner provided by chapter 17A for contested cases. Notice of intent to formally contest a citation shall be given the department in writing within five days after the informal conference or after receipt of the written explanation of the representative delegated to hold the informal conference, whichever is applicable, in the case of an affirmed or modified citation ~~for a Class I, Class II, or Class III violation~~. A facility

which has exhausted all adequate administrative remedies and is aggrieved by the final action of the department may petition for judicial review in the manner provided by chapter 17A.

Sec. 18. Section 147.14, subsection 1, paragraphs l and o, Code Supplement 2009, are amended to read as follows:

l. For the board of physician assistants, five members licensed to practice as physician assistants, at least two of whom practice in counties with a population of less than fifty thousand, one member licensed to practice medicine and surgery who supervises a physician assistant, one member licensed to practice osteopathic medicine and surgery who supervises a physician assistant, and two members who are not licensed to practice either medicine and surgery or osteopathic medicine and surgery or licensed as a physician assistant and who shall represent the general public. At least one of the physician or osteopathic physician members shall be in practice in a county with a population of less than fifty thousand.

o. For respiratory care, one licensed physician with training in respiratory care, three respiratory care practitioners who have practiced respiratory care for a minimum of six years immediately preceding their appointment to the board and who are recommended by the society for respiratory care, and one member not licensed to practice medicine, osteopathic medicine, or respiratory care who shall represent the general public.

Sec. 19. Section 148.3, subsection 1, paragraph a, unnumbered paragraph 1, Code Supplement 2009, is amended to read as follows:

A diploma issued by a medical college or college of osteopathic medicine and surgery approved by the board, or other evidence of equivalent medical education approved by the board. The board may accept, in lieu of a diploma from a medical college or college of osteopathic medicine and surgery approved by the board, all of the following:

Sec. 20. Section 153.34, subsection 16, Code Supplement 2009, is amended to read as follows:

16. ~~The For a dental hygienist, the practice of dentistry by a the dental hygienist; shall also be grounds for discipline of the dental hygienist, and for a dentist, the permitting of such the practice of dentistry by a dental hygienist by the dentist under whose supervision the dental hygienist is operating shall be grounds for disciplining of the dentist.~~

Sec. 21. Section 163.30, subsection 5, Code Supplement 2009, is amended to read as follows:

5. ~~a.~~ All swine moved shall be accompanied by a certificate of veterinary inspection issued by the state of origin and prepared and signed by a veterinarian. The certificate shall show the point of origin, the point of destination, individual identification, immunization status, and, when required, any movement permit number assigned to the shipment by the department. All such movement of swine shall be completed within seventy-two hours unless an extension of time for movement is granted by the department.

~~b. a.~~ However, the requirements of paragraph "a" do not apply as follows:

~~Swine which are swine may be moved intrastate directly to an approved state, federal, or auction market, there without identification or certification, if the swine are to be identified and certificated, are excepted from the identification and certification requirements at the auction market.~~

~~e. b.~~ Registered swine for exhibition or breeding purposes which can be individually identified by an ear notch or tattoo or other method approved by the department are excepted from the ~~additional~~ identification requirement.

~~d. c.~~ Native Iowa swine moved from farm to farm shall be excepted from the identification requirement if the owner transferring possession of the feeder pigs executes a written agreement with the person taking possession of the feeder pigs. The agreement shall provide that the feeder pigs shall not be commingled with other swine for a period of thirty days. The owner transferring possession shall be responsible for making certain that the agreement is executed and for providing a copy of the agreement to the person taking possession.

Sec. 22. Section 173.1, subsection 5, Code 2009, is amended to read as follows:

5. A secretary to be ~~elected~~ appointed by the board who shall serve as a nonvoting member.

Sec. 23. Section 175.8, subsection 4, Code Supplement 2009, is amended to read as follows:

4. The authority's executive director, appointed pursuant to section 175.7, shall report semiannually to the legislative general assembly's standing committees on government oversight committees regarding the operations of the authority.

Sec. 24. Section 176A.10, subsection 2, Code Supplement 2009, is amended to read as follows:

2. An extension council of an extension district may choose to be subject to the levy and revenue limits specified in subparagraphs (2) of subsection 1, paragraphs "a" through "d", and subsection 1, paragraph "e", for the purpose of the annual levy for the fiscal year commencing July 1, 1991, which levy is payable in the fiscal year beginning July 1, 1992. Before an extension district may be subject to the levy and revenue limits specified in subparagraphs (2) of subsection 1, paragraphs "a" through "d", and subsection 1, paragraph "e", for fiscal years beginning on or after July 1, 1992, which levy is payable in fiscal years beginning on or after July 1, 1993, the question of whether the district shall be subject to the levy and revenue limits as specified in such subsections paragraphs must be submitted to the registered voters of the district. The question shall be submitted at the time of a state general election. If the question is approved by a majority of those voting on the question the levy and revenue limits specified in subparagraphs (2) of subsection 1, paragraphs "a" through "d", and subsection 1, paragraph "e", shall thereafter apply to the extension district. The question need only be approved at one state general election. If a majority of those voting on the question vote against the question, the district may continue to submit the question at subsequent state general elections until approved.

Sec. 25. Section 203.19, subsection 2, Code Supplement 2009, is amended to read as follows:

2. ~~a.~~ If a cooperative agreement is in effect under this section, the indemnification requirements of this chapter may be satisfied by filing with the department evidence of a bond or an irrevocable letter of credit on file with a state or of participation in an indemnity fund in a state with which Iowa has a cooperative agreement as provided for by this section.

~~b.~~ (1) 3. a. Indemnification proceeds shall be copayable to the state of Iowa for the benefit of sellers of grain under this chapter.

(2) b. Indemnification proceeds required by this chapter may be made copayable to any state with whom this state has entered into contracts or agreements as authorized by this section, for the benefit of sellers of grain in that state.

Sec. 26. Section 216.6A, subsection 3, unnumbered paragraph 1, Code Supplement 2009, is amended to read as follows:

It shall be an affirmative defense ~~for~~ to a claim arising under this section if any of the following applies:

Sec. 27. Section 216C.11, subsection 2, Code Supplement 2009, is amended to read as follows:

2. A person with a disability, a person assisting a person with a disability by controlling a service dog or an assistive animal, or a person training a service dog or an assistive animal has the right to be accompanied by a service dog or an assistive animal, under control, in any of the places listed in sections 216C.3 and 216C.4 without being required to make additional payment for the service dog or assistive animal. A landlord shall waive lease restrictions on the keeping of animals for the service dog or assistive animal of a person with a disability. The person is liable for damage done to any premises or facility by a service dog or assistive animal.

Sec. 28. Section 235B.1, subsection 4, paragraph b, subparagraph (1), Code Supplement 2009, is amended to read as follows:

(1) The advisory council shall consist of ~~twelve~~ fourteen members. Six members shall be appointed by and serve at the pleasure of the governor. Four of the members appointed shall be appointed on the basis of knowledge and skill related to expertise in the area of dependent

adult abuse including professionals practicing in the disciplines of medicine, public health, mental health, long-term care, social work, law, and law enforcement. Two of the members appointed shall be members of the general public with an interest in the area of dependent adult abuse and two of the members appointed shall be members of the Iowa caregivers association. In addition, the membership of the council shall include the director or the director's designee of the department of human services, the department on aging, the Iowa department of public health, and the department of inspections and appeals.

Sec. 29. Section 252F.3, subsection 5, Code Supplement 2009, is amended to read as follows:

5. If a timely written response and request for a court hearing is not received by the unit and a party does not deny paternity, the administrator shall enter an order in accordance with section 252F.4.

6. *a.* If a party contests the establishment of paternity, the party shall submit, within twenty days of service of the notice on the party under subsection 1, a written statement contesting paternity establishment to the unit. Upon receipt of a written challenge of paternity establishment, or upon initiation by the unit, the administrator shall enter *ex parte* administrative orders requiring the mother, child or children involved, and the putative father to submit to paternity testing. Either the mother or putative father may contest paternity under this chapter.

b. The orders shall be filed with the clerk of the district court in the county where the notice was filed and have the same force and effect as a court order for paternity testing.

c. The unit shall issue copies of the respective administrative orders for paternity testing to the mother and putative father in person, or by regular mail to the last known address of each, or if applicable, to the last known address of the attorney for each.

d. If a paternity test is ordered under this section, the administrator shall direct that inherited characteristics be analyzed and interpreted, and shall appoint an expert qualified as an examiner of genetic markers to analyze and interpret the results. The test shall be of a type generally acknowledged as reliable by accreditation entities designated by the secretary of the United States department of health and human services and shall be performed by a laboratory approved by an accreditation entity.

e. The party contesting paternity shall be provided one opportunity to reschedule the paternity testing appointment if the testing is rescheduled prior to the date of the originally scheduled appointment.

f. An original copy of the test results shall be filed with the clerk of the district court in the county where the notice was filed. The child support recovery unit shall issue a copy of the filed test results to each party in person, or by regular mail to the last known address of each, or if applicable, to the last known address of the attorney for each. However, if the action is the result of a request from a foreign jurisdiction, the unit shall issue a copy of the results to the initiating agency in that foreign jurisdiction.

g. Verified documentation of the chain of custody of the blood or genetic specimens is competent evidence to establish the chain of custody. The testimony of the appointed expert is not required. A verified expert's report of test results which indicate a statistical probability of paternity is sufficient authenticity of the expert's conclusion.

h. A verified expert's report shall be admitted as evidence to establish administrative paternity, and, if a court hearing is scheduled to resolve the issue of paternity, shall be admitted as evidence and is admissible at trial.

i. If the verified expert concludes that the test results show that the putative father is not excluded and that the probability of the putative father's paternity is ninety-five percent or higher, there shall be a rebuttable presumption that the putative father is the biological father, and the evidence shall be sufficient as a basis for administrative establishment of paternity.

(1) In order to challenge the presumption of paternity, a party shall file a written notice of the challenge with the district court within twenty days from the date the paternity test results are issued or mailed to all parties by the unit. Any challenge to a presumption of paternity resulting from paternity tests, or to paternity test results filed after the lapse of the twenty-day time frame shall not be accepted or admissible by the unit or the court.

(2) A copy of the notice challenging the presumption of paternity shall be provided to any other party in person, or by mailing the notice to the last known address of each party, or if applicable, to the last known address of each party's attorney.

(3) The party challenging the presumption of paternity has the burden of proving that the putative father is not the father of the child.

(4) The presumption of paternity may be rebutted only by clear and convincing evidence.

j. If the verified expert concludes that the test results indicate that the putative father is not excluded and that the probability of the putative father's paternity is less than ninety-five percent, the administrator shall order a subsequent administrative paternity test or certify the case to the district court for resolution in accordance with the procedures and time frames specified in paragraph "i" and section 252F.5.

k. If the results of the test or the verified expert's analysis are timely challenged as provided in this subsection, the administrator, upon the request of a party and advance payment by the contestant or upon the unit's own initiative, shall order that an additional test be performed by the same laboratory or an independent laboratory. If the party requesting additional testing does not advance payment, the administrator shall certify the case to the district court in accordance with paragraph "i" and section 252F.5.

l. When a subsequent paternity test is conducted, the time frames in this chapter associated with paternity tests shall apply to the most recently completed test.

m. If the paternity test results exclude the putative father as a potential biological father of the child or children, and additional tests are not requested by either party or conducted on the unit's initiative, or if additional tests exclude the putative father as a potential biological father, the unit shall withdraw its action against the putative father and shall file a notice of the withdrawal with the clerk of the district court, and shall provide a copy of the notice to each party in person, or by regular mail sent to each party's last known address, or if applicable, the last known address of the party's attorney.

n. Except as provided in paragraph "k", the unit shall advance the costs of genetic testing. If paternity is established and paternity testing was conducted, the unit shall enter an order or, if the action proceeded to a court hearing, request that the court enter a judgment for the costs of the paternity tests consistent with applicable federal law. In a proceeding under this chapter, a copy of a bill for genetic testing shall be admitted as evidence without requiring third-party foundation testimony and shall constitute prima facie evidence of the amount incurred for genetic testing.

Sec. 30. Section 256B.9, subsection 1, paragraphs b, c, and d, Code 2009, are amended to read as follows:

b. Children requiring special education who require special adaptations while assigned to a regular classroom for basic instructional purposes and pupils with disabilities placed in a special education class who receive part of their instruction in regular classrooms are assigned a weighting of one and eight-tenths for the school year commencing July 1, 1975. This

~~Effective July 1, 1991, this paragraph also applies to children requiring special education who require specially designed instruction while assigned to a regular classroom for basic instructional purposes.~~

c. Children requiring special education who require full-time, self-contained special education placement with little integration into a regular classroom are assigned a weighting of two and two-tenths for the school year commencing July 1, 1975. This

~~Effective July 1, 1991, this paragraph also applies to children requiring special education who require substantial modifications, adaptations, or special education accommodations in order to benefit from instruction in an integrated classroom.~~

d. Children requiring special education who have severe disabilities or who have multiple disabilities are assigned a weighting of four and four-tenths for the school year commencing July 1, 1975. This

~~Effective July 1, 1991, this paragraph also applies to children requiring special education who have severe and profound disabilities.~~

Sec. 31. Section 256D.3, subsection 3, Code Supplement 2009, is amended to read as follows:

3. Beginning January 15, 2006, the department shall submit an annual report to the chairpersons and ranking members of the senate and house education committees that includes the statewide average school district class size in basic skills instruction in kindergarten through grade three, by grade level and by district size, and describes school district progress toward achieving early intervention block grant program goals and the ways in which school districts are using moneys received pursuant to this chapter and expended as provided in section ~~256D.2~~ 256D.2A. The report shall include district-by-district information showing the allocation received for early intervention block grant program purposes, the total number of students enrolled in grade four in each district, and the number of students in each district who are not proficient in reading in grade four for the most recent reporting period, as well as for each reporting period starting with the school year beginning July 1, 2001.

Sec. 32. Section 256F.2, Code 2009, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. As used in this chapter, unless the context otherwise requires:

Sec. 33. Section 256G.4, subsection 3, paragraph a, subparagraph (2), unnumbered paragraph 1, Code Supplement 2009, is amended to read as follows:

Ten members, as follows, who shall be jointly recommended for membership by the president and the director, ~~and~~ shall be jointly approved by the state board of regents and the state board of education, shall serve three-year staggered terms, and shall be eligible to serve for two consecutive three-year terms on the council in addition to any partial, initial term:

Sec. 34. Section 257.6, subsection 1, paragraph a, subparagraph (5), Code Supplement 2009, is amended to read as follows:

(5) Resident pupils receiving competent private instruction from a licensed practitioner provided through a public school district pursuant to chapter 299A shall be counted as three-tenths of one pupil. Revenues received by a school district attributed to a school district's weighted enrollment pursuant to this ~~paragraph~~ subparagraph shall be expended for the purpose for which the weighting was assigned under this ~~paragraph~~ subparagraph. If the school district determines that the expenditures associated with providing competent private instruction pursuant to chapter 299A are in excess of the revenue attributed to the school district's weighted enrollment for such instruction in accordance with this subparagraph, the school district may submit a request to the school budget review committee for modified allowable growth in accordance with section 257.31, subsection 5, paragraph "n". A home school assistance program shall not provide moneys received pursuant to this subparagraph, nor resources paid for with moneys received pursuant to this subparagraph, to parents or students utilizing the program.

Sec. 35. Section 260C.44, Code 2009, is amended to read as follows:

260C.44 Apprenticeship programs.

1. Each community college is authorized to establish or contract for the establishment of apprenticeship programs for apprenticeable occupations. Any apprenticeship program established under this section shall comply with requirements established by the United States department of labor, bureau of apprenticeship and training. Participation in an apprenticeship program or apprenticeship agreement by an apprenticeship sponsor shall be on a voluntary basis.

2. For purposes of this section:

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

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

~~c. “apprenticeship~~ “Apprenticeship program” means a plan, registered with the United States bureau office of apprenticeship and training which contains the terms and conditions for the qualification, recruitment, selection, employment, and training of apprentices, including the requirement for a written apprenticeship agreement.

~~d. For purposes of this section,~~ “Apprenticeship sponsor” means a person operating an apprenticeship program or in whose name an apprenticeship program is being operated, registered, or approved.

~~For purposes of this section,~~ “apprenticeable occupation” means an occupation approved for apprenticeship by the United States department of labor, bureau of apprenticeship and training.

~~For purposes of this section,~~ “apprentice” means a person who is at least sixteen years of age, except where a higher minimum age is required by law, who is employed in an apprenticeable occupation, and is registered with the United States department of labor, bureau of apprenticeship and training.¹

Sec. 36. Section 260C.47, subsection 1, unnumbered paragraph 1, Code 2009, is amended to read as follows:

The state board of education shall establish an accreditation process for community college programs by July 1, 1997. The process shall be jointly developed and agreed upon by the department of education and the community colleges. The state accreditation process shall be integrated with the accreditation process of the north central association of colleges and schools, including the evaluation cycle, the self-study process, and the criteria for evaluation, which shall incorporate the standards for community colleges developed under section 260C.48; and shall identify and make provision for the needs of the state that are not met by the association’s accreditation process. For the academic year commencing July 1, 1998, and in succeeding school years, the department of education shall use a two-component process for the continued accreditation of community college programs. ~~Beginning July 1, 2006, the state accreditation process shall incorporate the standards developed pursuant to section 260C.48, subsection 4.~~

Sec. 37. Section 272C.4, unnumbered paragraph 2, Code Supplement 2009, is amended by striking the unnumbered paragraph.

Sec. 38. NEW SECTION. 272C.11 Insurers of professional and occupational licensees — reports.

Insurance carriers which insure professional and occupational licensees for acts or omissions that constitute negligence, careless acts, or omissions in the practice of a profession or occupation shall file reports with the appropriate licensing board. The reports shall include information pertaining to any lawsuit filed against a licensee which may affect the licensee as defined by rule, involving an insured of the insurer.

Sec. 39. Section 282.18, subsection 2, paragraph b, Code Supplement 2009, is amended to read as follows:

b. The board of the receiving district shall enroll the pupil in a school in the receiving district for the following school year unless the receiving district ~~does not have~~ has insufficient classroom space for the pupil. The board of directors of a receiving district may adopt a policy granting the superintendent of the school district authority to approve open enrollment applications. If the request is granted, the board shall transmit a copy of the form to the parent or guardian and the school district of residence within five days after board action, but not later than June 1 of the preceding school year. The parent or guardian may withdraw the request at any time prior to the start of the school year. A denial of a request by the board of a receiving district is not subject to appeal.

¹ See chapter 1193, §47 herein

Sec. 40. Section 282.18, subsection 13, Code Supplement 2009, is amended to read as follows:

13. If a request under this section is for transfer to a laboratory school, as described in chapter 265, the student, who is the subject of the request, shall not be included in the basic enrollment of the student's district of residence, and the laboratory school shall report the enrollment of the student directly to the department of education, unless the number of students from the district attending the laboratory school during the current school year, as a result of open enrollment under this section, exceeds the number of students enrolled in the laboratory school from that district during the 1989-1990 school year. If the number of students enrolled in the laboratory school from a district during the current year exceeds the number of students enrolled from that district during the 1989-1990 school year, those students who represent the difference between the current and the 1988-1989 school year enrollment figures shall be included in the basic enrollment of the students' districts of residence and the districts shall retain any moneys received as a result of the inclusion of the student in the district enrollment. The total number of students enrolled at a laboratory school during a school year shall not exceed six hundred seventy students. The regents institution operating the laboratory school and the board of directors of the school district in the community in which the regents institution is located shall develop a student transfer policy designed to protect and promote the quality and integrity of the teacher education program at the laboratory school, the viability of the education program of the local school district in which the regents institution is located, and to indicate the order in which and reasons why requests to transfer to a laboratory school shall be considered. A laboratory school may deny a request for transfer under the policy. A denial of a request to transfer under this ~~paragraph~~ subsection is not subject to appeal under section 290.1.

Sec. 41. Section 301.28, subsection 1, Code Supplement 2009, is amended to read as follows:

1. A school district director, officer, or teacher shall not act as agent for school textbooks or school supplies, including sports apparel or equipment, in any transaction with a director, officer, or other staff member of the school district during such term of office or employment.

Sec. 42. Section 321.115A, subsection 1, Code Supplement 2009, is amended to read as follows:

1. A motor vehicle may be registered as a replica vehicle or street rod ~~upon payment of. The annual registration fee is~~ the fee provided for in section 321.109, 321.113, 321.122, or 321.124. The owner of a vehicle registered under this section may display registration plates from or representing the model year of the motor vehicle or the model year of the motor vehicle the registered vehicle is designed to resemble, furnished by the person and approved by the department, in lieu of the current and valid Iowa registration plates issued for the vehicle, provided that the current and valid Iowa registration plates and the registration card issued for the vehicle are simultaneously carried within the vehicle and are available for inspection to any peace officer upon the officer's request.

Sec. 43. NEW SECTION. 321.179 Motorcycle rider education fund.

The motorcycle rider education fund is established in the office of the treasurer of state. The moneys credited to the fund are appropriated to the state department of transportation to be used to establish new motorcycle rider education courses and reimburse sponsors of motorcycle rider education courses for the costs of providing motorcycle rider education courses approved and established by the department. The department shall adopt rules under chapter 17A providing for the distribution of moneys to sponsors of motorcycle rider education courses based upon the cost of providing the education courses.

Sec. 44. Section 321.180B, subsections 5, 6, and 7, Code Supplement 2009, are amended to read as follows:

5. *Class M license education requirements.* A person under the age of eighteen applying for an intermediate or full driver's license valid for the operation of a motorcycle shall be required to successfully complete a motorcycle education course either approved and established by the department of transportation or from a private or commercial driver education school

licensed by the department of transportation before the class M license will be issued. A public school district shall charge a student a fee which shall not exceed the actual cost of instruction minus moneys received by the school district under ~~subsection 6~~ section 321.179.

~~6. *Motorcycle rider education fund.* The motorcycle rider education fund is established in the office of the treasurer of state. The moneys credited to the fund are appropriated to the state department of transportation to be used to establish new motorcycle rider education courses and reimburse sponsors of motorcycle rider education courses for the costs of providing motorcycle rider education courses approved and established by the department. The department shall adopt rules under chapter 17A providing for the distribution of moneys to sponsors of motorcycle rider education courses based upon the cost of providing the education courses.~~

~~7. 6. Rules.~~ The department may adopt rules pursuant to chapter 17A to administer this section.

Sec. 45. Section 321.247, Code 2009, is amended to read as follows:

321.247 Golf cart operation on city streets.

1. a. Incorporated areas may, upon approval of their governing body, allow the operation of golf carts on city streets by persons possessing a valid driver's license. However, a golf cart shall not be operated upon a city street which is a primary road extension through the city but shall be allowed to cross a city street which is a primary road extension through the city.

b. The golf carts shall be equipped with a slow moving vehicle sign and a bicycle safety flag and operate on the streets only from sunrise to sunset.

c. Golf carts operated on city streets shall be equipped with adequate brakes and shall meet any other safety requirements imposed by the governing body.

2. Golf carts are not subject to the registration provisions of this chapter.

3. A person ~~convicted of a violation of this section is guilty of~~ who violates subsection 1 commits a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 3, paragraph "f".

Sec. 46. Section 321.295, Code 2009, is amended to read as follows:

321.295 Limitation on bridge or elevated structures.

1. No A person shall not drive a vehicle on any public bridge or elevated structure at a speed which is greater than the maximum speed permitted under this chapter on the street or highway at a point where said street or highway joins said bridge or elevated structure, ~~provided that.~~ However, if the maximum speed permitted on said street or highway differs from the maximum speed on any other street or highway joining said bridge or elevated structure, then the lowest of said those maximum speeds shall be the maximum speed limit on said bridge or elevated structure, ~~subject to the following:~~

~~The unless the~~ department, upon request from any local authority shall, or upon its own initiative ~~may, conduct,~~ has conducted an investigation of any the bridge or other elevated structure constituting a part of a the highway, and ~~if it shall thereupon find~~ has found that such the structure cannot with safety to itself withstand vehicles traveling at the speed otherwise permissible under this chapter. Under those circumstances, the department shall determine and declare the maximum speed of vehicles which such the structure can withstand, and shall cause or permit suitable signs stating such maximum speed to be erected and maintained at a distance of two hundred feet before each end of such structure.

2. No A person shall not drive a vehicle over any bridge or other elevated structure constituting a part of a highway at a speed which is greater than the maximum speed which can be maintained with safety to such bridge or structure, when such the structure is signposted as provided in this section.

3. Upon the trial of any person charged with driving a vehicle at a speed which is greater than the maximum speed which can be maintained with safety to such bridge or structure, proof of such determination of the maximum speed by said department and the existence of said signs shall constitute conclusive evidence of the maximum speed which can be maintained with safety to such bridge or structure.

Sec. 47. Section 321.385A, Code 2009, is amended to read as follows:

321.385A Citation for unlighted headlamp or rear lamp.

1. a. A citation issued for failure to have headlamps as required under section 321.385 shall first provide for a seventy-two hour period within which the person charged with the violation shall replace or repair the headlamp. ~~If the person complies with the directive to replace or repair the headlamp within the allotted time period, the citation shall be expunged. If the person fails to comply within the allotted time period, the citation shall be processed in the same manner as other citations. A citation issued under this section shall include a written notice of replacement or repair which shall indicate the date of replacement or repair and the manner in which the replacement or repair occurred and which shall be returned to the issuing authority within the seventy-two hour time period.~~

b. A citation issued for failure to have rear lamps as required under section 321.387 or a rear registration plate light as required under section 321.388 shall first provide for a seventy-two hour period within which the person charged with the violation shall replace or repair the lamps or light. ~~If the person complies with the directive to replace or repair the lamps or light within the allotted time period, the citation shall be expunged. If the person fails to comply within the allotted time period, the citation shall be processed in the same manner as other citations.~~

2. If the person complies with the directive to replace or repair the headlamp, rear lamps, or rear registration plate light within the allotted time period, the citation shall be expunged. If the person fails to comply within the allotted time period, the citation shall be processed in the same manner as other citations.

3. A citation issued under this section shall include a written notice of replacement or repair which shall indicate the date of replacement or repair and the manner in which the replacement or repair occurred and which shall be returned to the issuing authority within the seventy-two hour time period.

Sec. 48. Section 321.449, subsections 1 and 4, Code Supplement 2009, are amended to read as follows:

1. a. A person shall not operate a commercial vehicle on the highways of this state except in compliance with rules adopted by the department under chapter 17A. The rules shall be consistent with the federal motor carrier safety regulations promulgated under United States Code, Tit. 49, and found in 49 C.F.R. pts. 385, 390 – 399 and adopted under chapter 17A.

b. The department shall also adopt rules concerning hours of service for drivers of vehicles operated for hire and designed to transport seven or more persons, including the driver. The rules shall not apply to vehicles offered to the public for hire that are used principally in intracity operation and that are regulated by local authorities pursuant to section 321.236.

4. a. Notwithstanding other provisions of this section, rules adopted under this section for drivers of commercial vehicles shall not apply to a driver of a commercial vehicle who is engaged exclusively in intrastate commerce, when the commercial vehicle's gross vehicle weight rating is twenty-six thousand pounds or less, unless the vehicle is used to transport hazardous materials requiring a placard or if the vehicle is designed to transport more than fifteen passengers, including the driver. For the purpose of complying with the hours of service recordkeeping requirements under 49 C.F.R. § 395.1(e)(1)(v)(A – D), a driver's report of daily beginning and ending on-duty time submitted to the motor carrier at the end of each workweek shall be considered acceptable motor carrier time records.

b. In addition, rules adopted under this section shall not apply to a driver operating intrastate for a farm operation as defined in section 352.2, or for an agricultural interest when the commercial vehicle is operated between the farm as defined in section 352.2 and another farm, between the farm and a market for farm products, or between the farm and an agribusiness location.

c. A driver or a driver-salesperson for a private carrier, who is not for hire and who is engaged exclusively in intrastate commerce, may drive twelve hours, be on duty sixteen hours in a twenty-four-hour period, and be on duty seventy hours in seven consecutive days or eighty hours in eight consecutive days. A "driver-salesperson" means as defined in 49 C.F.R. § 395.2, as adopted by the department by rule.

d. For-hire drivers who are engaged exclusively in intrastate commerce and who operate trucks and truck tractors exclusively for the movement of construction materials and equipment to and from construction projects may also drive twelve hours, be on duty sixteen hours in a twenty-four-hour period, and be on duty seventy hours in seven consecutive days or eighty hours in eight consecutive days. A “~~driver-salesperson~~” means as defined in 49 C.F.R. § 395.2, as adopted by the department by rule.

Sec. 49. Section 321I.22, subsection 9, Code Supplement 2009, is amended to read as follows:

9. The commission may adopt rules consistent with this chapter establishing minimum requirements for dealers. In adopting such rules, the ~~department~~ commission shall consider the need to protect persons, property, and the environment and to promote uniformity of practices relating to the sale and use of all-terrain vehicles. The commission may also adopt rules providing for the suspension or revocation of a dealer’s special registration certificate issued pursuant to this section.

Sec. 50. Section 404A.4, subsection 2, Code Supplement 2009, is amended to read as follows:

2. After verifying the eligibility for the tax credit, the state historic preservation office shall issue a historic preservation and cultural and entertainment district tax credit certificate to be attached to the person’s tax return. The tax credit certificate shall contain the taxpayer’s name, address, tax identification number, the date of project completion, the amount of credit, other information required by the department of revenue, and a place for the name and tax identification number of a transferee and the amount of the tax credit being transferred. Of the amount of tax credits that may be approved in a fiscal year pursuant to subsection 4, paragraph “a”:

a. For the fiscal year beginning July 1, 2009, the ~~department~~ office shall reserve not more than twenty million dollars worth of tax credits for a taxable year beginning on or after January 1, 2009, and not more than thirty million dollars worth of tax credits for a taxable year beginning on or after January 1, 2010.

b. For the fiscal year beginning July 1, 2010, the ~~department~~ office shall reserve not more than twenty million dollars worth of tax credits for a taxable year beginning on or after January 1, 2010, and not more than thirty million dollars worth of tax credits for a taxable year beginning on or after January 1, 2011.

c. For the fiscal year beginning July 1, 2011, the ~~department~~ office shall reserve not more than twenty million dollars worth of tax credits for a taxable year beginning on or after January 1, 2011, and not more than thirty million dollars worth of tax credits for a taxable year beginning on or after January 1, 2012.

Sec. 51. Section 404A.4, subsection 4, paragraph b, subparagraph (4), Code Supplement 2009, is amended to read as follows:

(4) Twenty percent of the dollar amount of the tax credits shall be allocated for projects that involve the creation of more than five hundred new permanent jobs. A taxpayer receiving a tax credit certificate for a project under this allocation shall provide information documenting the creation of the jobs to the ~~department~~ state historic preservation office and to the department of economic development. The jobs shall be created within two years of the date a tax credit certificate is issued. The department of economic development shall verify the creation of the jobs. The amount of any tax credits received is subject to recapture by the department of revenue if the jobs are not created within two years. The ~~department~~ state historic preservation office and the department of economic development may adopt rules for the implementation of this subparagraph. The rules shall provide for a method or form that allows a city or county to track the number of jobs created in the construction industry by the project.

Sec. 52. Section 428.29, Code Supplement 2009, is amended to read as follows:

428.29 Assessment and certification.

The director of revenue shall on or before October 31 each year proceed to determine, upon the basis of the data required in ~~such~~ the report under section 428.28 and any other

information the director may obtain, the actual value of all property, subject to the director's jurisdiction, of said individual, partnership, corporation, or association, and shall make assessments upon the taxable value of the property, as provided by section 441.21. The director of revenue shall, on or before October 31, certify to the county auditor of every county in the state the valuations fixed for assessment upon all such property in each and every taxing district in each county by the department of revenue. This valuation shall then be spread upon the books in the same manner as other valuations fixed by the department of revenue upon property assessed under the department's jurisdiction.

Sec. 53. Section 435.2, subsection 3, Code Supplement 2009, is amended to read as follows:

~~3. If a modular home is placed in a manufactured home community or mobile home park, the home is subject to the annual tax as required by section 435.22. For the purposes of this chapter, a modular home shall not be construed to be a mobile home or manufactured home. If a modular home is placed inside or outside a manufactured home community or a mobile home park, the home shall be considered real property and is to be assessed and taxed as real estate. This subsection does not apply to manufactured home communities or mobile home parks in existence on or before January 1, 1998. If However, if a modular home is placed in a manufactured home community or mobile home park which was in existence on or before January 1, 1998, that modular home shall be subject to property tax pursuant to section 435.22. This subsection shall not prohibit the location of a modular home within a manufactured home community or mobile home park.~~

Sec. 54. Section 437A.22, subsection 2, paragraph c, Code Supplement 2009, is amended to read as follows:

c. The recorder shall endorse on each notice of lien the day, hour, and minute when filed for recording and the document reference number, shall preserve such notice, and shall promptly record the lien in the manner provided for recording real estate mortgages. The lien is effective from the time of the indexing of the lien.

Sec. 55. Section 455B.103, subsection 4, unnumbered paragraph 1, Code Supplement 2009, is amended to read as follows:

Conduct investigations of complaints received directly or referred by the commission created in section 455A.6 or other investigations deemed necessary. While conducting an investigation, the director may enter at any reasonable time in and upon any private or public property to investigate any actual or possible violation of this chapter, chapter 459, chapter 459A, chapter 459B, or the rules or standards adopted under this chapter, chapter 459, chapter 459A, or chapter 459B. However, the owner or person in charge shall be notified.

Sec. 56. Section 455B.191, subsection 3, paragraph a, subparagraphs (2) and (3), Code Supplement 2009, are amended to read as follows:

(2) Introduces into a sewer system or into a publicly owned treatment works any pollutant or hazardous substance which the person knew or reasonably should have known could cause personal injury or property damage ~~or, other than in compliance with all applicable federal and state requirements or permits.~~

(3) Causes a treatment works to violate any water quality standard, effluent standard, pretreatment standard or condition of a permit issued to the treatment works pursuant to section 455B.183, unless the person is in compliance with all applicable federal and state requirements or permits.

Sec. 57. Section 455B.474, unnumbered paragraph 2, Code Supplement 2009, is amended by striking the unnumbered paragraph.

Sec. 58. NEW SECTION. 455B.474A Rules consistent with federal regulations.

The rules adopted by the commission under section 455B.474 shall be consistent with and shall not exceed the requirements of federal regulations relating to the regulation of underground storage tanks except as provided in section 455B.474, subsection 1, paragraph "f", and subsection 3, paragraph "d". It is the intent of the general assembly that state

rules adopted pursuant to section 455B.474, subsection 1, paragraph “f”, and subsection 3, paragraph “d”, be consistent with and not more restrictive than federal regulations adopted by the United States environmental protection agency when those rules are adopted.

Sec. 59. Section 459B.102, subsection 12, Code Supplement 2009, is amended to read as follows:

12. “*Dry bedded confinement feeding operation structure*” means a dry bedded manure confinement feeding operation building or a dry bedded manure storage structure.

Sec. 60. Section 459B.103, subsections 3 and 5, Code Supplement 2009, are amended to read as follows:

3. a. For purposes of determining whether two or more dry bedded confinement feeding operations are under common ownership, a person must hold an interest in each of the dry bedded confinement feeding operations as any of the following:

(1) A sole proprietor.

(2) A joint tenant or tenant in common.

(3) A holder of a majority equity interest in a business association as defined in section 202B.102, including but not limited to as a shareholder, partner, member, or beneficiary.

b. An interest in the dry bedded confinement feeding operation under paragraph “a”, subparagraph (1) (2) or (2) (3) which is held directly or indirectly by the person’s spouse or dependent child shall be attributed to the person.

5. In calculating the animal unit capacity of a dry bedded confinement feeding operation, the animal unit capacity shall include the animal unit capacity of all dry bedded manure confinement feeding operation buildings that are used to house animals in the dry bedded confinement feeding operation.

Sec. 61. Section 459B.308, Code Supplement 2009, is amended to read as follows:

459B.308 Manure management plan for a dry bedded confinement feeding operation.

For purposes of a manure management plan for a dry bedded confinement feeding operation, if the application of dry bedded manure is on land other than land owned or rented for crop production by the owner of the dry bedded confinement feeding operation, the plan shall include a copy of each written agreement executed by the owner of the dry bedded confinement feeding operation and the landowner or the person renting the land for crop production where the dry bedded manure may be applied.

Sec. 62. Section 508E.12, subsection 2, paragraph a, subparagraphs (1) and (2), Code 2009, are amended to read as follows:

(1) Unencumbered assets, including an interest in the life insurance policy being financed only to the extent of its net cash surrender value, provided by a person described in section 508E.2, subsection 15, paragraph “d”, subparagraph (5).

(2) Fully recourse liability incurred by the insured or a person described in section 508E.2, subsection 15, paragraph “d”, subparagraph (5).

Sec. 63. Section 805.6, Code Supplement 2009, is amended to read as follows:

805.6 Uniform citation and complaint.

1. a. (1) The commissioner of public safety, the director of transportation, and the director of the department of natural resources, acting jointly, shall adopt a uniform, combined citation and complaint which shall be used for charging all traffic violations in Iowa under state law or local regulation or ordinance, and which shall be used for charging all other violations which are designated by sections 805.8A, 805.8B, and 805.8C to be scheduled violations. ~~The filing fees and court costs in cases of parking meter and overtime parking violations which are denied are as stated in section 602.8106, subsection 1. The court costs in scheduled violation cases where a court appearance is not required are as stated in section 602.8106, subsection 1. The court costs in scheduled violation cases where a court appearance is required are as stated in section 602.8106, subsection 1.~~ This subsection does not prevent the charging of any of those violations by information, by private complaint filed under chapter 804, or by a simple notice of fine where permitted by section 321.236, subsection 1.

b. In addition to those violations which are required by paragraph "a" to be charged upon a uniform citation and complaint, a violation of chapter 321 which is punishable as a simple, serious, or aggravated misdemeanor may be charged upon a uniform citation and complaint, whether or not the alleged offender is arrested by the officer making the charge.

2. Each uniform citation and complaint shall be serially numbered and shall be in quintuplicate, and the officer shall deliver the original and a copy to the court where the defendant is to appear, two copies to the defendant, and a copy to the law enforcement agency of the officer. Notwithstanding other contrary requirements of this section, a uniform citation and complaint may be originated from a computerized device. The officer issuing the citation through a computerized device shall electronically sign and date the citation or complaint and shall obtain electronically the signature of the person cited as provided in section 805.3 and shall give two copies of the citation to the person cited and shall provide a record of the citation to the court where the person cited is to appear and to the law enforcement agency of the officer by an electronic process which accurately reproduces or forms a durable medium for accurately and legibly reproducing an unaltered image or copy of the citation. If the uniform citation and complaint is created electronically, the issuing agency shall cause the uniform citation and complaint to be transmitted to the court, and the officer shall deliver a document to the defendant which contains a section for the defendant and a section which may be sent to the court. The court shall forward an abstract of the uniform citation and complaint in accordance with section 321.491 when applicable.

~~(2)~~ 3. a. The uniform citation and complaint shall contain spaces for the parties' names; the address of the alleged offender; the registration number of the offender's vehicle; the information required by section 805.2, a warning which states, ² "I hereby swear and affirm that the information provided by me on this citation is true under penalty of providing false information" information; and a statement that providing false information is a violation of section 719.3; a list of the scheduled fines prescribed by sections 805.8A, 805.8B, and 805.8C, either separately or by group, and a statement of the court costs payable in scheduled violation cases, whether or not a court appearance is required or is demanded; a brief explanation of sections 805.9 and 805.10; and a space where the defendant may sign an admission of the violation when permitted by section 805.9; and the uniform citation and complaint shall require that the defendant appear before a court at a specified time and place. The uniform citation and complaint also may contain a space for the imprint of a credit card, and may contain any other information which the commissioner of public safety, the director of transportation, and the director of the department of natural resources may determine.

~~(3) Notwithstanding other contrary requirements of this section, a uniform citation and complaint may be originated from a computerized device. The officer issuing the citation through a computerized device shall electronically sign and date the citation or complaint and shall obtain electronically the signature of the person cited as provided in section 805.3 and shall give two copies of the citation to the person cited and shall provide a record of the citation to the court where the person cited is to appear and to the law enforcement agency of the officer by an electronic process which accurately reproduces or forms a durable medium for accurately and legibly reproducing an unaltered image or copy of the citation.~~

b. The uniform citation and complaint shall also contain the following:

(1) A promise to appear as provided in section 805.3.

(2) The following statement:

I hereby give my unsecured appearance bond in the amount of dollars and enter my written appearance. I agree that if I fail to appear in person or by counsel to defend against the offense charged in this citation the court is authorized to enter a conviction and render judgment against me for the amount of my appearance bond in satisfaction of the penalty plus court costs.

(3) A space immediately below the items in subparagraphs (1) and (2) for the signature of the person being charged which shall serve for each of the items in subparagraphs (1) and (2).

(4) A place for citing a person in violation of section 453A.2, subsection 2.

² See chapter 1193, §66 herein

c. The uniform citation and complaint shall contain a place for the verification of the officer issuing the complaint. The complaint may be verified before the chief officer of the law enforcement agency, or the chief officer's designee. The chief officer of each law enforcement agency of the state may designate specific individuals to administer oaths and certify verifications.

~~e. 4. Unless the officer issuing the citation arrests the alleged offender, or permits admission or requires submission of bail as provided in section 805.9, subsection 3, the officer shall enter in the blank contained in the statement required by subsection 3, paragraph "b", one of the following amounts and shall require the person to sign the written appearance:~~

~~(1) a. If the offense is one to which an assessment of a minimum fine is applicable and the entry is otherwise not prohibited by this section, an amount equal to one and one-half times the minimum fine plus court costs.~~

~~(2) b. If the offense is one to which a scheduled fine is applicable, an amount equal to one and one-half times the scheduled fine plus court costs.~~

~~(3) c. If the violation is for any offense for which a court appearance is mandatory, and an assessment of a minimum fine is not applicable, the amount of one hundred dollars plus court costs.~~

~~d. 5. The written appearance defined in subsection 3, paragraph "b", shall not be used for any offense other than a simple misdemeanor.~~

~~2. In addition to those violations which are required by subsection 1 to be charged upon a uniform citation and complaint, a violation of chapter 321 which is punishable as a simple, serious, or aggravated misdemeanor may be charged upon a uniform citation and complaint, whether or not the alleged offender is arrested by the officer making the charge.~~

~~3. The uniform citation and complaint shall contain a place for citing a person in violation of section 453A.2, subsection 2.~~

~~6. The filing fees and court costs in cases of parking meter and overtime parking violations which are denied are as stated in section 602.8106, subsection 1. The court costs in scheduled violation cases where a court appearance is not required are as stated in section 602.8106, subsection 1. The court costs in scheduled violation cases where a court appearance is required are as stated in section 602.8106, subsection 1.~~

~~4. 7. Supplies of the uniform citation and complaint for municipal corporations and county agencies shall be paid for out of the budget of the municipal corporation or county receiving the fine resulting from use of the citation and complaint. Supplies of the uniform citation and complaint form used by other agencies shall be paid for out of the budget of the agency concerned and not out of the budget of the judicial branch.~~

~~5. The uniform citation and complaint shall contain a place for the verification of the officer issuing the complaint. The complaint may be verified before the chief officer of the law enforcement agency, or the chief officer's designee. The chief officer of each law enforcement agency of the state may designate specific individuals to administer oaths and certify verifications.~~

~~6. 8. The commissioner of public safety and the director of the department of natural resources, acting jointly, shall design and publish a compendium of scheduled violations and scheduled fines, containing other information which they deem appropriate, and shall distribute copies to all courts and law enforcement officers and agencies of the state upon request. The cost of the publication shall be paid out of the budget of the department of public safety and out of the budget of the department of natural resources, each budget being liable for half of those costs. Copies shall be made available to individuals upon request, and a charge may be collected which does not exceed the cost of printing.~~

~~7. Supplies of uniform citation and complaint forms existing or on order on July 1, 1995, may be used until exhausted.³~~

Sec. 64. Section 808B.10, subsection 1, unnumbered paragraph 1, Code Supplement 2009, is amended to read as follows:

Except for emergency situations pursuant to section 808B.12, a person shall not install or use a pen register or a trap and trace device without first obtaining a search warrant or court

³ See chapter 1193, §67 herein

order pursuant to either section 808B.11 or ~~808B.12~~. However, a pen register or a trap and trace device may be used or installed without court order if any of the following apply:

Sec. 65. Section 811.9, Code Supplement 2009, is amended to read as follows:

811.9 Forfeiture of appearance bond.

Sections 811.6 through 811.8 shall not apply in a case where a simple misdemeanor is charged upon a uniform citation and complaint and where the defendant has submitted an unsecured appearance bond or has submitted bail in the form of cash, check, credit card as provided in section 805.14, or guaranteed arrest bond certificate as defined in section 321.1. When a defendant fails to appear as required in such cases, the court, or the clerk of the district court, shall enter a judgment of forfeiture of the bond or bail. The judgment shall be final upon entry and shall not be set aside unless a the conviction is for a scheduled violation under chapter 321 that was set aside under the procedures established in section 321.200A.

Sec. 66. 2009 Iowa Acts, chapter 133, is amended by adding the following new section:

SEC. 1000. Section 231.32, subsection 1, Code 2009, is amended to read as follows:

1. The commission shall designate thirteen area agencies on aging, the same of which existed on July 1, 1985. The commission shall continue the designation until an area agency on aging's designation is removed for cause as determined by the commission or until the agency voluntarily withdraws as an area agency on aging. In that event, the commission shall proceed in accordance with subsections 2, and 3, and 4. Designated area agencies on aging shall comply with the requirements of the federal Act.

Sec. 67. REPEAL. Section 294A.22, Code Supplement 2009, is repealed.

DIVISION II
VOLUME III RENUMBERING

Sec. 68. Section 256.36, Code 2009, is amended to read as follows:

256.36 Math and science grant program.

1. a. The department shall establish a math and science education grant program to provide for the allocation of grant moneys to public school corporations and to contract for the development of statewide program models and recommendations in keeping with the goals stated in this section.

(1) A public school corporation desiring to receive grant moneys under the program may submit plans and a proposed budget to the department for approval. The department shall review each plan and its proposed budget and award grants, which may be matching funds grants, for approved plans by July 1 of the calendar year in which the approved plans were submitted. Provision of matching funds from institutional private sources shall be considered by the department in reviewing plans and proposed budgets and awarding grant moneys.

(2) However, for the first school year for which program funds are appropriated, a board of directors of a public school corporation may submit a proposed plan and budget not later than January 1 of that school year and the department shall notify public school corporations by February 15 of that same school year that their plans have been approved or disapproved by the department.

b. In addition to awarding grants, and if the activity does not violate federal matching funds requirements for an Iowa math and science grant program, the department may expend funds to contract with a public or private nonprofit education organization, association, or laboratory for the development of models or recommendations with statewide applications to further the goals of this section.

2. The department shall make recommendations for, and the state board shall adopt, rules relating to program goals and program administration.

a. The goals of the math and science education program may include, but are not limited to, the following:

(1) The development of a model multidisciplinary science curricula that will serve as the framework for the development of individual teaching modules; the

(2) The design and implementation of a statewide model for staff development in science and math education; the

(3) The development of specific recommendations and rationale for changes in school standards that will facilitate improvements in math and science education and provide outcomes that serve as a standard of successful learning;

(4) The provision of a sequence of competencies and instructional strategies for inclusion in teacher preparation programs for those entering math and science programs in Iowa teacher preparation institutions;

(5) The development and implementation of a new statewide assessment program that is consistent with the materials and approaches envisioned; and the

(6) The development and implementation strategies for recruitment and retention of females and minorities in math and science education.

b. Program administration rules shall include but are not limited to development of standard formats and procedures for the submission and assessment of grant applications.

3. The board of educational examiners may develop recommendations for specific changes in the licensing requirements for math and science teachers.

Program administration rules shall include, but are not limited to, development of standard formats and procedures for the submission and assessment of grant applications.

3. 4. There is established in the state treasury a math and science education account that is under the control of and administered by the department of education. The department may accept gifts, grants, bequests, and other private contributions, as well as state or federal funds, and shall deposit the moneys in the account to be used for distribution as grant award moneys under the math and science education program. Moneys in the account are appropriated and may be used for the purposes of this section. The department shall not commingle federal, state, and private funds within the account. Not more than six percent of any state funds appropriated for the program may be used for administrative purposes. State funds appropriated and any interest earned on the state funds but not expended for the first two years of the program shall not revert to the general fund under section 8.33, but shall remain available for expenditure until June 30 of the third year of the program. In subsequent years, state funds and any interest earned on the state funds which are appropriated, but not expended by June 30 of the school year shall revert to the general fund as provided under section 8.33. Receipt of funds during the first year of the program shall not affect eligibility to receive funds during any subsequent years.

Sec. 69. Section 256.81, subsection 1, Code 2009, is amended to read as follows:

1. The public broadcasting division of the department of education is created. The chief administrative officer of the division is the administrator who shall be appointed by and serve at the pleasure of the Iowa public broadcasting board. The board shall set the division administrator's salary within the applicable salary range established by the general assembly unless otherwise provided by law. Educational programming shall be the highest priority of the division. The division shall be governed by the national principles of editorial integrity developed by the editorial integrity project. The director of the department of education and the state board of education are not liable for the activities of the division of public broadcasting.

Sec. 70. Section 256.82, subsections 2 and 3, Code 2009, are amended to read as follows:

2. a. Board members shall serve a three-year term commencing on July 1 of the year of appointment. A vacancy shall be filled in the same manner as the original appointment for the remainder of the term.

b. Membership on the board does not constitute holding a public office and members shall not be required to take and file oaths of office before serving. A member shall not be disqualified from holding any public office or employment by reason of appointment to the board nor shall a member forfeit an office or employment by reason of appointment to the board.

3. a. The board shall appoint an advisory committee on journalistic and editorial integrity which has no more than a simple majority of members of the same gender. The division shall be governed by the national principles of editorial integrity developed by the editorial integrity project.

b. Duties of the advisory committee, and of additional advisory committees the board may from time to time appoint, shall be specified in rules of internal management adopted by the board.

c. Members of advisory committees shall receive actual expenses incurred in performing their official duties.

Sec. 71. Section 256A.3, subsections 5 and 6, Code 2009, are amended to read as follows:

5. Subject to the availability of funds appropriated or otherwise available for the purpose of providing child development services, award grants for programs that provide new or additional child development services to at-risk children.

a. In awarding program grants to an agency or individual, the council shall consider the following:

a. (1) The quality of the staff and staff background in child development services.

b. (2) The degree to which the program is or will be integrated with existing community resources and has the support of the local community.

c. (3) The ability of the program to provide for child care in addition to child development services for families needing full-day child care.

d. (4) A staff-to-children ratio within the guidelines established under subsection 2, but not less than one staff member per eight children.

e. (5) The degree to which the program involves and works with the parents, and includes home visits, instruction for parents on parenting skills, on enhancement of skills in providing for their children's learning and development, and the physical, mental, and emotional development of children, and experiential education.

f. (6) The manner in which health, medical, dental, and nutrition services are incorporated into the program.

g. (7) The degree to which the program complements existing programs and services for at-risk ~~three-year-~~ ~~three-year-old~~ and four-year-old children available in the area, including other child care services, services provided through the school district, and services available through area education agencies.

h. (8) The degree to which the program can be monitored and evaluated to determine its ability to meet its goals.

i. (9) The provision of transportation or other auxiliary services that may be necessary for families to participate in the program.

j. (10) The provision of staff training and development, and staff compensation sufficient to assure continuity.

b. Program grants funded under this subsection may integrate children not meeting at-risk criteria into the program and shall establish a fee for participation in the program in the manner provided in section 279.49, but grant funds shall not be used to pay the costs for those children.

6. Encourage the submission of grant requests from all potential providers of child development services and shall be flexible in evaluating grants, recognizing that different types of programs may be suitable for different locations in the state.

a. ~~However, requests~~ Requests for grants must contain a procedure for evaluating the effectiveness of the program and accounting procedures for monitoring the expenditure of grant moneys.

b. The council shall seek to use performance-based measures to evaluate programs. Not more than five percent of any state funds appropriated for child development purposes may be used for administration and evaluation.

Sec. 72. Section 257.44, Code 2009, is amended to read as follows:

257.44 Gifted and talented children defined.

1. "*Gifted and talented children*" are those children who are identified as possessing outstanding abilities and who are capable of high performance. Gifted and talented children are children who require appropriate instruction and educational services commensurate with their abilities and needs beyond those provided by the regular school program.

2. Gifted and talented children include those children with demonstrated achievement or potential ability, or both, in any of the following areas or in combination:

1. a. General intellectual ability.
2. b. Creative thinking.
3. c. Leadership ability.
4. d. Visual and performing arts ability.
5. e. Specific ability aptitude.

Sec. 73. Section 263A.13, Code 2009, is amended to read as follows:

263A.13 Hospital reports to general assembly.

1. The university of Iowa hospitals and clinics shall compile and transmit to the general assembly the following information by December 15 of each fiscal year:

1. a. Revenue from all income sources, by source, including but not limited to state appropriations, other state funds, tuition income, patient charges, payments from political subdivisions, interest income, and gifts, and grants from public and private sources.
2. b. Expenditures by program and revenue source.
3. c. Net revenue over spending from hospital operations, including the method used to calculate the results.

2. The legislative services agency shall develop forms for collecting the information required in this subparagraph section.

Sec. 74. Section 272C.8, Code 2009, is amended to read as follows:

272C.8 Immunities.

1. a. A person shall not be civilly liable as a result of the person's acts, omissions, or decisions in good faith as a member of a licensing board or as an employee or agent in connection with the person's duties.

2. b. A person shall not be civilly liable as a result of filing a report or complaint with a licensing board or peer review committee, or for the disclosure to a licensing board or its agents or employees, whether or not pursuant to a subpoena of records, documents, testimony, or other forms of information which constitute privileged matter concerning a recipient of health care services or some other person, in connection with proceedings of a peer review committee, or in connection with duties of a health care board. However, such immunity from civil liability shall not apply if such act is done with malice.

3. c. A person shall not be dismissed from employment, and shall not be discriminated against by an employer because the person filed a complaint with a licensing board or peer review committee, or because the person participated as a member, agent, or employee of a licensing board or peer review committee, or presented testimony or other evidence to a licensing board or peer review committee.

2. Any employer who violates the terms of this section shall be liable to any person aggrieved for actual and punitive damages plus reasonable attorney fees.

Sec. 75. Section 275.1, Code 2009, is amended to read as follows:

275.1 Declaration Definitions — declaration of policy — surveys — definitions.

1. As used in this chapter, unless the context otherwise requires:

- a. "Eligible elector" means eligible elector as defined in section 39.3, subsection 6.
- b. "Initial board" means the board of a newly reorganized district that is selected pursuant to section 275.25 or 275.41 and functions until the organizational meeting following the third regular school election held after the effective date of the reorganization.
- c. "Marginally adjacent district" or "marginally adjacent territory" means a district or territory which is separated from a second district or territory by property which is part of a third school district which completely surrounds one of the two districts.
- d. "Joint districts" means districts that lie in two or more adjacent area education agencies.
- e. "Registered voter" means registered voter as defined in section 39.3, subsection 11.
- f. "Regular board" means the board of a reorganized district that begins to function at the organizational meeting following the third regular school election held after the effective date of the school reorganization, and is comprised of members who were elected to the current terms or were appointed to replace members who were elected.
- g. "School districts affected" means the school districts named in the reorganization petition whether a school district is affected in whole or in part.

2. It is the policy of the state to encourage economical and efficient school districts which will ensure an equal educational opportunity to all children of the state. All areas of the state shall be in school districts maintaining kindergarten and twelve grades. If a school district ceases to maintain kindergarten and twelve grades except as otherwise provided in section 28E.9, 256.13, 280.15, 282.7, subsection 1 or subsections 1 and 3, or section 282.8, it shall reorganize within six months or the state board shall attach the school district not maintaining kindergarten and twelve grades to one or more adjacent districts. Voluntary reorganizations under this chapter shall be commenced only if the affected school districts are contiguous or marginally adjacent to one another. A reorganized district shall meet the requirements of section 275.3.

3. If a district is attached, division of assets and liabilities shall be made as provided in sections 275.29 to 275.31. The area education agency boards shall develop detailed studies and surveys of the school districts within the area education agency and all adjacent territory for the purpose of providing for reorganization of school districts in order to effect more economical operation and the attainment of higher standards of education in the schools. The plans shall be revised periodically to reflect reorganizations which may have taken place in the area education agency and adjacent territory.

As used in this chapter unless the context otherwise requires:

1. ~~“Eligible elector” means eligible elector as defined in section 39.3, subsection 6.~~
2. ~~“Initial board” means the board of a newly reorganized district that is selected pursuant to section 275.25 or 275.41 and functions until the organizational meeting following the third regular school election held after the effective date of the reorganization.~~
3. ~~“Marginally adjacent district” or “marginally adjacent territory” means a district or territory which is separated from a second district or territory by property which is part of a third school district which completely surrounds one of the two districts.~~
4. ~~“Registered voter” means registered voter as defined in section 39.3, subsection 11.~~
5. ~~“Regular board” means the board of a reorganized district that begins to function at the organizational meeting following the third regular school election held after the effective date of the school reorganization, and is comprised of members who were elected to the current terms or were appointed to replace members who were elected.~~
6. ~~“School districts affected” means the school districts named in the reorganization petition whether a school district is affected in whole or in part.~~

Sec. 76. Section 275.8, Code 2009, is amended to read as follows:

275.8 Cooperation of department of education — planning joint districts.

1. For purposes of this chapter the planning of joint districts is defined to include all of the following acts:

a. Preparation of a written joint plan in which contiguous territory in two or more area education agencies is considered as a part of a potential school district in the area education agency on behalf of which such plan is filed with the department of education by the area education agency board.

b. Adoption of the written joint plan at a joint session of the several area education agency boards in whose areas the territory is situated. A quorum of each of the boards is necessary to transact business. Votes shall be taken in the manner prescribed in section 275.16.

c. Filing said plan with the department of education.

2. For purposes of subsection 1, paragraph “a”, joint planning shall be evidenced by filing the following items with the department of education:

a. A plat of the entire area of such potential district.

b. A statement of the number of pupils residing within the area of said potential district enrolled in public schools in the preceding school year.

c. A statement of the assessed valuation of taxable property located within such potential district.

d. An affidavit signed on behalf of each of said boards of directors of area education agencies by a member of such board stating the boundaries as shown on such plat have been agreed upon by the respective boards as a part of the overall plan of school district reorganization of each such school.

3. Planning of joint districts shall be conducted in the same manner as planning for single districts, except as provided in this section. Studies and surveys relating to the planning of joint districts shall be filed with the area education agency in which one of the districts is located which has the greatest taxable property base. In the case of controversy over the planning of joint districts, the matter shall be submitted to the director of the department of education. Judicial review of the director's decision may be sought in accordance with the terms of the Iowa administrative procedure Act, chapter 17A. Notwithstanding the terms of that Act, petitions for judicial review must be filed within thirty days after the decision of the director. *"Joint districts"* means districts that lie in two or more adjacent area education agencies.

For purposes of this chapter the planning of joint districts is defined to include all of the following acts:

1. Preparation of a written joint plan in which contiguous territory in two or more area education agencies is considered as a part of a potential school district in the area education agency on behalf of which such plan is filed with the department of education by the area education agency board.

2. Adoption of the written joint plan at a joint session of the several area education agency boards in whose areas the territory is situated. A quorum of each of the boards is necessary to transact business. Votes shall be taken in the manner prescribed in section 275.16.

3. Filing said plan with the department of education.

For purposes of subsection 1 hereof, joint planning shall be evidenced by filing the following items with the department of education:

a. A plat of the entire area of such potential district.

b. A statement of the number of pupils residing within the area of said potential district enrolled in public schools in the preceding school year.

c. A statement of the assessed valuation of taxable property located within such potential district.

d. An affidavit signed on behalf of each of said boards of directors of area education agencies by a member of such board stating the boundaries as shown on such plat have been agreed upon by the respective boards as a part of the overall plan of school district reorganization of each such school.

Sec. 77. Section 276.3, subsection 3, Code 2009, is amended to read as follows:

3. *"Community education"* means a ~~life-long~~ lifelong education process concerning itself with every facet that affects the well-being of all citizens within a given community. ~~It extends and serves all of the following purposes:~~

a. ~~To extend the role of the school from one of teaching children through an elementary and secondary program to one of providing for citizen participation in identifying the wants, needs, and concerns of the neighborhood community and coordinating all educational, recreational, and cultural opportunities within the community with community education being the catalyst for providing for citizen participation in the development and implementation of programs toward the goal of improving the entire community.~~

b. ~~Community education energizes~~ To energize people to strive for the achievement of determined goals and stimulates stimulate capable persons to assume leadership responsibilities. ~~It welcomes~~

c. ~~To welcome and works work~~ with all groups, ~~it draws no~~ without drawing any lines. ~~It is~~

d. To serve as the one institution in the entire community that has the opportunity to reach all people and groups and to gain their cooperation.

Sec. 78. Section 279.19A, subsections 2, 5, and 8, Code 2009, are amended to read as follows:

2. a. An extracurricular contract shall be continued automatically in force and effect for equivalent periods, except as modified or terminated by mutual agreement of the board of directors and the employee, or terminated in accordance with this section. An extracurricular contract shall initially be offered by the employing board to an individual on the same date that contracts are offered to teachers under section 279.13. An extracurricular contract may be terminated at the end of a school year pursuant to sections 279.15 through 279.19. If the

school district offers an extracurricular contract for a sport for the subsequent school year to an employee who is currently performing under an extracurricular contract for that sport, and the employee does not wish to accept the extracurricular contract for the subsequent year, the employee may resign from the extracurricular contract within twenty-one days after it has been received.

b. Section 279.13, subsection 3, applies to this section.

5. *a.* Within seven days following June 1 of that year, the board shall notify the employee in writing if the board intends to require the employee to accept an extracurricular contract for the subsequent school year under subsection 3 or 4. If the employee believes that the board did not make a good faith effort to fill the position the employee may appeal the decision by notifying the board in writing within ten days after receiving the notification.

b. The appeal shall state why the employee believes that the board did not make a good faith effort to fill the position. If the parties are unable to informally resolve the dispute, the parties shall attempt to agree upon an alternative means of resolving the dispute.

c. If the dispute is not resolved by mutual agreement, either party may appeal to the district court.

8. *a.* A termination proceeding of an extracurricular contract either by the board pursuant to subsection 2 or pursuant to section 279.27 does not affect a contract issued pursuant to section 279.13.

b. A termination of a contract entered into pursuant to section 279.13, or a resignation from that contract by the teacher, constitutes an automatic termination or resignation of the extracurricular contract in effect between the same teacher and the employing school board.

Sec. 79. Section 280.20, Code 2009, is amended to read as follows:

280.20 Vocational agriculture education.

1. It is the intent of the general assembly to encourage the public secondary schools to develop comprehensive programs for vocational education in agriculture technology to meet the diverse needs of Iowa's students and to ensure an adequate supply of trained and skilled individuals in all phases of the agriculture industry. The board of directors of each public school district may develop, as part of the curriculum in grades nine through twelve, programs for vocational education in agriculture technology.

2. *a.* It is also the intent of the general assembly to encourage the development of programs for vocational education in agriculture technology which are structured on a twelve-month basis and which include the following:

1. (1) Provision for twelve-month extended contracts to permit entrepreneurial agricultural experience, summer program planning, and recordkeeping.

~~Supervision and accountability of vocational agriculture teachers employed for extended contracts are the responsibility of the local school board.~~

2. (2) Submission of an annual summer program by each vocational agriculture instructor, employed on an extended contract basis.

3. (3) The following reports shall be made available to the council for agricultural education upon request:

~~*a.* (a) A summary of summer activities completed for each vocational agriculture instructor employed on an extended contract.~~

~~*b.* (b) A summary of supervised agricultural experience programs conducted during the year in vocational agriculture.~~

4. (4) Provision for instructional supervision for agricultural occupational experience programs.

~~*b.* Supervision and accountability of vocational agriculture teachers employed for extended contracts are the responsibility of the local school board.~~

Sec. 80. Section 282.6, Code 2009, is amended to read as follows:

282.6 Tuition.

1. For purposes of this section, "*resident*" means a person who is physically present in a district, whose residence has not been established in another district by operation of law, and who meets any of the following conditions:

a. Is in the district for the purpose of making a home and not solely for school purposes.

b. Meets the definitional requirements of the term “homeless individual” under 42 U.S.C. § 11302(a) and (c).

c. Lives in a residential correctional facility in the district.

2. Every school shall be free of tuition to all actual residents between the ages of five and twenty-one years and to resident veterans as defined in section 35.1, as many months after becoming twenty-one years of age as they have spent in the armed forces of the United States before they became twenty-one, provided, however, fees may be charged covering instructional costs for a summer school or drivers education program. The board of education may, in a hardship case, exempt a student from payment of the above fees. Every person, however, who shall attend any school after graduation from a four-year course in an approved high school or its equivalent shall be charged a sufficient tuition fee to cover the cost of the instruction received by the person.

3. This section shall not apply to tuition authorized by chapter 260C.

For purposes of this section, “resident” means a person who is physically present in a district, whose residence has not been established in another district by operation of law, and who meets any of the following conditions:

~~1. Is in the district for the purpose of making a home and not solely for school purposes.~~

~~2. Meets the definitional requirements of the term “homeless individual” under 42 U.S.C. § 11302(a) and (c).~~

3. Lives in a residential correctional facility in the district.

Sec. 81. Section 282.11, Code 2009, is amended to read as follows:

282.11 Procedure.

1. For the purposes of this section, “*affected pupils*” are those who under the whole grade sharing agreement are attending or scheduled to attend the school district specified in the agreement, other than the district of residence, during the term of the agreement.

2. Not less than ninety days prior to signing a whole grade sharing agreement whereby all or a substantial portion of the pupils in a grade in the district will attend school in another district, the board of directors of each school district that is negotiating, extending, or renewing a sharing agreement, shall publicly announce its intent to negotiate a sharing agreement under section 21.4, subsection 1. Within thirty days of the board’s public notice, a petition may be filed with the department of education requesting that a feasibility study be completed. The petition shall be signed by twenty percent of the eligible electors in the district. The director of the department of education may determine that a feasibility study conducted by the board satisfies the request, provided that the study conforms with the criteria contained in section 256.9.

3. Not less than thirty days prior to signing a whole grade sharing agreement whereby all or a substantial portion of the pupils in a grade in the district will attend school in another district, the board of directors of each school district that is a party to a proposed sharing agreement shall hold a public hearing at which the proposed agreement is described, and at which the parent or guardian of an affected pupil and certificated employees of the school district shall have an opportunity to comment on the proposed agreement.

4. *a.* Within the thirty-day period prior to the signing of the agreement, the parent or guardian of an affected pupil may request the board of directors to send the pupil to another contiguous school district. ~~For the purposes of this section, “affected pupils” are those who under the whole grade sharing agreement are attending or scheduled to attend the school district specified in the agreement, other than the district of residence, during the term of the agreement.~~ The request shall be based upon one of the following:

~~1. (1) That the agreement will not meet the educational program needs of the pupil.~~

~~2. (2) That adequate consideration was not given to geographical factors.~~

b. The board shall allow or disallow the request prior to the signing of the agreement, or the request shall be deemed granted. If the board disallows the request, the board shall indicate the reasons why the request is disallowed and shall notify the parent or guardian that the decision of the board may be appealed as provided in this section.

c. If the board disallows the request of a parent or guardian of an affected pupil, the parent or guardian, not later than March 1, may appeal the sending of that pupil to the school district specified in the agreement, to the state board of education. The basis for the appeal shall be

the same as the basis for the request to the board. An appeal shall specify a contiguous school district to which the parent or guardian wishes to send the affected pupil.

d. If the parent or guardian appeals, the standard of review of the appeal is a preponderance of evidence that the parent's or guardian's hardship outweighs the benefits and integrity of the sharing agreement. The state board may require the district of residence to pay tuition to the contiguous school district specified by the parent or guardian, or may deny the appeal by the parent or guardian. If the state board requires the district of residence to pay tuition to the contiguous school district specified by the parent or guardian, the tuition shall be equal to the tuition established in the sharing agreement. The decision of the state board is binding on the boards of directors of the school districts affected, except that the decision of the state board may be appealed by either party to the district court.

Sec. 82. Section 282.24, subsection 1, Code Supplement 2009, is amended to read as follows:

1. *a.* The maximum tuition fee that may be charged for elementary and high school students residing within another school district or corporation except students attending school in another district under section 282.7, subsection 1, or subsections 1 and 3, is the district cost per pupil of the receiving district as computed in section 257.10.

b. A school corporation which owns facilities used as attendance centers for students shall maintain an itemized statement of the appraised value of all buildings owned by the school corporation. The appraisal shall be updated at least once every five years.

c. This subsection does not prevent the corporation or district in which the student resides from paying a tuition in excess of the maximum computed tuition rates, if the actual per pupil cost of the preceding year so warrants, but the receiving district or corporation shall not demand more than the maximum rate.

Sec. 83. Section 303.1, Code 2009, is amended to read as follows:

303.1 Department of cultural affairs.

1. ~~The department of cultural affairs is created. The department is under the control of a director who shall be appointed by the governor, subject to confirmation by the senate, and shall serve at the pleasure of the governor. The salary of the director shall be set by the governor within a range set by the general assembly.~~

2. ~~The department has primary responsibility for development of the state's interest in the areas of the arts, history, and other cultural matters. In fulfilling this responsibility, the department will be advised and assisted by the state historical society and its board of trustees, and the Iowa arts council.~~

2. The department shall:

a. Develop a comprehensive, coordinated, and efficient policy to preserve, research, interpret, and promote to the public an awareness and understanding of local, state, and regional history.

b. Stimulate and encourage throughout the state the study and presentation of the performing and fine arts and public interest and participation in them.

c. Implement tourism-related art and history projects as directed by the general assembly.

d. Design a comprehensive, statewide, long-range plan with the assistance of the Iowa arts council to develop the arts in Iowa. The department is designated as the state agency for carrying out the plan.

e. Encourage the use of volunteers throughout its divisions, especially for purposes of restoring books and manuscripts.

3. The department may:

a. By rule, establish advisory groups necessary for the receipt of federal funds or grants or the administration of any of the department's programs.

b. Develop and implement fee-based educational programming opportunities, including preschool programs, related to arts, history, and other cultural matters for Iowans of all ages.

3. 4. The department shall consist of the following:

a. Historical division.

b. Arts division.

c. Other divisions created by rule.

d. Administrative section.

4. ~~5.~~ The department is under the control of a director who shall be appointed by the governor, subject to confirmation by the senate, and shall serve at the pleasure of the governor. The salary of the director shall be set by the governor within a range set by the general assembly. The director may create, combine, eliminate, alter, or reorganize the organization of the department by rule.

~~5. The department by rule may establish advisory groups necessary for the receipt of federal funds or grants or the administration of any of the department's programs.~~

6. The divisions shall be administered by administrators who shall be appointed by the director and serve at the director's pleasure. The administrators shall:

a. Organize the activities of the division.

b. Submit a biennial report to the governor on the activities and an evaluation of the division and its programs and policies.

c. Control all property of the division.

d. Perform other duties imposed by law.

~~7. The department may develop and implement fee-based educational programming opportunities, including preschool programs, related to arts, history, and other cultural matters for Iowans of all ages.~~

Sec. 84. Section 313.28, Code 2009, is amended to read as follows:

313.28 Temporary primary road detours.

1. When the department, for the purpose of establishing, constructing, or maintaining any primary road, determines that any secondary road or portion thereof is necessary for a detour or haul road, the department, after consultation with the county board of supervisors having jurisdiction of the route, shall by order temporarily designate the secondary road or portion thereof as a temporary primary road detour or as a temporary primary road haul road, and the department shall maintain the same as a primary road until it shall revoke the temporary designation order. Prior to use of a secondary road as a primary haul road or detour, the department shall designate a representative to inspect the secondary road with the county engineer to determine and note the condition of the road.

2. Prior to revoking the designation, the department shall:

1. a. Restore the secondary road or portion thereof to as good condition as it was prior to its designation as a temporary primary road, or

2. b. Determine such amount as will adequately compensate the county exercising exclusive or concurrent jurisdiction over the secondary road or portion thereof for excessive traffic upon the secondary road or portion thereof during the period of its designation as a temporary primary road. The department shall certify the amount determined to the director of the department of administrative services. The director of the department of administrative services shall credit the amount to the county.

3. If on examination of the route, it is determined that the road can be restored to its original condition only by reconstruction, the department shall cause plans to be drawn, award the necessary contracts for work and proceed to reconstruct and make payments for in the same manner as is prescribed for primary construction projects.

Sec. 85. Section 316.9, Code 2009, is amended to read as follows:

316.9 Rules.

1. The department shall ~~make~~ adopt administrative rules pursuant to chapter 17A as necessary to effect the provisions of this chapter and to assure:

1. a. Compliance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Pub. L. No. 91-646, as amended by the Uniform Relocation Act Amendments of 1987, Title Tit. IV, Pub. L. No. 100-17.

2. b. The payments authorized by this chapter are fair and reasonable and as uniform as practicable.

3. c. A displaced person who makes proper application for a payment authorized by this chapter is paid promptly after a move or, in hardship cases, is paid in advance.

4. 2. A person aggrieved by a determination as to eligibility for assistance or a payment authorized by this chapter, or the amount of a payment, upon application may have the matter reviewed.

3. Rules governing reviews shall provide for a prompt one-step uncomplicated fact-finding process. Such a review is an appeal of an agency action as defined in section 17A.2, subsection 2, and is not a contested case. The decision rendered shall be the displacing agency's final agency action.

All rules shall be subject to the provisions of chapter 17A.

Sec. 86. Section 317.1, Code 2009, is amended to read as follows:

317.1 Definitions.

As used in this chapter, unless the context otherwise requires, ~~“book”~~:

a. “Book”, “list”, “record”, or “schedule” kept by a county auditor, assessor, treasurer, recorder, sheriff, or other county officer means the county system as defined in section 445.1.

b. “Commissioner” means the county weed commissioner or the commissioner's deputy within each county.⁴

Sec. 87. Section 317.4, Code 2009, is amended to read as follows:

317.4 Direction and control.

~~As used in this chapter, “commissioner” means the county weed commissioner or the commissioner's deputy within each county.~~ Each commissioner, subject to direction and control by the county board of supervisors, shall supervise the control and destruction of all noxious weeds in the county, including those growing within the limits of cities, within the confines of abandoned cemeteries, and along streets and highways unless otherwise provided. A commissioner shall notify the department of public safety of the location of marijuana plants found growing on public or private property. A commissioner may enter upon any land in the county at any time for the performance of the commissioner's duties, and shall hire the labor and equipment necessary subject to the approval of the board of supervisors.

Sec. 88. Section 321.1A, Code 2009, is amended to read as follows:

321.1A Presumption of residency.

1. For purposes of this chapter there is a rebuttable presumption that a natural person is a resident of this state if any of the following elements exist:

1. a. The person has filed for a homestead tax exemption on property in this state.

2. b. The person is a veteran who has filed for a military tax exemption on property in this state.

3. c. The person is registered to vote in this state.

4. d. The person enrolls the person's child to be educated in a public elementary or secondary school in this state.

5. e. The person is receiving public assistance from this state.

6. f. The person resides or has continuously remained in this state for a period exceeding thirty days except for infrequent or brief absences.

7. g. The person has accepted employment or engages in any trade, profession, or occupation within this state, except as provided in section 321.55.

2. “Resident” does not include a either of the following:

a. A person who is attending a college or university in this state, if the person has a domicile in another state and has a valid driver's license issued by the state of domicile. ~~“Resident” also does not include members~~

b. Members of the armed forces that who are stationed in Iowa, ~~providing~~ provided that their vehicles are properly registered in their state of residency.

3. A corporation, association, partnership, company, firm, or other aggregation of individuals whose principal place of business is located within this state is a resident of this state.

⁴ See chapter 1193, §49 herein

Sec. 89. Section 321.32, Code 2009, is amended to read as follows:

321.32 Registration card carried and exhibited — exception.

1. A vehicle's registration card shall at all times be carried in the vehicle to which it refers and shall be shown to any peace officer upon the officer's request.

2. This section shall not apply when the registration card is being used for the purpose of making application for renewal of registration or upon a transfer of registration for that vehicle.

Sec. 90. Section 321.45, subsections 1 and 2, Code 2009, are amended to read as follows:

1. a. No manufacturer, importer, dealer, or other person shall sell or otherwise dispose of a new vehicle subject to registration under the provisions of this chapter to a dealer to be used by such dealer for purposes of display and lease or resale without delivering to such dealer a manufacturer's or importer's certificate duly executed and with such assignments thereon as may be necessary to show title in the purchaser thereof; nor shall such dealer purchase or acquire a new vehicle that is subject to registration without obtaining from the seller thereof such manufacturer's or importer's certificate. In addition to the assignments stated herein, such manufacturer's or importer's certificate shall contain thereon the identification and description of the vehicle delivered and the name and address of the dealer to whom said vehicle was originally sold over the signature of an authorized official of the manufacturer or importer who made the original delivery.

b. For each new mobile home, manufactured home, travel trailer, and camping trailer said manufacturer's or importer's certificate shall also contain thereon the exterior length and exterior width of said vehicle not including any area occupied by any hitching device, and the manufacturer's shipping weight.

c. Completed motor vehicles, other than class "B" motor homes, which are converted, modified, or altered shall retain the identity and model year of the original manufacturer of the vehicle. Motor homes and all other motor vehicles manufactured from chassis or incomplete motor vehicles manufactured by another may have the identity and model year assigned by the final manufacturer.

2. a. ~~No~~ A person shall not acquire any right, title, claim, or interest in or to any vehicle subject to registration under this chapter from the owner thereof except by virtue of a certificate of title issued or assigned to the person for such vehicle or by virtue of a manufacturer's or importer's certificate delivered to the person for such vehicle; ~~nor shall any and~~ waiver or estoppel shall not operate in favor of any person claiming title to or interest in any vehicle against a person having possession of the certificate of title or manufacturer's or importer's certificate for such vehicle for a valuable consideration except in ~~case of~~ the following cases:

a. (1) The perfection of a lien or security interest as provided in section 321.50, ~~or~~.

b. (2) The perfection of a security interest in new or used vehicles held as inventory for sale as provided in uniform commercial code, chapter 554, article 9, ~~or~~.

c. (3) A dispute between a buyer and the selling dealer who has failed to deliver or procure the certificate of title as promised, ~~or~~.

d. (4) Except for the purposes of section 321.493.

b. Except in the ~~above enumerated~~ cases enumerated in paragraph "a", no court in any case at law or equity shall recognize the right, title, claim, or interest of any person in or to any vehicle subject to registration sold or disposed of, or mortgaged or encumbered, unless evidenced by a certificate of title or manufacturer's or importer's certificate duly issued or assigned in accordance with the provisions of this chapter.

Sec. 91. Section 321.126, Code 2009, is amended to read as follows:

321.126 Refunds of annual registration fees.

1. Refunds of unexpired annual vehicle registration fees shall be allowed in accordance with this section, except that no refund shall be allowed and paid if the unused portion of the fee is less than ten dollars. ~~Subsections 1 and 2~~ Paragraphs "a" and "b" do not apply to vehicles registered by the county treasurer. The refunds shall be made as follows:

1. a. If the vehicle is destroyed by fire or accident, or junked and its identity as a vehicle entirely eliminated, the owner in whose name the vehicle was registered at the time of

destruction or dismantling shall return the plates to the department and within thirty days thereafter make a statement of such destruction or dismantling and make claim for refund. With reference to the destruction or dismantling of a vehicle, no refund shall be allowed unless a junking certificate has been issued, as provided in section 321.52.

2. b. If the vehicle is stolen, the owner shall give notice of the theft to the department within five days. If the vehicle is not recovered by the owner thirty days prior to the end of the current registration year, the owner shall make a statement of the theft and make claim for refund.

3. c. If the vehicle is placed in storage by the owner upon the owner's entry into the military service of the United States, the owner shall return the plates to the county treasurer or the department and make a statement regarding the storage and military service and make claim for refund. Whenever the owner of a vehicle so placed in storage desires to again register the vehicle, the county treasurer or department shall compute and collect the fees for registration for the registration year commencing in the month the vehicle is removed from storage.

4. d. If the vehicle is registered by the county treasurer during the current registration year and the owner or lessee registers the vehicle for proportional registration under chapter 326, the owner of the registered vehicle shall surrender the registration plates to the county treasurer and may file a claim for refund. In lieu of a refund, a credit for the annual registration fees paid to the county treasurer may be applied by the department to the owner or lessee's proportional registration fees upon the surrender of the county plates and registration.

5. e. A refund for trailers and semitrailers issued a multiyear registration plate shall be paid by the department upon application.

6. f. If a vehicle is sold or junked, the owner in whose name the vehicle was registered may make claim to the county treasurer or department for a refund of the sold or junked vehicle's annual registration fee. Also if the owner of a vehicle receives a vehicle registration fee credit under section 321.46, subsection 3, and the credit allowed exceeds the amount of the annual registration fee for the vehicle acquired, the owner may claim a refund for the balance of the credit. The refund is subject to the following limitations:

a. (1) If a vehicle registration fee credit has not been received by the owner of the vehicle under section 321.46, subsection 3, the refund shall be computed on the basis of the number of unexpired months remaining in the registration year at the time the vehicle was sold or junked. The refund shall be rounded to the nearest whole dollar. Section 321.127, subsection 1, does not apply.

b. (2) The refund shall only be allowed if the owner makes claim for the refund within six months after the date of the vehicle's sale, trade, or junking.

e. (3) This subsection paragraph "f" does not apply to vehicles registered under chapter 326.

7. g. If the vehicle was leased and an affidavit was filed by the lessor or the lessee as provided in section 321.46, the lessor or the lessee, as applicable, may make a claim for a refund with the county treasurer of the county where the vehicle was registered within six months of the vehicle's surrender to the lessor. The refund shall be paid to either the lessor or the lessee, as specified on the application for title and registration pursuant to section 321.20.

8. h. If the owner of the vehicle moves out of state, the owner may make a claim for a refund by returning the Iowa registration plates, along with evidence of the vehicle's registration in another jurisdiction, to the county treasurer of the county in which the vehicle was registered within six months of the out-of-state registration. For purposes of section 321.127, the unexpired months remaining in the registration year shall be calculated on the basis of the effective date of the out-of-state registration. However, for the purpose of timely issuance of the refund, the claim for a refund under this subsection paragraph is considered to be filed on the date the registration documents are received by the county treasurer.

9. 2. Notwithstanding any provision of this section to the contrary, there shall be no refund of proportional registration fees unless the state which issued the base plate for the vehicle allows such refund. If an owner subject to proportional registration leases the vehicle for which the refund is sought, the claim shall be filed in the names of both the lessee and the lessor and the refund payment made payable to both the lessor and the lessee. The term "owner" for purposes of this section shall include a person in whom is vested right

of possession or control of a vehicle which is subject to a lease, contract, or other legal arrangement vesting right of possession or control in addition to the term as defined in section 321.1, subsection 49.

Sec. 92. Section 321.198, Code 2009, is amended to read as follows:

321.198 Military service exception.

1. *a.* The effective date of a valid driver's license issued under the laws of this state, held by any person at the time of entering the military service of the United States or of the state of Iowa, notwithstanding the expiration of the license according to its terms, is hereby extended without fee until six months following the initial separation from active duty of the person from the military service, provided the person is not suffering from physical disabilities which impair the person's competency as an operator and provided further that the licensee shall furnish, upon demand of any peace officer, satisfactory evidence of the person's military service. However, a person entitled to the benefits of this section who is charged with operating a motor vehicle without a valid driver's license shall not be convicted if the person produces in court, within a reasonable time, a valid driver's license previously issued to that person along with evidence of the person's military service as provided in this paragraph.

b. The department is authorized to renew any driver's license falling within the provisions and limitations of the preceding paragraph "*a.*", without examination, upon application and payment of fee made within six months following separation from the military service.

2. The provisions of this section shall also apply to the spouse and children, or ward of such military personnel when such spouse, children, or ward are living with the above described military personnel outside of the state of Iowa and provided that such extension of license does not exceed five years.

3. A person whose period of validity of the person's driver's license is extended under this section may file an application in accordance with rules adopted by the department to have the person's record of issuance of a driver's license retained in the department's record system during the period for which the driver's license remains valid. If a person has had the record of issuance of the person's driver's license removed from the department's records, the person shall have the person's record of driver's license issuance reentered by the department upon request if the request is accompanied by a letter from the applicable person's commanding officer verifying the military service.

Sec. 93. Section 321.252, Code 2009, is amended to read as follows:

321.252 Department to adopt sign manual.

1. *a.* The department shall adopt a manual and specifications for a uniform system of traffic-control devices consistent with the provisions of this chapter for use upon highways within this state. Such uniform system shall correlate with and so far as possible conform to the system then current as approved by the American association of state highway and transportation officials.

b. The department shall include in its manual of traffic-control devices, specifications for a uniform system of highway signs for the purpose of guiding traffic to organized off-highway permanent camps, and camp areas, operated by recognized and established civic, religious, and nonprofit charitable organizations and to for-profit campgrounds and ski areas. The department shall purchase, install, and maintain the signs upon the prepayment of the costs by the organization or owner.

2. The department shall also establish criteria for guiding traffic on all fully controlled-access, divided, multilaned highways including interstate highways to each tourist attraction which is located within thirty miles of the highway and receives fifteen thousand or more visitors annually. Nothing in this ~~unnumbered paragraph~~ subsection shall be construed to prohibit the department from erecting signs to guide traffic on these highways to tourist attractions which are located more than thirty miles from the highway or which receive fewer than fifteen thousand visitors annually.

3. *a.* The department shall establish, by rule, in cooperation with a tourist signing committee, the standards for tourist-oriented directional signs and shall annually review the list of attractions for which signing is in place. The rules shall conform to national standards

for tourist-oriented directional signs adopted under 23 U.S.C. § 131(q) and to the manual of uniform traffic-control devices.

(1) The tourist signing committee shall be made up of the directors or their designees of the departments of economic development, agriculture and land stewardship, natural resources, cultural affairs, and transportation, the chairperson or the chairperson's designee of the Iowa travel council, and a member of the outdoor advertising association of Iowa. The director or the director's designee of the department of economic development shall be the chairperson of the committee.

(2) The department of transportation shall be responsible for calling and setting the date of the meetings of the committee which meetings shall be based upon the amount of activity relating to signs. However, the committee shall meet at least once a month.

~~b.~~ b. However, a A tourist attraction is not subject to a minimum number of visitors annually to qualify for tourist-oriented directional signing.

4. The rules shall not be applicable to directional signs relating to historic sites on land owned or managed by state agencies, as provided in section 321.253A. The rules shall include but are not limited to the following:

1. a. Criteria for eligibility for signing.

2. b. Criteria for limiting or excluding businesses, activities, services, and sites that maintain signs that do not conform to the requirements of chapter 306B, chapter 306C, division II, or other statutes or administrative rules regulating outdoor advertising.

3. c. Provisions for a fee schedule to cover the direct and indirect costs of sign manufacture, erection, and maintenance, and related administrative costs.

4. d. Provisions specifying maximum distances to eligible businesses, activities, services, and sites. Tourist-oriented directional signs may be placed on highways within the maximum travel distance that have the greatest traffic count per day, if sufficient space is available. If an adjacent landowner complains to the department about the placement of a tourist-oriented directional sign, the department shall attempt to reach an agreement with the landowner for relocating the sign. If possible, the sign shall be relocated from the place of objection. If the sign must be located on an objectionable place, it shall be located on the least objectionable place possible.

5. e. Provisions for trailblazing to facilities that are not on the crossroad. Appropriate trailblazing shall be installed over the most desirable routes on lesser traveled primary highways, secondary roads, and city streets leading to the tourist attraction.

6. f. Criteria for determining when to permit advance signing.

7. g. Provisions specifying conditions under which the time of operation of a business, activity, service, or site is shown.

8. h. Provisions for masking or removing signs during off seasons for businesses, activities, services, and sites operated on a seasonal basis. Faded signs shall be replaced and the commercial vendor charged for the cost of replacement based upon the fee schedule adopted.

9. i. Provisions specifying the maximum number of signs permitted per intersection.

10. j. Provisions for determining what businesses, activities, services, or sites are signed when there are more applicants than the maximum number of signs permitted.

11. k. Provisions for removing signs when businesses, activities, services, or sites cease to meet minimum requirements for participation and related costs.

5. Local authorities shall adhere to the specifications for such signs as established by the department, and shall purchase, install, and maintain such signs in their respective jurisdictions upon prepayment by the organization of the cost of such purchase, installation, and maintenance. The department shall include in its manual of traffic-control devices specifications for a uniform system of traffic-control devices in legally established school zones.

Sec. 94. Section 321.306, Code 2009, is amended to read as follows:

321.306 Roadways laned for traffic.

Whenever any roadway has been divided into three or more clearly marked lanes for traffic the following rules in addition to all others consistent herewith shall apply:

1. A vehicle shall be driven as nearly as practical entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety.

2. ~~Upon~~ If a roadway ~~which~~ is divided into three lanes, a vehicle shall not be driven in the center lane except ~~when~~ as follows:

a. When overtaking and passing another vehicle where the roadway is clearly visible and such center lane is clear of traffic within a safe distance, ~~or in.~~

b. In preparation for a left turn or where such center lane is at the time allocated exclusively to traffic moving in the direction the vehicle is proceeding and is signposted to give notice of such allocation.

3. Official signs may be erected directing slow-moving traffic to use a designated lane or allocating specified lanes to traffic moving in the same direction and drivers of vehicles shall obey the directions of every such sign.

4. Vehicles moving in a lane designated for slow-moving traffic shall yield the right-of-way to vehicles moving in the same direction in a lane not so designated when such lanes merge to form a single lane.

5. A portion of a highway provided with a lane for slow-moving vehicles does not become a roadway marked for three lanes of traffic.

Sec. 95. Section 321.324, Code 2009, is amended to read as follows:

321.324 Operation on approach of emergency vehicles.

1. For the purposes of this section, "red light" or "blue light" means a light or lighting device that, when illuminated, will exhibit a solid flashing or strobing red or blue light.

2. Upon the immediate approach of an authorized emergency vehicle with any lamp or device displaying a red light or red and blue lights, or an authorized emergency vehicle of a fire department displaying a blue light, or when the driver is giving audible signal by siren, exhaust whistle, or bell, the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the highway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer. For the purposes of this section, "red light" or "blue light" means a light or lighting device that, when illuminated, will exhibit a solid flashing or strobing red or blue light.

3. Upon the approach of an authorized emergency vehicle, as ~~above stated~~ described in subsection 2, the driver of every streetcar shall immediately stop such car clear of any intersection and keep it in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.

4. This section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway.

Sec. 96. Section 321.383, subsection 3, Code 2009, is amended to read as follows:

3. Garbage collection vehicles, when operated on the streets or highways of this state at speeds of thirty-five miles per hour or less, may display a reflective device that complies with the standards of the American society of agricultural engineers. At speeds in excess of thirty-five miles per hour the device shall not be visible.

4. Any person who violates any provision of this section shall be fined as provided in section 805.8A, subsection 3, paragraph "d".

Sec. 97. Section 321.417, Code 2009, is amended to read as follows:

321.417 Single-beam road-lighting equipment.

Headlamps arranged to provide a single distribution of light not supplemented by auxiliary driving lamps shall be permitted on motor vehicles manufactured and sold prior to July 1, 1938, in lieu of multiple-beam road-lighting equipment ~~herein~~ specified in section 321.409 if the single distribution of light complies with the following requirements and limitations:

1. The headlamps shall be so aimed that when the vehicle is not loaded none of the high-intensity portion of the light shall at a distance of twenty-five feet ahead project higher than a level of five inches below the level of the center of the lamp from which it comes,

and in no case higher than forty-two inches above the level on which the vehicle stands at a distance of seventy-five feet ahead.

2. The intensity of the light shall be sufficient to reveal persons and vehicles at a distance of at least two hundred feet.

Sec. 98. Section 321.422, Code 2009, is amended to read as follows:

321.422 Red light in front.

1. No person shall drive or move any vehicle or equipment upon any highway with any lamp or device thereon displaying or reflecting a red light visible from directly in front thereof. ~~This section shall not apply to authorized emergency vehicles, or school buses and vehicles as provided in section 321.423, subsection 6.~~ No person shall display any color of light other than red on the rear of any vehicle, except that stop lights and directional signals may be red, yellow, or amber.

2. This section shall not apply to authorized emergency vehicles, or school buses and vehicles as provided in section 321.423, subsection 6.

Sec. 99. Section 321.423, subsections 3, 4, and 7, Code 2009, are amended to read as follows:

3. *Blue light.*

a. A blue light shall not be used on any vehicle except for the following:

a. (1) A vehicle owned or exclusively operated by a fire department.

b. (2) A vehicle authorized by the chief of the fire department if the vehicle is owned by a member of the fire department, the request for authorization is made by the member on forms provided by the department, and necessity for authorization is demonstrated in the request.

e. (3) An authorized emergency vehicle, other than a vehicle described in paragraph "a", subparagraph (1) or "b" (2), if the blue light is positioned on the passenger side of the vehicle and is used in conjunction with a red light positioned on the driver side of the vehicle.

b. A person shall not use only a blue light on a vehicle unless the vehicle meets the requirements of paragraph "a", subparagraph (1) or "b" (2).

4. *Expiration of authority.* The authorization shall expire at midnight on the thirty-first day of December five years from the year in which it was issued, or when the vehicle is no longer owned by the member, or when the member has ceased to be an active member of the fire department or of an ambulance, rescue, or first response service, or when the member has used the blue or white light beyond the scope of its authorized use. A person issued an authorization under subsection 3, paragraph "b", "a", subparagraph (2), shall return the authorization to the fire chief upon expiration or upon a determination by the fire chief or the department that the authorization should be revoked.

7. *Flashing white light.*

a. Except as provided in section 321.373, subsection 7, and subsection 2, paragraphs "c" and "i" of this section, a flashing white light shall only be used on a vehicle in the following circumstances:

a. (1) On a vehicle owned or exclusively operated by an ambulance, rescue, or first response service.

b. (2) On a vehicle authorized by the director of public health when all of the following apply:

(1) (a) The vehicle is owned by a member of an ambulance, rescue, or first response service.

(2) (b) The request for authorization is made by the member on forms provided by the Iowa department of public health.

(3) (c) Necessity for authorization is demonstrated in the request.

(4) (d) The head of an ambulance, rescue, or first response service certifies that the member is in good standing and recommends that the authorization be granted.

e. (3) On an authorized emergency vehicle.

b. The Iowa department of public health shall adopt rules to establish issuance standards, including allowing local emergency medical service providers to issue certificates of authorization, and shall adopt rules to establish certificate of authorization revocation procedures.

Sec. 100. Section 321.471, subsection 2, paragraph b, Code 2009, is amended to read as follows:

b. A person who violates the ordinance or resolution shall, upon conviction or a guilty plea, be subject to a fine determined by dividing the difference between the actual weight of the vehicle and the maximum weight allowed by the ordinance or resolution by one hundred and multiplying the quotient by two dollars.

c. Local authorities may issue or approve special permits allowing the operation over a bridge or culvert of vehicles with weights in excess of restrictions imposed under the ordinance or resolution, but not in excess of load restrictions imposed by any other provision of this chapter. The local authority shall issue such a permit for not to exceed eight weeks upon a showing of agricultural hardship. The operator of a vehicle which is the subject of a permit issued under this paragraph shall carry the permit while operating the vehicle and shall show the permit to any peace officer upon request.

Sec. 101. Section 321.493, Code 2009, is amended to read as follows:

321.493 Liability for damages.

1. For purposes of this section:

a. "Owner" means the person to whom the certificate of title for the vehicle has been issued or assigned or to whom a manufacturer's or importer's certificate of origin for the vehicle has been delivered or assigned. However, if the vehicle is leased, "owner" means the person to whom the vehicle is leased, not the person to whom the certificate of title for the vehicle has been issued or assigned or to whom the manufacturer's or importer's certificate of origin for the vehicle has been delivered or assigned.

b. "Leased" means the transfer of the possession or right to possession of a vehicle to a lessee for a valuable consideration for a continuous period of twelve months or more, pursuant to a written agreement.

~~1. 2. a. Subject to paragraph "b", in all cases where damage is done by any motor vehicle by reason of negligence of the driver, and driven with the consent of the owner, the owner of the motor vehicle shall be liable for such damage. For purposes of this subsection, "owner" means the person to whom the certificate of title for the vehicle has been issued or assigned or to whom a manufacturer's or importer's certificate of origin for the vehicle has been delivered or assigned. However, if the vehicle is leased, "owner" means the person to whom the vehicle is leased, not the person to whom the certificate of title for the vehicle has been issued or assigned or to whom the manufacturer's or importer's certificate of origin for the vehicle has been delivered or assigned. For purposes of this subsection, "leased" means the transfer of the possession or right to possession of a vehicle to a lessee for a valuable consideration for a continuous period of twelve months or more, pursuant to a written agreement.~~

b. The owner of a vehicle with a gross vehicle weight rating of seven thousand five hundred pounds or more who rents the vehicle for less than a year under an agreement which requires an insurance policy covering at least the minimum levels of financial responsibility prescribed by law, shall not be deemed to be the owner of the vehicle for the purpose of determining financial responsibility for the operation of the vehicle or for the acts of the operator in connection with the vehicle's operation.

~~2. 3. A person who has made a bona fide sale or transfer of the person's right, title, or interest in or to a motor vehicle and who has delivered possession of the motor vehicle to the purchaser or transferee shall not be liable for any damage thereafter resulting from negligent operation of the motor vehicle by another, but the purchaser or transferee to whom possession was delivered shall be deemed the owner. The provisions of section 321.45, subsection 2, of section 321.45 shall not apply in determining, for the purpose of fixing liability under this subsection, whether such sale or transfer was made.~~

Sec. 102. Section 321.498, Code 2009, is amended to read as follows:

321.498 Legal effect of use and operation.

1. The acceptance by any nonresident of this state of the privileges extended by the laws of this state to nonresident operators or owners of operating a motor vehicle, or having the same operated, within this state shall be deemed:

1. a. An agreement by the nonresident that the nonresident shall be subject to the jurisdiction of the district court of this state over all civil actions and proceedings against the nonresident for damages to person or property growing or arising out of such use and operation, and

2. b. An appointment by such nonresident of the director of this state as the nonresident's lawful attorney upon whom may be served all original notices of suit pertaining to such actions and proceedings, and

3. c. An agreement by such nonresident that any original notice of suit so served shall be of the same legal force and validity as if personally served on the nonresident in this state.

4. 2. The term "*nonresident*" shall include any person who was, at the time of the accident or event, a resident of the state of Iowa but who removed from the state before the commencement of such action or proceedings.

Sec. 103. Section 321J.4B, subsections 2, 6, 11, and 12, Code 2009, are amended to read as follows:

2. a. A motor vehicle is subject to impoundment in the following circumstances:

a. (1) If a person operates a vehicle in violation of section 321J.2, and if convicted for that conduct, the conviction would be a second or subsequent offense under section 321J.2.

b. (2) If a person operates a vehicle while that person's driver's license or operating privilege has been suspended, denied, revoked, or barred due to a violation of section 321J.2.

b. The clerk of court shall send notice of a conviction of an offense for which the vehicle was impounded to the impounding authority upon conviction of the defendant for such offense.

c. Impoundment of the vehicle under this section may occur in addition to any criminal penalty imposed under chapter 321 or this chapter for the underlying criminal offense.

6. Upon conviction of the defendant for a second or subsequent violation of subsection 2, paragraph "b" "a", subparagraph (2), the court shall order, if the convicted person is the owner of the motor vehicle used in the commission of the offense, that that motor vehicle be seized and forfeited to the state pursuant to chapters 809 and 809A.

11. a. (1) During the period of impoundment or immobilization the owner of an impounded or immobilized vehicle shall not sell or transfer the title of the motor vehicle which is subject to the order of impoundment or immobilization.

(2) A person convicted of an offense under subsection 2, shall not purchase or register any motor vehicle during the period of impoundment, immobilization, or license revocation.

~~Violation of paragraph "a" is a serious misdemeanor.~~

b. If, during the period of impoundment or immobilization, the title to the motor vehicle which is the subject of the order is transferred by the foreclosure of a chattel mortgage, a sale upon execution, the cancellation of a conditional sales contract, or an order of a court, the court which enters the order that permits transfer of the title shall notify the department of the transfer of the title. The department shall enter notice of the transfer of the title to the motor vehicle in the previous owner's vehicle registration record.

~~c. Violation of paragraph "a" is a serious misdemeanor.~~

12. a. Notwithstanding other requirements of this section:

a. (1) Upon learning the address or phone number of a rental or leasing company which owns a motor vehicle impounded or immobilized under this section, the peace officer, county attorney, or attorney general shall immediately contact the company to inform the company that the vehicle is available for return to the company.

b. (2) The holder of a security interest in a vehicle which is impounded or immobilized pursuant to this section or forfeited in the manner provided in chapters 809 and 809A shall be notified of the impoundment, immobilization, or forfeiture within seventy-two hours of the seizure of the vehicle and shall have the right to claim the motor vehicle without payment of any fees or surcharges unless the value of the vehicle exceeds the value of the security interest held by the creditor.

e. (3) Any of the following persons may make application to the court for permission to operate a motor vehicle, which is impounded or immobilized pursuant to this section, during the period of impoundment or immobilization, if the applicant's driver's license or operating privilege has not been suspended, denied, revoked, or barred, and an ignition interlock device

of a type approved by the commissioner of public safety is installed in the motor vehicle prior to operation:

(1) (a) A person, other than the person who committed the offense which resulted in the impoundment or immobilization, who is not a member of the immediate family of the person who committed the offense but is a joint owner of the motor vehicle.

(2) (b) A member of the immediate family of the person who committed the offense which resulted in the impoundment or immobilization, if the member demonstrates that the motor vehicle that is subject to the order for impoundment or immobilization is the only motor vehicle possessed by the family.

b. For purposes of this section, “a member of the immediate family” means a spouse, child, or parent of the person who committed the offense.

Sec. 104. Section 321J.4B, subsection 4, unnumbered paragraph 1, Code 2009, is amended to read as follows:

An owner of a motor vehicle impounded or immobilized under this section, who knows of, should have known of, or gives consent to the operation of, the motor vehicle in violation of subsection 2, paragraph “b” “a”, subparagraph (2), shall be:

Sec. 105. Section 321J.4B, subsection 5, paragraph b, unnumbered paragraph 1, Code 2009, is amended to read as follows:

Upon conviction of the defendant for a violation of subsection 2, paragraph “a”, subparagraph (1), the court may order continued impoundment, or the immobilization, of the motor vehicle used in the commission of the offense, if the convicted person is the owner of the motor vehicle, and shall specify all of the following in the order:

Sec. 106. Section 321J.4B, subsection 5, paragraph g, Code 2009, is amended to read as follows:

g. Upon receipt of a court order for continued impoundment or immobilization of the motor vehicle, the agency shall review the value of the vehicle in relation to the costs associated with the period of impoundment of the motor vehicle specified in the order. If the agency determines that the costs of impoundment of the motor vehicle exceed the actual wholesale value of the motor vehicle, the agency may treat the vehicle as an abandoned vehicle pursuant to section 321.89. If the agency elects to treat the motor vehicle as abandoned, the agency shall notify the registered owner of the motor vehicle that the vehicle shall be deemed abandoned and shall be sold in the manner provided in section 321.89 if payment of the total cost of impoundment is not received within twenty-one days of the mailing of the notice. The agency shall provide documentation regarding the valuation of the vehicle and the costs of impoundment. This paragraph shall not apply to vehicles that are immobilized pursuant to this section or if subsection 12, paragraph “a”, subparagraph (1) or “b” (2), applies.

Sec. 107. Section 322.2, unnumbered paragraph 2, Code 2009, is amended by striking the unnumbered paragraph.

Sec. 108. Section 322.5, subsections 1, 4, and 5, Code 2009, are amended to read as follows:

1. a. The license fee for a motor vehicle dealer for a two-year period or part thereof is the sum of seventy dollars for the licensee’s principal place of business in each city or township and an additional twenty dollars for a two-year period or part thereof for each car lot which is in the city or township in which the principal place of business is located and which is not adjacent to that place, to be paid to the department at the time a license is applied for. In case the application is denied, the department shall refund the amount of the fee to the applicant.

b. For the purposes of this section, “adjacent” means that the principal place of business and each additional lot are adjoining parcels of property. Parcels

~~For the purposes of this subsection, parcels of property shall be deemed to be adjacent if the parcels are only separated by an alley, street, or highway that is not a controlled-access facility.~~

4. a. A nonresident motor vehicle dealer, who is authorized by a written contract with a manufacturer or distributor of new motor trucks to sell at retail such new motor trucks, may display motor trucks within this state at qualified events approved by the department. The dealer must obtain a temporary permit from the department. An application for a temporary permit shall be made upon a form provided by the department and shall be accompanied by a ten dollar permit fee. Permits shall be issued for a period not to exceed fourteen days. The department shall issue a temporary permit under this subsection only if the qualified event for which the permit is issued meets all of the following conditions:

a. (1) The sale of motor vehicles is not allowed during the qualified event.

b. (2) The qualified event is conducted in a controlled area and is not open to the public generally.

c. (3) The qualified event generally promotes the motor truck industry.

d. (4) The qualified event is conducted within the area of responsibility that is specified in the motor vehicle dealer's contract with the manufacturer or distributor.

b. A temporary permit shall not be issued under this subsection unless the state in which the nonresident motor vehicle dealer is licensed extends by reciprocity similar privileges to a motor vehicle dealer licensed by this state.

5. a. A manufacturer, distributor, or dealer may, upon receipt of a temporary permit approved by the department, display new ambulances, new fire vehicles, and new rescue vehicles for educational purposes only at vehicle shows and vehicle exhibitions conducted for the express purpose of educating fire and rescue personnel in new technology and techniques for fire fighting and rescue efforts. Application for temporary permits shall be made upon forms provided by the department and shall be accompanied by a ten-dollar permit fee. Permits shall be issued for a single show or exhibition, not to exceed five consecutive days.

b. A temporary permit shall not be issued under this subsection to a nonresident manufacturer, distributor, or dealer unless the state in which the nonresident manufacturer, distributor, or dealer is licensed extends by reciprocity similar privileges to a manufacturer, distributor, or dealer licensed by this state.

Sec. 109. Section 322.15, Code 2009, is amended to read as follows:

322.15 ~~Liberal construction~~ Construction of chapter.

1. All provisions of this chapter shall be liberally construed to the end that the practice or commission of fraud in the sale, barter, or disposition of motor vehicles at retail in this state may be prohibited and prevented, and irresponsible, unreliable, or dishonest persons may be prevented from engaging in the business of selling, bartering, or otherwise dealing in motor vehicles at retail in this state and reliable persons may be encouraged to engage in the business of selling, bartering, and otherwise dealing in motor vehicles at retail in this state.

2. Nothing contained herein shall be construed to require the licensing or to apply to any bank, credit union, or trust company in Iowa.

Sec. 110. Section 322A.2, Code 2009, is amended to read as follows:

322A.2 ~~Discontinuing franchise.~~

1. ~~Notwithstanding~~ Unless otherwise provided in subsection 2, notwithstanding the terms, provisions, or conditions of any agreement or franchise, ~~no~~ a franchiser shall not terminate or refuse to continue any franchise unless the franchiser has first established, in a hearing held under the provisions of this chapter, that both of the following apply:

1. a. The franchiser has good cause for termination or noncontinuance, ~~and~~

2. b. Upon termination or noncontinuance, another franchise in the same line-make will become effective in the same community, without diminution of the motor vehicle service formerly provided, or that the community cannot be reasonably expected to support such a dealership; ~~provided, however, a,~~

2. A franchiser may terminate a franchise for a particular line-make if the franchiser discontinues that line-make and a franchiser may terminate a franchise if the franchisee's license as a motor vehicle dealer is revoked pursuant to the provisions of chapter 322.

Sec. 111. Section 327F.14, Code 2009, is amended to read as follows:

327F.14 Lights on track power cars.

1. Any person, firm, or corporation owning or operating a track power car in this state shall insure that such track power car is equipped with an electric headlight that will enable the operator to see an unlighted obstruction on the track at a distance of three hundred feet in clear weather. A track power car shall also be equipped with two rear electric red lights of such construction to be plainly visible during hours of darkness on a clear night at a distance of three hundred feet.

2. Such lights shall be in operation when the track power car is being operated.

3. These lighting requirements shall not be construed to penalize any person, firm, or corporation if it can be shown that such lighting equipment was present in good and sufficient working order at the beginning of a trip and became disabled during the trip.

4. A person, firm, or corporation found guilty of a violation of this section shall, upon conviction, be subject to a schedule "one" penalty.

Sec. 112. Section 327F.36, Code 2009, is amended to read as follows:

327F.36 Screen exhaust fire controls.

1. No locomotive or other rolling stock shall be operated unless it is equipped with proper deflector and screen exhaust fire controls and uses adequate devices to prevent the escape of blowing or burning materials or substances and is maintained in good working order to protect against the start and spread of fires along the right-of-way.

2. A violation of this section ~~shall, upon conviction, be subject to a schedule "one" penalty is a public offense.~~ The railroad corporation, and any officer, agent, lessee, or independent contractor found guilty of a violation of this section, upon conviction, shall be subject to a schedule "one" penalty.

3. In the event a right-of-way fire can be attributed to faulty screen exhaust fire control equipment, a local fire department may collect reasonable hourly charges, not to exceed a total of two hundred fifty dollars for each call from the railroad corporation.

Sec. 113. Section 328.1, Code 2009, is amended to read as follows:

328.1 Definitions.

1. The following words, terms, and phrases when used in this chapter shall, for the purposes of this chapter, have the meanings herein given, unless otherwise specifically defined, or unless another intention clearly appears, or the context otherwise requires:

1. a. "Aeronautics" means transportation by aircraft, the operation, construction, repair, or maintenance of aircraft, aircraft power plants and accessories, including the repair, packing, and maintenance of parachutes, the design, establishment, construction, extension, operation, improvement, repair, or maintenance of landing areas, or other air navigation facilities, and air instruction.

2. b. "Aeronautics instructor" means any individual giving or offering to give instruction, in aeronautics, either in flying or ground subjects, or both, for hire or reward.

3. c. "Air carrier airport" means an existing public airport regularly served by an air carrier, other than a supplemental air carrier, certificated by the civil aviation board under section 401 of the federal Aviation Act of 1958.

4. d. "Aircraft" means any contrivance now known, or hereafter invented, used or designed for navigation of or flight in the air, for the purpose of transporting persons or property, or both.

5. e. "Air instruction" means the imparting of aeronautical information, by any aeronautics instructor, or in or by any air school or flying club.

6. f. "Air navigation" means the operation or navigation of aircraft in the air space over this state, or upon any landing area within this state.

7. g. "Air navigation facility" means any facility, other than one owned or controlled by the federal government, used, available for use, or designed for use, in aid of air navigation, including landing areas, and any structures, mechanisms, lights, beacons, markers, communicating systems, or other instrumentalities or devices having a similar purpose for guiding or controlling flight in the air or the landing and take-off of aircraft.

8. *h.* "Airperson" means any individual who engages, as the person in command, or as pilot, mechanic, or member of the crew, in the navigation of aircraft while under way and any individual who is directly in charge of the inspection, maintenance, overhauling, or repair of aircraft, aircraft engines, propellers, aircraft appliances, or parachutes; and any individual who serves in the capacity of aircraft dispatcher or air-traffic control-tower operator. It shall not include individuals engaged in aeronautics as an employee of the United States or any state or foreign country and any individuals employed by a manufacturer of aircraft, aircraft engines, propellers, or appliances to perform duties as inspector or mechanic in connection therewith, and any individual performing inspection or mechanical duties in connection with aircraft owned or operated by the individual.

9. *i.* "Airport" means any landing area used regularly by aircraft for receiving or discharging passengers or cargo, and all appurtenant areas used or suitable for airport buildings or other airport facilities, and all appurtenant rights-of-way, whether heretofore or hereafter established. "Airport" includes land within a city with a population greater than one hundred seventy-five thousand which is acquired to replace or mitigate land used in an airport runway project at an existing airport when federal law, grant, or action requires such replacement or mitigation.

10. *j.* "Air school" means any person engaged in giving, or offering to give, instruction, in aeronautics, either in flying or ground subjects, or both, for hire or reward, and who employs other persons for such purposes. It does not include any public school or university of this state, or any institution of higher learning duly accredited and approved for carrying on collegiate work.

11. *k.* "Air taxi operator" means an operator who engages in the air transportation of passengers, property, and mail by aircraft on public demand for compensation and does not directly or indirectly utilize aircraft with a capacity of more than thirty passengers or seventy-five hundred pounds maximum payload, unless exempted by the aeronautics and public transit administrator of the department.

12. *l.* "Civil aircraft" means any aircraft other than a public aircraft.

13. ~~*a.*~~ *m.* "Commission" means the state transportation commission of the state department of transportation.

~~*b.*~~ "Department" means the state department of transportation.

~~*e.*~~ "Director" means the director of transportation or the director's designee.

14. *n.* "Commuter air carrier" means an air taxi operator which operates not less than five round trips per week between two or more points and publishes flight schedules which specify the times, days of the week, and places between which such flights are performed or transports mail pursuant to a current contract with the United States postal service.

~~*o.*~~ "Department" means the state department of transportation.

~~*p.*~~ "Director" means the director of transportation or the director's designee.

15. *q.* "General aviation airport" means any airport that is not an air carrier airport.

16. *r.* "Governmental subdivision" means any county or city of this state, and any other political subdivision, public corporation, authority, or district in this state which is or may be authorized by law to acquire, establish, construct, maintain, improve, and operate landing areas and other air navigation facilities.

17. *s.* "Landing area" means any locality, either of land or water, including intermediate landing fields, which is used or intended to be used, for the landing and take-off of aircraft, whether or not facilities are provided for the shelter, servicing, or repair of aircraft, or for receiving or discharging passengers or cargo; it does not include any intermediate landing field established or maintained by the federal government as a part of any civil airway.

18. *t.* "Operation for hire" shall mean hire to the general public or members or classes thereof, and shall not include such operations as are incidental to the carrying on of the general business of an aircraft owner engaged in business other than aeronautics.

19. *u.* "Operation of aircraft" or "operate aircraft" means the use of aircraft for the purpose of air navigation, and includes the navigation or piloting of aircraft and shall embrace any person who causes or authorizes the operation of aircraft, whether with or without the right of legal control (in the capacity of owner, lessee, or otherwise).

20. *v.* "Owner" means a person owning or renting an aircraft, or having the exclusive use of an aircraft, for a period of more than thirty days.

~~21. w.~~ "Person" means any individual, firm, partnership, corporation, company, association, joint stock association, or body politic; and includes any trustee, receiver, assignee, or other similar representative thereof.

~~22. x.~~ "Public aircraft" means an aircraft used exclusively in the service of any government or of any political subdivision thereof, including the government of any state, territory, or possession of the United States, or the District of Columbia, but not including any government-owned aircraft engaged in carrying persons or property for commercial purposes.

~~23. 2.~~ 2. The singular shall include the plural, and the plural the singular.

Sec. 114. Section 328.21, subsection 4, Code 2009, is amended to read as follows:

4. Should the department find and determine that no established manufacturer's list price exists for any such aircraft the department is hereby authorized and empowered to determine and fix the fair value of such aircraft which fair value shall be used in lieu of a manufacturers' list price in computing the registration fee for each such aircraft as otherwise provided by this section. When the fee as so computed results in a fractional part of a dollar, it shall be computed to the nearest dollar.

~~When the fee as so computed results in a fractional part of a dollar, it shall be computed to the nearest dollar.~~

Sec. 115. Section 328.38, Code 2009, is amended to read as follows:

328.38 Exhibition of certificates.

~~The~~ Unless otherwise provided in this chapter, the certificate of registration or special certificate issued by the department or any agency of another state ~~(unless the requirement therefor is excepted by the provisions of this chapter)~~ must be presented for inspection upon demand of any passenger, peace officer, authorized member, official, or employee of the department or any official, manager, or person in charge of any landing area in this state where landing is made and shall, as to:

1. For an airperson or aeronautics instructor, be kept in that person's personal possession whenever engaging in aeronautics; as to.

2. For an aircraft, be conspicuously displayed therein; as to in the aircraft.

3. For a landing area, be conspicuously displayed in the office of the person in charge thereof; as to of the landing area.

4. For an air school, be conspicuously displayed in the principal office thereof; and as to of the school.

5. For a navigation facility, be conspicuously displayed in the office of the person responsible for the operation thereof; and must be presented for inspection upon demand of any passenger, peace officer, authorized member, official, or employee of the department or any official, manager, or person in charge of any landing area in this state where landing is made of the facility.

Sec. 116. Section 329.12, Code 2009, is amended to read as follows:

329.12 Board of adjustment — creation — powers — duties.

1. The governing body of any municipality seeking to exercise powers under this chapter shall by ordinance provide for the appointment of a board of adjustment, as provided in section 414.7 for a city, or as provided in section 335.10 for a county. The board of adjustment has the same powers and duties, and its procedure and appeals are subject to the same provisions as established in sections 414.9 to 414.19 for a city, or sections 335.12 to 335.21 for a county.

~~The concurring vote of a majority of the board shall be necessary to reverse any order, requirement, decision or determination of any administrative official or to decide in favor of the applicant on any matter upon which it is required to pass under any regulations adopted pursuant to this chapter or to effect any variance therefrom.~~

2. a. The board of adjustment shall consist of two members from each municipality, selected by the governing body thereof, and one additional member to act as chairperson and to be selected by a majority vote of the members selected by the municipality. ~~Members shall be removable for cause by the appointing authority upon written charges and after~~

~~public hearing. Vacancies shall be filled for the unexpired term of any member whose office becomes vacant in the same manner in which said member was selected.~~

~~b. The terms of the members of the board of adjustment shall be for five years, excepting that when the board shall first be created, one of the members appointed by each municipality shall be appointed for a term of two years and one for a term of four years.~~

~~c. Vacancies shall be filled for the unexpired term of any member whose office becomes vacant in the same manner in which that member was selected.~~

~~d. Members shall be removable for cause by the appointing authority upon written charges and after public hearing.~~

~~3. The concurring vote of a majority of the board shall be necessary to do any of the following:~~

~~a. Reverse any order, requirement, decision, or determination of any administrative official.~~

~~b. Decide in favor of the applicant on any matter upon which the board is required to pass under any regulations adopted pursuant to this chapter.~~

~~c. Effect any variance from any regulations adopted pursuant to this chapter.~~

Sec. 117. Section 331.206, subsection 2, Code 2009, is amended to read as follows:

2. The plan used under subsection 1 shall be selected by the board or by a special election as provided in section 331.207.

a. A plan selected by the board shall remain in effect for at least six years unless it is changed by a special election as provided in section 331.207.

b. A plan selected by the board shall become effective on the first day in January which is not a Sunday or holiday following the next general election, at which time the terms of the members expire and the terms of the members elected under the requirements of the new supervisor representation plan at the general election as specified in section 331.208, 331.209, or 331.210 shall commence.⁵

Sec. 118. Section 331.233, subsections 2 and 3, Code 2009, are amended to read as follows:

2. Only eligible electors of the county not holding a city, county, or state office shall be members of the commission. In counties having multiple state legislative districts, the districts shall be represented as equally as possible. The membership shall be bipartisan and gender balanced and each appointing authority under subsection 1 shall provide for representation of various age groups, racial minorities, economic groups, and representatives of identifiable geographically defined populations, all in reasonable relationship to the proportions in which these groups are present in the population of the commission area. A vacancy on the commission shall be filled by appointment in the same manner as the original appointment. The county auditor shall notify the appropriate appointing authority of a vacancy.

3. The legislative appointing authorities shall be considered one appointing authority for the purpose of complying with this subsection 2. The senior legislative appointing authority in terms of length of legislative service shall convene the legislative appointing authorities to consult for the purpose of complying with this subsection 2.

3. 4. If at any time during the commission process, the commission adopts a resolution by majority vote to prepare a charter proposing city-county consolidation or the community commonwealth form, additional members shall be appointed to the commission in order to comply with section 331.233A. The life of the commission shall be extended up to six months after the appointment of the additional members.

Sec. 119. Section 331.430, subsection 2, Code 2009, is amended to read as follows:

2. The board may make appropriations from the debt service fund for the following debt service:

a. Judgments against the county, except those authorized by law to be paid from sources other than property tax.

⁵ See chapter 1193, §76 herein

b. Interest as it becomes due and the amount necessary to pay, or to create a sinking fund to pay, the principal at maturity of all general obligation bonds issued by the county.

c. Payments required to be made from the debt service fund under a lease or lease-purchase agreement.

~~For the purposes of this section, warrants issued by a county in anticipation of revenue, refunding or refinancing of such warrants, and judgments based on a default in payment of such warrants shall not be considered debt payable from the debt service fund.~~

Sec. 120. Section 331.430, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 5. For the purposes of this section, warrants issued by a county in anticipation of revenue, refunding or refinancing of such warrants, and judgments based on a default in payment of such warrants shall not be considered debt payable from the debt service fund.

Sec. 121. Section 354.25, Code 2009, is amended to read as follows:

354.25 Survey and replat of official plats.

1. A survey of an official plat shall conform as nearly as possible to the original lot lines shown on the official plat. The surveyor may summon witnesses, administer oaths, and prepare affidavits and boundary line agreements as necessary in order to establish the location of property lines or lot lines. If a substantial error is discovered in an official plat or if it is found to be materially defective, a proprietor may petition the governing body which would have jurisdiction to approve the plat at the time the petition is filed for a replat of any part of the official plat. Notice of the proposed replat shall be served, in the manner of original notice as provided in Iowa rules of civil procedure, to the proprietors of record and holders of easements specifically recorded within the area to be replatted. The governing body has jurisdiction of the matter upon proof of publication of notice of the petition once each week for two weeks in a newspaper of general circulation within the area of the replat.

2. ~~All of the following shall apply to a replat of an official plat ordered by the governing body:~~

~~1. a. Shall The replat shall be prepared by a surveyor pursuant to chapter 355 and recorded; and~~

~~2. b. Shall The replat shall be exempt from the provisions of section 354.11; and~~

~~3. c. Shall The replat shall have attached to the plat a statement by the surveyor that the replat is prepared at the direction of the governing body.~~

3. The costs of the replat shall be presented to the auditor and assessed against the property included in the replat as provided for in section 354.17.

Sec. 122. Section 357H.1, subsection 2, Code 2009, is amended to read as follows:

2. For purposes of this chapter, ~~“improvements”~~:

a. “Board” means the board of supervisors of the county.

b. “Improvements” means dredging, installation of erosion control measures, land acquisition, and related improvements, including soil conservation practices, within or outside of the boundaries of the zone.

~~For purposes of this chapter, “board” means the board of supervisors of the county.~~

Sec. 123. Section 358.16, subsections 1 and 2, Code Supplement 2009, are amended to read as follows:

1. a. The board of trustees of any sanitary district organized under this chapter shall have power to provide for the disposal of the sewage thereof, including the sewage and drainage of any city or village within the boundaries of such district; to acquire, lay out, locate, establish, construct, maintain, and operate one or more drains, conduits, treatment plants, disposal plants, pumping plants, works, ditches, channels, and outlets of such capacity and character as may be required for the treatment, carrying off, and disposal of the sewage and industrial wastes and other drainage incidental thereto of such district; to lay out, establish, construct, maintain, and operate all such adjuncts, additions, auxiliary improvements, and works as may be necessary or proper for accomplishment of the purposes intended, and to procure supplies of water for operating, diluting, and flushing purposes; to maintain, repair, change,

enlarge, and add to such facilities, improvements, and works as may be necessary or proper to meet the future requirements for the purposes aforesaid; and, when necessary for such purposes, any such facilities, improvements, and works and the maintenance and operation thereof may extend beyond the limits of such district, and the rights and powers of said board of trustees in respect thereto shall be the same as if located within said district, provided, no taxes shall be levied upon any property outside of such district; and provided further, that the district shall be liable for all damages sustained beyond its limits in consequence of any work or improvement authorized hereunder.

b. The board of trustees, however, may upon such petition of property owners representing at least twenty-five percent of the valuation of property not included within the district as constituted which seeks benefit from the operation of such sanitary district, include such property and the area involved within the limits of such sanitary district, and such added areas shall be subject to the same taxation as other portions of the district.

c. Nothing contained herein shall be construed to authorize or empower such board of trustees to operate a system of waterworks for the purpose of furnishing water to the inhabitants of the district, or to construct, maintain, or operate local municipal sewerage facilities, or to deprive municipalities within the district of their powers to construct and operate sewers for local purposes within their limits.

d. The board of trustees of such sanitary district may, however, upon petition of the council or governing body of any incorporated city within the sanitary district, contract with such city to undertake the operation of local municipal sewage facilities as part of the functioning of the sanitary district and make an agreement with such municipality for the levying of additional sewer or sewage disposal taxes, which taxes shall be levied by the municipality as now provided by law.

2. a. The board of trustees may require connection to the sanitary sewer system established, maintained, or operated by the district from any adjacent property within the district, and require the installation of sanitary toilets or other sanitary sewage facilities and removal of other toilet and other sewage facilities on the property. However, the board of trustees shall not regulate, restrict the use, or require the connection of a private sewage disposal facility previously approved by the county board of health pursuant to section 455B.172 without the prior approval of that board of health.

b. If the property owner does not perform an action required under ~~the preceding~~ paragraph "a" within a reasonable time after notice and hearing, the board of trustees may perform the required action and assess the costs of the action against the property for collection in the same manner as a property tax. The notice shall state the nature of the action and the time within which the action is required to be performed by the property owner, state the date, time, and place where the property owner will be heard by the board of trustees for the purpose of stating why the intended action should not be required, and shall be given by certified mail to the property owner as shown on the records of the county auditor not less than four nor more than twenty days before the date of the hearing.

c. However, in the event of an emergency when the delay of notice and hearing might cause serious loss or injury to persons or property within the district, the board of trustees may perform any action which may be required under this section without prior notice and hearing, and assess the cost as provided in this section, following notice to the property owner and hearing in the time and manner provided in ~~the preceding~~ paragraph "b". In that event the board of trustees shall, by resolution, make a finding of the necessity to institute emergency proceedings under this section, and shall procure a certificate from a competent licensed professional engineer or registered architect certifying that emergency action is necessary.

Sec. 124. Section 380.1, Code 2009, is amended to read as follows:

380.1 Definitions.

As used in this chapter, unless the context otherwise requires, "~~book~~";

a. "All of the members of the council" refers to all of the seats of the council including a vacant seat and a seat where the member is absent, but does not include a seat where the council member declines to vote by reason of a conflict of interest.

b. "Book", "list", "record", or "schedule" kept by a county auditor, assessor, treasurer, recorder, sheriff, or other county officer means the county system as defined in section 445.1.

Sec. 125. Section 380.4, Code 2009, is amended to read as follows:

380.4 Majority requirement — tie vote — conflicts of interest.

1. Passage of an ordinance, amendment, or resolution requires a majority vote of all of the members of the council, except when the mayor may vote to break a tie vote in a city with an even number of council members, as provided in section 372.4. Passage of a motion requires a majority vote of a quorum of the council. A resolution must be passed to spend public funds in excess of one hundred thousand dollars on a public improvement project, or to accept public improvements and facilities upon their completion. Each council member's vote on a measure must be recorded. A measure which fails to receive sufficient votes for passage shall be considered defeated.

~~As used in this chapter, "all of the members of the council" refers to all of the seats of the council including a vacant seat and a seat where the member is absent, but does not include a seat where the council member declines to vote by reason of a conflict of interest.~~

2. A measure voted upon is not invalid by reason of a conflict of interest in a member of the council, unless the vote of the member of the council was decisive to passage of the measure. The vote must be computed on the basis of the number of members not disqualified by reason of conflict of interest. However, a majority of all members is required for a quorum. For the purpose of this section, the statement of a council member that the council member declines to vote by reason of conflict of interest is conclusive and must be entered of record.

Sec. 126. Section 384.4, Code 2009, is amended to read as follows:

384.4 Debt service fund.

1. A city shall establish a debt service fund and shall certify taxes to be levied for the debt service fund in the amount necessary to pay:

1. a. Judgments against the city, except those authorized by state law to be paid from other funds.

2. b. Interest as it becomes due and the amount necessary to pay, or to create a sinking fund to pay, the principal at maturity of all general obligation bonds issued by the city or to pay, or to create a sinking fund to pay, amounts as due on loans received through the former Iowa community development loan program pursuant to section 15E.120.

3. c. Payments required to be made from the debt service fund under a lease or lease-purchase agreement.

4. d. Payments required to be made from the debt service fund under a loan agreement.

2. Moneys pledged or available to service general obligation bonds, and received from sources other than property taxes, must be deposited in the debt service fund.

3. If a final judgment is entered against a city with a population of five hundred or less for an amount in excess of eighty-eight thousand dollars over and above what is covered by liability insurance, such city may spread the budgeting and payment of that portion not covered by insurance over a period of time not to exceed ten years. Interest shall be paid by the city on the unpaid balance. This ~~paragraph~~ subsection shall only apply to final judgments entered but not fully satisfied prior to March 25, 1976.

Sec. 127. Section 384.16, subsection 1, Code 2009, is amended to read as follows:

1. a. A budget must be prepared for at least the following fiscal year. When required by rules of the committee, a tentative budget must be prepared for one or two ensuing years. A proposed budget must show estimates of the following:

~~a.~~ (1) Expenditures for each program.

~~b.~~ (2) Income from sources other than property taxation.

~~e.~~ (3) Amount to be raised by property taxation, and the property tax rate expressed in dollars per one thousand dollars assessed valuation.

b. A budget must show comparisons between the estimated expenditures in each program in the following year, the latest estimated expenditures in each program in the current year, and the actual expenditures in each program from the annual report as provided in section 384.22, or as corrected by a subsequent audit report. Wherever practicable, as provided in rules of the committee, a budget must show comparisons between the levels of service provided by each program as estimated for the following year, and actual levels of service provided by each program during the two preceding years. For each city that has established

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

c. For purposes of this subsection, "indebtedness" includes written agreements whereby the city agrees to suspend, abate, exempt, rebate, refund, or reimburse property taxes, provide a grant for property taxes paid, or make a direct payment of taxes, with moneys in the special fund.

Sec. 128. Section 384.54, unnumbered paragraph 1, Code 2009, is amended to read as follows:

1. At any time after final adoption of the resolution of necessity, but before awarding the contract, the council may proceed as follows: direct the city attorney to file, in the district court of the county in which the property proposed to be assessed is located, a petition praying that the acts done by the council relative to the proposed public improvement be confirmed by decree.

Sec. 129. Section 384.54, subsection 1, Code 2009, is amended by striking the subsection.

Sec. 130. Section 384.54, subsection 15, Code 2009, is amended to read as follows:

15. a. The cost of all court proceedings are a legitimate item of expense in connection with a public improvement, and may be included within the final assessment against any property specially benefited in the assessment district.

b. Whenever on a hearing by the court, the amount of any assessment is reduced or canceled so that there is a deficiency in the total amount remaining assessed in the proceeding, the court may assess the deficiency to the city or distribute the deficiency upon the other property abutting upon or adjacent to the improvement or in the district assessed, in a manner the court finds to be just and equitable, not exceeding, however, the amount the property would be specially benefited by the improvement, and not exceeding twenty-five percent of the value of the lot as shown by the plat and schedule of assessments or as reduced by the court.

Sec. 131. Section 400.28, Code 2009, is amended to read as follows:

400.28 Employees — number diminished.

1. When the public interest requires a diminution of employees in a classification or grade under civil service, the city council, acting in good faith, may do either of the following:

1. a. Abolish the office and remove the employee from the employee's classification or grade thereunder; ~~or.~~

2. b. Reduce the number of employees in any classification or grade by suspending the necessary number.

2. In case it thus becomes necessary to so remove or suspend any such employees, the persons so removed or suspended shall be those having seniority of the shortest duration in the classifications or grades affected, and such seniority shall be computed as provided in section 400.12 for all persons holding seniority in the classification or grade affected, regardless of their seniority in any other classification or grade, but any such employee so removed from any classification or grade shall revert to the employee's seniority in the

next lower grade or classification; if such seniority is equal, then the one less efficient and competent as determined by the person or body having the appointing power shall be the one affected.

3. In case of removal or suspension, the civil service commission shall issue to each person affected one certificate showing the person's comparative seniority or length of service in each of the classifications or grades from which the person is so removed and the fact that the person has been honorably removed. The certificate shall also list each classification or grade in which the person was previously employed. The person's name shall be carried for a period of not less than three years after the suspension or removal on a preferred list and appointments or promotions made during that period to the person's former duties in the classification or grade shall be made in the order of greater seniority from the preferred lists.

Sec. 132. Section 403.6, unnumbered paragraph 1, Code 2009, is amended to read as follows:

The provisions of this chapter shall be liberally interpreted to achieve the purposes of this chapter. Every municipality shall have all the powers necessary or convenient to carry out and effectuate the purposes and provisions of this chapter, including the following powers in addition to others herein granted:

Sec. 133. Section 403.6, subsection 19, Code 2009, is amended to read as follows:

19. a. A municipality, upon entering into a development or redevelopment agreement pursuant to section 403.8, subsection 1, or as otherwise permitted in this chapter, may enter into a written assessment agreement with the developer of taxable property in the urban renewal area which establishes a minimum actual value of the land and completed improvements to be made on the land until a specified termination date which shall not be later than the date after which the tax increment will no longer be remitted to the municipality pursuant to section 403.19, subsection 2. The assessment agreement shall be presented to the appropriate assessor. The assessor shall review the plans and specifications for the improvements to be made and if the minimum actual value contained in the assessment agreement appears to be reasonable, the assessor shall execute the following certification upon the agreement:

The undersigned assessor, being legally responsible for the assessment of the above described property upon completion of the improvements to be made on it, certifies that the actual value assigned to that land and improvements upon completion shall not be less than \$.....

b. This assessment agreement with the certification of the assessor and a copy of this subsection shall be filed in the office of the county recorder of the county where the property is located. Upon completion of the improvements, the assessor shall value the property as required by law, except that the actual value shall not be less than the minimum actual value contained in the assessment agreement. This subsection does not prohibit the assessor from assigning a higher actual value to the property or prohibit the owner from seeking administrative or legal remedies to reduce the actual value assigned except that the actual value shall not be reduced below the minimum actual value contained in the assessment agreement. An assessor, county auditor, board of review, director of revenue, or court of this state shall not reduce or order the reduction of the actual value below the minimum actual value in the agreement during the term of the agreement regardless of the actual value which may result from the incomplete construction of improvements, destruction or diminution by any cause, insured or uninsured, except in the case of acquisition or reacquisition of the property by a public entity. Recording of an assessment agreement complying with this subsection constitutes notice of the assessment agreement to a subsequent purchaser or encumbrancer of the land or any part of it, whether voluntary or involuntary, and is binding upon a subsequent purchaser or encumbrancer.

Sec. 134. Section 403.6, unnumbered paragraph 2, Code 2009, is amended by striking the unnumbered paragraph.

Sec. 135. Section 410.6, Code 2009, is amended to read as follows:

410.6 Who entitled to pension — conditions.

1. Any member of said departments who shall have served twenty-two years or more in such department, and shall have reached the age of fifty years; or who shall while a member of such department become mentally or physically permanently disabled from discharging the member's duties, shall be entitled to be retired, and upon retirement shall be paid out of the pension fund of such department a monthly pension equal to one-half the amount of salary received by the member monthly at the date the member actually retires from said department. If any member shall have served twenty-two years in said department, but shall not have reached the age of fifty years, the member shall be entitled to retirement, but no pension shall be paid while the member lives until the member reaches the age of fifty years.

2. Upon the adoption of any increase in pension benefits effective subsequent to the date of a member's retirement, the amount payable to each member as regular pension shall be increased by an amount equal to sixty percent of any increase in the pension benefits for the rank at which the member retired.

3. Pensions payable under this chapter shall be adjusted as follows:

1. a. On each July 1 and January 1, the monthly pension authorized in this chapter payable to each retired member and to each beneficiary, except children, of a deceased member shall be recomputed. The applicable formulas authorized in this chapter which were used to compute the retired member's or beneficiary's pension at the time of retirement or death shall be used in the recomputation except the earnable compensation payable on each July 1 or January 1 to an active member having the same or equivalent rank or position as was held by such retired or deceased member at the time of retirement or death, shall be used in lieu of the final compensation which the retired or deceased member was receiving at the time of retirement or death. At no time shall the monthly pension or payment to the beneficiary be less than the amount which was paid at the time of such member's retirement or death.

2. b. All monthly pensions adjusted as provided in this section shall be payable beginning on July 1 or January 1 of the year which the adjustment is made and shall continue in effect until the next adjustment at which time the monthly pension shall again be recomputed and all monthly pensions adjusted in accordance with the computations.

3. c. The adjustment of pensions required by this section shall recognize the retired or deceased member's position on the salary scale within the member's rank at the time of retirement or death. In the event that the rank or position held by the retired or deceased member at the time of retirement or death is subsequently abolished, adjustments in the pensions of the member or of the member's spouse or children shall be computed by the board of trustees as though such rank or position had not been abolished and salary increases had been granted to such rank or position on the same basis as that granted to other ranks and positions in the department.

4. At no time shall the monthly pension or payment to the member be less than one hundred fifty dollars.

Sec. 136. Section 410.10, Code 2009, is amended to read as follows:

410.10 Pensions — surviving spouse — children — dependents.

1. Upon the death of any acting or retired member of such departments, leaving a spouse or minor children, or dependent father or mother surviving, there shall be paid out of said fund as follows:

1. a. To the surviving spouse, a sum equal to one-half of the deceased member's total adjusted pension as provided for in section 410.6, but in no event less than seventy-five dollars per month.

2. b. If there be no surviving spouse, or upon the death of such spouse, then to the dependent father and mother, if both survive, or to either dependent parent, if one survives, thirty dollars per month.

3. c. To the guardian of each surviving child under eighteen years of age, twenty dollars per month.

2. Effective July 1, 1991, the remarriage of a surviving spouse does not make the spouse ineligible to receive benefits under this section, and for a surviving spouse who remarried prior to July 1, 1991, the remarriage does not make the spouse ineligible to receive benefits under this section.

3. However, the benefits provided by this section are subject to the following definitions: ~~The term “spouse”~~

~~a. “Child” and “children” mean only the surviving issue of a deceased active or retired member, or the child or children legally adopted by a deceased member prior to the member’s retirement from active service.~~

~~b. “Spouse” means a surviving spouse of a marriage contracted prior to retirement of a deceased member from active service, or of a marriage of a retired member contracted prior to March 2, 1934.~~

~~c. Surviving spouse “Surviving spouse” includes a former spouse only if the division of assets in the dissolution of marriage decree pursuant to section 598.17 grants the former spouse rights of a spouse under this chapter. If there is no surviving spouse of a marriage contracted prior to retirement of a deceased member, or of a marriage of a retired member contracted prior to March 2, 1934, surviving spouse “surviving spouse” includes a surviving spouse of a marriage of two years or more duration contracted subsequent to retirement of the member. The terms “child” and “children” mean only the surviving issue of a deceased active or retired member, or the child or children legally adopted by a deceased member prior to the member’s retirement from active service.~~

4. This section and its provisions shall be interpreted for all purposes as including all surviving spouses.

Sec. 137. Section 411.38, subsection 1, Code 2009, is amended to read as follows:

1. Upon the establishment of the statewide system, each city participating in the statewide fire and police retirement system shall do all of the following:

a. Pay to the statewide system the normal contribution rate provided pursuant to section 411.8.

b. (1) Transfer from each terminated city fire or police retirement system to the statewide system amounts sufficient to cover the accrued liabilities of that terminated system as determined by the actuary of the statewide system. The actuary of the statewide system shall redetermine the accrued liabilities of the terminated systems as necessary to take into account additional amounts payable by the city which are attributable to errors or omissions which occurred prior to January 1, 1992, or to matters pending as of January 1, 1992. If the actuary of the statewide system determines that the assets transferred by a terminated system are insufficient to fully fund the accrued liabilities of the terminated system as determined by the actuary as of January 1, 1992, the participating city shall pay to the statewide system an amount equal to the unfunded liability plus interest for the period beginning January 1, 1992, and ending with the date of payment or the date of entry into an amortization agreement pursuant to this section. Interest on the unfunded liability shall be computed at a rate equal to the greater of the actuarial interest rate assumption on investments of the moneys in the fund or the actual investment earnings of the fund for the applicable calendar year. The participating city may enter into an agreement with the statewide system to make additional annual contributions sufficient to amortize the unfunded accrued liability of the terminated system. The terms of an amortization agreement shall be based upon the recommendation of the actuary of the statewide system, and the agreement shall do each of the following:

(1) (a) Allow the city to make additional annual contributions over a period not to exceed thirty years from January 1, 1992.

(2) (b) Provide that the city shall pay a rate of return on the amortized amount that is at least equal to the estimated rate of return on the investments of the statewide system for the years covered by the amortization agreement.

(3) (c) Contain other terms and conditions as are approved by the board of trustees for the statewide system.

(2) In the alternative, a city may treat the city’s accrued unfunded liability for the terminated system as legal indebtedness to the statewide system for the purposes of section 384.24, subsection 3, paragraph “f”.

c. Contribute additional amounts necessary to ensure sufficient financial support for the statewide fire and police retirement system, as determined by the board of trustees based on information provided by the actuary of the statewide system.

Sec. 138. Section 419.2, unnumbered paragraph 1, Code 2009, is amended to read as follows:

A municipality shall not have the power to operate any project financed under this chapter, as a business or in any manner except as specifically provided in this chapter. In addition to any other powers which it may now have, each municipality shall have the following powers:

Sec. 139. Section 419.2, unnumbered paragraph 2, Code 2009, is amended by striking the unnumbered paragraph.

Sec. 140. REPEAL. Section 321.33, Code 2009, is repealed.

DIVISION III CORRECTION OF INTERNAL REFERENCES

Sec. 141. Section 9E.6A, subsection 1, Code 2009, is amended to read as follows:

1. Each person performing a notarial act pursuant to section 9E.10 must acquire and use a stamp or seal as provided in this chapter. However, this section shall not apply to a notarial act performed by a judicial officer as defined in section 602.1101, if the notarial act is performed in accordance with state or federal statutory authority, and shall not apply to a certification by a chief officer or a chief officer's designee of a peace officer's verification of a uniform citation and complaint pursuant to section 805.6, subsection ~~5~~ 3, paragraph "c".

Sec. 142. Section 321.34, subsection 11B, paragraph c, Code 2009, is amended to read as follows:

c. The special fee for letter-number designated motorcycle rider education plates is thirty-five dollars. The fee for personalized motorcycle rider education plates is twenty-five dollars, which shall be paid in addition to the special motorcycle rider education fee of thirty-five dollars. The fees collected by the director under this subsection shall be paid monthly to the treasurer of state and deposited in the road use tax fund. The treasurer of state shall transfer monthly from the statutory allocations fund created under section 321.145, subsection 2, to the department for use in accordance with section ~~321.180B~~, ~~subsection 6~~ 321.179, the amount of the special fees collected in the previous month for the motorcycle rider education plates.

Sec. 143. Section 321.46, subsection 3, paragraph f, Code 2009, is amended to read as follows:

f. If the credit allowed exceeds the amount of the annual registration fee for the vehicle acquired, the owner may claim a refund under section 321.126, subsection ~~6~~ 1, paragraph "f", for the balance of the credit.

Sec. 144. Section 321.145, subsection 2, paragraph b, subparagraph (2), Code Supplement 2009, is amended to read as follows:

(2) An amount equal to two dollars per year of license validity for each issued or renewed driver's license which is valid for the operation of a motorcycle shall be credited to the motorcycle rider education fund established under section ~~321.180B~~ 321.179.

Sec. 145. Section 419.11, unnumbered paragraph 1, Code 2009, is amended to read as follows:

Any municipality acquiring, purchasing, constructing, reconstructing, improving, or extending any industrial buildings, buildings used as headquarters facilities or pollution control facilities, as provided in this chapter, shall annually pay out of the revenue from such industrial buildings, buildings used as headquarters facilities or pollution control facilities to the state of Iowa and to the city, school district and any other political subdivision, authorized to levy taxes, a sum equal to the amount of tax, determined by applying the tax rate of the taxing district to the assessed value of the property, which the state, county, city, school district, or other political subdivision would receive if the property were owned by any private person or corporation, any other statute to the contrary notwithstanding. For purposes of arriving at such tax equivalent, the property shall be valued and assessed by

the assessor in whose jurisdiction the property is located, in accordance with chapter 441, but the municipality, the lessee on behalf of the municipality, and such other persons as are authorized by chapter 441 shall be entitled to protest any assessment and take appeals in the same manner as any taxpayer. Such valuations shall be included in any summation of valuations in the taxing district for all purposes known to the law. Income from this source shall be considered under the provisions of section 384.16, subsection 1, paragraph “~~b~~” “a”, subparagraph (2).

Sec. 146. Section 809A.3, subsection 4, paragraph b, Code 2009, is amended to read as follows:

b. A second or subsequent violation of section 321J.4B, subsection 2, paragraph “~~b~~” “a”, subparagraph (2).

DIVISION IV EFFECTIVE DATE

Sec. 147. EFFECTIVE UPON ENACTMENT AND RETROACTIVE APPLICABILITY.

1. The section of this Act repealing section 294A.22, being deemed of immediate importance, takes effect upon enactment and applies retroactively to July 1, 2009.

2. The section of this Act amending section 435.2, being deemed of immediate importance, takes effect upon enactment and applies retroactively to July 1, 2009.

3. The section of this Act adding a section to 2009 Iowa Acts, chapter 133, takes effect upon enactment and applies retroactively to July 1, 2009.

Approved March 19, 2010

CHAPTER 1070

ECONOMIC DEVELOPMENT AND TARGETED INDUSTRIES — INNOVATION COUNCIL

H.F. 2076

AN ACT relating to economic development by establishing an Iowa innovation council in the department of economic development and by providing for certain reports on innovation and commercialization within certain targeted industries.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 15.102, Code Supplement 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 6A. “*Targeted industries*” means the same as defined in section 15.411, subsection 1.

Sec. 2. Section 15.104, subsection 8, paragraph 1, Code Supplement 2009, is amended to read as follows:

1. *Targeted industries development — ~~financial—assistance~~ innovation and commercialization.* A report of the expenditures of moneys appropriated and allocated to the department for certain programs authorized pursuant to ~~section~~ sections 15.411 and 15.412 relating to the development and commercialization of businesses in the targeted industry areas of advanced manufacturing, bioscience, and information technology, including a summary of the activities of the technology commercialization committee created pursuant to section 15.116 and the Iowa innovation council established pursuant to section 15.117A and including copies of any documents, reports, or plans produced by the council.

Sec. 3. Section 15.117, Code 2009, is amended to read as follows:

15.117 Chief technology officer.

The governor shall appoint a chief technology officer for the state. The chief technology officer shall serve a ~~four-year~~ two-year term and shall have national or international stature as a senior executive at a technology business in one of the targeted industries. ~~The chief technology officer shall coordinate the activities of the technology commercialization specialist employed pursuant to section 15.115. The chief technology officer shall serve as a spokesperson for the department for purposes of promoting to private sector businesses the technology commercialization efforts of the department and the research and technology capabilities of institutions of higher learning in the state.~~

Sec. 4. NEW SECTION. **15.117A Iowa innovation council.**

1. An Iowa innovation council is established within the department. The department shall provide the council with staff and administrative support. The department may expend moneys allocated to the innovation and commercialization division in order to provide such support. The department may adopt rules for the implementation of this section.

2. The council shall consist of the following members:

a. Twenty-nine voting members as follows:

(1) Twenty members selected by the board to serve staggered, two-year terms beginning and ending as provided in section 69.19. Of the members selected by the board, seven shall be representatives from businesses in the targeted industries and thirteen shall be individuals who serve on the technology commercialization committee created in section 15.116, or other committees of the board, and who have expertise with the targeted industries. At least ten of the members selected pursuant to this subparagraph shall be executives actively engaged in the management of a business in a targeted industry. The members selected pursuant to this paragraph shall reflect the size and diversity of businesses in the targeted industries and of the various geographic areas of the state.

(2) One member, selected by the governor, who also serves on the Iowa capital investment board created in section 15E.63.

(3) The director of the department, or the director's designee.

(4) The chief technology officer appointed pursuant to section 15.117.

(5) The person designated as the chief information officer pursuant to section 8A.104, subsection 12, or, if no person has been so designated, the director of the department of administrative services, or the director's designee.

(6) The president of the state university of Iowa, or the president's designee.

(7) The president of Iowa state university of science and technology, or the president's designee.

(8) The president of the university of northern Iowa, or the president's designee.

(9) Two community college presidents from geographically diverse areas of the state, selected by the Iowa association of community college trustees.

b. Four members of the general assembly serving two-year terms in a nonvoting, ex officio capacity, with two from the senate and two from the house of representatives and not more than one member from each chamber being from the same political party. The two senators shall be designated one member each by the president of the senate after consultation with the majority leader of the senate, and by the minority leader of the senate. The two representatives shall be designated one member each by the speaker of the house of representatives after consultation with the majority leader of the house of representatives, and by the minority leader of the house of representatives.

3. To be eligible to serve as a designee pursuant to subsection 2, a person must have sufficient authority to make decisions on behalf of the organization being represented. A person named as a designee pursuant to subsection 2 shall not name a designee nor permit a substitute to attend council meetings.

4. The chief technology officer appointed pursuant to section 15.117 shall be the chairperson of the council and shall be responsible for convening meetings of the council and coordinating its activities and shall convene the council at least annually. The council shall annually elect one of the voting members to serve as vice chairperson. A majority of the members of the council constitutes a quorum. However, the chief technology officer

shall not convene a meeting of the council unless the director of the department, or the director's designee, is present at the meeting.

5. The purpose of the council is to advise the department on the development and implementation of public policies that enhance innovation and entrepreneurship in the targeted industries, with a particular focus on the information, technology, and skills that increasingly dominate the twenty-first century economy. Such advice may include evaluating Iowa's competitive position in the global economy, reviewing the technology typically utilized in the state's manufacturing sector, assessing the state's overall scientific research capacity, keeping abreast of the latest scientific research and technological breakthroughs and offering guidance as to their impact on public policy, recommending strategies that foster innovation, increase new business formation, and otherwise promote economic growth in the targeted industries, and offering guidance about future developments in the targeted industries.

6. The council shall do all of the following:

a. Create a comprehensive strategic plan for implementing specific policies that further the purpose of the council as described in subsection 5.

b. Review annually all the economic development programs administered by the department and the board that relate to the targeted industries and make recommendations for adjustments that enhance efficiency and effectiveness. In reviewing the programs, the council shall, to the greatest extent possible, utilize economic development data and research in order to make objective, fact-based recommendations.

c. Act as a forum where issues affecting the research community, the targeted industries, and policymakers can be discussed and addressed and where collaborative relationships can be formed.

d. Coordinate state government applications for federal funds relating to research and economic development affecting the targeted industries.

e. Conduct industry research and draft documents that provide background information for use in decision making by the general assembly, the governor, the department, and other policymaking bodies within state government.

Approved March 19, 2010

CHAPTER 1071

ALCOHOL-RELATED OFFENSES — EXPUNGING OF CONVICTIONS

H.F. 2233

AN ACT relating to expunging the conviction for certain alcohol-related offenses.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 123.46, subsection 5, Code 2009, is amended to read as follows:

5. Upon the expiration of two years following conviction for a violation of this section, a person may petition the court to ~~exonerate the person of~~ expunge the conviction, and if the person has had no other criminal convictions, other than simple misdemeanor violations of chapter 321 during the two-year period, ~~the person shall be deemed exonerated of the offense~~ conviction shall be expunged as a matter of law. The court shall enter an order ~~exonerating the person of the conviction, and ordering~~ that the record of the conviction be expunged by the clerk of the district court. Notwithstanding section 692.2, after receipt of notice from the clerk of the district court that a record of conviction has been expunged, the record of conviction shall be removed from the criminal history data files maintained by the department of public safety.

Sec. 2. Section 123.47, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 7. Upon the expiration of two years following conviction for a violation of subsection 2 or of a similar local ordinance, a person may petition the court to expunge the conviction, and if the person has had no other criminal convictions, other than local traffic violations or simple misdemeanor violations of chapter 321 during the two-year period, the conviction shall be expunged as a matter of law. The court shall enter an order that the record of the conviction be expunged by the clerk of the district court. Notwithstanding section 692.2, after receipt of notice from the clerk of the district court that a record of conviction has been expunged for a violation of subsection 2, the record of conviction shall be removed from the criminal history data files maintained by the department of public safety. An expunged conviction shall not be considered a prior offense for purposes of enhancement under subsection 3 or under a local ordinance unless the new violation occurred prior to entry of the order of expungement.

Approved March 19, 2010

CHAPTER 1072

ASSAULT CAUSING SERIOUS INJURY

H.F. 2372

AN ACT relating to an assault causing serious injury.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 702.11, subsection 2, Code 2009, is amended by adding the following new paragraph:

NEW PARAGRAPH. *f.* Assault in violation of section 708.2, subsection 4.

Sec. 2. Section 708.2, subsection 4, Code 2009, is amended to read as follows:

4. A person who commits an assault, as defined in section 708.1, and without the intent to inflict serious injury, but who causes serious injury, is guilty of a class “D” felony.

Approved March 19, 2010

CHAPTER 1073

SERIOUS INJURY — DEFINITION

H.F. 2374

AN ACT relating to the definition of serious injury for purposes of criminal offenses.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 235B.2, subsection 13, Code Supplement 2009, is amended to read as follows:

13. “*Serious injury*” means ~~a disabling mental illness, or a bodily injury which creates a substantial risk of death or which causes serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ~~ the same as defined in section 702.18.

Sec. 2. Section 321J.1, subsection 9, Code 2009, is amended to read as follows:

9. “*Serious injury*” means a ~~bodily injury which creates a substantial risk of death, or which causes serious permanent disfigurement, or which causes protracted loss or impairment of the function of any bodily organ or major bodily member, or which causes the loss of any bodily member~~ the same as defined in section 702.18.

Sec. 3. Section 462A.2, subsection 36, Code 2009, is amended to read as follows:

36. “*Serious injury*” means a ~~bodily injury which creates a substantial risk of death, or which causes serious permanent disfigurement, or which causes protracted loss or impairment of the function of any bodily organ or major bodily member, or which causes the loss of any bodily member~~ the same as defined in section 702.18.

Approved March 19, 2010

CHAPTER 1074

ABUSE OF A CORPSE

H.F. 2392

AN ACT relating to the abuse of a corpse and providing penalties.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 229A.2, subsection 10, paragraph a, Code 2009, is amended to read as follows:

a. A violation of any provision of chapter 709, ~~except section 709.18, subsection 2 or 3.~~

Sec. 2. Section 692A.102, subsection 1, paragraph b, Code Supplement 2009, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (130) Sexual abuse of a corpse in violation of section 709.18.

Sec. 3. NEW SECTION. 708.14 Abuse of a corpse.

1. A person commits abuse of a human corpse if the person does any of the following:
 - a. Mutilates, disfigures, or dismembers a human corpse with the intent to conceal a crime.
 - b. Hides or buries a human corpse with the intent to conceal a crime.
2. A person who violates this section commits a class “D” felony.

Sec. 4. Section 709.18, Code 2009, is amended to read as follows:

709.18 Abuse Sexual abuse of a corpse.

1. A person commits sexual abuse of a human corpse if the person knowingly and intentionally engages in a sex act, as defined in section 702.17, with a human corpse.
2. ~~A person commits abuse of a human corpse if the person mutilates, disfigures, or dismembers a human corpse with the intent to conceal a crime.~~
3. ~~A person commits abuse of a human corpse if the person hides or buries a human corpse with the intent to conceal a crime.~~
4. 2. A person who violates this section commits a class “D” felony.

Approved March 19, 2010

CHAPTER 1075**DRIVER EDUCATION INSTRUCTOR QUALIFICATIONS***H.F. 2466*

AN ACT relating to the license or authorization issued to a person who qualifies as a driver education instructor and including effective date and retroactive applicability provisions.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 321.178, subsection 1, paragraphs b and c, Code 2009, are amended to read as follows:

b. (1) To be qualified as a classroom driver education instructor, a person shall have satisfied the educational requirements for a teaching license at the elementary or secondary level and hold a valid license to teach driver education in the public schools of this state.

(2) (a) To be qualified to provide street or highway driving instruction, a person shall be certified by the department and authorized by the board of educational examiners. A person shall not be required to hold a current Iowa teacher or administrator license at the elementary or secondary level or to have satisfied the educational requirements for an Iowa teacher license at the elementary or secondary level in order to be certified by the department or authorized by the board of educational examiners to provide street or highway driving instruction.

(b) The department shall adopt rules pursuant to chapter 17A to provide for certification of persons qualified to provide street or highway driving instruction. The board of educational examiners shall adopt rules pursuant to chapter 17A to provide for authorization of persons certified by the department to provide street or highway driving instruction. The department may disqualify a person from providing street or highway driving instruction without concurrent or further action by the board of educational examiners, and the board of educational examiners may withhold or withdraw authorization to provide street or highway driving instruction without concurrent or further action by the department.

(3) The department shall not disqualify a person from providing street or highway driving instruction and the board of educational examiners shall not withhold or withdraw authorization to provide street or highway instruction for the sole reason that the person was involved in a motor vehicle accident, unless either of the following circumstances exist:

(a) The person contributed to the motor vehicle accident and the accident caused the death or serious injury of another person.

(b) The person contributed to the motor vehicle accident and it was the person's second or subsequent contributive motor vehicle accident in a two-year period.

(4) A person who provides street or highway driving instruction shall hold a driver's license valid for the vehicle operated.

c. Every public school district in Iowa shall offer or make available to all students residing in the school district or Iowa students attending a nonpublic school in the district an approved course in driver education. The receiving district shall be the school district responsible for making driver education available to a student participating in open enrollment under section 282.18. The courses may be offered at sites other than at the public school, including nonpublic school facilities within the public school districts. An approved course offered during the summer months, on Saturdays, after regular school hours during the regular terms or partly in one term or summer vacation period and partly in the succeeding term or summer vacation period, as the case may be, shall satisfy the requirements of this section to the same extent as an approved course offered during the regular school hours of the school term. A student who successfully completes and obtains certification in an approved course in driver education or an approved course in motorcycle education may, upon proof of such fact, be excused from any field test which the student would otherwise be required to take in demonstrating the student's ability to operate a motor vehicle. A student shall not be excused from any field test if a parent, guardian, or instructor requests that a test be administered. ~~Street or highway driving instruction may be provided by a person qualified as a classroom driver education instructor or a person certified by the department and authorized by the board of educational examiners. A person shall not be required to hold~~

~~a current Iowa teacher or administrator license at the elementary or secondary level or to have satisfied the educational requirements for an Iowa teacher license at the elementary or secondary level in order to be certified by the department or authorized by the board of educational examiners to provide street or highway driving instruction. A final field test prior to a student's completion of an approved course shall be administered by a person qualified as a classroom driver education instructor and certified to provide street and highway driving instruction. The department shall adopt rules pursuant to chapter 17A to provide for certification of persons qualified to provide street or highway driving instruction. The board of educational examiners shall adopt rules pursuant to chapter 17A to provide for authorization of persons certified by the department to provide street or highway driving instruction. A person qualified as a classroom driver education instructor but not certified to provide street and highway driving instruction may administer the final field test if accompanied by another person qualified to provide street and highway driving instruction.~~

Sec. 2. EFFECTIVE UPON ENACTMENT AND RETROACTIVE APPLICABILITY. This Act, being deemed of immediate importance, takes effect upon enactment and the provision of the section of this Act enacting section 321.178, subsection 1, paragraph "b", subparagraph (3), applies retroactively to July 1, 2008, and shall apply to any accident that occurred on or after that date.

Approved March 19, 2010

CHAPTER 1076

APPOINTIVE BOARD, COMMISSION, COMMITTEE, AND COUNCIL MEMBERSHIP — YOUNG ADULTS

H.F. 2488

AN ACT relating to the appointment of young adults to appointive boards, commissions, committees, and councils.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. NEW SECTION. **69.16D Young adult representation.**

1. For purposes of this section, unless the context otherwise requires, "young adult" means a person who, at the time of appointment or reappointment, is at least eighteen years of age but less than thirty-five years of age.

2. All appointive boards, commissions, committees, and councils of the state established by the Code should provide, to the extent practicable and if not otherwise provided by law, for at least one member who is a young adult. All appointing authorities of boards, commissions, committees, and councils should consider qualified young adults for appointment to boards, commissions, committees, and councils.

Approved March 19, 2010

CHAPTER 1077**SCHOOL TEXTBOOKS AND ELECTRONIC OR OTHER PERSONAL PORTABLE
COMPUTING DEVICES***S.F. 2178*

AN ACT relating to textbooks and laptop computers or other personal portable computing devices adopted for use by school districts and provided to public and accredited nonpublic school students.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 301.1, subsection 3, Code 2009, is amended to read as follows:

3. As used in subsection 2, “textbooks” means ~~books~~ any of the following:

a. Books and loose-leaf or bound manuals, systems of reusable instructional materials or combinations of books and supplementary instructional materials which convey information to the student or otherwise contribute to the learning process, ~~or electronic.~~

b. Electronic textbooks, including but not limited to computer software, applications using computer-assisted instruction, interactive videodisc, and other computer courseware and magnetic media.

c. Laptop computers or other portable personal computing devices which are used for nonreligious instructional use only.

Approved March 22, 2010

CHAPTER 1078**PROVIDING FALSE IDENTIFICATION INFORMATION, INDECENT EXPOSURE, AND
CRIMINAL CITATIONS***S.F. 2197*

AN ACT relating to the enforcement of criminal law provisions including providing false identification information and public indecent exposure and providing penalties.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. NEW SECTION. 719.1A Providing false identification information.

A person who knowingly provides false identification information to anyone known by the person to be a peace officer, emergency medical care provider under chapter 147A, or fire fighter, whether paid or volunteer, in the performance of any act which is within the scope of the lawful duty or authority of that officer, emergency medical care provider, or fire fighter, commits a simple misdemeanor.

Sec. 2. Section 728.5, Code 2009, is amended to read as follows:

728.5 Public indecent exposure in certain establishments.

1. An owner, manager, or person who exercises direct control over a place of business required to obtain a sales tax permit shall be guilty of a serious misdemeanor under any of the following circumstances:

1. a. If such person allows or permits the actual or simulated public performance of any sex act upon or in such place of business.

2. b. If such person allows or permits the exposure of the genitals or buttocks or female breast of any person who acts as a waiter or waitress.

3. c. If such person allows or permits the exposure of the genitals or female breast nipple of any person who acts as an entertainer, whether or not the owner of the place of business in

which the activity is performed employs or pays any compensation to such person to perform such activity.

4. d. If such person allows or permits any person to remain in or upon the place of business who exposes to public view the person's genitals, pubic hair, or anus.

5. e. If such person advertises that any activity prohibited by this section is allowed or permitted in such place of business.

6. f. If such person allows or permits a minor to engage in or otherwise perform in a live act intended to arouse or satisfy the sexual desires or appeal to the prurient interests of patrons.

2. However, if such person allows or permits a minor to participate in any act included in ~~subsections 1 through 4~~ subsection 1, paragraphs "a" through "d", the person shall be guilty of an aggravated misdemeanor.

3. ~~The Except for subsection 1, paragraph "f",~~ the provisions of this section shall not apply to a theater, concert hall, art center, museum, or similar establishment which is primarily devoted to the arts or theatrical performances and in which any of the circumstances contained in this section were permitted or allowed as part of such art exhibits or performances.

Sec. 3. Section 805.3, Code 2009, is amended to read as follows:

805.3 Procedure.

Before the cited person is released, the person shall sign the citation, either in a paper or electronic format, under penalty of providing false identification information under section ~~719.3~~ 719.1A, properly identifying the person cited. The person's signature shall also serve as a written promise to appear in court at the time and place specified. A copy of the citation shall be given to the person.

Sec. 4. Section 805.6, subsection 1, paragraph a, subparagraph (2), Code Supplement 2009, is amended to read as follows:

(2) The uniform citation and complaint shall contain spaces for the parties' names; the address of the alleged offender; the registration number of the offender's vehicle; the information required by section 805.2, a warning which states, "I hereby swear and affirm that the information provided by me on this citation is true under penalty of providing false information"; and a statement that providing false identification information is a violation of section ~~719.3~~ 719.1A; a list of the scheduled fines prescribed by sections 805.8A, 805.8B, and 805.8C, either separately or by group, and a statement of the court costs payable in scheduled violation cases, whether or not a court appearance is required or is demanded; a brief explanation of sections 805.9 and 805.10; and a space where the defendant may sign an admission of the violation when permitted by section 805.9; and the uniform citation and complaint shall require that the defendant appear before a court at a specified time and place. The uniform citation and complaint also may contain a space for the imprint of a credit card, and may contain any other information which the commissioner of public safety, the director of transportation, and the director of the department of natural resources may determine.

Sec. 5. Section 805.6, subsection 7, Code Supplement 2009, is amended to read as follows:

7. Supplies of uniform citation and complaint forms existing or on order on July 1, ~~1995~~ 2010, may be used until exhausted.

Approved March 22, 2010

CHAPTER 1079**PERSONS WITH DISABILITIES — MISCELLANEOUS PROVISIONS***S.F. 2202*

AN ACT relating to rights of persons with disabilities.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 216B.3, subsection 9, Code Supplement 2009, is amended to read as follows:

9. Provide library services to persons who are blind and persons with ~~physical~~ disabilities.

Sec. 2. Section 216B.4, unnumbered paragraph 1, Code 2009, is amended to read as follows:

The director may accept financial aid from the government of the United States for carrying out rehabilitation and physical restoration of the blind and for providing library, news, and information services to persons who are blind and persons with ~~physical~~ disabilities.

Sec. 3. Section 216C.1, Code 2009, is amended to read as follows:

216C.1 Participation by persons with disabilities.

1. It is the policy of this state to encourage and enable persons who are blind or partially blind and persons with ~~physical~~ disabilities to participate fully in the social and economic life of the state and to engage in remunerative employment.

2. To encourage participation by persons with disabilities, it is the policy of this state to ensure compliance with federal requirements concerning persons with disabilities.

Sec. 4. Section 216C.2, Code 2009, is amended to read as follows:

216C.2 Public employment.

Persons who are blind or partially blind and persons with ~~physical~~ disabilities shall be employed in the state service, the service of the political subdivisions of the state, the public schools, and all other employment supported in whole or in part by public funds, on the same terms and conditions as other persons, unless it is shown that the particular disability prevents the performance of the work required.

Sec. 5. Section 216C.3, Code 2009, is amended to read as follows:

216C.3 Free use of public facilities.

Persons who are blind or partially blind and persons with ~~physical~~ disabilities have the same right as other persons to the full and free use of the streets, highways, sidewalks, walkways, public buildings, public elevators, public facilities, and other public places.

Sec. 6. Section 216C.4, Code 2009, is amended to read as follows:

216C.4 Accommodations.

Persons who are blind or partially blind and persons with ~~physical~~ disabilities are entitled to full and equal accommodations, facilities, and privileges of all common carriers, airplanes, motor vehicles, railroad trains, motorbuses, streetcars, boats, other public conveyances or modes of transportation, hotels, lodging places, eating places, places of public accommodation, amusement, or resort, and other places to which the general public is invited, subject only to the conditions and limitations established by law and applicable alike to all persons.

Sec. 7. Section 216C.9, Code 2009, is amended to read as follows:

216C.9 Curb ~~cutouts and ramps~~ and sloped areas for persons with disabilities.

1. ~~Curbs constructed along any public street in this state, when the street is paralleled or intersected by sidewalks, or when city ordinances or other lawful regulations will require the construction of sidewalks parallel to or intersecting the street, shall be constructed with not less than two curb cuts or ramps per lineal block which shall be located on or near the crosswalks at intersections. Each curb cut or ramp shall be at least thirty inches wide, shall be sloped at not greater than one inch of rise per twelve inches lineal distance, except that~~

~~a slope no greater than one inch of rise per eight inches lineal distance may be used where necessary, shall have a nonskid surface, and shall otherwise be so constructed as to allow reasonable access to the crosswalk for persons with physical disabilities using the sidewalk. If a street, road, or highway in this state is newly built or reconstructed, a curb ramp or sloped area shall be constructed or installed at each intersection of the street, road, or highway with a sidewalk or path. If a sidewalk or path in this state is newly built or altered,¹ a curb ramp or sloped area shall be constructed or installed at each intersection of the sidewalk or path with a street, highway, or road.~~

~~2. The requirements of subsection 1 shall apply after January 1, 1975, to all new curbs constructed and to all replacement curbs constructed at any point along a public street which gives reasonable access to a crosswalk.~~

~~3. 2. Curbs constructed Curb ramps and sloped areas that are subject to the requirements of required pursuant to this section shall comply be constructed or installed in compliance with applicable federal requirements concerning persons with disabilities adopted in accordance with the federal Americans With Disabilities Act, including but not limited to the guidelines issued by the federal architectural and transportation barriers compliance board.~~

Sec. 8. Section 216C.10, Code 2009, is amended to read as follows:

216C.10 Use of hearing dog.

A deaf or hard-of-hearing person has the right to be accompanied by a hearing dog, under control and especially trained ~~at a recognized training facility~~ to assist the deaf or hard-of-hearing by responding to sound, in any place listed in sections 216C.3 and 216C.4 without being required to make additional payment for the hearing dog. A landlord shall waive lease restrictions on the keeping of dogs for a deaf or hard-of-hearing person with a hearing dog. The deaf or hard-of-hearing person is liable for damage done to any premise or facility by a hearing dog.

A person who denies or interferes with the right of a deaf or hard-of-hearing person under this section is, upon conviction, guilty of a simple misdemeanor.

Sec. 9. Section 216C.11, Code Supplement 2009, is amended to read as follows:

216C.11 Service dogs and assistive animals.

1. For purposes of this section, *"service dog"* means a dog specially trained ~~at a recognized training facility~~ to assist a person with a disability, whether described as a service dog, a support dog, an independence dog, or otherwise. *"Assistive animal"* means a simian or other animal specially trained or in the process of being trained ~~under the auspices of a recognized training facility~~ to assist a person with a disability.

2. A person with a disability, a person assisting a person with a disability by controlling an assistive animal, or a person training an assistive animal has the right to be accompanied by a service dog or an assistive animal, under control, in any of the places listed in sections 216C.3 and 216C.4 without being required to make additional payment for the service dog or assistive animal. A landlord shall waive lease restrictions on the keeping of animals for the service dog or assistive animal of a person with a disability. The person is liable for damage done to any premises or facility by a service dog or assistive animal.

3. A person who knowingly denies or interferes with the right of a person under this section is, upon conviction, guilty of a simple misdemeanor.

Sec. 10. Section 321.445, subsection 5, Code 2009, is amended to read as follows:

5. The department shall adopt rules pursuant to chapter 17A providing exceptions from application of subsections 1 and 2 for front seats and front seat passengers of motor vehicles owned, leased, rented, or primarily used by persons with ~~physical~~ disabilities who use collapsible wheelchairs.

¹ See chapter 1193, §43 herein

Sec. 11. Section 331.324, subsection 1, paragraph n, Code 2009, is amended to read as follows:

n. Employ persons who are blind or partially blind and persons with ~~physical~~ disabilities in accordance with section 216C.2.

Sec. 12. Section 331.361, subsection 5, paragraph g, Code 2009, is amended to read as follows:

g. Comply with section 216C.9 if ~~curbs and~~ curb ramps and sloped areas are constructed.

Sec. 13. Section 331.461, subsection 2, paragraph g, Code 2009, is amended to read as follows:

g. Housing for persons who are elderly or persons with ~~physical~~ disabilities.

Sec. 14. Section 335.32, Code 2009, is amended to read as follows:

335.32 Homes for persons with ~~physical~~ disabilities.

A county board of supervisors or county zoning commission shall consider a home for persons with ~~physical~~ disabilities a family home, as defined in section 335.25, for the purposes of zoning, in accordance with chapter 504C.

Sec. 15. Section 384.24, subsection 2, paragraph k, Code Supplement 2009, is amended to read as follows:

k. Housing for persons who are elderly or persons with ~~physical~~ disabilities.

Sec. 16. Section 403A.7, subsection 1, paragraph c, subparagraph (1), subparagraph division (a), Code 2009, is amended to read as follows:

(a) The family size, composition, age, ~~physical~~ disabilities, and other factors which might affect the rent-paying ability of the person or family.

Sec. 17. Section 414.30, Code 2009, is amended to read as follows:

414.30 Homes for persons with ~~physical~~ disabilities.

A city council or city zoning commission shall consider a home for persons with ~~physical~~ disabilities a family home, as defined in section 414.22, for purposes of zoning in accordance with chapter 504C.

Sec. 18. Section 504C.1, subsections 1 and 2, Code 2009, are amended to read as follows:

1. For the purposes of this chapter, "~~physical disability~~" "disability" means a physical impairment that results in significant functional limitations in one or more areas of major life activity and in the need for specialized care, treatment, or training services of extended duration.

2. Individuals with ~~physical~~ disabilities may form nonprofit corporations pursuant to chapter 504 for the sole purpose of establishing homes for persons with disabilities which are intended to serve two to five residents who are members of the nonprofit corporation.

Sec. 19. Section 714.19, subsection 5, Code 2009, is amended to read as follows:

5. Nonprofit schools exclusively engaged in training persons with ~~physical~~ disabilities in the state of Iowa.

Sec. 20. IMPLEMENTATION OF ACT. Section 25B.2, subsection 3, shall not apply to this Act.

Approved March 22, 2010

CHAPTER 1080**HORIZONTAL PROPERTY — BOARDS OF ADMINISTRATION***S.F. 2224*

AN ACT relating to boards of administration for horizontal property.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 499B.15, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 1A. If the form of administration is a board of administration, board meetings must be open to all apartment owners except for meetings between the board and its attorney with respect to proposed or pending litigation where the contents of the discussion would otherwise be governed by the attorney-client privilege. Notice of each board meeting must be mailed or delivered to each apartment owner at least seven days before the meeting. Minutes of meetings of the board of administration must be maintained in written form or in another form that can be converted into written form within a reasonable time. The official records of the board of administration must be open to inspection and available for photocopying at reasonable times and places. Any action taken by a board of administration at a meeting that is in violation of any of the provisions of this subsection is not valid or enforceable.

Approved March 22, 2010

CHAPTER 1081**MOTOR VEHICLE FRANCHISE REGULATION***S.F. 2234*

AN ACT relating to the regulation of motor vehicle franchises.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 322A.1, subsection 5, Code 2009, is amended to read as follows:

5. a. “Franchise” means a contract between two or more persons when all of the following conditions are included:

a. (1) A commercial relationship of definite duration or continuing indefinite duration is involved.

b. (2) The franchisee is granted the right to offer and sell motor vehicles manufactured or distributed by the franchiser.

c. (3) The franchisee, as an independent business, constitutes a component of franchiser’s distribution system.

d. (4) The operation of the franchisee’s business is substantially associated with the franchiser’s trademark, service mark, trade name, advertising, or other commercial symbol designating the franchiser.

e. (5) The operation of the franchisee’s business is substantially reliant on franchiser for the continued supply of motor vehicles, parts, and accessories.

b. “Franchise” includes a separate written agreement between the franchisee and the franchiser which materially affects the franchise, whether entered into prior to the date of the franchise, contemporaneously with the franchise, or subsequent to the date of the franchise.

Sec. 2. **NEW SECTION. 322A.18 Duty of good faith.**

A franchise imposes on the parties a duty of good faith in performance and enforcement

of the franchise agreement. “*Good faith*” means honesty in fact and the observance of reasonable commercial standards of fair dealing in the trade.

Sec. 3. NEW SECTION. 322A.19 Jurisdiction.

1. A condition, stipulation, or provision in a franchise restricting jurisdiction to a forum outside this state is void.

2. A condition, stipulation, or provision in a franchise providing that the franchisee consents to the jurisdiction of a forum outside this state is void.

3. A civil action or proceeding arising out of a franchise may be commenced wherever jurisdiction over the parties or subject matter exists, even if the franchise limits actions or proceedings to a designated jurisdiction.

Sec. 4. NEW SECTION. 322A.20 Choice of law.

1. A condition, stipulation, or provision in a franchise requiring the application of the law of another state in lieu of this chapter is void.

2. A condition, stipulation, or provision in a franchise that the franchise is to be governed by or construed in accordance with the law of another state is void.

Sec. 5. NEW SECTION. 322A.21 Waivers void.

A condition, stipulation, or provision in a franchise requiring a franchisee to waive compliance with or relieving a person of a duty or liability imposed by or a right provided by this chapter or order under this chapter is void. This section shall not affect the settlement of disputes, claims, controversies or civil lawsuits arising or brought pursuant to this chapter by written release or other written document where separate and adequate consideration is offered and accepted.

Sec. 6. NEW SECTION. 322A.22 Other line-makes.

A condition, stipulation, or provision in a franchise prohibiting or restricting the franchisee from continuing another line-make at the dealership or adding an additional line-make to the dealership is void. This section does not limit a franchiser from establishing good cause for the termination of a franchise pursuant to sections 322A.2 and 322A.11 on the grounds that the franchisee’s dealership facility is not adequate to accommodate an additional line-make that has been added to the franchisee’s dealership.

Sec. 7. NEW SECTION. 322A.23 Customer lists.

A condition, stipulation, or provision in a franchise which requires the franchisee to provide its customer lists or service files to the franchiser is void. This section shall not apply to notification by the franchisee to the franchiser of the delivery of a new motor vehicle to a customer, including information necessary to complete the sale of the vehicle, or to the submission to the franchiser of a claim for warranty parts, recalls, repairs, or services supplied or performed by the franchisee.

Sec. 8. NEW SECTION. 322A.24 Construction.

This chapter shall be liberally construed to effectuate its purposes.

Approved March 22, 2010

CHAPTER 1082

REGULATION OF GRAIN TRANSACTIONS

S.F. 2299

AN ACT relating to grain transactions by regulating grain dealers and warehouse operators, providing for fees, and making penalties applicable.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 203.5, Code 2009, is amended to read as follows:

203.5 License.

1. a. Upon the filing of ~~the an~~ application on a form prescribed by the department and compliance with the terms and conditions of this chapter ~~and including rules of the department, the department shall issue the applicant a grain dealer's license to the applicant.~~ The license ~~shall terminate~~ expires at the end of the third calendar month following the close of the grain dealer's fiscal year. A grain dealer's license may be renewed annually by ~~the filing of a renewal fee and a renewal application on a form prescribed by the department.~~ An application for renewal ~~shall~~ must be received by the department on or before the end of the third calendar month following the close of the grain dealer's fiscal year.

b. The department shall not issue a grain dealer's license unless the applicant pays all of the following fees:

(1) For the issuance of a license, all of the following:

(a) A license fee imposed under section 203.6.

(b) A participation fee imposed under section 203D.3A, and any delinquent participation fee imposed under a previous license as provided in that section.

(2) For the renewal of a license, all of the following:

(a) A renewal fee imposed under section 203.6.

(b) A participation fee imposed under section 203D.3A, and any delinquent participation fee as provided in that section.

(c) A per-bushel fee as provided in section 203D.3A, and any delinquent per-bushel fee and penalty as provided in that section.

2. The department shall notify a licensed grain dealer of any delinquency in the payment of a participation fee or per-bushel fee as provided in section 203D.3A. The department shall suspend the grain dealer's license thirty days after delivering the notice unless the licensed grain dealer pays the delinquent fee.

3. The department may suspend or revoke the license of a grain dealer who discounts the purchase price paid for grain nominally for the participation fee or per-bushel fee as provided in section 203D.3A while that fee is not in effect.

4. A grain dealer license which has ~~terminated~~ expired may be reinstated by the department upon receipt of a proper renewal application, the renewal fee, and ~~the a~~ reinstatement fee as provided in section 203.6 ~~if filed, and any delinquent participation fee or per-bushel fee and penalty as provided in section 203D.3A.~~ The applicant must file the renewal application and pay the fees and penalty to the department within thirty days from the date of ~~termination~~ expiration of the grain dealer license.

5. The department may cancel a license upon request of the licensee unless a complaint or information is filed against the licensee alleging a violation of a provision of this chapter.

6. a. Fees for licenses issued ~~The department shall refund a fee paid by an applicant to the department under this section if the department does not issue or renew a grain dealer's license.~~

b. The department shall prorate a fee paid by an applicant to the department under this section for the issuance or renewal of a license for less than a full year ~~shall be prorated from the date of the application.~~

7. If an applicant has had a license under this chapter or chapter 203C revoked for cause within the past three years, or has been convicted of a felony involving violations of this chapter or chapter 203C, or is owned or controlled by a person who has had a license so revoked or who has been so convicted, the department may deny a license to the applicant.

8. The department may deny a license to an applicant if any of the following apply:

a. The applicant has caused liability to the Iowa grain depositors and sellers indemnity fund in regard to a license issued under this chapter or chapter 203C, and the liability has not been discharged, settled, or satisfied.

b. The applicant is owned or controlled by a person who has caused liability to the fund through operations under a license issued under this chapter or chapter 203C and the liability has not been discharged, settled, or satisfied.

Sec. 2. Section 203C.1, subsection 5, Code 2009, is amended by striking the subsection and inserting in lieu thereof the following:

5. “*Credit-sale contract*” means the same as defined in section 203.1.

Sec. 3. Section 203C.7, Code 2009, is amended to read as follows:

203C.7 Application for the issuance or renewal of a license.

1. Each application for the issuance of a license or licenses shall be in writing on a form prescribed by the department, subscribed and sworn to by the applicant or a duly authorized representative of the applicant. In addition to any other information required by rule of the department the application shall include all of the following:

1. a. The name of the individual, partnership, or corporation person making the application, the names of all partners if the applicant is a partnership, and the names and titles of the principal officers or managers if the applicant is a legal entity including but not limited to a limited partnership, limited liability partnership, limited liability company, corporation, or cooperative association.

2. b. The principal office or place of business of the applicant.

3. c. A general description of each warehouse as to storage capacity, type of construction, mechanical equipment, if any, and condition.

4. d. The approximate location of each warehouse.

5. e. The type and quantity of agricultural product, or products intended to be stored in each warehouse.

6. f. A complete financial statement for use of the department in the administration of this chapter, as required by section 203C.6.

7. g. A tariff on a form to be prescribed by the department for storage, receiving, and loadout charges.

2. Each application for the renewal of a license shall be in writing and include information required by the department, including changes to information required in subsection 1.

Sec. 4. Section 203C.37, Code 2009, is amended to read as follows:

203C.37 ~~Failure to pay fee~~ Issuance of a license and payment of fees.

1. a. Upon the filing of an application pursuant to section 203C.7 and compliance with the terms and conditions of this chapter including rules of the department, the department shall issue the applicant a warehouse operator’s license. The license expires at the end of the third calendar month following the close of the warehouse operator’s fiscal year. A warehouse operator’s license may be renewed annually by the filing of a renewal application on a form prescribed by the department pursuant to section 203C.37. An application for renewal must be received by the department on or before the end of the third calendar month following the close of the warehouse operator’s fiscal year.

b. The department shall not approve an application for the issuance or renewal of a warehouse operator’s license unless the applicant pays all of the following fees:

(1) For the issuance of a license, all of the following:

(a) A license fee imposed under section 203C.33.

(b) A participation fee imposed under section 203D.3A, and any delinquent participation fee imposed under a previous license as provided in that section.

(2) For the renewal of a license, all of the following:

(a) A renewal fee imposed under section 203C.33.

(b) A participation fee imposed under section 203D.3A, and any delinquent participation fee as provided in that section.

3. ~~Failure~~ The failure of a warehouse operator to file a renewal application and to pay the license a renewal fee as provided for in section 203C.33 and any delinquent participation fee

as provided in section 203D.3A, on or before the end of the third calendar month following the close of the licensee's fiscal year shall cause a license to ~~terminate~~ expire.

4. A warehouse license ~~which that has terminated~~ expired may be reinstated by the department upon receipt of a proper renewal application, the renewal fee, and the reinstatement fee as provided for in section 203C.33, ~~if filed and any delinquent participation fee as provided in section 203D.3A. The applicant must file the renewal application and pay the fees to the department~~ within thirty days from the date of ~~termination of that~~ the warehouse license expires.

5. The department may cancel the license upon request of the licensee unless a complaint or information is filed against the licensee alleging a violation of a provision of this chapter.

6. a. ~~The department shall refund a fee paid by a person to the department under this section if the department does not issue the person a license or renew the person's license.~~

b. ~~The department shall prorate a fee paid by a person to the department under this section for the issuance or renewal of a license for less than a full year.~~

Sec. 5. Section 203D.1, Code Supplement 2009, is amended by adding the following new subsections:

NEW SUBSECTION. 1A. "Credit-sale contract" means the same as defined in section 203.1.

NEW SUBSECTION. 6A. "Grain dealer" means the same as defined in section 203.1.

NEW SUBSECTION. 9A. "Licensee" means a licensed grain dealer or licensed warehouse operator.

NEW SUBSECTION. 13. "Warehouse operator" means the same as defined in section 203C.1.

Sec. 6. Section 203D.3, subsection 1, Code Supplement 2009, is amended to read as follows:

1. The grain depositors and sellers indemnity fund is created in the state treasury as a separate account. The general fund of the state is not liable for claims presented against the ~~grain depositors and sellers indemnity fund~~ under section 203D.6.

1A. The fund consists of ~~a per-bushel fee on purchased grain remitted~~ all of the following:

a. Participation fees paid to the department by licensed grain dealers and persons applying to be issued a grain dealer's license as provided in section 203D.3A.

b. Participation fees paid to the department by licensed warehouse operators and persons applying to be issued a warehouse operator's license as provided in section 203D.3A.

c. ~~Per-bushel fees paid to the department by licensed grain dealers and licensed warehouse operators; an annual fee charged to and remitted by licensed grain dealers and licensed warehouse operators; delinquency as provided in section 203D.3A.~~

d. ~~Delinquency penalties; sums.~~

e. ~~Amounts collected by the department by state pursuant to legal action on behalf of the fund; and interest.~~

f. Interest, earnings on investments, property, or securities acquired through the use of moneys in the fund.

1B. The fiscal year of the fund begins July 1 and ends on June 30. Fiscal quarters of the fund begin July 1, October 1, January 1, and April 1. The finances of the fund shall be calculated on an accrual basis in accordance with generally accepted accounting principles.

1C. The moneys collected under this section and deposited in the fund shall be used exclusively to indemnify depositors and sellers as provided in section 203D.6 and to pay the administrative costs of this chapter.

Sec. 7. Section 203D.3, subsections 2, 3, 4, and 7, Code Supplement 2009, are amended by striking the subsections.

Sec. 8. **NEW SECTION. 203D.3A Fees.**

The department shall collect fees as provided in this section, if established by the board pursuant to section 203D.5, at rates determined by the board as provided in that section. A person required to pay a fee shall use forms and deliver the payment to the department as required by the department.

1. *a.* A person who applies for the issuance of a new license as a grain dealer pursuant to section 203.5 or a warehouse operator pursuant to sections 203C.7 and 203C.33 shall pay the department an initial participation fee as part of the application.

(1) In calculating the amount of the initial participation fee, an applicant for a license shall be deemed a licensee paying the full amount of the participation fee owing on the licensee's first anniversary date as provided in paragraph "b". The department must be satisfied that the applicant is calculating the amount due in good faith and using the best information available.

(2) If the department issues the license, the licensee shall recalculate the participation fee when making a payment on the licensee's first installment date as provided in paragraph "b". The licensee may notify the department of any overpayment and shall notify the department of any underpayment by the licensee's first installment date in a manner and according to procedures required by the department. The department shall refund any overpayment to the licensee and the licensee shall pay any additional amount resulting from an underpayment.

b. A licensee shall pay a participation fee on four successive installment dates, with each installment date occurring on the last date of the fund's fiscal quarter as provided in section 203D.3. The licensee shall pay twenty-five percent of the total participation fee assessed on each installment date. However, nothing in this subsection prevents a licensee from paying the participation fee on an accelerated basis. A licensee shall pay the first installment on the last date of the fund's fiscal quarter immediately following the licensee's anniversary date.

(1) For a licensed grain dealer, the anniversary date is the last date to apply for the renewal of the grain dealer's license before the license expires as provided in section 203.5.

(2) For a licensed warehouse operator, the anniversary date is the last date to apply for the renewal of the warehouse operator's license before the license expires as provided in section 203C.37.

c. A licensee is delinquent if the licensee fails to submit the payment when due or if, upon examination, an underpayment of the fee is found by the department.

d. A licensee shall not pass on the cost of a participation fee to sellers. The department may suspend or revoke the license of a grain dealer for passing on the cost, as provided in chapter 203.

2. *a.* A per-bushel fee shall be assessed on all purchased grain. However, if the grain dealer provides documentation regarding the transaction satisfactory to the department, the following transactions shall be excluded from the per-bushel fee:

(1) Grain purchased from the United States government or any of its subdivisions or agencies.

(2) Grain purchased from a person licensed as a grain dealer in any jurisdiction.

(3) Grain purchased under a credit-sale contract.

b. The grain dealer shall forward the per-bushel fee to the department on a quarterly basis in the manner and using the forms prescribed by the department. A licensee is delinquent if the licensee fails to submit the full fee or quarterly forms when due or if, upon examination, an underpayment of the fee is found by the department. The grain dealer is subject to a penalty of ten dollars for each day the grain dealer is delinquent or an amount equal to the amount of the deficiency, whichever is less. However, a licensee who fails to submit the full fee or quarterly forms when due, is subject to a minimum payment of ten dollars. The department may establish and apply a margin of error in determining whether a grain dealer is delinquent. The per-bushel fee shall be collected only once on each bushel of grain.

c. A grain dealer may choose to pass on the cost of a per-bushel fee to the sellers by an itemized discount noted on the settlement sheet. However, if the per-bushel fee is not in effect, no grain dealer shall make such a discount on the purchase of grain. A discount made nominally for the per-bushel fee while the fee is not in effect is grounds for license suspension or revocation under chapter 203.

Sec. 9. Section 203D.5, Code Supplement 2009, is amended to read as follows:

203D.5 Adjustments to fee Fees — imposition, adjustment, or waiver.

1. The board shall annually review annually the debits of and credits to the grain depositors and sellers indemnity fund created in section 203D.3 and shall determine whether to impose the participation fee and per-bushel fee as provided in section 203D.3A, make any adjustments in the per-bushel fee required under section 203D.3, subsection 2, and

~~the dealer-warehouse fee required under section 203D.3, subsection 3, that are to the fees effective on the previous July 1, or waive the fees as necessary to maintain the fund within the limits established under comply with this section. Not~~ The board shall make the determination not later than the first day of May 1 of each year, ~~the board shall determine the proposed amount of the per-bushel fee based on the expected volume of grain on which the fee is to be collected and that is likely to be handled under this chapter, and shall also determine any adjustment to the dealer-warehouse fee. The board shall make any changes in impose the fees or adjust the previous year's fees effective on the previous July 1 in accordance with chapter 17A. Changes in~~ The imposition or adjustment of the fees shall become effective as follows:

~~a. For the participation fee, on the following July 1. However, the licensee shall continue to pay the participation fee at the rate in effect on the prior July 1, until the licensee has paid the amount owing.~~

~~b. For a per-bushel fee, on the following first day of July 1.~~

~~2. a. Except as provided in paragraph "b", the rate of a participation fee owed by a licensee shall be calculated as follows:~~

~~(1) For a licensed grain dealer, not more than fourteen thousandths of a cent per bushel assessed on all purchased grain entered in the company-owned paid position during the grain dealer's last fiscal year at each location at which records are maintained for transactions of the grain dealer, as determined according to information submitted by the grain dealer to the department for the issuance or renewal of a license as provided in section 203.5.~~

~~(2) For a licensed warehouse operator, not more than fourteen thousandths of a cent per bushel of bulk grain storage capacity for each warehouse licensed pursuant to section 203C.8 or five hundred dollars, whichever is less. The participation fee shall be determined using information provided to the department by the warehouse operator applying for the issuance or renewal of a license as provided in sections 203C.7 and 203C.37.~~

~~b. A licensee shall pay a participation fee of at least fifty dollars.~~

~~3. The rate of the per-bushel fee shall not exceed one-quarter cent per bushel assessed on all purchased grain as defined in section 203D.1. Until the per-bushel fee is adjusted or waived as provided in this section, the per-bushel fee is one-quarter cent on all purchased grain.~~

~~2. 4. If, at the end of any three-month period, the assets of the fund exceed eight million dollars, less any encumbered balances or pending or unsettled claims, all of the per-bushel fee required under section 203D.3, subsection 2, and the dealer-warehouse fee required under section 203D.3, subsection 3, following apply:~~

~~a. The participation fee shall be waived and shall not be assessable or owing for the following fiscal year of the fund. However, the licensee shall continue to pay any owing participation fee that was in effect on the prior July 1.~~

~~b. The per-bushel fee shall be waived and the fees are shall not be assessable or owing.~~

~~5. The board shall reinstate the fees as provided in this section if the assets of the fund, less any unencumbered balances or pending or unsettled claims, are three million dollars or less.~~

Approved March 22, 2010

CHAPTER 1083**RESTRICTIONS ON POSSESSION, TRANSFER, OR SALE OF FIREARMS, AMMUNITION,
OR OFFENSIVE WEAPONS — DOMESTIC ABUSE OR VIOLENCE***S.F. 2357*

AN ACT relating to prohibiting a person who is the subject of a no-contact order or a protective order or who has been convicted of a misdemeanor crime of domestic violence from possessing, transferring, or selling firearms and ammunition or offensive weapons and providing penalties.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 236.4, subsection 2, Code 2009, is amended to read as follows:

2. The court may enter any temporary order it deems necessary to protect the plaintiff from domestic abuse prior to the hearing, upon good cause shown in an ex parte proceeding. Present danger of domestic abuse to the plaintiff constitutes good cause for purposes of this subsection. A temporary order issued pursuant to this subsection shall specifically include notice that the person may be required to relinquish all firearms, offensive weapons, and ammunition upon the issuance of a permanent order pursuant to section 236.5.

Sec. 2. Section 236.5, subsection 1, paragraph b, Code Supplement 2009, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (02) That the defendant not knowingly possess, ship, transport, or receive firearms, offensive weapons, and ammunition in violation of section 724.26, subsection 2.

Sec. 3. Section 664A.3, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 6. A no-contact order issued pursuant to this section shall specifically include notice that the person may be required to relinquish all firearms, offensive weapons, and ammunition upon the issuance of a permanent no-contact order pursuant to section 664A.5.

Sec. 4. Section 724.26, Code 2009, is amended to read as follows:

724.26 Possession, receipt, transportation, or dominion and control of firearms, and offensive weapons, and ammunition by felons and others.

1. A person who is convicted of a felony in a state or federal court, or who is adjudicated delinquent on the basis of conduct that would constitute a felony if committed by an adult, and who knowingly has under the person's dominion and control or possession, receives, or transports or causes to be transported a firearm or offensive weapon is guilty of a class "D" felony.

2. a. Except as provided in paragraph "b", a person who is subject to a protective order under 18 U.S.C. § 922(g)(8) or who has been convicted of a misdemeanor crime of domestic violence under 18 U.S.C. § 922(g)(9) and who knowingly possesses, ships, transports, or receives a firearm, offensive weapon, or ammunition is guilty of a class "D" felony.

b. This subsection shall not apply to the possession, shipment, transportation, or receipt of a firearm, offensive weapon, or ammunition issued by a state department or agency or political subdivision for use in the performance of the official duties of the person who is the subject of a protective order under 18 U.S.C. § 922(g)(8).

c. For purposes of this section, "misdemeanor crime of domestic violence" means an assault under section 708.1, subsection 1 or 3, committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, parent, or guardian, or by a person similarly situated to a spouse, parent, or guardian of the victim.

3. Upon the issuance of a protective order or entry of a judgment of conviction described in subsection 2, the court shall inform the person who is the subject of such order or conviction that the person shall not possess, ship, transport, or receive a firearm, offensive weapon,

or ammunition while such order is in effect or until such conviction is vacated or until the person's rights have been restored in accordance with section 724.27.

4. Except as provided in section 809A.17, subsection 5, paragraph "b", a court that issues an order or that enters a judgment of conviction described in subsection 2 and that finds the subject of the order or conviction to be in possession of any firearm, offensive weapon, or ammunition shall order that such firearm, offensive weapon, or ammunition be sold or transferred by a date certain to the custody of a qualified person in this state, as determined by the court. The qualified person must be able to lawfully possess such firearm, offensive weapon, or ammunition in this state. If the court is unable to identify a qualified person to receive such firearm, offensive weapon, or ammunition, the court shall order that the firearm, offensive weapon, or ammunition be transferred by a date certain to the county sheriff or a local law enforcement agency designated by the court for safekeeping until a qualified person is identified to receive the firearm, offensive weapon, or ammunition, until such order is no longer in effect, until such conviction is vacated, or until the person's rights have been restored in accordance with section 724.27. If the firearm, offensive weapon, or ammunition is to be transferred to the sheriff's office or a local law enforcement agency, the court shall assess the person the reasonable cost of storing the firearm, offensive weapon, or ammunition, payable to the county sheriff or the local law enforcement agency.

5. Upon entry of an order described in subsection 2, the court shall enter the name, address, date of birth, driver's license number, or other identifying information of the person subject to the order into the Iowa criminal justice information system, the reason for the order, and the date by which the person is required to comply with any relinquishment order issued under subsection 4. At the time such order is no longer in effect, such information relating to the prohibition in subsection 3 shall be deleted from the Iowa criminal justice information system.

6. If a firearm, offensive weapon, or ammunition has been transferred to a qualified person pursuant to subsection 4 and the protective order described in subsection 2 is no longer in effect, the firearm, offensive weapon, or ammunition shall be returned to the person who was subject to the protective order within five days of that person's request to have the firearm, offensive weapon, or ammunition returned.

Approved March 22, 2010

CHAPTER 1084

RESERVE PEACE OFFICERS' TRAFFIC ACCIDENTS — REPORTING REQUIREMENTS

H.F. 426

AN ACT relating to reporting requirements for traffic accidents involving the operation of motor vehicles by reserve peace officers.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 321.267A, subsection 4, Code 2009, is amended to read as follows:

4. For the purposes of this section, "certified law enforcement officer" ~~means~~ includes a law enforcement officer who is certified through the Iowa law enforcement academy as provided in section 80B.13, subsection 3, or ~~section 80B.17~~ a reserve peace officer certified through the Iowa law enforcement academy as provided in section 80D.4A.

Approved March 22, 2010

CHAPTER 1085**BUSINESS CLOSINGS AND LAYOFFS — NOTICE REQUIREMENTS***H.F. 681*

AN ACT requiring employers to provide notice of business closings and mass layoffs and providing penalties.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. NEW SECTION. 84C.1 Title.

This chapter shall be known as the “*Iowa Worker Adjustment and Retraining Notification Act*”.

Sec. 2. NEW SECTION. 84C.2 Definitions.

For the purposes of this chapter:

1. “*Aggrieved employee*” means an employee who has worked for the employer ordering the business closing or mass layoff and who, as a result of the failure by the employer to comply with section 84C.3, did not receive timely notice either directly or through the employee’s representative.

2. “*Business closing*” means the permanent or temporary shutdown of a single site of employment of one or more facilities or operating units that will result in an employment loss for twenty-five or more employees, other than part-time employees.

3. “*Department*” means the department of workforce development.

4. “*Employee*” means a worker who may reasonably expect to experience an employment loss as a consequence of a proposed business closing or mass layoff by an employer.

5. “*Employer*” means a person who employs twenty-five or more employees, excluding part-time employees.

6. “*Employment loss*” means an employment termination, other than a discharge for cause, voluntary separation, or retirement; a layoff exceeding six months; or a reduction in hours of more than fifty percent of work of individual employees during each month of a six-month period. “*Employment loss*” does not include instances when a business closing or mass layoff is the result of the relocation or consolidation of part or all of the employer’s business and, before the business closing or mass layoff, the employer offers to transfer the employee to a different site of employment within a reasonable commuting distance with no more than a six-month break in employment.

7. “*Mass layoff*” means a reduction in employment force that is not the result of a business closing and results in an employment loss at a single site of employment during any thirty-day period of twenty-five or more employees, other than part-time employees.

8. “*Part-time employee*” means an employee who is employed for an average of fewer than twenty hours per week or an employee, including a full-time employee, who has been employed for fewer than six of the twelve months preceding the date on which notice is required.¹

9. “*Representative*” means an exclusive representative of employees within the meaning of section 9(a) of the federal National Labor Relations Act, 29 U.S.C. § 151 et seq., and the federal Railway Labor Act, 45 U.S.C. § 151 et seq.

10. “*Single site of employment*” refers to a single location or a group of contiguous locations, such as a group of structures that form a campus or business park or separate facilities across the street from each other.

Sec. 3. NEW SECTION. 84C.3 Notice — requirements.

1. a. An employer who plans a business closing or a mass layoff shall not order such action until the end of a thirty-day period which begins after the employer serves written notice of such action to the affected employees or their representatives and to the department. However, if an applicable collective bargaining agreement designates a different notice period, the notice period in the collective bargaining agreement shall govern. The employer

¹ See chapter 1188, §24 herein

shall provide notice to the department if the worker is covered by a collective bargaining agreement.

b. An employer who has previously announced and carried out a short-term mass layoff of six months or less which is extended beyond six months due to business circumstances not reasonably foreseeable at the time of the initial mass layoff is required to give notice when it becomes reasonably foreseeable that the extension is required. A mass layoff extending beyond six months from the date the mass layoff commenced for any other reason shall be treated as an employment loss from the date of commencement of the mass layoff.

c. In the case of the sale of part or all of a business, the seller is responsible for providing notice of any business closing or mass layoff which will take place up to and on the effective date of the sale. The buyer is responsible for providing notice of any business closing or mass layoff that will take place thereafter.

2. a. Notice from the employer to the affected employees or their representatives and to the department shall be in written form and shall contain the following:

(1) The name and address of the employment site where the business closing or mass layoff will occur, and the name and telephone number of a company official to contact for further information.

(2) A statement as to whether the planned action is expected to be permanent or temporary and, if the entire business is to be closed, a statement to that effect.

(3) The expected date of the first employment loss and the anticipated schedule for employment losses.

(4) The job titles of positions to be affected and the names of the employees currently holding the affected jobs. The notice to the department shall also include the addresses of the affected employees. The department shall maintain the confidentiality of the names and addresses of employees received by the department.

b. The notice may include additional information useful to the employees, such as information about available dislocated worker assistance, and, if the planned action is expected to be temporary, the estimated duration, if known.

3. Any reasonable method of delivery to the affected employees or their representatives, and the department which is designed to ensure receipt of notice of at least thirty days before the planned action is acceptable. In the case of notification directly to affected employees, insertion of notice into pay envelopes is a viable option.

Sec. 4. NEW SECTION. 84C.4 Notice — exemptions, special circumstances.

1. *Strike or lockout.* If a business closing or mass layoff constitutes a strike or constitutes a lockout not intended to evade the requirements of this chapter, notice is not required to be given by the employer. This chapter does not require an employer to serve written notice when permanently replacing an employee who is deemed to be an economic striker under the federal National Labor Relations Act. This chapter shall not be deemed to validate or invalidate any judicial or administrative ruling relating to the hiring of permanent replacements for economic strikers under the federal National Labor Relations Act. If an employer hires temporary workers to replace employees during the course of a strike or lockout and later terminates these temporary workers at the conclusion of the strike or lockout, this chapter does not require an employer to serve written notice on the terminated temporary workers.

2. *Rolling layoffs.*

a. When affected employees will not be terminated on the same date, the date of the first individual employment loss within the thirty-day notice period triggers the notice requirement. An employee's last day of employment is considered the date of that employee's layoff. The first and subsequent groups of terminated employees are entitled to a full thirty days' notice.

b. An employer shall give notice if the number of employment losses of two or more actions in any ninety-day period triggers the notice requirements in section 84C.3 for a business closing or a mass layoff. An employer is not required to give notice if the number of employment losses from one action in a thirty-day period does not meet the requirements of section 84C.3. All employment losses in any ninety-day period shall be aggregated to trigger the notice requirement unless the employer demonstrates to the department that

the employment losses during the ninety-day period are the result of separate and distinct actions and causes.

3. *Extended notice.* Additional notice is required if the date or schedule of dates of a planned business closing or mass layoff is extended beyond the date or the ending date of any period announced in the original notice.

a. If the postponement is for less than thirty days, the additional notice shall be given as soon as possible to the affected employees or their representatives and the department and shall include reference to the earlier notice, the date to which the planned action is postponed, and the reasons for the postponement. The notice shall be given in a manner which will provide the information to all affected employees.

b. If the postponement is for more than thirty days, the additional notice shall be treated as new notice subject to the provisions of section 84C.3.

4. *Faltering company.* An exception to the thirty-day notice applies to business closings but not to mass layoffs if the requirements of this subsection are met and the exception shall be narrowly construed.

a. An employer must have been actively seeking capital or business at the time that the thirty-day notice would have been required by seeking financing or refinancing through the arrangement of loans or the issuance of stocks, bonds, or other methods of internally generated financing, or by seeking additional money, credit, or business through any other commercially reasonable method. The employer must identify specific actions taken to obtain capital or business.

b. The employer must, at the time notice is actually given, provide a statement of explanation for reducing the notice period in addition to the other notice requirements in section 84C.3.

c. There must have been a realistic opportunity to obtain the financing or business sought.

d. The financing or business sought must have been sufficient, if obtained, to have enabled the employer to avoid or postpone the shutdown. The employer must be able to objectively demonstrate that the amount of capital or the volume of new business sought would have enabled the company to keep the facility, operating unit, or site open for a reasonable period of time.

e. The employer reasonably and in good faith must have believed that giving the required notice would have precluded the employer from obtaining the needed capital or business. The employer must be able to objectively demonstrate that the employer reasonably thought that a potential customer or source of financing would have been unwilling to provide the new business or capital if notice had been given. This condition may be satisfied if the employer can show that the financing or business source would not choose to do business with a troubled company or with a company whose workforce would be looking for other jobs.

5. *Unforeseeable business circumstance.* An exception to the thirty-day notice applies to business closings and to mass layoffs if the requirements of this subsection are met.

a. Business circumstances occurred that were not reasonably foreseeable at the time that the thirty-day notice would have been required.

b. The employer must, at the time notice is actually given, provide a statement of explanation for reducing the notice period in addition to the other notice requirements in section 84C.3.

c. An important indicator of a reasonably unforeseeable business circumstance is that the circumstance is caused by some sudden, dramatic, and unexpected action or condition outside the employer's control.

d. The employer must exercise commercially reasonable business judgment as would a similarly situated employer in predicting the demands of the employer's particular market. The employer is not required to accurately predict general economic conditions that also may affect demand for products or services.

6. *Natural disaster.* An exception to the thirty-day notice applies to business closings and to mass layoffs if the requirements of this subsection are met.

a. A natural disaster occurred at the time notice would have been required.

b. The employer must, at the time notice is actually given, provide a statement of explanation for reducing the notice period in addition to the other requirements to notice in section 84C.3.

c. Floods, earthquakes, droughts, storms, tornadoes, and similar effects of nature are natural disasters under this subsection.

d. An employer must be able to demonstrate that the business closing or mass layoff is a direct result of the natural disaster.

e. If a business closing or mass layoff occurs as an indirect result of a natural disaster, this exception does not apply but the unforeseeable business circumstance exception may be applicable.²

Sec. 5. NEW SECTION. **84C.5 Enforcement and penalties.**

1. The department shall adopt rules pursuant to and consistent with chapter 17A regarding investigations to determine whether an employer has violated any provisions of this chapter. A determination by the department that a violation has occurred shall be considered final agency action under chapter 17A.

2. An employer who violates the provisions of section 84C.3 with respect to the department shall be subject to a civil penalty of not more than one hundred dollars for each day of the violation. Any penalties collected by the department shall be forwarded to the treasurer of state and deposited in the general fund of the state.

3. The penalties provided for in this section shall be the exclusive remedies for any violation of this chapter. Under this chapter, a court shall not have authority to enjoin a business closing or mass layoff.

Approved March 22, 2010

CHAPTER 1086

UNIFORM ADULT GUARDIANSHIP AND PROTECTIVE PROCEEDINGS ACT

H.F. 734

AN ACT relating to the uniform adult guardianship and protective proceedings Act relating to the establishment, transfer, and recognition of guardianships and conservatorships in multistate cases, and including effective date and applicability provisions.

Be It Enacted by the General Assembly of the State of Iowa:

DIVISION XIX PART 1 GENERAL PROVISIONS

Section 1. NEW SECTION. **633.800 Short title.**

This division shall be known and may be cited as the "Iowa Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act".

Sec. 2. NEW SECTION. **633.801 Definitions.**

As used in this division, unless the context otherwise requires:

1. "Adult" means an individual who is eighteen years of age or older.
2. "Conservator" means a person appointed by the court to have the custody and control of the property of an adult under the provisions of this chapter.
3. "Court" means, when referring to a court of this state, the district court sitting in probate with jurisdiction of conservatorships and guardianships.

² See chapter 1188, §25 herein

4. “*Foreign judgment*” means a judgment, decree, or order of a court of the United States or of any other court that meets any of the following requirements:

- a. Is entitled to full faith and credit in this state.
- b. Appoints a guardian or conservator in the issuing jurisdiction.

5. “*Guardian*” means a person appointed by the court to make decisions regarding the adult under the provisions of this chapter.

6. “*Guardianship order*” means an order appointing a guardian as defined in section 633.3.

7. “*Guardianship proceeding*” means a judicial proceeding in which an order for the appointment of a guardian is sought or has been issued.

8. “*Incapacitated person*” means an adult who has been adjudged by a court to meet one of the following conditions:

a. Has a decision making capacity which is so impaired that the person is unable to care for the person’s personal safety or to attend to or provide for necessities for the person such as food, shelter, clothing, or medical care, without which physical injury or illness may occur.

b. Has a decision making capacity which is so impaired that the person is unable to make, communicate, or carry out important decisions concerning the person’s financial affairs.

9. “*Party*” means the respondent, petitioner, guardian, conservator, or any other person allowed by the court to participate in a guardianship or protective proceeding.

10. “*Person*” means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, or government; governmental subdivision, agency, or instrumentality; or any other legal or commercial entity.

11. “*Protected person*” means an adult for whom a conservatorship has been issued.

12. “*Protective order*” means an order appointing a conservator as defined in section 633.3. “*Protective order*” does not include protective orders issued pursuant to chapter 664A or protective orders issued pursuant to sections 235B.18 and 235B.19.

13. “*Protective proceeding*” means a judicial proceeding in which a conservatorship is sought or has been granted.

14. “*Record*” means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

15. “*Respondent*” means an adult for whom a conservatorship or guardianship is sought.

16. “*State*” means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, a federally recognized Indian tribe, or any territory or insular possession subject to the jurisdiction of the United States.

Sec. 3. NEW SECTION. 633.802 International application.

A court of this state shall treat a foreign country as if it were a state of the United States for the purpose of applying this part and parts 2, 3, and 5.

Sec. 4. NEW SECTION. 633.803 Communication between courts.

1. A court of this state may communicate with a court in another state concerning a proceeding arising under this division. The court may allow the parties to participate in the communication. Except as otherwise provided in subsection 2, the court shall make a record of the communication. The record may be limited to the fact that the communication occurred.

2. Communication between courts concerning schedules, calendars, court records, and other administrative matters may occur without making a record.

Sec. 5. NEW SECTION. 633.804 Cooperation between courts.

1. In a guardianship or protective proceeding in this state, a court of this state may request the appropriate court of another state to do any of the following:

- a. Hold an evidentiary hearing.
- b. Order a person in the other state to produce evidence or give testimony pursuant to procedures of that state.
- c. Order that an evaluation or assessment be made of the respondent.
- d. Order any appropriate investigation of a person involved in a proceeding.

e. Forward to the court of this state a certified copy of the transcript or other record of the hearing pursuant to paragraph "a" or any other proceeding, the evidence otherwise produced pursuant to paragraph "b", and any evaluation or assessment prepared in compliance with an order pursuant to paragraph "c" or "d".

f. Issue any order necessary to assure the appearance in the proceeding of a person whose presence is necessary for the court to make a determination, including the respondent.

g. Issue an order authorizing the release of medical, financial, criminal, or other relevant information in that state, including protected health information as defined in 45 C.F.R. § 164.504, as amended.

2. If a court of another state in which a guardianship or protective proceeding is pending requests assistance pursuant to subsection 1, a court of this state has jurisdiction for the limited purpose of granting the request or making reasonable efforts to comply with the request.

PART 2 JURISDICTION

Sec. 6. NEW SECTION. 633.805 Taking testimony in another state.

1. In addition to other procedures that may be available in a guardianship or protective proceeding, the testimony of a witness who is located in another state may be offered by deposition or other means allowable in this state for testimony taken in another state. The court on its own motion may order that the testimony of a witness be taken in another state and may prescribe the manner in which and the terms upon which the testimony is to be taken.

2. In a guardianship or protective proceeding, a court in this state may permit a witness located in another state to be deposed or to testify by telephone, audiovisual means, or other electronic means. A court of this state shall cooperate with courts of other states in designating an appropriate location for the deposition or testimony.

3. Documentary evidence transmitted from another state to a court of this state by technological means that do not produce an original writing shall not be excluded from evidence on an objection based on the best evidence rule.

Sec. 7. NEW SECTION. 633.806 Definitions.

As used in this part, unless the context otherwise requires:

1. "Emergency" means a circumstance that likely will result in substantial harm to a respondent's health, safety, or welfare, and for which the appointment of a guardian is necessary because no other person has authority and is willing to act on the respondent's behalf.

2. "Home state" means either of the following:

a. The state in which the respondent was physically present, including any period of temporary absence, for at least six consecutive months immediately before the filing of a petition for a protective order or the appointment of a guardian.

b. The state in which the respondent was physically present, including any period of temporary absence, for at least six consecutive months ending within the six months prior to the filing of a petition for a protective order or the appointment of a guardian.

3. "Significant-connection state" means a state, other than the home state, with which a respondent has a significant connection other than mere physical presence and in which substantial evidence concerning the respondent is available.

Sec. 8. NEW SECTION. 633.807 Significant connection factors.

In determining whether a respondent has a significant connection with a particular state, the court shall consider all of the following:

1. The location of the respondent's family and other persons required to be notified of the guardianship or protective proceeding.

2. The length of time the respondent at any time was physically present in the state and the duration of any absence.

3. The location of the respondent's property.

4. The extent to which the respondent has ties to the state such as voting registration, state or local tax return filing, vehicle registration, driver's license, social relationship, and receipt of services.

Sec. 9. NEW SECTION. 633.808 Exclusive basis.

This part provides the exclusive jurisdictional basis for a court of this state to appoint a guardian or issue a protective order for an adult.

Sec. 10. NEW SECTION. 633.809 Jurisdiction.

A court of this state has jurisdiction to appoint a guardian or issue a protective order for a respondent if any of the following apply:

1. This state is the respondent's home state.
2. This state is a significant-connection state and on the date the petition is filed, any of the following apply:
 - a. The respondent does not have a home state or a court of the respondent's home state has declined to exercise jurisdiction because this state is a more appropriate forum.
 - b. The respondent has a home state, a petition for an appointment or order is not pending in a court of that state or another significant-connection state, and, before the court makes the appointment or issues the order all of the following apply:
 - (1) A petition for an appointment or order is not filed in the respondent's home state.
 - (2) An objection to the court's jurisdiction is not filed by a person required to be notified of the proceeding.
 - (3) The court in this state concludes that it is an appropriate forum under the factors set forth in section 633.812.
3. Either of the following apply:
 - a. This state does not have jurisdiction under either subsection 1 or 2, the respondent's home state and all significant-connection states have declined to exercise jurisdiction because this state is the more appropriate forum, and jurisdiction in this state is consistent with the Constitution of the State of Iowa and the Constitution of the United States.
 - b. The requirements for special jurisdiction under section 633.810 are met.

Sec. 11. NEW SECTION. 633.810 Special jurisdiction.

1. A court of this state lacking jurisdiction under section 633.809 has special jurisdiction to do any of the following:
 - a. Appoint a guardian in an emergency for a period not to exceed ninety days for a respondent who is physically present in this state.
 - b. Issue a protective order with respect to real or tangible personal property located in this state.
 - c. Appoint a guardian or conservator for an incapacitated or protected person for whom a provisional order to transfer the proceeding from another state has been issued under procedures similar to section 633.816.
2. If a petition for the appointment of a guardian in an emergency is brought in this state and this state was not the respondent's home state on the date the petition was filed, the court shall dismiss the proceeding at the request of the court of the home state, if any, whether dismissal is requested before or after the emergency appointment.

Sec. 12. NEW SECTION. 633.811 Exclusive and continuing jurisdiction.

Except as otherwise provided in section 633.810, a court that has appointed a guardian or issued a protective order consistent with this chapter has exclusive and continuing jurisdiction over the proceeding until terminated by the court or the appointment or order expires by its own terms.

Sec. 13. NEW SECTION. 633.812 Appropriate forum.

1. A court of this state with jurisdiction under section 633.809 to appoint a guardian or issue a protective order may decline to exercise its jurisdiction if it determines at any time that a court of another state is a more appropriate forum.
2. If a court of this state declines to exercise its jurisdiction under subsection 1, the court shall either dismiss or stay the proceeding. The court may impose any condition the court

considers just and proper, including the condition that a petition for the appointment of a guardian or issuance of a protective order be filed promptly in another state.

3. In determining whether it is an appropriate forum, the court shall consider all of the following:

- a. Any expressed preference of the respondent.
- b. Whether abuse, neglect, or exploitation of the respondent has occurred or is likely to occur and which state could best protect the respondent from the abuse, neglect, or exploitation.
- c. The length of time the respondent was physically present in or was a legal resident of this state or another state.
- d. The distance of the respondent from the court in each state.
- e. The financial circumstances of the respondent's estate.
- f. The nature and location of the evidence.
- g. The ability of the court in each state to decide the issue expeditiously and the procedures necessary to present evidence.
- h. The familiarity of the court of each state with the facts and issues in the proceeding.
- i. If an appointment were to be made, the court's ability to monitor the conduct of the guardian or conservator.

Sec. 14. NEW SECTION. 633.813 Jurisdiction declined by reason of conduct.

If at any time a court of this state determines that the court acquired jurisdiction to appoint a guardian or issue a protective order because of unjustifiable conduct, the court may do any of the following:

1. Decline to exercise jurisdiction.
2. Exercise jurisdiction for the limited purpose of fashioning an appropriate remedy to ensure the health, safety, and welfare of the respondent or the protection of the respondent's property or prevent a repetition of the unjustifiable conduct, including staying the proceeding until a petition for the appointment of a guardian or issuance of a protective order is filed in a court of another state having jurisdiction.
3. Continue to exercise jurisdiction after considering all of the following:
 - a. The extent to which the respondent and all persons required to be notified of the proceedings have acquiesced in the exercise of the court's jurisdiction.
 - b. Whether it is a more appropriate forum than the court of any other state under the factors set forth in section 633.812.
 - c. Whether the court of any other state would have jurisdiction under factual circumstances in substantial conformity with the jurisdictional standards of section 633.809.
4. If a court of this state determines that the court acquired jurisdiction to appoint a guardian or issue a protective order because a party seeking to invoke its jurisdiction engaged in unjustifiable conduct, the court may assess necessary and reasonable expenses against that party, including attorney fees, investigative fees, court costs, communication expenses, witness fees and expenses, and travel expenses. The court shall not assess fees, costs, or expenses of any kind against this state or a governmental subdivision, agency, or instrumentality of this state unless authorized by law other than this division.

Sec. 15. NEW SECTION. 633.814 Notice of proceeding.

If a petition for the appointment of a guardian or issuance of a protective order is brought in this state and this state was not the respondent's home state on the date the petition was filed, in addition to complying with the notice requirements of this state, notice of the petition must be given to those persons who would be entitled to notice of the petition if a proceeding were brought in the respondent's home state. The notice must be given in the same manner as notice is required to be given in this state.

PART 3
TRANSFER OF GUARDIANSHIP OR CONSERVATORSHIP

Sec. 16. NEW SECTION. 633.815 Proceedings in more than one state.

Except for a petition for the appointment of a guardian in an emergency or issuance of a protective order limited to property located in this state under section 633.810, if a petition

for the appointment of a guardian or issuance of a protective order is filed in this state and in another state and neither petition has been dismissed or withdrawn, the following rules apply:

1. If the court in this state has jurisdiction under section 633.809, it may proceed with the case unless a court in another state acquires jurisdiction under provisions similar to section 633.809 before the appointment or issuance of the order.

2. If the court in this state does not have jurisdiction under section 633.809, whether at the time the petition is filed or at any time before the appointment or issuance of the order, the court shall stay the proceeding and communicate with the court in the other state. If the court in the other state has jurisdiction, the court in this state shall dismiss the petition unless the court in the other state determines that the court in this state is a more appropriate forum.

Sec. 17. NEW SECTION. 633.816 Transfer of guardianship or conservatorship to another state.

1. A guardian or conservator appointed in this state may petition the court to transfer the guardianship or conservatorship to another state.

2. Notice of a petition under subsection 1 shall be given to the persons that would be entitled to notice of a petition in this state for the appointment of a guardian or conservator.

3. On the court's own motion or on request of the guardian or conservator, the incapacitated or protected person, or other person required to be notified of the petition, the court shall hold a hearing on a petition filed pursuant to subsection 1.

4. The court shall issue an order provisionally granting a petition to transfer a guardianship and shall direct the guardian to petition for guardianship in the other state if the court is satisfied that the guardianship will be accepted by the court in the other state and the court finds all of the following:

a. The incapacitated person is physically present in or is reasonably expected to move permanently to the other state.

b. An objection to the transfer has not been made or, if an objection has been made, the objector has not established that the transfer would be contrary to the interests of the incapacitated person.

c. Plans for care and services for the incapacitated person in the other state are reasonable and sufficient.

5. The court shall issue a provisional order granting a petition to transfer a conservatorship and shall direct the conservator to petition for conservatorship in the other state if the court is satisfied that the conservatorship will be accepted by the court of the other state and the court finds all of the following:

a. The protected person is physically present in or is reasonably expected to move permanently to the other state, or the protected person has a significant connection to the other state considering the factors in section 633.807.

b. An objection to the transfer has not been made or, if an objection has been made, the objector has not established that the transfer would be contrary to the interests of the protected person.

c. Adequate arrangements will be made for management of the protected person's property.

6. The court shall issue a final order confirming the transfer and terminating the guardianship or conservatorship upon its receipt of all of the following:

a. A provisional order accepting the proceeding from the court to which the proceeding is to be transferred which is issued under provisions similar to section 633.817.

b. The documents required to terminate a guardianship or conservatorship in this state.

PART 4
REGISTRATION AND RECOGNITION OF
ORDERS FROM OTHER STATES

Sec. 18. NEW SECTION. 633.817 Accepting guardianship or conservatorship transferred from another state.

1. To confirm transfer of a guardianship or conservatorship transferred to this state under provisions similar to section 633.816, the guardian or conservator must petition the court in this state to accept the guardianship or conservatorship. The petition must include a certified copy of the other state's provisional order of transfer.

2. Notice of a petition under subsection 1 must be given to those persons that would be entitled to notice if the petition were to petition for the appointment of a guardian or issuance of a protective order in both the transferring state and this state. The notice must be given in the same manner as notice is required to be given in this state.

3. On the court's own motion or on request of the guardian or conservator, the incapacitated or protected person, or other person required to be notified of the proceeding, the court shall hold a hearing on a petition filed pursuant to subsection 1.

4. The court shall issue an order provisionally granting a petition filed under subsection 1 unless any of the following applies:

a. An objection is made and the objector establishes that transfer of the proceeding would be contrary to the interests of the incapacitated or protected person.

b. The guardian or conservator is ineligible for appointment in this state.

5. The court shall issue a final order accepting the proceeding and appointing the guardian or conservator as guardian or conservator in this state upon its receipt from the court from which the proceeding is being transferred of a final order issued under provisions similar to section 633.816 transferring the proceeding to this state.

6. Not later than ninety days after issuance of a final order accepting transfer of a guardianship or conservatorship, the court shall determine whether the guardianship or conservatorship needs to be modified to conform to the laws of this state.

7. Subject to subsections 4 and 6, in granting a petition under this section, the court shall recognize a guardianship or conservatorship order from the other state, including the determination of the incapacitated or protected person's incapacity and the appointment of the guardian or conservator.

8. The denial by a court of this state of a petition to accept a guardianship or conservatorship transferred from another state does not affect the ability of the guardian or conservator to seek appointment as guardian or conservator in this state under section 633.551 or 633.552, if the court has jurisdiction to make an appointment other than by reason of the provisional order of transfer.

Sec. 19. NEW SECTION. 633.818 Registration of guardianship orders.

If a guardian has been appointed in another state and a petition for the appointment of a guardian is not pending in this state, the guardian appointed in the other state, after giving notice to the appointing court of an intent to register, may register the guardianship order in this state by filing as a foreign judgment in a court, in any appropriate county of this state, certified copies of the order and letters of office.

Sec. 20. NEW SECTION. 633.819 Registration of protective orders.

If a conservator has been appointed in another state and a petition for a protective order is not pending in this state, the conservator appointed in the other state, after giving notice to the appointing court of an intent to register, may register the protective order in this state by filing as a foreign judgment in a court of this state, in any county in which property belonging to the protected person is located, certified copies of the order and letters of office and of any bond.

PART 5

MISCELLANEOUS PROVISIONS

Sec. 21. NEW SECTION. 633.820 Effect of registration.

1. Upon registration of a guardianship or protective order from another state, the guardian or conservator may exercise in this state all powers authorized in the order of appointment except as prohibited under the laws of this state, including maintaining actions and proceedings in this state and, if the guardian or conservator is not a resident of this state, subject to any conditions imposed upon nonresident parties.

2. A court of this state may grant any relief available under this division and other law of this state to enforce a registered order.

Sec. 22. **NEW SECTION. 633.821 Uniformity of application and construction.**

In applying and construing this uniform Act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

Sec. 23. **NEW SECTION. 633.822 Relation to electronic signatures in global and national commerce act.**

This division modifies, limits, and supersedes the federal Electronic Signatures in Global and National Commerce Act, 15 U.S.C. § 7001, et seq., but does not modify, limit, or supersede section 101(c) of that Act, 15 U.S.C. § 7001(c), or authorize electronic delivery of any of the notices described in section 103(b) of that Act, 15 U.S.C. § 7003(b).

Sec. 24. **EFFECTIVE AND APPLICABILITY DATES.**

1. Except as provided in subsection 2, this Act takes effect July 1, 2010, and applies to guardianship and protective proceedings in existence on or after that date.

2. Parts 1, 3, and 4 and sections 633.821 and 633.822 apply to proceedings begun before the effective date, regardless of whether a guardianship or protective order has been issued.

Sec. 25. **CODE EDITOR DIRECTIVE.** The Code editor is directed to transfer division XIX of chapter 633, as enacted in this Act, to division XV of chapter 633 and to transfer division XV of chapter 633 to division XVI of chapter 633.

Approved March 22, 2010

CHAPTER 1087

PUBLIC DEFENSE — MILITARY SERVICE AND MILITARY JUSTICE

H.F. 2137

AN ACT relating to the military division of the department of public defense concerning state military service and the Iowa code of military justice.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 29A.8A, Code 2009, is amended to read as follows:

29A.8A State military service.

1. If federal funding and authorization exist for this purpose, the governor may order to state military service the military forces of the Iowa army national guard or Iowa air national guard as the governor may deem appropriate for the purposes of homeland security, homeland defense, or other duty.

2. A state employee shall take either a full day's leave in accordance with section 29A.28 or eight hours of compensatory time on a day in which the state employee receives a full day's pay from federal funds for national guard duty state military service.

3. When performing state military service, the adjutant general, a deputy adjutant general, or the state quartermaster shall not be considered a state employee, except for purposes of the Iowa public employees' retirement system, state health and dental plans, and other state employee benefits plans.

Sec. 2. Section 29B.37, Code 2009, is amended to read as follows:

29B.37 Adjutant general may prescribe rules.

The procedures, including modes of proof, in cases before military courts and other military tribunals shall be prescribed by the adjutant general by rule, but shall not be contrary to or

inconsistent with this code. ~~This code shall be construed as to effectuate the general purpose of uniformity so far as practical with the uniform code of military justice, 10 U.S.C. ch. 47.~~ All courts and other proceedings shall be conducted under the procedural rules established under 10 U.S.C. ch. 47 unless otherwise provided in this code.

Sec. 3. Section 29B.47, subsection 3, Code 2009, is amended to read as follows:

3. Process issued in court-martial cases to compel witnesses to appear and testify and to compel the production of other evidence shall run to any part of the state United States and shall be executed by civil officers as prescribed by laws of the state United States or the place where the witness or evidence is located.

Sec. 4. NEW SECTION. 29B.107A **Wrongful use or possession of controlled substances.**

1. Any person subject to this code who wrongfully uses, possesses, manufactures, distributes, or introduces into an installation, vessel, vehicle, or aircraft used by or under the control of the armed forces of the United States or of the state military forces, a controlled substance shall be punished as a court-martial may direct.

2. For purposes of this section, “*controlled substance*” includes but is not limited to any of the following:

a. Opium, heroin, cocaine, amphetamine, lysergic acid diethylamide, methamphetamine, phencyclidine, barbituric acid, and marijuana and any compound or derivative of any such substance.

b. Any substance listed on a schedule of controlled substances prescribed by the president of the United States for the purposes of the uniform code of military justice, 10 U.S.C. ch. 47.

c. Any substance listed in schedules I through V of section 202 of the federal Controlled Substances Act, 21 U.S.C. § 812.

Sec. 5. NEW SECTION. 29B.130 **Uniformity of interpretation.**

This code shall be construed as to effectuate the general purpose of uniformity, so far as practical, with the uniform code of military justice, 10 U.S.C. ch. 47.

Approved March 22, 2010

CHAPTER 1088

PUBLIC HEALTH — MISCELLANEOUS ACTIVITIES AND REGULATIONS

H.F. 2144

AN ACT relating to health-related activities and regulation by the department of public health, and making penalties applicable.

Be It Enacted by the General Assembly of the State of Iowa:

DIVISION I

PUBLIC HEALTH DISASTER SCHOOL CLOSINGS

Section 1. Section 135.144, Code Supplement 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 13. Order, in conjunction with the department of education, temporary closure of any public school or nonpublic school, as defined in section 280.2, to prevent or control the transmission of a communicable disease as defined in section 139A.2.

DIVISION II
SCHOOL DENTAL SCREENINGS

Sec. 2. Section 135.17, subsection 1, paragraphs a and b, Code Supplement 2009, are amended to read as follows:

a. Except as provided in paragraphs “c” and “d”, the parent or guardian of a child enrolled in elementary school shall provide evidence to the school district or accredited nonpublic elementary school in which the child is enrolled of the child having, no earlier than three years of age but ~~prior to reaching six years of age~~ no later than four months after enrollment, at a minimum, a dental screening performed by a licensed physician ~~as defined in chapter 148~~, a licensed nurse licensed under chapter 152, a licensed physician assistant ~~as defined in section 148C.1~~, or a licensed dental hygienist or dentist ~~as defined in chapter 153~~. Except as provided in paragraphs “c” and “d”, the parent or guardian of a child enrolled in high school shall provide evidence to the school district or accredited nonpublic high school in which the child is enrolled of the child having, at a minimum, a dental screening performed ~~within the prior year~~ no earlier than one year prior to enrollment and not later than four months after enrollment by a licensed dental hygienist or dentist ~~as defined in chapter 153~~. A school district or accredited nonpublic school shall provide access to a process to complete the screenings described in this paragraph as appropriate.

b. A person ~~performing~~ authorized to perform a dental screening required by this section shall record ~~the fact of having conducted that the screening was completed~~, and such additional information required by the department, on uniform forms developed by the department in cooperation with the department of education. The form shall include a space for the person ~~performing the screening~~ to summarize any condition that may indicate a need for special services.

Sec. 3. Section 135.17, subsection 3, Code Supplement 2009, is amended to read as follows:

3. By ~~June 30~~ May 31 annually, each local board shall furnish the department with evidence that each student enrolled in any public or nonpublic school within the local board’s jurisdiction has met the dental screening requirement in this section.

DIVISION III
MISCELLANEOUS PROVISIONS

Sec. 4. Section 135.11, subsection 13, Code Supplement 2009, is amended by striking the subsection.

Sec. 5. Section 135.11, subsection 29, Code Supplement 2009, is amended to read as follows:

29. In consultation with the advisory committee for perinatal guidelines, develop and maintain the statewide perinatal program based on the recommendations of the American academy of pediatrics and the American college of obstetricians and gynecologists contained in the most recent edition of the guidelines for perinatal care, and shall adopt rules in accordance with chapter 17A to implement those recommendations. Hospitals within the state shall determine whether to participate in the statewide perinatal program, and select the hospital’s level of participation in the program. A hospital having determined to participate in the program shall comply with the guidelines appropriate to the level of participation selected by the hospital. Perinatal program surveys and reports are privileged and confidential and are not subject to discovery, subpoena, or other means of legal compulsion for their release to a person other than the affected hospital, and are not admissible in evidence in a judicial or administrative proceeding other than a proceeding involving verification of the participating hospital under this subsection.

Sec. 6. Section 135.11, Code Supplement 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 31. Administer the Iowa youth survey, in collaboration with other state agencies, as appropriate, every two years to students in grades six, eight, and eleven

in Iowa's public and nonpublic schools. Survey data shall be evaluated and reported, with aggregate data available online at the Iowa youth survey internet site.

Sec. 7. Section 135.161, Code 2009, is amended by adding the following new subsection:
NEW SUBSECTION. 5. Following the initial submission of recommendations pursuant to subsection 3, the council shall recommend, no later than December 15, 2011, strategies to collect and provide statistically accurate data concerning chronic disease in multicultural groups of racial and ethnic diversity in the state. Following implementation of the strategies and collection of data, the council shall also make evidence-based recommendations to the director to address and reduce identified disparities.

Approved March 22, 2010

CHAPTER 1089

HOME OWNERSHIP ASSISTANCE PROGRAM FOR MILITARY MEMBERS — LENDERS

H.F. 2148

AN ACT relating to eligible lenders for the home ownership assistance program for military members.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 16.54, subsection 4, paragraphs a and b, Code 2009, are amended to read as follows:

a. The person eligible for the program shall, for financed home purchases that close on or after July 1, 2008, use a lender that participates in the authority's applicable programs for first-time homebuyers or a lender approved by the authority under subsection 4A.

b. ~~If the person eligible for the program is a first-time homebuyer, then, for~~ For financed home purchases that close on or after July 1, 2008, the eligible person shall participate, if eligible to participate, in one of the authority's other applicable programs for first-time homebuyers. However, a person eligible for one of the authority's other applicable programs for homebuyers may use a lender that does not participate in the authority's programs for homebuyers if such lender is approved by the authority under subsection 4A.

Sec. 2. Section 16.54, Code 2009, is amended by adding the following new subsection:
NEW SUBSECTION. 4A. a. A mortgage lender maintaining an office in the state that does not participate in the authority's programs for homebuyers may submit an application to the authority for approval to provide a mortgage loan or other financing under the home ownership assistance program or another homebuyer program, if applicable pursuant to subsection 4, paragraph "b". The authority shall prescribe a form for such applications.

b. The authority shall by rule establish criteria for the review and approval of applications submitted under this subsection, including criteria for the approval of a mortgage lender that offers an eligible person a lower annual percentage rate than the annual percentage rates available from lenders that participate in the authority's applicable programs for homebuyers.

c. The authority may determine and collect a reasonable application fee for each application submitted under this subsection. The application fees collected under this subsection shall be used exclusively for costs associated with the review and approval of applications submitted under this subsection.

Approved March 22, 2010

CHAPTER 1090

STATE BOARD OF HEALTH — ORGANIZATION AND DUTIES

H.F. 2183

AN ACT relating to the organization and duties of the state board of health.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 136.1, Code 2009, is amended to read as follows:

136.1 Composition of board.

The state board of health shall consist of the following members: ~~Five~~ Two members learned in health-related disciplines, ~~three members who have direct experience with public health,~~ two members who have direct experience with substance abuse treatment or prevention, and four members representing the general public. At least one of such members shall be licensed in the practice of medicine and surgery or osteopathic medicine and surgery under chapter 148.

~~The director of public health shall serve as secretary of the board.~~

Sec. 2. Section 136.3, Code 2009, is amended by striking the section and inserting in lieu thereof the following:

136.3 Duties.

The state board of health shall provide a forum for the development of public health policy in the state of Iowa and shall have the following powers and duties:

1. Consider and study legislation and administration concerning public health.
2. Advise the department on any issue related to the promotion and protection of the health of Iowans including but not limited to:
 - a. Prevention of epidemics and the spread of disease, including communicable and infectious diseases such as zoonotic diseases, quarantine and isolation, sexually transmitted diseases, and antitoxins and vaccines.
 - b. Protection against environmental hazards.
 - c. Prevention of injuries.
 - d. Promotion of healthy behaviors.
 - e. Preparing for, responding to, and recovering from public health emergencies and disasters.
3. Establish policies governing the performance of the department in the discharge of any duties imposed on it by law.
4. Provide guidance to the director in the discharge of the director's duties.
5. Adopt and implement the Iowa public health standards.
6. Assure that the department complies with Iowa Code, administrative rules, and the Iowa public health standards. For this purpose the board shall have access at any time to all documents and records of the department.
7. Assure that the department prepares and distributes an annual report.
8. Advise or make recommendations to the director of public health, governor, and general assembly relative to public health and advocate for state and local public health to comply with the Iowa public health standards.
9. Offer consultation to the governor in the appointment of the director of the department.
10. Adopt, promulgate, amend, and repeal rules and regulations consistent with law for the protection of the public health and prevention of substance abuse, and for the guidance of the department. All rules adopted by the department are subject to approval by the board.
11. Act by committee, or by a majority of the board.
12. Keep minutes of the transactions of each session, regular or special, which shall be public records and filed with the department.
13. Perform those duties authorized pursuant to chapter 125. The board may appoint a substance abuse and gambling treatment program committee to approve or deny applications for licensure received from substance abuse programs pursuant to chapter 125 and gambling treatment programs pursuant to chapter 135 and to perform any other function authorized by chapter 125 or 135 and delegated to the committee.

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

Sec. 3. Section 136.5, Code 2009, is amended to read as follows:

136.5 Meetings.

The board shall meet ~~on the second Wednesday in July and on the second Wednesday of every second month thereafter~~ at least six times per year and ~~at such other times as may be deemed necessary by the president chairperson of the board or the director of the department.~~ The ~~president department~~ shall give each board member adequate notice of all special meetings. A majority of the members of the board shall constitute a quorum.

Sec. 4. Section 136.7, Code 2009, is amended to read as follows:

136.7 Officer Chairperson — staff assistance.

~~At the meeting held in~~ The board shall annually in July of each year ~~a president shall be elected from the board~~ elect a chairperson, who shall serve for a period of one year. ~~At the request of the board the~~ The department shall furnish ~~an executive clerk staff~~ from the regular employees of the department to record the minutes of the meetings of the board.

Sec. 5. Section 136.8, Code 2009, is amended to read as follows:

136.8 Supplies.

The department shall furnish the board of health with all articles and supplies ~~required for the public use and~~ necessary to enable the board to perform the duties imposed upon it by law. Such articles and supplies shall be obtained by the department in the same manner in which the regular supplies for the department are obtained and the same shall be considered and accounted for as if obtained for the use of the department.

Approved March 22, 2010

CHAPTER 1091

DRAINAGE DISTRICT IMPROVEMENTS AND BID REQUIREMENTS

H.F. 2273

AN ACT relating to drainage districts, by modifying the amount of a bid security required to be submitted by bidders proposing to make improvements and modifying the threshold amount requiring the letting of bids to construct an improvement, and including effective date provisions.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 468.34, Code 2009, is amended to read as follows:

468.34 Advertisement for bids.

The board shall publish notice once each week for two consecutive weeks in a newspaper published in the county where the improvement is located, and publish additional advertisement and publication elsewhere as the board may direct. The notice shall state the time and place of letting the work of construction of the improvement, specifying the approximate amount of work to be done in each numbered section of the district, the time fixed for the commencement, and the time of the completion of the work, that bids will be received on the entire work and in sections or divisions of it, and that a bidder will be required to deposit ~~with the bid cash, a certified check on and certified by a bank in Iowa, or a certified share draft from a credit union in Iowa payable to the auditor or the auditor's order, at the auditor's office, in an amount equal to ten percent of the bid, in no case to exceed ten thousand dollars~~ a bid security with the county auditor as provided in section 468.35. All notices shall fix the date to which bids will be received and upon which the work

will be let. However, when the estimated cost of the improvement is less than ~~fifteen~~ twenty thousand dollars, the board may let the contract for the construction without taking bids and without publishing notice.

Sec. 2. Section 468.35, subsection 2, Code 2009, is amended to read as follows:

2. A bid shall be in writing, specifying the portion of the work upon which the bid is made, and filed with the auditor. The bid shall be accompanied with a bid security. The bid security shall be in the form of a deposit of cash, a certified check on and certified by a bank in Iowa, a certified share draft drawn on a credit union in Iowa, or a bid bond with a corporate surety satisfactory to the board as provided in section 73A.20. The bid security must be payable to the auditor or the auditor's order at the auditor's office in a sum equal to ~~ten~~ five percent of the amount of the bid, ~~but not to exceed ten thousand dollars~~. However, if the maximum limit on a bid security would cause a denial of funds or services from the federal government which would otherwise be available, or if the maximum limit would otherwise be inconsistent with the requirements of federal law, the maximum limit may be suspended to the extent necessary to prevent denial of federal funds or services or to eliminate the inconsistency with federal requirements. The cash, check, or share draft of an unsuccessful bidder shall be returned, and the bid bond of an unsuccessful bidder shall be canceled. The bid security of a successful bidder shall be maintained as a guarantee that the bidder will enter into contract in accordance with the bids.

Sec. 3. Section 468.66, Code 2009, is amended to read as follows:

468.66 Bids required.

In case the board shall finally determine that any such changes as defined in section 468.62 shall be made involving an expenditure of ~~fifteen~~ twenty thousand dollars or more, the work shall be let by bids in the same manner as is provided for the original construction of such improvements.

Sec. 4. EFFECTIVE UPON ENACTMENT. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved March 22, 2010

CHAPTER 1092

AREA EDUCATION AGENCIES — TASK FORCE

H.F. 2295

AN ACT establishing a task force to review the present mission, structure, governance, and funding of the area education agencies.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. DEPARTMENT OF EDUCATION — AREA EDUCATION AGENCY TASK FORCE.

1. The department of education shall convene a task force to review the present mission, structure, governance, and funding of the area education agency system to determine if the current model is applicable to the challenges and requirements of twenty-first century learning.¹

2. The task force membership shall be comprised of education stakeholders and consumers of area education agency services including but not limited to persons representing the following entities or individuals:

¹ See chapter 1183, §41 herein

- a. The department of education.
 - b. Area education agencies.
 - c. The Iowa association of school boards.
 - d. The Iowa state education association.
 - e. The school administrators of Iowa.
 - f. Accredited nonpublic schools.
 - g. A parent or guardian of a child receiving special education services.
 - h. The chairpersons and ranking members of the senate and house standing committees on education.
3. The task force shall submit its findings and recommendations in a report to the general assembly by December 15, 2010.

Approved March 22, 2010

CHAPTER 1093

MEDICAID AND CRIMINAL RESTITUTION — PAYMENTS

H.F. 2307

AN ACT providing for restitution for Medicaid expenditures.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. NEW SECTION. 249A.6A Restitution.

If restitution is ordered by the court pursuant to section 910.2, and the victim is a recipient of medical assistance for whom expenditures were made as a result of the offender's criminal activities, restitution may be made to the medical assistance program in accordance with section 910.2.

Sec. 2. Section 910.2, Code 2009, is amended to read as follows:

910.2 Restitution or community service to be ordered by sentencing court.

1. In all criminal cases in which there is a plea of guilty, verdict of guilty, or special verdict upon which a judgment of conviction is rendered, the sentencing court shall order that restitution be made by each offender to the victims of the offender's criminal activities, to the clerk of court for fines, penalties, surcharges, and, to the extent that the offender is reasonably able to pay, for crime victim assistance reimbursement, restitution to public agencies pursuant to section 321J.2, subsection 9, paragraph "b", court costs including correctional fees approved pursuant to section 356.7, court-appointed attorney fees ordered pursuant to section 815.9, including the expense of a public defender, when applicable, ~~or contribution to a local anticrime organization, or restitution to the medical assistance program pursuant to chapter 249A for expenditures paid on behalf of the victim resulting from the offender's criminal activities.~~ However, victims shall be paid in full before fines, penalties, and surcharges, crime victim compensation program reimbursement, public agencies, court costs including correctional fees approved pursuant to section 356.7, court-appointed attorney fees ordered pursuant to section 815.9, including the expenses of a public defender, ~~or contributions to a local anticrime organization, or the medical assistance program~~ are paid. In structuring a plan of restitution, the court shall provide for payments in the following order of priority: victim, fines, penalties, and surcharges, crime victim compensation program reimbursement, public agencies, court costs including correctional fees approved pursuant to section 356.7, court-appointed attorney fees ordered pursuant to section 815.9, including the expense of a public defender, ~~and contribution to a local anticrime organization, and the medical assistance program.~~

2. When the offender is not reasonably able to pay all or a part of the crime victim compensation program reimbursement, public agency restitution, court costs including

correctional fees approved pursuant to section 356.7, court-appointed attorney fees ordered pursuant to section 815.9, including the expense of a public defender, or contribution to a local anticrime organization, or medical assistance program restitution, the court may require the offender in lieu of that portion of the crime victim compensation program reimbursement, public agency restitution, court costs including correctional fees approved pursuant to section 356.7, court-appointed attorney fees ordered pursuant to section 815.9, including the expense of a public defender, or contribution to a local anticrime organization, or medical assistance program restitution for which the offender is not reasonably able to pay, to perform a needed public service for a governmental agency or for a private nonprofit agency which provides a service to the youth, elderly, or poor of the community. When community service is ordered, the court shall set a specific number of hours of service to be performed by the offender which, for payment of court-appointed attorney fees ordered pursuant to section 815.9, including the expenses of a public defender, shall be approximately equivalent in value to those costs. The judicial district department of correctional services shall provide for the assignment of the offender to a public agency or private nonprofit agency to perform the required service.

Approved March 22, 2010

CHAPTER 1094

STROKE TRIAGE SYSTEM AND REGISTRY

H.F. 2402

AN ACT relating to the development of a plan for a stroke triage system and registry.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. STROKE TRIAGE SYSTEM AND REGISTRY — PLAN. The department of public health, in cooperation with the Iowa healthcare collaborative as defined in section 135.40, and the American heart association, shall develop a plan to implement a stroke triage system and registry. In developing the plan, consideration shall be given to inclusion in the stroke triage system of facilities outside the state that are the closest and most appropriate to provide stroke care to Iowans residing along the state's borders. The plan shall be submitted to the general assembly no later than January 15, 2011.

Approved March 22, 2010

CHAPTER 1095

U.S.S. IOWA NAVAL MUSEUM

H.F. 2406

AN ACT requiring the department of veterans affairs to promote and support the preservation of the U.S.S. Iowa as a naval museum.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. DEPARTMENT OF VETERANS AFFAIRS — U.S.S. IOWA NAVAL MUSEUM. The Iowa department of veterans affairs shall promote and support the preservation of the battleship U.S.S. Iowa as a permanent naval museum.

Approved March 22, 2010

CHAPTER 1096

DISASTER RECOVERY CASE MANAGEMENT

H.F. 2422

AN ACT relating to disaster recovery case management.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. **NEW SECTION. 29C.20B Disaster case management.**

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

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

- a. Disaster case management standards.
- b. Disaster case management policies.
- c. Reporting requirements.
- d. Eligibility criteria.
- e. Coordination mechanisms necessary to carry out the services provided.
- f. Develop formal working relationships with agencies and create interagency agreements for those considered to provide disaster case management services.
- g. Coordination of all available services for individuals from multiple agencies.

Sec. 2. **BUSINESS DISASTER CASE MANAGEMENT TASK FORCE.**

1. A business disaster case management task force is established to research disaster recovery case management assistance needed for businesses following a major disaster. The task force shall recommend steps for preparing to provide such assistance following disasters.

2. The task force shall consult with experts, businesses impacted by previous disasters, and other interested stakeholders.

3. The task force shall submit written recommendations to the governor and the general assembly by November 15, 2010.

4. The rebuild Iowa office shall provide staffing for the task force.

5. The task force shall consist of the following members appointed by the governor:

- a. A representative of the United States small business administration.
- b. A representative of Iowa small business development centers.

- c. A representative of the safeguard Iowa partnership.
 - d. A representative of professional developers of Iowa.
 - e. A representative of the Iowa association of business and industry.
 - f. A representative of the Iowa retail federation.
 - g. A representative of the department of economic development.
 - h. A representative of the homeland security and emergency management division of the department of public defense.
 - i. Two business owners.
 - j. A representative of the Iowa association of regional councils.
 - k. A representative of the Iowa emergency management association.
6. Four ex officio, nonvoting members, two from each chamber of the general assembly, shall be appointed, with no more than one appointed from the same political party from each chamber. The majority leader of the senate, the minority leader of the senate, the speaker of the house of representatives, and the minority leader of the house of representatives shall each appoint one legislative member. The members appointed under this subsection shall not be eligible for per diem and expenses as provided in section 2.10.
7. Members of the task force shall not receive a per diem, shall not be reimbursed for actual and necessary expenses while in attendance at any meeting, and shall not be reimbursed for travel expenses.
8. The task force may conduct meetings telephonically.

Approved March 22, 2010

CHAPTER 1097

DRIVER'S LICENSE SANCTIONS AND RESTRICTIONS — MISCELLANEOUS CHANGES

H.F. 2452

AN ACT relating to driver's license sanctions, including the issuance of temporary restricted licenses and certain requirements relating to ignition interlock devices, and providing penalties.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 321.215, subsection 2, Code 2009, is amended to read as follows:

2. ~~a.~~ Upon conviction and the suspension or revocation of a person's noncommercial driver's license under section 321.209, subsection 5 or 6, or section 321.210, 321.210A, or 321.513; or upon revocation pursuant to a court order issued under section 901.5, subsection 10; or upon the denial of issuance of a noncommercial driver's license under section 321.560, based solely on offenses enumerated in section 321.555, subsection 1, paragraph "c", or section 321.555, subsection 2; or a juvenile, whose license has been suspended or revoked upon suspension or revocation of a juvenile's driver's license pursuant to a dispositional order under section 232.52, subsection 2, paragraph "a", for a violation of chapter 124 or 453B, or section 126.3; or upon suspension of a driver's license pursuant to a court order under section 714.7D, a the person may petition the district court having jurisdiction over the residence of the person apply to the department for a temporary restricted license to operate a motor vehicle for the limited purpose or purposes specified in subsection 1. ~~The petition shall include a current certified copy of the petitioner's official driving record issued by the department.~~ The application may be granted only if all of the following criteria are satisfied:

(1) ~~a.~~ The temporary restricted license is requested only for a case of extreme hardship or compelling circumstances where alternative means of transportation do not exist.

(2) ~~The license applicant has not made an application for a temporary restricted license in any district court in the state which was denied.~~

~~(3) b.~~ The temporary restricted license is restricted to the limited purpose or purposes specified in subsection 1 at times specified in the license.

(4) c. Proof of financial responsibility is established as defined in chapter 321A. However, such proof is not required if the driver's license was suspended under section 321.210A or 321.513 or revoked pursuant to a court order issued under section 901.5, subsection 10.

~~b. If the district court determines that a temporary restricted license is necessary, the court shall order the department to issue a temporary restricted license to the applicant. The court shall forward a record of each application for a temporary restricted license to the department, together with the results of the disposition of the request by the court.~~

Sec. 2. Section 321.560, subsection 1, paragraph b, Code 2009, is amended to read as follows:

b. A temporary restricted license may be issued pursuant to section ~~321J.4, subsection 9~~ 321J.20, subsection 2, to a person declared to be a habitual offender due to a combination of the offenses listed under section 321.555, subsection 1, paragraphs "b" and "c".

Sec. 3. Section 321J.2, subsection 2, paragraph a, subparagraph (3), subparagraph divisions (a) and (b), Code 2009, are amended to read as follows:

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

(b) A defendant whose alcohol concentration is more than .10 shall not be eligible for any temporary restricted license for at least thirty days if a test was obtained, and an accident resulting in personal injury or property damage occurred or the defendant's alcohol concentration exceeded .15. There shall be no such period of ineligibility if no such accident occurred and the defendant's alcohol concentration did not exceed .15. In either case, where a defendant's alcohol concentration is more than .10, the department shall require the defendant shall be ordered to install an ignition interlock device of a type approved by the commissioner of public safety on all vehicles owned or operated by the defendant if the defendant seeks a temporary restricted license.¹

Sec. 4. Section 321J.4, subsections 1 and 2, Code Supplement 2009, are amended to read as follows:

1. If a defendant is convicted of a violation of section 321J.2 and the defendant's driver's license or nonresident operating privilege has not been revoked under section 321J.9 or 321J.12 for the occurrence from which the arrest arose, the department shall revoke the defendant's driver's license or nonresident operating privilege for one hundred eighty days if the defendant submitted to chemical testing and has had no previous conviction or revocation under this chapter and shall revoke the defendant's driver's license or nonresident operating privilege for one year if the defendant refused to submit to chemical testing and has had no previous conviction or revocation under this chapter. The defendant shall not be eligible for any temporary restricted license for at least ninety days if a test was refused under section 321J.9.

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

¹ See chapter 1193, §75, 80 herein

if no such accident occurred, and the defendant shall not be ~~ordered~~ required to install an ignition interlock device.

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

c. If the defendant is under the age of twenty-one, the defendant shall not be eligible for a temporary restricted license for at least sixty days after the effective date of revocation.

2. If a defendant is convicted of a violation of section 321J.2, and the defendant's driver's license or nonresident operating privilege has not already been revoked under section 321J.9 or 321J.12 for the occurrence from which the arrest arose, the department shall revoke the defendant's driver's license or nonresident operating privilege for ~~two years~~ one year if the defendant submitted to chemical testing and has had a previous conviction or revocation under this chapter and shall revoke the defendant's driver's license or nonresident operating privilege for two years if the defendant refused to submit to chemical testing and has had a previous revocation under this chapter. The defendant shall not be eligible for any temporary restricted license for forty-five days after the effective date of revocation if the defendant submitted to chemical testing and shall not be eligible for any temporary restricted license for ninety days after the effective date of revocation if the defendant refused chemical testing. The temporary restricted license shall be issued in accordance with section 321J.20, subsection 2. The department shall require the defendant shall be ordered to install an ignition interlock device of a type approved by the commissioner of public safety on all vehicles owned or operated by the defendant if the defendant seeks a temporary restricted license at the end of the minimum period of ineligibility. A temporary restricted license shall not be granted by the department until the defendant installs the ignition interlock device.

Sec. 5. Section 321J.4, subsection 3, paragraphs a and b, Code Supplement 2009, are amended to read as follows:

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

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

Sec. 6. Section 321J.4, subsection 4, Code Supplement 2009, is amended to read as follows:

4. Upon a plea or verdict of guilty of a third or subsequent violation of section 321J.2, ~~the court shall order the department to~~ shall revoke the defendant's driver's license or nonresident operating privilege for a period of six years. The defendant shall not be eligible for a temporary restricted license for ~~at least one year~~ after the effective date of

~~the revocation. The court shall require the defendant to surrender to it all Iowa licenses or permits held by the defendant, which the court shall forward to the department with a copy of the order for revocation. The department shall require the defendant shall be ordered to install an ignition interlock device of a type approved by the commissioner of public safety on all vehicles owned or operated by the defendant if the defendant seeks a temporary restricted license at the end of the minimum period of ineligibility. A temporary restricted license shall not be granted by the department until the defendant installs the ignition interlock device.~~

Sec. 7. Section 321J.4, subsection 9, Code Supplement 2009, is amended by striking the subsection.

Sec. 8. Section 321J.9, subsection 2, Code 2009, is amended to read as follows:

2. a. A person whose driver's license or nonresident operating privileges are revoked under subsection 1, ~~paragraph "a",~~ shall not be eligible for a temporary restricted license for at least ninety days after the effective date of the revocation. ~~A person whose driver's license or nonresident operating privileges are revoked under subsection 1, paragraph "b", shall not be eligible for a temporary restricted license for at least one year after the effective date of the revocation. A temporary restricted license issued to a person whose driver's license or nonresident driving privilege has been revoked under subsection 1, paragraph "b", shall be issued in accordance with section 321J.20, subsection 2.~~

b. ~~The department shall require the defendant shall be ordered to install an ignition interlock device of a type approved by the commissioner of public safety on all vehicles owned or operated by the defendant if the defendant seeks a temporary restricted license at the end of the minimum period of ineligibility. A temporary restricted license shall not be granted by the department until the defendant installs the ignition interlock device.~~

Sec. 9. Section 321J.12, subsection 2, Code 2009, is amended to read as follows:

2. a. A person whose driver's license or nonresident operating privileges have been revoked under subsection 1, paragraph "a", whose alcohol concentration is .08 or more but not more than .10 shall not be eligible for any temporary restricted license for at least thirty days after the effective date of the revocation if a test was obtained and an accident resulting in personal injury or property damage occurred. ~~The department shall require the defendant shall be ordered to install an ignition interlock device of a type approved by the commissioner of public safety on all vehicles owned or operated by the defendant if the defendant seeks a temporary license. There shall be no such period of ineligibility if no such accident occurred, and the defendant shall not be ordered required to install an ignition interlock device.~~

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

c. If the person is under the age of twenty-one, the person shall not be eligible for a temporary restricted license for at least sixty days after the effective date of the revocation.

d. A person whose license or privileges have been revoked under subsection 1, paragraph "b", for one year shall not be eligible for any temporary restricted license for ~~one year~~ forty-five days after the effective date of the revocation, and ~~the department shall require the person shall be ordered to install an ignition interlock device of a type approved by the commissioner of public safety on all vehicles owned or operated by the defendant if the defendant seeks a temporary restricted license at the end of the minimum period of ineligibility. The temporary restricted license shall be issued in accordance with section~~

321J.20, subsection 2. A temporary restricted license shall not be granted by the department until the defendant installs the ignition interlock device.

Sec. 10. Section 321J.17, subsection 3, Code 2009, is amended to read as follows:

3. The department shall also require certification of installation of an ignition interlock device of a type approved by the commissioner of public safety on all motor vehicles owned or operated by any person seeking reinstatement following a second or subsequent ~~conviction for a violation of section 321J.2~~ revocation under section 321J.4, 321J.9, or 321J.12, unless such a person has previously received a temporary restricted license during the term of the revocation as authorized by this chapter. The requirement for the installation of an approved ignition interlock device shall be for one year from the date of reinstatement unless a different time period is required by statute.

Sec. 11. Section 321J.20, Code 2009, is amended to read as follows:

321J.20 Temporary restricted license — ignition interlock devices.

1. a. The department may, on application, issue a temporary restricted license to a person whose noncommercial driver's license is revoked under this chapter allowing the person to drive to and from the person's home and specified places at specified times which can be verified by the department and which are required by the person's full-time or part-time employment, continuing health care or the continuing health care of another who is dependent upon the person, continuing education while enrolled in an educational institution on a part-time or full-time basis and while pursuing a course of study leading to a diploma, degree, or other certification of successful educational completion, substance abuse treatment, court-ordered community service responsibilities, and appointments with the person's parole or probation officer if the person's driver's license has not been revoked previously under section 321J.4, 321J.9, or 321J.12 and if any of the following apply:

a. (1) The person's noncommercial driver's license is revoked under section 321J.4 and the minimum period of ineligibility for issuance of a temporary restricted license has expired. This subsection shall not apply to a revocation ordered under section 321J.4 resulting from a plea or verdict of guilty of a violation of section 321J.2 that involved a death.

b. (2) The person's noncommercial driver's license is revoked under section 321J.9 and the person has entered a plea of guilty on a charge of a violation of section 321J.2 which arose from the same set of circumstances which resulted in the person's driver's license revocation under section 321J.9 and the guilty plea is not withdrawn at the time of or after application for the temporary restricted license, and the minimum period of ineligibility for issuance of a temporary restricted license has expired.

c. (3) The person's noncommercial driver's license is revoked under section 321J.12, and the minimum period of ineligibility for issuance of a temporary restricted license has expired.

b. ~~However, a~~ temporary restricted license may be issued under this subsection if the person's noncommercial driver's license is revoked for two years under section 321J.9, ~~and the revocation is a second revocation under this chapter~~ section 321J.4, subsection 2, or section 321J.9, subsection 1, paragraph "b", and the first three hundred sixty-five days of the revocation have expired.

~~2.~~ c. This ~~section~~ subsection does not apply to a person whose license was revoked under section 321J.2A or section 321J.4, subsection 4 or 6, or to a person whose license is suspended or revoked for another reason.

d. Following the applicable minimum period of ineligibility, a temporary restricted license under this subsection shall not be issued until the applicant installs an ignition interlock device of a type approved by the commissioner of public safety on all motor vehicles owned or operated by the applicant in accordance with section 321J.2, 321J.4, 321J.9, or 321J.12. Installation of an ignition interlock device under this subsection shall be required for the period of time for which the temporary restricted license is issued.

2. a. Notwithstanding section 321.560, the department may, on application, and upon the expiration of the minimum period of ineligibility for a temporary restricted license provided for under section 321.560, 321J.4, 321J.9, or 321J.12, issue a temporary restricted license to a person whose noncommercial driver's license has either been revoked under this chapter, or revoked or suspended under chapter 321 solely for violations of this chapter, or who has

been determined to be a habitual offender under chapter 321 based solely on violations of this chapter or on violations listed in section 321.560, subsection 1, paragraph “b”, and who is not eligible for a temporary restricted license under subsection 1. However, the department may not issue a temporary restricted license under this subsection for a violation of section 321J.2A or to a person under the age of twenty-one whose license is revoked under section 321J.4, 321J.9, or 321J.12. A temporary restricted license issued under this subsection may allow the person to drive to and from the person’s home and specified places at specified times which can be verified by the department and which are required by the person’s full-time or part-time employment, continuing education while enrolled in an educational institution on a part-time or full-time basis and while pursuing a course of study leading to a diploma, degree, or other certification of successful educational completion, or substance abuse treatment.

b. Notwithstanding paragraph “a”, a temporary restricted license issued to a person whose noncommercial driver’s license has been revoked under section 321J.4, subsection 2, section 321J.9, subsection 1, paragraph “b”, or section 321J.12, subsection 1, paragraph “b”, shall provide for but not exceed the uses permitted by 23 U.S.C. § 164. This restriction applies only during the first three hundred sixty-five days of the person’s revocation.

c. A temporary restricted license issued under this subsection shall be conditioned upon the installation of an approved ignition interlock device on all motor vehicles owned or operated by the person. However, a person whose driver’s license or nonresident operating privilege has been revoked under section 321J.21 may apply to the department for a temporary restricted license without the requirement of an ignition interlock device if at least twelve years have elapsed since the end of the underlying revocation period for a violation of section 321J.2.

3. If a person required to install an ignition interlock device operates a motor vehicle which does not have an approved ignition interlock device or if the person tampers with or circumvents an ignition interlock device, in addition to other penalties provided, the person’s temporary restricted license shall be revoked.

3. 4. A person holding a temporary restricted license issued by the department under this section shall not operate a motor vehicle for pleasure.

4. 5. A person holding a temporary restricted license issued by the department under this section shall not operate a commercial motor vehicle on a highway if a commercial driver’s license is required for the person’s operation of the commercial motor vehicle.

5. 6. A person holding a temporary license issued by the department under this chapter shall be prohibited from operating a school bus.

6. Following certain minimum periods of ineligibility, a temporary restricted license under this section shall not be issued until such time as the applicant installs an ignition interlock device of a type approved by the commissioner of public safety on all motor vehicles owned or operated by the applicant, in accordance with section 321J.2, 321J.4, 321J.9, or 321J.12. Installation of an ignition interlock device under this section shall be required for the period of time for which the temporary restricted license is issued.

7. Notwithstanding any provision of this chapter to the contrary, the department may issue a temporary restricted license to a person otherwise eligible for a temporary restricted license under this section, whose period of revocation under this chapter has expired, but who has not met all requirements for reinstatement of the person’s driver’s license or nonresident operating privileges.

8. A person who tampers with or circumvents an ignition interlock device installed as required in this chapter and while the requirement for the ignition interlock device is in effect commits a serious misdemeanor.

Sec. 12. Section 707.6A, subsection 1, Code 2009, is amended to read as follows:

1. A person commits a class “B” felony when the person unintentionally causes the death of another by operating a motor vehicle while intoxicated, as prohibited by section 321J.2.

1A. Upon a plea or verdict of guilty of a violation of this subsection 1, the court shall do the following:

a. Order the state department of transportation to revoke the defendant’s driver’s license or nonresident operating privileges for a period of six years. The defendant shall surrender to the court any Iowa license or permit and the court shall forward the license or permit to

the department with a copy of the ~~revocation order of conviction~~. Upon receipt of the order of conviction, the department shall revoke the defendant's driver's license or nonresident operating privilege for a period of six years. The defendant shall not be eligible for a temporary restricted license for at least two years after the revocation.

1B. b. Order Upon a plea or verdict of guilty of a violation of subsection 1, the court shall order the defendant, at the defendant's expense, to do the following:

a. (1) Enroll, attend, and satisfactorily complete a course for drinking drivers, as provided in section 321J.22.

b. (2) Submit to evaluation and treatment or rehabilitation services.

1C. e. A driver's license or nonresident operating privilege shall not be reinstated until proof of completion of the requirements of ~~paragraph "b"~~ subsection 1B is presented to the department.

1D. d. Where the program is available and appropriate for the defendant, the court shall also order the defendant to participate in a reality education substance abuse prevention program as provided in section 321J.24.

Approved March 22, 2010

CHAPTER 1098

DEPARTMENT OF TRANSPORTATION CONTRACTS — SMALL OR DISADVANTAGED BUSINESS ENTERPRISES

H.F. 2460

AN ACT relating to small business and disadvantaged business enterprise contracts with the department of transportation.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 314.13, Code 2009, is amended to read as follows:

314.13 Definitions.

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

1. "Agency" means any governmental body which exercises jurisdiction over any road as provided by law.

2. "Committee" means the integrated roadside vegetation management technical advisory committee created in section 314.22.

3. "Coordinator" means the integrated roadside vegetation management coordinator.

4. "Department" means the state department of transportation.

5. "Disadvantaged business enterprise" means a small business which meets both of the following:

a. The business is at least fifty-one percent owned by one or more socially and economically disadvantaged individuals.

b. The management and daily business operations of the business are controlled by one or more of the socially and economically disadvantaged individuals who own the business.

5. 6. "Highway" or "street" means the entire width between property lines of every way or place of whatever nature when any part thereof is open to the use of the public, as a matter of right, for purposes of vehicular traffic.

7. "Prequalified" means that a small business has been approved by the department as a small business, is a recognized contractor engaged in the class of work provided for in the plans and specifications, possesses sufficient resources to complete the work, and is able to furnish a performance bond for one hundred percent of the contract.

8. "Small business" means any enterprise, which is operated for profit and under a single management, and which has either fewer than twenty employees or an annual gross income

of less than four million dollars computed as the average of the three preceding fiscal years. This definition does not apply to any program or activity for which a definition for small business is provided for the program or activity by federal law or regulation or other state law.

9. "Socially and economically disadvantaged individual" means an individual who is a citizen of the United States or who is a lawfully admitted permanent resident of the United States and who is a woman, Black American, Hispanic American, Native American, Asian-Pacific American, Asian-Indian American, or any other minority person or individual found to be disadvantaged by the United States small business administration. However, the department may also determine, on a case-by-case basis, that an individual who is not a member of one of the enumerated groups is a socially and economically disadvantaged individual. A rebuttable presumption exists that individuals in the following groups are socially and economically disadvantaged:

a. "Asian-Indian Americans", which includes persons whose origins are from India, Pakistan, Bangladesh, Bhutan, the Maldives Islands, Nepal, or Sri Lanka.

b. "Asian-Pacific Americans", which includes persons whose origins are from Japan, China, Taiwan, Korea, Burma (Myanmar), Vietnam, Laos, Cambodia, Thailand, Malaysia, Indonesia, the Philippines, Brunei, Samoa, Guam, the United States trust territories of the Pacific Islands, and the Northern Marianas, Macao, Fiji, Tonga, Kirbati, Juvalu, Nauru, Micronesia, or Hong Kong.

c. "Black Americans", which includes persons having origins in any of the black racial groups of Africa.

d. "Hispanic Americans", which includes persons of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish or Portuguese culture or origin, regardless of race.

e. "Native Americans", which includes persons who are American Indians, Eskimos, Aleuts, or Native Hawaiians.

Sec. 2. NEW SECTION. 314.13A Contract assessment — socially and economically disadvantaged individuals.

1. The department shall annually assess the impact of federal and nonfederal awarded contracts on socially and economically disadvantaged individuals, including women and persons with a disability, as defined in section 15.102, in the state.

2. The assessment shall include the following:

a. Any disproportionate or unique impact the contract may have on socially and economically disadvantaged individuals in the state.

b. A rationale for the contract having an impact on socially and economically disadvantaged individuals in the state.

c. Consultation with representatives of socially and economically disadvantaged individuals in cases where the contract has an identifiable impact on socially and economically disadvantaged individuals in the state.

3. This section shall be carried out to the extent consistent with federal law.

4. The assessment shall be used for informational purposes.

Sec. 3. Section 314.14, Code Supplement 2009, is amended to read as follows:

314.14 ~~Contracts set aside for disadvantaged business enterprises~~ small businesses.

1. *Definitions. As used in this section:*

a. ~~"Disadvantaged business enterprise" means a small business concern which meets either of the following:~~

~~(1) Is at least fifty-one percent owned by one or more socially and economically disadvantaged individuals.~~

~~(2) Whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it.~~

b. ~~"Small business concern" means a business which is independently owned and operated and which is not dominant in its field of operation.~~

c. ~~"Socially and economically disadvantaged individuals" means those individuals who are citizens of the United States or who are lawfully admitted permanent residents and who~~

are ~~African Americans, Hispanic Americans, Native Americans, Asian-Pacific Americans, Asian-Indian Americans, or any other minority or individuals found to be disadvantaged by the United States small business administration. However, the department may also determine, on a case-by-case basis, that an individual who is not a member of one of the enumerated groups is socially and economically disadvantaged. A rebuttable presumption exists that individuals in the following groups are socially and economically disadvantaged:~~

~~(1) "African Americans" which includes persons having origins in any of the black racial groups of Africa.~~

~~(2) "Hispanic Americans" which includes persons of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race.~~

~~(3) "Native Americans" which includes persons who are American Indians, Eskimos, Aleuts, or Native Hawaiians.~~

~~(4) "Asian-Pacific Americans" which includes persons whose origins are from Japan, China, Taiwan, Korea, Vietnam, Laos, Cambodia, the Philippines, Samoa, Guam, the United States Trust Territories of the Pacific, and the Northern Marianas.~~

~~(5) "Asian-Indian Americans" which includes persons whose origins are from India, Pakistan, and Bangladesh.~~

~~d. "Prequalified" means that the disadvantaged business enterprise is currently approved by the department as a disadvantaged business enterprise, is a recognized contractor engaged in the class of work provided for in the plans and specifications, possesses sufficient resources to complete the work, and is able to furnish a performance bond for one hundred percent of the contract.~~

~~2. Set-aside. Notwithstanding section 314.1, there may be set aside contracts for bidding by prequalified disadvantaged business enterprises small businesses a percentage of the total annual dollar amount of public contracts let by the department. The annual dollar amount set aside for bidding by prequalified disadvantaged business enterprises small businesses shall not exceed ten percent of the total dollar amount of federal aid highway construction contracts let by the department and federal aid transit dollars administered by the department. The director may estimate the set-aside amount at the beginning of each fiscal year and a suit shall not be brought by any party as a result of this estimate. Set-aside contracts will be awarded to the lowest responsible prequalified disadvantaged business enterprise small business. This section shall not be construed as limiting the department's right to refuse any or all disadvantaged business enterprise small business bids.~~

Sec. 4. PARTICIPATION GOALS — SMALL BUSINESSES AND DISADVANTAGED BUSINESS ENTERPRISES.

1. The department of transportation, in cooperation with organizations that represent highway contractors, shall submit recommendations to the general assembly and the governor by November 1, 2010, concerning methods to track and assess the participation of small businesses and disadvantaged business enterprises in receiving nonfederal highway funding. The recommendations may include methods to assess the effort on the part of contractors to achieve participation by small businesses and disadvantaged business enterprises and may involve the establishment of participation goals. Following the consideration and adoption of recommendations by the general assembly, the department shall annually review the small business and disadvantaged business enterprise participation achievements of contractors who were awarded contracts for nonfederal aid highway projects with the department.

2. The department shall work in cooperation with organizations that represent highway contractors, small businesses, and disadvantaged business enterprises to maintain communication among the entities to further the dissemination of information about contract and training resources that are available from the department.

CHAPTER 1099**SCHOOL BUSINESS OFFICIAL TRAINING AND AUTHORIZATION***H.F. 2461*

AN ACT relating to school business official training and authorization.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 256.7, Code Supplement 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 30. Set standards and procedures for the approval of training programs for individuals who seek an authorization issued by the board of educational examiners for employment as a school business official responsible for the financial operations of a school district.

Sec. 2. Section 272.31, Code 2009, is amended to read as follows:

272.31 Coaching authorization Authorizations — coaching — school business officials.

1. The minimum requirements for the board to award a coaching authorization to an applicant are:

a. Successful completion of one semester credit hour or ten contact hours in a course relating to knowledge and understanding of the structure and function of the human body in relation to physical activity.

b. Successful completion of one semester credit hour or ten contact hours in a course relating to knowledge and understanding of human growth and development of children and youth in relation to physical activity.

c. Successful completion of two semester credit hours or twenty contact hours in a course relating to knowledge and understanding of the prevention and care of athletic injuries and medical and safety problems relating to physical activity.

d. Successful completion of one semester credit hour or ten contact hours relating to knowledge and understanding of the techniques and theory of coaching interscholastic athletics.

e. Attainment of at least eighteen years of age.

2. a. The board shall issue a school business official authorization to an individual who successfully completes a training program that meets the standards set by the state board of education pursuant to section 256.7, subsection 30, and who complies with rules adopted by the board pursuant to subsection 3.

b. A person hired on or after July 1, 2012, as a school business official responsible for the financial operations of a school district who is without prior experience as a school business official in Iowa shall either hold the school business official authorization issued pursuant to paragraph "a" of this subsection or obtain the authorization within two years of the start date of employment as a school business official.

c. An individual employed as a school business official prior to July 1, 2012, who meets the requirements of the board, other than the training program requirements of paragraph "a", shall be issued, at no charge,¹ an initial authorization by the board, but shall meet renewal requirements for an authorization within the time period specified by the board.

2. 3. The board of educational examiners shall adopt rules under chapter 17A for coaching authorizations, including, but not limited to, approval of courses, validity and expiration, fees, and suspension and revocation of authorizations.

4. The state board of education shall work with institutions of higher education, private colleges and universities, community colleges, and area education agencies, and professional organizations to ensure that the courses and programs required under subsection 1 for authorization under this section are offered throughout the state at convenient times and at a reasonable cost.

¹ See chapter 1183, §29 herein

Sec. 3. SCHOOL BUSINESS OFFICIAL TRAINING PROGRAM AND AUTHORIZATION ADVISORY COMMITTEE. The department of education, in consultation with the board of educational examiners, shall convene an advisory committee to determine the standards and procedures, content, and processes of training programs for individuals who seek an authorization issued by the board of educational examiners for employment as a school business official responsible for the financial operations of a school district. The advisory committee shall be comprised of representatives of the Iowa association of school business officials, individuals holding financial leadership roles in large, medium, and small school districts, and a public member of the school budget review committee. The advisory committee shall review other states' professional organizations and programs regarding authorization of school business officials, determine the best practices for school district business management training programs, and identify and recommend the knowledge and skills necessary to obtain a school business official authorization from the board of educational examiners. The advisory committee shall submit its findings and recommendations in a report to the state board of education and the board of educational examiners by December 31, 2010.

Approved March 22, 2010

CHAPTER 1100

LIMITED LIABILITY COMPANIES AND BUSINESS CORPORATIONS — MISCELLANEOUS CHANGES

H.F. 2478

AN ACT relating to business organizations, including limited liability companies and business corporations, and providing for fees.

Be It Enacted by the General Assembly of the State of Iowa:

DIVISION I LIMITED LIABILITY COMPANIES

Section 1. Section 489.102, subsection 20, Code 2009, is amended to read as follows:

20. "*Registered office*" means ~~any of the following:~~

~~a. The office that a limited liability company or foreign limited liability company is required to designate and maintain under section 489.113.~~

~~b. The principal office of a foreign limited liability company.~~

Sec. 2. Section 489.113, Code 2009, is amended to read as follows:

489.113 Registered office and registered agent for service of process.

~~1. A limited liability company or a foreign limited liability company that has a certificate of authority under section 489.802 shall designate and continuously maintain in this state all of the following:~~

~~a. 1. A registered office, which need not be a place of its activity in this state.~~

~~b. 2. A registered agent for service of process, who may be any of the following:~~

~~a. An individual who resides in this state and whose business office is identical with the registered office.~~

~~b. A domestic corporation, limited liability company, or not-for-profit domestic corporation whose business office is identical with the registered office.~~

~~c. A foreign corporation, foreign limited liability company, or not-for-profit foreign corporation authorized to transact business in this state whose business office is identical with the registered office.~~

~~2. A foreign limited liability company that has a certificate of authority under section 489.802 shall designate and continuously maintain in this state a registered agent for service of process.~~

~~3. A registered agent for service of process of a limited liability company or foreign limited liability company must be an individual who is a resident of this state or other person with authority to transact business in this state.~~

Sec. 3. Section 489.114, Code 2009, is amended to read as follows:

489.114 Change of registered office or registered agent for service of process.

1. A limited liability company or foreign limited liability company may change its registered office, or its registered agent for service of process, or the address of its registered agent for service of process by delivering to the secretary of state for filing a statement of change containing that sets forth all of the following:

a. The name of the company.

b. The street and mailing addresses of its current registered office.

e. b. If the current registered office is to be changed, the street and mailing addresses of the new registered office.

c. If the current registered agent is to be changed, the name of the new registered agent and the new agent's consent to the appointment. The agent's consent may be on the statement or attached to it.

d. The name and street and mailing addresses of its current registered agent for service of process. That after the change or changes are made, the street address of its registered office and the business office of its registered agent will be identical.

e. If the current registered agent for service of process or an address of the registered agent is to be changed, the new information.

2. If a registered agent changes the street address of the registered agent's business office, the registered agent may change the street address of the registered office of any limited liability company or foreign limited liability company for which the person is the registered agent by notifying the limited liability company or foreign limited liability company in writing of the change and signing, either manually or in facsimile, and delivering to the secretary of state for filing a statement that complies with the requirements of subsection 1 and recites that the limited liability company or foreign limited liability company has been notified of the change.

3. If a registered agent changes the registered agent's business address to another place, the registered agent may change the business address and the address of the registered agent by filing a statement as required by subsection 2 for each limited liability company or foreign limited liability company, or a single statement of all limited liability companies or all foreign limited liability companies named in the notice, except that it need be signed only by the registered agent and need not be responsive to subsection 1, paragraph "c", and must recite that a copy of the statement has been mailed to each limited liability company or foreign limited liability company named in the notice.

4. A limited liability company or foreign limited liability company may also change its registered office or registered agent in its biennial report as provided in section 489.209.

5. Subject to section 489.205, subsection 3, a statement of change is effective when filed by the secretary of state.

Sec. 4. Section 489.115, Code 2009, is amended by striking the section and inserting in lieu thereof the following:

489.115 Resignation of registered agent for service of process.

1. A registered agent may resign the agent's agency appointment by signing and delivering to the secretary of state for filing the signed original statement of resignation. The statement of resignation may include a statement that the registered office is also discontinued. The registered agent shall send a copy of the statement of resignation by certified mail, return receipt requested, to the limited liability company or foreign limited liability company at its principal office and to the registered office, if not discontinued. The registered agent shall certify to the secretary of state that the copies have been sent to the limited liability company or foreign limited liability company, including the date the copies were sent.

2. The agency appointment is terminated, and the registered office discontinued if so provided, on the date on which the statement was filed.

Sec. 5. Section 489.116, Code 2009, is amended to read as follows:

489.116 Service of process.

1. A limited liability company's or foreign limited liability company's registered agent ~~for service of process appointed by a limited liability company or foreign limited liability company is an~~ is the company's agent of the company for service of any process, notice, or demand required or permitted by law to be served on the company.

2. If a limited liability company or foreign limited liability company has no registered agent, or the agent cannot with reasonable diligence be served, the ~~limited liability~~ company may be served by registered or certified mail, return receipt requested, addressed to the limited liability company at its principal office. Service is perfected under this subsection at the earliest of any of the following:

~~3. Service is effected under subsection 2 at the earliest of any of the following:~~

a. The date the limited liability company or foreign limited liability company receives the ~~process, notice, or demand~~ mail.

b. The date shown on the return receipt, if signed on behalf of the company.

c. Five days after ~~the process, notice, or demand is deposited with its deposit in the United States postal service, if mail, as evidenced by the postmark, if mailed postpaid and correctly addressed and with sufficient postage.~~

4. ~~This section does not affect the right to serve process, notice, or demand in any other manner provided by law. A limited liability company or foreign limited liability company may be served pursuant to this section, as provided in another provision of this chapter, or as provided in sections 617.3 through 617.6, unless the manner of service is otherwise specifically provided for by another provision of law.~~¹

Sec. 6. Section 489.117, subsection 1, paragraphs e and f, Code 2009, are amended by striking the paragraphs.

Sec. 7. Section 489.117, Code 2009, is amended by adding the following new subsection:
NEW SUBSECTION. 4. The secretary of state may impose, assess, and collect a filing fee as a condition to accepting a biennial report as provided in section 489.209.

Sec. 8. Section 489.201, subsection 2, paragraph b, Code 2009, is amended to read as follows:

b. ~~The street and mailing addresses address of the initial registered office and the name and street and mailing addresses of the initial registered agent for service of process of~~ on the company.

Sec. 9. Section 489.208, subsection 1, paragraph b, Code 2009, is amended to read as follows:

b. That the company was duly formed under the laws of this state, ~~and~~ the date of its formation, and the period of its duration if less than perpetual.

Sec. 10. Section 489.209, Code 2009, is amended to read as follows:

489.209 Biennial report for secretary of state.

1. A limited liability company or a foreign limited liability company authorized to transact business in this state shall deliver to the secretary of state for filing a biennial report that states all of the following:

a. The name of the company.

b. ~~The street and mailing addresses address of the company's registered office, and the name and street and mailing addresses of its registered agent for service of process in this state at that office, and the consent of any new registered agent.~~

c. ~~The street and mailing addresses~~ address of its principal office.

¹ See chapter 1193, §56, 77 herein

d. In the case of a foreign limited liability company, the state or other jurisdiction under whose law the company is formed and any alternate name adopted under section 489.805, subsection 1.

2. Information in a biennial report under this section must be current as of the date the report is delivered to the secretary of state for filing. The report shall be executed on behalf of the limited liability company or foreign limited liability company and signed as provided in section 489.203.

3. The first biennial report under this section must be delivered to the secretary of state between January 1 and April 1 of the first odd-numbered year following the calendar year in which a limited liability company was formed or a foreign limited liability company was authorized to transact business. A subsequent biennial report must be delivered to the secretary of state between January 1 and April 1 of each following odd-numbered calendar year. A filing fee for the biennial report shall be determined by the secretary of state pursuant to section 489.117. Each biennial report shall contain information related to the two-year period immediately preceding the calendar year in which the report is filed.

~~4. If a biennial report under this section does not contain the information required in subsection 1 this section, the secretary of state shall promptly notify the reporting limited liability company or foreign limited liability company in writing and return the report to it for correction. If the report is corrected to contain the information required in subsection 1 and delivered to the secretary of state within thirty days after the effective date of the notice, it is timely delivered.~~

~~5. If a biennial report under this section contains an address of a registered office or the name or address of a registered agent for service of process which differs from the information shown in the records of the secretary of state immediately before the biennial report becomes effective, the differing information in the biennial report is considered a statement of change under section 489.114. The secretary of state may provide for the change of registered office or registered agent on the form prescribed by the secretary of state for the biennial report, provided that the form contains the information required in section 489.114. If the secretary of state determines that a biennial report does not contain the information required in this section but otherwise meets the requirements of section 489.114 for the purpose of changing the registered office or registered agent, the secretary of state shall file the statement of change for the registered office or registered agent, effective as provided in section 489.205, subsection 3, before returning the biennial report to the limited liability company as provided in this section. A statement of change of registered office or registered agent accomplished pursuant to this subsection shall be executed by a person authorized to execute the biennial report.~~

Sec. 11. Section 489.302, subsection 1, paragraph a, Code Supplement 2009, is amended to read as follows:

a. It must include the name of the company and the street ~~and mailing addresses~~ address of its registered principal office.

Sec. 12. Section 489.302, subsection 2, paragraph b, Code Supplement 2009, is amended to read as follows:

b. The street ~~and mailing addresses~~ address of the company's registered principal office.

Sec. 13. Section 489.303, Code 2009, is amended by adding the following new subsection: NEW SUBSECTION. 3. Certifies to the secretary of state that the person denying authority has sent a copy of the statement of denial to the limited liability company, including the date on which the copy was sent.

Sec. 14. Section 489.705, subsection 1, Code 2009, is amended to read as follows:

1. The secretary of state may commence a proceeding under this section to administratively dissolve a limited liability company administratively, ~~if the company does not do any of the following apply:~~

a. Pay, The limited liability company has not delivered a biennial report to the secretary of state in a form that meets the requirements of section 489.209 within sixty days after it is

due, or has not paid within sixty days after the due date, any fee, tax, or penalty due to the secretary of state under this chapter or law other than this chapter.

b. Deliver, within sixty days after the due date, its biennial report to the secretary of state. The limited liability company is without a registered office or registered agent in this state for sixty days or more.

c. The limited liability company does not notify the secretary of state within sixty days that its registered agent or registered office has been changed, that its registered agent has resigned, or that its registered office has been discontinued.

d. The limited liability company's period of duration stated in its certificate of organization has expired.

Sec. 15. Section 489.802, subsection 1, paragraph d, Code 2009, is amended to read as follows:

d. The name and street and mailing addresses of the company's initial registered agent for service of process in this state.

Sec. 16. Section 489.806, subsection 1, paragraphs c and d, Code 2009, are amended to read as follows:

c. Appoint and maintain a registered agent for service of process and registered office as required by section 489.113, subsection subsections 1 and 2.

d. Deliver for filing a statement of a change under section 489.114 within thirty days after a change has occurred in the name or address of the of its registered agent or the address of its registered office.

Sec. 17. Section 489.806, subsection 2, unnumbered paragraph 1, Code 2009, is amended to read as follows:

To revoke a certificate of authority of a foreign limited liability company, the secretary of state must prepare, sign, and file a notice of revocation and send a copy to the company's registered agent for service of process in this state, or if the company does not appoint and maintain a proper registered agent in this state, to the company's registered principal office. The notice must state all of the following:

DIVISION II BUSINESS CORPORATIONS

Sec. 18. Section 490.1420, subsection 1, Code 2009, is amended to read as follows:

1. The corporation has not delivered a biennial report to the secretary of state in a form that meets the requirements of section 490.1622, within sixty days after it is due, or has not paid the filing fee as determined by any fee, tax, or penalty due to the secretary of state under this chapter or law other than this chapter, within sixty days after it is due.

Sec. 19. Section 490.1622, subsection 2, Code 2009, is amended to read as follows:

2. Information in the biennial report must be current as of the first day of January of the year in which the report is due the date the report is delivered to the secretary of state for filing. The report shall be executed on behalf of the corporation and signed as provided in section 490.120 or by any other person authorized by the board of directors of the corporation.

Approved March 22, 2010

CHAPTER 1101

VETERANS SERVICES FOR INMATES OF JAILS OR MUNICIPAL HOLDING FACILITIES

H.F. 2321

AN ACT relating to providing veteran services to inmates incarcerated in a jail or municipal holding facility.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. NEW SECTION. **356.6A Duty to inform about veteran services.**

1. The personnel of a jail or municipal holding facility shall inquire whether the prisoner is a veteran, and if so, shall inform the prisoner, within twenty-four hours of incarceration, that the prisoner may be entitled to a visit from a veteran service officer to determine if veteran services are required or available. Within seventy-two hours of determining a prisoner is a veteran, the personnel of a jail or municipal holding facility shall provide the prisoner with the contact information for the county commission of veteran affairs of the county where the jail or facility is located, and the prisoner shall be allowed to contact the county commission of veteran affairs to request a visit from a veteran service officer.

2. As used in this section, “veteran” means a person who was a member of the regular component of the armed forces of the United States, national guard, or reserves.

Approved March 23, 2010

CHAPTER 1102

TAX ADVICE FOR DEPLOYING MILITARY SERVICES MEMBERS

H.F. 2384

AN ACT requiring the Iowa department of veterans affairs to advise deploying service members regarding certain issues related to taxation.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 35A.5, Code Supplement 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 15A. In coordination with the military division of the department of public defense, advise service members prior to, and after returning from, deployment on active duty service outside the United States of issues related to the filing of tax returns and the payment of taxes due and encourage a service member who has not filed a return or who owes taxes to contact the department of revenue prior to deployment.

Approved March 23, 2010

CHAPTER 1103**EMERGENCY HOSPITALIZATION OF MENTALLY ILL PERSONS — NOTICE OF ARREST WARRANTS OR PENDING CRIMINAL CHARGES — DISCHARGE PROCEDURES***S.F. 2352*

AN ACT relating to the emergency hospitalization of a person with a serious mental impairment, and providing penalties.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 229.22, subsections 2 and 3, Code Supplement 2009, are amended to read as follows:

2. *a.* In the circumstances described in subsection 1, any peace officer who has reasonable grounds to believe that a person is mentally ill, and because of that illness is likely to physically injure the person's self or others if not immediately detained, may without a warrant take or cause that person to be taken to the nearest available facility or hospital as defined in section 229.11, subsection 1, paragraphs "b" and "c". A person believed mentally ill, and likely to injure the person's self or others if not immediately detained, may be delivered to a facility or hospital by someone other than a peace officer. Upon delivery of the person believed mentally ill to the hospital, the examining physician may order treatment of that person, including chemotherapy, but only to the extent necessary to preserve the person's life or to appropriately control behavior by the person which is likely to result in physical injury to that person or others if allowed to continue. The peace officer who took the person into custody, or other party who brought the person to the facility or hospital, shall describe the circumstances of the matter to the examining physician. If the person is a peace officer, the peace officer may do so either in person or by written report. If the examining physician finds that there is reason to believe that the person is seriously mentally impaired, and because of that impairment is likely to physically injure the person's self or others if not immediately detained, the examining physician shall at once communicate with the nearest available magistrate as defined in section 801.4, subsection 10. The magistrate shall, based upon the circumstances described by the examining physician, give the examining physician oral instructions either directing that the person be released forthwith or authorizing the person's detention in an appropriate facility. A peace officer from the law enforcement agency that took the person into custody, if available, during the communication with the magistrate, may inform the magistrate that an arrest warrant has been issued for or charges are pending against the person and request that any oral or written order issued under this subsection require the facility or hospital to notify the law enforcement agency about the discharge of the person prior to discharge. The magistrate may also give oral instructions and order that the detained person be transported to an appropriate facility.

b. If the magistrate orders that the person be detained, the magistrate shall, by the close of business on the next working day, file a written order with the clerk in the county where it is anticipated that an application may be filed under section 229.6. The order may be filed by facsimile if necessary. A peace officer from the law enforcement agency that took the person into custody, if no request was made under paragraph "a", may inform the magistrate that an arrest warrant has been issued for or charges are pending against the person and request that any written order issued under this paragraph require the facility or hospital to notify the law enforcement agency about the discharge of the person prior to discharge. The order shall state the circumstances under which the person was taken into custody or otherwise brought to a facility or hospital, and the grounds supporting the finding of probable cause to believe that the person is seriously mentally impaired and likely to injure the person's self or others if not immediately detained. The order shall also include any law enforcement agency notification requirements if applicable. The order shall confirm the oral order authorizing the person's detention including any order given to transport the person to an appropriate facility. A peace officer from the law enforcement agency that took the person into custody may also request an order, separate from the written order, requiring the facility or hospital to notify the law enforcement agency about the discharge of the person prior to discharge. The clerk shall provide a copy of ~~that~~ the written order or any separate order to the chief medical officer

of the facility or hospital to which the person was originally taken, to any subsequent facility to which the person was transported, and to any law enforcement department or ambulance service that transported the person pursuant to the magistrate's order.

c. If an arrest warrant has been issued for or charges are pending against the person, but no court order exists requiring notification to a law enforcement agency under paragraph "a" or "b", and if the peace officer delivers the person to a facility or hospital and the peace officer notifies the facility or hospital in writing on a form prescribed by the department of public safety that the facility or hospital notify the law enforcement agency about the discharge of the person prior to discharge, the facility or hospital shall do all of the following:

(1) Notify the dispatch of the law enforcement agency that employs the peace officer by telephone prior to the discharge of the person from the facility or hospital.

(2) Notify the law enforcement agency that employs the peace officer by electronic mail prior to the discharge of the person from the facility or hospital.

3. The chief medical officer of the facility or hospital shall examine and may detain and care for the person taken into custody under the magistrate's order for a period not to exceed forty-eight hours from the time such order is dated, excluding Saturdays, Sundays and holidays, unless the order is sooner dismissed by a magistrate. The facility or hospital may provide treatment which is necessary to preserve the person's life, or to appropriately control behavior by the person which is likely to result in physical injury to the person's self or others if allowed to continue, but may not otherwise provide treatment to the person without the person's consent. The person shall be discharged from the facility or hospital and released from custody not later than the expiration of that period, unless an application for the person's involuntary hospitalization is sooner filed with the clerk pursuant to section 229.6. Prior to such discharge the facility or hospital shall, if required by this section, notify the law enforcement agency requesting such notification about the discharge of the person. The law enforcement agency shall retrieve the person no later than six hours after notification from the facility or hospital but in no circumstances shall the detention of the person exceed the period of time prescribed for detention by this subsection. The detention of any person by the procedure and not in excess of the period of time prescribed by this section shall not render the peace officer, physician, facility, or hospital so detaining that person liable in a criminal or civil action for false arrest or false imprisonment if the peace officer, physician, facility, or hospital had reasonable grounds to believe the person so detained was mentally ill and likely to physically injure the person's self or others if not immediately detained, or if the facility or hospital was required to notify a law enforcement agency by this section, and the law enforcement agency requesting notification prior to discharge retrieved the person no later than six hours after the notification, and the detention prior to the retrieval of the person did not exceed the period of time prescribed for detention by this subsection.

Sec. 2. Section 229.22, Code Supplement 2009, is amended by adding the following new subsections:

NEW SUBSECTION. 5. The department of public safety shall prescribe the form to be used when a law enforcement agency desires notification under this section from a facility or hospital prior to discharge of a person admitted to the facility or hospital and for whom an arrest warrant has been issued or against whom charges are pending. The form shall be consistent with all laws, regulations, and rules relating to the confidentiality or privacy of personal information or medical records, including but not limited to the federal Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191, and regulations promulgated in accordance with that Act and published in 45 C.F.R. pts. 160-64.

NEW SUBSECTION. 6. A facility or hospital, which has been notified by a peace officer or a law enforcement agency by delivery of a form as prescribed by the department of public safety indicating that an arrest warrant has been issued for or charges are pending against a person admitted to the facility or hospital, that does not notify the law enforcement agency about the discharge of the person as required by subsection 2, paragraph "c", shall pay a civil penalty as provided in section 805.8C, subsection 8.

Sec. 3. Section 805.8C, Code Supplement 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 8. *Notification violations.* For violations of section 229.22, subsection 6, the scheduled fine is one thousand dollars for a first violation and two thousand dollars for a second or subsequent violation. The scheduled fine under this subsection is a civil penalty, and the criminal penalty surcharge under section 911.1 shall not be added to the penalty.

Approved March 24, 2010

CHAPTER 1104

SEX OFFENDER REGISTRY CHANGES

S.F. 2305

AN ACT modifying sex offender registry provisions, and providing penalties and including effective date provisions.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 692A.101, subsection 2, Code Supplement 2009, is amended to read as follows:

2. a. “*Aggravated offense against a minor*” means a conviction for any of the following offenses, if such offense was committed against a minor, or otherwise involves a minor:

~~a.~~ (1) Sexual abuse in the first degree in violation of section 709.2.

~~b.~~ (2) Sexual abuse in the second degree in violation of section 709.3.

~~e.~~ (3) Sexual abuse in the third degree in violation of section 709.4, except for a violation of section 709.4, subsection 2, paragraph “c”, subparagraph (4).

b. Any offense specified in the laws of another jurisdiction or prosecuted in federal, military, or foreign court, that is comparable to an offense listed in paragraph “a” shall be considered an aggravated offense against a minor if such an offense was committed against a minor or otherwise involves a minor.

Sec. 2. Section 692A.101, subsection 27, Code Supplement 2009, is amended to read as follows:

27. “*Sex offense*” means an indictable offense for which a conviction has been entered that ~~has an element involving a sexual act, sexual contact, or sexual conduct, and which is~~ enumerated in section 692A.102, and means any comparable offense for which a conviction has been entered under prior law, or any comparable offense for which a conviction has been entered in a federal, military, or foreign court, or another jurisdiction.

Sec. 3. Section 692A.101, Code Supplement 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 28A. “*Sexually motivated*” means the same as defined in section 229A.2.

Sec. 4. Section 692A.102, subsection 1, paragraph a, subparagraphs (6) and (7), Code Supplement 2009, are amended to read as follows:

(6) ~~(a)~~ Harassment in violation of section 708.7, subsection 1, 2, or 3, if a determination is made that the offense was sexually motivated pursuant to section 692A.126.

~~(7)~~ ~~(b)~~ Stalking in violation of section 708.11, except a violation of subsection 3, paragraph “b”, subparagraph (3), if a determination is made that the offense was sexually motivated pursuant to section 692A.126.

(c) Any other indictable offense in violation of chapter 708 if the offense is committed against a minor and if a determination is made that the offense was sexually motivated pursuant to section 692A.126.

Sec. 5. Section 692A.102, subsection 1, paragraph a, Code Supplement 2009, is amended by adding the following new subparagraphs:

NEW SUBPARAGRAPH. (08) Pimping in violation of section 725.2 if the offense was committed against a minor or otherwise involves a minor and if a determination is made that the offense was sexually motivated pursuant to section 692A.126.

NEW SUBPARAGRAPH. (008) Pandering in violation of section 725.3, subsection 2, if a determination is made that the offense was sexually motivated pursuant to section 692A.126.

NEW SUBPARAGRAPH. (0008) Any indictable offense in violation of chapter 726 if the offense is committed against a minor or otherwise involves a minor and if a determination is made that the offense was sexually motivated pursuant to section 692A.126.

Sec. 6. Section 692A.102, subsection 1, paragraph b, Code Supplement 2009, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (015) Pandering in violation of section 725.3.

Sec. 7. Section 692A.102, subsection 1, paragraph c, Code Supplement 2009, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (06) Penetration of the genitalia or anus with an object in violation of section 708.2, subsection 5.

Sec. 8. Section 692A.106, Code Supplement 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 2A. If a sex offender is placed on probation, parole, or work release and the probation, parole, or work release is revoked, the period of registration shall commence anew upon release from custody.

Sec. 9. Section 692A.111, Code Supplement 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 2A. Any violation of this chapter prior to July 1, 2009, shall be considered a previous offense for purposes of enhancing any penalty or period of registration under this chapter.

Sec. 10. Section 692A.113, subsection 1, unnumbered paragraph 1, Code Supplement 2009, is amended to read as follows:

A sex offender who has been convicted of a sex offense against a minor or a person required to register as a sex offender in another jurisdiction for an offense involving a minor shall not do any of the following:

Sec. 11. Section 692A.123, Code Supplement 2009, is amended to read as follows:

692A.123 Immunity for good faith conduct.

Criminal or juvenile justice agencies, and employees of criminal or juvenile justice agencies and state agencies, schools as defined in section 692A.114, public libraries, and child care facilities, and their employees shall be immune from liability for acts or omissions arising from a good faith effort to comply with this chapter.

Sec. 12. Section 692A.125, subsection 2, paragraph c, Code Supplement 2009, is amended to read as follows:

c. Any sex offender who is serving a special sentence pursuant to section 903B.1 or 903B.2 prior to July 1, 2009, or any other person who is sentenced for a criminal offense prior to July 1, 2009, that requires serving a special sentence.

Sec. 13. Section 692A.125, Code Supplement 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 2A. For an offense requiring registration due to sexual motivation, the registration requirements of section 692A.126 shall apply to a person convicted of an offense if the department makes the determination that the offense was sexually motivated as provided in section 692A.126, subsection 2.

Sec. 14. Section 692A.126, Code Supplement 2009, is amended to read as follows:

692A.126 Sexually motivated offense — determination.

1. If a judge or jury makes a determination, beyond a reasonable doubt, that any of the following offenses for which a conviction has been entered on or after July 1, 2009, are sexually motivated, the person shall be required to register as provided in this chapter:

- a. Murder in the first degree in violation of section 707.2.
- b. Murder in the second degree in violation of section 707.3.
- c. Voluntary manslaughter in violation of section 707.4.
- d. Involuntary manslaughter in violation of section 707.5.
- e. Attempt to commit murder in violation of section 707.11.
- f. Harassment in violation of section 708.7, subsection 1, 2, or 3.
- g. Stalking in violation of section 708.11, subsection 3, paragraph “b”, subparagraph (3).
- h. Any other indictable offense in violation of chapter 708 if the offense was committed against a minor or otherwise involves a minor.

- ~~h.~~ i. Kidnapping in the first degree in violation of section 710.2.
- ~~i.~~ j. Kidnapping in the second degree in violation of section 710.3.
- ~~j.~~ k. Kidnapping in the third degree in violation of section 710.4.
- ~~k.~~ l. Child stealing in violation of section 710.5.
- ~~l.~~ m. Purchase or sale or attempted purchase or sale of an individual in violation of section 710.11.

~~m.~~ n. Burglary in the first degree in violation of section 713.3, subsection 1, paragraph “a”, “b”, or “c”.

- ~~n.~~ o. Attempted burglary in the first degree in violation of section 713.4.
- ~~o.~~ p. Burglary in the second degree in violation of section 713.5.
- ~~p.~~ q. Attempted burglary in the second degree in violation of section 713.6.
- ~~q.~~ r. Burglary in the third degree in violation of section 713.6A.
- ~~r.~~ s. Attempted burglary in the third degree in violation of section 713.6B.
- ~~t.~~ Pimping in violation of section 725.2 if the offense was committed against a minor or otherwise involves a minor.

u. Pandering in violation of section 725.3, subsection 2.
v. Any indictable offense in violation of chapter 726 if the offense was committed against a minor or otherwise involves a minor.

2. a. If a ~~The following persons shall be required to register as provided in this chapter if the department makes a determination that the offense was sexually motivated:~~

(1) A person convicted of an offense in this state specified under subsection 1 prior to July 1, 2009.

(2) A person is convicted of an offense in another jurisdiction, or convicted of an offense that was prosecuted in a federal, military, or foreign court, prior to, on, or after July 1, 2009, that is comparable to an offense specified in subsection 1, ~~the person shall be required to register as provided in this chapter if the department makes a determination that the offense was sexually motivated.~~

~~3. (3) If a~~ A juvenile is convicted of an offense in another jurisdiction, or convicted of an offense as a juvenile in a similar juvenile court proceeding in a federal, military, or foreign court, prior to, on, or after July 1, 2009, that is comparable to an offense specified in subsection 1, ~~the person shall be required to register as provided in this chapter if the department makes a determination that the offense was sexually motivated.~~

b. A determination made pursuant to this subsection shall be issued in writing and shall include a summary of the information and evidence considered in making the determination that the offense was sexually motivated.

c. The determination made by the department shall be subject to judicial review in accordance with chapter 17A.

Sec. 15. NEW SECTION. 708.14 Sexual motivation.

A person convicted of any indictable offense under this chapter shall be required to register as a sex offender pursuant to the provisions of chapter 692A, if the offense was committed against a minor and the fact finder makes a determination that the offense was sexually motivated pursuant to section 692A.126.

Sec. 16. Section 713.3, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 3. For purposes of determining whether the person should register as a sex offender pursuant to the provisions of chapter 692A for violations of subsection 1, paragraphs “a”, “b”, or “c”, the fact finder shall make a determination as provided in section 692A.126.

Sec. 17. Section 713.4, Code 2009, is amended by adding the following new unnumbered paragraph after unnumbered paragraph 1:

NEW UNNUMBERED PARAGRAPH. For purposes of determining whether the person should register as a sex offender pursuant to the provisions of chapter 692A, the fact finder shall make a determination as provided in section 692A.126.

Sec. 18. Section 713.5, Code 2009, is amended by adding the following new unnumbered paragraph after unnumbered paragraph 2:

NEW UNNUMBERED PARAGRAPH. For purposes of determining whether the person should register as a sex offender pursuant to the provisions of chapter 692A, the fact finder shall make a determination as provided in section 692A.126.

Sec. 19. Section 713.6, Code 2009, is amended by adding the following new unnumbered paragraph after unnumbered paragraph 2:

NEW UNNUMBERED PARAGRAPH. For purposes of determining whether the person should register as a sex offender pursuant to the provisions of chapter 692A, the fact finder shall make a determination as provided in section 692A.126.

Sec. 20. Section 713.6A, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 3. For purposes of determining whether the person should register as a sex offender pursuant to the provisions of chapter 692A, the fact finder shall make a determination as provided in section 692A.126.

Sec. 21. Section 713.6B, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 3. For purposes of determining whether the person should register as a sex offender pursuant to the provisions of chapter 692A, the fact finder shall make a determination as provided in section 692A.126.

Sec. 22. NEW SECTION. 726.10 Sexual motivation.

A person convicted of any indictable offense under this subchapter shall be required to register as a sex offender pursuant to the provisions of chapter 692A, if the offense was committed against a minor and the fact finder makes a determination that the offense was sexually motivated pursuant to section 692A.126.

Sec. 23. EFFECTIVE UPON ENACTMENT. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved March 26, 2010

CHAPTER 1105**USE OF ELECTRONIC COMMUNICATION DEVICES WHILE DRIVING***H.F. 2456*

AN ACT concerning the use of electronic communication devices while driving, and providing penalties.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 321.178, subsection 2, paragraph a, Code 2009, is amended to read as follows:

a. (1) A person between sixteen and eighteen years of age who has completed an approved driver's education course and is not in attendance at school and has not met the requirements described in section 299.2, subsection 1, may be issued a restricted license only for travel to and from work or to transport dependents to and from temporary care facilities, if necessary for the person to maintain the person's present employment. The restricted license shall be issued by the department only upon confirmation of the person's employment and need for a restricted license to travel to and from work or to transport dependents to and from temporary care facilities if necessary to maintain the person's employment. The employer shall notify the department if the employment of the person is terminated before the person attains the age of eighteen.

(2) (a) A person issued a restricted license under this section shall not use an electronic communication device or an electronic entertainment device while driving a motor vehicle unless the motor vehicle is at a complete stop off the traveled portion of the roadway. This subparagraph division does not apply to the use of electronic equipment which is permanently installed in the motor vehicle or to a portable device which is operated through permanently installed equipment. A violation of this subparagraph division shall not be considered a moving violation except for purposes of section 321.193.

(b) For the period beginning July 1, 2010, through June 30, 2011, peace officers shall issue only warning citations for violations of subparagraph division (a). The department, in cooperation with the department of public safety, shall establish educational programs to foster compliance with the requirements of subparagraph division (a).

Sec. 2. Section 321.180B, Code Supplement 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 6A. a. A person issued an instruction permit or intermediate driver's license under this section shall not use an electronic communication device or an electronic entertainment device while driving a motor vehicle unless the motor vehicle is at a complete stop off the traveled portion of the roadway. This paragraph does not apply to the use of electronic equipment which is permanently installed in the motor vehicle or to a portable device which is operated through permanently installed equipment. A violation of this paragraph shall not be considered a moving violation except for purposes of section 321.193.

b. For the period beginning July 1, 2010, through June 30, 2011, peace officers shall issue only warning citations for violations of paragraph "a". The department, in cooperation with the department of public safety, shall establish educational programs to foster compliance with the requirements of paragraph "a".

Sec. 3. Section 321.194, subsection 1, Code Supplement 2009, is amended by adding the following new paragraph:

NEW PARAGRAPH. c. (1) A person issued a driver's license under this section shall not use an electronic communication device or an electronic entertainment device while driving a motor vehicle unless the motor vehicle is at a complete stop off the traveled portion of the roadway. This subparagraph does not apply to the use of electronic equipment which is permanently installed in the motor vehicle or to a portable device which is operated through permanently installed equipment. A violation of this subparagraph shall not be considered a moving violation except for purposes of section 321.193.

(2) For the period beginning July 1, 2010, through June 30, 2011, peace officers shall issue only warning citations for violations of subparagraph (1). The department, in cooperation with the department of public safety, shall establish educational programs to foster compliance with the requirements of subparagraph (1).

Sec. 4. Section 321.210, subsection 2, Code 2009, is amended by adding the following new paragraph:

NEW PARAGRAPH. e. Violations of section 321.276.

Sec. 5. NEW SECTION. **321.238 Use of electronic devices while driving — preemption of local legislation.**

The provisions of this chapter restricting the use of electronic communication devices and electronic entertainment devices by motor vehicle operators shall be implemented uniformly throughout the state. Such provisions shall preempt any county or municipal ordinance regarding the use of an electronic communication device or electronic entertainment device by a motor vehicle operator. In addition, a county or municipality shall not adopt or continue in effect an ordinance regarding the use of an electronic communication device or electronic entertainment device by a motor vehicle operator.

Sec. 6. NEW SECTION. **321.276 Use of electronic communication device while driving — text-messaging.**

1. For purposes of this section:

a. “Engage in a call” means talking or listening on a mobile telephone or other portable electronic communication device.

b. “Hand-held electronic communication device” means a mobile telephone or other portable electronic communication device capable of being used to write, send, or read a text message. “Hand-held electronic communication device” does not include a voice-operated or hands-free device which allows the user to write, send, or read a text message without the use of either hand except to activate or deactivate a feature or function. “Hand-held electronic communication device” does not include a wireless communication device used to transmit or receive data as part of a digital dispatch system. “Hand-held electronic communication device” includes a device which is temporarily mounted inside the motor vehicle, unless the device is a voice-operated or hands-free device.

c. “Text message” includes a text-based message, an instant message, and electronic mail.

d. The terms “write”, “send”, and “read”, with respect to a text message, mean the manual entry, transmission, and retrieval of a text message, respectively, to communicate with any other person or device.

2. A person shall not use a hand-held electronic communication device to write, send, or read a text message while driving a motor vehicle unless the motor vehicle is at a complete stop off the traveled portion of the roadway.

a. A person does not violate this section by using a global positioning system or navigation system or when, for the purpose of engaging in a call, the person selects or enters a telephone number or name in a hand-held mobile telephone or activates, deactivates, or initiates a function of a hand-held mobile telephone.

b. The provisions of this subsection relating to reading a text message do not apply to the following persons:

(1) A member of a public safety agency, as defined in section 34.1, performing official duties.

(2) A health care professional in the course of an emergency situation.

(3) A person receiving safety-related information including emergency, traffic, or weather alerts.

3. Nothing in this section shall be construed to authorize a peace officer to confiscate a portable electronic communication device from the driver or occupant of a motor vehicle.

4. a. A person convicted of a violation of this section is guilty of a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 14, paragraph “k”.

b. A violation of this section shall not be considered a moving violation for purposes of this chapter or rules adopted pursuant to this chapter.

5. *a.* A peace officer shall not stop or detain a person solely for a suspected violation of this section. This section is enforceable by a peace officer only as a secondary action when the driver of a motor vehicle has been stopped or detained for a suspected violation of another provision of this chapter, a local ordinance equivalent to a provision of this chapter, or other law.

b. For the period beginning July 1, 2010, through June 30, 2011, peace officers shall issue only warning citations for violations of this section. The department, in cooperation with the department of public safety, shall establish educational programs to foster compliance with the requirements of this section.

Sec. 7. Section 321.482A, unnumbered paragraph 1, Code 2009, is amended to read as follows:

Notwithstanding section 321.482, a person who is convicted of operating a motor vehicle in violation of section 321.178, subsection 2, paragraph “a”, subparagraph (2), section 321.180B, subsection 6A, section 321.194, subsection 1, paragraph “c”, section 321.275, subsection 4, section 321.276, 321.297, 321.298, 321.299, 321.302, 321.303, 321.304, 321.305, 321.306, 321.307, 321.308, section 321.309, subsection 2, or section 321.311, 321.319, 321.320, 321.321, 321.322, 321.323, 321.323A, 321.324, 321.324A, 321.327, 321.329, or 321.333 causing serious injury to or the death of another person may be subject to the following penalties in addition to the penalty provided for a scheduled violation in section 805.8A or any other penalty provided by law:

Sec. 8. Section 321.555, subsection 2, Code 2009, is amended to read as follows:

2. Six or more of any separate and distinct offenses within a two-year period in the operation of a motor vehicle, which are required to be reported to the department by section 321.491 or chapter 321C, except equipment violations, parking violations as defined in section 321.210, violations of registration laws, violations of sections 321.445 and 321.446, violations of section 321.276, operating a vehicle with an expired license or permit, failure to appear, weights and measures violations and speeding violations of less than fifteen miles per hour over the legal speed limit.

Sec. 9. Section 805.8A, subsection 4, paragraph a, Code Supplement 2009, is amended to read as follows:

a. For violations under ~~sections~~ section 321.174A, section 321.178, subsection 2, paragraph “a”, subparagraph (2), sections 321.180, 321.180B, 321.193, and 321.194, the scheduled fine is thirty dollars.

Sec. 10. Section 805.8A, subsection 14, Code Supplement 2009, is amended by adding the following new paragraph:

NEW PARAGRAPH. *k. Text-messaging while driving violations.* For violations under section 321.276, the scheduled fine is thirty dollars.

Approved April 1, 2010

CHAPTER 1106

MENTAL HEALTH POLICY — COUNCIL AND COMMISSION MEMBERSHIP — MILITARY VETERANS

S.F. 2175

AN ACT providing for representation of military veterans on certain mental health policy bodies.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 225C.4, subsection 1, Code 2009, is amended by adding the following new paragraph:

NEW PARAGRAPH. *t.* Coordinate with the mental health planning and advisory council created pursuant to 42 U.S.C. § 300x-3 to ensure the council membership includes representation by a military veteran who is knowledgeable concerning the behavioral and mental health issues of veterans.

Sec. 2. Section 225C.5, subsection 1, Code Supplement 2009, is amended by adding the following new paragraph:

NEW PARAGRAPH. *jj.* One member who is a military veteran and who is knowledgeable concerning the behavioral and mental health issues of veterans.

Approved April 6, 2010

CHAPTER 1107

INDIVIDUAL INCOME TAX — VETERANS TRUST FUND PAYMENTS

H.F. 2532

AN ACT exempting from the computation of the state individual income tax certain amounts received from the veterans trust fund and including a retroactive applicability provision.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 422.7, Code Supplement 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 46A. Subtract, to the extent included, amounts received from the veterans trust fund for any of the following items:

- a.* Travel expenses pursuant to section 35A.13, subsection 7, paragraph “a”.
- b.* Unemployment assistance pursuant to section 35A.13, subsection 7, paragraph “c”.

Sec. 2. **RETROACTIVE APPLICABILITY.** This Act applies retroactively to January 1, 2010, for tax years beginning on or after that date.

Approved April 6, 2010

CHAPTER 1108

MANUFACTURED AND MOBILE HOMES — USE TAX — TITLE PROCEDURES

S.F. 2199

AN ACT relating to the collection of the use tax on manufactured housing, the licensing of manufactured home retailers, amending statutory references to certain types of home dealers, establishing titling procedures for certain manufactured and mobile homes, making penalties applicable, and including effective date provisions.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 103A.55, subsection 1, Code 2009, is amended by adding the following new paragraph:

NEW PARAGRAPH. g. Failing to comply with the requirements of section 423.26A relating to the collection of use tax.

Sec. 2. Section 312.1, subsection 1, paragraph d, Code 2009, is amended to read as follows:

d. Revenue derived from the use tax collected under ~~section~~ sections 423.26 and 423.26A, to the extent provided under section 321.145, subsection 2.

Sec. 3. Section 321.20, subsection 1, paragraph e, Code 2009, is amended to read as follows:

e. The amount of the fee for new registration to be paid under section 321.105A, ~~or the amount of tax to be paid under section 423.26, subsection 1,~~ or the amount of tax to be paid under section 423.26A.

Sec. 4. Section 331.557, subsection 3, Code 2009, is amended to read as follows:

3. Collect ~~and forward~~ the use tax on vehicles subject only to a certificate of title and on manufactured housing as provided in section 423.14, ~~and section 423.26, subsection 1, and section 423.26A.~~

Sec. 5. Section 423.14, subsection 2, paragraph a, Code 2009, is amended to read as follows:

a. The tax upon the use of all vehicles subject only to the issuance of a certificate of title ~~or the tax upon the use of manufactured housing~~ shall be collected by the county treasurer or the state department of transportation pursuant to section 423.26, subsection 1. The county treasurer shall retain one dollar from each tax payment collected, to be credited to the county general fund.

Sec. 6. Section 423.16, subsection 1, Code 2009, is amended to read as follows:

1. The retail sale or transfer of watercraft, modular homes, ~~manufactured housing~~, or mobile homes, and the retail sale, excluding lease or rental, of motor vehicles, trailers, semitrailers, or aircraft that do not qualify as transportation equipment, as defined in section 423.15, subsection 3.

Sec. 7. Section 423.26, subsection 1, paragraph a, Code 2009, is amended to read as follows:

a. The use tax imposed upon the use of vehicles subject only to the issuance of a certificate of title ~~or imposed upon the use of manufactured housing~~ shall be paid by the owner of the vehicle ~~or of the manufactured housing~~ to the county treasurer or the state department of transportation from whom the certificate of title is obtained. A certificate of title shall not be issued until the tax has been paid. The county treasurer or the state department of transportation shall require every applicant for a certificate of title to supply information as the county treasurer or the director deems necessary as to the time of purchase, the purchase price, ~~installed purchase price~~, and other information relative to the purchase of the vehicle ~~or manufactured housing~~. On or before the tenth day of each month, the county treasurer or the state department of transportation shall remit to the department the amount of the taxes collected during the preceding month.

Sec. 8. NEW SECTION. **423.26A Manufactured housing — collection of use tax — certificate of title.**

1. Except as provided in subsection 3, the use tax imposed upon the use of manufactured housing shall be paid by the owner of the manufactured housing to the manufactured home retailer licensed under chapter 103A. The owner of the manufactured housing shall also provide to the manufactured home retailer all information necessary to complete and submit an application for a certificate of title.

2. Use tax collected by the manufactured home retailer shall be forwarded to the county treasurer or the state department of transportation. The county treasurer shall retain one

dollar from each tax payment collected by a manufactured home retailer and paid to the county treasurer; to be credited to the county general fund. The manufactured home retailer shall submit an application for certificate of title on behalf of the owner of the manufactured housing.

3. The use tax imposed upon the use of manufactured housing brought into the state of Iowa which has not previously been subject to the tax imposed under this subchapter and for which that tax has not been paid, shall be paid by the owner of the manufactured housing to the county treasurer or the state department of transportation from whom the certificate of title is obtained. The owner of the manufactured housing shall submit an application for a certificate of title. Section 423.22 shall apply in the case where the owner has paid tax in another state.

4. The county treasurer or the state department of transportation shall require every application for a certificate of title to include information as the county treasurer or the director deems necessary as to the time of purchase, the purchase price, installed purchase price, and other information relative to the purchase of the manufactured housing.

5. A certificate of title shall not be issued until the tax has been paid. A certificate of title shall be delivered to the owner of the manufactured housing by the county treasurer or state department of transportation who received the use tax.

6. On or before the tenth day of each month, the county treasurer or the state department of transportation shall remit to the department the amount of the taxes collected during the preceding month.

7. A person who willfully makes a false statement in regard to taxation under this section is guilty of a fraudulent practice. A person who willfully makes a false statement in regard to taxation under this section with the intent to evade the payment of tax shall be assessed a penalty of seventy-five percent of the amount of tax unpaid and required to be paid.

Sec. 9. Section 423.36, subsection 8, paragraph b, subparagraph (2), Code 2009, is amended to read as follows:

(2) Taxes imposed under section 423.26, section 423.26A, and chapter 423C.

Sec. 10. Section 423.43, subsection 2, Code 2009, is amended to read as follows:

2. All revenue derived from the use tax imposed pursuant to ~~section~~ sections 423.26 and 423.26A shall be credited to the statutory allocations fund created under section 321.145, subsection 2.

Sec. 11. Section 435.23, Code Supplement 2009, is amended to read as follows:

435.23 Exemptions — prorating tax.

The manufacturer's and ~~dealer's~~ retailer's inventory of mobile homes, manufactured homes, or modular homes not in use as a place of human habitation shall be exempt from the annual tax. All travel trailers shall be exempt from this tax. The homes and travel trailers in the inventory of manufacturers and ~~dealers~~ retailers shall be exempt from personal property tax. The homes coming into Iowa from out of state and located in a manufactured home community or mobile home park shall be liable for the tax computed pro rata to the nearest whole month, for the time the home is actually situated in Iowa.

Sec. 12. Section 435.24, subsections 1 and 5, Code Supplement 2009, are amended to read as follows:

1. The annual tax is due and payable to the county treasurer on or after July 1 in each fiscal year and is collectible in the same manner and at the same time as ordinary taxes as provided in sections 445.36, 445.37, and 445.39. Interest at the rate prescribed by law shall accrue on unpaid taxes. Both installments of taxes may be paid at one time. The September installment represents a tax period beginning July 1 and ending December 31. The March installment represents a tax period beginning January 1 and ending June 30. A mobile home, manufactured home, or modular home coming into this state from outside the state, put in use from a ~~dealer's~~ retailer's inventory, or put in use at any time after July 1 or January 1, and located in a manufactured home community or mobile home park, is subject to the taxes prorated for the remaining unexpired months of the tax period, but the purchaser is not required to pay the tax at the time of purchase. Interest attaches the following April

1 for taxes prorated on or after October 1. Interest attaches the following October 1 for taxes prorated on or after April 1. If the taxes are not paid, the county treasurer shall send a statement of delinquent taxes as part of the notice of tax sale as provided in section 446.9. The owner of a home who sells the home between July 1 and December 31 and obtains a tax clearance statement is responsible only for the September tax payment and is not required to pay taxes for subsequent tax periods. If the owner of a home located in a manufactured home community or mobile home park sells the home, obtains a tax clearance statement, and obtains a replacement home to be located in a manufactured home community or mobile home park, the owner shall not pay taxes under this chapter for the newly acquired home for the same tax period that the owner has paid taxes on the home sold. Interest for delinquent taxes shall be calculated to the nearest whole dollar. In calculating interest each fraction of a month shall be counted as an entire month.

5. Before a home may be moved from its present site by any person, a tax clearance statement in the name of the owner must be obtained from the county treasurer of the county where the present site is located certifying that taxes are not owing under this section for previous years and that the taxes have been paid for the current tax period. When a person moves a home from real property to a ~~dealer's~~ retailer's stock or to a manufactured home community or mobile home park, as defined in section 435.1, a tax clearance statement shall be applied for, and issued, from the county treasurer of the county where the present site is located. When the home is moved to another county in this state, the county treasurer shall forward a copy of the tax clearance statement to the county treasurer of the county in which the home is being relocated. However, a tax clearance statement is not required for a home in a manufacturer's or ~~dealer's~~ retailer's stock which has not been used as a place for human habitation. A tax clearance form is not required to move an abandoned home. A tax clearance form is not required in eviction cases provided the manufactured home community or mobile home park owner or manager advises the county treasurer that the tenant is being evicted. If a ~~dealer~~ retailer acquires a home from a person other than a manufacturer, the person shall provide a tax clearance statement in the name of the owner of record to the ~~dealer~~ retailer. The tax clearance statement shall be provided by the county treasurer in a method prescribed by the department of transportation.

Sec. 13. NEW SECTION. 435.26B Affidavit in lieu of surrender of certificate of title — manufactured and mobile homes.

1. If there is no record that a certificate of title has been issued or surrendered for a manufactured home or mobile home that is located outside a manufactured home community or mobile home park, that has been converted to real estate by being placed on a permanent foundation, and that is entered on the tax rolls, the owner may effectuate a surrender of the certificate of title by recording with the county recorder an affidavit that includes all of the following:

a. The full legal name, Iowa driver's license number or Iowa nonoperator's identification card number, bona fide residence, and mailing address of the owner, and any other identification information required by the state department of transportation. If the owner is a firm, association, or corporation, the affidavit shall contain the bona fide business address and federal employer identification number of the owner.

b. A description of the manufactured or mobile home including, insofar as the specified data may exist with respect to a manufactured or mobile home, the manufacturer, model, year of manufacture, and identification number or other assigned number.

c. A statement of the affiant's title or ownership interest and a statement of all liens, encumbrances, or security interest¹ upon the manufactured or mobile home, including the names and mailing addresses of all persons having any such liens, encumbrances, or security interests.

d. A statement of any facts or information known to the affiant that could affect the validity of title or the existence or validity of any lien, encumbrance, or security interest on the manufactured or mobile home.

¹ See chapter 1193, §53, 80 herein

e. The name and address of the person from whom the owner purchased or acquired the manufactured or mobile home, including information related to the location and date of purchase or acquisition.

f. The affidavit shall also include an attached written opinion by an attorney licensed to practice law in this state who has examined the abstract of title of the land upon which the manufactured or mobile home is situated. The opinion shall state the names of the owners and holders of mortgages, liens, or other encumbrances on the land upon which the manufactured or mobile home is situated and shall note the encumbrances, along with any bonds securing the encumbrances. Utility easements shall not be construed to be encumbrances for the purpose of this section.

g. A statement that the manufactured or mobile home is located outside a manufactured home community or mobile home park, has been converted to real estate by being placed on a permanent foundation, and has been entered on the tax rolls. This statement shall be endorsed by the city or county assessor, as applicable, and include the legal description of the real property upon which the manufactured or mobile home is situated.

h. A statement that the owner has made a diligent search and inquiry but has been unable to locate and produce a manufacturer's certificate of origin or a certificate of title for the manufactured or mobile home and that the owner has no knowledge that a certificate of title has previously been issued or surrendered for the manufactured or mobile home.

i. (1) An endorsement by the state department of transportation that the department has searched its records and has no record of a certificate of title or a surrender of a certificate of title for the manufactured or mobile home and that the department has no record of any ownership interest contrary to the ownership interest asserted by the affiant. The endorsement shall also specify that the state department of transportation is unable to identify any lien, encumbrance, or security interest contrary to those specified by the affiant.

(2) The state department of transportation shall not conduct any search of records or provide any endorsement until the affidavit has been completed, executed, and endorsed pursuant to paragraphs "a" through "h" and the affiant has paid a fee not to exceed two hundred dollars. The state department of transportation shall set the amount of the fee by rule.

(3) Following endorsement of the affidavit, the state department of transportation shall return the affidavit to the owner for recording.

(4) If the state department of transportation has endorsed an affidavit, the department shall not issue a certificate of title for the manufactured or mobile home unless the manufactured or mobile home is reconverted under section 435.27.

2. Recording the affidavit with all necessary endorsements and attachments shall establish the surrender of the certificate of title.

3. After the surrender of the certificate of title under this section, a conveyance of an interest in the manufactured or mobile home shall not require a transfer of title if the manufactured or mobile home remains located on the same real property that is identified in the affidavit under subsection 2.

4. A foreclosure action on a manufactured or mobile home for which the certificate of title was surrendered under this section shall be conducted as a real estate foreclosure.

5. A tax lien and its priority shall not be modified as a result of a surrender of title under this section.

6. The state department of transportation shall adopt rules under chapter 17A to implement this section. The rules adopted by the state department of transportation shall include a standardized form for an affidavit required under this section.

Sec. 14. Section 435.28, Code 2009, is amended to read as follows:

435.28 County treasurer to notify assessor.

Upon issuance of a certificate of title to a mobile home or manufactured home which is not located in a manufactured home community or mobile home park or ~~dealer's~~ retailer's inventory, the county treasurer shall notify the assessor of the existence of the home for tax assessment purposes.

Sec. 15. EFFECTIVE UPON ENACTMENT. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved April 7, 2010

CHAPTER 1109

ELECTRONIC VEHICLE REGISTRATION AND TITLING

S.F. 2273

AN ACT relating to a study regarding implementation of electronic registration and titling of vehicles, and containing effective date provisions.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. ELECTRONIC VEHICLE REGISTRATION AND TITLING — INTENT. It is the intent of the general assembly to establish a uniform statewide system to allow electronic transactions for the initial registration and titling of motor vehicles, including electronic applications, electronic issuance of titles, electronic registration, electronic transfer of funds, electronic perfection of liens, and issuance of secure and individually identifiable temporary registration cards, by January 1, 2012.

Sec. 2. ELECTRONIC VEHICLE REGISTRATION AND TITLING — IMPLEMENTATION STUDY.

1. The department of transportation shall conduct a study of how to implement a uniform statewide system to allow electronic transactions for the registration and titling of motor vehicles.

2. The study shall include participation by representatives from the consumer protection division of the office of the attorney general, the department of public safety, the department of revenue, the Iowa state county treasurers association, the Iowa automobile dealers association, the Iowa independent automobile dealers association, and any other persons designated by the department of transportation.

3. The study shall include but not be limited to an examination of all of the following:

a. The development of a cost-effective, efficient, secure, and user-friendly uniform statewide system to allow electronic applications for motor vehicle registrations and titles, electronic perfection of liens on motor vehicle titles, issuance of secure and individually identifiable temporary registration cards, and electronic transfer of necessary funds for those purposes.

b. The estimated costs and benefits to the department of transportation of implementing a uniform statewide system to allow electronic transactions for the registration and titling of motor vehicles.

c. The estimated costs and benefits to the county treasurers of implementing a uniform statewide system to allow electronic transactions for the registration and titling of motor vehicles.

d. The estimated costs and benefits to motor vehicle dealers licensed under chapter 322 of implementing a uniform statewide system to allow electronic transactions for the registration and titling of motor vehicles.

e. The estimated costs and benefits to consumers of implementing a uniform statewide system to allow electronic transactions for the registration and titling of motor vehicles.

f. The estimated costs and benefits of enhancing current computer systems maintained by the department of transportation and county treasurers as compared to the estimated costs and benefits of using a vendor to assist in the implementation and administration of a uniform statewide system to allow electronic transactions for the registration and titling of motor vehicles.

g. Procedures and best practices utilized by other states that allow electronic transactions for the registration and titling of motor vehicles.

h. Information regarding the impact of an electronic filing system on access to private information and other security concerns.

i. Whether any statutes or administrative rules should be amended or repealed to implement a uniform statewide system to allow electronic transactions for the registration and titling of motor vehicles.

j. Any other issues that the department of transportation or other persons involved in the study identify related to implementation of a uniform statewide system to allow electronic transactions for the registration and titling of motor vehicles.

4. The department of transportation shall, by December 1, 2010, issue a report to the general assembly containing the results of the study required by this section.

Sec. 3. EFFECTIVE UPON ENACTMENT. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved April 7, 2010

CHAPTER 1110

UNEMPLOYMENT COMPENSATION — VOLUNTARY SHARED WORK PLANS

S.F. 2279

AN ACT relating to voluntary shared work plans under the unemployment compensation program.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 96.40, subsection 2, paragraph i, Code Supplement 2009, is amended to read as follows:

i. The duration of the shared work plan will not exceed fifty-two weeks. ~~An employing unit is eligible for approval of only one plan during a twenty-four month period.~~

Approved April 7, 2010

CHAPTER 1111

REGULATION OF REAL ESTATE CLOSING AGENTS

S.F. 2348

AN ACT providing for the licensing and regulation of real estate closing agents, making penalties applicable, and including effective date provisions.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 535B.1, Code Supplement 2009, is amended to read as follows:

535B.1 Definitions.

As used in this chapter unless the context otherwise requires:

1. “*Administrator*” means the superintendent of the division of banking of the department of commerce.

2. ~~Reserved.~~ “Closing agent” means a person who is not a party to the real estate transaction, who provides real estate closing services.

3. “Licensee” means a person licensed under this chapter; however, any individual natural person who is acting solely as an employee or agent of a mortgage banker or, mortgage broker, or closing agent licensed under this Act chapter need not be separately licensed under this chapter.

4. ~~a.~~ “Mortgage banker” means a person who does one or more of the following:

(1) a. Makes at least four mortgage loans on residential real property located in this state in a calendar year.

(2) b. Originates at least four mortgage loans on residential real property located in this state in a calendar year and sells four or more such loans in the secondary market.

(3) c. Services at least four mortgage loans on residential real property located in this state. However, a natural person, who services less than fifteen mortgage loans on residential real estate within the state and who does not sell or transfer mortgage loans, is exempt from this ~~subparagraph~~ paragraph if that person is otherwise exempt from the provisions of this chapter.

~~b.~~ “Mortgage banker” does not include a person who is a licensed mortgage loan originator under chapter 535D.

5. “Mortgage broker” means a person who arranges or negotiates, or attempts to arrange or negotiate, at least four mortgage loans or commitments for four or more such loans on residential real property located in this state in a calendar year. “Mortgage broker” does not include a person who is a licensed mortgage loan originator under chapter 535D.

6. “Mortgage loan” means a loan of money secured by a lien on residential real property and includes a refinancing of a contract of sale, an assumption of a prior mortgage loan, and a refinancing of a prior mortgage loan.

7. “Party to the real estate transaction” means, with respect to a particular real estate transaction, a lender, seller, purchaser, or borrower.

~~7.~~ 8. “Person” means an individual a natural person, an association, joint venture or joint stock company, partnership, limited partnership, business corporation, nonprofit corporation, or any other group of individuals however organized.

8. 9. “Natural person” means an individual who is not an association, joint venture, or joint stock company, partnership, limited partnership, business corporation, nonprofit corporation, other business entity, or any other group of individuals or business entities, however organized.

9. 10. “Registrant” means a person registered under section 535B.3.

11. “Real estate closing services” means the administrative and clerical services required to carry out the conveyance or transfer of real estate or an interest in real estate located in this state to a purchaser or lender. “Real estate closing services” include but are not limited to preparing settlement statements, determining that all closing documents conform to the parties’ contract requirements, ascertaining that the lender’s instructions have been satisfied, conducting a closing conference, receiving and disbursing funds, and completing form documents and instruments selected by and in accordance with instructions of the parties to the transaction. “Real estate closing services” do not include performing solely notary functions.

12. “Residential real estate” means the same as defined in section 535D.3.

10. 13. “Residential real property” means real property, which is an owner-occupied single-family or two-family dwelling, located in this state, occupied or used or intended to be occupied or used for residential purposes, including an interest in any real property covered under chapter 499B.

14. “Trust account” means a checking account with a federally insured bank, savings and loan association, credit union, or savings bank, which is used exclusively for the deposit of funds transferred electronically or otherwise, cash, money orders, or negotiable instruments that are received by a closing agent to effect a real estate closing.

Sec. 2. Section 535B.2, Code 2009, is amended to read as follows:

535B.2 Exemptions.

This chapter, except for sections 535B.3, 535B.11, 535B.12, and 535B.13, does not apply to

any of the following:

1. A bank, bank holding company, savings bank, savings and loan association, or credit union organized under the laws of this state, another state, or the United States, or a subsidiary owned or controlled by such a bank, bank holding company, savings bank, savings and loan association, or credit union.

2. A loan company licensed under chapter 536 or 536A, except when acting as a closing agent.

3. An insurance company or a subsidiary or affiliate of an insurance company organized under the laws of this state, another state, or the United States, and subject to regulation by the commissioner of insurance.

4. Mortgage lenders or mortgage bankers maintaining an office in this state whose principal business in this state is conducted with or through mortgage lenders or mortgage bankers otherwise exempt under this section and which maintain a place of business in this state.

5. An individual who is employed by a person otherwise exempt under this section, or who, by contract, operates exclusively on behalf of a person otherwise exempt under this section to the extent that the individual is acting within the scope of the individual's employment or exclusive contract with the exempt person and is acting within the scope of the exempt person's charter, license, authority, approval, or certificate.

6. A real estate broker licensed under chapter 543B while engaged in practice as a real estate broker.

7. A nonprofit organization qualifying for tax-exempt status under the Internal Revenue Code as defined in section 422.3 which offers housing services to low and moderate income families.

8. An attorney licensed to practice law in this state or the attorney's employees or agents acting under the attorney's direction, in a transaction where the conduct of the attorney is regulated by the Iowa supreme court in its capacity as disciplinary authority over attorneys.

9. An officer or employee of the federal government, any state government, or a political subdivision of the state acting in an official capacity.

10. A qualified intermediary or an exchange accommodation titleholder facilitating an exchange under section 1031 of the Internal Revenue Code whose role in the transaction is limited to acting in such a capacity.

Sec. 3. NEW SECTION. 535B.2A Closing agents affiliated with attorneys.

1. A closing agent affiliated with an attorney is not exempt from licensure under this chapter if the closing agent engages in transactions not exempt under section 535B.2, subsection 8.

2. Licensure under, and compliance with the provisions of, this chapter shall not exempt any attorney from discipline by the Iowa supreme court in its capacity as regulatory authority over attorneys licensed to practice in this state, nor from discipline by the regulatory authorities over attorneys licensed in other jurisdictions.

3. If a complaint is filed with the administrator against a closing agent affiliated with an attorney licensed to practice in this state, the administrator shall promptly give notice of the complaint to the Iowa supreme court or its designee, and cooperate in any disciplinary investigation which the court initiates against the attorney. On request of the court, the administrator shall stay any pending disciplinary action to the extent that the court determines necessary to avoid prejudice to a disciplinary action against the attorney.

Sec. 4. Section 535B.4, Code Supplement 2009, is amended to read as follows:

535B.4 General licensing requirements.

1. A person shall not act as a mortgage banker, ~~or~~ mortgage broker, or closing agent in this state or use the title "*mortgage banker*" or "*mortgage broker*" without first obtaining a license from the administrator.

2. a. License applicants shall submit to the administrator an application on forms provided by the administrator. The forms shall include, at a minimum, all addresses at which business is to be conducted, the names and titles of each director and principal officers of the business,

and a description of the activities of the applicant in such detail as the administrator may require.

b. The administrator may require applicants and licensees to be licensed through the nationwide mortgage licensing system and registry as defined in section 535D.3, and may participate in the nationwide mortgage licensing system and registry if this requirement is implemented. In the event the requirement is implemented, the administrator may establish by rule or order new requirements as necessary and appropriate, including but not limited to requirements that applicants, and officers, directors, and others in a position of authority in relation to the applicant, submit to fingerprinting and criminal history checks, and pay associated fees relating thereto.

3. The applicant shall also submit a recently prepared certified financial statement.

4. The applicant for an initial license shall submit a fee in the amount of five hundred dollars.

5. Licenses granted under this chapter are not assignable.

6. Licenses granted under this chapter expire on the next December 31 after their issuance.

7. Applications for renewals of licenses under this chapter must be filed with the administrator before December 1 of the year of expiration on forms prescribed by the administrator. A renewal application must be accompanied by a fee of two hundred dollars for a license to transact business solely as a mortgage broker, and four hundred dollars for a license to transact business as a mortgage banker, and two hundred dollars for a licensee to transact business as a closing agent. The administrator may assess a late fee of ten dollars per day for applications or registrations accepted for processing after December 1.

8. A mortgage banker or mortgage broker licensee shall not conduct business under any other name than that given in the license. A fictitious name may be used, but a mortgage banker or mortgage broker licensee shall conduct business only under one name at a time. However, the administrator may issue more than one license to the same person to conduct business under different names at the same time upon compliance for each such additional mortgage banker or mortgage broker license with all of the provisions of this chapter governing an original issuance of a license.

9. In addition to the application and renewal fees provided for in subsections 4 and 7, the administrator may assess application and renewal fees for each branch location of the licensee, sponsor fees, and change of sponsor fees.

Sec. 5. Section 535B.5, subsection 1, Code 2009, is amended to read as follows:

1. Upon the filing of an application for a license, if the administrator finds that the financial responsibility, character, and general fitness of the applicant and of the members thereof if the applicant is a partnership, association, or other organization and of the officers, directors, and principal employees if the applicant is a corporation, are such as to warrant belief that the business will be operated honestly, soundly, and efficiently in the public interest consistent with the purposes of this chapter, the administrator shall issue the applicant a license to engage in mortgage lending, brokering, and servicing as a mortgage broker, mortgage banker, or closing agent. The administrator shall approve or deny an application for a license within ninety days after the filing of the application for a license.

Sec. 6. Section 535B.8, Code Supplement 2009, is amended to read as follows:

535B.8 Operating without a license.

A person who, without first obtaining a license under this chapter, engages in the business or occupation of, or advertises or holds the person out as, or claims to be, or temporarily acts as, a mortgage banker, or mortgage broker, or closing agent in this state is guilty of a class "D" felony and may be prosecuted by the attorney general or a county attorney.

Sec. 7. Section 535B.9, Code Supplement 2009, is amended to read as follows:

535B.9 Bonds required of license applicants.

1. An applicant for a license shall file with the administrator a bond furnished by a surety company authorized to do business in this state, together with evidence of whether the applicant is seeking to transact business as a mortgage broker, or as a mortgage banker, or closing agent. Until such time as the superintendent pursuant to administrative rule

determines a bond amount that reflects the dollar value of loans originated, the bond shall be in the amount of one hundred thousand dollars for applicants seeking to transact business as a mortgage broker or mortgage banker. For applicants seeking to transact business as a closing agent, the bond shall be in the amount of twenty-five thousand dollars, unless the administrator by rule establishes a higher bond amount. The bond shall be continuous in nature until canceled by the surety with not less than thirty days' notice in writing to the mortgage broker, or mortgage banker, or closing agent and to the administrator indicating the surety's intention to cancel the bond on a specific date. ~~The bond shall be for the use of the state and any persons who may have causes of action against the applicant. The~~

1A. ~~For applicants seeking to transact business as a mortgage broker or mortgage banker, the bond shall be for the use of the state and any persons who may have causes of action against the applicant. The bond shall be conditioned upon the applicant's faithfully conforming to and abiding by this chapter and any rules adopted under this chapter and shall require that the surety pay to the state and to any persons all moneys that become due or owing to the state and to the persons from the applicant by virtue of this chapter.~~

1B. ~~For applicants seeking to transact business as a closing agent, the bond shall be conditioned upon the applicant's faithfully conforming to and abiding by this chapter and any rules adopted under this chapter and shall require that the surety pay to the state all moneys that become due or owing to the state from the applicant by virtue of this chapter.~~

2. In lieu of filing a bond, the applicant may pledge an alternative form of collateral acceptable to the administrator, if the alternative collateral provides protection to the state and any aggrieved person that is equivalent to that provided by a bond.

3. A licensee may not act as a closing agent unless the bond requirements in this section are in place at the time of a real estate closing.

Sec. 8. Section 535B.13, Code 2009, is amended by striking the section and inserting in lieu thereof the following:

535B.13 Civil enforcement authority.

1. If the administrator believes that a person has engaged in, or is about to engage in, an act or practice that constitutes or will constitute a violation of this chapter, the administrator may apply to the district court for an order enjoining such act or practice. Upon showing by the administrator that such person has engaged, or is about to engage, in any such act or practice, the district court shall grant an injunction.

2. The administrator may investigate or initiate a complaint against a person who is not licensed under this chapter to determine whether the person is violating this chapter.

3. In addition to or as an alternative to applying to the district court for an injunction, the administrator may issue an order to a person who is not licensed under this chapter to require compliance with this chapter, including to cease and desist from conducting business or from any harmful activities or violations of law or regulation; may impose a civil penalty against such person for any violation of this chapter in an amount up to five thousand dollars for each violation; may order the person to pay restitution; and may order the person to pay the costs for the investigation and prosecution of the enforcement action including attorney fees.

4. Before issuing an order under subsection 3, the administrator shall provide the person written notice and the opportunity to request a hearing. The hearing must be requested within thirty days after receipt of the notice and shall be conducted in the same manner as provided for in disciplinary proceedings involving a licensee under this chapter.

5. A person aggrieved by the imposition of a civil penalty under subsection 3 may seek judicial review pursuant to section 17A.19.

6. An action to enforce an order under this section may be joined with an action for an injunction.

7. This chapter does not limit the power of the attorney general to determine that any other practice is unlawful under the Iowa consumer fraud Act contained in section 714.16, and to file an action under that section.

Sec. 9. Section 535B.14, Code Supplement 2009, is amended by striking the section and inserting in lieu thereof the following:

535B.14 Administrative authority.

The administrator shall have broad administrative authority to administer, interpret, and enforce this chapter and to promulgate rules implementing this chapter, including rules providing the grounds for denial of a license based on information received as a result of a background check, character and fitness grounds, and any other grounds for which a licensee may be disciplined.

Sec. 10. NEW SECTION. 535B.19 Trust account requirements for closing agents.

A licensee acting as a closing agent shall comply with all of the following:

1. All moneys received for disbursement during a real estate closing shall be deposited in a trust account and, when deposited, the moneys shall be designated as trust funds or trust accounts or under some other appropriate name indicating that the moneys are not the moneys of the licensee.

2. All trust account moneys shall be deposited in a financial institution that is insured by the federal deposit insurance corporation or national credit union share insurance fund unless the transaction does not involve residential real estate and another financial institution has been designated in writing in the escrow instructions.

3. If the trust account earns interest and the interest earned is retained by any party other than the party to the real estate transaction who is the owner of the funds, the licensee shall disclose this fact in writing to the parties to the transaction.

4. A licensee shall enter into a written agreement to pay interest to a party to a transaction, or to a third party if requested by the parties to a transaction, if the client's trust funds can earn net interest. In determining whether a client can earn net interest on funds placed in trust, the licensee shall take into consideration all relevant factors including the following:

a. The amount of interest that the funds would earn during the period in which they are reasonably expected to be deposited.

b. The cost of establishing and administering an individual interest-bearing trust account in which the interest would be transmitted to the client, including any needed tax forms.

c. The capability of the financial institution to calculate and pay interest to individual clients through subaccounting or otherwise.

5. The licensee shall notify the administrator of the name of each financial institution in which a trust account is maintained and the name of the account on forms acceptable to the administrator. A licensee may maintain more than one trust account provided it advises the administrator of the multiple accounts.

6. A licensee shall only deposit trust funds in a trust account and shall not commingle the licensee's personal funds or other funds in the trust account with the exception that a licensee may deposit and keep a sum not to exceed one thousand dollars in the trust account from the licensee's personal funds, which sum shall be specifically identified and deposited to cover bank service charges relating to the trust account or to advance funds to pay incidental fees as permitted in section 535B.20, subsection 2.

7. Moneys deposited in a trust account are not subject to execution or attachment or to any claim against the licensee.

8. A licensee shall not knowingly keep or cause to be kept any money in any bank, credit union, or other financial institution under any name designating the moneys as belonging to a client of the licensee, unless the money was actually entrusted to the licensee for deposit in trust.

Sec. 11. NEW SECTION. 535B.20 Disbursing from a trust account.

A licensee acting as a closing agent shall not make, in a real estate closing, a disbursement from a trust account on behalf of another person, unless the following conditions are met:

1. The cash, funds, money orders, checks, or negotiable instruments necessary for the disbursement have been transferred electronically to or deposited into the trust account of the closing agent and are available for withdrawal and disbursement, or have been physically received by the agent prior to disbursement and are intended for deposit no later than the next banking day after the date of disbursement.

2. Nothing in this section prohibits a closing agent licensee from advancing funds not exceeding one thousand dollars from a trust account or otherwise on behalf of a party to a real estate closing for the purpose of paying incidental fees, such as conveyance

and recording fees, in order to effect and close the sale, purchase, exchange, transfer, encumbrance, or lease of residential real property that is the subject of the real estate closing.

Sec. 12. REPEAL. Section 535B.17, Code Supplement 2009, is repealed.

Sec. 13. EFFECTIVE DATE. This Act takes effect July 1, 2011.

Approved April 7, 2010

CHAPTER 1112

UNINCORPORATED NONPROFIT ASSOCIATIONS

H.F. 726

AN ACT providing for unincorporated nonprofit associations, and providing for fees and penalties.

Be It Enacted by the General Assembly of the State of Iowa:

DIVISION I REVISED UNIFORM UNINCORPORATED NONPROFIT ASSOCIATION ACT

Section 1. NEW SECTION. **501B.1 Short title.**

This Act shall be known and may be cited as the “*Revised Uniform Unincorporated Nonprofit Association Act*”.

Sec. 2. NEW SECTION. **501B.2 Definitions.**

As used in this chapter:

1. “*Established practices*” means the practices used by an unincorporated nonprofit association without material change during the most recent five years of its existence, or if it has existed for less than five years, during its entire existence.

2. “*Governing principles*” means the agreements, whether oral, in a record, or implied from its established practices, that govern the purpose or operation of an unincorporated nonprofit association and the rights and obligations of its members and managers. “*Governing principles*” includes any amendment or restatement of the agreements constituting the governing principles.

3. “*Manager*” means a person that is responsible, alone or in concert with others, for the management of an unincorporated nonprofit association and includes but is not limited to persons who may be designated as directors and officers or some other designation indicating that such persons would perform the duties of a manager.

4. “*Member*” means a person that, under the governing principles, may participate in the selection of persons authorized to manage the affairs of the unincorporated nonprofit association or in the development of the policies and activities of the association.

5. “*Person*” means an individual, corporation, business trust, statutory entity trust, estate, trust, partnership, limited liability company, cooperative, association, joint venture, public corporation, government or governmental subdivision, agency, or instrumentality, or any other legal or commercial entity.

6. “*Record*” means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

7. “*State*” means a state of the United States, the District of Columbia, Puerto Rico, United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

8. “*Unincorporated nonprofit association*” or “*association*” means an unincorporated organization consisting of two or more members joined under an agreement that is oral, in a record, or implied from conduct, for one or more common, nonprofit purposes. “*Unincorporated nonprofit association*” does not include any of the following:

- a. A trust.
- b. A marriage, domestic partnership, common law domestic relationship, civil union, or other domestic living arrangement.
- c. An organization formed under any other statute that governs the organization and operation of unincorporated associations.
- d. A joint tenancy or tenancy in common even if the co-owners share use of the property for a nonprofit purpose.
- e. A relationship under an agreement in a record that expressly provides that the relationship between the parties does not create an unincorporated nonprofit association.

Sec. 3. NEW SECTION. 501B.3 Relation to other law.

1. Principles of law and equity supplement this chapter unless displaced by a particular provision of this chapter.
2. A statute governing a specific type of unincorporated nonprofit association prevails over an inconsistent provision in this chapter, to the extent of the inconsistency.
3. This chapter supplements the law of this state that applies to nonprofit associations operating in this state. If a conflict exists, that law applies.

Sec. 4. NEW SECTION. 501B.4 Governing law.

1. Except as otherwise provided in subsection 2, this chapter governs the operation in this state of all unincorporated nonprofit associations formed or operating in this state.
2. Unless the governing principles specify a different jurisdiction, the law of the jurisdiction in which an unincorporated nonprofit association has its main place of activities governs the internal affairs of the association.

Sec. 5. NEW SECTION. 501B.5 Legal entity — perpetual existence — powers.

1. An unincorporated nonprofit association is a legal entity distinct from its members and managers.
2. An unincorporated nonprofit association has perpetual duration unless the governing principles specify otherwise.
3. An unincorporated nonprofit association has the same powers as an individual to do all things necessary or convenient to carry on its purposes.
4. An unincorporated nonprofit association may engage in profit-making activities but profits from any activities must be used or set aside for the association’s nonprofit purposes.

Sec. 6. NEW SECTION. 501B.6 Ownership and transfer of property.

1. An unincorporated nonprofit association may acquire, hold, encumber, or transfer in its name an interest in real or personal property.
2. An unincorporated nonprofit association may be a beneficiary of a trust or contract, a legatee, or a devisee.

Sec. 7. NEW SECTION. 501B.7 Statement of authority as to real property.

1. For purposes of this section, “*statement of authority*” means a statement authorizing a person to transfer an interest in real property held in the name of an unincorporated nonprofit association.
2. An interest in real property held in the name of an unincorporated nonprofit association may be transferred by a person authorized to do so in a statement of authority filed by the association in the office of the county recorder in which a transfer of the property would be recorded.
3. A statement of authority must set forth all of the following:
 - a. The name of the unincorporated nonprofit association.
 - b. The address in this state, including the street address, if any, of the association or, if the association does not have an address in this state, its out-of-state address.
 - c. That the association is an unincorporated nonprofit association.

d. The name, title, or position of a person authorized to transfer an estate or interest in real property held in the name of the association.

4. A statement of authority must be executed in the same manner as an affidavit by a person other than the person authorized in the statement to transfer the interest.

5. The county recorder may collect a fee as provided in sections 331.604 and 331.605 for filing a statement of authority in the amount authorized for filing a transfer of real property.

6. A document amending, revoking, or canceling a statement of authority or stating that the statement is unauthorized or erroneous must meet the requirements for executing and filing an original statement.

7. Unless canceled earlier, a filed statement of authority and its most recent amendment expire five years after the date of the most recent filing.

8. If the record title to real property is in the name of an unincorporated nonprofit association and the statement of authority is filed in the office of the county recorder in which a transfer of the property would be filed, the authority of the person named in the statement to transfer is conclusive in favor of a person that gives value without notice that the person lacks authority.

Sec. 8. NEW SECTION. 501B.8 Liability.

1. For a debt, obligation, or other liability of an unincorporated nonprofit association, whether arising in contract, tort, or otherwise, all of the following apply:

a. It is solely the debt, obligation, or other liability of the association.

b. It does not become a debt, obligation, or other liability of a member, manager, employee, or volunteer solely because the member acts as a member, the manager acts as a manager, the employee acts as an employee, or a volunteer acts as a volunteer.

2. A person's status as a member, manager, employee, or volunteer does not prevent or restrict law other than this chapter from imposing liability on the person or the association because of the person's conduct.

3. A person who is a manager, member, employee, or volunteer is not personally liable in that capacity to the unincorporated nonprofit association or any of its members for any action taken or failure to take any action in the discharge of the person's duties except liability for any of the following:

a. The amount of any financial benefit to which the person is not entitled.

b. An intentional infliction of harm on the unincorporated nonprofit association or the members.

c. An intentional violation of criminal law.

d. Improper distributions.

Sec. 9. NEW SECTION. 501B.9 Assertion and defense of claims.

1. An unincorporated nonprofit association may sue or be sued in its own name.

2. A member or manager may assert a claim the member or manager has against the unincorporated nonprofit association. An association may assert a claim it has against a member or manager.

Sec. 10. NEW SECTION. 501B.10 Effect of judgment or order.

A judgment or order against an unincorporated nonprofit association is not by itself a judgment or order against a member or manager.

Sec. 11. NEW SECTION. 501B.11 Appointment of agent to receive service of process.

1. An unincorporated nonprofit association may file in the office of the secretary of state a statement appointing an agent authorized to receive service of process.

2. A statement appointing an agent must set forth all of the following:

a. The name of the unincorporated nonprofit association.

b. The name of the person in this state authorized to receive service of process and the person's address, including the street address, in this state.

3. A statement appointing an agent must be signed and acknowledged by a person authorized to manage the affairs of the unincorporated nonprofit association and by the person appointed as the agent. By signing and acknowledging the statement the person becomes the agent.

4. An amendment to or cancellation of a statement appointing an agent to receive service of process must meet the requirements for executing an original statement. An agent may resign by filing a resignation in the office of the secretary of state and giving notice to the association.

5. The secretary of state may collect a fee for filing a statement appointing an agent to receive service of process, an amendment, a cancellation, or a resignation in the amount charged for filing similar documents.

Sec. 12. NEW SECTION. 501B.12 Service of process.

In an action or proceeding against an unincorporated nonprofit association, process may be served on an agent authorized by appointment to receive service of process pursuant to section 501B.11, on a manager of the association, or in any other manner authorized by the law of this state.

Sec. 13. NEW SECTION. 501B.13 Action or proceeding not abated by change.

An action or proceeding against an unincorporated nonprofit association does not abate merely because of a change in its members or managers.

Sec. 14. NEW SECTION. 501B.14 Venue.

Unless otherwise provided by law other than this chapter, venue of an action against an unincorporated nonprofit association brought in this state is determined under the statutes applicable to an action brought in this state against a corporation under chapter 504.

Sec. 15. NEW SECTION. 501B.15 Member not agent.

A member is not an agent of an unincorporated nonprofit association solely by reason of being a member.

Sec. 16. NEW SECTION. 501B.16 Approval by members.

1. Except as otherwise provided in the governing principles, an unincorporated nonprofit association must have the approval of its members to do any of the following:

- a. Admit, suspend, dismiss, or expel a member.
- b. Select or dismiss a manager.
- c. Adopt, amend, or repeal the governing principles.
- d. Sell, lease, exchange, or otherwise dispose of all, or substantially all, of the association's property, with or without the association's goodwill, outside the ordinary course of its activities.
- e. Dissolve under section 501B.28, or merge under section 501B.30.
- f. Undertake any other act outside the ordinary course of the association's activities.
- g. Determine the policy and purposes of the association.

2. An unincorporated nonprofit association must have the approval of the members to do any other act or exercise a right that the governing principles require to be approved by members.

Sec. 17. NEW SECTION. 501B.17 Meetings of members — voting, notice, and quorum requirements.

1. Unless the governing principles provide otherwise all of the following apply:

- a. Approval of a matter by members requires an affirmative majority of the votes cast at a meeting of members.
- b. Each member is entitled to one vote on each matter that is submitted for approval by members.

2. Notice and quorum requirements for member meetings and the conduct of meetings of members are determined by the governing principles.

Sec. 18. NEW SECTION. 501B.18 Duties of member.

1. A member does not have a fiduciary duty to an unincorporated nonprofit association or to another member solely by being a member.

2. A member shall discharge the duties to the unincorporated nonprofit association and the other members and exercise any rights under this chapter consistent with the governing principles and the obligation of good faith and fair dealing.

Sec. 19. NEW SECTION. 501B.19 Admission, suspension, dismissal, or expulsion of members.

1. A person becomes a member and may be suspended, dismissed, or expelled in accordance with the association's governing principles. If there are no applicable governing principles, a person may become a member or be suspended, dismissed, or expelled from an association only by a vote of its members. A person may not be admitted as a member without the person's consent.

2. Unless the governing principles provide otherwise, the suspension, dismissal, or expulsion of a member does not relieve the member from any unpaid capital contribution, dues, assessments, fees, or other obligation incurred or commitment made by the member before the suspension, dismissal, or expulsion.

Sec. 20. NEW SECTION. 501B.20 Member's resignation.

1. A member may resign as a member in accordance with the governing principles. In the absence of applicable governing principles, a member may resign at any time.

2. Unless the governing principles provide otherwise, resignation of a member does not relieve the member from any unpaid capital contribution, dues, assessments, fees, or other obligation incurred or commitment made by the member before resignation.

Sec. 21. NEW SECTION. 501B.21 Membership interest not transferable.

Except as otherwise provided in the governing principles, a member's interest or any right under the governing principles is not transferable.

Sec. 22. NEW SECTION. 501B.22 Selection of managers — management rights of managers.

Except as otherwise provided in this chapter or the governing principles, all of the following apply:

1. Only the members may select a manager or managers.
2. A manager may be a member or a nonmember.
3. If a manager is not selected, all members are managers.
4. Each manager has equal rights in the management and conduct of the association's activities.
5. All matters relating to the association's activities shall be decided by its managers except for matters reserved for approval by members pursuant to section 501B.16.
6. A difference among managers is decided by a majority of the managers.

Sec. 23. NEW SECTION. 501B.23 Duties of managers.

1. A manager owes to the unincorporated nonprofit association and to its members the fiduciary duties of loyalty and care.

2. A manager shall manage the unincorporated nonprofit association in good faith, in a manner the manager reasonably believes to be in the best interests of the association, and with such care, including reasonable inquiry, as a prudent person would reasonably exercise in a similar position and under similar circumstances. A manager may rely in good faith upon any opinion, report, statement, or other information provided by another person that the manager reasonably believes is a competent and reliable source for the information.

3. After full disclosure of all material facts, a specific act or transaction that would otherwise violate the duty of loyalty by a manager may be authorized or ratified by a majority of the members that are not interested directly or indirectly in the act or transaction.

4. A manager that makes a business judgment in good faith satisfies the duties specified in subsection 1 if all of the following conditions apply:

- a. The manager is not interested, directly or indirectly, in the subject of the business judgment and is otherwise able to exercise independent judgment.
- b. The manager is informed with respect to the subject of the business judgment to the extent the manager reasonably believes to be appropriate under the circumstances.

c. The manager believes that the business judgment is in the best interests of the unincorporated nonprofit association and in accordance with its purposes.

Sec. 24. NEW SECTION. 501B.24 Notice and quorum requirements for meetings of managers.

Notice and quorum requirements for meetings of managers and the conduct of meetings of managers are determined by the governing principles.

Sec. 25. NEW SECTION. 501B.25 Right of member or manager to information.

1. On reasonable notice, a member or manager of an unincorporated nonprofit association may inspect and copy during the unincorporated nonprofit association's regular operating hours, at a reasonable location specified by the association, any record maintained by the association regarding its activities, financial condition, or other circumstances, to the extent the information is material to the member's or manager's rights or duties under the governing principles.

2. An unincorporated nonprofit association may impose reasonable restrictions on access to and use of information to be furnished under this section, including designating the information confidential and imposing obligations of nondisclosure and safeguarding on the recipient.

3. An unincorporated nonprofit association may charge a person that makes a demand under this section reasonable copying costs, limited to the costs of labor and materials.

4. A former member or manager is entitled to information to which the member or manager was entitled while a member or manager if the information pertains to the period during which the person was a member or manager, the former member or manager seeks the information in good faith, and the former member or manager satisfies subsections 1 through 3.

Sec. 26. NEW SECTION. 501B.26 Distributions prohibited — compensation and other permitted payments.

1. Except as otherwise provided in subsection 2, an unincorporated nonprofit association may not pay dividends or make distributions to a member or manager.

2. An unincorporated nonprofit association may do any of the following:

a. Pay reasonable compensation or reimburse reasonable expenses to a member or manager for services rendered.

b. Confer benefits on a member or manager in conformity with its nonprofit purposes.

c. Repurchase a membership and repay a capital contribution made by a member to the extent authorized by its governing principles.

d. Make distributions of property to members upon winding up and termination to the extent permitted by section 501B.29.

Sec. 27. NEW SECTION. 501B.27 Reimbursement — indemnification — advancement of expenses.

1. Except as otherwise provided in the governing principles, an unincorporated nonprofit association shall reimburse a member, manager, employee, or volunteer for authorized expenses reasonably incurred in the course of the member's, manager's, employee's, or volunteer's activities on behalf of the association.

2. An unincorporated nonprofit association may indemnify a member, manager, employee, or volunteer for any debt, obligation, or other liability incurred in the course of the member's, manager's, employee's, or volunteer's activities on behalf of the association if the person seeking indemnification has complied with section 501B.18 or 501B.23, or other law, as applicable. Governing principles in a record may broaden or limit indemnification.

3. If a person is made or threatened to be made a party in an action based on that person's activities on behalf of an unincorporated nonprofit association and the person makes a request in a record to the association, a majority of the disinterested managers may approve in a record advance payment, or reimbursement, by the association, of all or a part of the reasonable expenses, including attorney fees and costs, incurred by the person before the final disposition of the proceeding. To be entitled to an advance payment or reimbursement, the person must state in a record that the person has a good faith belief

that the criteria for indemnification in subsection 2 have been satisfied and that the person will repay the amounts advanced or reimbursed if the criteria for payment have not been satisfied. Governing principles in a record may broaden or limit the advance payments or reimbursements.

4. An unincorporated nonprofit association may purchase insurance on behalf of a member, manager, employee, or volunteer for liability asserted against or incurred by the member, manager, employee, or volunteer in the capacity of a member, manager, employee, or volunteer whether or not the association has authority under this chapter to reimburse, indemnify, or advance expenses to the member, manager, employee, or volunteer against the liability.

5. The rights of reimbursement, indemnification, and advancement of expenses under this section apply to a former member, manager, employee, or volunteer for an activity undertaken on behalf of the unincorporated nonprofit association while a member, manager, employee, or volunteer.

Sec. 28. NEW SECTION. 501B.28 Dissolution.

1. An unincorporated nonprofit association may be dissolved pursuant to any of the following:

a. If the governing principles provide a time or method for dissolution, at that time or by that method.

b. If the governing principles do not provide a time or method for dissolution, upon approval by the members.

c. If no member can be located and the association's operations have been discontinued for at least three years, by the managers or, if the association has no current manager, by its last manager.

d. By court order.

e. Under law other than this chapter.

2. After dissolution, an unincorporated nonprofit association continues in existence until its activities have been wound up and it is terminated pursuant to section 501B.29.

Sec. 29. NEW SECTION. 501B.29 Winding up and termination.

Winding up and termination of an unincorporated nonprofit association shall proceed in accordance with all of the following rules:

1. All known debts and liabilities must be paid or adequately provided for.

2. Any property subject to a condition requiring return to the person designated by the donor must be transferred to that person.

3. Any property subject to a trust must be distributed in accordance with the trust agreement.

4. Any remaining property must be distributed as follows:

a. As required by law other than this chapter that requires assets of an association to be distributed to another person with similar nonprofit purposes.

b. In accordance with the association's governing principles or in the absence of applicable governing principles, to the members of the association per capita or as the members direct.

c. If neither paragraph "a" nor "b" applies, under chapter 556.

Sec. 30. NEW SECTION. 501B.30 Mergers.

1. For purposes of this section all of the following definitions apply:

a. "*Constituent organization*" means an organization that is merged with one or more other organizations including the surviving organization.

b. "*Nonsurviving organization*" means a constituent organization that is not the surviving organization.

c. "*Organization*" means an unincorporated nonprofit association; a general partnership, including a limited liability partnership; limited partnership, including a limited liability limited partnership; limited liability company; business or statutory trust; corporation; or any other legal or commercial entity having a statute governing its formation and operation. "*Organization*" includes a for-profit or nonprofit organization.

d. “*Surviving organization*” means an organization into which one or more other organizations are merged.

2. An unincorporated nonprofit association may merge with any organization that is authorized by law to merge with an unincorporated nonprofit association.

3. A merger involving an unincorporated nonprofit association is subject to the following rules:

a. Each constituent organization shall comply with its governing law.

b. Each party to the merger shall approve a plan of merger. The plan, which must be in a record, must include all of the following provisions:

(1) The name and form of each organization that is a party to the merger.

(2) The name and form of the surviving organization and, if the surviving organization is to be created by the merger, a statement to that effect.

(3) If the surviving organization is to be created by the merger, the surviving organization’s organizational documents that are proposed to be in a record.

(4) If the surviving organization is not to be created by the merger, any amendments to be made by the merger to the surviving organization’s organizational documents that are, or are proposed to be, in a record.

(5) The terms and conditions of the merger, including the manner and basis for converting the interests in each constituent organization into any combination of money, interests in the surviving organization, and other consideration except that the plan of merger may not permit members of an unincorporated nonprofit association to receive merger consideration if a distribution of such consideration would not be permitted in the absence of a merger under section 501B.26 or 501B.29.

c. The plan of merger must be approved by the members of each unincorporated nonprofit association that is a constituent organization in the merger. If a plan of merger would impose personal liability for an obligation of a constituent or surviving organization on a member of an association that is a party to the merger, the plan may not take effect unless it is approved in a record by the member.

d. Subject to the contractual rights of third parties, after a plan of merger is approved and at any time before the merger is effective, a constituent organization may amend the plan or abandon the merger as provided in the plan, or except as otherwise prohibited in the plan, with the same consent as was required to approve the plan.

e. Following approval of the plan, a merger under this section is effective as follows:

(1) If a constituent organization is required to give notice to or obtain the approval of a governmental agency or officer in order to be a party to a merger, when the notice has been given and the approval has been obtained.

(2) For the surviving organization the following apply:

(a) If the surviving organization is an unincorporated nonprofit association, as specified in the plan of merger and upon compliance by any constituent organization that is not an association with any requirements, including any required filings in the office of the secretary of state, of the organization’s governing statute.

(b) If the surviving organization is not an unincorporated nonprofit association, as provided by the statute governing the surviving organization.

4. When a merger becomes effective all of the following apply:

a. The surviving organization continues or comes into existence.

b. Each constituent organization that merges into the surviving organization ceases to exist as a separate entity.

c. All property owned by each constituent organization that ceases to exist vests in the surviving organization.

d. All debts, obligations, or other liabilities of each nonsurviving organization continue as debts, obligations, or other liabilities of the surviving organization.

e. An action or proceeding pending by or against any nonsurviving organization may be continued as if the merger had not occurred.

f. Except as prohibited by law other than this chapter, all of the rights, privileges, immunities, powers, and purposes of each constituent organization that ceases to exist vest in the surviving organization.

g. Except as otherwise provided in the plan of merger, the terms and conditions of the plan of merger take effect.

h. The merger does not affect the personal liability, if any, of a member or manager of a constituent organization for a debt, obligation, or other liability incurred before the merger is effective.

i. A surviving organization that is not organized in this state is subject to the jurisdiction of the courts of this state to enforce any debt, obligation, or other liability owed by a constituent organization, if before the merger the constituent organization was subject to suit in this state for the debt, obligation, or other liability.

5. Property held for a charitable purpose under the law of this state by a constituent organization immediately before a merger under this section becomes effective may not, as a result of the merger, be diverted from the objects for which it was given, unless, to the extent required by or pursuant to the law of this state concerning cy pres or other law dealing with nondiversion of charitable assets, the organization obtains an appropriate order from the district court specifying the disposition of the property.

6. A bequest, devise, gift, grant, or promise contained in a will or other instrument of donation, subscription, or conveyance that is made to a nonsurviving organization and that takes effect or remains payable after the merger inures to the surviving organization. A trust obligation that would govern property if transferred to the nonsurviving organization applies to property that is transferred to the surviving organization under this section.

Sec. 31. NEW SECTION. 501B.31 Uniformity of application and construction.

In applying and construing this chapter, consideration shall be given to the need to promote uniformity of the law with respect to its subject matter among states that enact the revised uniform unincorporated nonprofit association Act as recommended by the national conference of commissioners on uniform state laws.

Sec. 32. NEW SECTION. 501B.32 Relation to electronic signatures in global and national commerce Act.

This chapter modifies, limits, and supersedes the federal Electronic Signatures in Global and National Commerce Act, 15 U.S.C. § 7001, et seq., but does not modify, limit, or supersede section 101(c) of that Act, 15 U.S.C. § 7001(c), or authorize electronic delivery of any of the notices described in section 103(b) of that Act, 15 U.S.C. § 7003(b).

Sec. 33. *Savings clause.* This division of this Act does not affect an action or proceeding commenced or right accrued before the effective date of this division of this Act.

DIVISION II
OTHER AMENDMENTS

Sec. 34. Section 9H.1, Code 2009, is amended by adding the following new subsections:
NEW SUBSECTION. 5A. “*Authorized unincorporated nonprofit association*” means an unincorporated nonprofit association to which all of the following apply:

a. The members do not exceed twenty-five in number.

b. The members are all natural persons or persons acting in a fiduciary capacity for the benefit of a natural person or unincorporated nonprofit association.

NEW SUBSECTION. 11A. “*Family farm unincorporated nonprofit association*” means an unincorporated nonprofit association to which all of the following apply:

a. The association is founded for the purpose of farming and the ownership of agricultural land and the majority of the members are persons related to each other as spouse, parent, grandparent, lineal ascendants of grandparents or their spouses and other lineal descendants of the grandparents or their spouses, or persons acting in a fiduciary capacity for persons so related.

b. All of its members are natural persons or persons acting in a fiduciary capacity for the benefit of natural persons or family trusts.

c. Sixty percent of the gross revenues of the unincorporated nonprofit association over the last consecutive three-year period comes from farming.

NEW SUBSECTION. 23. “*Unincorporated nonprofit association*” means the same as defined in section 501B.2.

Sec. 35. Section 9H.4, subsection 1, unnumbered paragraph 1, Code Supplement 2009, is amended to read as follows:

A corporation, limited liability company, ~~or~~ trust, or unincorporated nonprofit association, other than a family farm corporation, authorized farm corporation, family farm limited liability company, authorized limited liability company, family trust, authorized trust, revocable trust, ~~or~~ testamentary trust, family farm unincorporated nonprofit association, or authorized unincorporated nonprofit association shall not, either directly or indirectly, acquire or otherwise obtain or lease any agricultural land in this state. However, the restrictions provided in this section shall not apply to the following:

Sec. 36. Section 9H.4, subsection 1, Code Supplement 2009, is amended by adding the following new paragraph:

NEW PARAGRAPH. 1. Agricultural land that is owned, leased, or otherwise held by an unincorporated nonprofit association on the effective date of this Act, as long as the unincorporated nonprofit association continues to hold or lease such agricultural land.

Sec. 37. Section 9H.4, subsection 2, Code Supplement 2009, is amended to read as follows:

2. A corporation, limited liability company, ~~or~~ trust, or unincorporated nonprofit association, other than a family farm corporation, authorized farm corporation, family farm limited liability company, authorized limited liability company, family trust, authorized trust, revocable trust, ~~or~~ testamentary trust, family farm unincorporated nonprofit association, or authorized unincorporated nonprofit association, violating this section shall be assessed a civil penalty of not more than twenty-five thousand dollars and shall divest itself of any land held in violation of this section within one year after judgment. The courts of this state may prevent and restrain violations of this section through the issuance of an injunction. The attorney general or a county attorney shall institute suits on behalf of the state to prevent and restrain violations of this section.

Sec. 38. Section 9H.5, subsection 1, Code 2009, is amended to read as follows:

1. An authorized farm corporation, authorized limited liability company, or authorized trust shall not, on or after July 1, 1987, ~~and~~ a limited partnership other than a family farm limited partnership shall not, on or after July 1, 1988, ~~and~~ an authorized unincorporated nonprofit association shall not, on or after the effective date of this Act, either directly or indirectly, acquire or otherwise obtain or lease agricultural land, if the total agricultural land either directly or indirectly owned or leased by the authorized farm corporation, authorized limited liability company, limited partnership, ~~or~~ authorized trust, or authorized unincorporated nonprofit association would then exceed one thousand five hundred acres.

a. However, the restrictions provided in this subsection do not apply to agricultural land that is leased by an authorized farm corporation, authorized trust, ~~or~~ limited partnership, or authorized unincorporated nonprofit association to the immediate prior owner of the land for the purpose of farming, as defined in section 9H.1. Upon cessation of the lease to the immediate prior owner, the authorized farm corporation, authorized trust, ~~or~~ limited partnership, or authorized unincorporated nonprofit association shall, within three years following the date of the cessation, sell or otherwise dispose of the agricultural land leased to the immediate prior owner.

b. This subsection also does not apply to land that is held or acquired and maintained by an authorized farm corporation, authorized trust, ~~or~~ limited partnership, or authorized unincorporated nonprofit association to protect significant elements of the state’s natural open space heritage, including but not limited to significant river, lake, wetland, prairie, forest areas, other biologically significant areas, land containing significant archaeological, historical, or cultural value, or fish or wildlife habitats, as defined in rules adopted by the department of natural resources.

Sec. 39. Section 9H.5, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 2A. a. A person shall not, after the effective date of this Act, become a member of an authorized unincorporated nonprofit association, that owns or leases agricultural land if the person is also any of the following:

- (1) A stockholder of an authorized farm corporation.
- (2) A beneficiary of an authorized trust.
- (3) A limited partner in a limited partnership which owns or leases agricultural land.
- (4) A member of an authorized limited liability company.
- (5) A member of another authorized unincorporated nonprofit association.

b. A person shall not, after the effective date of this Act, become a stockholder of an authorized farm corporation, a beneficiary of an authorized trust, a limited partner in a limited partnership, or a member of an authorized limited liability company that owns or leases agricultural land, if the person is a member of an authorized unincorporated nonprofit association.

c. This subsection shall not apply to limited partners in a family farm limited partnership.

Sec. 40. Section 9H.5, subsection 3, paragraph a, Code 2009, is amended to read as follows:

a. An authorized farm corporation, authorized trust, authorized limited liability company, ~~or limited partnership, or authorized unincorporated nonprofit association~~ violating this section shall be assessed a civil penalty of not more than twenty-five thousand dollars and shall divest itself of any land held in violation of this section within one year after judgment. A civil penalty of not more than one thousand dollars may be imposed on a person who becomes a stockholder of an authorized farm corporation, beneficiary of an authorized trust, member of an authorized limited liability company, ~~or limited partner in a limited partnership, or member in an authorized unincorporated nonprofit association~~ in violation of this section. The person shall divest the interest held by the person in the corporation, trust, limited liability company, ~~or limited partnership, or authorized unincorporated nonprofit association~~ to comply with this section. The court may determine the method of divesting an interest held by a person found to be in violation of this chapter. A financial gain realized by a person who disposes of an interest held in violation of this chapter shall be forfeited to the state's general fund. All court costs and fees shall be paid by the person holding the interest in violation of this chapter.

Approved April 7, 2010

CHAPTER 1113

CARRYING GUNS IN OR ON VEHICLES ON PUBLIC HIGHWAYS

H.F. 2200

AN ACT relating to the carrying of a gun in or on a vehicle on a public highway and making penalties applicable.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 483A.36, Code Supplement 2009, is amended to read as follows:

483A.36 Manner of conveyance.

~~No~~ A person, except as permitted by law, shall not have or carry a gun in or on a vehicle on a public highway, unless the gun is taken down or totally contained in a securely fastened case, and its barrels and attached magazines are unloaded.

Approved April 7, 2010

CHAPTER 1114

REGULATION OF FINANCIAL INSTITUTIONS AND MORTGAGE LOAN PRACTICES

H.F. 2409

AN ACT eliminating specified mortgage loan disclosure statement filing requirements applicable to financial institutions.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 535A.1, Code 2009, is amended to read as follows:

535A.1 Definitions.

For purposes of this chapter, unless the context otherwise requires:

1. “*Financial institution*” means any bank, credit union, insurance company, mortgage banking company or savings and loan association, industrial loan company, or like institution or any other person who makes mortgage loans and which operates or has a place of business in this state. “*Financial institution*” does not include an individual who makes less than five mortgage loans a year.

2. “*Mortgage loan*” means a loan for the purchase, construction, improvement, or rehabilitation of residential property containing or to contain four or fewer family dwelling units in which the property is used as security for the loan.

3. ~~“*Mortgage loan disclosure statement*” means the statement required by the federal Home Mortgage Disclosure Act, 12 U.S.C. § 2801 to 2809.~~

4. ~~3.~~ “*Red-lining*” means the practice by which a financial institution may designate certain areas as unsuitable for the making of mortgage loans and reject applications for mortgage loans or vary the terms of a mortgage loan upon property within that area because of the prevailing income, racial, or ethnic characteristics of the area, or because of the age of the structures in the area.

5. ~~“*Reporting financial institution*” means a financial institution which is required to file a mortgage loan disclosure statement.~~

6. ~~4.~~ “*Vary the terms of a mortgage loan*” includes, but is not limited to the following:

a. Requiring a greater than average down payment than is usual for the particular type of mortgage loan involved.

b. Requiring a shorter period of amortization than is usual for the particular type of mortgage loan involved.

c. Charging a higher interest rate or higher loan origination fees than is usual for the particular type of mortgage loan involved.

d. An unreasonable underappraisal of real estate or item of property offered as security.

Sec. 2. Section 535A.2, Code 2009, is amended to read as follows:

535A.2 Discriminatory — real estate mortgages.

1. It is a discriminatory practice for any financial institution accepting mortgage loan applications to engage in the practice of red-lining as defined in section 535A.1.

2. This section shall be administered and enforced by the following agencies:

a. The superintendent of banking or the superintendent’s designee in regard to banks, persons licensed under chapter 536A, and mortgage banking companies.

b. The superintendent of savings and loan associations or the superintendent’s designee in regard to savings and loan associations pursuant to chapter 534.

c. The commissioner of insurance or the commissioner’s designee pursuant to chapter 505 in regard to all insurance companies.

d. The superintendent of credit unions or the superintendent’s designee in regard to all credit unions.

Sec. 3. Section 535A.6, Code 2009, is amended to read as follows:

535A.6 Action for damages.

1. Any person who has been aggrieved as a result of a violation of sections 535A.1 to 535A.9 may bring an action in the district court of the county in which the violation occurred or in the county where the financial institution involved is located.

2. Upon a finding that a financial institution has committed a violation of either section 535A.2, ~~535A.4~~, or 535A.9 the court may award actual damages, court costs, and attorney fees.

Sec. 4. Section 535A.7, Code 2009, is amended to read as follows:

535A.7 Criminal penalty.

Any person who knowingly engages in a practice which violates the provisions of section 535A.2, ~~535A.4~~ or 535A.9 is guilty of a serious misdemeanor.

Sec. 5. REPEAL. Sections 535A.4 and 535A.5, Code 2009, are repealed.

Approved April 7, 2010

CHAPTER 1115

PERIODIC EVALUATIONS OF AIR QUALITY STANDARDS

H.F. 2418

AN ACT relating to periodic evaluations of certain air quality standards.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 455B.134, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 14. Convene meetings not later than June 1 during the second calendar year following the adoption of new or revised federal ambient air quality standards by the United States environmental protection agency to review emission limitations or standards relating to the maximum quantities of air contaminants that may be emitted from any air contaminant source as provided in section 455B.133, subsection 4. By November 1 of the same calendar year, the department shall submit a report to the governor and the general assembly regarding recommendations for law changes necessary for the attainment of the new or revised federal standards.

Sec. 2. AIR QUALITY RECOMMENDATIONS. The department of natural resources shall convene meetings as necessary to develop recommendations for the establishment of state implementation plans sufficient to control the direct emissions of particulate matter with an aerodynamic diameter of less than or equal to two and one-half micrometers and emissions of precursor compounds that contribute to the formation of particulate matter with an aerodynamic diameter of less than or equal to two and one-half micrometers and to prevent ambient concentrations from exceeding the federal ambient air quality standards for particulate matter with an aerodynamic diameter of less than or equal to two and one-half micrometers in all areas of the state. By January 1, 2011, the department shall submit a report with recommendations to the governor and the general assembly. The report shall include recommendations necessary to meet the provisions of this section.

Approved April 7, 2010

CHAPTER 1116**WATERSHED MANAGEMENT AND PLANNING***H.F. 2459*

AN ACT relating to watersheds.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. NEW SECTION. **466B.10 Watershed planning advisory council.**

1. A watershed planning advisory council is established for purposes of assembling a diverse group of stakeholders to review research and make recommendations to various state entities regarding methods to protect water resources in the state, assure an adequate supply of water, mitigate and prevent floods, and coordinate the management of those resources in a sustainable, fiscally responsible, and environmentally responsible manner. The advisory council may seek input from councils of governments or other organizations in the development of its recommendations. The advisory council shall meet once a year and at other times as deemed necessary to meet the requirements of this section. The advisory council may appoint a task force to assist the advisory council in completing its duties.

2. The watershed planning advisory council shall consist of all of the following members:

a. The voting members of the advisory council shall include all of the following:

- (1) One member selected by the Iowa association of municipal utilities.
- (2) One member selected by the Iowa league of cities.
- (3) One member selected by the Iowa association of business and industry.
- (4) One member selected by the Iowa water pollution control association.
- (5) One member selected by the Iowa rural water association.
- (6) One member selected by growing green communities.
- (7) One member selected by the Iowa environmental council.
- (8) One member selected by the Iowa farm bureau federation.
- (9) One member selected by the Iowa corn growers association.
- (10) One member selected by the Iowa soybean association.
- (11) One member selected by the Iowa pork producers council.
- (12) One member selected by the soil and water conservation districts of Iowa.
- (13) One person representing the department of agriculture and land stewardship selected by the secretary of agriculture.
- (14) One person representing the department of natural resources selected by the director.
- (15) Two members selected by the Iowa conservation alliance.
- (16) One member selected by the Iowa drainage district association.

b. The nonvoting members of the advisory council shall include all of the following:

(1) Two members of the senate. One senator shall be appointed by the majority leader of the senate and one senator shall be appointed by the minority leader of the senate.

(2) Two members of the house of representatives. One member shall be appointed by the speaker of the house of representatives and one member shall be appointed by the minority leader of the house of representatives.

3. By December 1 of each year, the watershed planning advisory council shall submit a report to the governor, the general assembly, the department of agriculture and land stewardship, the department of natural resources, and the water resources coordinating council. The report shall include recommendations regarding all of the following:

a. Improving water quality and optimizing the costs of voluntarily achieving and maintaining water quality standards.

b. Creating economic incentives for voluntary nonpoint source load reductions, point source discharge reductions beyond those required by the federal Water Pollution Control Act, implementation of pollution prevention programs, wetland restoration and creation, and the development of emerging pollution control technologies.

c. Facilitating the implementation of total maximum daily loads, urban storm water control programs, and nonpoint source management practices required or authorized under the federal Water Pollution Control Act. This paragraph shall not be construed to obviate the requirement to develop a total maximum daily load for waters that do not meet water

quality standards as required by section 303(d) of the federal Water Pollution Control Act or to delay implementation of a total maximum daily load that has been approved by the department and the director.

d. Providing incentives, methods, and practices for the development of new and more accurate and reliable pollution control quantification protocols and procedures, including but not limited to development of policy based on information and data that is publicly available and that can be verified and evaluated.

e. Providing greater flexibility for broader public involvement through community-based, nonregulatory, and performance-driven watershed management planning.

f. Assigning responsibility for monitoring flood risk, flood mitigation, and coordination with federal agencies.

g. Involving cities, counties, and other local and regional public and private entities in watershed improvement including but not limited to incentives for participation in a watershed management authority created under this chapter.

4. Each year, the voting members of the advisory council shall designate one voting member as chairperson.

Sec. 2. NEW SECTION. 466B.11 Watershed demonstration pilot projects.

The department of natural resources and the department of agriculture and land stewardship, in collaboration with the United States department of agriculture's natural resources conservation service and the Iowa flood center established pursuant to section 466C.1, and in cooperation with the council, shall seek funding to plan, implement, and monitor one or more watershed demonstration pilot projects for urban and rural areas involving a twelve-digit hydrologic unit code subwatershed as defined by the United States geological survey. The pilot projects shall include features that seek to do all of the following:

1. Maximize soil water holding capacity from precipitation.
2. Minimize severe scour erosion and sand deposition during floods.
3. Manage water runoff in uplands under saturated soil moisture conditions.
4. Reduce and mitigate structural and nonstructural flood damage.

Sec. 3. NEW SECTION. 466B.21 Definitions.

As used in this subchapter, unless the context otherwise requires:

1. "Authority" means a watershed management authority created pursuant to a chapter 28E agreement as provided in this subchapter.
2. "Board" means a board of directors of a watershed management authority.
3. "Political subdivision" means cities, counties, and soil and water conservation districts.

Sec. 4. NEW SECTION. 466B.22 Watershed management authorities created.

1. Two or more political subdivisions may create, by chapter 28E agreement, a watershed management authority pursuant to this subchapter. The participating political subdivisions must be located in the same United States geological survey hydrologic unit code 8 watershed. All political subdivisions within a watershed must be notified within thirty days prior to organization of any watershed management authority within the watershed, and provided the opportunity to participate.

2. The chapter 28E agreement shall include a map showing the area and boundaries of the authority.

3. A political subdivision may participate in more than one authority created pursuant to this subchapter.

4. A political subdivision is not required to participate in a watershed management authority or be a party to a chapter 28E agreement under this subchapter.

Sec. 5. NEW SECTION. 466B.23 Duties.

A watershed management authority may perform all of the following duties:

1. Assess the flood risks in the watershed.
2. Assess the water quality in the watershed.
3. Assess options for reducing flood risk and improving water quality in the watershed.
4. Monitor federal flood risk planning and activities.
5. Educate residents of the watershed area regarding water quality and flood risks.

6. Allocate moneys made available to the authority for purposes of water quality and flood mitigation.

7. Make and enter into contracts and agreements and execute all instruments necessary or incidental to the performance of the duties of the authority. A watershed management authority shall not acquire property by eminent domain.

Sec. 6. NEW SECTION. **466B.24 Board of directors.**

1. An authority shall be governed by a board of directors. Members of a board of directors of an authority shall be divided among the political subdivisions comprising the authority and shall be appointed by the respective political subdivision's elected legislative body.

2. A board of directors shall consist of one representative of each participating political subdivision. This subsection shall not apply if a chapter 28E agreement under this subchapter provides an alternative board composition method.

3. The directors shall serve staggered terms of four years. The initial board shall determine, by lot, the initial terms to be shortened and lengthened, as necessary, to achieve staggered terms. A person appointed to fill a vacancy shall be appointed in the same manner as the original appointment for the duration of the unexpired term. A director is eligible for reappointment. This subsection shall not apply if a chapter 28E agreement under this subchapter provides an alternative for the length of term, appointment, and reappointment of directors.

4. A board may provide procedures for the removal of a director who fails to attend three consecutive regular meetings of the board. If a director is so removed, a successor shall be appointed for the duration of the unexpired term of the removed director in the same manner as the original appointment. The appointing body may at any time remove a director appointed by it for misfeasance, nonfeasance, or malfeasance in office.

5. A board shall adopt bylaws and shall elect one director as chairperson and one director as vice chairperson, each for a term of two years, and shall appoint a secretary who need not be a director.

6. A majority of the membership of a board of directors shall constitute a quorum for the purpose of holding a meeting of the board. The affirmative vote of a majority of a quorum shall be necessary for any action taken by an authority unless the authority's bylaws specify those particular actions of the authority requiring a greater number of affirmative votes. A vacancy in the membership of the board shall not impair the rights of a quorum to exercise all the rights and perform all the duties of the authority.

Sec. 7. NEW SECTION. **466B.25 Activities coordination.**

In all activities of a watershed management authority, the authority may coordinate its activities with the department of natural resources, the department of agriculture and land stewardship, councils of governments, public drinking water utilities, and soil and water conservation districts.

Approved April 7, 2010

CHAPTER 1117

RECOVERY ZONE BONDS

H.F. 2487

AN ACT relating to the allocation, issuance, reporting, recapture, and reallocation of recovery zone bonds, and including effective date provisions.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. NEW SECTION. **16.171 Recovery zone bonds — reporting — reallocation.**

1. As used in this section:

a. “*Eligible issuer*” means the state or any political subdivision of the state authorized to issue bonds, including any entity authorized to issue bonds on behalf of the state or the political subdivision, the interest from which is excludable from gross income under section 103 of the Internal Revenue Code.

b. “*Recovery zone bonds*” means recovery zone economic development bonds and recovery zone facility bonds allocated under the federal American Recovery and Reinvestment Act of 2009, Pub. L. No. 111-5, 123 Stat. 115, codified in section 1400U-1 of the Internal Revenue Code.

c. “*Large municipality*” means a city having a population of more than one hundred thousand.

2. The authority shall provide written notice to each county and large municipality in the state of the amount of the recovery zone bond allocation designated for each by the internal revenue service of the United States department of the treasury.

3. Each county or large municipality that issues recovery zone bonds shall provide a written notice of each such issuance to the authority on a form prescribed by the authority. The authority shall track the amount of the recovery zone bond allocation used by each county and large municipality.

4. a. A county or large municipality may, at any time prior to July 1, 2010, waive all or a portion of the county or large municipality’s recovery zone bond allocation, as applicable.

b. Any portion of a county or large municipality’s recovery zone bond allocation that remains unused on July 1, 2010, is deemed waived by the applicable county or large municipality.

5. a. The authority shall recapture all waived recovery zone bond allocations.

b. On or after March 1, 2010, any eligible issuer may apply to the authority requesting an allocation from the total amount of waived recovery zone bond allocations recaptured by the authority.

c. On or after April 1, 2010, the authority may reallocate the amount recaptured under this subsection according to rules adopted by the authority.

6. The authority shall promulgate rules to implement the provisions of this section, including any rules necessary to assure compliance with federal laws relating to the issuance of recovery zone bonds.

Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved April 7, 2010

CHAPTER 1118

TAXES AND ASSESSMENTS AGAINST PROPERTY — RECORDS — COLLECTION

S.F. 2254

AN ACT relating to the powers and duties of county treasurers to assess certain property associated with fence disputes and water districts and to keep certain records.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 169C.1, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 1A. “*County system*” means the same as defined in section 445.1.

Sec. 2. Section 169C.6, subsection 3, Code 2009, is amended to read as follows:

3. If the fence is not erected or maintained as required in section 359A.6, and upon the written request of the board of township trustees, the board of supervisors of the county where the fence is to be erected or maintained shall act in the same manner as the board of township trustees under that section, including by erecting or maintaining the fence, ordering payment from a defaulted party, and certifying an amount due to the county auditor treasurer in the same manner as in section 359A.6. The amount due shall include the total costs required to erect or maintain the fence and a penalty equal to five percent of the total costs. The amount shall be placed upon the tax books county system, and collected with interest and penalties after due, in the same manner as other unpaid property taxes in the same manner as ordinary taxes. Upon certification to the county treasurer, the amount assessed shall be a lien on the parcel until paid.

Sec. 3. Section 331.512, subsection 1, paragraph d, Code 2009, is amended by striking the paragraph.

Sec. 4. Section 331.552, subsections 34, 35, and 36, Code 2009, are amended to read as follows:

34. Destroy tax sale redemption certificates and all associated tax sale records after ten years have elapsed from the end of the fiscal year in which the certificate was redeemed. If a tax sale certificate of purchase is cancelled as required by section 446.37 or 448.1, all associated tax sale records shall be destroyed after ten years have elapsed from the end of the fiscal year in which the tax sale certificate of purchase was cancelled. This subsection applies to documents described in this subsection that are in existence before, on, or after July 1, 2003.

35. Destroy special assessment records required by section 445.11 within the county system after ten years have elapsed from the end of the fiscal year in which the special assessment was paid in full. The county treasurer shall also destroy the resolution of necessity, plat, and schedule of assessments required by section 384.51 after ten years have elapsed from the end of the fiscal year in which the entire schedule was paid in full. This subsection applies to documents described in this subsection that are in existence before, on, or after July 1, 2003.

36. Destroy mobile home and manufactured home tax lists after ten years have elapsed from the end of the fiscal year in which the list was created. This subsection applies to mobile home and manufactured home tax lists and associated documents in existence before, on, or after July 1, 2003.

Sec. 5. Section 331.559, subsections 15 and 20, Code 2009, are amended to read as follows:

15. Maintain a suspended tax list book as provided in section 427.12. After ten years from the date of payment, abatement, or cancellation of a suspended tax, special assessment, rate, or charge, the county treasurer may dispose of the official record of the suspended tax, special assessment, rate, or charge. This subsection applies to official records and associated documents in existence before, on, or after July 1, 2003.

20. Carry out duties relating to the preparation and correction of the tax list as provided in chapter 443. After ten years from the date of receipt, the county treasurer may dispose of the tax list delivered to the county treasurer pursuant to chapter 443. This subsection applies to tax lists and associated documents in existence before, on, or after July 1, 2003.

Sec. 6. Section 359A.4, Code 2009, is amended to read as follows:

359A.4 Decision — deposit.

At said time and place the fence viewers shall meet and determine by written order the obligations, rights, and duties of the respective parties in such matter, and assign to each owner the part which the owner shall erect, maintain, rebuild, trim or cut back, or pay for, and fix the value thereof, and prescribe the time within which the same shall be completed or paid for, and, in case of repair, may specify the kind of repairs to be made. If the fence is not erected, rebuilt, or repaired within the time prescribed in the order, the fence viewers shall require the complaining landowner to deposit with the fence viewers a sum of money

sufficient to pay for the erecting, rebuilding, trimming, cutting back or repairing such fence together with the fees of the fence viewers and costs. Such complaining landowner shall be reimbursed as soon as the ~~taxes~~ costs and fees assessed against the party in default are collected as provided in section 359A.6.

Sec. 7. Section 359A.6, Code 2009, is amended to read as follows:

359A.6 Default — costs and fees collected as taxes.

If the erecting, rebuilding, or repairing of ~~such a fence~~ is not completed within thirty days from and after the time fixed therefor in such the order, the board of township trustees acting as fence viewers shall cause the fence to be erected, rebuilt, and repaired, and the value thereof may be fixed by the fence viewers, and unless the sum so fixed, together with all fees of the fence viewers caused by such default, ~~as taxed by them~~, is paid to the county treasurer, within ten days after the same is so ascertained; or when ordered to pay for an existing fence, and the value thereof is fixed by the fence viewers, and said sum, together with the fees of the fence viewers, ~~as taxed by them~~, remains unpaid by the party in default for ten days, the fence viewers shall certify to the county ~~auditor~~ treasurer the full amount due from the party or parties in default, including all fees and costs ~~taxed~~ assessed by the fence viewers, together with a description of the real estate owned by the party or parties in default along or upon which the said fence exists, and the county ~~auditor~~ treasurer shall enter the same upon the ~~tax list county system~~, and the amount shall be collected ~~as other taxes in the same manner as ordinary taxes~~. Upon certification to the county treasurer, the amount assessed shall be a lien on the parcel until paid.

Sec. 8. Section 357.22, Code 2009, is amended to read as follows:

357.22 Lien of assessments — tax.

When the assessment has been completed, ~~and the bonds have been sold and delivered to the county auditor, and the schedule of assessment shall be turned over has been delivered to the county auditor~~ treasurer, the installments due thereon shall be collected in the same manner as ordinary taxes and shall constitute a lien on the property against which they are made. If the treasurer does not receive sufficient funds to enable the treasurer to pay the interest and retire the bonds as they become due, the auditor shall levy an annual tax of eighty-one cents per thousand dollars of assessed value of all taxable property within the district to pay such deficiency, and the county treasurer shall apply the proceeds of such levy to the payment of the bonds and the interest on the same so long as the bonds are in arrears on either interest or principal.

Sec. 9. Section 445.1, subsection 5, Code Supplement 2009, is amended to read as follows:

5. “Rate or charge” means an item, including rentals, legally certified to the county treasurer for collection as provided in sections 169C.6, 331.465, 331.489, 358.20, 359A.6, 364.11, 364.12, and 468.589 and section 384.84, subsection 4.

Approved April 8, 2010

CHAPTER 1119

CAMPAIGN FINANCE — CONTRIBUTIONS, INDEPENDENT EXPENDITURES, AND ATTRIBUTION STATEMENTS

S.F. 2354

AN ACT relating to campaign finance, including political campaign activities and independent expenditures by corporations, making penalties applicable, and including effective date provisions.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 68A.402A, subsection 1, paragraph d, Code 2009, is amended to read as follows:

d. The name and mailing address of each person who has made one or more in-kind contributions to the committee when the aggregate market value of the in-kind contributions in a calendar year exceeds the applicable amount specified in paragraph “b”. In-kind contributions shall be designated on a separate schedule from schedules showing contributions of money and shall identify the nature of the contribution and provide its estimated fair market value. A committee receiving an in-kind contribution shall report the estimated fair market value of the in-kind contribution at the time it is provided to the committee. A person providing an in-kind contribution to a committee shall notify the committee of the estimated fair market value of the in-kind contribution at the time the in-kind contribution is provided to the committee. For purposes of this section, the estimated fair market value of the in-kind contribution shall be reported regardless of whether the person has been billed for the cost of the in-kind contribution.

Sec. 2. Section 68A.402B, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 3. If a person who files an independent expenditure statement and a disclosure report, pursuant to section 68A.404, determines that the person will no longer make an independent expenditure, the person shall notify the board within thirty days following such determination by filing a termination report on forms prescribed by the board.

Sec. 3. Section 68A.404, Code Supplement 2009, is amended to read as follows:

68A.404 Independent expenditures.

1. As used in this section, “*independent expenditure*” means one or more expenditures in excess of ~~one hundred~~ seven hundred fifty dollars in the aggregate for a communication that expressly advocates the nomination, election, or defeat of a clearly identified candidate or the passage or defeat of a ballot issue that is made without the prior approval or coordination with a candidate, candidate’s committee, or a ballot issue committee.

2. a. An entity, other than an individual or individuals, shall not make an independent expenditure or disburse funds from its treasury to pay for, in whole or in part, an independent expenditure made by another person without the authorization of a majority of the entity’s board of directors, executive council, or similar organizational leadership body of the use of treasury funds for an independent expenditure involving a candidate or ballot issue committee. Such authorization must occur in the same calendar year in which the independent expenditure is incurred.

b. Such authorization shall expressly provide whether the board of directors, executive council, or similar organizational leadership body authorizes one or more independent expenditures that expressly advocate the nomination or election of a candidate or passage of a ballot issue or authorizes one or more independent expenditures that expressly advocate the defeat of a candidate or ballot issue.

c. A foreign national shall not make an independent expenditure, directly or indirectly, that advocates the nomination, election, or defeat of any candidate or the passage or defeat of any ballot issue. As used in this section, “foreign national” means a person who is not a citizen of the United States and who is not lawfully admitted for permanent residence. “Foreign national” includes a foreign principal, such as a government of a foreign country or a foreign political party, partnership, association, corporation, organization, or other combination of persons that has its primary place of business in or is organized under the laws of a foreign country. “Foreign national” does not include a person who is a citizen of the United States or who is a national of the United States.

2. 3. A person, other than a committee registered under this chapter, that makes one or more independent expenditures shall file an independent expenditure statement. All statements and reports required by this section shall be filed in an electronic format as prescribed by rule.

a. ~~The requirement to file an independent expenditure statement under this section does not by itself mean that~~ Subject to paragraph “b”, the person filing the independent

~~expenditure statement is required to register and shall file reports under sections 68A.201 and 68A.402 and 68A.402A. An initial report shall be filed at the same time as the independent expenditure statement. Subsequent reports shall be filed according to the same schedule as the office or election to which the independent expenditure was directed.~~

~~(1) A supplemental report shall be filed on the same dates as in section 68A.402, subsection 2, paragraph "b", if the person making the independent expenditure either raises or expends more than one thousand dollars.~~

~~(2) A report filed as a result of this paragraph "a" shall not require the identification of individual members who pay dues to a labor union, organization, or association, or individual stockholders of a business corporation. A report filed as a result of this paragraph "a" shall not require the disclosure of any donor or other source of funding to the person making the independent expenditure except when the donation or source of funding, or a portion of the donation or source of funding, was provided for the purpose of furthering the independent expenditure.~~

~~b. This section does not apply to a candidate, candidate's committee, state statutory political committee, county statutory political committee, or a political committee. This section does not apply to a federal committee or an out-of-state committee that makes an independent expenditure.~~

~~3. 4. a. An independent expenditure statement shall be filed within forty-eight hours of the making of an independent expenditure in excess of one hundred seven hundred fifty dollars in the aggregate, or within forty-eight hours of disseminating the communication to its intended audience, whichever is earlier. For purposes of this section, an independent expenditure is made when the independent expenditure communication is purchased or ordered regardless of whether or not the person making the independent expenditure has been billed for the cost of the independent expenditure.~~

~~b. An independent expenditure statement shall be filed with the board and the board shall immediately make the independent expenditure statement available for public viewing.~~

~~c. For purposes of this section, an independent expenditure is made at the time that the cost is incurred.~~

~~4. 5. The independent expenditure statement shall contain all of the following information:~~

~~a. Identification of the individuals or persons filing the statement.~~

~~b. Description of the position advocated by the individuals or persons with regard to the clearly identified candidate or ballot issue.~~

~~c. Identification of the candidate or ballot issue benefited by the independent expenditure.~~

~~d. The dates on which the expenditure or expenditures took place or will take place.~~

~~e. Description of the nature of the action taken that resulted in the expenditure or expenditures.~~

~~f. The fair market value of the expenditure or expenditures.~~

~~g. A certification by an officer of the corporation that the board of directors, executive council, or similar organizational leadership body expressly authorized the independent expenditure or use of treasury funds for the independent expenditure by resolution or other affirmative action within the calendar year when the independent expenditure was incurred.~~

~~5. 6. Any person making an independent expenditure shall comply with the attribution requirements of section 68A.405.~~

~~7. A person making an independent expenditure shall not engage or retain an advertising firm or consultant that has also been engaged or retained within the prior six months by the candidate, candidate's committee, or ballot issue committee that is benefited by the independent expenditure.~~

~~6. 8. a. The board shall develop, prescribe, furnish, and distribute forms for the independent expenditure statements required by this section.~~

~~b. The board shall adopt rules pursuant to chapter 17A for the implementation of this section.~~

Sec. 4. Section 68A.405, Code Supplement 2009, is amended to read as follows:

68A.405 Attribution statement on published material.

1. a. For purposes of this subsection:

(1) “*Individual*” includes a candidate for public office who has not filed a statement of organization under section 68A.201.

(2) “*Organization*” includes an organization established to advocate the passage or defeat of a ballot issue but that has not filed a statement of organization under section 68A.201.

(3) “*Published material*” means any newspaper, magazine, shopper, outdoor advertising facility, poster, direct mailing, brochure, internet website, campaign sign, or any other form of printed general public political advertising. “*Published material*” includes television, video, or motion picture advertising.

b. (1) Except as set out in subsection 2, published material designed to expressly advocate the nomination, election, or defeat of a candidate for public office or the passage or defeat of a ballot issue shall include on the published material an attribution statement disclosing who is responsible for the published material.

(2) The person who is responsible for the published material has the sole responsibility and liability for the attribution statement required by this section.

c. If the person paying for the published material is an individual, the words “paid for by” and the name and address of the person shall appear on the material.

d. If more than one individual is responsible, the words “paid for by”, the names of the individuals, and either the addresses of the individuals or a statement that the addresses of the individuals are on file with the Iowa ethics and campaign disclosure board shall appear on the material.

e. If the person responsible is an organization, the words “paid for by”, the name and address of the organization, and the name of one officer of the organization shall appear on the material.

f. If the person responsible is a corporation, the words “paid for by”, the name and address of the corporation, and the name and title of the corporation’s chief executive officer shall appear on the material.

g. If the person responsible is a committee that has filed a statement of organization pursuant to section 68A.201, the words “paid for by” and the name of the committee shall appear on the material.

h. If the published material is the result of an independent expenditure subject to section 68A.404, the published material shall include a statement that the published material was not authorized by any candidate, candidate’s committee, or ballot issue committee.

2. The requirement to include an attribution statement does not apply to any of the following:

a. The editorials or news articles of a newspaper, or magazine, television station, or other print or electronic media that are not paid political advertisements.

b. Small items upon which the inclusion of the statement is impracticable including, but not limited to, campaign signs, bumper stickers, pins, buttons, pens, political business cards, and matchbooks.

c. T-shirts, caps, and other articles of clothing.

d. Any published material that is subject to federal regulations regarding an attribution requirement.

e. Any material published by an individual, acting independently, who spends one hundred dollars or less of the individual’s own money to advocate the passage or defeat of a ballot issue.

3. For television, video, or motion picture advertising, the attribution statement shall be displayed on the screen in a clearly readable manner for at least four seconds.

~~3.~~ 4. The board shall adopt rules relating to the placing of an attribution statement on published materials.

Sec. 5. Section 68A.503, Code Supplement 2009, is amended by striking the section and inserting in lieu thereof the following:

68A.503 Financial institution, insurance company, and corporation contributions prohibited.

1. Except as provided in subsections 3, 4, 5, and 6, an insurance company, savings and loan association, bank, credit union, or corporation shall not make a monetary or in-kind contribution to a candidate or committee except for a ballot issue committee.

2. Except as provided in subsection 3, a candidate or committee, except for a ballot issue committee, shall not receive a monetary or in-kind contribution from an insurance company, savings and loan association, bank, credit union, or corporation.

3. An insurance company, savings and loan association, bank, credit union, or corporation may use money, property, labor, or any other thing of value of the entity for the purposes of soliciting its stockholders, administrative officers, professional employees, and members for contributions to a political committee sponsored by that entity and for financing the administration of a political committee sponsored by that entity. The entity's employees to whom the foregoing authority does not extend may voluntarily contribute to such a political committee but shall not be solicited for contributions. A candidate or committee may solicit, request, and receive money, property, labor, and any other thing of value from a political committee sponsored by an insurance company, savings and loan association, bank, credit union, or corporation as permitted by this subsection.

4. The prohibitions in subsections 1 and 2 shall not apply to an insurance company, savings and loan association, bank, credit union, or corporation engaged in any of the following activities:

a. Using its funds to encourage registration of voters and participation in the political process or to publicize public issues.

b. Using its funds to expressly advocate the passage or defeat of ballot issues.

c. Using its funds to place campaign signs as permitted under section 68A.406.

d. Using its funds for independent expenditures as provided in section 68A.404.

5. a. The prohibitions in subsections 1 and 2 shall not apply to media organizations when discussing candidates, nominations, public officers, or public questions.

b. Notwithstanding paragraph "a", the board shall adopt rules requiring the owner, publisher, or editor of a sham newspaper that promotes in any way the candidacy of a person for any public office to comply with this section and section 68A.404. As used in this subsection, "sham newspaper" means a newspaper publication that is published for the primary purpose of evading the requirements of this section or section 68A.404, and "owner" means a person having an ownership interest exceeding ten percent of the equity or profits of the publication.

6. The prohibitions in subsections 1 and 2 shall not apply to a nonprofit organization communicating with its own members. The board shall adopt rules pursuant to chapter 17A to administer this subsection.

7. For purposes of this section "corporation" means a for-profit or nonprofit corporation organized pursuant to the laws of this state, the United States, or any other state, territory, or foreign country.

Sec. 6. EMERGENCY RULES. The board shall adopt emergency rules under section 17A.4, subsection 3, and section 17A.5, subsection 2, paragraph "b", to implement the provisions of this Act and the rules shall be effective immediately upon filing unless a later date is specified in the rules. Any rules adopted in accordance with this section shall also be published as a notice of intended action as provided in section 17A.4.

Sec. 7. EFFECTIVE UPON ENACTMENT. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved April 8, 2010

CHAPTER 1120**PROPERTY TRANSFERS, PRIVATE SEWAGE DISPOSAL SYSTEM INSPECTIONS, AND
GROUNDWATER HAZARD STATEMENTS***H.F. 2437*

AN ACT relating to private sewage disposal system inspections and groundwater hazard statements as part of certain property transfers.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 455B.172, subsection 11, paragraph a, subparagraph (2), Code Supplement 2009, is amended to read as follows:

(2) A transfer to a mortgagee by a mortgagor or successor in interest who is in default, or a transfer by a mortgagee who has acquired real property at a sale conducted pursuant to chapter 654 as a result of a deed in lieu of foreclosure or has acquired real property under chapter 654 or 655A, or a transfer back to a mortgagor exercising a right of first refusal pursuant to section 654.16A, a nonjudicial voluntary foreclosure procedure under section 654.18 or chapter 655A, or a deed in lieu of foreclosure under section 654.19.

Sec. 2. Section 455B.172, subsection 11, paragraph a, Code Supplement 2009, is amended by adding the following new subparagraphs:

NEW SUBPARAGRAPH. (7) A transfer in which the transferee intends to demolish or raze the building. The department shall adopt rules pertaining to such transfers.

NEW SUBPARAGRAPH. (8) A transfer of property with a system that was installed not more than two years prior to the date of the transfer.

NEW SUBPARAGRAPH. (9) A deed arising from a partition proceeding.

NEW SUBPARAGRAPH. (10) A tax sale deed issued by the county treasurer.

Sec. 3. Section 455B.172, subsection 11, paragraph b, Code Supplement 2009, is amended by striking the paragraph.

Sec. 4. Section 455B.172, subsection 11, paragraphs d, h, and i, Code Supplement 2009, are amended to read as follows:

d. If a private sewage disposal system is failing to ensure effective wastewater treatment or is otherwise improperly functioning, the private sewage disposal system shall be renovated to meet current construction standards, as adopted by the department, either by the seller or, by agreement, and within a reasonable time period as determined by the county board of health or the department, by the buyer. If the private sewage disposal system is properly treating the wastewater and not creating an unsanitary condition in the environment at the time of inspection, the system is not required to meet current construction standards.

h. Following an inspection, the inspection form and any related reports attachments shall be provided to the county board of health and the department for enforcement of any follow-up mandatory system improvement and to the department for record.

i. An inspection is valid for a period of two years for any ownership transfers during that period. Title abstracts to property with private sewage disposal systems shall include documentation of the requirements in this subsection.

Sec. 5. Section 455B.172, subsection 11, Code Supplement 2009, is amended by adding the following new paragraph:

NEW PARAGRAPH. j. This subsection preempts any city or county ordinance related to the inspection of private sewage disposal systems in association with the transfer of ownership of a building.

Sec. 6. Section 558.69, Code 2009, is amended to read as follows:

558.69 Reporting of private burial sites, wells, disposal sites, underground storage tanks, and hazardous waste, and private sewage disposal systems — liability.

1. With each declaration of value submitted to the county recorder under chapter 428A, there shall also be submitted a groundwater hazard statement ~~regarding whether~~ stating all of the following:

a. Whether any known private burial site is situated on the property, and if a known private burial site is situated on the property, the statement shall state the approximate location of the site. ~~The statement shall also state that~~

b. That no known wells are situated on the property, or if known wells are situated on the property, the statement must state the approximate location of each known well and its status with respect to section 455B.190 or 460.302. ~~The statement shall also state that~~

c. That no known disposal site for solid waste, as defined in section 455B.301, which has been deemed to be potentially hazardous by the department of natural resources, exists on the property, or if such a known disposal site does exist, the location of the site on the property. ~~The statement shall additionally state that~~

d. That no known underground storage tank, as defined in section 455B.471, subsection 11, exists on the property, or if a known underground storage tank does exist, the type and size of the tank, and any known substance in the tank. ~~The statement shall also state that~~

e. That no known hazardous waste as defined in section 455B.411, subsection 3, or listed by the department pursuant to section 455B.412, subsection 1, exists on the property, or if known hazardous waste does exist, that the waste is being managed in accordance with rules adopted by the department of natural resources.

f. That no known private sewage disposal system exists on the property or, if such private sewage disposal system exists, that the system has been inspected pursuant to section 455B.172, subsection 11, or that the property is not subject to inspection due to its exclusion from a regulated transfer pursuant to section 455B.172, subsection 11, paragraph "a".

2. The groundwater hazard statement shall be signed by at least one of the sellers or their agents.

3. The county recorder shall refuse to record any deed, instrument, or writing for which a declaration of value is required under chapter 428A unless the groundwater hazard statement required by this section has been submitted to the county recorder.

4. A buyer of property shall be provided with a copy of the submitted groundwater hazard statement by the seller ~~submitted, and, following the fulfillment of this provision, if the statement submitted reveals no private burial site, well, disposal site, underground storage tank, or hazardous waste on the property, the county recorder may destroy the statement.~~

5. The land application of sludges or soils resulting from the remediation of underground storage tank releases accomplished in compliance with department of natural resources rules without a permit is not required to be reported as the disposal of solid waste or hazardous waste.

~~If a declaration of value is not required, the above information shall be submitted on a separate form.~~

6. The director of the department of natural resources shall prescribe the form of the groundwater hazard statement and the separate form to be supplied by each county recorder in the state.

7. The county recorder shall transmit the groundwater hazard statements to the department of natural resources at times and in a manner directed by the director of the department.

8. The owner of the property is responsible for the accuracy of the information submitted on the form groundwater hazard statement. The owner's agent shall not be liable for the accuracy of information provided by the owner of the property. The provisions of this paragraph subsection do not limit liability which may be imposed under a contract or under any other law.

Sec. 7. Section 558A.1, subsection 4, paragraph b, Code 2009, is amended to read as follows:

b. A transfer to a mortgagee by a mortgagor or successor in interest who is in default, or a transfer by a mortgagee who has acquired real property ~~at a sale conducted pursuant to chapter 654 as a result of a deed in lieu of foreclosure or has acquired real property under chapter 654 or 655A,~~ or a transfer back to a mortgagor exercising a right of first refusal

pursuant to section 654.16A, ~~a nonjudicial voluntary foreclosure procedure under section 654.18 or chapter 655A, or a deed in lieu of foreclosure under section 654.19.~~

Approved April 8, 2010

CHAPTER 1121

INSURANCE AND INSURANCE DIVISION REGULATORY AUTHORITY

S.F. 2201

AN ACT relating to various matters under the purview of the insurance division of the department of commerce including the Iowa grain indemnity fund board, uniform securities Act, a health care and insurance cost work group, applications for health insurance rate increases, an internet consumer guide, examination of insurance companies, life insurance companies and associations, special health and accident insurance coverages, utilization and cost control, external review of health care coverage decisions, insurance other than life, mortgage guaranty insurance, cemetery and funeral merchandise and funeral services, and regulation of cemeteries and making penalties applicable and including effective date provisions.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 22.7, Code Supplement 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 65. Information obtained by the commissioner of insurance in the course of an examination of a cemetery as provided in section 523I.213A, subsection 7.

Sec. 2. Section 203D.4, subsection 1, Code 2009, is amended to read as follows:

1. The Iowa grain indemnity fund board is established to advise the department on matters relating to the fund and to perform the duties provided it in this chapter. The board is composed of the secretary of agriculture or a designee who shall serve as president; ~~the commissioner of insurance or a designee who shall serve as secretary;~~ the state treasurer or a designee who shall serve as treasurer; a representative of the banking industry appointed by the governor, who shall be selected from a list of three nominations made by the secretary of agriculture; and four representatives of the grain industry appointed by the governor, subject to confirmation by the senate, two of whom shall be representatives of producers and who shall be actively participating producers, and two of whom shall be representatives of licensed grain dealers and licensed warehouse operators and who shall be actively participating licensed grain dealers and licensed warehouse operators, each of whom shall be selected from a list of three nominations made by the secretary of agriculture. The term of membership of the banking industry representative and the grain industry representatives is three years, and the representatives are eligible for reappointment. However, of the grain industry representatives, only actively participating producers, and grain dealers and warehouse operators are eligible for reappointment. The banking industry representative and the grain industry representatives are entitled to a per diem as specified in section 7E.6 for each day spent in the performance of the duties of the board, plus actual expenses incurred in the performance of those duties. Four members of the board constitute a quorum, and the affirmative vote of four members is necessary for any action taken by the board, except that a lesser number may adjourn a meeting. A vacancy in the membership of the board does not impair the rights of a quorum to exercise all the rights and perform all the duties of the board.

Sec. 3. Section 502.305, subsection 2, Code Supplement 2009, is amended to read as follows:

2. *Filing.* Except as provided in subsection 10 and section 502.304A, subsection 3, paragraph “g”, a person who files a registration statement or a notice filing shall pay a filing fee of one-tenth of one percent of the proposed aggregate sales price of the securities to be offered to persons in this state pursuant to the registration statement or notice filing. However, except as provided in subsection 10, section 502.302, subsection 1, paragraph “a”, and section 502.304A, subsection 3, paragraph “g”, the annual filing fee shall not be less than fifty dollars or more than one thousand dollars. The administrator shall retain the filing fee even if the notice filing is withdrawn or the registration is withdrawn, denied, suspended, revoked, or abandoned. The fees collected under this subsection shall be deposited as provided in section 505.7. The administrator may adopt rules requiring a filing to be made electronically. The rules may provide for such electronic filing either directly with the administrator or with a designee of the administrator. The rules may require that the filer pay any reasonable costs charged by the designee of the administrator for processing the filings and that the filer submit any fees paid through the designee.

Sec. 4. Section 505.7, Code Supplement 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 10. a. The commissioner shall assess the costs of carrying out the insurance division’s duties pursuant to section 505.8, subsection 18, section 505.17, subsection 2, and sections 505.18 and 505.19 that are directly attributable to the performance of the division’s duties involving specific health insurance carriers licensed to do business in this state. Such expenses shall be charged to and paid by the specific health insurance carrier to whom the expenses are attributable and upon failure or refusal of any such carrier to pay such expenses, the same may be recovered in an action brought in the name of the state. In addition, the commissioner may revoke the certificate of authority of a health insurance carrier licensed to do business in this state that fails to pay such expenses attributable to that carrier.

b. The commissioner shall assess the costs of carrying out the insurance division’s duties generally pursuant to section 505.8, subsection 18, section 505.17, subsection 2, and sections 505.18 and 505.19, and for implementation and maintenance of health insurance information for consumers on the insurance division internet site, that are not attributable to a specific health insurance carrier, to all health insurance carriers that are licensed to do business in this state on a proportionate basis as provided by rules adopted by the commissioner.

Sec. 5. Section 505.8, Code Supplement 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 18. The commissioner shall annually convene a work group composed of the consumer advocate, health insurance carriers, health care providers, small employers that purchase health insurance under chapter 513B, and individual consumers in the state for the purpose of considering ways to reduce the cost of providing health insurance coverage and health care services, including but not limited to utilization of uniform billing codes, improvements to provider credentialing procedures, reducing out-of-state care expenses, annually assessing the impact of federal health care reform legislation on health care costs in the state and determining whether such legislation has reduced the cost of health insurance in the state, and the electronic delivery of explanation of benefits statements. The recommendations made by the work group shall be included in the annual report filed with the general assembly pursuant to section 505.18.

Sec. 6. Section 505.17, Code 2009, is amended to read as follows:

505.17 Confidential information.

1. a. Information, records, and documents utilized for the purpose of, or in the course of, investigation, regulation, or examination of an insurance company or insurance holding company, received by the division from some other governmental entity which treats such information, records, and documents as confidential, are confidential and shall not be

disclosed by the division and are not subject to subpoena. Such information, records, and documents do not constitute a public record under chapter 22.

b. The disclosure of confidential information, administrative or judicial orders which contain confidential information, or information regarding other action of the division which is not a public record subject to disclosure, to other insurance and financial regulatory officials may be permitted by the commissioner provided that those officials are subject to, or agree to comply with, standards of confidentiality comparable to those imposed on the commissioner.

2. Notwithstanding subsection 1, an application for a rate increase filed by a health insurance carrier and all information, records, and documents accompanying such an application or utilized for the purpose of, or in the course of consideration of the application by the commissioner, shall constitute a public record under chapter 22 except as provided in this subsection.

a. The commissioner shall consider the written request of a health insurance carrier to keep confidential certain details of an application or accompanying information, records, and documents. If the request includes a sufficient explanation as to why public disclosure of such details would give an unfair advantage to competitors, the commissioner shall keep such details confidential. If the commissioner elects to keep certain details confidential, the commissioner shall release only the nonconfidential details in response to a request for records made pursuant to chapter 22. If confidential details are withheld from a request for records made pursuant to chapter 22, the commissioner shall release an explanation of why the information was deemed confidential and a summary of the nature of the information withheld and the reasons for withholding the information.

b. In considering requests for confidential treatment, the commissioner shall narrowly construe the provisions of this subsection in order to appropriately balance an applicant's need for confidentiality against the public's right to information about the application.

Sec. 7. NEW SECTION. 505.18 Annual report.

1. Consumers deserve to know the quality and cost of their health care insurance. Health care insurance transparency provides consumers with the information necessary, and the incentive, to choose health plans based on cost and quality. Reliable cost and quality information about health care insurance empowers consumer choice and consumer choice creates incentives at all levels, and motivates the entire health care delivery system to provide better health care and health care benefits at a lower cost. It is the purpose of this section to make information regarding the costs of health care insurance readily available to consumers through the consumer advocate bureau of the insurance division.

2. The commissioner in collaboration with the consumer advocate shall prepare and deliver a report to the governor and to the general assembly no later than November 15 of each year that provides findings regarding health spending costs for health insurance plans in the state for the previous fiscal year. The commissioner may contract with outside vendors or entities to assist in providing the information contained in the annual report. The report shall provide, at a minimum, the following information:

a. Aggregate health insurance data concerning loss ratios of health insurance carriers licensed to do business in the state.

b. Rate increase data.

c. Health care expenditures in the state and the effect of such expenditures on health insurance premium rates.

d. A ranking and quantification of those factors that result in higher costs and those factors that result in lower costs for each health insurance plan offered in the state.

e. The current capital and surplus and reserve amounts held in reserve by each health insurance carrier licensed to do business in the state.

f. A listing of any apparent medical trends affecting health insurance costs in the state.

g. Any additional data or analysis deemed appropriate by the commissioner to provide the general assembly with pertinent health insurance cost information.

h. Recommendations made by the work group convened pursuant to section 505.8, subsection 18.

Sec. 8. NEW SECTION. 505.19 Health insurance rate increase applications — public hearing and comment.

1. All health insurance carriers licensed to do business in the state shall immediately notify policyholders of any application for a rate increase exceeding the average annual health spending growth rate stated in the most recent national health expenditure projection published by the centers for Medicare and Medicaid services of the United States department of health and human services, that is filed with the insurance division. Such notice shall specify the rate increase proposed that is applicable to each policyholder and shall include the ranking and quantification¹ of those factors that are responsible for the amount of the rate increase proposed. The notice shall include information about how the policy holder can contact the consumer advocate for assistance.

2. The commissioner shall hold a public hearing at the time a carrier files for proposed health insurance rate increases exceeding the average annual health spending growth rate as provided in subsection 1, prior to approval or disapproval of the proposed rate increases for that carrier by the commissioner.

3. The consumer advocate shall solicit public comments on each proposed health insurance rate increase application if the increase exceeds the average annual health spending growth rate as provided in subsection 1, and shall post without delay all comments received on the insurance division's internet site prior to approval or disapproval of the proposed rate increase by the commissioner.

4. The consumer advocate shall present the public testimony and comments received for consideration by the commissioner in determining whether to approve or disapprove such health insurance rate increase proposals.

4A. a. For the purposes of this section, "health insurance" does not include any of the following:

- (1) Coverage for accident-only, or disability income insurance.
- (2) Coverage issued as a supplement to liability insurance.
- (3) Liability insurance, including general liability insurance and automobile liability insurance.
- (4) Workers' compensation or similar insurance.
- (5) Automobile medical-payment insurance.
- (6) Credit-only insurance.
- (7) Coverage for on-site medical clinic care.
- (8) Other similar insurance coverage, specified in federal regulations, under which benefits for medical care are secondary or incidental to other insurance coverage or benefits.

b. For the purposes of this section, "health insurance" does not include benefits provided under a separate policy as follows:

- (1) Limited scope dental or vision benefits.
- (2) Benefits for long-term care, nursing home care, home health care, or community-based care.
- (3) Any other similar limited benefits as provided by rule of the commissioner.

c. For the purposes of this section, "health insurance" does not include benefits offered as independent noncoordinated benefits as follows:

- (1) Coverage only for a specified disease or illness.
 - (2) A hospital indemnity or other fixed indemnity insurance.
- d. For the purposes of this section, "health insurance" does not include Medicare supplemental health insurance as defined under § 1882(g)(1) of the federal Social Security Act, coverage supplemental to the coverage provided under 10 U.S.C. ch. 55, and similar supplemental coverage provided to coverage under group health insurance coverage.

5. The commissioner shall adopt rules pursuant to chapter 17A to implement the provisions of this section.

Sec. 9. NEW SECTION. 508.33A Limited purpose subsidiary life insurance companies.

1. As used in this section unless the context otherwise requires:

¹ According to enrolled Act; the word "quantification" probably intended

a. “*Affiliated company*” means a domestic life insurance company that is a directly or indirectly wholly owned subsidiary of the same parent.

b. “*Parent*” means a person as defined in section 521A.1 who directly or indirectly through one or more intermediaries wholly owns the organizing life insurance company.

c. “*Risks*” means risks associated with the life insurance policies and contracts written by the ceding domestic life insurance company or assumed by the ceding domestic life insurance company from an affiliated company, which were written by the affiliated company and for which the ceding domestic life insurance company holds direct statutory reserves for those policies and contracts as required by section 508.36.

2. a. A domestic life insurance company organized pursuant to the provisions of this chapter may organize a domestic limited purpose subsidiary life insurance company pursuant to the provisions of this chapter that is wholly owned by the organizing life insurance company. The limited purpose subsidiary life insurance company may reinsure risks of the organizing life insurance company, reinsure risks of affiliated companies, and access alternative forms of financing.

b. A limited purpose subsidiary life insurance company shall submit a plan of operation to the commissioner, and the commissioner shall approve the plan of operation with such amendments as the commissioner requires, before the limited purpose subsidiary life insurance company assumes any risks under a reinsurance contract. The plan of operation and any records, books, documents, reports, or other information that the commissioner requires a limited purpose subsidiary life insurance company to produce or disclose pursuant to rules adopted under subsection 6 or pursuant to an order of the commissioner shall be treated the same as information obtained by or disclosed to the commissioner pursuant to section 521A.6 and the commissioner shall have the powers enumerated in section 521A.6 as to that insurer.

3. The organizing life insurance company may invest funds from its surplus in a limited purpose subsidiary life insurance company organized pursuant to this section.

4. The organizing life insurance company’s officers and directors may serve as officers and directors of a limited purpose subsidiary life insurance company organized pursuant to this section.

5. A limited purpose subsidiary life insurance company organized pursuant to this section shall be deemed to be licensed to transact the business of reinsurance for the purposes of section 521B.2, subsection 1, but may only reinsure risks of its organizing life insurance company and of affiliated companies. A limited purpose subsidiary life insurance company organized pursuant to this section may, upon approval of the commissioner, purchase reinsurance to cede the reinsurance risks assumed by the limited purpose subsidiary life insurance company.

6. The commissioner shall adopt rules pursuant to chapter 17A concerning limited purpose subsidiary life insurance companies, including but not limited to the organization, plans of operation, capital requirements including risk-based capital requirements, reserves, authorized investments, reinsurance assumed, material transaction restrictions and requirements, dividends and distributions, operations, and the conditions, forms, and approval of financing of limited purpose subsidiary life insurance companies organized pursuant to this section.

7. Admitted assets of a limited purpose subsidiary life insurance company shall include assets approved by the commissioner which shall be deemed to be, and reported as, admitted assets of the limited purpose subsidiary life insurance company.

8. The provisions of sections 508.5, 508.6, and 511.8, section 521.2, subsection 4, sections 521A.4 and 521A.5, and chapter 521E shall not be applicable to a limited purpose subsidiary life insurance company organized pursuant to this section.

9. A limited purpose subsidiary life insurance company shall not be organized pursuant to this section prior to the effective date of rules adopted by the commissioner regulating the organization and operation of limited purpose subsidiary life insurance companies as provided in subsection 6.

Sec. 10. Section 511.8, subsection 5, Code Supplement 2009, is amended to read as follows:

5. *Corporate obligations.* Subject to the restrictions contained in subsection 8 hereof, bonds or other evidences of indebtedness issued, assumed, or guaranteed by a corporation incorporated under the laws of the United States of America, or of any state, district, or insular or territorial possession thereof; or of the Dominion of Canada, or any province thereof; and which meet the following qualifications:

a. (1) If fixed interest-bearing obligations, the net earnings of the issuing, assuming, or guaranteeing corporation available for its fixed charges for a period of five fiscal years next preceding the date of acquisition of the obligations by such insurance company shall have averaged per year not less than one and one-half times such average annual fixed charges of the issuing, assuming, or guaranteeing corporation applicable to such period, and, during at least one of the last two years of such period, its net earnings shall have been not less than one and one-half times its fixed charges for such year; or if, at the date of acquisition, the obligations are adequately secured and have investment qualities and characteristics wherein the speculative elements are not predominant.

(2) However, with respect to fixed interest-bearing obligations which are issued, assumed, or guaranteed by a financial company, the net earnings by the financial company available for its fixed charges for the period of five fiscal years preceding the date of acquisition of the obligations by the insurance company shall have averaged per year not less than one and one-fourth times such average annual fixed charges of the issuing, assuming, or guaranteeing financial company applicable to such period, and, during at least one of the last two years of the period, its net earnings shall have been not less than one and one-fourth times its fixed charges for such year; or if, at the date of acquisition, the obligations are adequately secured and speculative elements are not predominant in their investment qualities and characteristics. As used in this paragraph subparagraph (2), “*financial company*” means a corporation which on the average over its last five fiscal years preceding the date of acquisition of its obligations by the insurer, has had at least fifty percent of its net income, including income derived from subsidiaries, derived from the business of wholesale, retail, installment, mortgage, commercial, industrial or consumer financing, or from banking or factoring, or from similar or related lines of business.

b. If adjustment, income, or other contingent interest obligations, the net earnings of the issuing, assuming, or guaranteeing corporation available for its fixed charges for a period of five fiscal years next preceding the date of acquisition of the obligations by such insurance company shall have averaged per year not less than one and one-half times such average annual fixed charges of the issuing, assuming, or guaranteeing corporation and its average annual maximum contingent interest applicable to such period and, during at least one of the last two years of such period, its net earnings shall have been not less than one and one-half times the sum of its fixed charges and maximum contingent interest for such year, or if, at the date of acquisition, the obligations are adequately secure and have investment qualities and characteristics and speculative elements are not predominant.

c. Are securities that at the date of acquisition are rated three by the securities valuation office of the national association of insurance commissioners or have the equivalent rating by a rating organization that is approved by the national association of insurance commissioners as an acceptable rating organization and are listed or admitted to trading on a securities exchange in the United States or are publicly held and actively traded in the over-the-counter market and market quotations are readily available. If a security acquired under this paragraph is subsequently downgraded from a three rating by the securities valuation office of the national association of insurance commissioners or the equivalent by a national association of insurance commissioners’ acceptable rating organization, the security no longer qualifies as a legal reserve investment.

d. The term “*net earnings available for fixed charges*” as used herein shall mean in this section means the net income after deducting all operating and maintenance expenses, taxes other than any income taxes, depreciation, and depletion, but nonrecurring items of income or expense may be excluded.

e. The term “fixed charges” as used ~~herein shall include~~ in this section includes interest on unfunded debt and funded debt on a parity with or having a priority to the obligation under consideration.

f. The term “corporation” as used in this chapter includes a joint stock association, a limited liability company, a partnership, or a trust.

g. The securities, real estate, and mortgages described in this section include participations, which means instruments evidencing partial or undivided collective interests in such securities, real estate, and mortgages.

Sec. 11. Section 511.8, subsection 8, Code Supplement 2009, is amended by adding the following new paragraph:

NEW PARAGRAPH. *d.* In addition to the restrictions contained in paragraphs “a” and “b”, the investments of any company or association in securities included under subsection 5, paragraph “c”, are not eligible in excess of two percent of the legal reserve, but not more than one-eighth of one percent of the legal reserve shall be invested in the securities of any one corporation.

Sec. 12. Section 511.8, subsection 16, Code Supplement 2009, is amended to read as follows:

16. *Deposit of securities.*

a. Securities in an amount not less than the legal reserve as defined in this section shall be deposited and the deposit maintained with the commissioner of insurance or at such places as the commissioner may designate as will properly safeguard them. There may be included in the deposit an amount of cash on hand not in excess of five percent of the deposit required, that deposit to be evidenced by a certified check, certificate of deposit, or other evidence satisfactory to the commissioner of insurance. Deposits of securities may be made in excess of the amounts required by this section. A stock company organized under the laws of this state shall not be required to make a deposit until the legal reserve, as ascertained by the commissioner, exceeds the amount deposited by it as capital. Real estate may be made a part of the deposit by furnishing evidence of ownership satisfactory to the commissioner and by conveying the real estate to the commissioner or the commissioner’s successors in office by warranty deed. The commissioner and the successors in office shall hold the real estate in trust for the benefit of the policyholders of the company or members of the association. Real estate mortgage loans and policy loans may be made a part of the deposit by filing a verified statement of the loans with the commissioner, which statement is subject to check at the discretion of the commissioner.

b. The securities comprising the deposit of a company or association against which proceedings are pending under section 508.18 shall vest in the state for the benefit of all policyholders of the company or association.

c. Securities or title to real estate on deposit may be withdrawn at any time and other eligible securities may be substituted, provided the amount maintained on deposit is equal to the sum of the legal reserve and twenty-five thousand dollars. In the case of real estate the commissioner shall execute and deliver to the company or association a quitclaim deed to the real estate. Any company or association shall, if requested by the commissioner, at the time of withdrawing any securities on deposit, designate for what purpose the same securities are being withdrawn.

d. Companies or associations having securities or title to real estate on deposit with the commissioner of insurance shall have the right to collect all dividends, interest, rent, or other income from the deposit unless proceedings against the company or association are pending under section 508.18, in which event the commissioner shall collect such interest, dividends, rent, or other income and add the same to the deposit.

e. Any company or association receiving payments or partial payments of principal on any securities deposited with the commissioner of insurance shall notify the commissioner of such fact at such times and in such manner as the commissioner may prescribe, giving the amount and date of payment.

f. The commissioner of insurance may receive on deposit securities or title to real estate of alien companies authorized to do business in the state of Iowa, for the purpose of securing

its policyholders in the state of Iowa and the United States. The provisions ~~hereof~~ of this subsection not inconsistent with the deposit agreement shall apply to the deposits of such alien companies.

g. Common stocks or shares issued by any federal home loan bank eligible for inclusion in the legal reserve under subsection 18, paragraph "c", may be made a part of a deposit by filing a verified statement of the common stocks or shares issued by a federal home loan bank that are held in the legal reserve. Attached to the statement shall be the annual capital stock statement of the respective federal home loan bank showing membership stock balance and activity-based stock balance.

Sec. 13. Section 511.8, subsection 23, paragraphs c and e, Code Supplement 2009, are amended to read as follows:

c. If the loan is collateralized by cash or cash equivalents, the cash or cash equivalent collateral may be reinvested by the life insurance company or association in ~~either class one money market funds as defined in subsection 24, individual securities which are eligible for inclusion in the legal reserve of the life insurance company or association, or in repurchase agreements fully collateralized by such securities if the life insurance company or association takes delivery of the collateral either directly or through an authorized custodian or pooled fund comprised of individual securities which are eligible for inclusion in the legal reserve of the life insurance company or association.~~ If such reinvestment is made in individual securities or in repurchase agreements, the individual securities or the securities which collateralize the repurchase agreements shall mature in less than two hundred seventy days. If such reinvestment is made in a pooled fund, the average maturity of the securities comprising such pooled fund must be ~~less than two hundred seventy~~ one hundred eighty days or less and the individual maturities of the securities comprising such pooled fund must be ~~three hundred ninety-seven~~ three hundred ninety-seven days or less. Individual securities and securities comprising the pooled fund shall be investment grade. As used in this paragraph, "maturity" means the earlier of the fixed date on which the holder of the security is unconditionally entitled to receive principal and interest in full or the date on which the holder of the security is unconditionally entitled upon demand to receive principal and interest in full.

e. Securities loaned pursuant to this subsection are not eligible for inclusion in the legal reserve of the life insurance company or association in excess of ~~twenty ten~~ ten percent of the legal reserve.

Sec. 14. Section 511.8, subsection 23, Code Supplement 2009, is amended by adding the following new paragraph:

NEW PARAGRAPH. f. A life insurance company or association may continue to hold in the legal reserve of the life insurance company or association securities which are the subject of a reverse repurchase agreement. If such securities are held in the legal reserve of a life insurance company or association, the securities shall be subject to the limitations of paragraph "e" as if they were securities loaned pursuant to this subsection.

Sec. 15. NEW SECTION. 514C.26 Mental illness and substance abuse treatment coverage for veterans.

1. Notwithstanding the uniformity of treatment requirements of section 514C.6, a group policy or contract providing for third-party payment or prepayment of health or medical expenses issued by a carrier, as defined in section 513B.2, or by an organized delivery system authorized under 1993 Iowa Acts, chapter 158, shall provide coverage benefits to an insured who is a veteran for treatment of mental illness and substance abuse if either of the following is satisfied:

a. The policy or contract is issued to an employer who on at least fifty percent of the employer's working days during the preceding calendar year employed more than fifty full-time equivalent employees. In determining the number of full-time equivalent employees of an employer, employers who are affiliated or who are able to file a consolidated tax return for purposes of state taxation shall be considered one employer.

b. The policy or contract is issued to a small employer as defined in section 513B.2, and such policy or contract provides coverage benefits for the treatment of mental illness and substance abuse.

2. Notwithstanding the uniformity of treatment requirements of section 514C.6, a plan established pursuant to chapter 509A for public employees shall provide coverage benefits to an insured who is a veteran for treatment of mental illness and substance abuse as defined in subsection 3.

3. For purposes of this section:

a. “*Mental illness*” means mental disorders as defined by the commissioner by rule.

b. “*Substance abuse*” means a pattern of pathological use of alcohol or a drug that causes impairment in social or occupational functioning, or that produces physiological dependency evidenced by physical tolerance or by physical symptoms when the alcohol or drug is withdrawn.

c. “*Veteran*” means the same as defined in section 35.1.

4. The commissioner, by rule, shall define “*mental illness*” consistent with definitions provided in the most recent edition of the American psychiatric association’s diagnostic and statistical manual of mental disorders, as the definitions may be amended from time to time. The commissioner may adopt the definitions provided in such manual by reference.

5. This section shall not apply to accident only, specified disease, short-term hospital or medical, hospital confinement indemnity, credit, dental, vision, Medicare supplement, long-term care, basic hospital and medical-surgical expense coverage as defined by the commissioner, disability income insurance coverage, coverage issued as a supplement to liability insurance, workers’ compensation or similar insurance, or automobile medical payment insurance, or individual accident and sickness policies issued to individuals or to individual members of a member association.

6. A carrier, organized delivery system, or plan established pursuant to chapter 509A may manage the benefits provided through common methods including but not limited to providing payment of benefits or providing care and treatment under a capitated payment system, prospective reimbursement rate system, utilization control system, incentive system for the use of least restrictive and least costly levels of care, a preferred provider contract limiting choice of specific providers, or any other system, method, or organization designed to assure services are medically necessary and clinically appropriate.

7. a. A group policy or contract or plan covered under this section shall not impose an aggregate annual or lifetime limit on mental illness or substance abuse coverage benefits unless the policy or contract or plan imposes an aggregate annual or lifetime limit on substantially all medical and surgical coverage benefits.

b. A group policy or contract or plan covered under this section that imposes an aggregate annual or lifetime limit on substantially all medical and surgical coverage benefits shall not impose an aggregate annual or lifetime limit on mental illness or substance abuse coverage benefits which is less than the aggregate annual or lifetime limit imposed on substantially all medical and surgical coverage benefits.

8. A group policy or contract or plan covered under this section shall at a minimum allow for thirty inpatient days and fifty-two outpatient visits annually. The policy or contract or plan may also include deductibles, coinsurance, or copayments, provided the amounts and extent of such deductibles, coinsurance, or copayments applicable to other medical or surgical services coverage under the policy or contract or plan are the same. It is not a violation of this section if the policy or contract or plan excludes entirely from coverage benefits for the cost of providing the following:

a. Care that is substantially custodial in nature.

b. Services and supplies that are not medically necessary or clinically appropriate.

c. Experimental treatments.

9. This section applies to third-party payment provider policies or contracts and plans established pursuant to chapter 509A delivered, issued for delivery, continued, or renewed in this state on or after January 1, 2011.

Sec. 16. Section 514F6, Code 2009, is amended to read as follows:

514F6 Credentialing — retrospective payment.

1. The commissioner shall adopt rules to provide for the retrospective payment of clean claims for covered services provided by a physician, advanced registered nurse practitioner, or physician assistant during the credentialing period, once the physician, advanced registered nurse practitioner, or physician assistant is credentialed.

2. For purposes of this section, “*physician*” means a licensed doctor of medicine and surgery or a licensed doctor of osteopathic medicine and surgery; “*advanced registered nurse practitioner*” means a licensed nurse who is also registered to practice in an advanced role, “*physician assistant*” means a person who is licensed to practice as a physician assistant under the supervision of one or more physicians; and “*credentialing period*” means the time period between the health insurer’s receipt of a physician’s, advanced registered nurse practitioner’s, or physician assistant’s application for credentialing and approval of that application by the health insurer. “*Credentialing*” means a process through which a health insurer makes a determination based on criteria established by the health insurer concerning whether a physician, advanced registered nurse practitioner, or physician assistant is eligible to provide health care services to an insured and to receive reimbursement for the health care services provided under an agreement entered into between the physician, advanced registered nurse practitioner, or physician assistant and the health insurer. “*Clean claim*” means the same as defined in section 507B.4A, subsection 2, paragraph “b”.

Sec. 17. Section 514J.7, subsection 2, Code 2009, is amended to read as follows:

2. The independent review entity, within three business days of receipt of the notice, shall select a person to perform the external review and shall provide notice to the enrollee and the carrier containing a brief description of the person including the reasons the person selected is an expert in the treatment of the medical condition under review. The independent review entity ~~does not need to~~ shall, upon request from the carrier, the enrollee, or the enrollee’s treating health care provider, disclose the name of the person. A copy of the notice shall be sent by facsimile to the commissioner. If the independent review entity does not have a person who is an expert in the treatment of the medical condition under review and certified by the commissioner to conduct an independent review, the independent review entity may either decline the review request or may request from the commissioner additional time to have such an expert certified. The independent review entity shall notify the commissioner by facsimile of its choice between these options within three business days of receipt of the notice from the carrier or organized delivery system. The commissioner shall provide a notice to the enrollee and carrier or organized delivery system of the independent review entity’s decision and of the commissioner’s decision as to how to proceed with the external review process within three business days of receipt of the independent review entity’s decision.

Sec. 18. Section 515.125, subsection 1, Code 2009, is amended to read as follows:

1. Unless otherwise provided in section 515.127, ~~or 515.128, 515.129A, 515.129B, or 515.129C,~~ a policy or contract of insurance provided for in this chapter shall not be forfeited, suspended, or canceled except by notice to the insured as provided in this chapter. A notice of cancellation is not effective unless mailed or delivered by the insurer to the named insured at least thirty days before the effective date of cancellation, or, where cancellation is for nonpayment of a premium, assessment, or installment provided for in the policy, or in a note or contract for the payment thereof, at least ten days prior to the date of cancellation. The notice may be made in person, or by sending by mail a letter addressed to the insured at the insured’s address as given in or upon the policy, anything in the policy, application, or a separate agreement to the contrary notwithstanding.

Sec. 19. **NEW SECTION. 515.129A Cancellation of personal lines policies or contracts.**

1. A personal lines policy or contract of insurance which has been in effect for more than sixty days shall not be canceled except by notice to the insured as provided in this chapter.

2. Notice of cancellation of a personal lines policy or contract of insurance is not effective unless the cancellation is based on one or more of the following reasons:

a. Nonpayment of premium.

b. Failure to pay dues or fees where payment of dues or fees is a prerequisite to obtaining or continuing insurance coverage in force.

- c. Discovery of fraud or material misrepresentation made by or with the knowledge of the named insured in obtaining, continuing, or presenting a claim under the policy.
- d. Actions by the insured which substantially change or increase the risk insured.
- e. The insured has acted in a manner which the insured knew or should have known was in violation or breach of a term or condition of the insurance policy or contract.
- f. The occurrence of a change in the risk that substantially increases a hazard insured against after insurance coverage has been issued or renewed.

Sec. 20. NEW SECTION. 515.129B Nonrenewal of personal lines policies or contracts.

1. An insurer shall not refuse to renew a personal lines policy or contract of insurance unless at least thirty days before the end of the policy or contract period the insurer delivers, mails, or electronically transmits to the first named insured, at the last known address of the first named insured, written notice of the insurer's intention not to renew the policy or contract upon expiration of the current policy or contract period as provided in section 515.129C. Proof of such mailing, electronic transmission, or delivery to the first named insured's last known address shall be maintained by the insurer.

2. The notice of intention not to renew shall include or be accompanied by a written explanation of the insurer's specific reason or reasons for the nonrenewal.

3. The transfer of a policy between affiliates of an insurance company shall not be considered a nonrenewal.

Sec. 21. NEW SECTION. 515.129C Notice of renewal or nonrenewal of personal lines policies of contracts.

1. At least thirty days before the end of the policy or contract term, an insurer shall mail or deliver to the last known address of the first named insured a renewal policy or contract, an offer to renew the current policy or contract, or a notice of nonrenewal of the policy or contract. Information concerning the renewal policy or contract, the offer to renew the policy or contract, or the notice of nonrenewal of the policy or contract shall also be mailed, delivered, or transmitted electronically to the last known address of the producer of record of the policy or contract.

a. An offer to renew the policy or contract shall state the renewal premium and the date that the premium is due. The renewal premium shall be based on the known exposure as of the date of the offer to renew.

b. If the renewal premium is not received by the due date or the policy or contract expiration date, whichever is later, the policy or contract lapses.

2. If an insurer fails to comply with the notice requirements of this section, the policy or contract shall be extended on the same terms and conditions for another policy or contract term or until the effective date of similar insurance procured by the insured, whichever is earlier. The insurer may make continued coverage contingent upon the payment of premium.

3. Renewal of a policy or contract does not constitute a waiver or estoppel with respect to grounds for cancellation that existed before the effective date of the renewal.

Sec. 22. Section 515C.5, Code 2009, is amended to read as follows:

515C.5 Limit of outstanding liability.

1. Unless a request to suspend the requirements of this section is granted by the commissioner as set forth in subsection 2, a mortgage guaranty insurer shall not at any time have outstanding a total liability, net of reinsurance, in excess of twenty-five times its capital, unassigned funds and contingency reserve. If A mortgage guaranty insurer shall not insure loans secured by properties in a single housing tract or in a contiguous tract (not which is not separated by more than one-half mile) mile in excess of ten percent of its capital, unassigned funds, and contingency reserve. Coverage may be provided only if the properties in such tract are residential buildings, buildings designed for occupancy by not more than four families, or owner-occupied mobile homes.

2. Upon request of a mortgage guaranty insurer, the commissioner may suspend the requirements contained in subsection 1 for such time and under such conditions as the commissioner may order. The commissioner may adopt rules as necessary relating to the consideration of such requests for suspension of those requirements.

Sec. 23. Section 523A.204, subsection 4, Code Supplement 2009, is amended to read as follows:

4. The commissioner shall levy an administrative penalty in the amount of up to five hundred dollars against a preneed seller that fails to file the annual report when due, payable to the state for deposit as provided in section 505.7. However, the commissioner may waive the administrative penalty upon a showing of good cause or financial hardship.

Sec. 24. Section 523A.401, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 9. The commissioner, by rule, may require written trust agreements and establish conditions for trusts holding insurance policies or maintaining ownership rights under insurance policies. The seller or any officer, director, agent, employee, or affiliate of the seller shall not serve as a trustee. The commissioner may require amendments to a trust agreement that is not in accord with the provisions of this chapter or rules adopted under this chapter.

Sec. 25. Section 523A.402, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 9. The commissioner, by rule, may require written trust agreements and establish conditions for trusts holding annuities or maintaining ownership rights under annuities. The seller or any officer, director, agent, employee, or affiliate of the seller shall not serve as a trustee. The commissioner may require amendments to a trust agreement that is not in accord with the provisions of this chapter or rules adopted under this chapter.

Sec. 26. Section 523A.502A, subsection 3, Code Supplement 2009, is amended to read as follows:

3. The commissioner shall levy an administrative penalty in the amount of up to five hundred dollars against a sales agent who fails to file an annual report when due, payable to the state for deposit as provided in section 505.7. However, the commissioner may waive the administrative penalty upon a showing of good cause or financial hardship.

Sec. 27. Section 523A.601, subsection 1, paragraph i, Code 2009, is amended to read as follows:

i. Include an explanation of regulatory oversight by the insurance division in twelve point boldface type, in substantially the following language:

THIS AGREEMENT IS SUBJECT TO RULES ADMINISTERED BY THE IOWA INSURANCE DIVISION. YOU MAY CALL THE INSURANCE DIVISION AT ~~(515)281-4441~~ (515)281-5705. WRITTEN INQUIRIES OR COMPLAINTS SHOULD BE MAILED TO THE IOWA SECURITIES AND REGULATED INDUSTRIES BUREAU, 330 MAPLE STREET, DES MOINES, IOWA 50319.

Sec. 28. Section 523A.807, subsection 3, unnumbered paragraph 1, Code Supplement 2009, is amended to read as follows:

If the commissioner finds that a person has violated section 523A.201, 523A.202, 523A.203, 523A.207, 523A.401, 523A.402, 523A.403, 523A.404, 523A.405, 523A.501, or 523A.502, or 523A.504 or any rule adopted pursuant thereto, the commissioner may order any or all of the following:

Sec. 29. Section 523I.213A, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 7. Notwithstanding chapter 22, the commissioner shall not make information obtained in the course of an examination public, except when a duty under this chapter requires the commissioner to take action against a cemetery or to cooperate with another law enforcement agency, or when the commissioner is called as a witness in a civil or criminal proceeding.

Sec. 30. Section 523I.312, subsection 2, paragraph n, Code 2009, is amended to read as follows:

n. Include an explanation of regulatory oversight by the insurance division in twelve point boldface type, in substantially the following language:

THIS AGREEMENT IS SUBJECT TO RULES ADMINISTERED BY THE IOWA INSURANCE DIVISION. YOU MAY CALL THE INSURANCE DIVISION WITH INQUIRIES OR COMPLAINTS AT ~~(515)281-4441~~ (515)281-5705. WRITTEN INQUIRIES OR COMPLAINTS SHOULD BE MAILED TO: IOWA SECURITIES AND REGULATED INDUSTRIES BUREAU, 330 MAPLE STREET, DES MOINES, IOWA 50319.

Sec. 31. Section 523I.813, subsection 3, Code Supplement 2009, is amended to read as follows:

3. The commissioner shall levy an administrative penalty in the amount of up to five hundred dollars against a cemetery that fails to file the annual report when due, payable to the state for deposit as provided in section 505.7. However, the commissioner may waive the administrative penalty upon a showing of good cause or financial hardship.

Sec. 32. 2009 Iowa Acts, chapter 118, section 1, is amended by adding the following new subsection:

NEW SUBSECTION. 6A. The commission shall also complete an annual review of the cost of health insurance mandates currently imposed on health insurance regulated by the state and provide projections of the cost of any mandates that the commission determines may be considered by the general assembly during the upcoming legislative session. The review and projections shall be included in the annual reports provided by the commission to the general assembly pursuant to this section.

Sec. 33. EFFECTIVE UPON ENACTMENT. The following provisions of this Act, being deemed of immediate importance, take effect upon enactment:

1. The section of this Act enacting section 505.7, subsection 10.
2. The section of this Act enacting section 505.8, subsection 18.
3. The section of this Act amending section 505.17.
4. The sections of this Act enacting sections 505.18 and 505.19.
5. The section of this Act amending 2009 Iowa Acts, chapter 118, section 1.

Approved April 9, 2010

CHAPTER 1122

REGULATION OF MIXED MARTIAL ARTS MATCHES AND EVENTS

S.F. 2286

AN ACT relating to the regulation of professional and amateur mixed martial arts matches and events by the labor commissioner and providing penalties.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 90A.1, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 2A. “*Mixed martial arts match*” means a professional or amateur mixed martial arts match or event that is open to the public and an admission fee is charged, a donation is requested from those in attendance, or merchandise or refreshments are available for purchase.

Sec. 2. Section 90A.1, subsections 3 and 4, Code 2009, are amended to read as follows:

3. “Official” means a person who is employed as a referee, judge, timekeeper, or match physician for a ~~boxing or wrestling match~~ or event covered by this chapter.

4. “Participant” means a person involved in ~~the boxing or wrestling a match~~ or event covered by this chapter, and includes contestants, seconds, managers, and similar event personnel.

Sec. 3. Section 90A.1, subsection 6, Code 2009, is amended by adding the following new paragraph:

NEW PARAGRAPH. c. Organizes, holds, advertises, or otherwise conducts a mixed martial arts match.

Sec. 4. Section 90A.2, subsection 1, Code 2009, is amended to read as follows:

1. A person shall not act as a promoter of a professional boxing or wrestling match or a mixed martial arts match without first obtaining a license from the commissioner. This subsection shall not apply to a person distributing a closed-circuit, pay-per-view, or similarly distributed signal to a person acting as a promoter or to a person viewing the signal in a private residence.

Sec. 5. Section 90A.4, Code 2009, is amended to read as follows:

90A.4 Match promoter responsibility.

~~The A promoter, as defined in section 90A.1, subsection 6, paragraph “a”, shall be responsible for the conduct of all officials and participants at a professional boxing or wrestling match or event covered by this chapter. The commissioner may reprimand, suspend, deny, or revoke the participation of any promoter, official, or participant for violations of rules adopted by the commissioner. Rulings or decisions of a promoter or an official are not decisions of the commissioner and are not subject to procedures under chapter 17A. The commissioner may take action based upon the rulings or decisions of a promoter or an official. This section shall not apply to a promoter as defined in section 90A.1, subsection 6, paragraph “b”.~~

Sec. 6. Section 90A.5, subsection 1, paragraphs c and h, Code 2009, are amended to read as follows:

c. A ~~boxer~~ contestant fails to pass a preflight physical examination.

h. A match promoter, ~~professional boxer~~ contestant, or participant is in violation of rules adopted pursuant to section 90A.7.

Sec. 7. Section 90A.5, subsection 1, Code 2009, is amended by adding the following new paragraph:

NEW PARAGRAPH. i. A contestant does not present adequate proof of age pursuant to section 90A.12.

Sec. 8. Section 90A.6, subsection 1, unnumbered paragraph 1, Code 2009, is amended to read as follows:

The commissioner may suspend, deny, revoke, annul, or withdraw a license, registration, or authority to participate in a professional boxing or wrestling match or mixed martial arts match if any of the following occur:

Sec. 9. Section 90A.9, subsection 1, Code 2009, is amended to read as follows:

1. The promoter of a professional boxing or wrestling match or event or a mixed martial arts match shall, within twenty days after the match or event, furnish to the commissioner a written report stating the number of tickets sold, the gross amount of admission proceeds of the ~~professional boxing or wrestling match or event~~, and other matters the commissioner may prescribe by rule. The value of complimentary tickets in excess of five percent of the number of tickets sold shall be included in the gross admission receipts. Within twenty days of the match or event, the promoter shall pay to the treasurer of state a tax of five percent of its total gross admission receipts, after deducting state sales tax, from the sale of tickets of admission to the ~~professional boxing or wrestling match~~ or event.

Sec. 10. Section 90A.11, Code 2009, is amended to read as follows:

90A.11 License penalty penalties — cease and desist order.

1. A person who acts as a professional boxing or wrestling match promoter, as defined in section 90A.1, without first obtaining a license commits a serious misdemeanor. In addition to criminal penalties, the promoter and shall be liable to the state for the taxes and penalties pursuant to section 90A.9.

2. a. Notwithstanding the procedural requirements of chapter 17A, the commissioner may issue an order to cease and desist a match or event if the criteria of this subsection are met. The county sheriff shall assist with service and enforcement of the commissioner's order to cease and desist if requested by the commissioner. The provisions of chapter 17A shall apply after enforcement of the order to cease and desist.

b. The commissioner may issue an order to cease and desist a match or event if all of the following have occurred:

(1) The commissioner conducted an investigation and determined a promoter is organizing, advertising, holding, or conducting an event or match that is within the scope of section 90A.2.

(2) The promoter has not applied for or has been denied a license.

(3) The deadline to file a timely license application has passed.

3. a. A person who acts as a promoter without first obtaining a license is subject to a civil penalty of not more than ten thousand dollars for each violation.

b. The commissioner shall notify the unlicensed promoter of a proposed civil penalty by service in the same manner as an original notice or by certified mail. If within fifteen business days from the receipt of the notice, the unlicensed promoter fails to file a notice of contest in accordance with rules adopted by the commissioner pursuant to chapter 17A, the penalty as proposed shall be deemed final agency action for purposes of judicial review.

c. The commissioner shall notify the department of revenue upon final agency action regarding the assessment of a civil penalty against an unlicensed promoter. Interest shall be calculated on the penalty from the date of final agency action.

d. Judicial review of final agency action pursuant to this section may be sought in accordance with the terms of section 17A.19. If no petition for judicial review is filed within sixty days after service of the final agency action of the commissioner, the commissioner's findings of fact and final agency action shall be conclusive in connection with any petition for enforcement which is filed by the commissioner after the expiration of the sixty-day period. The clerk of court, unless otherwise ordered by the court, shall enter a decree enforcing the final agency action and shall transmit a copy of the decree to the commissioner and the unlicensed promoter named in the petition.

e. Civil penalties recovered pursuant to this section shall be remitted by the commissioner to the treasurer of state for deposit in the general fund of the state.

Sec. 11. Section 90A.12, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 3. A person shall not be a contestant in a mixed martial arts match unless the contestant is eighteen years of age or older. Each contestant shall submit to the commissioner a certified birth certificate, or similar document, validating the contestant's date of birth prior to the match in order to verify the contestant's eligibility.

Approved April 9, 2010

CHAPTER 1123**CEDAR RIVER BOAT DOCK REQUIREMENTS***H.F. 2484*

AN ACT exempting certain boat harbors from certain dock requirements and including effective date provisions.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. **NEW SECTION. 462A.27A Dock requirements — exemptions.**

1. A dock in a boat harbor located on the Cedar river in a city with a population of more than one hundred twenty-five thousand located in a county with a population of more than two hundred thousand is exempt from all dock requirements of the department of natural resources if the dock is in compliance with local city regulations for a dock in such a boat harbor except as provided in subsection 2.

2. A dock in a boat harbor located on the Cedar river in a city with a population of more than one hundred twenty-five thousand located in a county with a population of more than two hundred thousand that meets the requirements of subsection 1 and that uses containers as dock flotation devices that were not originally manufactured as dock flotation devices, may continue to use such containers as dock flotation devices if the containers were in use on or before the effective date of this Act. At the time that such containers are replaced, the replacement dock flotation devices shall be dock flotation devices that comply with the rules of the department of natural resources. However, if the ownership of the dock is transferred, the new owner shall have six months from the date of transfer to replace such containers with dock flotation devices that comply with the rules of the department of natural resources.

Sec. 2. **EFFECTIVE UPON ENACTMENT.** This Act, being deemed of immediate importance, takes effect upon enactment.

Approved April 10, 2010

CHAPTER 1124**OPERATING-WHILE-INTOXICATED — MISCELLANEOUS CHANGES***S.F. 431*

AN ACT relating to the reorganization of operating-while-intoxicated criminal offenses, making related changes, and providing an effective date.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 321J.2, Code 2009, is amended by striking the section and inserting in lieu thereof the following:

321J.2 Operating while under the influence of alcohol or a drug or while having an alcohol concentration of .08 or more (OWI).

1. A person commits the offense of operating while intoxicated if the person operates a motor vehicle in this state in any of the following conditions:

a. While under the influence of an alcoholic beverage or other drug or a combination of such substances.

b. While having an alcohol concentration of .08 or more.

c. While any amount of a controlled substance is present in the person, as measured in the person's blood or urine.

2. A person who violates subsection 1 commits:

a. A serious misdemeanor for the first offense.

- b. An aggravated misdemeanor for a second offense.
- c. A class "D" felony for a third offense and each subsequent offense.
- 3. A first offense is punishable by all of the following:

a. A minimum period of imprisonment in the county jail of forty-eight hours, but not to exceed one year, to be served as ordered by the court, less credit for any time the person was confined in a jail or detention facility following arrest or for any time the person spent in a court-ordered operating-while-intoxicated program that provides law enforcement security. However, the court, in ordering service of the sentence and in its discretion, may accommodate the defendant's work schedule.

b. (1) With the consent of the defendant, the court may defer judgment pursuant to section 907.3 and may place the defendant on probation upon conditions as it may require. Upon a showing that the defendant is not fulfilling the conditions of probation, the court may revoke probation and impose any sentence authorized by law. Before taking such action, the court shall give the defendant an opportunity to be heard on any matter relevant to the proposed action. Upon violation of the conditions of probation, the court may proceed as provided in chapter 908. Upon fulfillment of the conditions of probation and the payment of fees imposed and not waived by the judicial district department of correctional services under section 905.14, the defendant shall be discharged without entry of judgment.

(2) A person is not eligible for a deferred judgment under section 907.3 if the person has been convicted of a violation of this section or the person's driver's license has been revoked under this chapter, and any of the following apply:

(a) If the defendant's alcohol concentration established by the results of an analysis of a specimen of the defendant's blood, breath, or urine withdrawn in accordance with this chapter exceeds .15, regardless of whether or not the alcohol concentration indicated by the chemical test minus the established margin of error inherent in the device or method used to conduct the test equals an alcohol concentration of .15 or more.

(b) If the defendant has previously been convicted of a violation of subsection 1 or a statute in another state substantially corresponding to subsection 1.

(c) If the defendant has previously received a deferred judgment or sentence for a violation of subsection 1 or for a violation of a statute in another state substantially corresponding to subsection 1.

(d) If the defendant refused to consent to testing requested in accordance with section 321J.6.

(e) If the offense under this chapter results in bodily injury to a person other than the defendant.

c. Assessment of a fine of one thousand two hundred fifty dollars. However, in the discretion of the court, if no personal or property injury has resulted from the defendant's actions, the court may waive up to six hundred twenty-five dollars of the fine when the defendant presents to the court at the end of the minimum period of ineligibility a temporary restricted license issued pursuant to section 321J.20.

(1) Upon the entry of a deferred judgment, a civil penalty shall be assessed as provided in section 907.14 in an amount not less than the amount of the criminal fine authorized pursuant to this paragraph "c".

(2) As an alternative to a portion or all of the fine, the court may order the person to perform unpaid community service. However, the court shall not order the person to perform unpaid community service in lieu of a civil penalty or victim restitution. Surcharges and fees shall also be assessed pursuant to chapter 911.

d. Revocation of the person's driver's license for a minimum period of one hundred eighty days up to a maximum revocation period of one year, pursuant to section 321J.4, subsection 1, section 321J.9, or section 321J.12, subsection 2. If a revocation occurs due to test refusal under section 321J.9, the defendant shall be ineligible for a temporary restricted license for a minimum period of ninety days.

(1) A defendant whose alcohol concentration is .08 or more but not more than .10 shall not be eligible for any temporary restricted license for at least thirty days if a test was obtained and an accident resulting in personal injury or property damage occurred. The defendant shall be ordered to install an ignition interlock device of a type approved by the commissioner of public safety on all vehicles owned or operated by the defendant if the defendant seeks a

temporary restricted license. There shall be no such period of ineligibility if no such accident occurred, and the defendant shall not be ordered to install an ignition interlock device.

(2) A defendant whose alcohol concentration is more than .10 shall not be eligible for any temporary restricted license for at least thirty days if a test was obtained, and an accident resulting in personal injury or property damage occurred or the defendant's alcohol concentration exceeded .15. There shall be no such period of ineligibility if no such accident occurred and the defendant's alcohol concentration did not exceed .15. In either case, where a defendant's alcohol concentration is more than .10, the defendant shall be ordered to install an ignition interlock device of a type approved by the commissioner of public safety on all vehicles owned or operated by the defendant if the defendant seeks a temporary restricted license.¹

e. Assignment to substance abuse evaluation and treatment, a course for drinking drivers, and, if available and appropriate, a reality education substance abuse prevention program pursuant to section 321J.24.

4. A second offense is punishable by all of the following:

a. A minimum period of imprisonment in the county jail or community-based correctional facility of seven days but not to exceed two years.

b. Assessment of a minimum fine of one thousand eight hundred fifty dollars and a maximum fine of six thousand two hundred fifty dollars. Surcharges and fees shall be assessed pursuant to chapter 911.

c. Revocation of the defendant's driver's license for a period of one year, if a revocation occurs pursuant to section 321J.12, subsection 1. If a revocation occurs due to test refusal under section 321J.9, or pursuant to section 321J.4, subsection 2, the defendant's license shall be revoked for a period of two years.

d. Assignment to substance abuse evaluation and treatment, a course for drinking drivers, and, if available and appropriate, a reality education substance abuse prevention program pursuant to section 321J.24.

5. A third offense is punishable by all of the following:

a. Commitment to the custody of the director of the department of corrections for an indeterminate term not to exceed five years, with a mandatory minimum term of thirty days.

(1) If the court does not suspend a person's sentence of commitment to the custody of the director of the department of corrections under this paragraph "a", the person shall be assigned to a facility pursuant to section 904.513.

(2) If the court suspends a person's sentence of commitment to the custody of the director of the department of corrections under this paragraph "a", the court shall order the person to serve not less than thirty days nor more than one year in the county jail, and the person may be committed to treatment in the community under section 907.6.

b. Assessment of a minimum fine of three thousand one hundred twenty-five dollars and a maximum fine of nine thousand three hundred seventy-five dollars. Surcharges and fees shall be assessed pursuant to chapter 911.

c. Revocation of the person's driver's license for a period of six years pursuant to section 321J.4, subsection 4.

d. Assignment to substance abuse evaluation and treatment, a course for drinking drivers, and, if available and appropriate, a reality education substance abuse prevention program pursuant to section 321J.24.

6. To the extent that section 907.3 allows, the court may impose additional sentencing terms and conditions.

7. a. All persons convicted of an offense under subsection 2 shall be ordered, at the person's expense, to undergo, prior to sentencing, a substance abuse evaluation. The court shall order the person to follow the recommendations proposed in the substance abuse evaluation as provided in section 321J.3.

b. Where the program is available and is appropriate for the convicted person, a person convicted of an offense under subsection 2 shall be ordered to participate in a reality education substance abuse prevention program as provided in section 321J.24.

¹ See chapter 1193, §50, 81 herein

c. A minimum term of imprisonment in a county jail or community-based correctional facility imposed on a person convicted of a second or subsequent offense under subsection 2, paragraph "b" or "c" shall be served on consecutive days. However, if the sentencing court finds that service of the full minimum term on consecutive days would work an undue hardship on the person, or finds that sufficient jail space is not available and is not reasonably expected to become available within four months after sentencing to incarcerate the person serving the minimum sentence on consecutive days, the court may order the person to serve the minimum term in segments of at least forty-eight hours and to perform a specified number of hours of unpaid community service as deemed appropriate by the sentencing court.

8. In determining if a violation charged is a second or subsequent offense for purposes of criminal sentencing or license revocation under this chapter:

a. Any conviction or revocation deleted from motor vehicle operating records pursuant to section 321.12 shall not be considered as a previous offense.

b. Deferred judgments entered pursuant to section 907.3 for violations of this section shall be counted as previous offenses.

c. Convictions or the equivalent of deferred judgments for violations in any other states under statutes substantially corresponding to this section shall be counted as previous offenses. The courts shall judicially notice the statutes of other states which define offenses substantially equivalent to the one defined in this section and can therefore be considered corresponding statutes. Each previous violation on which conviction or deferral of judgment was entered prior to the date of the violation charged shall be considered and counted as a separate previous offense.

9. A person shall not be convicted and sentenced for more than one violation of this section for actions arising out of the same event or occurrence, even if the event or occurrence involves more than one of the conditions specified in subsection 1.

10. The clerk of the district court shall immediately certify to the department a true copy of each order entered with respect to deferral of judgment, deferral of sentence, or pronouncement of judgment and sentence for a defendant under this section.

11. a. This section does not apply to a person operating a motor vehicle while under the influence of a drug if the substance was prescribed for the person and was taken under the prescription and in accordance with the directions of a medical practitioner as defined in chapter 155A or if the substance was dispensed by a pharmacist without a prescription pursuant to the rules of the board of pharmacy, if there is no evidence of the consumption of alcohol and the medical practitioner or pharmacist had not directed the person to refrain from operating a motor vehicle.

b. When charged with a violation of subsection 1, paragraph "c", a person may assert, as an affirmative defense, that the controlled substance present in the person's blood or urine was prescribed or dispensed for the person and was taken in accordance with the directions of a practitioner and the labeling directions of the pharmacy, as that person and place of business are defined in section 155A.3.

12. In any prosecution under this section, evidence of the results of analysis of a specimen of the defendant's blood, breath, or urine is admissible upon proof of a proper foundation.

a. The alcohol concentration established by the results of an analysis of a specimen of the defendant's blood, breath, or urine withdrawn within two hours after the defendant was driving or in physical control of a motor vehicle is presumed to be the alcohol concentration at the time of driving or being in physical control of the motor vehicle.

b. The presence of a controlled substance or other drug established by the results of analysis of a specimen of the defendant's blood or urine withdrawn within two hours after the defendant was driving or in physical control of a motor vehicle is presumed to show the presence of such controlled substance or other drug in the defendant at the time of driving or being in physical control of the motor vehicle.

c. The department of public safety shall adopt nationally accepted standards for determining detectable levels of controlled substances in the division of criminal investigation's initial laboratory screening test for controlled substances.

13. a. In addition to any fine or penalty imposed under this chapter, the court shall order a defendant convicted of or receiving a deferred judgment for a violation of this section to

make restitution for damages resulting directly from the violation, to the victim, pursuant to chapter 910. An amount paid pursuant to this restitution order shall be credited toward any adverse judgment in a subsequent civil proceeding arising from the same occurrence. However, other than establishing a credit, a restitution proceeding pursuant to this section shall not be given evidentiary or preclusive effect in a subsequent civil proceeding arising from the same occurrence.

b. The court may order restitution paid to any public agency for the costs of the emergency response resulting from the actions constituting a violation of this section, not exceeding five hundred dollars per public agency for each such response. For the purposes of this paragraph, “*emergency response*” means any incident requiring response by fire fighting, law enforcement, ambulance, medical, or other emergency services. A public agency seeking such restitution shall consult with the county attorney regarding the expenses incurred by the public agency, and the county attorney may include the expenses in the statement of pecuniary damages pursuant to section 910.3.

14. In any prosecution under this section, the results of a chemical test shall not be used to prove a violation of subsection 1, paragraph “b” or “c”, if the alcohol, controlled substance, or other drug concentration indicated by the chemical test minus the established margin of error inherent in the device or method used to conduct the chemical test does not equal or exceed the level prohibited by subsection 1, paragraph “b” or “c”.

Sec. 2. Section 321J.3, subsection 1, paragraph a, Code 2009, is amended to read as follows:

a. In addition to orders issued pursuant to section 321J.2, ~~subsection 3~~ subsections 3, 4, and 5, and section 321J.17, the court shall order any defendant convicted under section 321J.2 to follow the recommendations proposed in the substance abuse evaluation for appropriate substance abuse treatment for the defendant. Court-ordered substance abuse treatment is subject to the periodic reporting requirements of section 125.86.

Sec. 3. Section 707.6A, subsection 6, Code 2009, is amended to read as follows:

6. Except for the purpose of sentencing under section 321J.2, ~~subsection 2~~ subsections 3, 4, and 5, a conviction or deferral of judgment for a violation of this section, where a violation of section 321J.2 is admitted or proved, shall be treated as a conviction or deferral of judgment for a violation of section 321J.2 for the purposes of chapters 321, 321A, and 321J, and section 907.3, subsection 1.

Sec. 4. Section 902.3, Code 2009, is amended to read as follows:

902.3 Indeterminate sentence.

When a judgment of conviction of a felony other than a class “A” felony is entered against a person, the court, in imposing a sentence of confinement, shall commit the person into the custody of the director of the Iowa department of corrections for an indeterminate term, the maximum length of which shall not exceed the limits as fixed by section 902.9, unless otherwise prescribed by statute, nor shall the term be less than the minimum term imposed by law, if a minimum sentence is provided. However, if the court suspends a person’s sentence under section 321J.2, subsection 2 ~~5~~, paragraph “e” “a”, the court shall order the offender to serve time in the county jail as provided in section 321J.2, subsection 2 ~~5~~, paragraph “e” “a”, notwithstanding any provision to the contrary in section 903.4.

Sec. 5. Section 907.3, subsection 3, paragraph c, Code Supplement 2009, is amended to read as follows:

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

² See chapter 1193, §70, 81 herein

Sec. 6. Section 910.1, subsection 4, Code 2009, is amended to read as follows:

4. “*Restitution*” means payment of pecuniary damages to a victim in an amount and in the manner provided by the offender’s plan of restitution. “Restitution” also includes fines, penalties, and surcharges, the contribution of funds to a local anticrime organization which provided assistance to law enforcement in an offender’s case, the payment of crime victim compensation program reimbursements, payment of restitution to public agencies pursuant to section 321J.2, subsection 9 13, paragraph “b”, court costs including correctional fees approved pursuant to section 356.7, court-appointed attorney fees ordered pursuant to section 815.9, including the expense of a public defender, and the performance of a public service by an offender in an amount set by the court when the offender cannot reasonably pay all or part of the court costs including correctional fees approved pursuant to section 356.7, or court-appointed attorney fees ordered pursuant to section 815.9, including the expense of a public defender.

Sec. 7. Section 910.2, unnumbered paragraph 1, Code 2009, is amended to read as follows:

In all criminal cases in which there is a plea of guilty, verdict of guilty, or special verdict upon which a judgment of conviction is rendered, the sentencing court shall order that restitution be made by each offender to the victims of the offender’s criminal activities, to the clerk of court for fines, penalties, surcharges, and, to the extent that the offender is reasonably able to pay, for crime victim assistance reimbursement, restitution to public agencies pursuant to section 321J.2, subsection 9 13, paragraph “b”, court costs including correctional fees approved pursuant to section 356.7, court-appointed attorney fees ordered pursuant to section 815.9, including the expense of a public defender, when applicable, or contribution to a local anticrime organization. However, victims shall be paid in full before fines, penalties, and surcharges, crime victim compensation program reimbursement, public agencies, court costs including correctional fees approved pursuant to section 356.7, court-appointed attorney fees ordered pursuant to section 815.9, including the expenses of a public defender, or contributions to a local anticrime organization are paid. In structuring a plan of restitution, the court shall provide for payments in the following order of priority: victim, fines, penalties, and surcharges, crime victim compensation program reimbursement, public agencies, court costs including correctional fees approved pursuant to section 356.7, court-appointed attorney fees ordered pursuant to section 815.9, including the expense of a public defender, and contribution to a local anticrime organization.

Sec. 8. Section 910.3, Code 2009, is amended to read as follows:

910.3 Determination of amount of restitution.

The county attorney shall prepare a statement of pecuniary damages to victims of the defendant and, if applicable, any award by the crime victim compensation program and expenses incurred by public agencies pursuant to section 321J.2, subsection 9 13, paragraph “b”, and shall provide the statement to the presentence investigator or submit the statement to the court at the time of sentencing. The clerk of court shall prepare a statement of court-appointed attorney fees ordered pursuant to section 815.9, including the expense of a public defender, and court costs including correctional fees claimed by a sheriff or municipality pursuant to section 356.7, which shall be provided to the presentence investigator or submitted to the court at the time of sentencing. If these statements are provided to the presentence investigator, they shall become a part of the presentence report. If pecuniary damage amounts are not available at the time of sentencing, the county attorney shall provide a statement of pecuniary damages incurred up to that time to the clerk of court. The statement shall be provided no later than thirty days after sentencing. If a defendant believes no person suffered pecuniary damages, the defendant shall so state. If the defendant has any mental or physical impairment which would limit or prohibit the performance of a public service, the defendant shall so state. The court may order a mental or physical examination, or both, of the defendant to determine a proper course of action. At the time of sentencing or at a later date to be determined by the court, the court shall set out the amount of restitution including the amount of public service to be performed as restitution and the persons to whom restitution must be paid. If the full amount of restitution

cannot be determined at the time of sentencing, the court shall issue a temporary order determining a reasonable amount for restitution identified up to that time. At a later date as determined by the court, the court shall issue a permanent, supplemental order, setting the full amount of restitution. The court shall enter further supplemental orders, if necessary. These court orders shall be known as the plan of restitution.

Sec. 9. EFFECTIVE DATE. This Act takes effect December 1, 2010.

Approved April 12, 2010

CHAPTER 1125
AGGRAVATED THEFT
S.F. 2250

AN ACT creating the criminal offense of aggravated theft, and providing a penalty.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. **NEW SECTION. 711.5 Robbery — application.**
This chapter does not apply if section 714.3A applies.

Sec. 2. **NEW SECTION. 714.3A Aggravated theft.**

1. A person commits aggravated theft when the person commits an assault as defined in section 708.1, subsection 1, that is punishable as a simple misdemeanor under section 708.2, subsection 6, after the person has removed or attempted to remove property not exceeding two hundred dollars in value which has not been purchased from a store or mercantile establishment, or has concealed such property of the store or mercantile establishment, either on the premises or outside the premises of the store or mercantile establishment.

2. a. A person who commits aggravated theft is guilty of an aggravated misdemeanor.

b. A person who commits aggravated theft, and who has previously been convicted of an aggravated theft, robbery in the first degree in violation of section 711.2, robbery in the second degree in violation of section 711.3, or extortion in violation of section 711.4, is guilty of a class "D" felony.

3. In determining if a violation is a class "D" felony offense the following shall apply:

a. A deferred judgment entered pursuant to section 907.3 for a violation of any offense specified in subsection 2 shall be counted as a previous offense.

b. A conviction or the equivalent of a deferred judgment for a violation in any other states under statutes substantially corresponding to an offense specified in subsection 2 shall be counted as a previous offense. The courts shall judicially notice the statutes of other states which define offenses substantially equivalent to the offenses specified in this section and can therefore be considered corresponding statutes.

4. Aggravated theft is not an included offense of robbery in the first or second degree.

Sec. 3. Section 808.12, subsections 1 and 3, Code 2009, are amended to read as follows:

1. Persons concealing property as set forth in section 714.3A or 714.5, may be detained and searched by a peace officer, person employed in a facility containing library materials, merchant, or merchant's employee, provided that the detention is for a reasonable length of time and that the search is conducted in a reasonable manner by a person of the same sex and according to subsection 2 of this section.

3. The detention or search under this section by a peace officer, person employed in a facility containing library materials, merchant, or merchant's employee does not render the person liable, in a criminal or civil action, for false arrest or false imprisonment provided the person conducting the search or detention had reasonable grounds to believe the person

detained or searched had concealed or was attempting to conceal property as set forth in section 714.3A or 714.5.

Approved April 12, 2010

CHAPTER 1126

CABLE OR VIDEO SERVICE FRANCHISES

S.F. 2324

AN ACT modifying provisions relating to franchises for the provision of cable service or video service, and including effective date provisions.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 477A.2, subsection 4, Code 2009, is amended to read as follows:

4. A competitive cable service provider or competitive video service provider shall provide at least thirty days' notice to each municipality with authority to grant a franchise in the service area, and to the incumbent cable provider, in which the competitive cable service provider or competitive video service provider is granted authority to provide service under a certificate of franchise authority that the competitive cable service provider or competitive video service provider will offer cable services or video services within the jurisdiction of the municipality, and shall not provide service without having provided such thirty days' notice. A copy of the notice shall be filed with the board on the date that the notice is provided. All notices required by this subsection shall be sent by certified mail.

Sec. 2. Section 477A.3, Code 2009, is amended to read as follows:

477A.3 Application requirements — certificate of franchise authority.

1. The board shall issue a certificate of franchise authority under this chapter within ~~fifteen business~~ thirty calendar days after receipt of a completed application and affidavit submitted by the applicant and signed by an officer or general partner of the applicant, subject to subsection 3. The application and affidavit shall provide all of the following information:

a. That the applicant has filed or will timely file with the federal communications commission all forms required by the commission in advance of offering cable service or video service in this state.

b. That the applicant agrees to comply with all applicable federal and state statutes, regulations, and rules.

c. That the applicant agrees to comply with all applicable state laws and nondiscriminatory municipal ordinances and regulations regarding the use and occupation of a public right-of-way in the delivery of the cable service or video service, to the extent consistent with this chapter, including the police powers of the municipalities in which the service is delivered.

d. A description of the service area to be served and the municipalities to be served by the applicant which may include certain designations of unincorporated areas. This description shall be updated by the applicant prior to the expansion of cable service or video service to a previously undesignated service area and, upon such expansion, notice shall be given to the board of the service area to be served by the applicant.

e. The address of the applicant's principal place of business and the names of the applicant's principal executive officers.

f. Documentation that the applicant possesses sufficient managerial, technical, and financial capability to provide the cable service or video service proposed in the service area. An applicant or its subsidiary which has been issued a certificate of public convenience and

necessity to provide telephone service pursuant to section 476.29 shall be exempt from the provisions of this paragraph.

g. Copies of advertisements or news releases announcing the applicant's intent to provide cable service or video service in the service area intended for release if the certificate of franchise authority is granted.

h. A schedule of dates by which the applicant intends to commence operation in each municipality proposed to be served within the service area. This schedule shall be timely updated by the applicant as necessary to maintain accuracy.

2. In addition to the notice requirements in section 477A.2, subsection 4, an applicant shall provide notice to each municipality with authority to grant a franchise in the service area on the date that the application is submitted that the applicant has submitted an application to the board pursuant to subsection 1.

3. a. The board shall not issue a certificate of franchise authority to an applicant unless the board finds that all of the requirements specified in subsection 1 have been met.

b. The board may take up to an additional sixty calendar days, beyond the thirty-day period for issuance of a certificate of franchise authority specified in subsection 1, if the board determines that additional information will be required to make a determination regarding whether the requirements specified in subsection 1, paragraphs "f" through "h" have been met, and that the determination cannot be made within the thirty-day period.

c. The board may assess its costs associated with an application or a certificate of franchise authority pursuant to the assessment authority contained in section 476.10, subsection 1, paragraph "a".

2. 4. The failure of the board to notify the applicant of the completeness of the applicant's affidavit or issue a certificate of franchise authority before the ~~fifteenth business~~ ninetieth calendar day after receipt of a completed affidavit shall constitute issuance of the certificate of franchise authority applied for by the applicant without further action by the applicant.

3. 5. The certificate of franchise authority issued by the board shall contain all of the following:

a. A grant of authority to provide cable service or video service in the service area designated in the application.

b. A grant of authority to use and occupy the public right-of-way in the delivery of cable service or video service, subject to the laws of this state, including the police powers of the municipalities in which the service is delivered.

c. A statement that the grant of authority provided by the certificate is subject to the lawful operation of the cable service or video service by the applicant or the applicant's successor.

d. A statement that the franchise is for a term of ten years, is renewable under the terms of this section, and is nonexclusive.

6. a. If the holder of a certificate of franchise authority fails to commence operation of a cable system or video service network within twelve months from the date the application is granted, the board may determine that the applicant is not in compliance with the certificate of franchise authority and may revoke the certificate.

b. If a certificate is revoked pursuant to this subsection, and if the franchise agreement previously in effect between an incumbent cable provider and the municipality would have remained in effect for at least a sixty-day period prior to expiration, the previous franchise agreement shall be reinstated for the remaining duration of the previous agreement. The incumbent cable provider shall comply with the terms of the prior franchise agreement within ninety days of notification by the board. This paragraph is applicable to an incumbent cable provider who has not been issued a certificate of franchise authority pursuant to section 477A.2, subsection 6, as of the effective date of this Act.

7. a. In the event that an applicant granted a certificate of franchise authority subsequently ceases to engage in construction or operation of a cable system or video service network and is no longer providing service, the applicant shall notify the municipality, the board, and the incumbent cable provider on the date that construction or service is terminated.

b. If the franchise agreement previously in effect between an incumbent cable provider and the municipality would have remained in effect for at least a sixty-day period prior to expiration, the previous franchise agreement shall be reinstated for the remaining duration of the previous agreement. The incumbent cable provider shall comply with the terms of the

prior franchise agreement within ninety days of notification by the applicant. This paragraph is applicable to an incumbent cable provider who has not been issued a certificate of franchise authority pursuant to section 477A.2, subsection 6, as of the effective date of this Act.

4. 8. A certificate of franchise authority issued by the board is fully transferable to any successor of the applicant to which the certificate was initially issued. A notice of transfer shall be filed by the holder of the certificate of franchise authority with the board and the affected municipality and shall be effective fourteen business days after submission. The notice of transfer shall include the address of the successor's principal place of business and the names of the successor's principal executive officers. The successor shall assume all regulatory rights and responsibilities of the holder of the certificate. Neither the board nor an affected municipality shall have authority to review or require approval of such transfer.

5. 9. The certificate of franchise authority issued by the board may be terminated by a person providing cable service or video service by submitting written notice to the board and any affected municipality. Neither the board nor an affected municipality shall have authority to review or require approval of such termination.

6. 10. The board shall only have the authorization to issue a certificate of franchise authority as provided in this section, and shall not impose any additional requirements or regulations upon an applicant.

Sec. 3. EFFECTIVE UPON ENACTMENT. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved April 12, 2010

CHAPTER 1127

REPORTING TREATMENT OF SERIOUS INJURIES

H.F. 674

AN ACT relating to reporting the treatment of serious wounds received as the result of a crime to a law enforcement agency and making penalties applicable.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 147.111, Code 2009, is amended to read as follows:

147.111 Report of treatment of wounds and other injuries.

1. ~~Any A~~ person licensed under the provisions of this subtitle who ~~shall administer~~ administers any treatment to any person suffering a gunshot or stab wound or other serious injury, as defined in section 702.18, which appears to have been received in connection with the commission of a criminal offense, or a motor vehicle accident or crash, or to whom an application is made for treatment of any nature because of any such gunshot or stab wound or other serious injury, as defined in section 702.18, shall at once but not later than twelve hours thereafter, report that fact to the law enforcement agency within whose jurisdiction the treatment was administered or an application ~~therefor for treatment~~ was made, or if ascertainable, to the law enforcement agency in whose jurisdiction the gunshot or stab wound or other serious injury occurred, stating the name of such person, the person's residence if ascertainable, and giving a brief description of the gunshot or stab wound or other serious injury. ~~Any provision of law or rule of evidence relative to confidential communications is suspended insofar as the provisions of this section are concerned.~~

2. A person certified under the provisions of chapter 147A who administers any treatment to any person suffering a gunshot or stab wound or other serious injury, as defined in section 702.18, which appears to have been received in connection with the commission of a criminal offense, or a motor vehicle accident or crash, or to whom an application is made for treatment of any nature because of any such gunshot or stab wound or other serious injury,

may report that fact to the law enforcement agency within whose jurisdiction the treatment was administered or application for treatment was made, or if ascertainable, to the law enforcement agency in whose jurisdiction the gunshot or stab wound or other serious injury occurred, stating the name of the person, the person's residence if ascertainable, and giving a brief description of the gunshot or stab wound or other serious injury.

3. Any provision of law or rule of evidence relating to a confidential communication is suspended for communications under this section.

Approved April 12, 2010

CHAPTER 1128

ALCOHOLIC BEVERAGE CONTROL AND PERSONS UNDER LEGAL AGE

H.F. 788

AN ACT concerning alcohol beverage control, relating to minors and public intoxication or possession of alcohol and prohibiting certain liquor control, wine, or beer licensees or permittees from knowingly permitting or engaging in criminal activity in areas adjacent to the licensed premises and making penalties applicable.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 123.46, subsection 4, Code 2009, is amended to read as follows:

4. a. A peace officer shall make a reasonable effort to identify a person under the age of eighteen who violates this section and, ~~if the person is not referred to juvenile court, the law enforcement agency of which the peace officer is an employee shall make a reasonable attempt to notify the person's custodial parent or legal guardian of the violation, whether or not the person is taken into custody, unless the officer has reasonable grounds to believe that notification is not in the best interests of the person or will endanger that person refer the person to juvenile court.~~

b. ~~The peace officer shall also make a reasonable effort to identify the elementary or secondary school which the person attends if the person is enrolled in elementary or secondary school and to notify the superintendent or the superintendent's designee of the school which the person attends, or the authorities in charge of the nonpublic school which the person attends, of the violation. If the person is taken into custody, the peace officer shall notify a juvenile court officer who~~ A juvenile court officer shall notify the person's custodial parent, legal guardian, or custodian of the violation. In addition, the juvenile court officer shall make a reasonable effort to identify the elementary or secondary school the person attends, if any, and to notify the superintendent of the school district or the superintendent's designee, or the authorities in charge of the nonpublic school, of the violation. A reasonable attempt to notify the person includes, but is not limited to, a telephone call or notice by first-class mail.

Sec. 2. Section 123.47, Code 2009, is amended to read as follows:

123.47 Persons under legal age — penalty eighteen years of age, persons eighteen, nineteen, or twenty years of age, and persons twenty-one years of age and older.

1. A person shall not sell, give, or otherwise supply alcoholic liquor, wine, or beer to any person knowing or having reasonable cause to believe that person to be under legal age.

2. A person or persons under legal age shall not purchase or attempt to purchase, or individually or jointly have alcoholic liquor, wine, or beer in their possession or control; except in the case of liquor, wine, or beer given or dispensed to a person under legal age within a private home and with the knowledge, presence, and consent of the parent or guardian, for beverage or medicinal purposes or as administered to the person by either a physician or dentist for medicinal purposes and except to the extent that a person under

legal age may handle alcoholic beverages, wine, and beer during the regular course of the person's employment by a liquor control licensee, or wine or beer permittee under this chapter.

3. *a.* A person who is ~~under legal age~~ eighteen, nineteen, or twenty years of age, other than a licensee or permittee, who violates this section regarding the purchase of or attempt to purchase alcoholic liquor, wine, or beer, or possessing or having control of alcoholic liquor, wine, or beer, commits the following:

(1) A simple misdemeanor punishable as a scheduled violation under section 805.8C, subsection 7.

(2) A second offense shall be a simple misdemeanor punishable by a fine of five hundred dollars. In addition to any other applicable penalty, the person in violation of this section shall choose between either completing a substance abuse evaluation or the suspension of the person's motor vehicle operating privileges for a period not to exceed one year.

(3) A third or subsequent offense shall be a simple misdemeanor punishable by a fine of five hundred dollars and the suspension of the person's motor vehicle operating privileges for a period not to exceed one year.

b. The court may, in its discretion, order the person who is under legal age to perform community service work under section 909.3A, of an equivalent value to the fine imposed under this section.

c. If the person who commits a violation of this section is under the age of eighteen, the matter shall be disposed of in the manner provided in chapter 232.

4. Except as otherwise provided in subsections 5 and 6, a person who is of legal age, other than a licensee or permittee, who sells, gives, or otherwise supplies alcoholic liquor, wine, or beer to a person who is under legal age in violation of this section commits a serious misdemeanor punishable by a minimum fine of five hundred dollars.

5. A person who is of legal age, other than a licensee or permittee, who sells, gives, or otherwise supplies alcoholic liquor, wine, or beer to a person who is under legal age in violation of this section which results in serious injury to any person commits an aggravated misdemeanor.

6. A person who is of legal age, other than a licensee or permittee, who sells, gives, or otherwise supplies alcoholic liquor, wine, or beer to a person who is under legal age in violation of this section which results in the death of any person commits a class "D" felony.

Sec. 3. Section 123.47B, Code 2009, is amended to read as follows:

123.47B Parental and school notification — persons under eighteen years of age.

1. A peace officer shall make a reasonable effort to identify a person under the age of eighteen discovered to be in possession of alcoholic liquor, wine, or beer in violation of section 123.47 and ~~if the person is not referred to juvenile court, the law enforcement agency of which the peace officer is an employee shall make a reasonable attempt to notify the person's custodial parent or legal guardian of such possession, whether or not the person is arrested or a citation is issued pursuant to section 805.16, unless the officer has reasonable grounds to believe that such notification is not in the best interests of the person or will endanger that person refer the person to juvenile court.~~

2. ~~The peace officer juvenile court officer shall notify the person's custodial parent, legal guardian, or custodian of the violation. In addition, the juvenile court shall also make a reasonable effort to identify the elementary or secondary school which the person attends if the person is enrolled in elementary or secondary school and to notify the superintendent or the superintendent's designee of the school which the person attends, or the authorities in charge of the nonpublic school which the person attends, of the possession. If the person is taken into custody, the peace officer shall notify a juvenile court officer who shall make a reasonable effort to identify the elementary or secondary school the person attends, if any, and to notify the superintendent of the school district or the superintendent's designee, or the authorities in charge of the nonpublic school, of the taking into custody.~~ A reasonable attempt to notify the person includes but is not limited to a telephone call or notice by first-class mail.

Sec. 4. Section 123.49, subsection 2, paragraph j, Code 2009, is amended to read as follows:

j. Knowingly permit or engage in any criminal activity on the premises covered by the license or permit. However, the absence of security personnel on the licensed premises is insufficient, without additional evidence, to prove that criminal activity occurring on the licensed premises was knowingly permitted in violation of this paragraph “j”. For purposes of this paragraph “j”, “premises” includes parking lots and areas adjacent to the premises of a liquor licensee or permittee authorized to sell alcoholic beverages for consumption on the licensed premises and used by patrons of the liquor licensee or permittee.

Sec. 5. Section 321.284, Code 2009, is amended to read as follows:

321.284 Open containers in motor vehicles — drivers.

1. A driver of a motor vehicle upon a public street or highway shall not possess in the passenger area of the motor vehicle an open or unsealed bottle, can, jar, or other receptacle containing an alcoholic beverage. “Passenger area” means the area designed to seat the driver and passengers while the motor vehicle is in operation and any area that is readily accessible to the driver or a passenger while in their seating positions, including the glove compartment. An open or unsealed receptacle containing an alcoholic beverage may be transported in the trunk of the motor vehicle. An unsealed receptacle containing an alcoholic beverage may be transported behind the last upright seat of the motor vehicle if the motor vehicle does not have a trunk. A person convicted of a violation of this section is guilty of a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 14, paragraph “e”.

2. A person under the age of twenty-one who violates this section is guilty of a violation of section 123.47.

Sec. 6. Section 321.284A, Code 2009, is amended by adding the following new subsection:
NEW SUBSECTION. 3A. A person under the age of twenty-one years who violates this section is guilty of a violation of section 123.47.

Sec. 7. Section 805.8C, subsection 7, Code Supplement 2009, is amended to read as follows:

7. *Alcoholic beverage violations by persons ~~under legal~~ eighteen, nineteen, or twenty years of age.* For first offense violations of section 123.47, subsection 3, the scheduled fine is two hundred dollars.

Approved April 12, 2010

CHAPTER 1129

ENTICING OR ATTEMPTING TO ENTICE A MINOR

H.F. 2438

AN ACT relating to the criminal offense of enticing or attempting to entice a minor and providing penalties.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 710.10, Code 2009, is amended to read as follows:

710.10 Enticing away a minor.

1. A person commits a class “C” felony when, without authority and with the intent to commit sexual abuse or sexual exploitation upon a minor under the age of thirteen, the person entices away the minor under the age of thirteen, or entices away or attempts to entice a person reasonably believed to be under the age of thirteen.

2. A person commits a class "D" felony when, without authority and with the intent to commit an illegal sex act upon or sexual exploitation of a minor under the age of sixteen, the person entices away a minor under the age of sixteen, or entices away or attempts to entice a person reasonably believed to be under the age of sixteen.

~~3. A person commits an aggravated misdemeanor when, without authority and with the intent to commit an illegal act upon a minor under the age of sixteen, the person attempts to entice away a minor under the age of sixteen, or attempts to entice away a person reasonably believed to be under the age of sixteen.~~

~~4. A person's intent to commit a violation of this section may be inferred when the person is not known to the person being enticed away and the person does not have the permission of the parent, guardian, or custodian to contact the person being enticed away.~~

3. A person commits a class "D" felony when, without authority and with the intent to commit an illegal act upon a minor under the age of sixteen, the person entices a person reasonably believed to be under the age of sixteen.

4. A person commits an aggravated misdemeanor when, without authority and with the intent to commit an illegal act upon a minor under the age of sixteen, the person attempts to entice a person reasonably believed to be under the age of sixteen. A person convicted under this subsection shall not be subject to the registration requirements under chapter 692A unless the finder of fact determines that the illegal act was sexually motivated.

5. A person shall not be convicted of a violation of this section unless the person commits an overt act evidencing a purpose to entice.

5. 6. For purposes of determining jurisdiction under section 803.1, an offense is considered committed in this state if the communication to entice ~~away a minor~~ or attempt to entice a person believed to be a minor who is present in this state originates from another state, or the communication to entice ~~away a minor~~ or attempt to entice a person believed to be a minor is sent from this state.

Approved April 12, 2010

CHAPTER 1130

CRIMINAL MISCHIEF AND APPEARANCE BONDS IN CRIMINAL PROCEEDINGS

H.F. 2473

AN ACT relating to criminal offense definitions, penalties, and the forfeiture of an unsecured appearance bond in a criminal proceeding.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 716.6, subsection 1, Code Supplement 2009, is amended to read as follows:

1. a. Criminal mischief is criminal mischief in the fourth degree if ~~the~~ any of the following apply:

(1) The cost of replacing, repairing, or restoring the property so damaged, defaced, altered, or destroyed exceeds two hundred dollars, but does not exceed five hundred dollars.

(2) The person intentionally injures, destroys, disturbs, or removes any monument, as defined in section 355.1, placed on any tract of land, street, or highway, designating any point, course, or line on the boundary of the tract of land, street, or highway, if the monument was placed at such location by a land surveyor licensed under chapter 542B, or by any person directed by a licensed land surveyor. A governmental entity and employees of such an entity are exempt from prosecution under this subparagraph for projects performed pursuant to section 314.8. A licensed land surveyor and persons under the direction of a licensed land surveyor are also exempt from prosecution under this subparagraph for

removing an existing monument in order to place an upgraded or more suitable monument in the same location.

(3) The person intentionally injures, destroys, disturbs, or removes any monument that has been established by the national geodetic survey, Iowa geodetic survey, or any county geographic information system for use in the determination of spatial location relative to the specified Iowa state plane coordinate system or precise elevation datum. A governmental entity and employees of such an entity are exempt from prosecution under this subparagraph for projects performed pursuant to section 314.8.

b. Criminal mischief in the fourth degree is a serious misdemeanor.

Sec. 2. Section 811.9, Code Supplement 2009, is amended to read as follows:

811.9 Forfeiture of appearance bond.

Sections 811.6 through 811.8 shall not apply in a case where a simple misdemeanor is charged upon a uniform citation and complaint and where the defendant has submitted an unsecured appearance bond or has submitted bail in the form of cash, check, credit card as provided in section 805.14, or guaranteed arrest bond certificate as defined in section 321.1. When a defendant fails to appear as required in such cases, the court, or the clerk of the district court, shall enter a judgment of forfeiture of the bond or bail. The judgment shall be final upon entry and shall not be set aside unless a conviction for a scheduled violation under chapter 321 was set aside under the procedures established in section 321.200A, or upon a showing of good cause after the filing of a motion within ninety days of entry of the judgment, for mistake, inadvertence, surprise, excusable neglect, or unavoidable casualty.

Approved April 12, 2010

CHAPTER 1131

MEDICAL OR OSTEOPATHIC PHYSICIAN AND PHYSICIAN ASSISTANT LIMITED LIABILITY COMPANIES OR CORPORATIONS

S.F. 153

AN ACT to allow medical or osteopathic physicians, and physician assistants to form limited liability companies or professional corporations.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 490A.1501, subsection 4, Code 2009, is amended to read as follows:

4. “*Profession*” means the profession of certified public accountancy, architecture, chiropractic, dentistry, physical therapy, practice as a physician assistant, psychology, professional engineering, land surveying, landscape architecture, law, medicine and surgery, optometry, osteopathic medicine and surgery, accounting practitioner, podiatry, real estate brokerage, speech pathology, audiology, veterinary medicine, pharmacy, nursing, and marriage and family therapy, provided that the marriage and family therapist is licensed under chapters 147 and 154D.

Sec. 2. Section 490A.1502, Code 2009, is amended to read as follows:

490A.1502 Purposes and powers.

1. A professional limited liability company shall be organized only for the purpose of engaging in the practice of one specific profession, or two or more specific professions which could lawfully be practiced in combination by a licensed individual or a partnership of licensed individuals, and for the additional purpose of doing all lawful things which may be incidental to or necessary or convenient in connection with the practice of the profession or professions. The articles of organization of a professional limited liability company shall state in substance that the purposes for which the professional limited liability company is

organized are to engage in the general practice of a specified profession or professions, or one or more specified branches or divisions thereof, and to do all lawful things which may be incidental to or necessary or convenient in connection with the practice of the profession or professions.

2. *a.* For purposes of this section, medicine and surgery, osteopathic medicine and surgery, and practice as a physician assistant shall be deemed to be professions which could lawfully be practiced in combination by licensed individuals or a partnership of licensed individuals.

b. Nothing in this section shall be construed to expand the scope of practice of a physician assistant or modify the requirement in section 148C.4 that a physician assistant perform medical services under the supervision of a licensed physician.

Sec. 3. Section 490A.1505, Code 2009, is amended to read as follows:

490A.1505 Practice by professional limited liability company.

1. Notwithstanding any other statute or rule of law, a professional limited liability company may practice a profession, but may do so in this state only through members, managers, employees, and agents who are licensed to practice the same profession in this state. In its practice of a profession, no professional limited liability company shall do any act which could not lawfully be done by individuals licensed to practice the profession which the professional limited liability company is authorized to practice.

2. *a.* This section shall not prohibit persons practicing medicine and surgery, persons practicing osteopathic medicine and surgery, or persons practicing as physician assistants from practicing their respective professions in lawful combination pursuant to section 490A.1502.

b. Nothing in this section shall be construed to expand the scope of practice of a physician assistant or modify the requirement in section 148C.4 that a physician assistant perform medical services under the supervision of a licensed physician.

Sec. 4. Section 490A.1514, Code 2009, is amended to read as follows:

490A.1514 Management.

All managers of a professional limited liability company shall at all times be individuals who are licensed to practice a profession in this state, or a lawful combination of professions pursuant to section 490A.1502, which the limited liability company is authorized to practice. A person who is not licensed shall have no authority or duties in the management or control of the limited liability company. If a manager ceases to have this qualification, the manager shall immediately and automatically cease to hold such management position.

Sec. 5. Section 496C.2, subsection 4, Code 2009, is amended to read as follows:

4. "*Profession*" means the profession of certified public accountancy, architecture, chiropractic, dentistry, physical therapy, practice as a physician assistant, psychology, professional engineering, land surveying, landscape architecture, law, medicine and surgery, optometry, osteopathic medicine and surgery, accounting practitioner, podiatry, real estate brokerage, speech pathology, audiology, veterinary medicine, pharmacy, and the practice of nursing.

Sec. 6. Section 496C.4, Code 2009, is amended to read as follows:

496C.4 Purposes and powers.

1. A professional corporation shall be organized only for the purpose of engaging in the practice of one specific profession, or two or more specific professions which could lawfully be practiced in combination by a licensed individual or a partnership of licensed individuals, and for the additional purpose of doing all lawful things which may be incidental to or necessary or convenient in connection with the practice of the profession or professions. The articles of incorporation shall state in substance that the purposes for which the corporation is organized are to engage in the general practice of a specified profession or professions, or one or more specified branches or divisions thereof, and to do all lawful things which may be incidental to or necessary or convenient in connection with the practice of the profession or professions. Each professional corporation, unless otherwise provided in its articles of incorporation or unless expressly prohibited by this chapter, shall have all powers granted to corporations by the Iowa business corporation Act, chapter 490.

2. a. For purposes of this section, medicine and surgery, osteopathic medicine and surgery and practice as a physician assistant shall be deemed to be professions which could lawfully be practiced in combination by licensed individuals or a partnership of licensed individuals.

b. Nothing in this section shall be construed to expand the scope of practice of a physician assistant or modify the requirement in section 148C.4 that a physician assistant perform medical services under the supervision of a licensed physician.

Sec. 7. Section 496C.7, Code 2009, is amended to read as follows:

496C.7 Practice by professional corporation.

1. Notwithstanding any other statute or rule of law, a professional corporation may practice a profession, but may do so in this state only through shareholders, directors, officers, employees, and agents who are licensed to practice the same profession in this state.

2. In its practice of a profession, no professional corporation shall do any act which could not lawfully be done by individuals licensed to practice the profession which the professional corporation is authorized to practice.

3. a. This section shall not prohibit persons practicing medicine and surgery, persons practicing osteopathic medicine and surgery, or persons practicing as physician assistants from practicing their respective professions in lawful combination pursuant to section 496C.4.

b. Nothing in this section shall be construed to expand the scope of practice of a physician assistant or modify the requirement in section 148C.4 that a physician assistant perform medical services under the supervision of a licensed physician.

Sec. 8. Section 496C.16, Code 2009, is amended to read as follows:

496C.16 Management.

All directors of a professional corporation and all officers of a professional corporation, except assistant officers, shall at all times be individuals who are licensed to practice in this state a profession, or a lawful combination of professions pursuant to section 496C.4, which the corporation is authorized to practice. However, upon the occurrence of any event that requires the corporation either to be dissolved or to elect to adopt the provisions of the Iowa business corporation Act, chapter 490, as provided in section 496C.19, provided the corporation ceases to practice the profession that the corporation is authorized to practice, as provided in section 496C.19, then individuals who are not licensed to practice in this state a profession that the corporation is authorized to practice may be appointed as officers and directors for the sole purpose of carrying out the dissolution of the corporation or, if applicable, the voluntary election of the corporation to adopt the provisions of the Iowa business corporation Act, as provided in section 496C.19.

Approved April 13, 2010

CHAPTER 1132

MINORITY TEACHER RECRUITMENT STUDY

H.F. 2432

AN ACT relating to a study of the opportunities for recruiting racial and ethnic minority teachers.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. RACIAL AND ETHNIC MINORITY TEACHER RECRUITMENT STUDY. Representatives of the department of education, the area education agencies, and public and private colleges and universities shall study the opportunities for the recruitment

and retention of racial and ethnic minority teachers. Specifically, the representatives shall examine the following issues:

1. Examine strategies to encourage racial and ethnic minority high school students to enter the teaching profession.

2. Examine how to recruit racial and ethnic minority students interested in post-secondary teacher preparatory programs into attending an Iowa college or university teacher preparatory program.

3. Examine strategies to recruit racial and ethnic minority teachers to continue their careers as school administrators in Iowa.

For the purposes of this study, “*racial and ethnic minority*” includes individuals who are African American, Latinos, Asians or Pacific Islanders, American Indians, and Alaskan Native Americans.

The state board of regents shall be responsible for providing staffing assistance to the study group. The representatives shall report their findings to the general assembly by January 10, 2011.

Approved April 13, 2010

CHAPTER 1133

HAWK-I — CHIROPRACTIC SERVICES COVERAGE

S.F. 2331

AN ACT relating to participation of chiropractors in the hawk-i program.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 514I.5, subsection 8, paragraph e, Code Supplement 2009, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (16) Chiropractic services.

Sec. 2. Section 514I.6, Code Supplement 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 7. Permit any chiropractor licensed under chapter 151 who is located in the geographic coverage area served by the plan and who agrees to abide by the plan’s terms, conditions, reimbursement rates, and quality standards to serve as a participating provider in any plan offered to eligible children under this chapter, including but not limited to a limited provider network plan as defined in section 514C.13.

Approved April 14, 2010

CHAPTER 1134**HEALTH INSURANCE COVERAGE — IOWACARE AND INSURANCE INFORMATION EXCHANGE***S.F. 2356*

AN ACT relating to the health care including IowaCare program provisions and the creation of an Iowa insurance information exchange to promote transparency, quality, seamlessness, and informed choices relative to health care coverage.

Be It Enacted by the General Assembly of the State of Iowa:

DIVISION I

IOWACARE PROGRAM AND OTHER HEALTH CARE OPTIONS

Section 1. Section 249J.7, Code 2009, is amended to read as follows:

249J.7 Expansion population provider network.

1. a. Expansion population members shall only be eligible to receive expansion population services through a provider included in the expansion population provider network. Except as otherwise provided in this chapter, the expansion population provider network shall be limited to a publicly owned acute care teaching hospital located in a county with a population over three hundred fifty thousand, the university of Iowa hospitals and clinics, ~~and the state hospitals for persons with mental illness designated pursuant to section 226.1 with the exception of the programs at such state hospitals for persons with mental illness that provide substance abuse treatment, serve geriatric-psychiatric patients, or treat sexually violent predators~~ and a regional provider network utilizing the federally qualified health centers or federally qualified health center look-alikes in the state, to provide primary care to members.

b. (1) The department shall develop a plan to phase-in the regional provider network by determining the most highly underserved areas on a statewide and regional basis, and targeting these areas for prioritization in implementing the regional provider network. In developing the phase-in plan the department shall consult with the medical assistance projections and assessment council created in section 249J.20. Any plan developed shall be approved by the council prior to implementation. The phase-in of the regional provider network shall be implemented in a manner that ensures that program expenditures do not exceed budget neutrality limits and funded program capacity, and that ensures compliance with the eligibility maintenance of effort requirements of the federal American Recovery and Reinvestment Act of 2009.

(2) Payment shall only be made to designated participating primary care providers for eligible primary care services provided to a member.

(3) The department shall adopt rules pursuant to chapter 17A, in collaboration with the medical home advisory council created pursuant to section 135.159, specifying requirements for medical homes including certification, with which regional provider network participating providers shall comply, as appropriate.

(4) The department may also designate other private providers and hospitals to participate in the regional provider network, to provide primary and specialty care, subject to the availability of funds.

(5) Notwithstanding any provision to the contrary, the department shall develop a methodology to reimburse regional provider network participating providers designated under this subsection.

c. Tertiary care shall be provided to eligible expansion population members residing in any county in the state at the university of Iowa hospitals and clinics.

d. Until such time as the publicly owned acute care teaching hospital located in a county with a population over three hundred fifty thousand notifies the department that such hospital has reached service capacity, the hospital and the university of Iowa hospitals and clinics shall remain the only expansion population providers for the residents of such county.

2. Expansion population services provided to expansion population members by ~~providers included in the expansion population provider network~~ the publicly owned acute care

teaching hospital located in a county with a population over three hundred fifty thousand and the university of Iowa hospitals and clinics shall be payable at the full benefit recipient rates.

3. Providers included in the expansion population provider network shall submit clean claims within twenty days of the date of provision of an expansion population service to an expansion population member.

4. Unless otherwise prohibited by law, a provider under the expansion population provider network may deny care to an individual who refuses to apply for coverage under the expansion population.

5. Notwithstanding the provision of section 347.16, subsection 2, requiring the provision of free care and treatment to the persons described in that subsection, the publicly owned acute care teaching hospital described in subsection 1 may require any sick or injured person seeking care or treatment at that hospital to be subject to financial participation, including but not limited to copayments or premiums, and may deny nonemergent care or treatment to any person who refuses to be subject to such financial participation.

6. The department shall utilize certified public expenditures at the university of Iowa hospitals and clinics to maximize the availability of state funding to provide necessary access to both local primary and specialty physician care to expansion population members. The resulting savings to the state shall be utilized to reimburse physician services provided to expansion population members at the university of Iowa college of medicine, to reimburse providers designated to participate in the regional provider network for services provided to expansion population members, and for deposit in the nonparticipating provider reimbursement fund created in section 249J.24A to be used in accordance with the purposes and requirements of the fund.

7. The department shall adopt rules to establish clinical transfer protocols to be used by providers included in the expansion population provider network.¹

Sec. 2. Section 263.18, subsection 4, Code 2009, is amended to read as follows:

4. The physicians and surgeons on the staff of the university of Iowa hospitals and clinics who care for patients provided for in this section may charge for the medical services provided under such rules, regulations, and plans approved by the state board of regents. However, a physician or surgeon who provides treatment or care for an expansion population member pursuant to chapter 249J shall ~~not charge or only receive any compensation for the treatment or care except the salary or compensation fixed by the state board of regents to be paid from the hospital fund provided in accordance with section 249J.7.~~

Sec. 3. REVIEW OF MEDICAL TRANSPORTATION COSTS FOR IOWACARE. The department of human services shall review the costs of transportation to and from a provider included in the expansion population provider network under the IowaCare program. The department shall report the results of the review to the general assembly by December 15, 2010.

Sec. 4. DIABETES — PLAN FOR COORDINATION OF CARE. The department of public health shall work with all appropriate entities to develop a plan for coordination of care for individuals with diabetes who receive care through community health centers, rural health clinics, free clinics, and other members of the Iowa collaborative safety net provider network established pursuant to section 135.153, as determined by the department. The plan may include provisions to establish a diabetic registry, to provide access to medically necessary drugs through entities such as the Iowa prescription drug corporation, and to collect data as necessary to assist the affected medical providers in tracking and improving the care of their patients with diabetes, while also informing future public policy decision makers regarding improved care for individuals with diabetes, notwithstanding an individual's health care coverage status or choice of health care provider.

¹ See chapter 1193, §203 herein

Sec. 5. IOWACARE — EXTENSION OF WAIVER. The department of human services shall amend the extension proposal for the IowaCare section 1115 demonstration waiver and shall submit applicable state plan amendments under the medical assistance program to provide expansion population services through the expansion population network pursuant to section 249J.7, as amended by this Act, within the budget neutrality cap and subject to availability of state matching funds.

Sec. 6. IOWACARE POPULATION — OPTIMIZATION OF SERVICE DELIVERY AND OUTCOMES. The publicly owned acute care teaching hospital located in a county with a population over three hundred fifty thousand, the federally qualified health center located in such county, and the university of Iowa hospitals and clinics shall actively collaborate to optimize effective and efficient delivery of services that result in the best possible outcomes for IowaCare members.

DIVISION II
IOWA INSURANCE INFORMATION EXCHANGE

Sec. 7. NEW SECTION. 505.32 Iowa insurance information exchange.

1. *Purpose.* The purpose of this section is to establish an information clearinghouse where all Iowans can obtain information about health care coverage that is available in this state including availability of care delivered by safety-net providers and comparisons of benefits, premiums, and out-of-pocket costs.

2. *Definitions.* As used in this section, unless the context otherwise requires:

a. “Carrier” means an insurer providing accident and sickness insurance under chapter 509, 514, or 514A and includes a health maintenance organization established under chapter 514B if payments received by the health maintenance organization are considered premiums pursuant to section 514B.31 and are taxed under chapter 432. “Carrier” also includes a corporation which becomes a mutual insurer pursuant to section 514.23 and any other person as defined in section 4.1, subsection 20, who is or may become liable for the tax imposed by chapter 432.

b. “Commissioner” means the commissioner of insurance.

c. “Creditable coverage” means the same as defined in section 513B.2.

d. “Exchange” means the Iowa insurance information exchange.

e. “Health insurance” means accident and sickness insurance authorized by chapter 509, 514, or 514A.

f. (1) “Health insurance coverage” means health insurance coverage offered to individuals.

(2) “Health insurance coverage” does not include any of the following:

(a) Coverage for accident-only, or disability income insurance.

(b) Coverage issued as a supplement to liability insurance.

(c) Liability insurance, including general liability insurance and automobile liability insurance.

(d) Workers’ compensation or similar insurance.

(e) Automobile medical-payment insurance.

(f) Credit-only insurance.

(g) Coverage for on-site medical clinic care.

(h) Other similar insurance coverage, specified in federal regulations, under which benefits for medical care are secondary or incidental to other insurance coverage or benefits.

(3) “Health insurance coverage” does not include benefits provided under a separate policy as follows:

(a) Limited-scope dental or vision benefits.

(b) Benefits for long-term care, nursing home care, home health care, or community-based care.

(c) Any other similar limited benefits as provided by rule of the commissioner.

(4) “Health insurance coverage” does not include benefits offered as independent noncoordinated benefits as follows:

(a) Coverage only for a specified disease or illness.

(b) A hospital indemnity or other fixed indemnity insurance.

(5) “*Health insurance coverage*” does not include Medicare supplemental health insurance as defined under section 1882(g)(1) of the federal Social Security Act, coverage supplemental to the coverage provided under 10 U.S.C. ch. 55 and similar supplemental coverage provided to coverage under group health insurance coverage.

g. “*Legislative health care coverage commission*” or “*commission*” means the legislative health care coverage commission created in 2009 Iowa Acts, ch. 118, section 1.

h. “*Medicare*” means the federal government health insurance program established under Tit. XVIII of the federal Social Security Act.

i. “*Organized delivery system*” means an organized delivery system as licensed by the director of public health.

3. *Iowa insurance information exchange established.* An Iowa insurance information exchange is established in the insurance division of the department of commerce under the authority of the commissioner of insurance.

a. The commissioner, in collaboration with the legislative health care coverage commission, shall develop a plan of operation for the exchange within one hundred eighty days from the effective date of this section. The plan shall create an information clearinghouse that provides resources where Iowans can obtain information about health care coverage that is available in the state.

b. The commissioner shall keep records of all financial transactions related to the establishment and operation of the exchange and shall deliver an annual fiscal report of the costs of administering the exchange to the general assembly by December 15 of each year.

4. *Powers and duties of exchange.*

a. The commissioner shall report on the status of the exchange at all regular meetings of the legislative health care coverage commission, including progress in developing and implementing the exchange operationally, resources available through the exchange, information about utilization of the resources offered by the exchange, including demographic information that illustrates how and by whom the exchange is being utilized, and the costs of implementing and operating the exchange. The commissioner may make recommendations to the commission for including but not limited to the following:

(1) Promotion of greater transparency in providing quality data on health care providers and health care coverage plans and in providing data on the cost of medical care that is easily accessible to the public.

(2) Statutory options that improve seamlessness in the health care system in this state.

(3) Funding opportunities to increase health care coverage in the state, particularly for individuals who have been denied access to health insurance coverage.

b. The commissioner shall implement and maintain information on the insurance division internet site that is easily accessible and available to consumers and purchasers of health insurance coverage regarding each carrier licensed to do business in this state. The information provided shall be understandable to consumers and purchasers of health insurance coverage and shall include but is not limited to information regarding plan design, premium rate filings and approvals, health care cost information, and any other information specific to this state that the commissioner determines may be beneficial to consumers and purchasers of health insurance coverage. The commissioner may contract with outside vendors and entities to assist in providing this information on the internet site.

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

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

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

d. The commissioner shall provide ongoing information to taxpayers about the costs of public health care programs to the state, including the administrative costs of the programs and the percentage and source of state and federal funding for the programs, utilizing information provided by the department of human services and the department of public health.

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

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

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

5. *Rules.* The commissioner shall adopt rules pursuant to chapter 17A to implement the provisions of this section.

Approved April 14, 2010

CHAPTER 1135

HOSPITAL HEALTH CARE ACCESS ASSESSMENT PROGRAM

S.F. 2388

AN ACT establishing a hospital health care access assessment program, providing penalties, providing a future repeal, and including effective date and contingent implementation provisions.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. **INTENT OF THE GENERAL ASSEMBLY.** It is the intent of the general assembly that the hospital health care access assessment program created in this Act be implemented as a three-year pilot program to determine its efficacy in providing adequate reimbursement to hospitals in the state, reducing the level of uncompensated care and cost-shifting, enhancing the health care workforce, and expanding access to quality health care for low-income and uninsured Iowans. It is the intent of the general assembly that the pilot program be evaluated for such efficacy prior to the program's repeal or continuation.

Sec. 2. **NEW SECTION. 249M.1 Title.**

This chapter shall be known as the "*Hospital Health Care Access Assessment Program*".

Sec. 3. **NEW SECTION. 249M.2 Definitions.**

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

1. "*Assessment*" means the hospital health care access assessment imposed pursuant to this chapter.

2. "*Department*" means the department of human services.

3. "*Net patient revenue*" means all revenue reported by a hospital on the hospital's 2008 Medicare cost report for acute patient care and services, but does not include contractual adjustments, charity care, bad debt, Medicare revenue, or other revenue derived from sources other than hospital operations including but not limited to nonoperating revenue, other operating revenue, skilled nursing facility revenue, physician revenue, and long-term care revenue.

4. "*Nonoperating revenue*" means income from activities not relating directly to the day-to-day operations of a hospital such as gains from disposal of a hospital's assets, dividends and interests from security investments, gifts, grants, and endowments.

5. “*Other operating revenue*” means income from nonpatient care services including but not limited to tax levy receipts, laundry services, gift shop operations, meal services to individuals other than patients, and vending machine commissions.

6. “*Participating hospital*” means a nonstate-owned hospital licensed under chapter 135B that is paid on a prospective payment system basis by Medicare and the medical assistance program for inpatient and outpatient services.

7. “*Program*” means the hospital health care access assessment program created in this chapter.

8. “*Trust fund*” means the hospital health care access trust fund created in section 249M.4.

9. “*Upper payment limit*” means the maximum ceiling imposed by federal regulation on a participating hospital’s medical assistance program reimbursement for inpatient services under 42 C.F.R. § 447.272 and outpatient services under 42 C.F.R. § 447.321, calculated separately for hospital inpatient and outpatient services, and excluding from the calculation medical assistance program disproportionate share hospital payments.

Sec. 4. NEW SECTION. 249M.3 Hospital health care access assessment program — termination of program.

1. A hospital health care access assessment is imposed on each participating hospital in this state to be used to promote access to health care services for Iowans, including those served by the medical assistance program.

2. The assessment rate for a participating hospital shall be calculated as one and twenty-six one hundredths percent of net patient revenue as specified in the hospital’s fiscal year 2008 Medicare cost report.

3. If a participating hospital’s fiscal year 2008 Medicare cost report is not contained in the file of the centers for Medicare and Medicaid services health care cost report information system dated June 30, 2009, the hospital shall submit a copy of the hospital’s 2008 Medicare cost report to the department to allow the department to determine the hospital’s net patient revenue for fiscal year 2008.

4. A participating hospital paid under the prospective payment system by Medicare and the medical assistance program that was not in existence prior to fiscal year 2008, shall submit a prospective Medicare cost report to the department to determine anticipated net patient revenue.

5. Net patient revenue as reported on each participating hospital’s fiscal year 2008 Medicare cost report shall be the sole basis for the health care access assessment for the duration of the program.

6. A participating hospital shall pay the assessment to the department in equal amounts on a quarterly basis. A participating hospital shall submit the assessment amount no later than thirty days following the end of each calendar quarter.

7. A participating hospital shall retain and preserve the Medicare cost report and financial statements used to prepare the cost report for a period of three years. All information obtained by the department under this subsection is confidential and does not constitute a public record.

8. The department shall collect the assessment imposed and shall deposit all revenues collected in the hospital health care access trust fund created in section 249M.4.

9. If the department determines that a participating hospital has underpaid or overpaid the assessment, the department shall notify the participating hospital of the amount of the unpaid assessment or refund due. Such payment or refund shall be due or refunded within thirty days of the issuance of the notice.

10. *a.* A participating hospital that fails to pay the assessment within the time frame specified in this section shall pay, in addition to the outstanding assessment, a penalty of one and five-tenths percent of the assessment amount owed for each month or portion of each month that the payment is overdue. However, if the department determines that good cause is shown for failure to comply with payment of the assessment, the department shall waive the penalty or a portion of the penalty.

b. If an assessment is not received by the department by the last day of the month in which the payment is due, the department shall withhold an amount equal to the assessment and

penalty owed from any payment due such participating hospital under the medical assistance program.

c. The assessment imposed under this chapter constitutes a debt due the state and may be collected by civil action under any method provided for by law.

d. Any penalty collected pursuant to this subsection shall be credited to the hospital health care access trust fund created in section 249M.4.

11. If the federal government fully funds Iowa's medical assistance program, if federal law changes to negatively impact the assessment program as determined by the department, or if a federal audit determines the assessment program is invalid, the department shall terminate the imposition of the assessment and the program beginning on the date the federal statutory, regulatory, or interpretive change takes effect.

Sec. 5. NEW SECTION. 249M.4 Hospital health care access trust fund — board.

1. A hospital health care access trust fund is created in the state treasury under the authority of the department. Moneys received through the collection of the hospital health care access assessment imposed under this chapter and any other moneys specified for deposit in the trust fund shall be deposited in the trust fund.

2. Moneys in the trust fund shall be used, subject to their appropriation by the general assembly, by the department to reimburse participating hospitals the medical assistance program upper payment limit for inpatient and outpatient hospital services as calculated in this section. Following payment of such upper payment limit to participating hospitals, any remaining funds in the trust fund on an annual basis may be used for any of the following purposes:

a. To support medical assistance program utilization shortfalls.

b. To maintain the state's capacity to provide access to and delivery of services for vulnerable Iowans.

c. To support payments to nonparticipating hospitals under the IowaCare program pursuant to chapter 249J.

d. To fund the health care workforce support initiative created pursuant to section 135.175.

e. To support access to health care services for uninsured Iowans.

f. To support Iowa hospital programs and services which expand access to health care services for Iowans.

3. The trust fund shall be separate from the general fund of the state and shall not be considered part of the general fund. The moneys in the trust fund shall not be considered revenue of the state, but rather shall be funds of the hospital health care access assessment program. The moneys deposited in the trust fund are not subject to section 8.33 and shall not be transferred, used, obligated, appropriated, or otherwise encumbered, except to provide for the purposes of this chapter. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys deposited in the trust fund shall be credited to the trust fund.

4. The department shall adopt rules pursuant to chapter 17A to administer the trust fund and reimbursements and expenditures as specified in this chapter made from the trust fund.

5. a. Beginning July 1, 2010, or the implementation date of the hospital health care access assessment program as determined by receipt of approval from the centers for Medicare and Medicaid services of the United States department of health and human services, whichever is later, the department shall increase the diagnostic related groups and ambulatory patient classifications base rates to provide payments to participating hospitals at the Medicare upper payment limit for the fiscal year beginning July 1, 2010, calculated as of July 31, 2010. Each participating hospital shall receive the same percentage increase, but the percentage may differ depending on whether the basis for the base rate increase is the diagnostic related groups or ambulatory patient classifications.

b. The percentage increase shall be calculated by dividing the amount calculated under subparagraph (1) by the amount calculated under subparagraph (2) as follows:

(1) The amount under the Medicare upper payment limit for the fiscal year beginning July 1, 2010, for participating hospitals.

(2) The projected expenditures for participating hospitals for the fiscal year beginning July 1, 2010, as determined by the fiscal management division of the department, plus the amount calculated under subparagraph (1).

6. For the fiscal year beginning July 1, 2011, and for each fiscal year beginning July 1, thereafter, the payments to participating hospitals shall continue to be calculated based on the upper payment limit as calculated for the fiscal year beginning July 1, 2010.

7. Reimbursement of participating hospitals shall incorporate the rebasing process for inpatient and outpatient services for state fiscal year 2012. However, the total amount of increased funding available for reimbursement attributable to rebasing shall not exceed four million five hundred thousand dollars for state fiscal year 2012 and six million dollars for state fiscal year 2013.

8. Any payments to participating hospitals under this section shall result in budget neutrality to the general fund of the state.

9. a. A hospital health care access trust fund board is established consisting of the following members:

(1) The co-chairpersons and the ranking members of the joint appropriations subcommittee on health and human services.

(2) The Iowa medical assistance program director.

(3) Two hospital executives representing the two largest private health care systems in the state.

(4) The president of the Iowa hospital association.

(5) A representative of a consumer advocacy group, involved in both state and national initiatives, that provides data on key indicators of well-being for children and families in order to inform policymakers to help children and families succeed.

b. The board shall do all of the following:

(1) Provide oversight of the trust fund.

(2) Make recommendations regarding the hospital health care access assessment program, including recommendations regarding the assessment calculation, assessment amounts, payments to participating hospitals, and use of the moneys in the trust fund.

(3) Submit an annual report to the governor and the general assembly regarding the use and expenditure of moneys deposited in the trust fund.

c. The department shall provide administrative assistance to the board.

Sec. 6. NEW SECTION. 249M.5 Future repeal.

This chapter is repealed June 30, 2013.

Sec. 7. DIRECTIVE TO DEPARTMENT OF HUMAN SERVICES. Upon enactment of this Act, the department of human services shall request any waivers or medical assistance state plan amendments necessary to implement this Act from the United States department of health and human services.

Sec. 8. CONTINGENCY PROVISIONS.

1. The hospital health care access assessment created in this Act shall not be imposed retroactively prior to July 1, 2010.

2. The assessment shall not be collected until the department of human services has received approval of the assessment from the centers for Medicare and Medicaid services of the United States department of health and human services.

Sec. 9. EFFECTIVE UPON ENACTMENT AND CONTINGENT IMPLEMENTATION. This Act, being deemed of immediate importance, takes effect upon enactment. However, the department of human services shall only implement this Act if the department receives approval of the requests relating to waivers and medical assistance state plan amendments necessary to implement this Act.

Approved April 14, 2010

CHAPTER 1136**ENTERPRISE ZONES — APPLICATION DEADLINE EXTENSION***H.F. 2370*

AN ACT relating to enterprise zones by extending the application deadline for certification of enterprise zones and by updating certain fiscal year limitations.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 15E.192, subsection 3, Code 2009, is amended to read as follows:

3. A city may create an economic development enterprise zone as authorized in this division, subject to certification by the department of economic development, by designating up to four square miles of the city for that purpose. In order for an enterprise zone to be certified pursuant to this subsection, an enterprise zone shall meet the distress criteria provided in section 15E.194, subsection 3. Section 15E.194, subsection 2, shall not apply to an enterprise zone certified pursuant to this subsection. ~~For the fiscal period beginning July 1, 2007, and ending June 30, 2010, each fiscal year a cumulative total of not more than twenty-five million dollars worth of incentives and assistance under section 15E.196, subsections 1, 2, 3, 4, and 6, shall be awarded to eligible businesses that apply to an enterprise zone commission for incentives and assistance during that fiscal year and that are located in an enterprise zone certified pursuant to this subsection.~~ For purposes of this subsection and section 15E.194, subsection 3, “city” means a city that includes at least three census tracts, as determined in the most recent federal census.

Sec. 2. Section 15E.192, subsection 4, paragraph b, Code 2009, is amended to read as follows:

b. A county or city may apply to the department for an area to be certified as an enterprise zone at any time prior to July 1, ~~2010~~ 2012. However, the total amount of land designated as enterprise zones under subsection 1, and any other enterprise zones certified by the department, excluding those approved pursuant to subsection 2 and section 15E.194, subsections 3 and 5, shall not exceed in the aggregate one percent of the total county area.

Sec. 3. Section 15E.194, subsection 5, paragraph a, Code 2009, is amended to read as follows:

a. A city of any size or any county may designate an enterprise zone at any time prior to July 1, ~~2010~~ 2012, when a business closure or permanent layoff occurs. The business closure or permanent layoff must involve the loss of full-time employees, not including retail employees, at one place of business totaling at least one thousand employees or four percent or more of the county’s resident labor force based on the most recent annual resident labor force statistics from the department of workforce development, whichever is lower. A permanent layoff does not include a layoff of seasonal employees or a layoff that is seasonal in nature. For purposes of this paragraph, “*permanent layoff*” means the loss of jobs to an out-of-state location, the cessation of one or more production lines, the removal of manufacturing machinery and equipment, or similar actions determined to be equivalent in nature by the department. A permanent layoff must occur on or after February 1, 2007. The enterprise zone may be established on the property of the place of business that has closed or imposed a permanent layoff and the enterprise zone may include an area up to an additional three miles adjacent to the property. The area meeting the requirements for enterprise zone eligibility under this subsection shall not be included for the purpose of determining the area limitation pursuant to section 15E.192, subsection 4. The closing business or business creating a permanent layoff shall not be eligible to receive incentives or assistance under this division. An eligible housing business under section 15E.193B shall not receive incentives or assistance for a home or multiple dwelling unit built or rehabilitated in an enterprise zone designated pursuant to this subsection.

CHAPTER 1137**TRUSTS AND ESTATES — MISCELLANEOUS CHANGES***H.F. 2483*

AN ACT relating to trusts and estates including provisions relating to state inheritance tax, uniform transfers to minors, and medical assistance claims, and including an applicability provision.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 450.4, subsection 5, Code 2009, is amended by striking the subsection and inserting in lieu thereof the following:

5. a. On that portion of the decedent's interest in an employer-provided or employer-sponsored retirement plan or on that portion of the decedent's individual retirement account that will be subject to federal income tax when paid to the beneficiary. This exemption shall apply regardless of the identity of the beneficiary and regardless of the number of payments to be made after the decedent's death.

b. For purposes of this exemption:

(1) An individual retirement account includes an individual retirement annuity or any other arrangement as defined in section 408 of the Internal Revenue Code.

(2) An "employer-provided or employer-sponsored retirement plan" includes a qualified retirement plan as defined in section 401 of the Internal Revenue Code, a governmental or nonprofit employer's deferred compensation plan as defined in section 457 of the Internal Revenue Code, and an annuity as defined in section 403 of the Internal Revenue Code.

Sec. 2. Section 565B.6, subsection 3, paragraph c, Code 2009, is amended to read as follows:

c. The transfer is authorized by the court if all ~~transfers (including transfers, including the transfer to be made and prior transfers)~~ transfers, exceed ten twenty-five thousand dollars in value. Transfers by a personal representative, trustee, or conservator shall not be aggregated, but each personal representative, trustee, or conservator shall be treated separately.

Sec. 3. Section 633.63, subsection 1, Code 2009, is amended to read as follows:

1. Any natural person of full age, who is a resident of this state, is qualified to serve as a fiduciary, except any of the following:

a. ~~One who is under legal incompetency or is a chronic alcoholic or a spendthrift~~ A person who is incompetent.

b. Any other person whom the court determines to be unsuitable.

Sec. 4. Section 633.231, Code 2009, is amended to read as follows:

633.231 Notice in intestate estates — medical assistance claims.

1. Upon opening administration of an intestate estate, the administrator shall, in accordance with section 633.410, provide by ~~ordinary mail~~ electronic transmission on a form approved by the department of human services to the entity designated by the department of human services, a notice of opening administration of the estate and of the appointment of the administrator, which shall include a notice to file claims with the clerk or to provide electronic notification to the administrator that the department has no claim within the later to occur of four months from the second publication of the notice to creditors or six months from the date of mailing of sending this notice, or thereafter be forever barred.

2. The notice shall be in substantially the following form:

NOTICE OF OPENING ADMINISTRATION
OF ESTATE, OF APPOINTMENT OF
ADMINISTRATOR, AND NOTICE
TO CREDITOR

In the District Court of Iowa

In and for County.

In the Estate of, Deceased

Probate No.

To the Department of Human Services Who May Be Interested in the Estate of, Deceased, who died on or about (date):

You are hereby notified that on the day of (month), (year), an intestate estate was opened in the above-named court and that was appointed administrator of the estate.

You are further notified that the birthdate of the deceased is and the deceased's social security number is-.....-..... The name of the spouse is The birthdate of the spouse is and the spouse's social security number is-.....-....., and that the spouse of the deceased is alive as of the date of this notice, or deceased as of (date).

You are further notified that the deceased was/was not a disabled or a blind child of the medical assistance recipient by the name of, who had a birthdate of and a social security number of-.....-....., and the medical assistance debt of that medical assistance recipient was waived pursuant to section 249A.5, subsection 2, paragraph "a", subparagraph (1), and is now collectible from this estate pursuant to section 249A.5, subsection 2, paragraph "b".

Notice is hereby given that if the department of human services has a claim against the estate for the deceased person or persons named in this notice, the claim shall be filed with the clerk of the above-named district court, as provided by law, duly authenticated, for allowance, and unless so filed by the later to occur of four months from the second publication of the notice to creditors or six months from the date of the mailing of this notice within six months from the date of sending this notice and, unless otherwise allowed or paid, the claim is thereafter forever barred. If the department does not have a claim, the department shall return the notice to the executor with notification stating the department does not have a claim within six months from the date of sending this notice.

Dated this day of (month), (year)

.....
Administrator of estate
.....
Address

.....
Attorney for administrator
.....
Address
Date of second publication
..... day of (month), (year)

Sec. 5. Section 633.304A, Code 2009, is amended to read as follows:

633.304A Notice of probate of will — medical assistance claims.

1. On admission of a will to probate, the executor shall, in accordance with section 633.410, provide by ~~ordinary mail~~ electronic transmission on a form approved by the department of human services to the entity designated by the department of human services, a notice of admission of the will to probate and of the appointment of the executor, which shall include a notice to file claims with the clerk or to provide electronic notification to the executor that the department has no claim within the later to occur of four six months from the second publication of the notice to creditors or six months from the date of mailing of sending this notice, or thereafter be forever barred.

2. The notice shall be in substantially the following form:

NOTICE OF PROBATE OF WILL,
OF APPOINTMENT OF EXECUTOR,
AND NOTICE TO CREDITORS

In the District Court of Iowa
In and for County.
In the Estate of, Deceased
Probate No.

To the Department of Human Services, Who May Be Interested in the Estate of

....., Deceased, who died on or about (date):

You are hereby notified that on the day of (month), (year), the last will and testament of, deceased, bearing date of the day of (month), (year), was admitted to probate in the above-named court and that was appointed executor of the estate.

You are further notified that the birthdate of the deceased is and the deceased's social security number is-.....-..... The name of the spouse is The birthdate of the spouse is and the spouse's social security number is-.....-....., and that the spouse of the deceased is alive as of the date of this notice, or deceased as of (date).

You are further notified that the deceased was/was not a disabled or a blind child of the medical assistance recipient by the name of, who had a birthdate of and a social security number of-.....-....., and the medical assistance debt of that medical assistance recipient was waived pursuant to section 249A.5, subsection 2, paragraph "a", subparagraph (1), and is now collectible from this estate pursuant to section 249A.5, subsection 2, paragraph "b".

Notice is hereby given that if the department of human services has a claim against the estate for the deceased person or persons named in this notice, the claim shall be filed with the clerk of the above-named district court, as provided by law, duly authenticated, for allowance, ~~and unless so filed by the later to occur of four months from the second publication of the notice to creditors or six months from the date of mailing of this notice within six months from the date of sending this notice and~~, unless otherwise allowed or paid, the claim is thereafter forever barred. If the department does not have a claim, the department shall return the notice to the executor with notification that the department does not have a claim within six months from the date of sending this notice.

Dated this day of (month), (year)

.....
Executor of estate
.....
Address

.....
Attorney for executor

.....
Address

~~Date of second publication~~
..... day of (month), (year)

Sec. 6. Section 633.356, subsection 1, Code 2009, is amended to read as follows:

1. When the gross value of the decedent's personal property that would otherwise be distributed by will or intestate succession does not exceed twenty-five thousand dollars and there is no real property or the real property passes to persons exempt from inheritance tax pursuant to section 450.9 as joint tenants with right of survivorship, and if forty days have elapsed since the death of the decedent, the successor of the decedent as defined in subsection 2 may, by filing an affidavit prepared pursuant to subsection 3 or 8, and without procuring letters of appointment, do any of the following with respect to one or more particular items of such personal property:

- a. Receive any particular item of tangible personal property that is tangible personal property of the decedent.
- b. Have any ~~particular item of property that is~~ evidence of a debt, obligation, interest, right, security, or chose in action belonging to the decedent transferred.
- c. Collect the proceeds from any life insurance policy or any other item of property for which a beneficiary has not been designated.

Sec. 7. Section 633.410, subsection 2, Code 2009, is amended to read as follows:

2. Notwithstanding subsection 1, claims for debts created under section 249A.5, subsection 2, relating to the recovery of medical assistance payments shall be barred under this section unless filed with the clerk within ~~the later to occur of four months after the date of the second~~

~~publication of the notice to creditors, or six months after service of sending notice by ordinary mail electronic transmission, on the form prescribed in section 633.231 for intestate estates or on the form prescribed in section 633.304A for testate estates, to the entity designated by the department of human services to receive notice.~~

Sec. 8. Section 633A.4502, subsection 2, Code Supplement 2009, is amended to read as follows:

~~2. This~~ The exception created in subsection 1 of this section does not apply to any trust created prior to July 1, 2002, ~~and applies to trusts created on or after July 1, 2002, unless the settlor has specifically waived the requirements of this section in the trust instrument. Waiver of this section shall not bar any beneficiary's common law right to an accounting, and shall not provide any immunity to a trustee, acting under the terms of the trust, for liability to any beneficiary who discovers facts giving rise to a cause of action against the trustee.~~

Sec. 9. Section 633A.4604, Code 2009, is amended to read as follows:

633A.4604 Certification of trust.

1. A trustee may present a certification of trust to any person in lieu of providing a copy of the trust instrument to establish the ~~existence or terms of the trust~~ trust's existence or terms or the trustee's authority.

2. The certification must contain a statement that the trust has not been revoked, modified, or amended in any manner which would cause the representations contained in the certification of trust to be incorrect and must contain a statement that it is being signed by all of the currently acting trustees of the trust and is sworn and subscribed to under penalty of perjury before a notary public.

3. A certification of trust need not contain the dispositive provisions of the trust which set forth the distribution of the trust estate.

4. A person may require that the trustee offering the certification of trust provide proof of the trustee's identity and copies of those excerpts from the original trust instrument and amendments to the original trust instrument which designate the trustee and confer upon the trustee the power to act in the pending transaction.

5. A person who acts in reliance upon a certification of trust ~~without~~ after taking reasonable steps to verify the identity of the trustee and without knowledge that the representations contained in the certification are incorrect is not liable to any person for so acting and may assume without inquiry the existence of the facts contained in the certification. The period of time to verify the identity of the trustee shall not exceed ten business days from the date the person received the certification of trust. Knowledge shall not be inferred solely from the fact that a copy of all or part of the trust instrument is held by the person relying upon the trust certification. A transaction, and a lien created by a transaction, entered into by the trustee and a person acting in reliance upon a certification of trust is enforceable against the trust assets.

6. A person making a demand for the trust instrument in addition to a certification of trust or excerpts shall be liable for damages, including attorney fees, incurred as a result of the refusal to accept the certification of trust or excerpts in lieu of the trust instrument if the court determines that the person acted unreasonably in requesting the trust instrument.

7. *a.* If a trustee has provided a certification of trust and a person refuses to pay, deliver, or transfer any property owed to or owned by the trust within a reasonable time thereafter, the trustee may bring an action under this subsection and the court may award any or all of the following to the trustee:

(1) Any damages sustained by the trust.

(2) The costs of the action.

(3) A penalty in an amount of not less than five hundred dollars and not more than ten thousand dollars.

(4) Reasonable attorney fees, based on the value of the time reasonably expended by the attorney and not on the amount of the recovery on behalf of the trustee.

b. An action shall not be brought under this subsection more than one year after the date of the occurrence of the alleged violation.

7. ~~8.~~ This section does not limit the rights of beneficiaries to obtain copies of the trust instrument or rights of others to obtain copies in a proceeding concerning the trust.

Sec. 10. Section 633A.6101, Code 2009, is amended to read as follows:

633A.6101 Subject matter jurisdiction.

1. The district court sitting in probate has exclusive jurisdiction of proceedings concerning the internal affairs of a trust and of actions and proceedings to determine the existence of a trust, actions and proceedings by or against creditors or debtors of a trust, and other actions and proceedings involving a trust and third persons. Such jurisdiction may be invoked by any interested party at any time.

2. Unless a trust is under continuous court supervision pursuant to section 633.10, subsection 4, the trust shall not be subject to the jurisdiction of the probate court and the court shall not issue letters of appointment.

Sec. 11. Section 633A.6301, subsection 4, Code 2009, is amended by striking the subsection and inserting in lieu thereof the following:

4. Section 633A.6301, subsection 4, Code 2009, applies to written consents executed prior to July 1, 2010.

Approved April 14, 2010

CHAPTER 1138

TAXATION — CREDITS, EXPENDITURES, AND INCENTIVES — ESTATE TAXES

S.F. 2380

AN ACT relating to taxation, including the administration and review of certain economic development programs and certain tax incentive programs and the reenactment of the estate tax and including effective date and retroactive and other applicability provisions.

Be It Enacted by the General Assembly of the State of Iowa:

DIVISION I REVIEW AND REAUTHORIZATION OF PROGRAMS

Section 1. INTENT AND PURPOSE.

1. It is the intent of the general assembly that each tax credit, withholding credit, and revenue division program should effectuate the purposes for which it was enacted and that the cost of such programs should be included more readily in the yearly budgeting process.

2. The purposes of this Act are to provide for the regular review of all tax credit, withholding credit, and revenue division programs in order to facilitate the reauthorization of successful programs and to do so at a cost that can be accommodated by the state's annual budget.

DIVISION II LEGISLATIVE TAX EXPENDITURE COMMITTEE

Sec. 2. Section 2.45, Code Supplement 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 5. *a.* The legislative tax expenditure committee which shall be composed of ten members of the general assembly, consisting of five members from each house, to be appointed by the legislative council. In appointing the five members of each house to the committee, the council shall appoint three members from the majority party and two members from the minority party.

b. The legislative tax expenditure committee shall have the powers and duties described in section 2.48.

Sec. 3. NEW SECTION. 2.48 Legislative tax expenditure committee — review of tax incentive programs.

1. *Duties of committee.* The legislative tax expenditure committee shall do all of the following:

a. Evaluate any tax expenditure available under Iowa law and assess its equity, simplicity, competitiveness, public purpose, adequacy, and extent of conformance with the original purposes of the legislation that enacted the tax expenditure, as those issues pertain to taxation in Iowa. For purposes of this section, “*tax expenditure*” means an exclusion from the operation or collection of a tax imposed in this state. Tax expenditures include tax credits, exemptions, deductions, and rebates. Tax expenditures also include sales tax refunds issued pursuant to section 423.3 or section 423.4.

b. Establish and maintain a system for making available to the public information about the amount and effectiveness of tax expenditures, and the extent to which tax expenditures comply with the original intent of the legislation that enacted the tax expenditure.

2. *Review of tax expenditures — budget estimates.* The legislative tax expenditure committee shall do all of the following:

a. Engage in the regular review of the state’s tax expenditures.

(1) In reviewing tax expenditures, the committee may review any tax expenditure at any time, but shall at a minimum perform the reviews described in subsection 3.

(2) For each tax expenditure reviewed, the committee shall submit a report to the legislative council containing the results of the review. The report shall contain a statement of the policy goals of the tax expenditure and a return on investment calculation for the tax expenditure. For purposes of this subparagraph, “*return on investment calculation*” means analyzing the cost to the state of providing the tax expenditure, analyzing the benefits realized by the state from providing the tax expenditure, and reaching a conclusion as to whether the benefits of the tax expenditure are worth the cost to the state of providing the tax expenditure.

(3) The report described in subparagraph (2) may include recommendations for better aligning tax expenditures with the original intent of the legislation that enacted the tax expenditure.

b. (1) Estimate for each fiscal year, in conjunction with the legislative services agency and the department of revenue, the cost of each individual tax expenditure and the total cost of all tax expenditures, and by December 15 provide those estimates to the governor for use in the preparation of the budget message under section 8.22 and to the general assembly to be used in the budget process.

(2) The estimates provided pursuant to subparagraph (1) may include the committee’s recommendations for the imposition of a limitation on a specified tax expenditure, a limitation on the total amount of tax expenditures, or any other recommendation for a specific tax expenditure or the program under which the tax expenditure is provided.

3. *Schedule of review of all tax expenditures.* The committee shall review the following tax expenditures and incentives according to the following schedule:

a. In 2011:

(1) The high quality jobs program under chapter 15, subchapter II, part 13.

(2) The tax credits for increasing research activities available under sections 15.335, 15A.9, 422.10, and 422.33.

(3) The franchise tax credits available under sections 422.11 and 422.33.

(4) The earned income tax credit available under section 422.12B.

b. In 2012:

(1) The Iowa fund of funds program in chapter 15E, division VII.

(2) Property tax revenue divisions for urban renewal areas under section 403.19.

(3) The targeted jobs withholding credits available under section 403.19A.

(4) Funding of urban renewal projects with increased local sales and services tax revenues under section 423B.10.

(5) School tuition organization tax credits under sections 422.11S and 422.33.

(6) Tuition and textbook tax credits under section 422.12.

c. In 2013:

(1) The child and dependent care and early childhood development tax credits under section 422.12C.

(2) The endow Iowa tax credits authorized under section 15E.305.

(3) The redevelopment tax credits available under section 15.293A.

(4) The disaster recovery housing tax credits available under sections 16.211 and 16.212.

(5) The tax credits available for film, television, and video project promotion under section 15.393.

d. In 2014:

(1) Tax credits for investments in qualifying businesses and community-based seed capital funds under chapter 15E, division V.

(2) Historic preservation and cultural and entertainment district tax credits under chapter 404A.

(3) Wind energy production tax credits under chapter 476B.

(4) Renewable energy tax credits under chapter 476C.

(5) The ethanol promotion tax credits available under section 422.11N.

(6) The E-85 gasoline promotion tax credits available under section 422.11O.

(7) The biodiesel blended fuel tax credits available under section 422.11P.

e. In 2015:

(1) The agricultural assets transfer tax credit under section 175.37.

(2) The claim of right tax credit under section 422.5.

(3) The reduction in allocating income to Iowa by S corporation shareholders under section 422.8.

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

(5) The assistive device corporate tax credit under section 422.33.

(6) The charitable conservation contribution tax credit under sections 422.11W and 422.33.

(7) The motor vehicle fuel tax credit under section 422.110.

(8) The new jobs tax credits available under section 422.11A.

(9) The financial assistance available under the enterprise zones program in chapter 15E, division XVIII.

4. A tax expenditure or incentive reviewed pursuant to subsection 3 shall be reviewed again not more than five years after the tax expenditure or incentive was most recently reviewed.

DIVISION III MAXIMUM AGGREGATE TAX CREDIT LIMIT FOR CERTAIN ECONOMIC DEVELOPMENT PROGRAMS

Sec. 4. Section 15.119, subsection 1, Code Supplement 2009, is amended by striking the subsection and inserting in lieu thereof the following:

1. *a.* Notwithstanding any provision to the contrary in any of the programs listed in subsection 2, the department, except as provided in paragraph “*b*”, shall not authorize for any one fiscal year an amount of tax credits for the programs specified in subsection 2 that is in excess of one hundred twenty million dollars.

b. The department may authorize an amount of tax credits during a fiscal year that is in excess of the amount specified in paragraph “*a*”, but the amount of such excess shall be counted against the total amount of tax credits that may be authorized for the next fiscal year.

DIVISION IV FILM PROGRAM SUSPENSION

Sec. 5. Section 15.393, Code Supplement 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 5. The department shall not register a new project pursuant to this section until July 1, 2013.

Sec. 6. **EFFECTIVE UPON ENACTMENT.** This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION V
SUPPLEMENTAL RESEARCH ACTIVITIES CREDIT

Sec. 7. Section 15.335, Code Supplement 2009, is amended to read as follows:

15.335 Research activities credit.

1. a. An eligible business may claim a corporate tax credit for increasing research activities in this state during the period the eligible business is participating in the program.

b. For purposes of this section, “*research activities*” includes the development and deployment of innovative renewable energy generation components manufactured or assembled in this state. For purposes of this section, “*innovative renewable energy generation components*” does not include a component with more than two hundred megawatts of installed effective nameplate capacity.

c. The tax credits for innovative renewable energy generation components shall not exceed two million dollars.

2. a. (1) ~~The~~ In the case of an eligible business whose gross revenues do not exceed twenty million dollars per year, the credit equals the sum of the following:

(a) (1) ~~Six and one-half~~ Ten percent of the excess of qualified research expenses during the tax year over the base amount for the tax year based upon the state’s apportioned share of the qualifying expenditures for increasing research activities.

(b) (2) ~~Six and one-half~~ Ten percent of the basic research payments determined under section 41(e)(1)(A) of the Internal Revenue Code during the tax year based upon the state’s apportioned share of the qualifying expenditures for increasing research activities.

b. In the case of an eligible business whose gross revenues exceed twenty million dollars per year, the credit equals the sum of the following:

(1) Three percent of the excess of qualified research expenses during the tax year over the base amount for the tax year based upon the state’s apportioned share of the qualifying expenditures for increasing research activities.

(2) Three percent of the basic research payments determined under section 41(e)(1)(A) of the Internal Revenue Code during the tax year based upon the state’s apportioned share of the qualifying expenditures for increasing research activities.

(2) 3. ~~The~~ For purposes of subsection 2, the state’s apportioned share of the qualifying expenditures for increasing research activities is a percent equal to the ratio of qualified research expenditures in this state to total qualified research expenditures.

b. 4. a. ~~In lieu of the credit amount computed in paragraph “a”, subparagraph (1) subsection 2,~~ an eligible business may elect to compute the credit amount for qualified research expenses incurred in this state in a manner consistent with the alternative incremental credit described in section 41(c)(4) of the Internal Revenue Code. The taxpayer may make this election regardless of the method used for the taxpayer’s federal income tax. The election made under this paragraph is for the tax year and the taxpayer may use another or the same method for any subsequent year.

e. b. For purposes of the alternate credit computation method in paragraph “b” “a”, the credit percentages applicable to qualified research expenses described in clauses (i), (ii), and (iii) of section 41(c)(4)(A) of the Internal Revenue Code are ~~one and sixty-five hundredths percent, two and twenty hundredths percent, and two and seventy-five hundredths percent, respectively.~~ as follows:

(1) In the case of an eligible business whose gross revenues do not exceed twenty million dollars per year, the credit percentages are two and fifty-four hundredths percent, three and thirty-eight hundredths percent, and four and twenty-three hundredths percent, respectively.

(2) In the case of an eligible business whose gross revenues exceed twenty million dollars per year, the credit percentages are seventy-six hundredths percent, one and two hundredths percent, and one and twenty-seven hundredths percent, respectively.

2. 5. The credit allowed in this section is in addition to the credit authorized in section 422.10 and section 422.33, subsection 5. However, if the alternative credit computation method is used in section 422.10 or section 422.33, subsection 5, the credit allowed in this section shall also be computed using that method.

3. 6. If the eligible business is a partnership, S corporation, limited liability company, or estate or trust electing to have the income taxed directly to the individual, an individual may

claim the tax credit allowed. The amount claimed by the individual shall be based upon the pro rata share of the individual's earnings of the partnership, S corporation, limited liability company, or estate or trust.

4. 7. a. For purposes of this section, "base amount", "basic research payment", and "qualified research expense" mean the same as defined for the federal credit for increasing research activities under section 41 of the Internal Revenue Code, except that for the alternative incremental credit such amounts are for research conducted within this state.

b. For purposes of this section, "Internal Revenue Code" means the Internal Revenue Code in effect on January 1, 2009.

5. 8. Any credit in excess of the tax liability for the taxable year shall be refunded with interest computed under section 422.25. In lieu of claiming a refund, a taxpayer may elect to have the overpayment shown on its final, completed return credited to the tax liability for the following year.

6. 9. The department of revenue shall by February 15 of each year issue an annual report to the general assembly containing the total amount of all claims made by employers under this section, and the portion of the claims issued as refunds, for all claims processed during the previous calendar year. The report shall contain the name of each claimant for whom a tax credit in excess of five hundred thousand dollars was issued and the amount of the credit received.

Sec. 8. APPLICABILITY. This division of this Act applies to tax credits awarded under section 15.335 on or after July 1, 2010.

DIVISION VI

MAXIMUM AMOUNT OF ACCELERATED CAREER EDUCATION JOB CREDITS

Sec. 9. Section 260G.4B, subsection 1, Code 2009, is amended to read as follows:

1. The total amount of program job credits from all employers which shall be allocated for all accelerated career education programs in the state in any one fiscal year shall not exceed the sum of three million dollars in the fiscal year beginning July 1, 2000, three million dollars in the fiscal year beginning July 1, 2001, three million dollars in the fiscal year beginning July 1, 2002, four million dollars in the fiscal year beginning July 1, 2003, and six million dollars in the fiscal year beginning July 1, 2004, and every fiscal year thereafter five million four hundred thousand dollars. Any increase in program job credits above the six million dollar limitation per fiscal year shall be developed, based on recommendations in a study conducted by the department of economic development, pursuant to this section, Code Supplement 2003, of the needs and performance of approved programs in the fiscal years beginning July 1, 2000, and July 1, 2001. A community college shall file a copy of each agreement with the department of economic development. The department shall maintain an annual record of the proposed program job credits under each agreement for each fiscal year. Upon receiving a copy of an agreement, the department shall allocate any available amount of program job credits to the community college according to the agreement sufficient for the fiscal year and for the term of the agreement. When the total available program job credits are allocated for a fiscal year, the department shall notify all community colleges that the maximum amount has been allocated and that further program job credits will not be available for the remainder of the fiscal year. Once program job credits have been allocated to a community college, the full allocation shall be received by the community college throughout the fiscal year and for the term of the agreement even if the statewide program job credit maximum amount is subsequently allocated and used.

DIVISION VII

ECONOMIC DEVELOPMENT REGION REVOLVING LOAN FUND TAX CREDIT

Sec. 10. Section 15E.231, subsection 2, Code Supplement 2009, is amended by striking the subsection.

Sec. 11. Section 15E.232, subsections 1 and 2, Code 2009, are amended by striking the subsections.

Sec. 12. Section 422.33, subsection 17, Code Supplement 2009, is amended by striking the subsection.

Sec. 13. Section 422.60, subsection 9, Code Supplement 2009, is amended by striking the subsection.

Sec. 14. Section 533.329, subsection 2, paragraph k, Code Supplement 2009, is amended by striking the paragraph.

Sec. 15. REPEAL. Sections 422.11K and 432.12F, Code 2009, are repealed.

Sec. 16. RETROACTIVE APPLICABILITY. This division of this Act applies retroactively to January 1, 2010, for tax years beginning on or after that date.

DIVISION VIII MAXIMUM AMOUNT OF ENDOW IOWA TAX CREDITS

Sec. 17. Section 15E.305, subsection 2, unnumbered paragraph 1, Code Supplement 2009, is amended to read as follows:

The aggregate amount of tax credits authorized pursuant to this section shall not exceed a total of ~~three two million seven hundred thousand~~ dollars plus such additional credit amount as provided by this section annually. The maximum amount of tax credits granted to a taxpayer shall not exceed five percent of the aggregate amount of tax credits authorized.

Sec. 18. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 19. RETROACTIVE APPLICABILITY. This division of this Act applies retroactively to January 1, 2010, for endow Iowa tax credits authorized on or after that date.

DIVISION IX VENTURE CAPITAL — IOWA FUND OF FUNDS

Sec. 20. Section 15E.66, subsections 1 and 7, Code 2009, are amended to read as follows:

1. The board may issue certificates and related tax credits to designated investors which, if redeemed for the maximum possible amount, shall not exceed a total aggregate of ~~one hundred sixty~~ million dollars of tax credits. The certificates shall be issued contemporaneously with a commitment to invest in the Iowa fund of funds by a designated investor. A certificate issued by the board shall have a specific maturity date or dates designated by the board and shall be redeemable only in accordance with the contingencies reflected on the certificate or incorporated therein by reference. A certificate and the related tax credit shall be transferable by the designated investor. A tax credit shall not be claimed or redeemed except by a designated investor or transferee in accordance with the terms of a certificate from the board. A tax credit shall not be claimed for a tax year that begins earlier than the maturity date or dates stated on the certificate. An individual may claim the credit of a partnership, limited liability company, S corporation, estate, or trust electing to have the income taxed directly to the individual. The amount claimed by the individual shall be based upon the pro rata share of the individual's earnings from the partnership, limited liability company, S corporation, estate, or trust. Any tax credit in excess of the taxpayer's tax liability for the tax year may be credited to the tax liability for the following seven years, or until depleted, whichever is earlier.

7. In determining the ~~one hundred million dollar~~ maximum aggregate limit in subsection 1 and the ~~twenty million dollar~~ fiscal year limitation in subsection 5, the board shall use the cumulative amount of scheduled aggregate returns on certificates issued by the board to designated investors. However, certificates and related tax credits which have expired shall not be included and certificates and related tax credits which have been redeemed shall be included only to the extent of tax credits actually allowed.

Sec. 21. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION X
VENTURE CAPITAL — INVESTMENT TAX CREDIT

Sec. 22. Section 422.33, subsection 13, Code Supplement 2009, is amended by striking the subsection.

Sec. 23. Section 422.60, subsection 6, Code Supplement 2009, is amended by striking the subsection.

Sec. 24. Section 533.329, subsection 2, paragraph i, Code Supplement 2009, is amended by striking the paragraph.

Sec. 25. REPEAL. Sections 15E.51, 422.11G, and 432.12B, Code 2009, are repealed.

Sec. 26. TAX CREDIT CERTIFICATE VALIDITY. Tax credit certificates issued for future tax years for investments made on or before July 1, 2010, under the provisions repealed in this division of this Act are valid and may be claimed by a taxpayer after the effective date of this division of this Act in the tax year stated on the certificate.

DIVISION XI
REFUNDABLE INVESTMENT TAX CREDITS FOR VALUE-ADDED AGRICULTURAL
PRODUCTS

Sec. 27. Section 15.333, subsection 3, Code Supplement 2009, is amended by striking the subsection.

Sec. 28. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION XII
MAXIMUM AMOUNT OF HISTORIC TAX CREDITS

Sec. 29. Section 404A.4, subsection 2, Code Supplement 2009, is amended by adding the following new paragraph:

NEW PARAGRAPH. d. For the fiscal year beginning July 1, 2012, and for each fiscal year thereafter, the department shall reserve not more than forty-five million dollars worth of tax credits for any one taxable year.

Sec. 30. Section 404A.4, subsection 4, paragraph a, Code Supplement 2009, is amended to read as follows:

a. The total amount of tax credits that may be approved for a fiscal year prior to the fiscal year beginning July 1, 2012, under this chapter shall not exceed fifty million dollars. The total amount of tax credits that may be approved for a fiscal year beginning on or after July 1, 2012, shall not exceed forty-five million dollars.

DIVISION XIII
ESTATE TAX REENACTED

Sec. 31. NEW SECTION. **451.1 Definitions.**

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

1. “*Adjusted taxable estate*” means the taxable estate computed for federal estate tax purposes reduced by sixty thousand dollars.

2. “*Federal estate tax*” means the tax imposed by the provisions of the Federal Estate Tax Act.

3. “*Federal Estate Tax Act*” and all such similar terms, means Title III of chapter 27 of the Acts of the Sixty-ninth Congress of the United States, first session, appearing in 44 Statutes at Large, chapter 27, as of January 1, 2000, as amended.

4. “*Gross estate*” means the gross estate as determined under section 451.3.

5. “*Internal Revenue Code*” means the Internal Revenue Code as of the implementation date of this chapter, as specified in section 451.13.

6. “*Iowa estate tax*” means the tax imposed by this chapter.

7. “*Month*” means a calendar month.

8. “*Net estate*” means the net estate as determined under the provisions of section 451.3.

9. “*Personal representative*” means the executor of the will or administrator of the estate of the decedent, or if there is no such executor or administrator appointed, qualified and acting, then any person in actual or constructive possession of any property included in the gross estate of the decedent.

Sec. 32. NEW SECTION. 451.2 Additional tax.

1. An amount equal to the federal estate tax credit for state inheritance and estate taxes as allowed in the Internal Revenue Code is imposed upon every transfer of the net estate of every decedent being a resident of, or owning property in, this state.

2. If the decedent is a resident of Iowa and all property is located in Iowa, or is subject to the jurisdiction of the courts of Iowa, an amount equal to the tax imposed under subsection 1 shall be paid to the state of Iowa. If the decedent is a nonresident or if property is located outside the state of Iowa and not subject to jurisdiction of Iowa courts, the tax shall be prorated on the basis that the Iowa property bears to the total gross estate for federal tax purposes.

3. The total tax or the Iowa share of the total tax shall be credited with the amount of any inheritance tax due the state of Iowa as provided in chapter 450.

Sec. 33. NEW SECTION. 451.3 Gross and net estate.

The gross estate shall be the same as finally determined for federal estate tax and the net estate shall be the gross estate less deductions as permitted by federal law, in arriving at the net taxable federal estate, all determined as provided in the Internal Revenue Code.

Sec. 34. NEW SECTION. 451.4 Tax on net estate.

The tax imposed by this chapter shall be upon the transfer of the total net estate of every decedent dying after the implementation date of this chapter as provided in section 451.13.

Sec. 35. NEW SECTION. 451.5 Duty of personal representative.

The personal representative of a decedent whose estate may be subject to the tax imposed by this chapter, shall file in the office of the director of revenue, on or before the last day of the ninth month after the death of the decedent, duplicate copies of the estate tax return provided for in the Federal Estate Tax Act, and in like manner, duplicate copies of all supplemental or amended returns. The values of all items included in the gross estate, as shown by those returns, or supplemental or amended returns, shall be considered as the values of those items for the purposes of this chapter. In case of revaluation or correction of valuation of any of those items, either by supplemental or amended returns, or by the federal commissioner of internal revenue, or by an appellate tribunal by which the value is finally determined, the corrected values shall be considered as the values of those items for the purposes of this chapter.

Sec. 36. NEW SECTION. 451.6 Payment of tax.

The tax imposed by this chapter shall be paid by the personal representative to the department of revenue on or before the last day of the ninth month after the death of the decedent.

Sec. 37. NEW SECTION. 451.7 Disposal of tax.

The proceeds of this tax shall be paid into the general fund of the state.

Sec. 38. NEW SECTION. 451.8 Claim for credit or refund.

If the personal representative of a resident decedent shall have paid to the treasurer of

the United States or to a collector of internal revenue an estate tax under the provisions of the Federal Estate Tax Act in respect of property included in the gross estate, determined as herein provided, and shall have claimed as credits or deductions against the federal estate tax a sum less than the maximum credits or deductions allowed by the provisions of the Federal Estate Tax Act for any estate, inheritance, legacy or succession taxes actually paid to any state or territory of the United States, or to the District of Columbia, it shall be the personal representative's duty, with due diligence, to file in the bureau of internal revenue a claim for credit or refund for such amount, if any, as such estate shall be properly entitled to receive under the provisions of the Federal Estate Tax Act and of this chapter.

Sec. 39. NEW SECTION. 451.9 Appeal.

If any claim for refund or credit, or any part thereof, shall be denied or disallowed by the commissioner of internal revenue, the personal representative, the director of revenue, or any person having an interest in said estate which may be adversely affected by such denial or disallowance, may apply to the judge of the court having jurisdiction of such estate, for an order directing such personal representative to take, perfect, and prosecute an appeal from the decision of the commissioner of internal revenue to such court or tribunal as may have jurisdiction of such matter, and, upon the granting of such order, the director of revenue may assist in the prosecution of such appeal. The judge of the court granting such order may make a reasonable allowance for attorney fees for the prosecution of such appeal, and direct the manner in which the same, together with any other costs or expenses which may be allowed by said court in connection therewith, shall be paid.

Sec. 40. NEW SECTION. 451.10 Effect of allowance.

If any claim for credit or refund, or any part thereof, shall be finally determined in favor of such personal representative, any amount refunded or credited thereon shall inure to the benefit of such estate.

Sec. 41. NEW SECTION. 451.11 Effect of disallowance.

If any claim for credit or refund or any part thereof, shall be finally determined adversely to such personal representative, for any reason other than lack of diligence or other failure of duty on the personal representative's part, the amount so denied or disallowed, or so much thereof as shall have been paid to the department of revenue under the provisions of this chapter, shall, upon a claim duly filed with, and proper showing made to, the director of revenue, be refunded by the department of revenue to such personal representative, and shall inure to the benefit of such estate.

Sec. 42. NEW SECTION. 451.12 Applicable statutes penalties.

All the provisions of chapter 450 with respect to the lien provisions of section 450.7, and the determination, imposition, payment, and collection of the tax imposed under that chapter, including penalty and interest upon delinquent taxes and the confidentiality of the tax return, are applicable to this chapter, except as they are in conflict with this chapter. The exceptions to the lien provisions found in section 450.7 do not apply to this chapter. The penalty provisions set out in section 450.53 shall apply to a person in possession of assets to be reported for purposes of taxation who willfully makes a false or fraudulent return or willfully fails to pay the tax, supply the information, make, sign, or file the required return within the time required by law or a person who willfully attempts in any manner to evade taxes imposed by this chapter or avoid payment of the tax. The director of revenue shall adopt rules necessary for the enforcement of this chapter.

Sec. 43. NEW SECTION. 451.13 Contingent implementation — applicability.

1. This chapter shall be implemented as of the date on which a provision of the Internal Revenue Code providing for a credit against federal estate taxes owed for the amount of state inheritance and estate taxes paid, pursuant to chapter 450 and this chapter, is applicable.

2. This chapter applies to the estates of persons dying on or after the implementation date specified in subsection 1.

CONFORMING AMENDMENTS

Sec. 44. Section 12.71, subsection 8, Code 2009, is amended to read as follows:

8. Bonds issued under the provisions of this section are declared to be issued for a general public and governmental purpose and all bonds issued under this section shall be exempt from taxation by the state of Iowa and the interest on the bonds shall be exempt from the state income tax and the state inheritance and estate tax.

Sec. 45. Section 12.80, subsection 3, Code 2009, is amended to read as follows:

3. Bonds issued under this section are declared to be issued for an essential public and governmental purpose and all bonds issued under this section shall be exempt from taxation by the state of Iowa and the interest on the bonds shall be exempt from the state income tax and the state inheritance and estate tax.

Sec. 46. Section 12.81, subsection 8, Code 2009, is amended to read as follows:

8. Bonds issued under the provisions of this section are declared to be issued for a general public and governmental purpose and all bonds issued under this section shall be exempt from taxation by the state of Iowa and the interest on the bonds shall be exempt from the state income tax and the state inheritance and estate tax.

Sec. 47. Section 12.87, subsection 8, Code Supplement 2009, is amended to read as follows:

8. Any bonds issued and sold under the provisions of this section are declared to be issued and sold for an essential public and governmental purpose, and all bonds issued and sold under this section except as otherwise provided in any trust indentures, resolutions, or other instruments authorizing their issuance shall be exempt from taxation by the state of Iowa and the interest on the bonds shall be exempt from the state income tax and the state inheritance and estate tax.

Sec. 48. Section 12.90A, subsection 9, Code Supplement 2009, is amended to read as follows:

9. Annual appropriation bonds issued under this section are declared to be issued for an essential public and governmental purpose and all annual appropriation bonds issued under this section shall be exempt from taxation by the state of Iowa and the interest on the annual appropriation bonds shall be exempt from the state income tax and the state inheritance and estate tax.

Sec. 49. Section 12.91, subsection 9, Code 2009, is amended to read as follows:

9. Bonds issued under the provisions of this section are declared to be issued for a general public and governmental purpose and all bonds issued under this section shall be exempt from taxation by the state of Iowa and the interest on the bonds shall be exempt from the state income tax and the state inheritance and estate tax.

Sec. 50. Section 16.177, subsection 8, Code 2009, is amended to read as follows:

8. Bonds issued under this section are declared to be issued for an essential public and governmental purpose and all bonds issued under this section shall be exempt from taxation by the state of Iowa and the interest on the bonds shall be exempt from the state income tax and the state inheritance and estate tax.

Sec. 51. Section 321.47, subsection 2, Code 2009, is amended to read as follows:

2. The persons entitled under the laws of descent and distribution of an intestate's property to the possession and ownership of a vehicle owned in whole or in part by a decedent, upon filing an affidavit stating the name and date of death of the decedent, the right to possession and ownership of the persons filing the affidavit, and that there has been no administration of the decedent's estate, which instrument shall also contain an agreement to indemnify creditors of the decedent who would be entitled to levy execution upon the motor vehicle to the extent of the value of the motor vehicle, are entitled upon fulfilling the other requirements of this chapter, to the issuance of a registration card for the interest of

the decedent in the vehicle and a certificate of title to it. If a decedent dies testate, and either the will is not probated or is admitted to probate without administration, the persons entitled to the possession and ownership of a vehicle owned in whole or in part by the decedent may file an affidavit and, upon fulfilling the other requirements of this chapter, are entitled to the issuance of a registration card for the interest of the decedent in the vehicle and a certificate of title to the vehicle. The affidavit shall contain the same information and indemnity agreement as is required in cases of intestacy pursuant to this section. A requirement of chapter 450 or 451 shall not be considered satisfied by the filing of the affidavit provided for in this section. If, from the records in the office of the county treasurer, there appear to be any liens on the vehicle, the certificate of title shall contain a statement of the liens unless the application is accompanied by proper evidence of their satisfaction or extinction. Evidence of extinction may consist of, but is not limited to, an affidavit of the applicant stating that a security interest was foreclosed as provided in chapter 554, article 9, part 6.

Sec. 52. Section 421.60, subsection 2, paragraph c, unnumbered paragraph 1, Code 2009, is amended to read as follows:

If the notice of assessment or denial of a claim for refund relates to a tax return filed pursuant to section 422.14 or chapter 450 or, 450A, or 451, by the taxpayer which designates an individual as an authorized representative of the taxpayer with respect to that return, or if a power of attorney has been filed with the department by the taxpayer which designates an individual as an authorized representative of the taxpayer with respect to any tax that is included in the notice of assessment or denial of a claim for refund, a copy of the notice together with any additional information required to be sent to the taxpayer shall be sent to the authorized representative as well.

Sec. 53. Section 450.7, subsection 2, unnumbered paragraph 1, Code Supplement 2009, is amended to read as follows:

Notice of the lien is not required to be recorded. The rights of the state under the lien have priority over all subsequent mortgages, purchases, or judgment creditors; and a conveyance after the decedent's death of the property subject to a lien does not discharge the property except as otherwise provided in this chapter. However, if additional tax is determined to be owing under this chapter or chapter 451 after the lien has been released under paragraph "a" or "b", the lien does not have priority over subsequent mortgages, purchases, or judgment creditors unless notice of the lien is recorded in the office of the recorder of the county where the estate is probated, or where the property is located if the estate has not been administered. The department of revenue may release the lien by filing in the office of the clerk of the court in the county where the property is located, the decedent owner died, or the estate is pending or was administered, one of the following:

Sec. 54. Section 450.68, subsection 1, paragraph b, Code Supplement 2009, is amended to read as follows:

b. Federal tax returns, copies of returns, return information as defined in section 6103(b) of the Internal Revenue Code, and state inheritance tax returns, which are required to be filed with the department for the enforcement of the inheritance and estate tax laws of this state, shall be deemed and held as confidential by the department. However, such returns or return information may be disclosed by the director to officers or employees of other state agencies, subject to the same confidentiality restrictions imposed on the officers and employees of the department.

Sec. 55. Section 455G.6, subsection 14, Code Supplement 2009, is amended to read as follows:

14. Bonds issued under the provisions of this section are declared to be issued for an essential public and governmental purpose and all bonds issued under this chapter shall be exempt from taxation by the state of Iowa and the interest on the bonds shall be exempt from the state income tax and the state inheritance and estate tax.

Sec. 56. Section 463C.12, subsection 8, Code 2009, is amended to read as follows:

8. Tax-exempt bonds issued by the authority in connection with the program, which are exempt from taxation for federal tax purposes, are also exempt from taxation by the state of Iowa and the interest on these bonds is exempt from state income taxes and state inheritance and estate taxes.

Sec. 57. Section 524.1406, subsection 3, paragraph a, Code 2009, is amended to read as follows:

a. Notwithstanding any contrary provision in chapter 490, division XIII, in determining the fair value of the shareholder's shares of a bank organized under this chapter or a bank holding company as defined in section 524.1801 in a transaction or event in which the shareholder is entitled to appraisal rights, due consideration shall be given to valuation factors recognized for federal and estate tax purposes, including discounts for minority interests and discounts for lack of marketability. However, any payment made to shareholders under section 490.1324 shall be in an amount not less than the stockholders' equity in the bank disclosed in its last statement of condition filed under section 524.220 or the total equity capital of the bank holding company disclosed in the most recent report filed by the bank holding company with the board of governors of the federal reserve system, divided by the number of shares outstanding.

Sec. 58. Section 633.436, subsection 1, unnumbered paragraph 1, Code 2009, is amended to read as follows:

Except as provided in sections 633.211 and 633.212, shares of the distributees shall abate, for the payment of debts and charges, federal and state estate taxes, legacies, the shares of children born or adopted after the making of a will, or the share of the surviving spouse who elects to take against the will, without any preference or priority as between real and personal property, in the following order:

Sec. 59. Section 633.449, Code 2009, is amended to read as follows:

633.449 Payment of federal estate taxes.

All federal estate taxes, distinguished from state inheritance and estate taxes, owing by the estate of a decedent shall be paid from the property of the estate, unless the will of the decedent, or other trust instrument, provides expressly to the contrary.

Sec. 60. Section 633A.4703, unnumbered paragraph 1, Code 2009, is amended to read as follows:

Except as otherwise provided by the governing instrument, where necessary to abate shares of the beneficiaries of a trust for the payment of debts and charges, federal and state estate taxes, bequests, the share of the surviving spouse who takes an elective share, and the shares of children born or adopted after the execution of the trust, abatement shall occur in the following order:

DIVISION XIV
ENTERPRISE ZONES INTERIM STUDY COMMITTEE

Sec. 61. ENTERPRISE ZONES INTERIM STUDY COMMITTEE.

1. The legislative council is requested to establish an interim study committee to evaluate the effectiveness of Iowa's enterprise zone program and make recommendations on the future of the program. In conducting the study, the committee shall review the original policy goals of the program, the amount of state assistance provided under the program, and the benefits realized by the state through the administration of the program, and shall reach a conclusion as to whether the amount of assistance provided has been in proportion to the benefits realized.

2. The committee shall be composed of ten members of the general assembly. Five members shall be members of the senate, three of whom shall be appointed by the majority leader of the senate, and two of whom shall be appointed by the minority leader of the senate. Five members shall be members of the house of representatives, three of whom

shall be appointed by the speaker of the house of representatives, and two of whom shall be appointed by the minority leader of the house of representatives.

3. The study committee shall issue a report to the general assembly containing its findings and recommendations by January 15, 2011.

DIVISION XV
INDUSTRIAL NEW JOBS TRAINING INTERIM STUDY COMMITTEE

Sec. 62. INDUSTRIAL NEW JOBS TRAINING INTERIM STUDY COMMITTEE.

1. The legislative council is requested to establish an interim study committee to evaluate the effectiveness of Iowa's industrial new jobs training program and make recommendations on the future of the program. In conducting the study, the committee shall review the original policy goals of the program, the amount of state assistance provided under the program, and the benefits realized by the state through the administration of the program, and shall reach a conclusion as to whether the amount of assistance provided has been in proportion to the benefits realized. The review shall also include an examination of the efficiency of the bonding and withholding credit financing mechanisms used in the programs as well as the administrative and training costs entailed in the operation of the program.

2. The committee shall be composed of ten members of the general assembly. Five members shall be members of the senate, three of whom shall be appointed by the majority leader of the senate, and two of whom shall be appointed by the minority leader of the senate. Five members shall be members of the house of representatives, three of whom shall be appointed by the speaker of the house of representatives, and two of whom shall be appointed by the minority leader of the house of representatives.

3. The study committee shall issue a report to the general assembly containing its findings and recommendations by January 15, 2011.

Approved April 15, 2010

CHAPTER 1139
COMMERCIAL MOTOR VEHICLE WEIGHT LIMITS
H.F. 2512

AN ACT concerning weight limits for certain commercial motor vehicles on noninterstate highways.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 321.463, subsection 5, paragraph c, Code Supplement 2009, is amended to read as follows:

c. (1) The maximum gross weight allowed to be carried on a ~~livestock or construction~~ commercial motor vehicle, other than a special truck, on noninterstate highways, provided the vehicle is operated by a person with a commercial driver's license valid for the vehicle operated unless section 321.176A applies, is as follows:

NONINTERSTATE HIGHWAYS
MAXIMUM GROSS WEIGHT TABLE
~~LIVESTOCK OR CONSTRUCTION~~ COMMERCIAL MOTOR VEHICLE

Distance in feet	6 Axles	7 Axles
44	80,500	80,500
45	81,000	81,500
46	81,500	82,500
47	82,000	83,500
48	83,000	84,000
49	83,500	85,000
50	84,000	86,000
51	84,500	87,000
52	85,000	88,000
53	86,000	88,500
54	86,500	89,500
55	87,000	90,500
56	87,500	91,500
57	88,000	92,000
58	89,000	93,000
59	89,500	94,000
60	90,000	95,000
61		95,500
62		96,000

(2) Notwithstanding any provision of this section to the contrary, the maximum gross weight allowed to be carried on a noninterstate highway by a livestock vehicle with five axles, a minimum distance in feet between the centers of the first and fifth axles of sixty-one feet, and a minimum distance between the two rear axles of at least eight feet and one inch is eighty-six thousand pounds.

Approved April 15, 2010

CHAPTER 1140

TRAFFIC AND WILDLIFE CONSERVATION OFFENSES AND MAGISTRATE JURISDICTION

S.F. 285

AN ACT relating to magistrate jurisdiction, specifying certain traffic-related offenses as simple misdemeanors, making other related changes to simple misdemeanor offenses, and providing a penalty.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 321.24, Code 2009,¹ is amended by adding the following new subsection:

NEW SUBSECTION. 12. A person who violates this section commits a simple misdemeanor.

¹ According to enrolled Act; the phrase "Code Supplement 2009" probably intended

Sec. 2. Section 321.95, Code 2009,² is amended to read as follows:

321.95 Right of inspection.

1. Peace officers shall have the authority to inspect any vehicle or component part in possession of a vehicle rebuilder, vehicle salvager, used vehicle parts dealer or any person licensed under chapter 322, or found upon the public highway or in any public garage, enclosure or property in which vehicles or component parts are kept for sale, storage, hire or repair and for that purpose may enter any such public garage, enclosure or property. Every vehicle rebuilder, vehicle salvager, used vehicle parts dealer, or any person licensed under chapter 322, or a person having used engines or transmissions which are component parts for sale shall keep an accurate and complete record of all vehicles demolished and of such component parts purchased or received for resale as component parts in the course of business. These records shall contain the name and address of the person from whom each such vehicle or component part was purchased or received and the date when the purchase or receipt occurred or the junking certificate if required for the vehicle. These records shall be open for inspection by any peace officer at any time during normal business hours. Records required by this section shall be kept for at least three years after the transaction which they record.

2. A person who violates this section commits a simple misdemeanor.³

Sec. 3. Section 321.96, Code 2009, is amended to read as follows:

321.96 Prohibited plates — certificates.

1. A person shall not display or cause or permit to be displayed, or have in the person's possession, a vehicle identification number or component part number except as provided in this chapter, or a canceled, revoked, altered, or fictitious registration number plates, registration receipt, or certificate of title, as the same are respectively provided for in this chapter.

2. A person who violates this section commits a simple misdemeanor.

Sec. 4. Section 321.122, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 4. A person who violates this section commits a simple misdemeanor.

Sec. 5. Section 321.189, subsection 7, Code 2009, is amended by adding the following new paragraph:

NEW PARAGRAPH. e. A person who violates this subsection commits a simple misdemeanor.

Sec. 6. Section 321.208A, Code 2009, is amended to read as follows:

321.208A Operation in violation of out-of-service order — penalties.

1. A person required to hold a commercial driver's license to operate a commercial motor vehicle shall not operate a commercial motor vehicle on the highways of this state in violation of an out-of-service order issued by a peace officer for a violation of the out-of-service rules adopted by the department. A driver who violates an out-of-service order commits a simple misdemeanor and shall be subject to a fine of not less than two thousand five hundred dollars upon conviction for the first violation of an out-of-service order and not less than five thousand dollars for a second or subsequent violation of an out-of-service order in separate incidents within a ten-year period.

2. An employer shall not knowingly allow, require, permit, or authorize an employee to drive a commercial motor vehicle in violation of an out-of-service order. An employer who violates this subsection commits a simple misdemeanor and shall be subject to a fine of not less than two thousand seven hundred fifty dollars and not more than twenty-five thousand dollars.

² According to enrolled Act; the phrase "Code Supplement 2009" probably intended

³ According to enrolled Act; but see 2009 Iowa Acts, chapter 130, §39 and Iowa Code section 321.95, Code Supplement 2009

Sec. 7. Section 321.236, Code 2009,⁴ is amended by adding the following new subsection:
NEW SUBSECTION. 15. A violation of a local ordinance, rule, or regulation promulgated under the authority of this section shall be prosecuted under the local ordinance, without reference to this section.

Sec. 8. Section 321.285, Code 2009,⁵ is amended by adding the following new unnumbered paragraph after subsection 7:

NEW UNNUMBERED PARAGRAPH. A person who violates this section for excessive speed in violation of a speed limit commits a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 5, paragraph "a". A person who violates this section for excessive speed as an operator of a school bus commits a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 10, paragraph "a". A person who violates any other provision of this section commits a simple misdemeanor.

Sec. 9. Section 321.371, Code 2009, is amended to read as follows:

321.371 Clearing up wrecks.

1. Any person removing a wrecked or damaged vehicle from a highway shall remove any glass or other injurious substance dropped upon the highway from such vehicle.

2. A person who violates this section commits a simple misdemeanor.

Sec. 10. Section 321.373, Code 2009, is amended by adding the following new subsection:
NEW SUBSECTION. 8. A person who violates this section commits a simple misdemeanor.

Sec. 11. Section 321.379, Code 2009, is amended to read as follows:

321.379 Violations.

~~No~~ A school board, individual, or organization shall not purchase, construct, or contract for use, to transport pupils to or from school, any school bus which does not comply with the minimum requirements of section 321.373 and any individual, or any member or officer of such board or organization who authorizes, the purchase, construction, or contract for any such bus not complying with these minimum requirements ~~shall be guilty of a misdemeanor punishable as provided in section 321.482~~ commits a simple misdemeanor.

Sec. 12. Section 321.406, Code 2009, is amended to read as follows:

321.406 Cowl lamps.

1. Any A motor vehicle may be shall not be equipped with not more than two side cowl or fender lamps which shall. Such lamps shall emit only an amber or white light without glare.

2. A person who violates this section commits a simple misdemeanor.

Sec. 13. Section 321.408, Code 2009, is amended to read as follows:

321.408 Back-up lamps.

1. Any A motor vehicle may be equipped with a back-up lamp either separately or in combination with another lamp; except that no such.

2. A back-up lamp shall not be continuously lighted when the motor vehicle is in forward motion.

3. A person who violates this section commits a simple misdemeanor.

Sec. 14. Section 321.431, Code 2009, is amended by adding the following new subsection:
NEW SUBSECTION. 6. A person who violates this section commits a simple misdemeanor.

Sec. 15. Section 321.452, Code 2009, is amended to read as follows:

321.452 Scope and effect.

1. Except for offenses punishable under the provisions of section 321.463 it is a misdemeanor, punishable as provided in section 321.482, for any A person to shall not drive or move or for, and the owner to of such vehicle shall not cause or knowingly permit to be driven or moved, on any highway any vehicle or vehicles of a size or weight exceeding the limitations stated in this chapter, and the maximum size and weight of vehicles herein

⁴ According to enrolled Act; the phrase "Code Supplement 2009" probably intended

⁵ According to enrolled Act; the phrase "Code Supplement 2009" probably intended

specified shall be lawful throughout this state, and local authorities shall have no power or authority to alter said limitations except as express authority ~~may be~~ is granted in this chapter.

2. A person who violates this section commits a simple misdemeanor.

Sec. 16. Section 321.463, subsection 12, Code 2009,⁶ is amended to read as follows:

12. A person ~~who issues or executes, or causes~~ shall not issue or execute, or cause to be issued or executed, a bill of lading, manifest, or shipping document of any kind which states a false weight of the cargo set forth on such bill, manifest, or document, which is less than the actual weight of the cargo, ~~shall, upon conviction, be guilty of a simple misdemeanor.~~

Sec. 17. Section 321.463, Code 2009,⁷ is amended by adding the following new subsection:

NEW SUBSECTION. 13. A person who violates this section commits a simple misdemeanor.

Sec. 18. Section 321.467, Code 2009, is amended to read as follows:

321.467 Retractable axles.

1. A vehicle which is a model year 1999 or later vehicle shall not operate on a highway of this state with a retractable axle unless the weight on the retractable axle can only be adjusted by means of a manual device located on the vehicle that is not accessible to the operator of the vehicle during operation of the vehicle. However, the controls for raising and lowering the retractable axle may be accessible to the operator of the vehicle while the vehicle is in operation.

2. A person who violates this section commits a simple misdemeanor.

Sec. 19. Section 321.484, Code 2009, is amended to read as follows:

321.484 Offenses by owners.

1. It is unlawful for the owner, or any other person, employing or otherwise directing the driver of any vehicle to require or knowingly to permit the operation of such vehicle upon a highway in any manner contrary to law.

~~1.~~ 2. The owner of a vehicle shall not be held responsible for a violation of a provision regulating the stopping, standing, or parking of a vehicle, whether the provision is contained in this chapter, or chapter 321L, or an ordinance or other regulation or rule, if the owner establishes that at the time of the violation the vehicle was in the custody of an identified person other than the owner pursuant to a lease as defined in chapter 321F or pursuant to a rental agreement as defined in section 516D.3. The furnishing to the county attorney where the charge is pending of a copy of the lease prescribed by section 321F.6 or rental agreement that was in effect for the vehicle at the time of the alleged violation shall be prima facie evidence that the vehicle was in the custody of an identified person other than the owner within the meaning of this subsection. Upon receipt of such evidence, the appropriate authority shall dismiss as against the owner of the vehicle any citation issued for a violation within the meaning of this subsection that occurred while the vehicle was in the custody of the identified person.

~~2.~~ 3. If a peace officer as defined in section 801.4 has reasonable cause to believe the driver of a motor vehicle has violated section 321.261, 321.262, 321.264, 321.341, 321.342, 321.343, 321.344, or 321.372, the officer may request any owner of the motor vehicle to supply information identifying the driver. When requested, the owner of the vehicle shall identify the driver to the best of the owner's ability. However, the owner of the vehicle is not required to supply identification information to the officer if the owner believes the information is self-incriminating.

4. A person who violates this section commits a simple misdemeanor.

Sec. 20. Section 321.487, Code 2009, is amended to read as follows:

321.487 Violation of promise to appear.

⁶ According to enrolled Act; the phrase "Code Supplement 2009" probably intended

⁷ According to enrolled Act; the phrase "Code Supplement 2009" probably intended

1. Any person willfully violating a citation to appear in court given as provided in this chapter, is guilty of a simple misdemeanor; ~~punishable as provided in section 321.482~~ regardless of the disposition of the charge upon which the person was cited. Venue shall be in the county where the defendant was to appear or in the county where the person resides.

2. An appearance in response to such citation may be made either in person or by counsel.

Sec. 21. Section 321E.11, Code 2009, is amended to read as follows:

321E.11 Daylight movement only — exceptions — holidays.

1. Movements by permit in accordance with this chapter shall be permitted only during the hours from thirty minutes prior to sunrise to thirty minutes following sunset unless the issuing authority determines that the movement can be better accomplished at another period of time because of traffic volume conditions or the vehicle subject to the permit has an overall length not to exceed one hundred feet, an overall width not to exceed eleven feet, and an overall height not to exceed fourteen feet, four inches, and the permit requires the vehicle to operate only on those highways designated by the department. Additional safety lighting and escorts may be required for movement at night.

2. Except as provided in section 321.457, no movement by permit shall be permitted on holidays, after twelve o'clock noon on days preceding holidays and holiday weekends, or special events when abnormally high traffic volumes can be expected. Such restrictions shall not be applicable to urban transit systems as defined in section 321.19, subsection 2. For the purposes of this chapter, holidays shall include Memorial Day, Independence Day, and Labor Day.

3. A person who violates this section commits a simple misdemeanor.

Sec. 22. Section 481A.135, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 5. An indictment or trial information for a violation requiring an enhanced penalty under this section shall specify the underlying violation committed by the person.

Sec. 23. Section 602.6405, subsection 1, Code 2009, is amended to read as follows:

1. Magistrates have jurisdiction of simple misdemeanors regardless of the amount of the fine, including traffic and ordinance violations, and preliminary hearings, search warrant proceedings, county and municipal infractions, and small claims. Magistrates have jurisdiction to determine the disposition of livestock or another animal, as provided in sections 717.5 and 717B.4, if the magistrate determines the value of the livestock or animal is less than ten thousand dollars. Magistrates have jurisdiction to exercise the powers specified in sections 556F.2 and 556F.12, and to hear complaints or preliminary informations, issue warrants, order arrests, make commitments, and take bail. Magistrates have jurisdiction over violations of section 123.49, subsection 2, paragraph "h". Magistrates who are admitted to the practice of law in this state have jurisdiction over all proceedings for the involuntary commitment, treatment, or hospitalization of individuals under chapters 125 and 229, except as otherwise provided under section 229.6A; nonlawyer magistrates have jurisdiction over emergency detention and hospitalization proceedings under sections 125.91 and 229.22. Magistrates have jurisdiction to conduct hearings authorized under section 809.4.

Approved April 21, 2010

CHAPTER 1141
IOWACARE PROGRAM CHANGES
S.F. 2156

AN ACT relating to the IowaCare program, and providing for repeals.

Be It Enacted by the General Assembly of the State of Iowa:

DIVISION I
IOWACARE PROGRAM UPDATE

Section 1. Section 249J.5, subsections 1, 2, 7, 8, and 9, Code 2009, are amended to read as follows:

1. Except as otherwise provided in this chapter, an individual nineteen through sixty-four years of age shall be eligible solely for the expansion population benefits described in this chapter when provided through the expansion population provider network as described in this chapter, if the individual meets all of the following conditions:

a. The individual is not eligible for coverage under the medical assistance program ~~in effect on or after April 1, 2005.~~

b. The individual has a family income at or below two hundred percent of the federal poverty level as defined by the most recently revised poverty income guidelines published by the United States department of health and human services.

c. The individual fulfills all other conditions of participation for the expansion population described in this chapter, including requirements relating to personal financial responsibility.

2. Individuals otherwise eligible solely for family planning benefits authorized under the medical assistance family planning services waiver, ~~effective January 1, 2005, as described in 2004 Iowa Acts, chapter 1175, section 116, subsection 8,~~ may also be eligible for expansion population benefits provided through the expansion population provider network.

~~7. The department shall contract with the county general assistance directors to perform intake functions for the expansion population, but only at the discretion of the individual county general assistance director.~~

~~8. 7.~~ If the department provides intake services at the location of a provider included in the expansion population provider network, the department shall consider subcontracting with local nonprofit agencies to promote greater understanding between providers, under the medical assistance program and included in the expansion population provider network, and their recipients and members.

~~9. 8.~~ Following initial enrollment, an expansion population member shall reenroll annually by the last day of the month preceding the month in which the expansion population member initially enrolled. The department may provide a process for automatic reenrollment of expansion population members.

Sec. 2. Section 249J.6, subsection 1, unnumbered paragraph 1, Code 2009, is amended to read as follows:

~~Beginning July 1, 2005, the~~ The expansion population shall be eligible for all of the following expansion population services:

Sec. 3. Section 249J.6, subsection 2, Code 2009, is amended to read as follows:

2. a. Each expansion population member ~~who enrolls or reenrolls in the expansion population on or after January 31, 2007, shall participate, in conjunction with receiving receive a single comprehensive medical examination and completing a personal health improvement plan, in a health risk assessment coordinated by a health consortium representing providers, consumers, and medical education institutions annually.~~ The criteria for the department may implement a web-based health risk assessment, the comprehensive medical examination, and the personal health improvement plan shall be developed and applied in a manner that takes into consideration cultural variations that may exist within the expansion population for expansion population members that may include facilitation, if deemed to be cost-effective to the program. ~~The health risk assessment shall utilize a~~

gender-specific approach. In developing the queries unique to women, a clinical advisory team shall be utilized that includes women's health professionals including but not limited to those with specialties in obstetrics and gynecology, endocrinology, mental health, behavioral health, oncology, cardiology, and rheumatology.

~~b. The health risk assessment shall be a web-based electronic system capable of capturing and integrating basic data to provide an individualized personal health improvement plan for each expansion population member. The health risk assessment shall provide a preliminary diagnosis of current and prospective health conditions and recommendations for improving health conditions with an individualized wellness program. The health risk assessment shall be made available to the expansion population member and the provider specified in paragraph "c" who performs the comprehensive medical examination and provides the individualized personal health improvement plan.~~

~~c. The single comprehensive medical examination and personal health improvement plan may be provided by an expansion population provider network physician, advanced registered nurse practitioner, or physician assistant or any other physician, advanced registered nurse practitioner, or physician assistant, available to any full benefit recipient including but not limited to such providers available through a free clinic or rural health clinic under a contract with the department to provide these services, through federally qualified health centers that employ a physician, or through any other nonprofit agency qualified or deemed to be qualified by the department to perform these services.~~

~~d. Following completion of an initial health risk assessment, comprehensive medical examination, and personal health improvement plan, an expansion population member may complete subsequent assessments, examinations, or plans with the recommendation and approval of a provider specified in paragraph "c".~~

~~e. b. Refusal of an expansion population member to participate in a health risk assessment, comprehensive medical examination, or personal health improvement plan or any health risk assessment implemented by the department, shall not be a basis for ineligibility for or disenrollment from the expansion population.~~

Sec. 4. Section 249J.6, subsection 3, Code 2009, is amended to read as follows:

3. Beginning no later than July 1, 2006, expansion Expansion population members shall be provided all of the following:

~~a. Access to a pharmacy assistance clearinghouse program to match expansion population members with free or discounted prescription drug programs provided by the pharmaceutical industry.~~

~~b. Access access to a medical information hotline an IowaCare nurse helpline, accessible twenty-four hours per day, seven days per week, to assist expansion population members in making appropriate choices about the use of emergency room and other health care services.~~

Sec. 5. Section 249J.7, subsection 1, Code 2009, is amended to read as follows:

1. Expansion population members shall only be eligible to receive expansion population services through a provider included in the expansion population provider network. Except as otherwise provided in this chapter, the expansion population provider network shall be limited to a publicly owned acute care teaching hospital located in a county with a population over three hundred fifty thousand; and the university of Iowa hospitals and clinics, and the state hospitals for persons with mental illness designated pursuant to section 226.1 with the exception of the programs at such state hospitals for persons with mental illness that provide substance abuse treatment, serve gero-psychiatric patients, or treat sexually violent predators.¹

Sec. 6. Section 249J.8, Code 2009, is amended to read as follows:

249J.8 Expansion population members — financial participation.

1. Each expansion population member whose family income exceeds one hundred percent of the federal poverty level as defined by the most recently revised poverty income guidelines published by the United States department of health and human services shall

¹ See chapter 1193, §202 herein

pay a monthly premium not to exceed one-twelfth of five percent of the member's annual family income. Each expansion population member whose family income is equal to or less than one hundred percent of the federal poverty level as defined by the most recently revised poverty income guidelines published by the United States department of health and human services shall not be subject to payment of a monthly premium. All premiums shall be paid on the last day of the month of coverage. The department shall deduct the amount of any monthly premiums paid by an expansion population member for benefits under the healthy and well kids in Iowa program when computing the amount of monthly premiums owed under this subsection. An expansion population member shall pay respond to the monthly premium notices either through timely payment or a request for a hardship exemption during the entire period of the member's enrollment. Regardless of the length of enrollment, the member is subject to payment of the premium for a minimum of four consecutive months. However, an expansion population member who complies with the requirement of payment of the premium for a minimum of four consecutive months during a consecutive twelve-month period of enrollment shall be deemed to have complied with this requirement for the subsequent consecutive twelve-month period of enrollment and shall only be subject to payment of the monthly premium on a month-by-month basis. Timely payment of premiums, including any arrearages accrued from prior enrollment, is a condition of receiving any expansion population services. The payment to and acceptance by an automated case management system or the department of the premium required under this subsection shall not automatically confer initial or continuing program eligibility on an individual. A premium paid to and accepted by the department's premium payment process that is subsequently determined to be untimely or to have been paid on behalf of an individual ineligible for the program shall be refunded to the remitter in accordance with rules adopted by the department. Premiums collected under this subsection shall be deposited in the premiums subaccount of the account for health care transformation created pursuant to section 249J.23. An expansion population member shall also pay the same copayments required of other adult recipients of medical assistance.

2. The department may reduce the required out-of-pocket expenditures for an individual expansion population member based upon the member's increased wellness activities such as smoking cessation or compliance with the personal health improvement plan completed by the member. The department shall also waive the required out-of-pocket expenditures for an individual expansion population member based upon a hardship that would accrue from imposing such required expenditures. Information regarding the premium payment obligation and the hardship exemption, including the process by which a prospective enrollee may apply for the hardship exemption, shall be provided to a prospective enrollee at the time of application. The prospective enrollee shall acknowledge, in writing, receipt and understanding of the information provided.

3. ~~The department shall submit to the governor and the general assembly by March 15, 2006, a design for each of the following:~~

~~a. An insurance cost subsidy program for expansion population members who have access to employer health insurance plans, provided that the design shall require that no less than fifty percent of the cost of such insurance shall be paid by the employer.~~

~~b. A health care account program option for individuals eligible for enrollment in the expansion population. The health care account program option shall be available only to adults who have been enrolled in the expansion population for at least twelve consecutive calendar months. Under the health care account program option, the individual would agree to exchange one year's receipt of benefits under the expansion population, to which the individual would otherwise be entitled, for a credit to obtain any medical assistance program covered service up to a specified amount. The balance in the health care account at the end of the year, if any, would be available for withdrawal by the individual.~~

4. ~~3.~~ The department shall track the impact of the out-of-pocket expenditures on by expansion population enrollment members and shall report the findings data on at least a quarterly basis to the medical assistance projections and assessment council established pursuant to section ~~249J.20~~ the department's internet website. The findings report shall include estimates of the number of expansion population members complying and not complying with payment of required out-of-pocket expenditures, ~~the number of expansion~~

~~population members not complying with payment of required out-of-pocket expenditures and the reasons for noncompliance, any impact as a result of the out-of-pocket requirements on the provision of services to the populations previously served, the administrative time and cost associated with administering the out-of-pocket requirements, and the benefit to the state resulting from the out-of-pocket expenditures. To the extent possible, the department shall track the income level of the member, the health condition of the member, and the family status of the member relative to the out-of-pocket information.~~

Sec. 7. Section 249J.9, Code 2009, is amended to read as follows:

249J.9 Future expansion population, benefits, and provider network growth.

~~1. *Population.* The department shall contract with the division of insurance of the department of commerce or another appropriate entity to track, on an annual basis, the number of uninsured and underinsured Iowans, the cost of private market insurance coverage, and other barriers to access to private insurance for Iowans. Based on these findings and available funds, the department shall make recommendations, annually, to the governor and the general assembly regarding further expansion of the expansion population.~~

~~2. *1. Benefits.*~~

~~a. The department shall not provide services to expansion population members that are in addition to the services originally designated by the department pursuant to section 249J.6, without express authorization provided by the general assembly.~~

~~b. The department, upon the recommendation of the clinicians advisory panel established pursuant to section 249J.18, may change the scope and duration of any of the available expansion population services, but this subsection shall not be construed to authorize the department to make expenditures in excess of the amount appropriated for benefits for the expansion population.~~

~~3. *2. Expansion population provider network.*~~

~~a. The department shall not expand the expansion population provider network unless the department is able to pay for expansion population services provided by such providers at the full benefit recipient rates.~~

~~b. The department may limit access to the expansion population provider network by the expansion population to the extent the department deems necessary to meet the financial obligations to each provider under the expansion population provider network. This subsection shall not be construed to authorize the department to make any expenditure in excess of the amount appropriated for benefits for the expansion population.~~

Sec. 8. Section 249J.10, subsection 2, Code 2009, is amended to read as follows:

2. The department of human services shall may include in its annual budget submission, recommendations relating to a disproportionate share hospital and graduate medical education allocation plan that maximizes the availability of federal funds for payments to hospitals for the care and treatment of indigent patients.

Sec. 9. Section 249J.11, Code 2009, is amended to read as follows:

249J.11 Nursing facility level of care determination for facility-based and community-based services.

The department shall amend the medical assistance state plan to provide for all of the following:

1. That nursing facility level of care services under the medical assistance program shall be available to an individual admitted to a nursing facility ~~on or after July 1, 2005~~, who meets eligibility criteria for the medical assistance program pursuant to section 249A.3, if the individual also meets any of the following criteria:

a. Based upon the minimum data set, the individual requires limited assistance, extensive assistance, or has total dependence on assistance, provided by the physical assistance of one or more persons, with three or more activities of daily living as defined by the minimum data set, section G, entitled "physical functioning and structural problems".

b. Based on the minimum data set, the individual requires the establishment of a safe, secure environment due to moderate or severe impairment of cognitive skills for daily decision making.

c. The individual has established a dependency requiring residency in a medical institution for more than one year.

2. That ~~an individual admitted to a nursing facility prior to July 1, 2005, and an individual applying for home and community-based services waiver services at the nursing facility level of care on or after July 1, 2005,~~ who meets the eligibility criteria for the medical assistance program pursuant to section 249A.3, shall also meet any of the following criteria:

a. Based on the minimum data set, the individual requires supervision, or limited assistance, provided on a daily basis by the physical assistance of at least one person, for dressing and personal hygiene activities of daily living as defined by the minimum data set, section G, entitled “physical functioning and structural problems”.

b. Based on the minimum data set, the individual requires the establishment of a safe, secure environment due to modified independence or moderate impairment of cognitive skills for daily decision making.

3. That, ~~beginning July 1, 2005,~~ if nursing facility level of care is determined to be medically necessary for an individual and the individual meets the nursing facility level of care requirements for home and community-based services waiver services under subsection 2, but appropriate home and community-based services are not available to the individual in the individual’s community at the time of the determination or the provision of available home and community-based services to meet the skilled care requirements of the individual is not cost-effective, the criteria for admission of the individual to a nursing facility for nursing facility level of care services shall be the criteria in effect on June 30, ~~2005~~ 2010. The department of human services shall establish the standard for determining cost-effectiveness of home and community-based services under this subsection.

4. The department shall develop a process to allow individuals identified under subsection 3 to be served under the home and community-based services waiver at such time as appropriate home and community-based services become available in the individual’s community.

Sec. 10. Section 249J.13, Code 2009, is amended to read as follows:

249J.13 Children’s mental health waiver services.

The department shall provide medical assistance waiver services to ~~not more than three hundred~~ children who meet the eligibility criteria for the medical assistance program pursuant to section 249A.3, and also meet the criteria specified in section 234.7, subsection 2.

Sec. 11. Section 249J.14, Code 2009, is amended to read as follows:

249J.14 Health promotion partnerships.

~~1. Services for adults at state mental health institutes. Beginning July 1, 2005, inpatient and outpatient hospital services at the state hospitals for persons with mental illness designated pursuant to section 226.1 shall be covered services under the medical assistance program.~~

~~2. 1. Dietary counseling. By July 1, 2006~~ If a cost-effective strategy with a measurable return on investment or an impact on health care outcomes is identified, the department ~~shall~~ may design and ~~begin implementation of~~ implement a strategy to provide dietary counseling and support to child and adult recipients of medical assistance and to expansion population members to assist these recipients and members in avoiding excessive weight gain or loss and to assist in development of personal weight loss programs for recipients and members determined by the recipient’s or member’s health care provider to be clinically overweight.

~~3. 2. Electronic medical records Medical assistance health information technology program. By October 1, 2006, the~~ The department shall develop a practical strategy for expanding utilization of electronic medical recordkeeping by providers under the medical assistance program and the expansion population provider network. The plan shall focus, initially, on medical assistance program recipients and expansion population members whose quality of care would be significantly enhanced by the availability of medical assistance health information technology program for promoting the adoption and meaningful use of electronic medical recordkeeping by providers under the medical assistance program and the Iowa Medicaid enterprise pursuant to the federal American Recovery and Reinvestment Act of 2009, Pub. L. No. 111-5. The department shall do all of the following:

a. Design and implement a program for distribution and monitoring of provider incentive payments, including development of a definition of “meaningful use” for purposes of promoting the use of electronic medical recordkeeping by providers. The department shall develop this program in collaboration with the department of public health and the electronic health information advisory council and executive committee created pursuant to section 135.156.

b. Develop the medical assistance health information technology plan as required by the centers for Medicare and Medicaid services of the United States department of health and human services. The plan shall provide detailed implementation plans for the medical assistance program for promotion of the adoption and meaningful use of health information technology by medical assistance providers and the Iowa Medicaid enterprise. The plan shall include the integration of health information technology and health information exchange with the medical assistance management information system. The plan shall be developed in collaboration with the department of public health and the electronic health information advisory council and executive committee created pursuant to section 135.156.

~~4. 3. Provider incentive payment programs. By January 1, 2007 If a cost-effective strategy with a measurable return on investment or an impact on health care outcomes is identified, the department shall may design and implement a provider incentive payment program for providers under the medical assistance program and providers included in the expansion population provider network based upon evaluation of public and private sector models.~~

~~5. Health assessment for medical assistance recipients with mental retardation or developmental disabilities. The department shall work with the university of Iowa colleges of medicine, dentistry, nursing, pharmacy, and public health, and the university of Iowa hospitals and clinics to determine whether the physical and dental health of recipients of medical assistance who are persons with mental retardation or developmental disabilities are being regularly and fully addressed and to identify barriers to such care. The department shall report the department’s findings to the governor and the general assembly by January 1, 2007.~~

~~6. 4. Smoking cessation. The department, in collaboration with Iowa department of public health programs relating to tobacco use prevention and cessation, shall implement a program with the goal of reducing smoking among recipients of medical assistance who are children to less than one percent and among recipients of medical assistance and expansion population members who are adults to less than ten percent, by July 1, 2007.~~

~~7. 5. Dental home for children. The department shall enter into an interagency agreement with the department of public health for infrastructure development and oral health coordination services for recipients of medical assistance to increase access to dental care for medical assistance recipients. By December 31, 2010 2011, every recipient of medical assistance who is a child twelve years of age or younger shall have a designated dental home and shall be provided with the dental screenings, preventive services, diagnostic services, treatment services, and emergency services as defined under the early and periodic screening, diagnostic, and treatment program.~~

~~8. 6. Reports. The department shall issue a report on the department’s internet website on a quarterly basis to the medical assistance projections and assessment council established pursuant to section 249J.20 and the medical assistance advisory council created pursuant to section 249A.4B, regarding the any changes or updates to the health promotion partnerships described in this section. To the greatest extent feasible, and if applicable to a data set, the data reported shall include demographic information concerning the population served including but not limited to factors, such as race and economic status, as specified by the department.~~

Sec. 12. Section 249J.16, Code 2009, is amended to read as follows:

249J.16 Cost and quality performance evaluation.

~~Beginning July 1, 2005, the The~~ department shall contract with an independent consulting firm to do all of the following:

1. Annually Prior to initiating reprocurement of Iowa Medicaid enterprise contracts, evaluate and compare the cost and quality of care provided by the medical assistance

program and through the expansion population with the cost and quality of care available through private insurance and managed care organizations doing business in the state.

2. Annually evaluate the improvements by the medical assistance program and the expansion population in the cost and quality of services provided to Iowans over the cost and quality of care provided in the prior year.

Sec. 13. Section 249J.17, Code 2009, is amended to read as follows:

249J.17 Operations — performance evaluation.

~~Beginning July 1, 2006, the~~ The department shall ~~submit~~ publish on its internet website a report of the ~~results of an evaluation of the~~ performance of each component of the Iowa Medicaid enterprise using the performance standards contained in the contracts with the Iowa Medicaid enterprise partners.

Sec. 14. Section 249J.18, Code 2009, is amended to read as follows:

249J.18 Clinicians advisory panel — clinical management.

1. ~~Beginning July 1, 2005, the~~ The medical director of the Iowa Medicaid enterprise, with the approval of the administrator of the division of medical services of the department, shall assemble and act as chairperson for a clinicians advisory panel to recommend to the department clinically appropriate health care utilization management and coverage decisions for the medical assistance program and the expansion population which are not otherwise addressed by the Iowa medical assistance drug utilization review commission created pursuant to section 249A.24 or the medical assistance pharmaceutical and therapeutics committee established pursuant to section 249A.20A. The meetings shall be conducted in accordance with chapter 21 and shall be open to the public except to the extent necessary to prevent the disclosure of confidential medical information.

~~2. The medical director of the Iowa Medicaid enterprise shall report on a quarterly basis to the medical assistance projections and assessment council established pursuant to section 249J.20 and the medical assistance advisory council created pursuant to section 249A.4B, any recommendations made by the panel and adopted by rule of the department pursuant to chapter 17A regarding clinically appropriate health care utilization management and coverage under the medical assistance program and the expansion population.~~

3. ~~2.~~ The medical director of the Iowa Medicaid enterprise shall prepare an annual report summarizing the recommendations made by the panel and adopted by rule of the department regarding clinically appropriate health care utilization management and coverage under the medical assistance program and the expansion population.

Sec. 15. Section 249J.19, Code 2009, is amended to read as follows:

249J.19 Health care services pricing and reimbursement of providers.

The department shall ~~may~~ annually collect data on third-party payor rates in the state and, as appropriate, the usual and customary charges of health care providers, including the reimbursement rates paid to providers and by third-party payors participating in the medical assistance program and through the expansion population. The department shall consult with the division of insurance of the department of commerce in adopting administrative rules specifying the reporting format and guaranteeing the confidentiality of the information provided by the providers and third-party payors. ~~The~~ If collected, the department shall review the data and make recommendations to the governor and the general assembly regarding pricing changes and reimbursement rates annually by January 1. Any recommended pricing changes or changes in reimbursement rates shall not be implemented without express authorization by the general assembly.

Sec. 16. Section 249J.21, Code 2009, is amended to read as follows:

249J.21 Payments to health care providers based on actual costs.

~~Payments, including graduate medical education payments, under the medical assistance program and the expansion population to each public hospital and each public nursing facility shall not exceed the actual medical assistance costs of each such facility reported on the Medicare hospital and hospital health care complex cost report submitted to the centers for Medicare and Medicaid services of the United States department of health and human services. Each public hospital and each public nursing facility shall retain one hundred~~

percent of the medical assistance payments earned under state reimbursement rules. State reimbursement rules may provide for reimbursement at less than actual cost.

Sec. 17. Section 249J.22, Code 2009, is amended to read as follows:

249J.22 Independent annual audit.

The department shall contract with a certified public accountant to provide an analysis, on an annual basis, to the governor and the general assembly regarding compliance of the verifying that the Iowa medical assistance program with each of the following:

~~1. That the state has not instituted any new provider taxes as defined by the centers for Medicare and Medicaid services of the United States department of health and human services.~~

~~2. That public hospitals and public nursing facilities are not paid more than the actual costs of care for medical assistance program and disproportionate share hospital program recipients based upon Medicare program principles of accounting and cost reporting.~~

~~3. That the state is not recycling federal funds provided under Title Tit. XIX of the Social Security Act as defined by the centers for Medicare and Medicaid services of the United States department of health and human services.~~

Sec. 18. Section 249J.23, subsection 3, Code 2009, is amended to read as follows:

3. Moneys deposited in the account for health care transformation shall be used only as provided in appropriations from the account for the costs associated with certain services provided to the expansion population pursuant to section 249J.6, ~~certain initiatives to be designed pursuant to section 249J.8, the case-mix adjusted reimbursement system for persons with mental retardation or developmental disabilities pursuant to section 249J.12,~~ certain health promotion partnership activities pursuant to section 249J.14, the cost and quality performance evaluation pursuant to section 249J.16, auditing requirements pursuant to section 249J.22, the provision of additional indigent patient care and treatment, and administrative costs associated with this chapter.

Sec. 19. Section 249J.24, Code Supplement 2009, is amended to read as follows:

249J.24 IowaCare account.

1. An IowaCare account is created in the state treasury under the authority of the department of human services. Moneys appropriated from the general fund of the state to the account, moneys received as federal financial participation funds under the expansion population provisions of this chapter and credited to the account, moneys received for disproportionate share hospitals and credited to the account, moneys received for graduate medical education and credited to the account, proceeds distributed from the county treasurer as specified in subsection ~~6~~ 4, and moneys from any other source credited to the account shall be deposited in the account. Moneys deposited in or credited to the account shall be used only as provided in appropriations or distributions from the account for the purposes specified in the appropriation or distribution. Moneys in the account shall be appropriated to the university of Iowa hospitals and clinics, and to a publicly owned acute care teaching hospital located in a county with a population over three hundred fifty thousand, ~~and to the state hospitals for persons with mental illness designated pursuant to section 226.1~~ for the purposes provided in the federal law making the funds available or as specified in the state appropriation and shall be distributed as determined by the department.

2. The account shall be separate from the general fund of the state and shall not be considered part of the general fund of the state. The moneys in the account shall not be considered revenue of the state, but rather shall be funds of the account. The moneys in the account are not subject to section 8.33 and shall not be transferred, used, obligated, appropriated, or otherwise encumbered, except to provide for the purposes of this chapter. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys deposited in the account shall be credited to the account.

3. The department shall adopt rules pursuant to chapter 17A to administer the account.

~~4. The treasurer of state shall provide a quarterly report of activities and balances of the account to the director.~~

~~5. Notwithstanding section 262.28 or any provision of this chapter to the contrary, payments to be made to participating public hospitals under this section shall be made on a prospective basis in twelve equal monthly installments based upon the amount appropriated or allocated, as applicable to a specific public hospital, in a specific fiscal year. After the close of the fiscal year, the department shall determine the amount of the payments attributable to the state general fund, federal financial participation funds collected for expansion population services, graduate medical education funds, and disproportionate share hospital funds, based on claims data and actual expenditures.~~

6. ~~4. a.~~ Notwithstanding any provision to the contrary, for the collection of taxes levied under section 347.7 for which the collection is performed after July 1, 2005, the county treasurer of a county with a population over three hundred fifty thousand in which a publicly owned acute care teaching hospital is located shall distribute the proceeds collected pursuant to section 347.7 in a total amount of ~~thirty-four~~ thirty-eight million dollars annually, which would otherwise be distributed to the county hospital, to the treasurer of state for deposit in the IowaCare account under this section as follows:

(1) The first ~~seventeen~~ nineteen million dollars in collections pursuant to section 347.7 between July 1 and December 31 annually shall be distributed to the treasurer of state for deposit in the IowaCare account and collections during this time period in excess of ~~seventeen~~ nineteen million dollars shall be distributed to the acute care teaching hospital identified in this subsection.

(2) The first ~~seventeen~~ nineteen million dollars in collections pursuant to section 347.7 between January 1 and June 30 annually shall be distributed to the treasurer of state for deposit in the IowaCare account and collections during this time period in excess of ~~seventeen~~ nineteen million dollars shall be distributed to the acute care teaching hospital identified in this subsection.

b. The board of trustees of the acute care teaching hospital identified in this subsection and the department shall execute an agreement under chapter 28E by July 1, 2005, and annually by July 1, thereafter, to specify the requirements relative to distribution of the proceeds and the distribution of moneys to the hospital from the IowaCare account. The agreement shall include provisions relating to exceptions to the deadline for submission of clean claims as required pursuant to section 249J.7 and provisions relating to data reporting requirements regarding the expansion population. The agreement may also include a provision allowing such hospital to limit access to such hospital by expansion population members based on residency of the member, if such provision reflects the policy of such hospital regarding indigent patients existing on April 1, 2005, as adopted by its board of hospital trustees.

c. Notwithstanding the specified amount of proceeds to be distributed under this subsection, if the amount allocated that does not require federal matching funds under an appropriation in a subsequent fiscal year to such hospital for medical and surgical treatment of indigent patients, for provision of services to expansion population members, and for medical education, is reduced from the amount allocated that does not require federal matching funds under the appropriation for the fiscal year beginning July 1, 2005 2010, the amount of proceeds required to be distributed under this subsection in that subsequent fiscal year shall be reduced in the same amount as the amount allocated that does not require federal matching funds under that appropriation.

~~7. The state board of regents, on behalf of the university of Iowa hospitals and clinics, and the department shall execute an agreement under chapter 28E by July 1, 2005, and annually by July 1, thereafter, to specify the requirements relating to distribution of moneys to the hospital from the IowaCare account. The agreement shall include provisions relating to exceptions to the deadline for submission of clean claims as required pursuant to section 249J.7 and provisions relating to data reporting requirements regarding the expansion population.~~

8. The state and any county utilizing the acute care teaching hospital located in a county with a population over three hundred fifty thousand for mental health services prior to July 1, 2005, shall annually enter into an agreement with such hospital to pay a per diem amount that is not less than the per diem amount paid for those mental health services in effect for the fiscal year beginning July 1, 2004, for each individual including each expansion population member accessing mental health services at that hospital on or after July 1, 2005.

~~Any payment made under such agreement for an expansion population member pursuant to this chapter shall be considered by the department to be payment by a third-party payor.~~

Sec. 20. Section 249J.25, Code 2009, is amended to read as follows:

249J.25 Limitations.

1. The provisions of this chapter shall not be construed, are not intended as, and shall not imply a grant of entitlement for services to individuals who are eligible for assistance under this chapter or for utilization of services that do not exist or are not otherwise available on July 1, ~~2005~~ 2010. Any state obligation to provide services pursuant to this chapter is limited to the extent of the funds appropriated or distributed for the purposes of this chapter.

2. The provisions of this chapter shall not be construed and are not intended to affect the provision of services to recipients of medical assistance existing on July 1, ~~2005~~ 2010.

Sec. 21. Section 249J.26, Code 2009, is amended to read as follows:

249J.26 Audit — future repeal.

1. The state auditor shall complete an audit of the provisions implemented pursuant to this chapter during the fiscal year beginning July 1, ~~2009~~ 2012, and shall submit the results of the audit to the governor and the general assembly by January 1, ~~2010~~ 2013.

2. This chapter is repealed ~~June 30, 2010~~ October 31, 2013.

Sec. 22. REPEAL. Sections 249J.12 and 249J.15, Code 2009, are repealed.

DIVISION II
CONFORMING PROVISIONS

Sec. 23. Section 135.159, subsection 9, Code Supplement 2009, is amended to read as follows:

9. The department shall coordinate the requirements and activities of the medical home system with the requirements and activities of the dental home for children as described in section 249J.14, ~~subsection 7~~, and shall recommend financial incentives for dentists and nondental providers to promote oral health care coordination through preventive dental intervention, early identification of oral disease risk, health care coordination and data tracking, treatment, chronic care management, education and training, parental guidance, and oral health promotions for children.

Sec. 24. Section 218.78, subsection 1, Code 2009, is amended to read as follows:

1. All institutional receipts of the department of human services, including funds received from client participation at the state resource centers under section 222.78 and at the state mental health institutes under section 230.20, shall be deposited in the general fund except for reimbursements for services provided to another institution or state agency, for receipts deposited in the revolving farm fund under section 904.706, for deposits into the medical assistance fund under section 249A.11, ~~for any deposits into the medical assistance fund of any medical assistance payments received through the expansion population program pursuant to chapter 249J~~, and rentals charged to employees or others for room, apartment, or house and meals, which shall be available to the institutions.

Sec. 25. Section 230.20, subsection 2, paragraph a, Code 2009, is amended to read as follows:

a. The superintendent shall certify to the department the billings to each county for services provided to patients chargeable to the county during the preceding calendar quarter. The county billings shall be based on the average daily patient charge and other service charges computed pursuant to subsection 1, and the number of inpatient days and other service units chargeable to the county. However, a county billing shall be decreased by an amount equal to reimbursement by a third party payor or estimation of such reimbursement from a claim submitted by the superintendent to the third party payor for the preceding calendar quarter. When the actual third party payor reimbursement is greater or less than estimated, the difference shall be reflected in the county billing in the calendar quarter the actual third party payor reimbursement is determined. ~~For the purposes of this paragraph,~~

~~“third party payor reimbursement” does not include reimbursement provided under chapter 249J.~~

Sec. 26. Section 230.20, subsections 5 and 6, Code 2009, are amended to read as follows:

5. An individual statement shall be prepared for a patient on or before the fifteenth day of the month following the month in which the patient leaves the mental health institute, and a general statement shall be prepared at least quarterly for each county to which charges are made under this section. Except as otherwise required by sections 125.33 and 125.34 the general statement shall list the name of each patient chargeable to that county who was served by the mental health institute during the preceding month or calendar quarter, the amount due on account of each patient, and the specific dates for which any third party payor reimbursement received by the state is applied to the statement and billing, and the county shall be billed for eighty percent of the stated charge for each patient specified in this subsection. ~~For the purposes of this subsection, “third party payor reimbursement” does not include reimbursement provided under chapter 249J.~~ The statement prepared for each county shall be certified by the department and a duplicate statement shall be mailed to the auditor of that county.

6. All or any reasonable portion of the charges incurred for services provided to a patient, to the most recent date for which the charges have been computed, may be paid at any time by the patient or by any other person on the patient’s behalf. Any payment made by the patient or other person, and any federal financial assistance received pursuant to Title XVIII or XIX of the federal Social Security Act for services rendered to a patient, shall be credited against the patient’s account and, if the charges paid as described in this subsection have previously been billed to a county, reflected in the mental health institute’s next general statement to that county. ~~However, any payment made under chapter 249J shall not be reflected in the mental health institute’s next general statement to that county.~~

Sec. 27. Section 249A.11, Code 2009, is amended to read as follows:

249A.11 Payment for patient care segregated.

A state resource center or mental health institute, upon receipt of any payment made under this chapter for the care of any patient, shall segregate an amount equal to that portion of the payment which is required by law to be made from nonfederal funds ~~except for any nonfederal funds received through the expansion population program pursuant to chapter 249J which shall be deposited in the IowaCare account created pursuant to section 249J.24.~~ The money segregated shall be deposited in the medical assistance fund of the department of human services.

Sec. 28. REPEAL. Chapter 219, Code 2009, is repealed.

Approved April 21, 2010

CHAPTER 1142

CHILD SUPPORT — MISCELLANEOUS CHANGES

S.F. 2158

AN ACT relating to child support recovery including child support provisions for minor parents, medical support, and the review and adjustment process.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 252B.5, subsection 2, Code Supplement 2009, is amended to read as follows:

2. Aid in establishing paternity and securing a court or administrative order for support pursuant to chapter 252A, 252C, 252F, or 600B, or any other chapter providing for the establishment of paternity or support. In an action to establish support, the resident parent may be a proper party defendant for purposes of determining medical support as provided in section 252E.1A upon service of notice as provided in this chapter and without a court order as provided in the rules of civil procedure. The unit's independent cause of action shall not bar a party from seeking support in a subsequent proceeding.

Sec. 2. Section 252F.1, subsection 4, Code Supplement 2009, is amended to read as follows:

4. "Party" means a putative father or a mother, as named in an action.

Sec. 3. Section 252F.4, subsections 1 through 4, Code Supplement 2009, are amended to read as follows:

1. If ~~both parties fail~~ each party fails to respond to the initial notice within twenty days after the date of service of the notice or ~~fail fails~~ to appear at a conference pursuant to section 252F.3 on the scheduled date of the conference, and paternity has not been contested and ~~both parties fail~~ each party fails to timely request a court hearing on the issue of support, the administrator shall enter an order against the parties, declaring the putative father to be the legal father of the child or children involved and assessing any accrued and accruing child support obligation pursuant to the guidelines established under section 598.21B, and medical support pursuant to chapter 252E.

2. If paternity is contested pursuant to section 252F.3, subsection 6, and the party contesting paternity fails to appear for a paternity test and fails to request a rescheduling pursuant to section 252F.3, or fails to appear for both the initial and the rescheduled paternity tests and ~~both parties fail~~ each party fails to timely request a court hearing on the issue of support, the administrator shall enter an order against the parties declaring the putative father to be the legal father of the child or children involved and assessing any accrued and accruing child support obligation pursuant to the guidelines established under section 598.21B, and medical support pursuant to chapter 252E.

3. If a conference pursuant to section 252F.3 is held, and paternity is not contested, and ~~both parties fail~~ each party fails to timely request a court hearing on the issue of support, the administrator shall enter an order against the parties after the second notice has been sent declaring the putative father to be the legal father of the child or children involved and assessing any accrued and accruing child support obligation pursuant to the guidelines established under section 598.21B, and medical support pursuant to chapter 252E.

4. If paternity was contested and paternity testing was performed and the putative father was not excluded, if the test results indicate that the probability of the putative father's paternity is ninety-five percent or greater, if the test results are not timely challenged, and if ~~both parties fail~~ each party fails to timely request a court hearing on the issue of support, the administrator shall enter an order against the parties declaring the putative father to be the legal father of the child or children involved and assessing any accrued and accruing child support obligation pursuant to the guidelines established under section 598.21B, and medical support pursuant to chapter 252E.

Sec. 4. Section 252H.7, subsection 1, unnumbered paragraph 1, Code 2009, is amended to read as follows:

A parent may waive the ~~thirty-day~~ fifteen-day prereview waiting period provided for in section 252H.16.

Sec. 5. Section 252H.7, subsection 1, paragraph a, Code 2009, is amended to read as follows:

a. Upon receipt of signed requests from both parents waiving the prereview waiting period, the unit may conduct a review of the support order prior to the expiration of the ~~thirty-day~~ fifteen-day period provided in section 252H.16.

Sec. 6. Section 252H.8, subsections 1 and 7, Code 2009, are amended to read as follows:

1. For actions initiated under section 252H.15, either parent or the unit may request a court hearing within ~~thirty~~ fifteen days from the date of issuance of the notice of decision under section 252H.16, or within ten days of the date of issuance of the second notice of decision under section 252H.17, whichever is later.

7. For actions initiated under section 252H.15, a hearing shall not be held for at least ~~thirty-one~~ sixteen days following the date of issuance of the notice of decision unless the parents have jointly waived, in writing, the ~~thirty-day~~ fifteen-day postreview period.

Sec. 7. Section 252H.14A, subsection 1, Code 2009, is amended to read as follows:

1. Notwithstanding section 252H.15, ~~to assist the unit in meeting the requirement for reviews and adjustments under the federal Deficit Reduction Act of 2005, Pub. L. No. 109-171,~~ the unit may use procedures under this section to review a support order if all the following apply:

a. One of the following applies:

(1) The right to ongoing child support is assigned to the state of Iowa due to the receipt of family investment program assistance, and a review of the support order is required under section 7302 of the federal Deficit Reduction Act of 2005, Pub. L. No. 109-171.

(2) A parent requests a review, provides the unit with financial information as part of that request, and the order meets the criteria for review under this subchapter.

b. The unit has access to information concerning the financial circumstances of each parent and one of the following applies:

(1) The parent is a recipient of family investment program assistance, medical assistance, or food assistance from the department.

(2) The parent's income is from supplemental security income paid pursuant to 42 U.S.C. § 1381a.

(3) The parent is a recipient of disability benefits under the Act because of the parent's disability.

(4) The parent is an inmate of an institution under the control of the department of corrections.

(5) The unit has access to information described in section 252B.7A, subsection 1, paragraph "c".

Sec. 8. Section 252H.16, subsection 2, Code 2009, is amended to read as follows:

2. Unless both parents have waived the prereview notice period as provided for in section 252H.7, the review shall not be conducted for at least ~~thirty~~ fifteen days from the date both parents were successfully served with the notice required in section 252H.15.

Sec. 9. Section 598.21B, subsection 2, paragraph e, unnumbered paragraph 1, Code Supplement 2009, is amended to read as follows:

Unless the special circumstances of the case justify a deviation, the court or the child support recovery unit shall establish a monthly child support payment of ~~twenty-five dollars in accordance with the guidelines~~ for a parent who is nineteen years of age or younger, who has not received a high school or high school equivalency diploma, and to whom each of the following apply:

Sec. 10. RULES. Until the department of human services amends rules pursuant to chapter 17A necessary to conform with the sections of this Act amending sections 252H.7, 252H.8, 252H.14A, and 252H.16, any existing rule relating to review and adjustment of support orders shall apply as follows:

1. Any provision for a time limit that conflicts with a provision of this Act amending section 252H.7, 252H.8, or 252H.16, shall not apply.

2. Any rule that applies to review and adjustment of support orders shall also apply to review under section 252H.14A, as amended by this Act, except that a provision for a time

limit, notice, or other procedure which conflicts with a provision of section 252H.14A, as amended by this Act, shall not apply.

Approved April 21, 2010

CHAPTER 1143

CHILD IN NEED OF ASSISTANCE PROCEEDINGS — GUARDIANSHIPS — TRANSFER TO PROBATE COURT

S.F. 2200

AN ACT relating to transfer of guardianship for a child in need of assistance to the probate court.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 232.104, subsection 7, Code 2009, is amended to read as follows:

7. *a.* Following an initial permanency hearing and the entry of a permanency order which places a child in the custody or guardianship of another person or agency, the court shall retain jurisdiction and annually review the order to ascertain whether the best interest of the child is being served. When the order places the child in the custody of the department for the purpose of long-term foster care placement in a facility, the review shall be in a hearing that shall not be waived or continued beyond twelve months after the initial permanency hearing or the last permanency review hearing. Any modification shall be accomplished through a hearing procedure following reasonable notice. During the hearing, all relevant and material evidence shall be admitted and procedural due process shall be provided to all parties.

b. In lieu of the procedures specified in paragraph "a", the court may close the child in need of assistance case by transferring jurisdiction over the child's guardianship to the probate court. The court shall inform the proposed guardian of the guardian's reporting duties under section 633.669 and other duties under the probate code. Upon transferring jurisdiction, the court shall direct the probate clerk, once the proposed guardian has filed an oath of office and identification in accordance with section 602.6111, to issue letters of appointment for guardianship and docket the case in probate. Records contained in the probate case file that were copied or transferred from the juvenile court file concerning the case shall be subject to section 232.147 and other confidentiality provisions of this chapter for cases not involving juvenile delinquency.

Sec. 2. Section 633.559, Code 2009, is amended to read as follows:

633.559 Preference as to appointment of guardian.

The Except for a minor child for whom the court's jurisdiction over the child's guardianship was established pursuant to transfer of the child's case in accordance with section 232.104, the parents of a minor child, or either of them, if qualified and suitable, shall be preferred over all others for appointment as guardian. Preference shall then be given to any person, if qualified and suitable, nominated as guardian for a minor child by a will executed by the parent having custody of a minor child, and any qualified and suitable person requested by a minor fourteen years of age or older, or by standby petition executed by a person having physical and legal custody of a minor. Subject to these preferences, the court shall appoint as guardian a qualified and suitable person who is willing to serve in that capacity.

Sec. 3. Section 633.675, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 5. Notwithstanding subsections 1 through 4, if the court appointed a guardian for a minor child for whom the court's jurisdiction over the child's guardianship was established pursuant to transfer of the child's case in accordance with section 232.104, the court shall not enter an order terminating the guardianship before the child becomes age

eighteen unless the court finds by clear and convincing evidence that the best interests of the child warrant a return of custody to the child's parent.

Sec. 4. Section 633.679, Code 2009, is amended to read as follows:

633.679 Petition to terminate — cases transferred from juvenile court — request for voting rights reinstatement.

1. ~~At~~ Except as otherwise provided in subsection 2, at any time after the appointment of a guardian or conservator, the person under guardianship or conservatorship may apply to the court by petition, alleging that the person is no longer a proper subject thereof, and asking that the guardianship or conservatorship be terminated.

2. Unless the child or guardian dies or other exceptional circumstances arise, if the court has appointed a guardian for a minor child for whom the court's jurisdiction over the child's guardianship was established pursuant to transfer of the child's case in accordance with section 232.104, a petition shall not be filed asking that the guardianship be terminated or modified until at least six months has elapsed from the date the order was entered appointing the guardian.

3. A person under an order appointing a guardian which order found the person incompetent to vote may include a request for reinstatement of the person's voting rights in a petition to terminate the guardianship or by filing a separate petition for modification of this determination.

Approved April 21, 2010

CHAPTER 1144

VIOLATOR FACILITIES

S.F. 2344

AN ACT relating to the violator facility established within the department of corrections.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 904.206, Code 2009, is amended to read as follows:

904.206 Newton correctional facility.

The correctional facility at Newton shall be utilized as a correctional facility. The facility ~~shall~~ may include minimum security facilities and violator facilities pursuant to section 904.207.

Approved April 21, 2010

CHAPTER 1145

ADMINISTRATION OF SALES AND USE TAXES

S.F. 2375

AN ACT relating to the administration of the sales and use taxes under the streamlined sales tax agreement and including effective date provisions.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 321.105A, subsection 2, paragraph a, unnumbered paragraph 1, Code Supplement 2009, is amended to read as follows:

For purposes of this subsection, “purchase price” applies to the measure subject to the fee for new registration. “Purchase price” shall be determined in the same manner as “sales price” is determined for purposes of computing the tax imposed upon the sales price of tangible personal property under chapter 423, pursuant to the definition of sales price in section 423.1, ~~subsection 47~~, subject to the following exemptions:

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

NEW SUBSECTION. 0A. “*Affiliate*” means any entity to which any of the following applies:

- a. Directly, indirectly, or constructively controls another entity.
- b. Is directly, indirectly, or constructively controlled by another entity.
- c. Is subject to the control of a common entity. A common entity is one which owns directly or individually more than ten percent of the voting securities of the entity.

Sec. 3. Section 423.1, subsections 27, 28, and 29, Code 2009, are amended to read as follows:

27. “*Model 1 seller*” is a seller registered under the agreement that has selected a certified service provider as its agent to perform all the seller’s sales and use tax functions, other than the seller’s obligation to remit tax on its own purchases.

28. “*Model 2 seller*” is a seller registered under the agreement that has selected a certified automated system to perform part of its sales and use tax functions, but retains responsibility for remitting the tax.

29. “*Model 3 seller*” is a seller registered under the agreement that has sales in at least five member states, has total annual sales revenue of at least five hundred million dollars, has a proprietary system that calculates the amount of tax due each jurisdiction, and has entered into a performance agreement with the member states that establishes a tax performance standard for the seller. As used in this definition, a “*seller*” includes an affiliated group of sellers using the same proprietary system.

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

NEW SUBSECTION. 29A. “*Model 4 seller*” is a seller registered under the agreement that is not a model 1, model 2, or model 3 seller.

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

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

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

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

NEW SUBSECTION. 52A. “*State agency*” means an authority, board, commission, department, instrumentality, or other administrative office or unit of this state, or any other state entity reported in the Iowa comprehensive annual financial report, including public institutions of higher education.

NEW SUBSECTION. 62. “*Voting security*” means a security to which any of the following applies:

- a. Confers upon the holder the right to vote for the election of members of the board of directors or similar governing body of the entity.
- b. Is convertible into, or entitles the holder to receive upon its exercise, a security that confers such a right to vote.
- c. Is a general partnership interest.

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

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

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

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

(3) Sales of prepaid telephone calling cards and prepaid authorization numbers services and prepaid wireless calling services.

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

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

(5) Sales of optional service or warranty contracts for computer software maintenance or support services.

(a) If a service or warranty contract does not specify a fee amount for nontaxable services or taxable personal property, the tax imposed pursuant to this section shall be imposed upon an amount equal to one-half of the sales price of the contract.

(b) If a service or warranty contract provides only for technical support services, no tax shall be imposed pursuant to this section.

(6) Subparagraphs (4) and (5) shall also apply to the use tax imposed under section 423.5.

Sec. 9. Section 423.2, subsection 10, Code 2009, is amended to read as follows:

10. a. Any person or that person's affiliate, which is a retailer in this state or a retailer maintaining a place of business in this state under this chapter, that enters into a contract with an agency of this state must register, collect, and remit Iowa sales tax under this chapter on all sales of tangible personal property and enumerated services.

b. Every bid submitted and each contract executed by a state agency shall contain a certification by the bidder or contractor stating that the bidder or contractor is registered with the department and will collect and remit Iowa sales tax due under this chapter. In the certification, the bidder or contractor shall also acknowledge that the state agency may declare the contract or bid void if the certification is false. Fraudulent certification, by act or omission, may result in the state agency or its representative filing for damages for breach of contract.

For the purposes of this subsection, the following definitions apply:

a. "Affiliate" means any entity to which any of the following applies:

(1) Directly, indirectly, or constructively controls another entity.

(2) Is directly, indirectly, or constructively controlled by another entity.

(3) Is subject to the control of a common entity. A common entity is one which owns directly or individually more than ten percent of the voting securities of the entity.

b. "State agency" means an authority, board, commission, department, instrumentality, or other administrative office or unit of this state, or any other state entity reported in the Iowa comprehensive annual financial report, including public institutions of higher education.

c. "Voting security" means a security to which any of the following applies:

(1) Confers upon the holder the right to vote for the election of members of the board of directors or similar governing body of the entity.

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

(3) Is a general partnership interest.

Sec. 10. Section 423.5, subsection 8, Code 2009, is amended to read as follows:

8. Any person or that person's affiliate, which is a retailer in this state or a retailer maintaining a place of business in this state under this chapter, that enters into a contract with an agency of this state must register, collect, and remit Iowa use tax under this chapter on all sales of tangible personal property and enumerated services. Every bid submitted and each contract executed by a state agency shall contain a certification by the bidder or contractor stating that the bidder or contractor is registered with the department and will collect and remit Iowa use tax due under this chapter. In the certification, the bidder or contractor shall also acknowledge that the state agency may declare the contract or bid void if the certification is false. Fraudulent certification, by act or omission, may result in the state agency or its representative filing for damages for breach of contract.

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

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

423.46 Rate and base changes — liability for failure to collect.

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

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

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

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

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

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

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

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

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

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

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

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

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

423.49 Return requirements — electronic filing.

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

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

3. The department shall provide to all registered and unregistered sellers, except sellers of products qualifying for exclusion from the provisions of section 308 of the agreement, a simplified return that can be filed electronically.

a. The simplified return shall be provided in a form approved by the governing board and shall not contain a field unless that field has been approved by the governing board.

b. The simplified return shall contain two parts. The first part shall contain information relating to remittances and allocations. The second part shall contain information relating to exempt sales.

c. The department shall notify the governing board if the submission of the second part of the return is no longer necessary.

d. The department shall not require a model 4 seller to submit the second part of the simplified return but may provide for another means of collecting the information contained in the second part of the return as described in subsection 4, paragraph "e".

4. a. A certified service provider shall file a simplified return electronically on behalf of a model 1 seller and shall file audit reports for the seller as provided for in article V of the rules and procedures of the agreement.

b. A certified service provider shall file the first part of the simplified return, as described in subsection 3, once per month, as required pursuant to subsection 1.

c. A model 1 seller may file both the first and second parts of the simplified return. Model 1 sellers filing both parts shall also file audit reports as described in paragraph "a".

d. A model 4 seller may elect to file a simplified return. Model 4 sellers electing to do so shall file the first part of the return each month.

e. A model 4 seller required to register in the state may submit the information collected in the second part of the return in one of the following ways:

(1) By filing monthly both the first and second parts electronically on a simplified return as described in subsection 3.

(2) By filing the second part together with the required December filing of the first part. A seller filing the second part of a return pursuant to this subparagraph shall include information for all months of that calendar year and shall report the information in an annual rather than a monthly fashion.

(3) The department shall notify the governing board prior to requiring the submission of the second part of the simplified return pursuant to this paragraph "e".

5. The department shall adopt rules for the filing of returns by a model 4 seller electing not to file a simplified return pursuant to this section.

6. A seller which has previously elected to file a simplified return shall provide at least three months' notice of an intent to discontinue the filing of such returns.

7. a. A seller making the election under section 423.48, subsection 3, paragraph "d", is exempt from the requirements of this section and shall not be required to file a return.

b. The exemption allowed under paragraph "a" is only applicable as long as a seller makes no taxable sales in this state. If a seller makes a taxable sale in this state, the seller shall file a return the month after such a sale is made.

8. A seller may file a return for more than one legal entity at the same time only if such entities are affiliated.

9. The department shall adopt a standardized process for the transmission and receipt of returns and related information. The adoption of a procedure pursuant to this subsection is subject to the approval of the governing board.

10. a. The department shall notify a seller registered under the agreement that has no obligation to register in this state of a failure to file a return required under this section and allow the seller at least thirty days after such notification to file the return.

b. A liability amount may be established for an assessment of taxes based solely on a seller's failure to timely file a return if such seller has a history of nonfiling or late filing.

Sec. 16. Section 423.50, Code 2009, is amended by adding the following new subsection:
NEW SUBSECTION. 5. The department shall adopt a standardized process for the remittance of tax payments. The procedure shall have the capability of processing multiple payments and simplified returns by affiliated entities, certified service providers, or tax preparers. The process adopted pursuant to this subsection is subject to the approval of the governing board.

Sec. 17. EFFECTIVE UPON ENACTMENT. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved April 21, 2010

CHAPTER 1146

COLLECTION OF DEBTS OWED TO THE STATE AND CITIES

S.F. 2383

AN ACT relating to the collection of debt obligations owed the state and cities and establishing a state debt coordinator, providing a fee, and including effective date provisions.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 8A.504, subsection 3, Code 2009, is amended to read as follows:

3. In the case of multiple claims to payments filed under this section, priority shall be given to claims filed by the child support recovery unit or the foster care recovery unit, next priority shall be given to claims filed by the clerk of the district court, next priority shall be given to claims filed by the college student aid commission, next priority shall be given to claims filed by the investigations division of the department of inspections and appeals, ~~next priority shall be given to claims filed by a clerk of the district court~~, and last priority shall be given to claims filed by other state agencies. In the case of multiple claims in which the priority is not otherwise provided by this subsection, priority shall be determined in accordance with rules to be established by the director.

Sec. 2. Section 321.40, subsection 6, Code Supplement 2009, is amended to read as follows:

6. a. The department or the county treasurer shall refuse to renew the registration of a vehicle registered to the applicant if the department or the county treasurer knows that the applicant has a delinquent account, charge, fee, loan, taxes, or other indebtedness owed to or being collected by the state, from information provided pursuant to sections 8A.504 and 421.17. An applicant may contest this action by requesting a contested case proceeding from the agency that referred the debt for collection pursuant to section 8A.504. The department of revenue and the department of transportation shall notify the county treasurers through the distributed teleprocessing network of persons who owe such a delinquent account, charge, fee, loan, taxes, or other indebtedness.

b. The county treasurer of the county of the person's residence and in which the person's vehicle is registered, in cooperation with the department of revenue, may collect delinquent taxes including penalties and interest owed to the state from a person applying for renewal of a vehicle registration. The applicant may remit full payment of the taxes including applicable penalties and interest, along with a processing fee of five dollars, to the county treasurer at the time of registration renewal. Upon full payment of the required taxes including applicable penalties and interest, the processing fee, and the vehicle registration fee, the county treasurer shall issue the registration to the person. A county treasurer collecting on behalf of the department of revenue shall update the vehicle registration records through the distributed teleprocessing network on a daily basis for all persons who have paid taxes

pursuant to this subsection. A county treasurer shall forward all funds collected for the department of revenue to the department of revenue.

Sec. 3. Section 321.40, subsection 9, Code Supplement 2009, is amended to read as follows:

9. *a.* The clerk of the district court shall notify the county treasurer of any delinquent court debt, as defined in section 602.8107, which is being collected by the centralized collection unit of the department of revenue pursuant to section 602.8107, subsection 3, or the county attorney pursuant to section 602.8107, subsection 4. The county treasurer shall refuse to renew the vehicle registration of the applicant upon such notification from the clerk of the district court in regard to such applicant.

b. If the applicant enters into or renews a payment plan that is satisfactory to the centralized collection unit of the department of revenue, the county attorney, or the county attorney's designee, the centralized collection unit or the county attorney shall provide the county treasurer with written or electronic notice of the payment plan within five days of entering into such a plan. The county treasurer shall temporarily lift the registration hold on an applicant for a period of ten days if the treasurer receives such notice in order to allow the applicant to register a vehicle for the year. If the applicant remains current with the payment plan entered into with the centralized collection unit or the county attorney or the county attorney's designee, subsequent lifts of registration holds shall be granted without additional restrictions.

Sec. 4. Section 321.152, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 2A. The five dollar processing fee charged by a county treasurer for collection of tax debt owed to the department of revenue pursuant to section 321.40, subsection 6, shall be retained for deposit in the county general fund.

Sec. 5. Section 321.153, Code 2009, is amended to read as follows:

321.153 Treasurer's report to department.

1. The county treasurer on the tenth day of each month shall certify to the department a full and complete statement of all fees and penalties received by the county treasurer during the preceding calendar month and shall remit all moneys not retained for deposit under section 321.152 to the treasurer of state.

2. The distributed teleprocessing network shall be used in the collection, receipting, accounting, and reporting of any fee collected through the registration renewal or title process, with sufficient time and financial resources provided for implementation.

3. This section does not apply to fees collected or retained by a county treasurer pursuant to participation in county issuance of driver's licenses under chapter 321M.

4. This section does not apply to processing fees charged by a county treasurer for the collection of tax debt owed to the department of revenue pursuant to section 321.40.

Sec. 6. **NEW SECTION. 364.22B Collection of judgment debt.**

1. As used in this section, "*judgment debt*" means any criminal penalty, any personal judgment for a civil penalty, or any personal or in rem judgment for the costs of abating a nuisance or other violation, owing to a city in any proceeding brought as a municipal infraction under section 364.22, or in a civil nuisance proceeding under chapter 657, or in a criminal proceeding for a misdemeanor violation under a city ordinance.

2. Judgment debt owing to a city is deemed delinquent if it is not paid within thirty days after the date it is assessed. An amount which was ordered by the court to be paid on a date fixed in the future is deemed delinquent if it is not received by the clerk of court within thirty days after the fixed date set out in the court order. If an amount was ordered to be paid in installments and an installment is not received within thirty days after the date it is due, the entire amount of the judgment debt is deemed delinquent.

3. *a.* A city may contract with a private collection designee for the collection of judgment debt sixty days after the judgment debt in a case is deemed delinquent pursuant to subsection 2.

b. The contract shall provide for a collection fee of up to twenty-five percent of the amount of the balance of the judgment debt in a case deemed delinquent. The collection fee shall be

added to the amount of the judgment debt deemed delinquent. The amount of the judgment debt deemed delinquent and the collection fee shall be owed by and collected from the defendant. The collection fee shall be used to compensate the private collection designee.

Sec. 7. Section 421.17, subsection 27, Code 2009, is amended by adding the following new paragraph:

NEW PARAGRAPH. *k.* A county treasurer may collect delinquent taxes, including penalties and interest, administered by the department in conjunction with renewal of a vehicle registration as provided in section 321.40, subsection 6, paragraph “b”, and rules adopted pursuant to this paragraph. County treasurers shall be given access to information required for the collection of delinquent taxes, including penalties and interest, as necessary to accomplish the purposes of section 321.40, subsection 6, paragraph “b”. The confidentiality provisions of sections 422.20 and 422.72 do not apply to information provided by the department to a county treasurer pursuant to this paragraph. A county treasurer collecting taxes, penalties, and interest administered by the department is subject to the requirements and penalties of the confidentiality laws of this state regarding tax or indebtedness information. The director shall adopt rules to implement the collection of tax debt as authorized in section 321.40 and this paragraph.

Sec. 8. Section 421.17, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 31. *a.* To the extent permissible by federal law, to subpoena certain records held by a public or private utility company with respect to an individual who has a debt or obligation placed with the centralized collection unit of the department. The subpoena authority granted in this subsection may be used only after reasonable efforts have been made by the centralized collection unit to identify and locate the individual.

b. The department may subpoena customer records in order to obtain a telephone number and last known address, but shall not request or require the disclosure of transaction information, account activity, or proprietary information.

c. A public or private utility company shall respond to the subpoenas. The subpoenas shall not be served more frequently than quarterly.

d. The burden of showing reasonable cause to believe that the documents or records sought by the subpoena are necessary to assist the department under this subsection shall be upon the director. In administering this subsection, the director and the department shall comply with all applicable state and federal laws pertaining to the confidentiality or privacy of individuals or public or private utility companies. The information and customer records obtained by the department pursuant to this subsection are confidential records and are not subject to requests for examination pursuant to chapter 22.

e. A public or private utility company shall not be held liable for any action arising as a result of providing the records described in paragraph “b” or for any other action taken reasonably and in good faith to comply with this subsection.

f. As used in this subsection, “*public or private utility company*” means a public utility, cable, video, or satellite television company, cellular telephone company, or internet service provider.

Sec. 9. NEW SECTION. **421C.1 State debt coordinator — established — duties — authority.**

1. The office of the state debt coordinator is established within the department of revenue for administrative and budgetary purposes. The office is to be headed and administered by the state debt coordinator.

a. The governor shall appoint the coordinator, subject to senate confirmation. The coordinator shall possess an expert knowledge of and skills in the field of debt collection and have an intricate understanding of the workings of state government. The coordinator’s term of office shall be four years, beginning July 1 of the year of appointment and ending on June 30 of the year of expiration.

b. If a vacancy occurs in the office of the state debt coordinator, the vacancy shall be filled for the unexpired portion of the term in the same manner as the original appointment was made.

c. The coordinator shall not engage in any occupation, business, or profession that would interfere with or be inconsistent with the coordinator's duties. The coordinator shall not serve on or under any committee of any political party or actively campaign on behalf of a candidate for elective office.

2. The duties of the coordinator shall include all of the following:

a. Coordinating the internal operations of the office and developing and implementing policies and procedures designed to ensure the efficient administration of the office.

b. Appointing all personnel deemed necessary for the administration of the functions of the office as provided by this chapter.

c. Developing and recommending legislative proposals deemed necessary for the continued efficiency of the office's functions and reviewing legislative proposals related to matters within the office's purview.

d. Reviewing the debt collection practices of each branch of state government, except the practices related to the collection of delinquent child support obligations.

e. Coordinating the collection efforts of each branch of state government.

f. Making recommendations to the general assembly to improve and increase debt collection efficiencies and practices.

g. Filing a notice of a lien and negotiating a settlement as provided in section 421C.2.

h. Managing the debt settlement program established in section 421C.3.

i. Accepting and maintaining county attorney collection reports required under section 602.8107, subsection 4.

j. Accepting and reviewing county attorney applications to the debt settlement program as required by section 421C.4.

k. Adopting rules deemed necessary for the administration of this chapter in accordance with chapter 17A.

l. Assisting the director of revenue in preparing the annual budget request related to the office pursuant to section 8.23.

m. Reporting annually to the department of management and the legislative services agency on additional full-time equivalent positions added during the previous fiscal year and the direct and indirect costs related to adding such full-time equivalent positions.

3. The state debt coordinator shall have the authority to appoint a designee to carry out certain duties provided in this chapter.

4. Notwithstanding any other law to the contrary, the office of the state debt coordinator shall be provided access to all state debt collection information, including full viewing access to the Iowa court information system, for the purpose of collecting personal identifying information and collecting or coordinating debt collection efforts. This section does not apply to debt collection information related to delinquent child support obligations.

5. Personal identifying information or financial information obtained by the state debt coordinator or a designee shall not be divulged to any person or entity, other than to the debtor, unless the information is used in a matter related to the collection of a debt obligation owed the state.

Sec. 10. NEW SECTION. 421C.2 Notice of lien in civil action.

1. When a debt obligation is owed the state, the state debt coordinator, on behalf of the state, shall have a right to a lien against all monetary claims arising from a civil action which the debtor may file against a third party. A lien under this section becomes effective once the state debt coordinator files a notice of lien with the clerk of the district court in the county where the civil action identified by the state debt coordinator is filed and sends notice of the lien to the debtor and to the debtor's attorney or other representative, if applicable. To be effective against a monetary claim, the notice of lien must be filed before a third party has concluded a final settlement with the debtor, the debtor's attorney, or other representative. The lien shall only be effective against the monetary claim in the civil action against which the lien is filed. The third party shall obtain a written determination from the state debt coordinator concerning the amount of the lien before a settlement is deemed final for purposes of this section. A compromise, including but not limited to a settlement, waiver, or release, of a monetary claim under this section does not defeat the state debt coordinator's lien except upon written agreement by the coordinator or the coordinator's designee. A

settlement, award, or judgment structured in any manner that does not include a debt obligation owed the state does not defeat the state court debt coordinator's lien if there is any recovery by the debtor unless a written agreement has been entered into between the state debt coordinator or the coordinator's designee and the debtor.

2. The judicial branch shall cooperate with the state debt coordinator to determine the most efficient way to identify a debtor who has a claim against a third party. The state debt coordinator shall be provided viewing access to the Iowa court information system as provided in section 421C.1 to determine if a debtor owes a debt obligation to the state. The debtor's attorney shall not have the responsibility to notify the state that a debtor has filed a civil action against a third party.

3. The state debt coordinator's lien is valid and binding on an attorney, insurer, or other third party only upon actual notice given by the state debt coordinator.

4. An insurer or attorney representing a debtor on a monetary claim upon which the state debt coordinator has a lien under this section shall notify the state debt coordinator of a negotiated settlement or verdict, if actual notice of the lien has been provided in the following manner:

a. The mailing and deposit in a United States post office or public mailing box of the notice, addressed to the debtor and to the debtor's attorney or other representative, if applicable, at the location used for service of original notice.

b. The mailing and deposit in a United States post office or public mailing box of the notice, addressed to a third party, at the location used for service of original notice.

5. a. Upon resolution of the civil action against which a lien has been filed and actual notice of the lien has been given, the court costs and reasonable attorney fees and expenses, hospital liens filed pursuant to chapter 582 and other subrogated medical expenses shall first be deducted from any total judgment or settlement obtained. At least one-third of the remaining balance shall then be deducted and paid to the debtor. From the remaining balance, the state debt coordinator shall have the authority to negotiate a settlement of any debt obligation owed the state that is noted in the lien, including forgiving the entire balance due, based upon the circumstances of the case, costs incurred in pursuing the matter, and the element of the damages awarded. After deducting payments in accordance with this subsection and negotiating a settlement of the lien, any payments to satisfy the lien shall be paid to the state debt coordinator. The state debt coordinator shall transfer any moneys collected to the appropriate accounts to satisfy the debt owed. The state debt coordinator shall file a satisfaction of the lien in the civil action if the state debt coordinator, pursuant to this subsection, settles any part of the debt obligation owed the state.

b. In circumstances where a lien encompasses multiple claims by state entities, the priority of payment made to the state debt coordinator shall first be a credit against tax due as provided in section 422.73, and the remaining balance shall be distributed in accordance with section 8A.504, subsection 3.

c. During the negotiation process pursuant to this section the state debt coordinator shall make a determination whether the amount to be received by the coordinator under paragraph "a" shall be considered as full payment of the debt obligation owed the state. If the state debt coordinator settles any debt obligation owed the state that is for less than the actual amount owed the state, the state debt coordinator may determine that the debt obligation owed the state is paid in full. If settlement is reached that is for less than the amount of the debt obligation owed the state, and the state debt coordinator notifies the applicable state department, agency, or branch that the debt obligation is paid in full, the state department, agency, or branch receiving the notification shall indicate in the records of the state department, agency, or branch that the debt obligation owed the department, agency, or branch is paid in full.

6. Except as provided in subsection 7, the state debt coordinator may enforce its lien by a civil action against any liable third party if a judgment or settlement was paid to the debtor without notifying the state debt coordinator as provided in this section.

7. An insurance company that makes a payment to the debtor or the debtor's attorney in a civil action that is subject to a lien under this section shall have no further liability for the lien filed in the civil action.

8. As used in this section, unless the context otherwise requires:

a. “Insurance company” means an insurer organized or operating under chapter 508, 514, 514B, 515, 518, 518A, 519, or 520, or authorized to do business in Iowa as an insurer or an insurance producer under chapter 522B.

b. “Third party” means an individual, institution, corporation, or public or private agency which is or may be liable to pay all or part of a debtor’s monetary claim. “Third party” does not include a financial institution as defined in section 572.2.¹

Sec. 11. NEW SECTION. **421C.3 Debt settlement program.**

1. As used in this section, “eligible debt” means all delinquent court debt obligations defined pursuant to section 602.8107 and owed the state, except as provided in subsection 3. “Eligible debt” includes any interest and penalties assessed against such debt obligations.

2. The state debt coordinator, in consultation with the other branches of state government, shall establish a debt settlement program.

3. The following debt obligations are ineligible for the program:

a. Delinquent debt obligations that were imposed less than four years prior to the date of the application.

b. Victim restitution as defined in section 910.1.

c. Civil penalties assessed pursuant to section 321.218A, 321A.32A, or 321J.17.

d. Jail fees charged pursuant to section 356.7.

4. The following persons are ineligible for the program:

a. A person whose income level exceeds two hundred percent of the United States poverty level as defined by the most recently revised poverty income guidelines published by the United States department of health and human services.

(1) The coordinator may determine that a person whose income is at or below two hundred percent of the United States poverty level as defined by the most recently revised poverty income guidelines published by the United States department of health and human services, is ineligible for the program if the debt coordinator determines the person is able to pay the full amount of the delinquent debt.

(2) In making the determination of a person’s ability to pay the full amount of the delinquent debt, the state debt coordinator shall consider not only the person’s income, but also the availability of any assets subject to execution, including but not limited to cash, stocks, bonds, and any other property which may be applied to the eligible debt.

b. A person who is in jail, prison, or who is under supervision during the period of incarceration or supervision.

c. A person who has previously participated in the program.

4A. A person paying a delinquent court debt obligation through an established payment plan with the clerk of the district court, with the centralized collection unit of the department of revenue or its designee, with a county attorney or the county attorney’s designee, or with a private collection designee, is eligible for the debt settlement program if the person and debt are eligible and if the collecting entity is a debt settlement collection designee as provided in section 421C.4. The distribution of any moneys collected by the debt settlement collection designee shall be as provided in section 421C.4.

5. Under the program the state debt coordinator is authorized to forgive not more than fifty percent of all eligible debt obligations due.

6. Payment to the state debt coordinator under the program shall be provided in a lump sum.

7. The program shall provide that upon written application and payment of the agreed upon percentage of eligible debt obligation due to the state, the state shall forgive any remaining balance of eligible debt obligation due and shall not seek any contempt or civil action or criminal prosecution against the person related to the eligible debt obligation forgiven under the program. Upon the forgiveness of the remaining balance of the eligible debt pursuant to the program, the eligible debt shall be considered by the state as paid in full.

8. The written application shall contain all case numbers associated with the eligible debt obligation due and a general description of such debt.

¹ See chapter 1193, §52 herein

9. Failure to pay the amount agreed upon by the date specified shall bar the person's participation in the program for life.

10. A person who participates in the program shall relinquish all administrative and judicial rights to challenge the imposition and the amount of the eligible debt obligation owed.

11. If a driver's license is reinstated as a result of participating in the program, the person shall be required to pay a reinstatement fee as provided in section 321.191, any civil penalty assessed pursuant to section 321.218A, 321A.32A, or 321J.17, and provide proof of financial responsibility pursuant to section 321A.17, if otherwise required by law.

12. Upon paying the amount required under subsection 5, the state debt coordinator shall provide the person with a certified document detailing the case numbers paid in full under the program. Any state department, agency, or branch shall, upon the filing of a certified document detailing the cases paid in full under the program, indicate in the records of the department, agency, or branch that the case is in fact paid in full with respect to the eligible debt obligations paid under the program.

13. The coordinator shall prepare and make available debt settlement application forms which contain requirements for approval of an application. The coordinator may deny an application that is inconsistent with this section.

14. Any department, agency, or branch shall cooperate with the state debt coordinator in administering the program.

15. The director of revenue shall establish an account and shall deposit in the account all receipts received under the program established by the state debt coordinator. Not later than the fifteenth day of each month, the director shall deposit amounts received with the treasurer of state for deposit in the general fund of the state.²

16. The state debt coordinator shall submit an annual report by January 1 to the chairpersons and ranking members of the joint appropriations subcommittee on justice systems and the legislative services agency, detailing the amount of debt obligations settled under the program, including the classification of the debt settled and the county of residence of persons who had debt settled under the program or with a debt settlement designee as provided in section 421C.4.

Sec. 12. NEW SECTION. 421C.4 Debt settlement collection by designees.

1. As used in this section "county attorney" means a single county attorney office or a group of county attorney offices whose counties have entered into an agreement pursuant to chapter 28E pursuant to section 602.8107, subsection 4, to collect delinquent court debt.

2. The centralized collection unit of the department of revenue and a county attorney collecting delinquent court debt pursuant to section 602.8107, subsection 4, are eligible to act as the state debt coordinator's designee under the debt settlement program. If the centralized collection unit of the department of revenue or a county attorney serves as the state debt coordinator's designee the procedures of the program established in section 421C.3 apply to the designee except as otherwise provided in this section.

3. a. In order to be eligible to settle debt under the program, a county attorney shall first make application to the state debt coordinator requesting authority to act as the state debt coordinator's designee. The state debt coordinator shall approve each application, upon a showing of commitment to collect delinquent court debt pursuant to section 602.8107, subsection 4, and upon reaffirmation to continue collection efforts pursuant to section 602.8107, subsection 4. A county attorney is not eligible to participate in the debt settlement program if the county attorney has been deemed ineligible under section 602.8107, subsection 4, paragraph "g".

b. If a county attorney is approved to act as the state debt coordinator's designee under the debt settlement program any eligible court debt settled that is more than four years old shall be deposited with the clerk of the district court as provided in section 602.8107, subsection 4, and distributed to the county in accordance with section 602.8107, subsection 4. For purposes of calculating the amounts distributed to the county, the amounts collected by the county attorney when acting as the state debt coordinator designee shall be considered as any other debt collected and credited to the county under the county attorney collection

² See chapter 1193, §125, 141 herein

program pursuant to section 602.8107, subsection 4. The remainder collected by the county attorney acting as the state debt coordinator's designee shall be remitted to the state court administrator as provided in section 602.8107, subsection 4.

4. For those counties in which a county attorney is not acting as the state debt coordinator's designee under the debt settlement program, or for cases the centralized collection unit is collecting upon, the centralized collection unit of the department of revenue may serve as the state debt coordinator's designee.

Sec. 13. NEW SECTION. 421C.5 Future repeal.

This chapter is repealed January 1, 2014. The general assembly shall consider corresponding amendments to the Code of Iowa to effectuate the repeal of this chapter.

Sec. 14. Section 422.20, subsection 3, paragraph a, Code 2009, is amended to read as follows:

a. Unless otherwise expressly permitted by section 8A.504, section 421.17, subsections 22, 23, and 26, ~~sections~~ and subsection 27, paragraph "k", section 252B.9, section 321.40, subsection 6, sections 321.120, 421.19, 421.28, 422.72, and 452A.63, and this section, a tax return, return information, or investigative or audit information shall not be divulged to any person or entity, other than the taxpayer, the department, or internal revenue service for use in a matter unrelated to tax administration.

Sec. 15. Section 422.72, subsection 3, paragraph a, Code 2009, is amended to read as follows:

a. Unless otherwise expressly permitted by section 8A.504, section 421.17, subsections 22, 23, and 26, ~~sections~~ and subsection 27, paragraph "k", section 252B.9, section 321.40, subsection 6, sections 321.120, 421.19, 421.28, 422.20, and 452A.63, and this section, a tax return, return information, or investigative or audit information shall not be divulged to any person or entity, other than the taxpayer, the department, or internal revenue service for use in a matter unrelated to tax administration.

Sec. 16. Section 602.8107, subsection 3, unnumbered paragraph 1, Code Supplement 2009, is amended to read as follows:

Thirty days after court debt has been assessed, or if an installment payment is not received within thirty days after the date it is due, the judicial branch ~~may shall~~ assign a case to the centralized collection unit of the department of revenue or its designee to collect debts owed to the clerk of the district court for a period of ~~sixty days~~ one year. In addition, court debt which is being collected under an installment agreement pursuant to section 321.210B which is in default that remains delinquent ~~may shall~~ also be assigned to the centralized collection unit of the department of revenue or its designee for a period of one year. If a county attorney has filed with the clerk of the district court a full commitment to collect delinquent court debt pursuant to subsection 4, the court debt in a case shall be assigned after sixty days to the county attorney as provided in subsection 4, if the court debt in a case has not been placed in an established payment plan by the centralized collection unit. For all other delinquent court debt not assigned to a county attorney pursuant to subsection 4, the delinquent court debt shall be assigned to a private collection designee as provided in subsection 5, after one year, if the delinquent court debt in a case has not been placed in an established payment plan by the centralized collection unit.

Sec. 17. Section 602.8107, subsection 3, paragraph c, Code Supplement 2009, is amended by striking the paragraph.

Sec. 18. Section 602.8107, subsection 4, unnumbered paragraph 1, Code Supplement 2009, is amended to read as follows:

The county attorney or the county attorney's designee may collect court debt sixty days after the court debt is deemed delinquent pursuant to subsection 2. In order to receive a percentage of the amounts collected pursuant to this subsection, the county attorney must file annually with the clerk of the district court on or before July 1 a notice of full commitment to collect delinquent court debt ~~and must file on the first day of each month a list of the cases~~

~~in which the county attorney or the county attorney's designee is pursuing the collection of delinquent court debt. The list shall include a list of cases where delinquent court debt is being collected under an installment agreement pursuant to section 321.210B, and a list of cases in default which are no longer being collected under an installment agreement but remain delinquent for all cases assigned to the county for collection by the court. The annual notice shall contain a list of procedures which will be initiated by the county attorney.~~

Sec. 19. Section 602.8107, subsection 4, paragraph f, Code Supplement 2009, is amended by striking the paragraph.

Sec. 20. Section 602.8107, subsection 4, Code Supplement 2009, is amended by adding the following new paragraphs:

NEW PARAGRAPH. g. Beginning July 1, 2010, and every fiscal year thereafter, amounts collected and distributed pursuant to this subsection shall be equal to or greater than twenty-five thousand dollars for each county or twenty-five thousand dollars in the aggregate for counties that have entered into an agreement pursuant to chapter 28E. If a county, or counties that have entered into a chapter 28E agreement, fails to meet the minimum threshold established in this paragraph, the county, or counties under the chapter 28E agreement, shall be ineligible to participate in the county attorney collection program the following fiscal year. In the event a county is ineligible to collect under this program, the county may apply to the state debt coordinator established in section 421C.1 to reenter the program following the fiscal year of ineligibility.

NEW PARAGRAPH. h. A county participating in the county attorney collection program shall file an annual collection report with the state debt coordinator established in section 421C.1. Counties that have entered into a chapter 28E agreement to participate in the county attorney collection program may file one report, detailing collections in each county that is a party to the agreement.

Sec. 21. Section 602.8107, subsection 5, paragraphs a and b, Code Supplement 2009, are amended to read as follows:

a. The judicial branch ~~may~~ shall contract with a private collection designee for the collection of court debt ~~sixty days~~ one year after the court debt in a case is deemed delinquent pursuant to subsection 2 if the county attorney is not collecting the court debt in a case pursuant to subsection 4. The judicial branch shall solicit requests for proposals prior to entering into any contract pursuant to this subsection.

b. The contract shall provide for a collection fee equal of up to twenty-five percent of the amount of the court debt in a case deemed delinquent. The collection fee as calculated shall be added to the amount of the court debt deemed delinquent. The amount of the court debt deemed delinquent and the collection fee shall be owed by and collected from the defendant. The collection fee shall be used to compensate the private collection designee. The contract may also assess the private collection designee an initial fee for entering into the contract.

Sec. 22. Section 909.3, Code 2009, is amended to read as follows:

909.3 Payment in installments or on a fixed date.

1. All fines imposed by the court shall be paid on the day the fine is imposed, and the person shall be instructed to pay such fines with the office of the clerk of the district court on the date of imposition.

2. a. The court may, in its discretion, order a fine to be paid in installments, ~~or may fix a date in the future which is not more than one hundred twenty days from the date the fine is imposed for the payment of the fine, whenever it appears that the defendant cannot make immediate payment, or should not be made to do so.~~

~~For good cause, the court may order that the date for payment of the fine be extended beyond one hundred twenty days from the date the fine was imposed.~~

b. If the court orders the fine to be paid in installments, the first installment payment shall be made within thirty days of the fine being imposed. All other terms and conditions of an installment payment plan order pursuant to this section shall be established by rule by the judicial branch.

Sec. 23. DEBT AMNESTY PROGRAM.

1. A debt amnesty program is established within the office of the state debt coordinator for a period beginning September 1, 2010, through November 30, 2010, for any debt obligation eligible under section 421C.3.

2. A person who is in jail or prison, or who is under supervision, is not eligible for the program during the period of incarceration or supervision.

3. A person who is paying delinquent court debt through an established payment plan enumerated in section 421C.3, subsection 4A, is also not eligible for the program.

4. Under the program the state debt coordinator is authorized to forgive an amount equal to fifty percent of any eligible debt obligation due.

5. Payment to the state debt coordinator under the program shall be provided in a lump sum.

6. The program shall provide that upon written application and payment of an amount equal to fifty percent of eligible debt obligation due to the state, the state shall forgive any remaining balance of eligible debt obligation due and shall not seek any contempt or civil action, or criminal prosecution, against the person related to the eligible debt obligation forgiven under the program. Upon the forgiveness of the unpaid portion of the eligible debt pursuant to this program, the eligible debt shall be considered paid in full by the state.

7. The written application shall contain all case numbers associated with the eligible debt obligation due, and a general description of such debt.

8. Failure to pay the amount agreed upon by the date specified shall bar the person's participation in the program.

9. A person who participates in the program shall relinquish all administrative and judicial rights to challenge the imposition and the amount of eligible debt obligation owed.

10. If a driver's license is reinstated as a result of participating in the program, the person shall be required to pay a reinstatement fee as provided in section 321.191, any civil penalty assessed pursuant to section 321.218A, 321A.32A, or 321J.17, and provide proof of financial responsibility pursuant to section 321A.17, if otherwise required by law.

11. Upon paying the amount required under subsection 5, the state debt coordinator shall provide the person with a certified document detailing the case numbers paid in full under the program. Any state department, agency, or branch shall, upon the filing of a certified document detailing the cases paid in full under the program, indicate in the records of the department, agency, or branch that the case is in fact paid in full with respect to the eligible debt obligations paid under the program.

12. The state debt coordinator shall prepare and make available debt amnesty application forms which contain requirements for approval of an application. The state debt coordinator may deny an application that is inconsistent with this section.

13. In order to promote and market this program, the director of the Iowa lottery shall collaborate in the use of the television, print, and radio advertising.

14. The department of revenue shall cooperate with the state debt coordinator in administering this program and shall cooperate with the state debt coordinator in establishing the debt settlement program under section 421C.3.

15. The director of revenue shall establish an account and shall deposit in the account all receipts received under the debt amnesty program. Not later than the fifteenth day of each month, the director shall deposit amounts received with the treasurer of state for deposit in the general fund of the state.

16. The state debt coordinator by January 15, 2011, shall provide a report to the chairpersons and ranking members of the senate and house committee on appropriations and to the legislative services agency that details the amounts collected under the program, including the classification of debt collected and the county of residence of persons granted amnesty.

Sec. 24. COLLECTION OF COURT DEBT BY COUNTY TREASURERS — INTENT — STUDY.

1. It is the intent of the general assembly to implement the collection of court debt on behalf of the clerk of the district court at the time a person renews a motor vehicle registration beginning July 1, 2011.

2. The state court administrator, or the state court administrator's designee, in cooperation with the Iowa state county treasurers association shall develop a plan to allow county treasurers to collect restitution and delinquent court debt on behalf of the clerk of the district court at the time a person appears before the county treasurer to renew a vehicle registration. The state court administrator shall submit a report of the plan to the general assembly on or before December 1, 2010.

Sec. 25. DATA MATCH SYSTEM — REPORT. The state debt coordinator, in consultation with the superintendent of banking and the superintendent of credit unions, shall study the feasibility of developing a data match system using automated data exchanges or other means to identify persons who owe delinquent debt obligations to the state. The state debt coordinator shall file a report detailing any recommendations related to the feasibility of developing a data match system to identify persons owing delinquent debt obligations to the state. The report shall be filed by the state debt coordinator with the chairpersons and ranking members of the appropriations committees of the senate and the house of representatives and with the legislative services agency by January 14, 2011.

Sec. 26. EFFECTIVE DATE. The sections of this Act amending or enacting sections 321.40, 321.152, 321.153, 421.17, 421C.3, 421C.4, 422.20, and 422.72 take effect January 1, 2011.

Sec. 27. EFFECTIVE UPON ENACTMENT. The section of this Act enacting 421C.1 and the section of this Act enacting the debt amnesty program, being deemed of immediate importance, takes effect upon enactment.

Approved April 21, 2010

CHAPTER 1147

NURSING WORKFORCE — INFORMATION AND INCENTIVES

S.F. 2384

AN ACT relating to the nursing workforce including the establishment of an Iowa needs nurses now initiative.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. **NEW SECTION. 84A.11 Nursing workforce data clearinghouse.**

1. *a.* The department of workforce development shall establish a nursing workforce data clearinghouse for the purpose of collecting and maintaining data from all available and appropriate sources regarding Iowa's nursing workforce.

b. The department of workforce development shall have access to all data regarding Iowa's nursing workforce collected or maintained by any state department or agency to support the data clearinghouse.

c. Information maintained in the nursing workforce data clearinghouse shall be available to any state department or agency.

2. The department of workforce development shall consult with the board of nursing, the department of public health, the department of education, and other appropriate entities in developing recommendations to determine options for additional data collection.

3. The department of workforce development, in consultation with the board of nursing, shall adopt rules pursuant to chapter 17A to administer the data clearinghouse.

4. The nursing workforce data clearinghouse shall be established and maintained in a manner consistent with the health care delivery infrastructure and health care workforce resources strategic plan developed pursuant to section 135.164.

5. The department of workforce development shall submit a report to the governor and the general assembly, annually by January 15, regarding the nursing workforce data clearinghouse, and, following establishment of the data clearinghouse, the status of the nursing workforce in Iowa.

Sec. 2. Section 135.175, subsection 1, paragraph a, Code Supplement 2009, is amended to read as follows:

a. A health care workforce support initiative is established to provide for the coordination and support of various efforts to address the health care workforce shortage in this state. This initiative shall include the medical residency training state matching grants program created in section 135.176, the nurse residency state matching grants program created in section 135.176A, the health care professional and ~~nursing workforce shortage~~ Iowa needs nurses now initiative created in sections 261.128 and 261.129, the safety net provider recruitment and retention initiatives program created in section 135.153A, health care workforce shortage national initiatives, and the physician assistant mental health fellowship program created in section 135.177.

Sec. 3. Section 135.175, subsection 3, Code Supplement 2009, is amended to read as follows:

3. The department and any entity identified in this section as having control over any of the accounts within the fund, may receive contributions, grants, and in-kind contributions to support the purposes of the fund and the accounts within the fund. Not more than five percent of the moneys allocated to any account within the fund may be used for administrative costs.

Sec. 4. Section 135.175, subsection 5, paragraph b, Code Supplement 2009, is amended to read as follows:

b. The health care professional and ~~nurse workforce shortage~~ Iowa needs nurses now initiative account. The health care professional and ~~nurse workforce shortage~~ Iowa needs nurses now initiative account shall be under the control of the college student aid commission created in section 261.1 and the moneys in the account shall be used for the purposes of the health care professional incentive payment program and the ~~nurse workforce shortage~~ Iowa needs nurses now initiative as specified in sections 261.128 and 261.129. Moneys in the account shall consist of moneys appropriated or allocated for deposit in or received by the fund or the account and specifically dedicated to the health care professional and ~~nurse workforce shortage~~ Iowa needs nurses now initiative or the account for the purposes of the account.

Sec. 5. Section 135.175, subsection 5, Code Supplement 2009, is amended by adding the following new paragraphs:

NEW PARAGRAPH. f. The Iowa needs nurses now infrastructure account. The Iowa needs nurses now infrastructure account shall be under the control of the department and the moneys in the account shall be used to award grants in accordance with rules adopted by the department, in consultation with the board of nursing, the department of education, and a statewide association that represents nurses specified by the director, pursuant to chapter 17A, for clinical simulators, laboratory facilities, health information technology, and other infrastructure to improve the training of nurses and nurse educators in the state and to enhance the clinical experience for nurses. Grants awarded shall authorize the use of a reasonable portion of the grant moneys for training in the use of the infrastructure purchased with the grant moneys. Moneys in the account shall consist of moneys appropriated or allocated for deposit in or received by the fund or the account and specifically dedicated to the Iowa needs nurses now infrastructure account for the purposes of the account.

NEW PARAGRAPH. g. The nurse residency state matching grants program account. The nurse residency state matching grants program account shall be under the control of the department and the moneys in the account shall be used for the purposes of the nurse residency state matching grants program as specified in section 135.176A. Moneys in the account shall consist of moneys appropriated or allocated for deposit in or received by the fund or the account and specifically dedicated to the nurse residency state matching grants program account for the purposes of such account.

Sec. 6. Section 135.175, subsection 6, paragraph a, Code Supplement 2009, is amended to read as follows:

a. Moneys in the fund and the accounts in the fund shall only be appropriated in a manner consistent with the principles specified and the strategic plan developed pursuant to sections 135.163 and 135.164 to support the medical residency training state matching grants program, ~~the nurse residency state matching grants program~~, the health care professional incentive payment program, ~~the nurse educator incentive payment and nursing faculty fellowship programs~~ Iowa needs nurses now initiative, the safety net recruitment and retention initiatives program, for national health care workforce shortage initiatives, for the physician assistant mental health fellowship program, ~~for the purposes of the Iowa needs nurses now infrastructure account~~, and to provide funding for state health care workforce shortage programs as provided in this section.

Sec. 7. NEW SECTION. 135.176A Nurse residency state matching grants program — repeal.

1. The department shall establish a nurse residency state matching grants program to provide matching state funding to sponsors of nurse residency programs in this state to establish, expand, or support nurse residency programs that meet standards adopted by rule of the department. Funding for the program may be provided through the health care workforce shortage fund or the nurse residency state matching grants program account created in section 135.175. The department, in cooperation with the Iowa board of nursing, the department of education, Iowa institutions of higher education with board of nursing-approved programs to educate nurses, and the Iowa nurses association, shall adopt rules pursuant to chapter 17A to establish minimum standards for nurse residency programs to be eligible for a matching grant that address all of the following:

- a. Eligibility requirements for and qualifications of a sponsor of a nurse residency program to receive a grant, including that the program includes both rural and urban components.
- b. The application process for the grant.
- c. Criteria for preference in awarding of the grants.
- d. Determination of the amount of a grant.
- e. Use of the funds awarded. Funds may be used to pay the costs of establishing, expanding, or supporting a nurse residency program as specified in this section, including but not limited to the costs associated with residency stipends and nursing faculty stipends.

2. This section is repealed June 30, 2014.

Sec. 8. Section 261.2, subsection 10, Code Supplement 2009, is amended to read as follows:

10. Administer the health care professional incentive payment program established in section 261.128 and the ~~nursing workforce shortage~~ Iowa needs nurses now initiative created in section 261.129. This subsection is repealed June 30, 2014.

Sec. 9. Section 261.128, subsection 1, Code Supplement 2009, is amended to read as follows:

1. The commission shall establish a health care professional incentive payment program to recruit and retain health care professionals in this state. Funding for the program may be provided through the health care workforce shortage fund or the health care professional and ~~nurse workforce shortage~~ Iowa needs nurses now initiative account created in section 135.175.

Sec. 10. Section 261.129, Code Supplement 2009, is amended to read as follows:

261.129 Nursing workforce shortage Iowa needs nurses now initiative — repeal.

1. *Nurse educator incentive payment program.*

a. The commission shall establish a nurse educator incentive payment program. Funding for the program may be provided through the health care workforce shortage fund or the health care professional and ~~nurse workforce shortage~~ Iowa needs nurses now initiative account created in section 135.175. For the purposes of this subsection, “*nurse educator*” means a registered nurse who holds a master’s degree or doctorate degree and is employed as a faculty member who teaches nursing in a nursing education program as provided in 655

IAC 2.6 at a community college, an accredited private institution, or an institution of higher education governed by the state board of regents.

b. The program shall consist of incentive payments to recruit and retain nurse educators. The program shall provide for incentive payments of up to twenty thousand dollars for a nurse educator who remains teaching in a qualifying teaching position for a period of not less than four consecutive academic years.

c. The nurse educator and the commission shall enter into an agreement specifying the obligations of the nurse educator and the commission. If the nurse educator leaves the qualifying teaching position prior to teaching for four consecutive academic years, the nurse educator shall be liable to repay the incentive payment amount to the state, plus interest as specified by rule. However, if the nurse educator leaves the qualifying teaching position involuntarily, the nurse educator shall be liable to repay only a pro rata amount of the incentive payment based on incompleting years of service.

d. The commission, in consultation with the department of public health, the board of nursing, the department of education, and the Iowa nurses association, shall adopt rules pursuant to chapter 17A relating to the establishment and administration of the nurse educator incentive payment program. The rules shall include provisions specifying what constitutes a qualifying teaching position.

2. *Nursing faculty fellowship program.*

a. The commission shall establish a nursing faculty fellowship program to provide funds to nursing schools in the state, including but not limited to nursing schools located at community colleges, for fellowships for individuals employed in qualifying positions on the nursing faculty. Funding for the program may be provided through the health care workforce shortage fund or the health care professional and ~~nurse workforce shortage~~ the Iowa needs nurses now initiative account created in section 135.175. The program shall be designed to assist nursing schools in filling vacancies in qualifying positions throughout the state.

b. The commission, in consultation with the department of public health, the board of nursing, the department of education, and the Iowa nurses association, and in cooperation with nursing schools throughout the state, shall develop a distribution formula which shall provide that no more than thirty percent of the available moneys are awarded to a single nursing school. Additionally, the program shall limit funding for a qualifying position in a nursing school to no more than ten thousand dollars per year for up to three years.

c. The commission, in consultation with the department of public health, the board of nursing, the department of education, and the Iowa nurses association, shall adopt rules pursuant to chapter 17A to administer the program. The rules shall include provisions specifying what constitutes a qualifying position at a nursing school.

d. In determining eligibility for a fellowship, the commission shall consider all of the following:

- (1) The length of time a qualifying position has gone unfilled at a nursing school.
- (2) Documented recruiting efforts by a nursing school.
- (3) The geographic location of a nursing school.

(4) The type of nursing program offered at the nursing school, including associate, bachelor's, master's, or doctoral degrees in nursing, and the need for the specific nursing program in the state.

3. *Nurse educator scholarship program.*

a. The commission shall establish a nurse educator scholarship program. Funding for the program may be provided through the health care workforce shortage fund or the health care professional and the Iowa needs nurses now initiative account created in section 135.175. The goal of the nurse educator scholarship program is to address the waiting list of qualified applicants to Iowa's nursing schools by providing incentives for the training of additional nursing educators. For the purposes of this subsection, "nurse educator" means a registered nurse who holds a master's degree or doctorate degree and is employed as a faculty member who teaches nursing in a nursing education program as provided in 655 IAC 2.6 at a community college, an accredited private institution, or an institution of higher education governed by the state board of regents.

b. The program shall consist of scholarships to further advance the education of nurses to become nurse educators. The program shall provide for scholarship payments in an amount established by rule for students who are preparing to teach in qualifying teaching positions.

c. The commission, in consultation with the department of public health, the board of nursing, the department of education, and the Iowa nurses association, shall adopt rules pursuant to chapter 17A relating to the establishment and administration of the nurse educator scholarship program. The rules shall include provisions specifying what constitutes a qualifying teaching position and the amount of any scholarship.

4. Nurse educator scholarship-in-exchange-for-service program.

a. The commission shall establish a nurse educator scholarship-in-exchange-for-service program. Funding for the program may be provided through the health care workforce shortage fund or the health care professional and Iowa needs nurses now initiative account created in section 135.175. The goal of the nurse educator scholarship-in-exchange-for-service program is to address the waiting list of qualified applicants to Iowa's nursing schools by providing incentives for the education of additional nursing educators. For the purposes of this subsection, "nurse educator" means a registered nurse who holds a master's degree or doctorate degree and is employed as a faculty member who teaches nursing in a nursing education program as provided in 655 IAC 2.6 at a community college, an accredited private institution, or an institution of higher education governed by the state board of regents.

b. The program shall consist of scholarships to further advance the education of nurses to become nurse educators. The program shall provide for scholarship-in-exchange-for-service payments in an amount established by rule for students who are preparing to teach in qualifying teaching positions for a period of not less than four consecutive academic years.

c. The scholarship-in-exchange-for-service recipient and the commission shall enter into an agreement specifying the obligations of the applicant and the commission. If the nurse educator leaves the qualifying teaching position prior to teaching for four consecutive academic years, the nurse educator shall be liable to repay the scholarship-in-exchange-for-service amount to the state plus interest as specified by rule. However, if the nurse educator leaves the qualified teaching position involuntarily, the nurse educator shall be liable to repay only a pro rata amount of the scholarship based on incomplete years of service.

d. The receipt of a nurse educator scholarship-in-exchange-for-service shall not impact eligibility of an individual for other financial incentives including but not limited to loan forgiveness programs.

e. The commission, in consultation with the department of public health, the board of nursing, the department of education, and the Iowa nurses association, shall adopt rules pursuant to chapter 17A relating to the establishment and administration of the nurse educator scholarship-in-exchange-for-service program. The rules shall include the provisions specifying what constitutes a qualifying teaching position and the amount of any scholarship-in-exchange-for-service.

3. 5. Repeal. This section is repealed June 30, 2014.

Sec. 11. BOARD OF NURSING — DATA COLLECTION REGARDING NURSING WORKFORCE. The board of nursing shall replace its existing database and data platform to allow for the maintenance of archival information and enhanced public access and shall update its nursing survey instrument to ensure the collection of more complete and usable data in assessing Iowa's nursing workforce.

Sec. 12. CODE EDITOR DIRECTIVE. The Code editor shall amend the title of the division in chapter 261, which includes section 261.129, as amended in this Act, as the Iowa needs nurses now initiative.

Sec. 13. IMPLEMENTATION. This Act shall be implemented only to the extent funding is available.

CHAPTER 1148**SALES TAX — EXEMPTION FOR REGISTERED REGIONAL BLOOD TESTING FACILITY PURCHASES***S.F. 2387*

AN ACT providing for a sales tax exemption for specified purchases made by a regional blood testing facility registered by the federal food and drug administration.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 423.3, Code Supplement 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 26A. *a.* The sales price of reagents and related accessory equipment to a regional blood testing facility if all of the following conditions are met:

(1) The regional blood testing facility is registered by the federal food and drug administration.

(2) The regional blood testing facility performs donor testing for other blood centers.

(3) The regional blood testing facility is located in this state on or before January 1, 2011.

b. This subsection is repealed if a regional blood testing facility is not located in this state on or before January 1, 2011.

Approved April 21, 2010

CHAPTER 1149**EMERGENCY MEDICAL CARE — PROVIDERS, PROGRAMS, TRAINING, AND AUTHORIZATION***H.F. 2193*

AN ACT relating to emergency medical care providers, emergency medical care service programs and emergency medical care services training programs, and providing penalties.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 85.36, subsection 9, paragraph a, Code 2009, is amended to read as follows:

a. In computing the compensation to be allowed a volunteer fire fighter, emergency medical care provider, reserve peace officer, volunteer ambulance driver, ~~volunteer emergency rescue technician as defined in section 147A.1, or emergency medical technician trainee,~~ the earnings as a fire fighter, emergency medical care provider, reserve peace officer, or volunteer ambulance driver, ~~volunteer emergency rescue technician, or emergency medical technician trainee~~ shall be disregarded and the volunteer fire fighter, emergency medical care provider, reserve peace officer, or volunteer ambulance driver, ~~volunteer emergency rescue technician, or emergency medical technician trainee~~ shall be paid an amount equal to the compensation the volunteer fire fighter, emergency medical care provider, reserve peace officer, or volunteer ambulance driver, ~~volunteer emergency rescue technician, or emergency medical technician trainee~~ would be paid if injured in the normal course of the volunteer fire fighter's, emergency medical care provider's, reserve peace officer's, or volunteer ambulance driver's, ~~volunteer emergency rescue technician's, or emergency medical technician trainee's~~ regular employment or an amount equal to one hundred and forty percent of the statewide average weekly wage, whichever is greater.

Sec. 2. Section 85.61, subsection 2, paragraph a, Code 2009, is amended to read as follows:

a. A person, firm, association, or corporation, state, county, municipal corporation, school corporation, area education agency, township as an employer of volunteer fire fighters, ~~volunteer emergency rescue technicians~~, and emergency medical care providers only, benefited fire district, and the legal representatives of a deceased employer.

Sec. 3. Section 85.61, subsection 7, paragraph b, Code 2009, is amended to read as follows:

b. Personal injuries sustained by ~~volunteer emergency rescue technicians~~ or emergency medical care providers as defined in section 147A.1 arise in the course of employment if the injuries are sustained at any time from the time the ~~volunteer emergency rescue technicians~~ or emergency medical care providers are summoned to duty until the time those duties have been fully discharged.

Sec. 4. Section 85.61, subsection 11, paragraph a, subparagraph (2), Code 2009, is amended to read as follows:

(2) An emergency medical care provider as defined in section 147A.1, ~~a volunteer emergency rescue technician as defined in section 147A.1, or~~ a volunteer ambulance driver, ~~or an emergency medical technician trainee~~, only if an agreement is reached between such worker or employee and the employer for whom the volunteer services are provided that workers' compensation coverage under this chapter and chapters 85A and 85B is to be provided by the employer. An emergency medical care provider ~~or volunteer emergency rescue technician~~ who is a worker or employee under this subparagraph is not a casual employee. "*Volunteer ambulance driver*" means a person performing services as a volunteer ambulance driver at the request of the person in charge of a fire department or ambulance service of a municipality. "*Emergency medical technician trainee*" ~~means a person enrolled in and training for emergency medical technician certification.~~

Sec. 5. Section 100B.31, subsection 3, paragraph b, Code Supplement 2009, is amended to read as follows:

b. A person performing the functions of an emergency medical care provider ~~or emergency rescue technician~~ as defined in section 147A.1 who was not paid full-time by the entity for which such services were being performed at the time the incident giving rise to the death occurred.

Sec. 6. Section 147A.1, subsection 4, Code Supplement 2009, is amended to read as follows:

4. "*Emergency medical care provider*" means an individual trained to provide emergency and nonemergency medical care at the ~~first-responder, EMT-basic, EMT-intermediate, EMT-paramedic level,~~ emergency medical responder, emergency medical technician, advanced emergency medical technician, paramedic, or other certification levels adopted by rule by the department, who has been issued a certificate by the department.

Sec. 7. Section 147A.1, subsections 6, 8, and 9, Code Supplement 2009, are amended by striking the subsections.

Sec. 8. Section 147A.1, Code Supplement 2009, is amended by adding the following new subsections:

NEW SUBSECTION. 11. "*Service program*" or "*service*" means any medical care ambulance service or nontransport service that has received authorization from the department under section 147A.5.

NEW SUBSECTION. 12. "*Training program*" means an Iowa college approved by the north central association of colleges and schools or an Iowa hospital authorized by the department to conduct emergency medical care services training.

Sec. 9. Section 147A.2, Code 2009, is amended to read as follows:

147A.2 Council established — terms of office.

1. An EMS advisory council shall be appointed by the director. Membership of the council shall be comprised of individuals nominated from, but not limited to, the following state or national organizations: Iowa osteopathic medical association, Iowa medical society, American college of emergency physicians, Iowa physician assistant society, Iowa academy of family physicians, university of Iowa hospitals and clinics, American academy of emergency medicine, American academy of pediatrics, Iowa EMS association, Iowa firemen's association, Iowa professional firefighters, EMS education programs committee, EMS regional council, Iowa nurses association, Iowa hospital association, and the Iowa state association of counties. The council shall also include at least two at-large members who are volunteer emergency medical care providers and a representative of a private service program.

2. The EMS advisory council shall advise the director and develop policy recommendations concerning the regulation, administration, and coordination of emergency medical services in the state.

Sec. 10. Section 147A.4, Code Supplement 2009, is amended to read as follows:

147A.4 Rulemaking authority.

1. a. The department shall adopt rules required or authorized by this subchapter pertaining to the operation of ambulance, rescue, and first response services service programs which have received authorization under section 147A.5 to utilize the services of certified emergency medical care providers. These rules shall include but need not be limited to requirements concerning physician supervision, necessary equipment and staffing, and reporting by ambulance, rescue, and first response services service programs which have received the authorization pursuant to section 147A.5.

b. The director, pursuant to rule, may grant exceptions and variances from the requirements of rules adopted under this subchapter for any ambulance, rescue, or first response service program. Exceptions or variations shall be reasonably related to undue hardships which existing services experience in complying with this subchapter or the rules adopted pursuant to this subchapter. ~~However, no exception or variance may be granted unless the service adopted a plan approved by the department prior to July 1, 1996, to achieve compliance during a period not to exceed seven years with this subchapter and rules adopted pursuant to this subchapter.~~ Services requesting exceptions and variances shall be subject to other applicable rules adopted pursuant to this subchapter.

2. The department shall adopt rules required or authorized by this subchapter pertaining to the examination and certification of emergency medical care providers. These rules shall include, but need not be limited to, requirements concerning prerequisites, training, and experience for emergency medical care providers and procedures for determining when individuals have met these requirements. The department shall adopt rules to recognize the previous EMS training and experience of first responders and emergency medical technicians to provide for an equitable transition to the EMT-basic certification emergency medical care providers transitioning to the emergency medical responder, emergency medical technician, advanced emergency medical technician, and paramedic levels. The department may require additional training and examinations as necessary and appropriate to ensure that individuals seeking certification transition to another level have met the EMT-basic knowledge and skill requirements. All requirements for transition to another level, including fees, shall be adopted by rule.

3. The department shall establish the fee for the examination of the emergency medical care providers to cover the administrative costs of the examination program.

4. The department shall adopt rules required or authorized by this subchapter pertaining to the operation of training programs. These rules shall include but need not be limited to requirements concerning curricula, resources, facilities, and staff.

Sec. 11. Section 147A.5, subsections 1 and 3, Code 2009, are amended to read as follows:

1. ~~An ambulance, rescue, or first response~~ A service program in this state that desires to provide emergency medical care in the out-of-hospital setting shall apply to the department for authorization to establish a program for delivery of the care at the scene of an emergency, during transportation to a hospital, during transfer from one medical care facility to another

or to a private residence, or while in the hospital emergency department, and until care is directly assumed by a physician or by authorized hospital personnel.

3. The department may deny an application for authorization, or may place on probation, suspend, or revoke the authorization of, or otherwise discipline a service program with an existing authorization if the department finds reason to believe that the service program has not been or will not be operated in compliance with this subchapter and the rules adopted pursuant to this subchapter, or that there is insufficient assurance of adequate protection for the public. The authorization denial or period of probation, suspension, or revocation, or other disciplinary action shall be effected and may be appealed as provided by section 17A.12.

Sec. 12. Section 147A.8, Code Supplement 2009, is amended to read as follows:

147A.8 Authority of certified emergency medical care provider.

1. An emergency medical care provider properly certified under this subchapter may:

a. 1. Render emergency and nonemergency medical care, rescue, and lifesaving services in those areas for which the emergency medical care provider is certified, as defined and approved in accordance with the rules of the department, at the scene of an emergency, during transportation to a hospital or while in the hospital emergency department, and until care is directly assumed by a physician or by authorized hospital personnel.

b. 2. Function in any hospital or any other entity in which health care is ordinarily provided only when under the direct supervision, as defined by rules adopted pursuant to chapter 17A, of a physician, when the emergency care provider is any of the following:

(1) a. Enrolled as a student or participating as a preceptor in a training program approved by the department; ~~or~~ or an agency authorized in another state to provide initial EMS education and approved by the department.

(2) b. Fulfilling continuing education requirements as defined by rule; ~~or,~~

(3) c. Employed by or assigned to a hospital or other entity in which health care is ordinarily provided only when under the direct supervision of a physician, as a member of an authorized ambulance, rescue, or first response service program, or in an individual capacity, by rendering lifesaving services in the facility in which employed or assigned pursuant to the emergency medical care provider's certification and under the direct supervision of a physician, physician assistant, or registered nurse. An emergency medical care provider shall not routinely function without the direct supervision of a physician, physician assistant, or registered nurse. However, when the physician, physician assistant, or registered nurse cannot directly assume emergency care of the patient, the emergency medical care provider may perform without direct supervision emergency medical care procedures for which that individual is certified if the life of the patient is in immediate danger and such care is required to preserve the patient's life; ~~or,~~

(4) d. Employed by or assigned to a hospital or other entity in which health care is ordinarily provided only when under the direct supervision of a physician, as a member of an authorized ambulance, rescue, or first response service program, or in an individual capacity, to perform nonlifesaving procedures for which those individuals have been certified and are designated in a written job description. Such procedures may be performed after the patient is observed by and when the emergency medical care provider is under the supervision of the physician, physician assistant, or registered nurse, including when the registered nurse is not acting in the capacity of a physician designee, and where the procedure may be immediately abandoned without risk to the patient.

2. ~~Nothing in this subchapter shall be construed to require any voluntary ambulance, rescue, or first response service to provide a level of care beyond minimum basic care standards.~~

Sec. 13. Section 147A.11, Code 2009, is amended to read as follows:

147A.11 Prohibited acts.

1. Any person not certified as required by this subchapter who claims to be an emergency medical care provider, or who uses any other term to indicate or imply that the person is an emergency medical care provider, or who acts as an emergency medical care provider without having obtained the appropriate certificate under this subchapter, is guilty of a class "D" felony.

2. An owner of an unauthorized ~~ambulance, rescue, or first response service program~~ in this state who operates or purports to operate an ~~ambulance, rescue, or first response a service program~~, or who uses any term to indicate or imply authorization without having obtained the appropriate authorization under this subchapter, is guilty of a class "D" felony.

3. Any person who imparts or conveys, or causes to be imparted or conveyed, or attempts to impart or convey false information concerning the need for assistance of an ~~ambulance, rescue, or first response a service program~~ or of any personnel or equipment thereof, knowing such information to be false, is guilty of a serious misdemeanor.

Sec. 14. Section 147A.12, subsection 1, Code 2009, is amended to read as follows:

1. This subchapter does not restrict a registered nurse, licensed pursuant to chapter 152, from staffing an authorized ~~ambulance, rescue, or first response service program~~ provided the registered nurse can document equivalency through education and additional skills training essential in the delivery of out-of-hospital emergency care. The equivalency shall be accepted when:

a. Documentation has been reviewed and approved at the local level by the medical director of the ~~ambulance, rescue, or first response service program~~ in accordance with the rules of the board of nursing developed jointly with the department.

b. Authorization has been granted to that ~~ambulance, rescue, or first response service program~~ by the department.

Sec. 15. Section 147A.13, Code 2009, is amended to read as follows:

147A.13 Physician assistant exception.

This subchapter does not restrict a physician assistant, licensed pursuant to chapter 148C, from staffing an authorized ~~ambulance, rescue, or first response service program~~ if the physician assistant can document equivalency through education and additional skills training essential in the delivery of out-of-hospital emergency care. The equivalency shall be accepted when:

1. Documentation has been reviewed and approved at the local level by the medical director of the ~~ambulance, rescue, or first response service program~~ in accordance with the rules of the board of physician assistants developed after consultation with the department.

2. Authorization has been granted to that ~~ambulance, rescue, or first response service program~~ by the department.

Sec. 16. **NEW SECTION. 147A.17 Applications for emergency medical care services training programs — approval or denial — disciplinary actions.**

1. An Iowa college approved by the north central association of colleges and schools or an Iowa hospital in this state that desires to provide emergency medical care services training leading to certification as an emergency medical care provider shall apply to the department for authorization to establish a training program.

2. The department shall approve an application submitted in accordance with subsection 1 when the department is satisfied that the program proposed by the application will be operated in compliance with this subchapter and the rules adopted pursuant to this subchapter.

3. The department may deny an application for authorization, or may place on probation, suspend or revoke the authorization of, or otherwise discipline a training program with an existing authorization if the department finds reason to believe the program has not been or will not be operated in compliance with this subchapter and the rules adopted pursuant to this subchapter, or that there is insufficient assurance of adequate protection for the public. The authorization denial, period of probation, suspension, or revocation, or other disciplinary action shall be effected and may be appealed as provided by section 17A.12.

Sec. 17. Section 321.267A, subsection 5, Code 2009, is amended to read as follows:

5. For the purposes of this section, "other emergency responder" means a fire fighter certified as a fire fighter I pursuant to rules adopted under chapter 100B and trained in emergency driving or an emergency medical responder care provider certified under chapter 147A and trained in emergency driving.

Sec. 18. Section 724.6, subsection 2, Code Supplement 2009, is amended to read as follows:

2. Notwithstanding subsection 1, fire fighters, as defined in section 411.1, subsection 10, airport fire fighters included under section 97B.49B, ~~emergency rescue technicians~~, and emergency medical care providers, as defined in section 147A.1, shall not, as a condition of employment, be required to obtain a permit under this section. However, the provisions of this subsection shall not apply to a person designated as an arson investigator by the chief fire officer of a political subdivision.

Approved April 21, 2010

CHAPTER 1150

DISASTER AID INDIVIDUAL ASSISTANCE GRANT FUND — EXPENSE VERIFICATION PROCESS

H.F. 2294

AN ACT relating to the distribution of moneys from the disaster aid individual assistance grant fund.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 29C.20A, Code Supplement 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 3A. A recipient of grant funding shall receive reimbursement for expenses upon presenting a receipt for an eligible expense or shall receive a voucher through a voucher system developed by the department of human services and administered locally within the designated disaster area. A voucher system shall ensure sufficient data collection to discourage and prevent fraud. The department shall consult with long-term disaster recovery committees and disaster recovery case management committees in developing a voucher system.

Approved April 21, 2010

CHAPTER 1151

CHILD IN NEED OF ASSISTANCE PROCEEDINGS, CHILD ABUSE, AND OBSCENE MATERIALS

S.F. 393

AN ACT relating to access to obscene materials and child in need of assistance proceedings and child abuse reporting.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 232.2, subsection 6, paragraph c, Code 2009,¹ is amended to read as follows:

c. Who has suffered or is imminently likely to suffer harmful effects as a result of **either any of the following**:

¹ According to enrolled Act; the phrase "Code Supplement 2009" probably intended

- (1) Mental injury caused by the acts of the child's parent, guardian, or custodian.
- (2) The failure of the child's parent, guardian, custodian, or other member of the household in which the child resides to exercise a reasonable degree of care in supervising the child.
- (3) The child's parent, guardian, or custodian, or person responsible for the care of the child, as defined in section 232.68, has knowingly disseminated or exhibited obscene material as defined in section 728.1 to the child.

Sec. 2. Section 232.68, subsection 2, Code 2009,² is amended by adding the following new paragraph:

NEW PARAGRAPH. *j.* The person responsible for the care of the child has knowingly allowed the child access to obscene material as defined in section 728.1 or has knowingly disseminated or exhibited such material to the child.

Approved April 23, 2010

CHAPTER 1152

REAL PROPERTY — TRANSFER FEE COVENANTS

S.F. 2192

AN ACT prohibiting the running of a transfer fee covenant with the title to real property and including effective date and applicability provisions.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. NEW SECTION. **558.48 Transfer fee covenant — prohibition.**

1. For purposes of this section, unless the context otherwise requires:
 - a. “*Transfer*” means the sale, gift, conveyance, assignment, inheritance, or other transfer of ownership interest in real property located in this state.
 - b. (1) “*Transfer fee*” means a fee or charge payable upon the transfer of an interest in real property, or payable for the right to make or accept a transfer of an interest in real property, regardless of whether the fee or charge is a fixed amount or is determined as a percentage of the value of the property, the purchase price, or other consideration given for the transfer.
 - (2) “*Transfer fee*” does not include any of the following:
 - (a) Any consideration payable by the transferee to the transferor for the interest in real property being transferred.
 - (b) Any commission payable to a licensed real estate broker for the transfer of real property under an agreement between the broker and the transferee or transferor.
 - (c) Any interest, charges, fees, or other amounts payable by a borrower to a lender under a loan secured by a mortgage against real property, including but not limited to any fee payable to the lender for consenting to an assumption of the loan or a transfer of the real property subject to the mortgage, any fees or charges payable to the lender for estoppel letters or certificates, and any other consideration allowed by law and payable to the lender in connection with the loan.
 - (d) Any rent, reimbursement, charge, fee, or other amount payable by a lessee to a lessor under a lease, including but not limited to any fee payable to the lessor for consenting to an assignment, subletting, encumbrance, or transfer of the lease.
 - (e) Any consideration payable to the holder of an option to purchase an interest in real property or the holder of a right of first refusal or first offer to purchase an interest in real property for waiving, releasing, or not exercising the option or right upon the transfer of the property to another person.

² According to enrolled Act; the phrase “Code Supplement 2009” probably intended

(f) Any tax, fee, charge, assessment, fine, or other amount payable to or imposed by a governmental authority.

c. “*Transfer fee covenant*” means a declaration or covenant purporting to affect real property which requires or purports to require the payment of a transfer fee to the declarant or other person specified in the covenant or declaration, or to their successors or assigns, upon a subsequent transfer of an interest in the real property.

2. A transfer fee covenant shall not run with the title to real property and is not binding on or enforceable at law or in equity against any subsequent owner, purchaser, or mortgagee of any interest in the real property as an equitable servitude or otherwise. Any lien purporting to secure the payment of a transfer fee under a transfer fee covenant is void and unenforceable.

Sec. 2. EFFECTIVE UPON ENACTMENT AND APPLICABILITY. This Act, being deemed of immediate importance, takes effect upon enactment and applies to any lien purporting to secure the payment of a transfer fee under a transfer fee covenant which is filed in this state on or after the effective date of this Act.

Approved April 23, 2010

CHAPTER 1153

GENETIC TESTING AND USE OF GENETIC INFORMATION

S.F. 2215

AN ACT relating to the use of genetic information and samples for genetic testing and providing for civil and administrative enforcement and providing penalties.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 507B.4, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 7A. *Release or use of genetic information.* Failure of a person to comply with section 729.6, subsection 2B.

Sec. 2. Section 729.6, subsection 1, Code 2009, is amended by adding the following new paragraph:

NEW PARAGRAPH. 0b. “*Genetic information*” means the same as defined in 29 U.S.C. § 1191b(d)(6).

Sec. 3. Section 729.6, subsection 1, paragraph c, Code 2009, is amended by striking the paragraph and inserting in lieu thereof the following:

c. “*Genetic testing*” means the same as genetic test as defined in 29 U.S.C. § 1191b(d)(7).¹

Sec. 4. Section 729.6, subsection 1, Code 2009, is amended by adding the following new paragraphs:

NEW PARAGRAPH. 0d. “*Health insurance*” means a contract, policy, or plan providing for health insurance coverage as defined in section 513B.2.

NEW PARAGRAPH. 00d. “*Health insurer*” means a carrier, as defined in section 513B.2.

NEW PARAGRAPH. 0f. “*Third-party administrator*” means the same as defined in section 510.11.

¹ See chapter 1193, §133 herein

Sec. 5. Section 729.6, Code 2009, is amended by adding the following new subsections:

NEW SUBSECTION. 2A. a. A person shall not obtain genetic information or samples for genetic testing from an individual without first obtaining informed and written consent from the individual or the individual's authorized representative.

b. A person shall not perform genetic testing of an individual or collect, retain, transmit, or use genetic information without the informed and written consent of the individual or the individual's authorized representative.

c. The following exceptions apply to the prohibitions in paragraphs "a" and "b":

(1) To the extent that genetic information or the results of genetic testing may be collected, retained, transmitted, or used without the individual's written and informed consent pursuant to federal or other state law.

(2) To identify an individual in the course of a criminal investigation by a law enforcement agency.

(3) To identify deceased individuals.

(4) To establish parental identity.

(5) To screen newborns.

(6) For the purposes of medical or scientific research and education and for the use of medical repositories and registries so long as the information does not contain personally identifiable information of an individual.

NEW SUBSECTION. 2B. a. (1) With respect to health insurance, a third-party administrator or health insurer shall not release genetic information pertaining to an individual without prior written authorization of the individual. Written authorization shall be required for each disclosure and shall include the person to whom the disclosure is being made.

(2) The following exceptions apply to the requirement in subparagraph (1):

(a) Individuals participating in research settings, including individuals governed by the federal policy for the protection of human research subjects.

(b) Tests conducted purely for research, tests for somatic as opposed to heritable mutations, and testing for forensic purposes.

(c) Newborn screening.

(d) Paternity testing.

(e) Criminal investigations.

b. (1) With respect to health insurance, a health insurer shall not discriminate against an individual or a member of the individual's family on the basis of genetic information or genetic testing.

(2) This section shall not require a health insurer to provide particular benefits other than those provided under the terms of the health insurer's plan or coverage. With respect to health insurance, a health insurer shall not consider a genetic propensity, susceptibility, or carrier status as a preexisting condition for the purpose of limiting or excluding benefits, establishing rates, or providing coverage.

(3) With respect to health insurance, a health insurer shall not use genetic information or genetic testing for underwriting health insurance in the individual and group markets.

c. The commissioner of insurance shall adopt rules as necessary for the administration of this subsection.

d. A violation of this subsection is an unfair insurance trade practice under section 507B.4.

Sec. 6. Section 729.6, subsection 6, Code 2009, is amended to read as follows:

6. ~~This~~ Subsections 2, 2A, 3, 4, and 5 of this section may be enforced through a civil action.

a. A person who violates subsection 2, 2A, 3, 4, or 5 of this section or who aids in the violation of subsection 2, 2A, 3, 4, or 5 of this section is liable to an aggrieved employee, labor organization member, or licensee, or aggrieved prospective employee, member, or licensee, for affirmative relief including reinstatement or hiring, with or without back pay, membership, licensing, or any other equitable relief as the court deems appropriate including attorney fees and court costs.

b. If a person commits, is committing, or proposes to commit, an act in violation of subsection 2, 2A, 3, 4, or 5 of this section, an injunction may be granted through an action in district court to prohibit the person from continuing such acts. The action for injunctive

relief may be brought by an aggrieved employee, labor organization member, or licensee, or aggrieved prospective employee, member, or licensee, the county attorney, or the attorney general.

c. A person who in good faith brings an action under this subsection alleging that an employer, employment agency, labor organization, or licensing agency has ~~required or requested a genetic test in violation of~~ violated subsection 2, 2A, 3, 4, or 5 of this section shall establish that sufficient evidence exists upon which a reasonable person could find that a violation has occurred. Upon proof that sufficient evidence exists upon which a finding could be made that a violation has occurred as required under this paragraph, the employer, employment agency, labor organization, or licensing agency has the burden of proving that the requirements of this section were met.

Approved April 23, 2010

CHAPTER 1154

SHOOTING GAME BIRDS ON LICENSED HUNTING PRESERVES

S.F. 2216

AN ACT allowing certain game birds to be shot when released on a licensed hunting preserve and providing a penalty.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 481A.21, Code Supplement 2009, is amended to read as follows:

481A.21 Birds as targets.

A person shall not keep or use any live pigeon or other bird as a target, to be shot at for amusement or as a test of skill in marksmanship, or shoot at a bird kept or used for such purpose, or be a party to such shooting, or lease any building, room, field, or premises, or knowingly permit the use thereof, for the purpose of such shooting. This section does not prevent any person from shooting at live pigeons, sparrows, and starlings when used in the training of hunting dogs. This section does not prevent any person from shooting at a game bird that is released a minimum of fifty twenty-five yards from that person on a licensed hunting preserve. For the purposes of this section, "game bird" means the same as defined in section 484B.1.

Approved April 23, 2010

CHAPTER 1155

MOTOR CARRIER TRANSPORTATION CONTRACTS — INDEMNITY PROVISIONS

S.F. 2220

AN ACT relating to the contents of certain motor carrier transportation contracts by declaring certain indemnity provisions to be unlawful and void.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. NEW SECTION. 325B.1 Contents of motor carrier transportation contracts — certain provisions void.

1. As used in this section:
 - a. “Motor carrier” means the same as defined in section 325A.1.
 - b. “Motor carrier transportation contract” means a contract, agreement, or understanding related to any of the following:
 - (1) The transportation for hire of property by a motor carrier.
 - (2) The entrance upon property by a motor carrier for the purpose of loading, unloading, or transporting property for transportation for hire.
 - (3) A service incidental to the activities described in subparagraph (1) or (2), including but not limited to the storage of property.
 - c. “Transportation for hire” means the same as defined in section 325A.1.
2. Notwithstanding any provision of law to the contrary, a motor carrier transportation contract, whether express or implied, shall not contain a provision, clause, covenant, or agreement that purports to indemnify, defend, or hold harmless, or has the effect of indemnifying, defending, or holding harmless, a promisee from or against any liability for injury, death, loss, or damage resulting from the negligence or intentional acts or omissions of that promisee, or any agents, employees, servants, or independent contractors who are directly responsible to that promisee. This prohibition applies to any provisions or agreements collateral to or affecting a motor carrier transportation contract. Any such provisions, clauses, covenants, or agreements are void and unenforceable. If any provision, clause, covenant, or agreement is deemed void and unenforceable under this section, the remaining provisions of the motor carrier transportation contract are severable and shall be enforceable unless otherwise prohibited by law.
3. This section does not apply to the uniform intermodal interchange and facilities access agreement administered by the intermodal association of north America, as amended, or other contracts or agreements providing for the interchange, use, or possession of intermodal chassis or other intermodal equipment.
4. This section applies to motor carrier transportation contracts entered into, extended, or renewed on or after July 1, 2010.

Approved April 23, 2010

CHAPTER 1156

MEDICAID — HOME AND COMMUNITY-BASED SERVICES WAIVER — HOME MODIFICATION

S.F. 2267

AN ACT relating to the home modification requirements under the Medicaid home and community-based services waiver for the elderly.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. HOME MODIFICATION — REVIEW OF REQUIREMENTS. The department of human services, in consultation with the department on aging, area agencies on aging, and other organizations representing the interests of older Iowans, shall review the requirements for home modification under the medical assistance home and community-based services waiver for the elderly, including the lifetime cap, and shall present a plan to increase the lifetime limit to the general assembly by December 31, 2011.

Approved April 23, 2010

CHAPTER 1157**VEHICULAR ACCIDENT REPORTING REQUIREMENTS — DAMAGE THRESHOLD
AMOUNT***S.F. 2304*

AN ACT relating to vehicular accident reporting requirements by increasing the minimum amount of property damage necessitating a written report.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 321.266, subsection 2, Code 2009, is amended to read as follows:

2. The driver of a vehicle involved in an accident resulting in injury to or death of any person, or total property damage to an apparent extent of one thousand five hundred dollars or more shall, within seventy-two hours after the accident, forward a written report of the accident to the department. However, such report is not required when the accident is investigated by a law enforcement agency.

Sec. 2. Section 321G.10, Code 2009, is amended to read as follows:

321G.10 Accident reports.

If a snowmobile is involved in an accident resulting in injury or death to anyone or property damage amounting to one thousand dollars or more, either the operator or someone acting for the operator shall immediately notify the county sheriff or another law enforcement agency in the state. If the accident occurred on public land or ice under the jurisdiction of the commission, the operator shall file with the commission a report of the accident, within seventy-two hours, containing information as the commission may require. ~~All~~ For all other accidents shall be reported as required under resulting in injury or death or property damage amounting to one thousand dollars or more, the operator shall forward a written report to the department of transportation within seventy-two hours, unless the accident is investigated by a law enforcement agency as provided in section 321.266.

Sec. 3. Section 321I.11, Code 2009, is amended to read as follows:

321I.11 Accident reports.

If an all-terrain vehicle is involved in an accident resulting in injury or death to anyone or property damage amounting to one thousand dollars or more, either the operator or someone acting for the operator shall immediately notify the county sheriff or another law enforcement agency in the state. If the accident occurred on public land or ice under the jurisdiction of the commission, the operator shall file with the commission a report of the accident, within seventy-two hours, containing information as the commission may require. ~~All~~ For all other accidents shall be reported as required resulting in injury or death or property damage amounting to one thousand dollars or more, the operator shall forward a written report to the department of transportation within seventy-two hours, unless the accident is investigated by a law enforcement agency as provided in section 321.266.

Approved April 23, 2010

CHAPTER 1158**NATURAL RESOURCES AND OUTDOOR RECREATION TRUST FUND***S.F. 2310*

AN ACT creating a natural resources and outdoor recreation trust fund to implement a proposed amendment to the Constitution of the State of Iowa, and providing for contingent implementation.

Be It Enacted by the General Assembly of the State of Iowa:

**SUBCHAPTER I
GENERAL PROVISIONS****Section 1. NEW SECTION. 461.1 Title.**

This Act shall be known and may be cited as the natural resources and outdoor recreation Act.

Sec. 2. NEW SECTION. 461.2 Definitions.

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

1. “*Department*” means the department of agriculture and land stewardship, the department of natural resources, or the department of transportation.

2. “*Fiscal year*” means the state fiscal year effective as provided in section 3.12.

3. “*Initiative*” includes a program, project, practice, strategy, or plan established or administered by an agency that furthers a constitutional purpose as provided in section 461.3.

4. “*Recreational purpose*” includes hunting, trapping, angling, horseback riding, swimming, boating, camping, picnicking, hiking, bird watching, nature study, water skiing, snowmobiling, other summer and winter sports, and viewing or enjoying historical, archaeological, scenic, or scientific sites.

5. “*Trust fund*” means the natural resources and outdoor recreation trust fund created in section 461.31.

6. “*Trust fund moneys*” means moneys originating from the natural resources and outdoor recreation trust fund.

Sec. 3. NEW SECTION. 461.3 Constitutional purpose and implementation.

1. This chapter is created for the constitutional purposes of protecting and enhancing water quality and natural areas in this state including parks, trails, and fish and wildlife habitat, and conserving agricultural soils in this state.

2. This chapter is intended to implement Article VII, section 10, of the Constitution of the State of Iowa by establishing the natural resources and outdoor recreation trust fund, accounts in the trust fund, and appropriating or allocating trust fund moneys to support initiatives specified in subchapter IV.

**SUBCHAPTER II
PARTICIPATION****Sec. 4. NEW SECTION. 461.11 Departmental consultation.**

1. When making decisions regarding the expenditure of trust fund moneys affecting soil and water conservation, the secretary of agriculture shall regularly consult with the soil conservation committee established in section 161A.4. When making decisions regarding the expenditure of trust fund moneys affecting natural resources and outdoor recreation the director of the department of natural resources shall regularly consult with the natural resource commission established pursuant to section 455A.5. When making decisions regarding the expenditure of trust fund moneys affecting trails, the department of transportation shall consult with the state transportation commission as provided in chapter 307A.

2. The heads of each department receiving trust fund moneys shall regularly meet and whenever practicable collaborate in decision-making including by adopting rules,

establishing funding priorities, and determining when it is beneficial to provide joint funding of initiatives.

SUBCHAPTER III ADMINISTRATION

Sec. 5. NEW SECTION. **461.21 Audit.**

1. The auditor of state or a certified public accounting firm appointed by the auditor of state shall conduct an annual audit of the trust fund and all accounts and transactions of the trust fund and accounts.

2. The auditor of state or the certified public accounting firm appointed by the auditor as provided in subsection 1 shall be paid from trust fund moneys without reducing the percentage of trust fund moneys distributed to the Iowa resources enhancement and protection fund or any one account established pursuant to this chapter.

Sec. 6. NEW SECTION. **461.22 Report.**

The three departments shall jointly prepare and submit to the governor and the general assembly not later than January 15 of each year a complete report in an electronic format detailing all of the following:

1. The receipts and expenditures of the trust fund and its accounts, a summary of initiatives supported by trust fund moneys, the results of those expenditures, any performance goals or measurements, and plans for future short-term or long-term expenditures.

2. Recommendations to the general assembly, including legislation proposed by one or more of the departments.

Sec. 7. NEW SECTION. **461.23 Rules.**

The department of revenue, the department of agriculture and land stewardship, the department of natural resources, and department of transportation shall adopt rules separately or jointly as necessary in order to implement and administer this chapter.

Sec. 8. NEW SECTION. **461.24 Public listing.**

The department of natural resources, the department of agriculture and land stewardship, and the department of transportation shall cooperate to publish and maintain a public listing of how moneys contained in the natural resources and outdoor recreation trust fund as created in section 461.31 are distributed and spent during the course of each fiscal year. The departments shall designate one of the departments to be responsible for publishing and maintaining the public listing on the internet site operated by that department.

SUBCHAPTER IV NATURAL RESOURCES AND OUTDOOR RECREATION TRUST FUND AND DISTRIBUTIONS TO SUPPORT DEDICATED PURPOSES

Sec. 9. NEW SECTION. **461.31 Natural resources and outdoor recreation trust fund — creation.**

A natural resources and outdoor recreation trust fund is created within the state treasury.

1. The trust fund shall be composed of moneys required to be credited to the trust fund by law and moneys accepted by a department for placement in an account established in this subchapter and from any source.

2. Trust fund moneys are exclusively appropriated by law to carry out the constitutional purposes provided in section 461.3.

3. Trust fund moneys shall supplement and not replace moneys appropriated by the general assembly to support the constitutional purposes provided in section 461.3.

4. Trust fund moneys shall only be used to support voluntary initiatives and shall not be used for regulatory efforts, enforcement actions, or litigation.

5. In administering a trust fund account, a department may contract, sue and be sued, and authorize payment for costs, fees, commissions, and other reasonable expenses from the account. However, a department shall not in any manner directly or indirectly pledge the credit of this state.

6. Notwithstanding section 8.33, any unexpended balance in the trust fund or in an account created within the trust fund at the end of each fiscal year shall be retained in the trust fund or the respective account. Notwithstanding section 12C.7, subsection 2, interest or earnings on investments or time deposits of the moneys in the trust fund and its respective accounts shall be credited to the trust fund and its respective accounts. The recapture of awards originating from an account and other repayments to an account shall be retained in that account.

Sec. 10. NEW SECTION. 461.32 Natural resources account — allocations.

A natural resources account is created in the trust fund. Twenty-three percent of the moneys credited to the trust fund shall be allocated to the account.

1. The account shall be used by the department of natural resources to support all of the following initiatives:

a. The establishment, restoration, or enhancement of state parks, state preserves, state forests, wildlife areas, wildlife habitats, native prairies, and wetlands.

b. Wildlife diversity.

c. Recreational purposes.

d. Technical assistance and financial incentives to private landowners to promote the management of forests, fisheries, wetlands, and wildlife.

e. The improvement of water trails, rivers, and streams.

f. Education and outreach that provide instruction regarding natural history and the outdoors. The subjects of such instruction may relate to opportunities involving recreational purposes, outdoor safety, and ethics.

2. The department of natural resources shall to every extent possible consider its comprehensive plan provided in section 456A.31 when making funding decisions.

Sec. 11. NEW SECTION. 461.33 Soil conservation and water protection account — allocations.

A soil conservation and water protection account is created in the trust fund. Twenty percent of the moneys credited to the trust fund shall be allocated to the account.

1. The account shall be used by the department of agriculture and land stewardship to support all of the following initiatives:

a. Soil conservation and watershed protection, including by supporting the soil conservation division of the department of agriculture and land stewardship and soil and water conservation district commissioners. The department may provide for the installation of conservation practices and watershed protection improvements as provided in chapters 161A, 161C, 461A, 466, and 466A.

b. The conservation of highly erodible land. The department of agriculture and land stewardship may execute contracts with private landowners who agree to reserve such land only for uses that prevent erosion in excess of the applicable soil loss limits as established in section 161A.44.

c. Soil conservation or crop management practices used on land producing biomass for biorefineries, including cellulosic ethanol production.

2. The department of agriculture and land stewardship may use the account to provide financial incentives or technical assistance to landowners.

Sec. 12. NEW SECTION. 461.34 Watershed protection account — allocations.

A watershed protection account is created in the trust fund. Fourteen percent of the moneys credited to the trust fund shall be allocated to the account.

1. The account shall be used cooperatively by the department of natural resources and the department of agriculture and land stewardship to support all of the following initiatives:

a. Water resource projects administered by the department of natural resources to preserve watersheds, including but not limited to all of the following:

(1) Projects to protect, restore, or enhance water quality in the state through the provision of financial assistance to communities for impairment-based, locally directed watershed projects. The department may use the account to support the water resource restoration sponsor program as provided in section 455B.199.

(2) Regional and community watershed assessment, planning, and prioritization efforts, including as provided in chapter 466B.

b. Surface water protection projects and practices administered by the department of agriculture and land stewardship or the department of natural resources, including but not limited to the installation of permanent vegetation cover, filter strips, grass waterways, and riparian forest buffers; dredging; and bank stabilization. The departments of agriculture and land stewardship and natural resources may use the account to support the conservation buffer strip program provided in section 466.4 and the conservation reserve enhancement program as provided in section 466.5.

2. The departments' decision to prioritize initiatives may be based on the priority list of watersheds provided in section 456A.33A.

Sec. 13. NEW SECTION. 461.35 Iowa resources enhancement and protection fund — allocation.

Thirteen percent of the moneys credited to the trust fund shall be allocated to the Iowa resources enhancement and protection fund created in section 455A.18 for further allocation as provided in section 455A.19.

Sec. 14. NEW SECTION. 461.36 Local conservation partnership account — allocations.

A local conservation partnership account is created in the trust fund. Thirteen percent of the moneys credited to the trust fund shall be allocated to the account.

1. The department of natural resources shall allocate trust fund moneys in the account to local communities for the following initiatives:

a. The maintenance and improvement of parks, preserves, wildlife areas, wildlife habitats, native prairies, and wetlands.

b. Wildlife diversity.

c. Recreational purposes.

d. The improvement of water trails, rivers, and streams.

e. Education and outreach programs and projects that provide instruction regarding natural history and the outdoors. The subjects of such instruction may relate to opportunities involving recreational purposes, outdoor safety, and ethics.

f. Any other purpose described in section 350.1.

2. A local community may cooperate with the state or the federal government to carry out the initiative. Two or more local communities may form an entity if allowed under chapter 28E in order to carry out the initiative.

3. As used in this section, “*local community*” means a county conservation board, a city, or a nongovernmental organization operating on a nonprofit basis.

Sec. 15. NEW SECTION. 461.37 Trails account — allocations.

A trails account is created in the trust fund. Ten percent of the moneys credited to the trust fund shall be allocated to the account.

1. The department of transportation and the department of natural resources shall allocate moneys in the account to support initiatives related to the design, establishment, maintenance, improvement, and expansion of land trails.

2. The department of natural resources may use the account to support the design, establishment, maintenance, improvement, and expansion of water trails.

Sec. 16. NEW SECTION. 461.38 Lake restoration account — allocations.

A lake restoration account is created in the trust fund. Seven percent of the moneys credited to the trust fund shall be deposited to the account. The department of natural resources shall use moneys in the account to support public lake restoration initiatives as follows:

1. An initiative shall account for a lake's recreational, environmental, aesthetic, ecological, and social value. It must improve water quality.

2. The department's decision to prioritize an initiative may be based on the department's lake restoration plan and report as provided in section 456A.33B.

Sec. 17. CONTINGENT IMPLEMENTATION. This Act shall be implemented on January 1, 2011, if the joint resolution proposing an amendment to the Constitution of the State of Iowa to dedicate a portion of state revenue for the benefit of the state's natural resources, as passed for the second time by the general assembly as provided in 2009 Iowa Acts, chapter 185, and submitted to the people of the State of Iowa at the general election in November 2010, in the manner required by the Constitution of the State of Iowa and the laws of this state, is ratified.

Approved April 23, 2010

CHAPTER 1159

COURT ORDERS, PROCEEDINGS, AND ADMINISTRATION

S.F. 2345

AN ACT relating to judicial branch administration, child custody and visitation matters.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 236.4, subsection 2, Code 2009, is amended to read as follows:

2. The court may enter any temporary order it deems necessary to protect the plaintiff from domestic abuse prior to the hearing, including temporary custody or visitation orders pursuant to subsection 2A, upon good cause shown in an ex parte proceeding. Present danger of domestic abuse to the plaintiff constitutes good cause for purposes of this subsection.

Sec. 2. Section 236.4, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 2A. The court may award temporary custody of or establish temporary visitation rights with regard to children under eighteen years of age. In awarding temporary custody or temporary visitation rights, the court shall give primary consideration to the safety of the alleged victim and the children. If the court finds that the safety of the alleged victim or the children will be jeopardized by unsupervised or unrestricted visitation, the court shall set conditions or restrict visitation as to time, place, duration, or supervision, or deny visitation entirely, as needed to guard the safety of the victim and the children. The court shall also determine whether any other existing orders awarding custody or visitation should be modified.

Sec. 3. Section 236.4, subsection 3, Code 2009, is amended to read as follows:

3. If a hearing is continued, the court may make or extend any temporary order under subsection 2 or 2A that it deems necessary.

Sec. 4. Section 236.4, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 5A. Prior to the entry of a temporary order under this section that involves a child-custody determination as defined in section 598B.102, the plaintiff shall furnish information to the court in compliance with section 598B.209.

Sec. 5. Section 236.5, subsection 1, paragraph b, subparagraph (4), subparagraph division (c), Code Supplement 2009, is amended to read as follows:

(c) The court shall also investigate determine whether any other existing orders awarding custody or visitation rights should be modified.

Sec. 6. Section 236.5, subsection 1, paragraph b, subparagraph (4), Code Supplement 2009, is amended by adding the following new subparagraph division:

NEW SUBPARAGRAPH DIVISION. (d) Prior to entry of an order or agreement under this section that involves a child-custody determination as defined in section 598B.102, the parties shall furnish information to the court in compliance with section 598B.209.

Sec. 7. Section 598.15, subsection 1, Code 2009, is amended to read as follows:

1. ~~The court shall order the parties to any action which involves the issues of child custody or visitation to shall~~ participate in a court-approved course to educate and sensitize the parties to the needs of any child or party during and subsequent to the proceeding within forty-five days of the service of notice and petition for the action or within forty-five days of the service of notice and application for modification of an order. Participation in the course may be waived or delayed by the court for good cause including, but not limited to, a default by any of the parties or a showing that the parties have previously participated in a court-approved course or its equivalent. Participation in the course is not required if the proceeding involves termination of parental rights of any of the parties. A final decree shall not be granted or a final order shall not be entered until the parties have complied with this section, unless participation in the course is waived or delayed for good cause or is otherwise not required under this subsection.

Sec. 8. Section 602.3101, subsection 2, Code 2009, is amended to read as follows:

2. ~~The state court administrator or a designee of the state court administrator~~ supreme court shall act as appoint the administrator to of the board.

Sec. 9. Section 602.8105, subsection 1, Code Supplement 2009, is amended by adding the following new paragraph:

NEW PARAGRAPH. j. For filing a tribal judgment, one hundred dollars.

Sec. 10. Section 602.10108, Code 2009, is amended to read as follows:

602.10108 Fees.

1. ~~The board supreme court shall set the fees for examination and for admission. The fees for examination shall be based upon the annual cost of administering the examinations. The fees for admission shall be based upon the costs of conducting an investigation of the applicant and the administrative costs of sustaining the board, which shall include but shall not be limited to:~~

- ~~1. Expenses and travel for board members and temporary examiners.~~
- ~~2. Office facilities, supplies, and equipment.~~
- ~~3. Clerical assistance.~~

2. Fees shall be collected by the board and transmitted to the treasurer of state who shall deposit the fees in the general fund of the state.

Sec. 11. Section 607A.8, subsection 2, Code 2009, is amended to read as follows:

2. A grand juror and a petit juror in all courts shall receive reimbursement for mileage expenses at the rate specified ~~in section 602.1509~~ by the supreme court for each mile traveled each day to and from the residence of the juror to the place of service or attendance, and shall receive reimbursement for actual expenses of parking, as determined by the clerk of the district court. A juror who is a person with a disability may receive reimbursement for the costs of alternate transportation from the residence of the juror to the place of service or attendance. A juror shall not receive reimbursement for mileage expenses or actual expenses of parking when the juror travels in a vehicle for which another juror is receiving reimbursement for mileage and parking expenses.

Sec. 12. Section 626D.3, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 4. The clerk of the district court shall collect a fee as provided in section 602.8105, subsection 1, for filing a tribal judgment.

Sec. 13. Section 633.20, subsection 3, Code 2009, is amended to read as follows:

3. A person appointed as an associate probate judge shall have jurisdiction to audit accounts of fiduciaries and to perform ministerial duties as a referee provided in this section and shall have additional jurisdiction to perform the judicial functions as the court prescribes provided in section 633.20D.

Sec. 14. **NEW SECTION. 633.20D Associate probate judge — jurisdiction — appeals.**

1. An associate probate judge shall have the same jurisdiction to conduct probate court proceedings, to issue no-contact or protective orders, injunctions, contempt orders for adults in probate court proceedings, and to issue orders, findings, and decisions as the judge of the probate court. However, the chief judge may limit the exercise of probate court jurisdiction by the associate probate judge.

2. The parties to a proceeding heard by an associate probate judge are entitled to appeal the order, finding, or decision of an associate probate judge, in the manner of an appeal from orders, findings, or decisions of district court judges. An appeal does not automatically stay the order, finding, or decision of an associate probate judge.

Sec. 15. Section 665.7, Code 2009, is amended to read as follows:

665.7 Notice to show cause.

Before punishing for contempt, unless the offender is already in the presence of the court, the offender must be served personally with ~~a rule~~ an order to show cause against the punishment, and a reasonable time given the offender therefor; or the offender may be brought before the court forthwith, or on a given day, by warrant, if necessary. In either case the offender may, at the offender's option, make a written explanation of the offender's conduct under oath, which must be filed and preserved.

Sec. 16. Section 901.4, Code 2009, is amended to read as follows:

901.4 Presentence investigation report confidential — access.

The presentence investigation report is confidential and the court shall provide safeguards to ensure its confidentiality, including but not limited to sealing the report, which may be opened only by further court order. The defendant's attorney and the attorney for the state shall have access to the presentence investigation report at least three days prior to the date set for sentencing. The defendant's appellate attorney and the appellate attorney for the state shall have access to the presentence investigation report upon request and without the necessity of a court order. The report shall remain confidential except upon court order. However, the court may conceal the identity of the person who provided confidential information. The report of a medical examination or psychological or psychiatric evaluation shall be made available to the attorney for the state and to the defendant upon request. The reports are part of the record but shall be sealed and opened only on order of the court. If the defendant is committed to the custody of the Iowa department of corrections and is not a class "A" felon, the department and the board of parole shall have access to the presentence investigation report. Pursuant to section 904.602, the presentence investigation report may also be released by ordinary or electronic mail by the department of corrections or a judicial district department of correctional services to another jurisdiction for the purpose of providing interstate probation and parole compact or interstate compact for adult offender supervision services or evaluations, or to a substance abuse or mental health services provider when referring a defendant for services. The defendant or the defendant's attorney may file with the presentence investigation report, a denial or refutation of the allegations, or both, contained in the report. The denial or refutation shall be included in the report.

Approved April 23, 2010

CHAPTER 1160**SAND AND GRAVEL REMOVAL FROM STATE-OWNED LANDS***S.F. 2371*

AN ACT relating to royalty fees for removal of sand and gravel from state-owned lands and waters located on the Cedar river in certain counties and including effective date provisions.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 461A.53, Code 2009, is amended to read as follows:

461A.53 Permits.

1. The commission may enter into agreements for the removal of ice, sand, gravel, stone, wood, or other natural material from lands or waters under the jurisdiction of the commission if, after investigation, it is determined that such removal will not be detrimental to the state's interest.

2. The commission may specify the terms and consideration under which such removal is permitted and issue written permits for such removal.

3. Notwithstanding subsection 2, the commission shall issue written permits with a royalty fee of ten cents per ton for the removal of sand and gravel for the purposes of flood control from state-owned lands and waters under the jurisdiction of the commission located on the Cedar river in a county with a population of more than one hundred twenty-seven thousand. This subsection is repealed on June 30, 2015.

Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved April 23, 2010

CHAPTER 1161**REPLACEMENT TAXES ON COGENERATION FACILITIES***S.F. 2373*

AN ACT relating to the administration of the replacement tax for new cogeneration facilities, and including effective date and retroactive applicability provisions.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 437A.3, subsection 1, Code Supplement 2009, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. For new cogeneration facilities, the assessed value shall be determined as provided in section 437A.16A.

Sec. 2. Section 437A.3, subsection 4, Code Supplement 2009, is amended to read as follows:

4. *a.* "Cogeneration facility" means a facility with a capacity of two hundred megawatts or less that uses the same energy source for the sequential generation of electrical or mechanical power in combination with steam, heat, or other forms of useful energy and, except for ownership, meets the criteria to be a qualifying cogeneration facility as defined in the federal Public Utility Regulatory Policies Act of 1978, 16 U.S.C. § 2601 et seq., and related federal regulations.

b. "New cogeneration facility" means any of the following:

(1) A cogeneration facility, regardless of capacity, which is first placed into service on or after January 1, 2009, that uses the same energy source for the sequential generation of electrical or mechanical power in combination with steam, heat, or other forms of useful energy and meets the criteria to be a qualifying cogeneration facility as defined in the federal Public Utility Regulatory Policies Act of 1978, 16 U.S.C. § 2601 et seq., and related federal regulations.

(2) A cogeneration facility in service prior to January 1, 2009, that became subject to the replacement generation tax under section 437A.6 for the first time on or after January 1, 2009.

Sec. 3. Section 437A.3, subsection 11, paragraph b, subparagraphs (1) and (2), Code Supplement 2009, are amended to read as follows:

(1) An electric power generating plant that is owned by or leased to an electric company, electric cooperative, ~~or~~ municipal utility, or any other taxpayer, and that initially generates electricity subject to replacement generation tax under section 437A.6 on or after January 1, 2003.

(2) An electric power generating plant that is owned by or leased to an electric company, electric cooperative, ~~or~~ municipal utility, or any other taxpayer, that initially generated electricity subject to replacement generation tax under section 437A.6 before January 1, 2003, and that is sold, leased, or transferred, in full or in part, on or after January 1, 2003. If any portion of an electric power generating plant is sold, the entire plant shall be treated as if it were a new electric power generating plant.

Sec. 4. Section 437A.5, subsection 1, paragraph c, unnumbered paragraph 3, Code 2009, is amended to read as follows:

If the new electric power generating plant is part of a cogeneration facility or new cogeneration facility, the natural gas delivery rate for that plant shall be the lesser of the natural gas delivery rate established in this paragraph “c” or the rate per therm of natural gas as in effect at the time of the initial natural gas deliveries to the plant for the natural gas competitive service area where the new electric power generating plant is located.

Sec. 5. Section 437A.8, subsection 4, paragraph d, Code 2009, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. If a taxpayer has paid an amount of replacement tax, penalty, or interest which was deposited into the property tax relief fund and which was not due, all of the provisions of section 437A.14, subsection 1, paragraph “b”, shall apply with regard to any claim for refund or credit filed by the taxpayer. The director shall have sole discretion as to whether the erroneous payment will be refunded to the taxpayer or credited against any replacement tax due, or to become due, from the taxpayer that would be subject to deposit in the property tax relief fund.

Sec. 6. Section 437A.15, subsection 7, paragraph b, Code Supplement 2009, is amended to read as follows:

b. The task force shall study the effects of the replacement tax on local taxing authorities, local taxing districts, consumers, and taxpayers through January 1, ~~2010~~ 2013. If the task force recommends modifications to the replacement tax that will further the purposes of tax neutrality for local taxing authorities, local taxing districts, taxpayers, and consumers, consistent with the stated purposes of this chapter, the department of management shall transmit those recommendations to the general assembly.

Sec. 7. **NEW SECTION. 437A.16A New cogeneration facilities.**

1. a. Except as otherwise provided by this chapter, the property of a new cogeneration facility subject to replacement tax that is primarily and directly used in the production, generation, transmission, or delivery of electricity shall be exempt from taxation by means of applying a credit, as computed in this section, representing the value of this exempt property against the assessed value of the entire new cogeneration facility as determined by the local assessor under the provisions of chapters 427, 427A, 427B, 428, 441, and any other applicable abatement and exemption provisions under this Code.

b. Following the March 31 due date for the replacement tax return as required by section 437A.8, the director shall annually determine the assessed value of the new cogeneration facility exempt property by dividing the prior year's replacement tax liability attributable to that facility by the current fiscal year's consolidated taxing district rate for the taxing district where the facility is located, then multiplying the quotient by one thousand. The director shall certify this value to the local assessor on or before April 10 of the current calendar year. The assessor shall apply this certified value as a credit against the total assessed value of the facility. The allowable credit shall not exceed the total value of the new cogeneration facility as determined by the local assessor for the assessment year and any excess credits shall not be applied to any other assessment year.

c. A credit shall not be applied to a new cogeneration facility for the first year the facility becomes subject to the replacement tax if it first became subject to the replacement tax after January 1 of that year. For the first year in which the new cogeneration facility is subject to the replacement tax as of January 1 of that year, the taxpayer shall estimate the total replacement taxes due for that year and report that estimate to the director by March 31, and the director shall base the determination of assessed value from that estimate. If the estimate varies by more than five percent from the actual replacement tax liability for the year in which the facility was first subject to the replacement tax as of January 1, the director shall adjust the next year's assessed value calculation by increasing or decreasing the current replacement tax calculation to reflect the difference between the estimate and the actual replacement tax owed for the year in which the facility was first subject to replacement tax as of January 1.

2. The director shall classify each new cogeneration facility as a separate taxpayer for reporting purposes and shall allocate the entire replacement tax attributable to the new cogeneration facility to the local taxing district or districts where that facility is located. The assessed value of the exempt property of the new cogeneration facility shall be the basis for determining the statewide property tax imposed by section 437A.18.

3. Any cogeneration facility placed in service prior to January 1, 2009, that did not qualify as a self-generator under subsection 437A.3, subsection 27, as of January 1, 2009, shall be subject exclusively to the replacement tax.

Sec. 8. Section 437A.18, Code 2009, is amended to read as follows:

437A.18 Tax imposition.

An annual statewide property tax of three cents per one thousand dollars of assessed value is imposed upon all property described in ~~section~~ sections 437A.16 and 437A.16A on the assessment date of January 1.

Sec. 9. Section 437A.19, subsection 1, paragraph a, Code Supplement 2009, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (8) Any gas or transmission property at acquisition cost of more than one million dollars that was transferred or disposed of in the preceding calendar year by local taxing district.

Sec. 10. Section 437A.19, subsection 2, paragraph e, Code Supplement 2009, is amended to read as follows:

e. In addition to reporting the assessed values as described in this subsection, the director, on or before October 31 of each assessment year, shall also report to the department of management and to the auditor of each county the taxable value of taxpayer property as of January 1 of such assessment year for each local taxing district. For purposes of this chapter, "taxable value" means the value for all property subject to the replacement tax annually determined by the director, by dividing the estimated annual replacement tax liability for that property by the ~~prior~~ current fiscal year's consolidated taxing district rate for the taxing district where that property is located, then multiplying the quotient by one thousand. A taxpayer who paid more than five hundred thousand dollars in replacement tax in the previous tax year or who believes ~~their~~ the taxpayer's replacement tax liability will vary more than ten percent from the previous tax year shall report to the director by October 1 of the current calendar year, on forms prescribed by the director, the estimated replacement tax liability that will be attributable to all of the taxpayer's property subject to replacement tax

for the current tax year. The department shall utilize the estimated replacement tax liability as reported by the taxpayer or the taxpayer's prior year's replacement tax amounts to estimate the current tax year's taxable value for that property. Furthermore, a taxpayer who has a new major addition of operating property which is put into service for the first time in the current calendar year shall report to the director by October 1 of the current calendar year, or at the time the major addition is put into service, whichever time is later, on forms prescribed by the director, the cost of the major addition and, if not previously reported, shall report the estimated replacement taxes which that asset will generate in the current calendar year. For the purposes of computing the taxable value of property in a taxing district, the taxing district's share of the estimated replacement tax liability shall be the taxing district's percentage share of the "assessed value allocated by property tax equivalent" multiplied by the total estimated replacement tax. "Assessed value allocated by property tax equivalent" shall be determined by dividing the taxpayer's current year assessed valuation in a taxing district by one thousand, and then multiplying by the prior year's consolidated tax rate.

Sec. 11. EFFECTIVE DATE AND RETROACTIVE APPLICABILITY. This Act, being deemed of immediate importance, takes effect upon enactment and applies retroactively to January 1, 2010, for tax years beginning on or after that date.

Approved April 23, 2010

CHAPTER 1162

ENVIRONMENTALLY PREFERABLE CLEANING AND MAINTENANCE POLICY FOR STATE AND PUBLIC EDUCATION FACILITIES

H.F. 823

AN ACT requiring public schools, community colleges, institutions under the control of the state board of regents, and state agencies to comply with an environmentally preferable cleaning and maintenance policy unless specified conditions for noncompliance are satisfied.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. NEW SECTION. 8A.318 **Building cleaning and maintenance — environmentally preferable cleaning products.**

1. *Findings and intent.* The general assembly finds that human beings are vulnerable to and may be severely affected by exposure to chemicals, hazardous waste, and other environmental hazards. The federal environmental protection agency estimates that human exposure to indoor air pollutants can be two to five times, and up to one hundred times, higher than outdoor levels. Children, teachers, janitors, and other staff members spend a significant amount of time inside school buildings. Likewise, state employees and citizens of this state spend a significant amount of time inside state buildings. These individuals are continuously exposed to chemicals from cleaners, waxes, deodorizers, and other maintenance products.

2. *Definitions.* As used in this section, unless the context otherwise requires:

a. "Environmentally preferable cleaning and maintenance products" includes but is not limited to cleaning and maintenance products identified by the department and posted on the department's internet site.

b. "State building" means a public facility or building owned by or leased by the state, or an agency or department of the state.

3. *Use of environmentally preferable cleaning and maintenance products.*

a. All school districts in this state, community colleges, institutions under the control of the state board of regents, and state agencies utilizing state buildings, are encouraged to conform

to an environmentally preferable cleaning policy designed to facilitate the purchase and use of environmentally preferable cleaning and maintenance products for purposes of public school, community college, regents institution, and state building cleaning and maintenance.

b. Each school district, community college, institution under the control of the state board of regents, or state agency utilizing public buildings shall conduct an evaluation and assessment regarding implementation of an environmentally preferable cleaning policy pursuant to this section. On or after July 1, 2012, all state agencies, and all school districts, community colleges, and institutions under the control of the state board of regents which have not opted out of compliance pursuant to paragraph “c”, shall purchase only cleaning and maintenance products identified by the department or that meet nationally recognized standards. School districts, community colleges, institutions under the control of the state board of regents, and state agencies procuring supplies for schools and state buildings may deplete their existing cleaning and maintenance supply stocks and implement the new requirements in the procurement cycle for the following year. This section shall not be interpreted in a manner that prohibits the use of disinfectants, disinfecting cleaners, sanitizers, or any other antimicrobial product regulated by the federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. § 136 et seq., when necessary to protect public health and provided that the use of these products is in accordance with responsible cleaning procedure requirements.

c. A school district, community college, or institution under the control of the state board of regents may, based upon the evaluation and assessment conducted pursuant to paragraph “b”, opt out of compliance with the requirements of this section, upon the affirmative vote of a majority of the members of the board of directors of the school district or a determination by the president of the community college or by the president or administrative officer of the regents institution. A school district, community college, or regents institution opting out of compliance pursuant to this paragraph shall notify the department of education, the state board for community colleges, or the state board of regents, respectively, of this decision.

4. *Information requirements — department internet site.* The department shall provide information on the department’s internet site regarding environmentally preferable cleaning and maintenance products used by the department. The department may also provide information regarding other cleaning and maintenance products that the department is aware of that meet nationally recognized standards. Information shall also be provided, at the discretion of the department, regarding the nationally recognized standards and the entity establishing the standards.

Approved April 23, 2010

CHAPTER 1163

PUBLIC HEALTH REGULATION — MISCELLANEOUS CHANGES

H.F. 2284

AN ACT relating to various activities regulated and programs administered by the department of public health, including fetal death certification, and optometry, cosmetology, and barbering licensure.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 144.31, Code 2009, is amended to read as follows:

144.31 Medical certification — fetal death.

1. The medical certification for a fetal death shall be completed within ~~twenty-four~~ seventy-two hours after delivery by the physician in attendance at or after delivery except when inquiry is required by the county medical examiner.

2. When a fetal death occurs without medical attendance upon the mother at or after delivery or when inquiry is required by the county medical examiner, the medical examiner shall investigate the cause of fetal death and shall complete the medical certification within ~~twenty-four~~ seventy-two hours after taking charge of the case. The person completing the medical certification of cause of fetal death shall attest to its accuracy either by signature or as authorized by rule.

Sec. 2. Section 148.3, subsection 1, paragraph a, unnumbered paragraph 1, Code Supplement 2009, is amended to read as follows:

A ~~Evidence of a diploma issued by a medical college or college of osteopathic medicine and surgery approved by the board, or other evidence of equivalent medical education approved by the board.~~ The board may accept, in lieu of a diploma from a medical college approved by the board, all of the following:

Sec. 3. Section 154.1, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 5. Beginning July 1, 2012, all licensed optometrists shall meet requirements established by the board by rule to employ diagnostic and therapeutic pharmaceutical agents for the practice of optometry. All licensees practicing optometry in this state shall have demonstrated qualifications and obtained certification to use diagnostic and therapeutic pharmaceutical agents as a condition of license renewal.

Sec. 4. Section 157.1, subsection 5, paragraph c, Code 2009, is amended to read as follows:

c. Removing superfluous hair from the face or body of a person with the use of depilatories, wax, sugars, threading, or tweezing.

Sec. 5. Section 157.1, subsection 12, paragraph c, Code 2009, is amended to read as follows:

c. Removing superfluous hair from the body of a person by the use of depilatories, waxing, sugaring, tweezers, threading, or use of any certified laser products or intense pulsed light devices. This excludes the practice of electrolysis, whereby hair is removed with an electric needle.

Sec. 6. Section 157.8, subsection 2, Code 2009, is amended to read as follows:

2. a. The number of instructors for each school shall be based upon total enrollment, with a minimum of two licensed instructors employed on a full-time basis for up to thirty students and an additional licensed instructor for each fifteen additional students. A student instructor shall not be used to meet licensed instructor-to-student ratios. However, a A school operated by an area community college prior to September 1, 1982, with only one instructor per fifteen students is not subject to this paragraph and may continue to operate with the ratio of one licensed instructor to fifteen students. A student instructor may not be used to meet this requirement.

b. A school with less than thirty students enrolled may have one licensed instructor on site in the school if offering only clinic services or only theory instruction in a single classroom and less than fifteen students are present. If a school is offering clinic services and theory instruction simultaneously to less than fifteen students, at least two licensed instructors must be on site. Schools with more than thirty students enrolled shall meet the licensed instructor-to-student ratio as provided in paragraph "a".

~~a. c.~~ A person employed as an instructor in the cosmetology arts and sciences by a licensed school shall be licensed in the practice and shall possess a separate instructor's license which shall be renewed biennially. An instructor shall file an application with the department on forms prescribed by the board. ~~Prior to licensure, an applicant for an instructor's license shall have been actively engaged in the practice for a period of two years and complete a course of study required by the board or an instructor's course at a school for cosmetology arts and sciences, and meet any other requirement established by the board. Requirements for licensure as an instructor shall be determined by the board by rule.~~

~~b. d.~~ The application for an instructor's license shall be accompanied by the biennial fee determined pursuant to section 147.80.

Sec. 7. Section 158.4, subsection 2, Code 2009, is amended to read as follows:

2. The department may issue a temporary permit ~~for the purpose of demonstrating barbering upon recommendation of the board which allows the applicant to practice barbering for purposes determined by rule.~~ The board shall determine and state its recommendations and the length of time the temporary permit issued under this subsection is valid.

Sec. 8. REPEAL. Section 152B.13, Code Supplement 2009, is repealed.

Approved April 23, 2010

CHAPTER 1164

MOWING ON ROAD AND HIGHWAY MEDIANS AND RIGHTS-OF-WAY

H.F. 2458

AN ACT relating to restrictions on mowing within the right-of-way of interstates, primary highways, and secondary roads.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 314.17, Code 2009, is amended to read as follows:

314.17 Mowing on interstates, and primary highways, and secondary roads.

~~On or after January 1, 2003, the department shall not mow~~ Mowing roadside vegetation on the rights-of-way or medians on any primary or highway, interstate highway. ~~Mowing shall be permitted as follows, or secondary road prior to July 15 is prohibited, except as follows:~~

1. ~~On rights-of-way which include drainage ditch areas.~~ Within two hundred yards of an inhabited dwelling.
2. On rights-of-way within ~~three miles~~ one mile of the corporate limits of a city.
3. To promote native species of vegetation or other long-lived and adaptable vegetation.
4. ~~For establishing~~ To establish control of damaging insect populations, noxious weeds, and ~~invader~~ invasive plant species.
5. For visibility and safety reasons.
6. Within rest areas, weigh stations, and wayside parks.¹

Sec. 2. Section 317.11, Code 2009, is amended to read as follows:

317.11 Weeds on roads — harvesting of grass.

1. The county boards of supervisors and the state department of transportation shall control noxious weeds growing on the roads under their jurisdiction. Spraying for control of noxious weeds shall be limited to those circumstances when it is not practical to mow or otherwise control the noxious weeds.

2. Nothing under this chapter shall prevent the landowner from harvesting, in proper season on or after July 15, the grass grown on the road along the landowner's land except for vegetation maintained for highway purposes as part of an integrated roadside vegetation management plan which is consistent with the objectives in section 314.22.

Sec. 3. Section 317.19, Code 2009, is amended to read as follows:

317.19 Road clearing appropriation.

1. The board of supervisors may appropriate moneys to be used for the purposes of cutting, burning, or otherwise controlling weeds or brush within the right-of-way of roads under county jurisdiction ~~in time to prevent reseeding or~~ in a manner consistent with the county's roadside vegetation management plan, if the county has adopted such a plan, or in time

¹ See chapter 1193, §121 herein

to prevent reseeding, except as provided in section 314.17. The moneys appropriated shall not be spent on spraying for control of weeds except in those circumstances when it is not practical to mow or otherwise control the weeds.

2. The board of supervisors may purchase or hire necessary equipment or contract with the adjoining landowner to carry out this section.

Approved April 23, 2010

CHAPTER 1165

PUBLIC EMPLOYEE COLLECTIVE BARGAINING

H.F. 2485

AN ACT relating to public employee collective bargaining.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 20.1, subsection 2, paragraph e, Code 2009, is amended to read as follows:

e. Providing mediators, ~~fact finders~~, and arbitrators to resolve impasses in negotiations.

Sec. 2. Section 20.1, subsection 2, paragraph g, Code 2009, is amended to read as follows:

g. ~~Assisting the attorney general in the preparation of~~ Preparing legal briefs and ~~the presentation of~~ presenting oral arguments in the district court, the court of appeals, and the supreme court in cases affecting the board.

Sec. 3. Section 20.3, subsection 4, Code 2009, is amended to read as follows:

4. “*Employee organization*” means an organization of any kind in which public employees participate and which exists for the primary purpose of representing ~~public~~ employees in their employment relations.

Sec. 4. Section 20.3, subsection 5, Code 2009, is amended by striking the subsection.

Sec. 5. Section 20.5, subsection 3, Code 2009, is amended to read as follows:

3. The chairperson and the remaining two members shall be compensated as provided in section 7E.6, subsection 5. Members of the board and ~~other~~ employees of the board shall be allowed their actual and necessary expenses incurred in the performance of their duties. All expenses and salaries shall be paid from appropriations for such purposes and the board shall be subject to the budget requirements of chapter 8.

Sec. 6. Section 20.6, subsection 1, Code 2009, is amended to read as follows:

1. ~~Administer~~ Interpret, apply, and administer the provisions of this chapter.

Sec. 7. Section 20.10, subsection 1, Code 2009, is amended to read as follows:

1. It shall be a prohibited practice for any public employer, public employee or employee organization to ~~willfully~~ refuse to negotiate in good faith with respect to the scope of negotiations as defined in section 20.9.

Sec. 8. Section 20.10, subsection 2, unnumbered paragraph 1, Code 2009, is amended to read as follows:

It shall be a prohibited practice for a public employer or the employer’s designated representative ~~willfully~~ to:

Sec. 9. Section 20.10, subsection 2, paragraph f, Code 2009, is amended to read as follows:

f. Deny the rights accompanying certification ~~or exclusive recognition~~ granted in this chapter.

Sec. 10. Section 20.10, subsection 3, unnumbered paragraph 1, Code 2009, is amended to read as follows:

It shall be a prohibited practice for public employees or an employee organization or for any person, union or organization or their agents ~~willfully~~ to:

Sec. 11. Section 20.10, subsection 3, paragraph b, Code 2009, is amended to read as follows:

b. Interfere, restrain, or coerce a public employer with respect to rights granted in this chapter or with respect to selecting a representative for the purposes of negotiating collectively ~~on~~ or the adjustment of grievances.

Sec. 12. Section 20.10, subsection 3, paragraph f, Code 2009, is amended to read as follows:

f. Violate the provisions of sections 732.1 to 732.3, which are hereby made applicable to public employers, public employees, and public employee organizations.

Sec. 13. Section 20.10, subsection 4, Code 2009, is amended to read as follows:

4. The expressing of any views, argument or opinion, or the dissemination thereof, whether orally or in written, printed, graphic, or visual form, shall not constitute or be evidence of any ~~unfair labor prohibited practice~~ under any of the provisions of this chapter, if such expression contains no threat of reprisal or force or promise of benefit.

Sec. 14. Section 20.11, subsections 1, 2, and 3, Code 2009, are amended to read as follows:

1. Proceedings against a party alleging a violation of section 20.10, shall be commenced by filing a complaint with the board within ninety days of the alleged violation, causing a copy of the complaint to be served upon the accused party ~~in the manner of an original notice as provided in this chapter~~. The accused party shall have ten days within which to file a written answer to the complaint. However, the board may conduct a preliminary investigation of the alleged violation, and if the board determines that the complaint has no basis in fact, the board may dismiss the complaint. The board shall promptly thereafter set a time and place for hearing in the county where the alleged violation occurred, provided, however, that the presiding officer may conduct the hearing through the use of technology from a remote location. The parties shall be permitted to be represented by counsel, summon witnesses, and request the board to subpoena witnesses on the requester's behalf. Compliance with the technical rules of pleading and evidence shall not be required.

2. The board may designate one of its members, an administrative law judge, or any other qualified person employed by the board to conduct ~~serve as the presiding officer~~ at the hearing. The ~~administrative law judge presiding officer~~ has the powers as may be exercised by the board for conducting the hearing and shall follow the procedures adopted by the board for conducting the hearing. The proposed decision of the ~~administrative law judge presiding officer~~ may be appealed to the board and the board may hear the case de novo or upon the record as submitted before the administrative law judge, utilizing procedures governing appeals to the district court in this section so far as applicable, or reviewed on motion of the board, in accordance with the provisions of chapter 17A.

3. The board shall appoint a certified shorthand reporter to report the proceedings and the board shall fix the reasonable amount of compensation for such service, and for any transcript requested by the board, which amount amounts shall be taxed as other costs.

Sec. 15. Section 20.13, subsections 2 and 3, Code 2009, are amended to read as follows:

2. Within thirty days of receipt of a petition ~~or notice to all interested parties if on its own initiative~~, the board shall conduct a public hearing, receive written or oral testimony, and promptly thereafter file an order defining the appropriate bargaining unit. In defining the unit, the board shall take into consideration, along with other relevant factors, the principles of efficient administration of government, the existence of a community of interest among

public employees, the history and extent of public employee organization, geographical location, and the recommendations of the parties involved.

3. Appeals from such order shall be governed by ~~appeal provisions provided in section 20.14~~ the provisions of chapter 17A.

Sec. 16. Section 20.14, subsection 2, paragraph a, Code 2009, is amended to read as follows:

a. The employee organization has submitted a request to a public employer to bargain collectively ~~with~~ on behalf of a designated group of public employees.

Sec. 17. Section 20.14, subsection 6, Code 2009, is amended by striking the subsection.

Sec. 18. Section 20.15, subsections 1, 2, and 6, Code 2009, are amended to read as follows:

1. Upon the filing of a petition for certification of an employee organization, the board shall submit a question to the public employees at an election in ~~an appropriate~~ the bargaining unit found appropriate by the board. The question on the ballot shall permit the public employees to vote for no bargaining representation or for any employee organization which has petitioned for certification or which has presented proof satisfactory to the board of support of ten percent or more of the public employees in the appropriate unit.

2. If a majority of the votes cast on the question is for no bargaining representation, the public employees in the bargaining unit found appropriate by the board shall not be represented by an employee organization. If a majority of the votes cast on the question is for a listed employee organization, then ~~the~~ that employee organization shall represent the public employees in ~~an appropriate~~ the bargaining unit found appropriate by the board.

6. a. A petition for certification as ~~an~~ an exclusive bargaining representative of a bargaining unit shall not be considered by the board for a period of one year from the date of the ~~certification or noncertification of an employee organization as the exclusive bargaining representative or of that bargaining unit following a certification election.~~ certification election. A petition for certification as the exclusive bargaining representative of a bargaining unit shall also not be considered by the board if the bargaining unit is at that time represented by a certified exclusive bargaining representative.

b. A petition for the decertification of the exclusive bargaining representative of a bargaining unit shall not be considered by the board for a period of one year from the date of its certification, or within one year of its continued certification following a decertification election, or during the duration of a collective bargaining agreement which, for purposes of this section, shall be deemed not to exceed two years. However, if a petition for decertification is filed during the duration of a collective bargaining agreement, the board shall award an election under this section not more than one hundred eighty days and not less than one hundred fifty days prior to the expiration of the collective bargaining agreement. If an employee organization is decertified, the board may receive petitions under section 20.14, provided that no such petition and no election conducted pursuant to such petition within one year from decertification shall include as a party the decertified employee organization.

c. A collective bargaining agreement with the state, its boards, commissions, departments, and agencies shall be for two years and the provisions of a collective bargaining agreement ~~except agreements agreed to or tentatively agreed to prior to July 1, 1977, or arbitrators' or arbitrator's award affecting state employees shall not provide for renegotiations which would require the refinancing of salary and fringe benefits for the second year of the term of the agreement, except as provided in section 20.17, subsection 6, and the effective date of any such agreement shall be July 1 of odd-numbered years, provided that if an exclusive bargaining representative is certified on a date which will prevent the negotiation of a collective bargaining agreement prior to July 1 of odd-numbered years for a period of two years, the certified collective bargaining representative may negotiate a one-year contract with a~~ the public employer which shall be effective from July 1 of the even-numbered year to July 1 of the succeeding odd-numbered year when new contracts shall become effective. ~~However, if a petition for decertification is filed during the duration of a collective bargaining agreement, the board shall award an election under this section not more than one hundred~~

~~eighty days nor less than one hundred fifty days prior to the expiration of the collective bargaining agreement. If an employee organization is decertified, the board may receive petitions under section 20.14, provided that no such petition and no election conducted pursuant to such petition within one year from decertification shall include as a party the decertified employee organization.~~

Sec. 19. Section 20.17, subsection 3, Code 2009, is amended to read as follows:

3. Negotiating sessions, strategy meetings of public employers or ~~employee organizations~~, mediation, and the deliberative process of arbitrators shall be exempt from the provisions of chapter 21. However, the employee organization shall present its initial bargaining position to the public employer at the first bargaining session. The public employer shall present its initial bargaining position to the employee organization at the second bargaining session, which shall be held no later than two weeks following the first bargaining session. Both sessions shall be open to the public and subject to the provisions of chapter 21. Parties who by agreement are utilizing a cooperative alternative bargaining process may exchange their respective initial interest statements in lieu of initial bargaining positions at these open sessions. Hearings conducted by arbitrators shall be open to the public.

Sec. 20. Section 20.17, subsection 6, Code 2009, is amended to read as follows:

6. ~~No~~ A collective bargaining agreement or ~~arbitrators' decision~~ arbitrator's award shall not be valid or enforceable if its implementation would be inconsistent with any statutory limitation on the public employer's funds, spending or budget or would substantially impair or limit the performance of any statutory duty by the public employer. A collective bargaining agreement or ~~arbitrators' arbitrator's~~ arbitrator's award may provide for benefits conditional upon specified funds to be obtained by the public employer, but the agreement shall provide either for automatic reduction of such conditional benefits or for additional bargaining if the funds are not obtained or if a lesser amount is obtained.

Sec. 21. Section 20.17, subsection 10, Code 2009, is amended to read as follows:

10. The negotiation of a proposed collective bargaining agreement by representatives of a state public employer and a state employee organization shall be complete not later than March 15 of the year when the agreement is to become effective. The board shall provide, by rule, a date on which any impasse item must be submitted to binding arbitration and for such other procedures as deemed necessary to provide for the completion of negotiations of proposed state collective bargaining agreements not later than March 15. The date selected for the mandatory submission of impasse items to binding arbitration shall be sufficiently in advance of March 15 to ~~insure~~ ensure that the ~~arbitrators' decision~~ arbitrator's award can be reasonably made before March 15.

Sec. 22. Section 20.17, subsection 11, Code 2009, is amended to read as follows:

11. *a.* In the absence of an impasse agreement negotiated pursuant to section 20.19 which provides for a different completion date, public employees represented by a certified employee organization who are teachers licensed under chapter 272 and who are employed by a public employer which is a school district or area education agency shall complete the negotiation of a proposed collective bargaining agreement not later than May 31 of the year when the agreement is to become effective. The board shall provide, by rule, a date on which impasse items in such cases must be submitted to binding arbitration and for such other procedures as deemed necessary to provide for the completion of negotiations of proposed collective bargaining agreements not later than May 31. The date selected for the mandatory submission of impasse items to binding arbitration in such cases shall be sufficiently in advance of May 31 to ensure that the ~~arbitrators' decision~~ arbitrator's award can be reasonably made ~~before~~ by May 31.

b. ~~If the public employer is a community college, the following apply:~~

(1) ~~*b.* The negotiation of a proposed collective bargaining agreement shall be complete not later than May 31 of the year when the agreement is to become effective, absent the existence~~ In the absence of an impasse agreement negotiated pursuant to section 20.19 which provides for a different completion date, public employees represented by a certified employee organization who are employed by a public employer which is a community

~~college shall complete the negotiation of a proposed collective bargaining agreement not later than May 31 of the year when the agreement is to become effective. The board shall adopt rules providing for provide, by rule, a date on which impasse items in such cases must be submitted to binding arbitration and for such other procedures as deemed necessary to provide for the completion of negotiations of proposed collective bargaining agreements not later than May 31. The date selected for the mandatory submission of impasse items to binding arbitration in such cases shall be sufficiently in advance of May 31 to ensure that the arbitrators' decision arbitrator's award can be reasonably made by May 31.~~

~~(2) c. Notwithstanding the provisions of subparagraph (1) paragraphs "a" and "b", the May 31 deadline may be waived by mutual agreement of the parties to the collective bargaining agreement negotiations.~~

Sec. 23. Section 20.18, unnumbered paragraph 1, Code 2009, is amended to read as follows:

An agreement with an employee organization which is the exclusive representative of public employees in an appropriate unit may provide procedures for the consideration of public employee and employee organization grievances and ~~of disputes~~ over the interpretation and application of agreements. Negotiated procedures may provide for binding arbitration of public employee and employee organization grievances ~~and of disputes~~ over the interpretation and application of existing agreements. An arbitrator's decision on a grievance may not change or amend the terms, conditions, or applications of the collective bargaining agreement. Such procedures shall provide for the invoking of arbitration only with the approval of the employee organization in all instances, and in the case of an employee grievance, only with the additional approval of the public employee. The costs of arbitration shall be shared equally by the parties.

Sec. 24. Section 20.22, subsections 1, 2, and 3, Code 2009, are amended to read as follows:

1. ~~If an impasse persists after the findings of fact and recommendations are made public by the fact finder, the parties may continue to negotiate or ten days after the mediator has been appointed, the board shall have the power, upon request of either party, to arrange for arbitration, which shall be binding. The request for arbitration shall be in writing and a copy of the request shall be served upon the other party.~~

2. ~~a. Each party shall submit to the board serve its final offer on each of the impasse items upon the other party within four days of the board's receipt of the request a final offer on the impasse items with proof of service of a copy upon the other party for arbitration. Each party shall also submit a copy of a draft of the proposed collective bargaining agreement to the extent to which agreement has been reached and the name of its selected arbitrator. The parties may continue to negotiate all offers until an agreement is reached or a decision an award is rendered by the panel of arbitrators.~~

~~b. As an alternative procedure, the two parties may agree to submit the dispute to a single arbitrator. If the parties cannot agree on the arbitrator within four days, the selection shall be made pursuant to subsection 5 arbitrator. The full costs of arbitration under this provision section shall be shared equally by the parties to the dispute.~~

3. ~~The submission of the impasse items to the arbitrators arbitrator shall be limited to those issues that had been considered by the fact finder and items upon which the parties have not reached agreement. With respect to each such item, the arbitration board arbitrator's award shall be restricted to the final offers on each impasse item submitted by the parties to the arbitration board or to the recommendation of the fact finder on each impasse item arbitrator.~~

Sec. 25. Section 20.22, subsections 10 through 13, Code 2009, are amended to read as follows:

10. ~~The chairperson of the panel of arbitrators arbitrator may hold hearings and administer oaths, examine witnesses and documents, take testimony and receive evidence, and issue subpoenas to compel the attendance of witnesses and the production of records, and delegate such powers to other members of the panel of arbitrators. The chairperson of the panel of arbitrators arbitrator may petition the district court at the seat of government or of the county~~

in which ~~any~~ the hearing is held to enforce the order of the ~~chairperson~~ arbitrator compelling the attendance of witnesses and the production of records.

11. ~~A majority of the panel of arbitrators~~ The arbitrator shall select within fifteen days after ~~its first meeting the hearing~~ the most reasonable offer, in ~~it's~~ the arbitrator's judgment, of the final offers on each impasse item submitted by the parties, ~~or the recommendations of the fact finder on each impasse item.~~

12. The selections by the ~~panel of arbitrators~~ arbitrator and items agreed upon by the public employer and the employee organization, shall be deemed to be the collective bargaining agreement between the parties.

13. The determination of the ~~panel of arbitrators~~ arbitrator shall be by majority vote and ~~arbitrator~~ shall be final and binding subject to the provisions of section 20.17, subsection 6. ~~The panel of arbitrators~~ arbitrator shall give written explanation for ~~its selection~~ the arbitrator's selections and inform the parties of its the decision.

Sec. 26. Section 20.22, subsection 4, Code 2009, is amended by striking the subsection and inserting in lieu thereof the following:

4. Upon the filing of the request for arbitration, a list of five arbitrators shall be served upon the parties by the board. Within five days of service of the list, the parties shall determine by lot which party shall remove the first name from the list and the parties shall then alternately remove names from the list until the name of one person remains, who shall become the arbitrator. The parties shall immediately notify the board of their selection and the board shall notify the arbitrator. After consultation with the parties, the arbitrator shall set a time and place for an arbitration hearing.

Sec. 27. Section 20.22, subsections 5 and 6, Code 2009, are amended by striking the subsections.

Sec. 28. Section 20.22, subsections 7 and 8, Code 2009, are amended to read as follows:

7. ~~The panel of arbitrators~~ arbitrator shall at no time engage in an effort to mediate or otherwise settle the dispute in any manner other than that prescribed in this section.

8. ~~From the time of appointment the board notifies the arbitrator of the selection of the arbitrator until such time as the panel of arbitrators makes its final determination~~ arbitrator's selection on each impasse item is made, there shall be no discussion concerning recommendations for settlement of the dispute by the ~~members of the panel of arbitrators~~ arbitrator with parties other than those who are direct parties to the dispute. ~~The panel of arbitrators may conduct formal or informal hearings to discuss offers submitted by both parties.~~

Sec. 29. Section 20.22, subsection 9, unnumbered paragraph 1, Code 2009, is amended to read as follows:

The ~~panel of arbitrators~~ arbitrator shall consider, in addition to any other relevant factors, the following factors:

Sec. 30. Section 20.24, Code 2009, is amended to read as follows:

20.24 Notice and service.

Any notice required under the provisions of this chapter shall be in writing, but service thereof shall be sufficient if mailed by restricted certified mail, return receipt requested, addressed to the last known address of the ~~parties~~ intended recipient, unless otherwise provided in this chapter. Refusal of restricted certified mail by any party shall be considered service. ~~Prescribed~~ Unless otherwise provided in this chapter, prescribed time periods shall commence from the date of the receipt of the notice. Any party may at any time execute and deliver an acceptance of service in lieu of mailed notice.

Sec. 31. REPEAL. Section 20.21, Code 2009, is repealed.

CHAPTER 1166

RECYCLING AND ENVIRONMENTAL MANAGEMENT — CERTIFICATION

H.F. 2496

AN ACT relating to recycling initiatives.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. GREEN CERTIFICATION PROGRAM AND GREEN ADVISORY COMMITTEE — PURPOSE.

1. The purpose for the creation of the green advisory committee and the green certification program pursuant to this Act is to enhance efforts to promote environmental stewardship by encouraging responsible environmental management and recycling.

2. The general assembly finds and declares all of the following:

a. The green advisory committee is urged to further the policy of responsible environmental management by encouraging recycling projects that operate in an innovative, cost-effective, technologically advanced, and environmentally sensitive manner.

b. The concept of environmental stewardship embraces every aspect of the environmental footprint left by the creation and use of disposable goods and every effort should be made to recycle and reuse such goods in an environmentally responsible way.

c. Managing recycling can help to mitigate the climate change impacts by reducing the amount of greenhouse gases released into the atmosphere and improving water quality.

d. The goal of managing resources in a sustainable manner is to increase the benefits to communities and society for the present and for the future.

Sec. 2. **NEW SECTION. 455D.51 Green advisory committee.**

1. a. A green advisory committee is established. The department shall provide staffing for the advisory committee. The advisory committee shall do all of the following:

(1) By January 1, 2011, submit a report to the general assembly which shall include recommendations for creating, administering, funding, and periodically reviewing a green certification program as provided for in a report submitted by the comprehensive recycling planning task force pursuant to 2008 Iowa Acts, chapter 1109, section 11, as amended by 2009 Iowa Acts, chapter 149, sections 1 through 3. As used in this section, "green certification" means certification granted to a business that meets certain minimum requirements or standards in waste reduction, reuse, and recycling.

(2) Make recommendations to the department for the development and implementation of a recycling vendor and resource green list to be available statewide.

(3) Make recommendations to the department for the development and implementation of an ongoing, statewide communication and outreach educational resource program for all sectors of recycling. The program shall educate consumers regarding currently available programs, promote the usage of recycling programs and initiatives, and educate and market programs in development. The communication and outreach educational program may include a recycling internet site that serves as the central recycling resource.

b. The advisory committee shall consist of the following voting members:

(1) Four members nominated by the Iowa recycling association. One member shall have expertise in the recycling of paper and cardboard, one member shall have expertise in the recycling of plastic and glass, one member shall have expertise in the recycling of metals that are not located in or that are not from a scrapyard, and one member with expertise in the collection, recycling, and reprocessing of waste tires.

(2) One member nominated by the Iowa society of solid waste operations.

(3) Three members nominated by the Iowa society of solid waste operations representing solid waste planning areas of various sizes and from various locations across the state.

(4) One member nominated by the Iowa league of cities.

(5) One member nominated by the solid waste association of north America representing private solid waste disposal entities. The member shall have expertise in the hauling of solid waste.

(6) One member nominated by a national solid waste management association representing private solid waste disposal entities with expertise in the hauling of solid waste.

(7) The director of the department of natural resources, or the director's designee.

(8) One member nominated by the Iowa environmental council.

(9) One member nominated by the league of women voters of Iowa.

(10) One member nominated by the Iowa wholesale beer distributors association.

(11) One member nominated by the Iowa beverage association representing juice and soft drink distributors.

(12) One member nominated by the Iowa bottle bill coalition representing independent redemption centers.

(13) One member nominated by the Iowa state association of counties.

(14) One member nominated by the Iowa farm bureau federation.

(15) One member nominated by the Iowa association of business and industry.

(16) One member nominated by the home builders association of Iowa.

(17) The director of the alcoholic beverages division of the department of commerce, or the director's designee.

(18) One member nominated by keep Iowa beautiful.

(19) One member nominated by the Iowa grocery industry association.

(20) One member nominated by the Iowa dairy foods association.

(21) One member nominated by the petroleum marketers and convenience stores of Iowa.

(22) One member nominated by the Iowa retail federation.

(23) One member nominated by the Iowa wine growers association.

(24) The director of transportation, or the director's designee.

(25) One member nominated by the Iowa division of the Izaak Walton league.

(26) One member nominated by the American chemistry council.

(27) One member nominated by the Iowa chapter of the sierra club.

(28) One member representing the brewer industry who is a member of the beer institute and who sells beer in Iowa and surrounding states.

(29) The director of the center for energy and environmental education at the university of northern Iowa.

(30) The director of the recycling and reuse technology transfer center at the university of northern Iowa.

c. The voting members shall be appointed by the governor in compliance with the requirements of sections 69.16, 69.16A, and 69.19. The terms of the members appointed by the governor shall be staggered at the discretion of the governor.

d. The advisory committee shall annually elect a chairperson. A majority of the members of the advisory committee shall constitute a quorum.

2. The department shall collaborate with the green advisory committee and other organizations in pursuing the recommendations made by the committee pursuant to this section. The department may contract with a not-for-profit third-party vendor to perform the requirements of this section and may use moneys in the solid waste account of the groundwater protection fund which has been allocated to fund alternatives to landfills pursuant to section 455E.11, subsection 2, paragraph "a".

3. The department shall convene meetings as necessary to develop recommendations for the establishment of measures sufficient to provide stewardship of waste tires as well as to promote the recycling and reuse of such tires.

4. This section is repealed January 1, 2012.

Approved April 23, 2010

CHAPTER 1167**PUBLIC RETIREMENT SYSTEMS CHANGES***H.F. 2518*

AN ACT concerning public retirement systems, including the public safety peace officers' retirement, accident, and disability system, the Iowa public employees' retirement system, and the statewide fire and police retirement system, making appropriations, and including effective date and retroactive applicability provisions.

Be It Enacted by the General Assembly of the State of Iowa:

DIVISION I**PUBLIC SAFETY PEACE OFFICERS' RETIREMENT,
ACCIDENT, AND DISABILITY SYSTEM**

Section 1. Section 80.8, Code 2009, is amended by adding the following new subsection: NEW SUBSECTION. 4. Should a peace officer become incapacitated for duty as a natural and proximate result of an injury, disease, or exposure incurred or aggravated while in the actual performance of duty at some definite time or place, the peace officer shall, upon being found to be temporarily incapacitated following an examination by a workers' compensation physician or other approved physician be entitled to receive the peace officer's fixed pay and allowances, without using the peace officer's sick leave, until reexamined by a workers' compensation physician or other approved physician or examined by the medical board provided for in section 97A.5, and found to be fully recovered or permanently disabled. In addition, a peace officer found to be temporarily incapacitated under this subsection shall be credited with any sick leave used prior to the determination that the peace officer was temporarily incapacitated under this subsection for the period of time sick leave was used. For purposes of this subsection, disease shall mean as described in section 97A.6, subsection 5.

Sec. 2. Section 97A.1, subsection 6, Code 2009, is amended to read as follows:

6. "Child" means only the surviving issue of a deceased active or retired member, or a child legally adopted by a deceased member prior to the member's retirement. "Child" includes only an individual who is under the age of eighteen years, an individual who is under the age of twenty-two and is a full-time student, or an individual who is disabled under the definitions used in section ~~402~~ 202 of the Social Security Act as amended if the disability occurred to the individual during the time the individual was under the age of eighteen years and the parent of the individual was an active member of the system.

Sec. 3. Section 97A.6, subsection 2, paragraph e, subparagraph (6), Code 2009, is amended to read as follows:

(6) For a member who terminates service, other than by death ~~or disability~~, on or after July 1, 2000, and who does not withdraw the member's contributions pursuant to section 97A.16, upon the member's retirement there shall be added two and three-fourths percent of the member's average final compensation for each year of service over twenty-two years. However, this subparagraph does not apply to more than ten additional years of service.

Sec. 4. Section 97A.6, subsection 5, paragraph b, Code 2009, is amended by striking the paragraph.

Sec. 5. Section 97A.6, subsection 7, paragraph a, subparagraph (2), Code 2009, is amended to read as follows:

(2) A beneficiary retired under the provisions of this paragraph in order to be eligible for continued receipt of retirement benefits shall no later than May 15 of each year submit to the board of trustees a copy of the beneficiary's state federal individual income tax return for the preceding year. The beneficiary shall also submit, within sixty days, any documentation requested by the system that is determined to be necessary by the system to determine the beneficiary's gross wages.

Sec. 6. Section 97A.6, subsection 7, paragraph b, Code 2009, is amended to read as follows:

b. Should a disability beneficiary under age fifty-five be restored to active service at a compensation not less than the disability beneficiary's average final compensation, the disability beneficiary's retirement allowance shall cease, the disability beneficiary shall again become a member and shall contribute thereafter at the same rate payable by other members of comparable rank, seniority, and age, and former service on the basis of which the disability beneficiary's service was computed at the time of retirement shall be restored to full force and effect. Upon subsequent retirement the disability beneficiary shall be credited with all service as a member, and also with no more than two years of the period of disability retirement.

Sec. 7. Section 97A.8, subsection 1, paragraph b, subparagraph (2), subparagraph division (e), Code 2009, is amended by striking the subparagraph division and inserting in lieu thereof the following:

- (e) For the fiscal year beginning July 1, 2012, twenty-seven percent.
- (f) For the fiscal year beginning July 1, 2013, twenty-nine percent.
- (g) For the fiscal year beginning July 1, 2014, thirty-one percent.
- (h) For the fiscal year beginning July 1, 2015, thirty-three percent.
- (i) For the fiscal year beginning July 1, 2016, thirty-five percent.
- (j) For each fiscal year beginning on or after July 1, 2017, the lesser of thirty-seven percent or the normal contribution rate as calculated pursuant to subparagraph (1).

Sec. 8. Section 97A.8, subsection 1, paragraph e, subparagraph (8), Code 2009, is amended to read as follows:

(8) (a) For purposes of this subparagraph, the "applicable employee percentage" shall be as follows:

(i) For the fiscal period beginning July 1, 2006, and ending June 30, 2011, nine and thirty-five hundredths percent.

(ii) For the fiscal year beginning July 1, 2011, nine and eighty-five hundredths percent.

(iii) For the fiscal year beginning July 1, 2012, ten and thirty-five hundredths percent.

(iv) For the fiscal year beginning July 1, 2013, ten and eighty-five hundredths percent.

(v) For the fiscal year beginning July 1, 2014, and each fiscal year thereafter, eleven and thirty-five hundredths percent.

(b) Notwithstanding any other provision of this chapter, beginning July 1, 1996, and each fiscal year thereafter, an amount equal to the member's contribution rate times each member's compensation shall be paid to the retirement fund from the earnable compensation of the member. For the purposes of this subparagraph, the member's contribution rate shall be ~~nine and thirty-five hundredths percent~~ the applicable employee percentage. However, the system shall increase the member's contribution rate as necessary to cover any increase in cost to the system resulting from statutory changes which are enacted by any session of the general assembly meeting after January 1, 1995, if the increase cannot be absorbed within the contribution rates otherwise established pursuant to this paragraph, but subject to a maximum employee contribution rate of eleven and three-tenths percent. After the employee contribution reaches eleven and three-tenths percent, sixty percent of the additional cost of such statutory changes shall be paid by the employer under paragraph "e" and forty percent of the additional cost shall be paid by employees under this subparagraph (8).

Sec. 9. Section 97A.8, subsection 1, Code 2009, is amended by adding the following new paragraph:

NEW PARAGRAPH. i. Notwithstanding any provision of this subsection to the contrary, if any statutory changes are enacted by any session of the general assembly meeting after January 1, 2011, which increases the cost to the system, the system shall, if the increased cost cannot be absorbed within the contribution rates otherwise established pursuant to this subsection at the time the statutory changes are enacted, increase the normal contribution rate and the member's contribution rate as necessary to cover any increase in cost by

providing that sixty percent of the additional cost of such statutory changes shall be paid by the employer under paragraph "c" and forty percent of the additional cost shall be paid by employees under paragraph "e", subparagraph (8).

Sec. 10. Section 97A.10, subsection 1, paragraph a, subparagraph (1), Code 2009, is amended to read as follows:

(1) "Eligible qualified service" means as follows:

~~(a) Service with the department prior to July 1, 1994, in a position as a gaming enforcement officer, fire prevention inspector peace officer, or as an employee of the division of capitol police except clerical workers.~~

~~(b) Service as a member of a city fire retirement system or police retirement system operating under chapter 411 prior to January 1, 1992, for which service was not eligible to be transferred to this system pursuant to section 97A.17.~~

Sec. 11. Section 97A.10, subsections 2 and 3, Code 2009, are amended to read as follows:

2. An active member of the system may make contributions to the system to purchase up to the maximum amount of permissive service credit for eligible qualified service as determined by the system, pursuant to Internal Revenue Code section 415(n) and the requirements of this section. A member seeking to purchase permissive service credit pursuant to this section shall file a written application along with appropriate documentation with the department by July 1, ~~2007~~ 2011.

3. A member making contributions for a purchase of permissive service credit for eligible qualified service under this section shall make contributions in an amount equal to the actuarial cost of the permissive service credit purchase, less an amount equal to the member's contributions under chapter 411 for the period of eligible qualified service together with interest at a rate determined by the board of trustees. For purposes of this subsection, the actuarial cost of the permissive service credit purchase is an amount determined by the system in accordance with actuarial tables, as reported to the system by the system's actuary, which reflects the actuarial cost necessary to fund an increased retirement allowance resulting from the purchase of permissive service credit.

Sec. 12. Section 97A.11, Code 2009, is amended to read as follows:

97A.11 Contributions by the state.

On or before the first day of ~~November~~ January in each year, the board of trustees shall certify to the director of the department of administrative services the amounts which will become due and payable during the fiscal year next following to the retirement fund. The amounts so certified shall be paid by the director of the department of administrative services out of the funds appropriated for the Iowa department of public safety, to the treasurer of state, the same to be credited to the system for the ensuing fiscal year.

Sec. 13. NEW SECTION. 97A.11A Supplemental state appropriation.

1. Beginning with the fiscal year commencing July 1, 2012, and ending June 30 of the fiscal year during which the board determines that the system's funded ratio of assets to liabilities is at least eighty-five percent, there is appropriated from the general fund of the state for each fiscal year to the retirement fund described in section 97A.8, an amount equal to five million dollars.

2. Moneys appropriated by the state pursuant to this section shall not be used to reduce the normal rate of contribution by the state below seventeen percent.

Sec. 14. Section 97A.14, Code 2009, is amended to read as follows:

97A.14 Hospitalization and medical attention.

1. The board of trustees shall provide hospital, nursing, and medical attention for the members in service when injured while in the performance of their duties and shall continue to provide hospital, nursing, long-term care, and medical attention for injuries or diseases incurred while in the performance of their duties for the members but only while the members are still receiving a retirement allowance under section 97A.6, subsection 6. The cost of hospital, nursing, and medical attention shall be paid out of the retirement fund. However, any amounts received by the injured person under the workers' compensation law

of the state, or from any other source for such specific purposes, shall be deducted from the amount paid by the board of trustees ~~provisions of~~ under this section.

2. For purposes of this section, medical attention shall include but not be limited to services provided by licensed medical personnel to include office, hospital, nursing home care, long-term care, and prescriptions for medicine or equipment. Within twelve months of receiving treatment or incurring a cost with direct correlation to the disabling condition, the beneficiary of an accidental disability benefit shall submit a written request for reimbursement to the board. A denial of reimbursement by the board shall be subject to judicial review in the same manner as any other action by the board in accordance with section 97A.6, subsection 13.

Sec. 15. PUBLIC SAFETY PEACE OFFICERS' RETIREMENT, ACCIDENT, AND DISABILITY SYSTEM — ADDITIONAL APPROPRIATION FOR PURCHASE OF SERVICE. If section 97A.10 is amended by this Act to provide for the purchase of eligible service credit on and after July 1, 2010, there shall be appropriated from the general fund of the state to the retirement fund described in section 97A.8 an amount equal to that portion of the actuarial cost of the permissive service credit purchase for eligible service credit pursuant to section 97A.10 that is not required to be contributed by a member making contributions to the system for that purchase.

Sec. 16. PUBLIC SAFETY PEACE OFFICERS' RETIREMENT, ACCIDENT, AND DISABILITY SYSTEM — EMPLOYERS CONTRIBUTION RATE CALCULATION STUDY.

1. The board of trustees of the Iowa department of public safety peace officers' retirement, accident, and disability system, as defined in section 97A.2, shall, in consultation with the system's actuary, conduct a study concerning the calculation of the employers contribution rate beginning on and after July 1, 2017, with the goal of establishing a mechanism for ensuring that the system's funded ratio of assets to liabilities is at least eighty-five percent.

2. On or before October 15, 2015, the board of trustees shall file a report with the legislative services agency, for distribution to the public retirement systems committee, which contains the results of the study and any recommendations for statutory changes to implement the recommendations of the study.

Sec. 17. PUBLIC SAFETY PEACE OFFICERS' RETIREMENT, ACCIDENT, AND DISABILITY SYSTEM — ADJUSTMENT OF PENSIONS PAYABLE. It is the intent of the general assembly that the applicable amount for each adjustment occurring on July 1 as provided in section 97A.6, subsection 14, paragraph "a", subparagraph (2), subparagraph division (a), shall be the exact dollar amount listed in each subparagraph subdivision of subparagraph division (a) for each July 1 in which that particular subparagraph subdivision applies and shall not be increased above the amount listed in that subparagraph subdivision for each year that the subparagraph subdivision applies. However, the applicable amount for each adjustment occurring on or after July 1, 2010, as provided by this section, shall not be less than the applicable amount for the adjustment for the previous July 1.

Sec. 18. PUBLIC SAFETY PEACE OFFICERS' RETIREMENT, ACCIDENT, AND DISABILITY SYSTEM — BOARD REPORT.

1. The board of trustees of the Iowa department of public safety peace officers' retirement, accident, and disability system, as defined in section 97A.2, shall conduct a comprehensive examination of the plan design of the Iowa department of public safety peace officers' retirement, accident, and disability system, pursuant to the principles established in chapter 97D, with the goal of making recommendations for benefit and other statutory changes to the system that will maintain an adequate retirement for members at a reasonable cost to members and employers.

2. On or before October 15, 2011, the board of trustees shall file a report with the legislative services agency, for distribution to the public retirement systems committee, which contains the results of the comprehensive examination and any recommendations for benefit or other statutory changes to the system.

DIVISION II
IOWA PUBLIC EMPLOYEES'
RETIREMENT SYSTEM

Sec. 19. Section 97B.1A, Code Supplement 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 10A. "Final average covered wage" means the greater of the following:

a. (1) The member's covered wages averaged for the highest five years of the member's regular service, except as otherwise provided in this paragraph. The highest five years of a member's covered wages shall be determined using calendar years. However, if a member's final quarter of a year of employment does not occur at the end of a calendar year, the system may determine the wages for the fifth year by computing the average quarter of all quarters from the member's highest calendar year of covered wages not being used in the selection of the four highest years and using the computed average quarter for each quarter in the fifth year in which no wages have been reported in combination with the final quarter or quarters of the member's service to create a full calendar year. However, the system shall not use the member's final quarter of wages if using that quarter would reduce the member's final average covered wage. If the five-year average covered wage of a member exceeds the highest maximum covered wages in effect for a calendar year during the member's period of service, the five-year average covered wage of the member shall be reduced to the highest maximum covered wages in effect during the member's period of service. Notwithstanding any other provision of this subparagraph to the contrary, a member's wages for the fifth year as computed under this subparagraph shall not exceed, by more than three percent, the member's highest actual calendar year of covered wages.

(2) Notwithstanding any other provisions of this paragraph "a" to the contrary, the member's five-year average covered wage shall be the lesser of the five-year average covered wage as calculated pursuant to subparagraph (1) and the adjusted covered wage amount. For purposes of this subparagraph (2), the covered wage amount shall be an amount equal to one hundred thirty-four percent of the member's applicable calendar year wages. The member's applicable calendar year wages shall be the member's highest calendar year of covered wages not used in the calculation of the member's five-year average covered wage pursuant to subparagraph (1), or such other calendar year of covered wages selected by the system pursuant to rules adopted by the system.

b. If the member was vested as of June 30, 2012, the member's three-year average covered wage as of June 30, 2012.

Sec. 20. Section 97B.1A, subsection 24, paragraph c, Code Supplement 2009, is amended to read as follows:

c. Notwithstanding any other provisions of this subsection to the contrary, for a member who retires on or after July 1, 2007, the member's three-year average covered wage shall be the lesser of the three-year average covered wage as calculated pursuant to paragraph "a" and the adjusted covered wage amount. For purposes of this paragraph, the adjusted covered wage amount shall be the greater of the member's three-year average covered wage calculated pursuant to paragraph "a" as of July 1, 2007, and an amount equal to one hundred twenty-one percent of the member's applicable calendar year wages. The member's applicable calendar year wages shall be the member's highest full calendar year of covered wages not used in the calculation of the member's three-year average covered wage pursuant to paragraph "a", or, ~~if the member does not have another full calendar year of covered wages that was not used in the calculation of the three-year average covered wage under paragraph "a", the lowest full calendar year of covered wages that was used in the calculation of the member's three-year average covered wage pursuant to paragraph "a"~~ such other calendar year of covered wages selected by the system pursuant to rules adopted by the system.

Sec. 21. Section 97B.1A, subsection 25, paragraph a, subparagraphs (1) through (5), Code Supplement 2009, are amended by striking the subparagraphs and inserting in lieu thereof the following:

- (1) Is vested by service.
- (2) Prior to July 1, 2005, has attained the age of fifty-five.
- (3) Between July 1, 2005, and June 30, 2012, has attained the age of fifty-five or greater while in covered employment.
- (4) On and after July 1, 2012, meets one of the following requirements:
 - (a) For a member in special service, has attained the age of fifty-five or greater while in covered employment.
 - (b) For a member in regular service, has attained the age of sixty-five or greater while in covered employment.

Sec. 22. Section 97B.1A, subsection 25, Code Supplement 2009, is amended by adding the following new paragraph:

NEW PARAGRAPH. *d.* “*Vested by service*” means a member who meets one of the following requirements:

- (1) Prior to July 1, 1965, had attained the age of forty-eight and completed at least eight years of service.
- (2) Between July 1, 1965, and June 30, 1973, had completed at least eight years of service.
- (3) Between July 1, 1973, and June 30, 2012, had completed at least four years of service.
- (4) On and after July 1, 2012, meets one of the following requirements:
 - (a) For a member in special service, has completed at least four years of special service.
 - (b) For a member in regular service, has completed at least seven years of service.
- (5) On or after July 1, 1988, an inactive member who had accumulated, as of the date of the member’s last termination of employment, years of membership service equal to or exceeding the years of membership service specified in this paragraph “*d*” for qualifying as vested by service on that date of termination.

Sec. 23. Section 97B.4, subsection 2, paragraph c, Code 2009, is amended to read as follows:

~~c. In administering this chapter, the system may enter into a biennial agreement with the department of administrative services concerning the sharing of resources between the system and department which are of benefit to each and which are consistent with the mission of the system and the department.~~ The budget program for the system shall be established by the chief executive officer in consultation with the board and other staff of the system and shall be compiled and submitted by the system pursuant to section 8.23.

Sec. 24. Section 97B.4, subsection 4, paragraph a, Code 2009, is amended to read as follows:

a. Annual report to governor. Not later than the thirty-first day of December of each year, the system shall submit to the governor a report covering the administration and operation of this chapter during the preceding fiscal year and shall make recommendations for amendments to this chapter. The report shall include a balance sheet of the moneys in the retirement fund. The report shall also include information concerning the investment management expenses for the retirement fund for each fiscal year expressed as a percent of the market value of the retirement fund investment assets, ~~including the information described in section 97B.7, subsection 3, paragraph “d”.~~ The information provided under this paragraph shall also include information on the investment policies and investment performance of the retirement fund. In providing this information, to the extent possible, the system shall include the total investment return for the entire fund, for portions of the fund managed by investment managers, and for internally managed portions of the fund, and the cost of managing the fund per thousand dollars of assets. The performance shall be based upon market value, and shall be contrasted with relevant market indices and with performances of pension funds of similar asset size.

Sec. 25. Section 97B.11, subsection 3, paragraph d, Code 2009, is amended to read as follows:

d. “*Required contribution rate*” means that percentage of the covered wages of members in regular service, members described in section 97B.49B, and members described in section 97B.49C, that the system shall, for each fiscal year, separately set for members in each membership category as provided in this paragraph. The required contribution rate that is set by the system for a membership category shall be the contribution rate the system actuarially determines, based upon the most recent actuarial valuation of the system and using the actuarial methods, assumptions, and funding policy approved by the investment board, is the rate required by the system to discharge its liabilities as a percentage of the covered wages of members in that membership category. However, the required contribution rate set by the system for members in regular service for a fiscal year shall not vary by more than ~~one-half~~ one percentage point from the required contribution rate for the prior fiscal year.

Sec. 26. Section 97B.49A, subsection 3, Code 2009, is amended to read as follows:

3. *Calculation of monthly allowance.* For each active or inactive vested member retiring on or after July 1, 1994, with four or more complete years of service, a monthly benefit shall be computed which is equal to one-twelfth of an amount equal to the applicable percentage of the ~~three-year final~~ average covered wage multiplied by a fraction of years of service. However, if benefits under this section commence on an early retirement date, the amount of the benefit shall be reduced in accordance with section 97B.50.

Sec. 27. Section 97B.49A, subsection 4, paragraph c, Code 2009, is amended to read as follows:

c. For each active and vested member retiring ~~with less than four complete years of service and who therefore~~ cannot have a benefit determined under the formula benefit of paragraph “a” or “b” of this subsection, subsection 3, or section 97B.49G, subsection 1, a monthly annuity for membership service shall be determined by applying the member’s accumulated contributions and the employer’s matching accumulated contributions as of the effective retirement date and any retirement dividends standing to the member’s credit on or before December 31, 1966, to the annuity tables in use by the system according to the member’s age and contingent annuitant’s age, if applicable.

Sec. 28. Section 97B.49D, subsection 1, unnumbered paragraph 1, Code 2009, is amended to read as follows:

An active or inactive vested member, who is or has been employed in both special service and regular service, who retires on or after July 1, 1996, ~~with four or more completed years of who is vested by service, and who~~ at the time of retirement is at least fifty-five years of age, may elect to receive, in lieu of the receipt of a monthly retirement allowance as calculated pursuant to sections 97B.49A through 97B.49C, a combined monthly retirement allowance equal to the sum of the following:

Sec. 29. Section 97B.49D, subsection 1, paragraph a, Code 2009, is amended to read as follows:

a. One-twelfth of an amount equal to the applicable percentage of the member’s ~~three-year final~~ average covered wage multiplied by a fraction of years of service. The fraction of years of service for purposes of this paragraph shall be the actual years of service, not to exceed thirty, for which regular service contributions were made, divided by thirty. However, any otherwise applicable age reduction for early retirement shall apply to the calculation under this paragraph.

Sec. 30. Section 97B.50, subsection 1, paragraphs a and b, Code 2009, are amended to read as follows:

a. For a member who is ~~less than sixty-two years of age~~ not vested on June 30, 2012, by ~~twenty-five hundredths~~ one-half of one percent per month for each month that the early retirement date precedes the ~~normal retirement date~~ the member attains age sixty-five.

~~b. For a member who is at least sixty-two years of age and who has not completed twenty years of membership service and prior service vested on June 30, 2012, the member's retirement allowance shall be reduced as follows:~~

~~(1) For that portion of the member's retirement allowance based on years of service through June 30, 2012, by twenty-five hundredths of one percent per month for each month that the early retirement date precedes the member's earliest normal retirement date using the member's age on the early retirement date and years of service as of June 30, 2012.~~

~~(2) For that portion of the member's retirement allowance based on years of service after June 30, 2012, by one-half of one percent per month for each month that the early retirement date precedes the date the member attains age sixty-five.~~

Sec. 31. Section 97B.50A, subsection 2, paragraph c, Code 2009, is amended to read as follows:

c. (1) Disease under this subsection shall mean heart disease or any disease of the lungs or respiratory tract and shall be presumed to have been contracted while on active duty as a result of strain, exposure, or the inhalation of noxious fumes, poison, or gases.

(2) Disease under this subsection shall also mean cancer or infectious disease, as defined in section 411.1, and shall be presumed to have been contracted while on active duty as a result of that duty.

(3) However, if a person's special service membership in the retirement system first commenced on or after July 1, 2000, and the heart disease, or disease of the lungs or respiratory tract, cancer, or infectious disease would not exist, but for a medical condition that was known to exist on the date that special service membership commenced, the presumption established in this paragraph "c" shall not apply.

Sec. 32. Section 97B.52, subsection 1, unnumbered paragraph 1, Code 2009, is amended to read as follows:

If an inactive member, ~~with at least sixteen calendar quarters of service credit who is vested by service~~, or any active member dies prior to the member's first month of entitlement, the member's beneficiary shall be entitled to receive a death benefit equal to the greater of the amount provided in paragraph "a" or "b". ~~If an inactive member with less than sixteen calendar quarters of service credit who is not vested by service dies prior to the member's first month of entitlement, the member's beneficiary shall only be entitled to receive a death benefit, as a lump sum, equal to the amount provided in paragraph "a".~~

Sec. 33. Section 97B.52A, subsection 1, paragraph c, Code 2009, is amended to read as follows:

c. (1) For a member whose first month of entitlement is July 2000 or later, the member does not return to any employment with a covered employer until the member has qualified for at least one calendar month of retirement benefits, and the member does not return to covered employment until the member has qualified for no fewer than four calendar months of retirement benefits.

(2) For purposes of determining a bona fide retirement under this paragraph "c", effective the following provisions apply:

(a) Effective July 1, 2000, any employment with a covered employer does not include employment as an elective official or member of the general assembly if the member is not covered under this chapter for that employment.

~~(b) For purposes of determining a bona fide retirement under this paragraph and for a member whose first month of entitlement is July 2004 or later, but before July 2010 2012, covered employment does not include employment as a licensed health care professional by a public hospital as defined in section 249J.3, with the exception of public hospitals governed pursuant to chapter 226.~~

(c) Effective May 25, 2008, any employment with a covered employer does not include noncovered employment as a member of the national guard called to state active duty as defined in section 29A.1.

Sec. 34. Section 97B.58, Code 2009, is amended to read as follows:

97B.58 Information furnished by employer.

To enable the system to administer this chapter and perform its functions, the employer shall, upon the request of and in the manner provided by the system, supply full provide accurate, complete, and timely information to the system of all matters relating to the pay of all members, date of birth, their retirement, death, or other cause for termination of employment, and other pertinent facts the system may require in the manner provided by the system. The system shall not be liable to any member, retiree, or beneficiary for any monetary or other relief due to the failure of the employer to comply with this section.

Sec. 35. 2008 Iowa Acts, chapter 1171, section 47, is amended to read as follows:

SEC. 47. TRANSITION PROVISION — REQUIRED CONTRIBUTION RATE FOR FISCAL YEAR 2010-2011. For purposes of establishing the required contribution rate for the fiscal year beginning July 1, 2011, as provided in section 97B.11, as amended in this Act, the required contribution rate for the fiscal year beginning July 1, 2010, shall be, for ~~members in regular service~~, members described in section 97B.49B, and members described in section 97B.49C, the total contribution percentage rate paid by members and employers of that membership group for the fiscal year beginning July 1, 2010.

Sec. 36. 2009 Iowa Acts, chapter 170, section 51, subsections 1 and 3, are amended to read as follows:

1. a. Notwithstanding any provision of chapter 97B to the contrary, a member of the Iowa public employees' retirement system who has an employer-mandated reduction in hours or an employee-exercised reduction in pay but remains on the employer's payroll, and who would receive a reduction in the member's three-year average covered wage as a result of the reduction in hours, may have the member's retirement allowance calculated based on the three-year average covered wage the member would have received, based on reasonable assumptions, if the member had not been subject to the employer-mandated reduction in hours or employee-exercised reduction in pay, upon payment by the member of the applicable contribution amount.

b. For purposes of this section, ~~the applicable contribution amount unless the context otherwise requires:~~

(1) "Applicable contribution amount" is an amount equal to the employee and employer contributions that would have been paid to the system based on the wages that the member would have received but for the employer-mandated reduction in hours or employee-exercised reduction in pay and would have been included in the member's three-year average covered wage.

(2) "Employee-exercised reduction in pay" means a reduction in pay of a member who has exercised bumping rights by accepting a lower-paid position in order to avoid being laid off by the employer.

3. This section shall apply to employer-mandated reductions in hours or employee-exercised reductions in pay during the period of time beginning on or after January 1, 2009, and ending no later than June 30, ~~2010~~ 2011. The system is authorized to adopt such rules, including emergency rules, as it deems necessary or prudent to implement this section.

Sec. 37. IPERS REGULAR MEMBERS — FINAL AVERAGE COVERED WAGE — JULY 1, 2010 THROUGH JUNE 30, 2012. Notwithstanding any provision of section 97B.1A, subsection 10A, as enacted by this division of this Act, to the contrary, for the period beginning July 1, 2010, and ending June 30, 2012, "final average covered wage" means the member's three-year average covered wage.

Sec. 38. IPERS REGULAR MEMBERS — REQUIRED CONTRIBUTION RATE FOR FISCAL YEAR 2011-2012. Notwithstanding any provision of section 97B.11 to the contrary, for members in regular service as defined in section 97B.1A, the required contribution rate for the fiscal year beginning July 1, 2011, as provided in section 97B.11, shall be thirteen and forty-five hundredths percent.

Sec. 39. EFFECTIVE DATE. The section of this division of this Act amending section 97B.50 takes effect June 30, 2012.

Sec. 40. EFFECTIVE UPON ENACTMENT AND RETROACTIVE APPLICABILITY. The section of this division of this Act enacting section 97B.52A, subsection 1, paragraph “c”, subparagraph (2), subparagraph division (c), being deemed of immediate importance, takes effect upon enactment and applies retroactively to May 25, 2008.

Sec. 41. EFFECTIVE UPON ENACTMENT AND RETROACTIVE APPLICABILITY. The section of this division of this Act amending 2009 Iowa Acts, chapter 170, section 51, being deemed of immediate importance, takes effect upon enactment and applies retroactively to January 1, 2009.

DIVISION III
STATEWIDE FIRE AND POLICE
RETIREMENT SYSTEM

Sec. 42. Section 8.59, Code 2009, is amended to read as follows:

8.59 Appropriations freeze.

Notwithstanding contrary provisions of the Code, the amounts appropriated under the applicable sections of the Code for fiscal years commencing on or after July 1, 1993, are limited to those amounts expended under those sections for the fiscal year commencing July 1, 1992. If an applicable section appropriates moneys to be distributed to different recipients and the operation of this section reduces the total amount to be distributed under the applicable section, the moneys shall be prorated among the recipients. As used in this section, “*applicable sections*” means sections 53.50, 229.35, 230.8, 230.11, 411.20, and 663.44.

Sec. 43. Section 411.1, subsection 22, Code Supplement 2009, is amended to read as follows:

22. “*Surviving spouse*” shall mean the surviving spouse of a deceased member ~~from active service~~. Surviving spouse shall include a former spouse only if the division of assets in the dissolution of marriage decree pursuant to section 598.17 grants the former spouse rights of a spouse under this chapter.

Sec. 44. Section 411.5, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 16. *Benefits and financing review.* At least every two years, the board shall review the benefits and finances provided under this chapter. The board shall make recommendations to the general assembly concerning this review, which shall include recommendations concerning the long-term financing and benefits policy of the system.

Sec. 45. Section 411.6, subsection 3, Code Supplement 2009, is amended to read as follows:

3. *Ordinary disability retirement benefit.* Upon application to the system, of a member in good standing or of the chief of the police or fire departments, respectively, any member in good standing shall be retired by the system, not less than thirty and not more than ninety days next following the date of filing the application, on an ordinary disability retirement allowance, if the medical board after a medical examination of the member certifies that the member is mentally or physically incapacitated for further performance of duty, that the incapacity is likely to be permanent, and that the member should be retired. However, if a person’s membership in the system first commenced on or after July 1, 1992, the member shall not be eligible for benefits with respect to a disability which would not exist, but for a medical condition that was known to exist on the date that membership commenced. A medical condition shall be deemed to have been known to exist on the date that membership commenced if the medical condition is reflected in any record or document completed or obtained in accordance with the system’s medical protocols pursuant to section 400.8, or in any other record or document obtained pursuant to an application for disability benefits from the system, if such record or document existed prior to the date membership commenced. A member who is denied a benefit under this subsection, by reason of a finding by the medical board that the member is not mentally or physically incapacitated for the further performance of duty, shall be entitled to be restored to active service in the same position held immediately prior to the application for disability benefits. The member-in-good-standing requirement of

this subsection may be waived for good cause as determined by the board. The burden of establishing good cause is on the member.

Sec. 46. Section 411.6, subsection 8, paragraph c, subparagraph (1), Code Supplement 2009, is amended to read as follows:

(1) The spouse, regardless of whether the spouse was designated by the member to the system as the member's beneficiary.

Sec. 47. Section 411.6, subsection 8, paragraph d, subparagraph (1), Code Supplement 2009, is amended to read as follows:

(1) To the member's surviving spouse, unless the surviving spouse selected the pension under paragraph "b".

Sec. 48. Section 411.6B, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 3. *a.* For distributions after December 31, 2009, a nonspouse beneficiary who is a designated beneficiary may roll over all or any portion of the beneficiary's distribution to an individual retirement account the beneficiary establishes for purposes of receiving the distribution by means of a direct rollover. In order to qualify for a rollover under this subsection, the distribution must otherwise satisfy the definition of an eligible rollover distribution. If a nonspouse beneficiary receives a distribution from the system, the distribution is not eligible for a sixty-day rollover.

b. If the member's named beneficiary is a trust, the system may make a direct rollover to an individual retirement account on behalf of the trust, provided the trust satisfies the requirements to be a designated beneficiary within the meaning of Internal Revenue Code section 401(a)(9)(E).

c. A nonspouse beneficiary may not roll over an amount which is a required minimum distribution, as determined under applicable United States treasury regulations and other federal Internal Revenue Service guidance. If the participant dies before the participant's required beginning date and the nonspouse beneficiary rolls over to an individual retirement account the maximum amount eligible for rollover, the beneficiary may elect to use either the five-year rule or the life expectancy rule, pursuant to applicable United States treasury regulations as provided in 26 C.F.R. § 1.401(a)(9)-3, in determining the required minimum distributions from the individual retirement account that receives the nonspouse beneficiary's distribution.

Sec. 49. Section 411.8, subsection 1, paragraph b, subparagraph (1), Code Supplement 2009, is amended to read as follows:

(1) On the basis of the actuarial methods and assumptions, rate of interest, and of the mortality, interest and other tables adopted by the system, the actuary engaged by the system to make each valuation required by this chapter pursuant to the requirements of section 411.5, shall immediately after making such valuation, determine the normal contribution rate. Except as otherwise provided in this lettered paragraph, the "*normal contribution rate*" shall be the rate percent of the earnable compensation of all members equal to the rate required by the system to discharge its liabilities, stated as a percentage of the earnable compensation of all members, and reduced by the employee contribution rate provided in paragraph "*f*" of this subsection and the contribution rate representing the any state appropriation made as provided in section 411.20. However, the normal contribution rate shall not be less than seventeen percent.

Sec. 50. Section 411.9, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 1A. In the case of a member's death occurring on or after January 1, 2007, if the member dies while performing qualified military service as defined in section 414(u) of the Internal Revenue Code, the survivors of the member are entitled to any additional benefits, other than benefit accruals relating to the period of qualified military service, provided by the system as if the member had resumed membership service and had died as the natural and proximate result of an injury or disease incurred in or aggravated by the actual performance of duty at some definite time and place.

Sec. 51. Section 411.9, Code 2009, is amended by adding the following new subsection:
NEW SUBSECTION. 1B. For years beginning after December 31, 2008, if a member who is absent while serving in the armed services of the United States is receiving a differential wage payment, as defined in section 3401(h)(2) of the Internal Revenue Code, from a participating city, all of the following shall apply:

- a. The member is treated as an employee of the employer making the payment and as an active member of the system.
- b. The differential wage payment is treated as earnable compensation of the member.
- c. The system is not treated as failing to meet the requirements of any provision described in section 414(u)(1)(C) of the Internal Revenue Code by reason of any contribution or benefit which is based on the differential wage payment.

Sec. 52. Section 411.37, subsections 2 and 3, Code 2009, are amended to read as follows:

2. The board shall include in the transition plan or other transition documents, provisions to facilitate continuity under sections ~~411.20~~, 411.21, and 411.30, and any appropriations to the system from the state.

3. For each of the fiscal years beginning July 1, 1990, and July 1, 1991, ten percent of the amount appropriated by the state for distribution to cities ~~as provided in section 411.20~~ shall be made available to the board of trustees for the statewide system to cover the administrative costs of the transition. The amount distributed to each city shall be reduced accordingly. The moneys remaining unencumbered or unexpended at the end of the fiscal year beginning July 1, 1990, and the moneys remaining unencumbered or unexpended on January 1, 1992, shall be credited to the cities in the same proportion as the reduction.

Sec. 53. REPEAL. Section 411.20, Code 2009, is repealed.

Sec. 54. STATEWIDE FIRE AND POLICE RETIREMENT SYSTEM FUND — APPROPRIATIONS.

1. There is appropriated from the general fund of the state for deposit in the statewide fire and police retirement fund created in section 411.8, for the designated fiscal years, the following amounts:

FY 2010-2011	\$	1,500,000
FY 2011-2012	\$	750,000

2. Moneys appropriated by the state pursuant to this section shall not be used to reduce the normal rate of contribution of any city below 17 percent.

Sec. 55. STATEWIDE FIRE AND POLICE RETIREMENT SYSTEM — BOARD REPORT.

1. The board of trustees of the statewide fire and police retirement system created in chapter 411, as enacted by this division of this Act, shall conduct a comprehensive examination of the benefits and finances provided under chapter 411, including an examination of the long-term financing and benefits policy of the system, with the goal of making recommendations for benefit and other statutory changes to the system that will maintain an adequate retirement for members at a reasonable cost to members and employers.

2. On or before January 10, 2011, the board shall file a report with the general assembly which contains the results of the comprehensive examination and any recommendations for benefit or other statutory changes to the system.

Sec. 56. EFFECTIVE UPON ENACTMENT AND RETROACTIVE APPLICABILITY. The section of this division of this Act enacting section 411.9, subsection 1A, being deemed of immediate importance, take effect upon enactment and applies retroactively to deaths occurring on or after January 1, 2007.

Sec. 57. EFFECTIVE UPON ENACTMENT AND RETROACTIVE APPLICABILITY. The section of this division of this Act enacting section 411.9, subsection 1B, being deemed of immediate importance, takes effect upon enactment and applies retroactively to years beginning after December 31, 2008.

Approved April 23, 2010

CHAPTER 1168

CHILDREN OF MILITARY SERVICE MEMBERS ON ACTIVE DUTY — CUSTODY, CARE, AND VISITATION

S.F. 2226

AN ACT relating to custody, physical care, and visitation provisions relating to a child of a parent who is serving active duty in the military service of the United States and including effective date provisions.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 598.41C, subsection 1, Code 2009, is amended to read as follows:

1. a. If an application for modification of a decree or a petition for modification of an order regarding child custody or physical care is filed prior to or during the time a parent is serving active duty in the military service of the United States, the court may only enter an order or decree temporarily modifying the existing child custody or physical care order or decree if there is clear and convincing evidence that the modification is in the best interest of the child.

b. If the active duty of a parent affects the parent's ability or anticipated ability to appear at a regularly scheduled hearing, the court shall provide for an expedited hearing in matters instituted under this section.

c. If the active duty or anticipated active duty of a parent prevents the parent from appearing in person at a hearing, the court shall provide, upon reasonable advance notice, for the parent to present testimony and evidence by electronic means in matters instituted under this section. For the purposes of this paragraph, "electronic means" includes communication by telephone, video teleconference, or the internet.

d. Upon the parent's completion of active duty, the court shall reinstate the custody or physical care order or decree that was in effect immediately preceding the period of active duty. If an application for modification of a decree or a petition for modification of an order is filed after a parent completes active duty, the parent's absence due to active duty does not constitute a substantial change in circumstances, and the court shall not consider a parent's absence due to that active duty in making a determination regarding the best interest of the child.

Sec. 2. **NEW SECTION. 598.41D Assignment of visitation — parent serving active duty — family member.**

1. Notwithstanding any provision to the contrary, a parent who has been granted court-ordered visitation with the parent's minor child may file an application for modification of a decree or a petition for modification of an order regarding child visitation, prior to or during the time the parent is serving active duty in the military service of the United States, to temporarily assign that parent's visitation rights to a family member of the minor child, as specified by the parent. The application or petition shall be accompanied by an affidavit from the family member indicating the family member's knowledge of the application or petition and willingness to exercise the parent's visitation rights during the parent's absence. The application or petition shall also request any change in the visitation schedule necessitated by the assignment.

2. *a.* If the active duty of a parent affects the parent's ability or anticipated ability to appear at a regularly scheduled hearing, the court shall provide for an expedited hearing in matters instituted under this section.

b. If the active duty or anticipated active duty of a parent prevents the parent from appearing in person at a hearing, the court shall provide, upon reasonable advance notice, for the parent to present testimony and evidence by electronic means in matters instituted under this section. For the purposes of this paragraph, "*electronic means*" includes communication by telephone, video teleconference or the internet.

3. *a.* The court may grant the parent's request for temporary assignment of visitation and any change in the visitation schedule requested if the court finds that such visitation is in the best interest of the child.

b. In determining the best interest of the child, the court shall ensure all of the following:

(1) That the specified family member is not a sex offender as defined in section 692A.101.

(2) That the specified family member does not have a history of domestic abuse, as defined in section 236.2. In determining whether a history of domestic abuse exists, the court's consideration shall include but is not limited to commencement of an action pursuant to section 236.3, the issuance of a protective order against the individual or the issuance of a court order or consent agreement pursuant to section 236.5, the issuance of an emergency order pursuant to section 236.6, the holding of an individual in contempt pursuant to section 664A.7, the response of a peace officer to the scene of alleged domestic abuse or the arrest of an individual following response to a report of alleged domestic abuse, or a conviction for domestic abuse assault pursuant to section 708.2A.

(3) That the specified family member does not have a record of founded child or dependent adult abuse.

(4) That the specified family member has an established relationship with the child and assigning visitation to the specified family member will provide the child the opportunity to maintain an ongoing family relationship that is important to the child.

(5) That the specified family member is able to personally and financially support the child during visitation.

4. An order granting assignment of visitation rights under this section does not create separate rights to visitation for a person other than the parent.

5. The parent whose visitation rights are temporarily assigned shall provide a copy of the order granting assignment of visitation to the school and school district of the child to whom the order applies.

6. An order granting temporary assignment of visitation rights pursuant to this section shall terminate upon notification of the court by the parent or automatically upon the parent's completion of active duty, whichever occurs first.

7. After a parent completes active duty, if an application for modification of a decree or a petition for modification of an order is filed, the parent's absence due to active duty or the assignment of visitation rights does not constitute a substantial change in circumstances, and the court shall not consider a parent's absence due to that active duty or the assignment of visitation rights in making a determination regarding the best interest of the child relative to such an application or petition filed after a parent completes active duty.

8. As used in this section, "*active duty*" means active military duty pursuant to orders issued under Tit. X of the United States Code. However, this section shall not apply to active guard and reserve duty or similar full-time military duty performed by a parent when the child remains in actual custody of the parent.

Sec. 3. EFFECTIVE UPON ENACTMENT. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved April 27, 2010

CHAPTER 1169

NATIONAL SECURITY AND MILITARY EDUCATION BENEFITS AND PROGRAMS

S.F. 2274

AN ACT relating to certain national security and military education benefits and programs.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 260C.14, subsection 14, paragraph b, subparagraph (2), subparagraph division (b), Code Supplement 2009, is amended to read as follows:

(b) “*Qualified military person*” means a person on active duty in the military service of the United States who is stationed in this state or at the Rock Island arsenal. If the qualified military person is transferred, deployed, or restationed while the person’s spouse or dependent child is enrolled in the community college, the spouse or dependent child shall continue to be classified as a resident until the close of the fiscal year in which provided the spouse or dependent child is enrolled maintains continuous enrollment.

Sec. 2. Section 260C.14, subsection 14, paragraph b, subparagraph (2), subparagraph division (c), subparagraph subdivision (ii), Code Supplement 2009, is amended to read as follows:

(ii) Is domiciled in this state, or has resided in this state for at least one year or sufficient time to have filed an Iowa tax return in the preceding twelve months.

Sec. 3. Section 260C.14, subsection 20, unnumbered paragraph 1, Code Supplement 2009, is amended to read as follows:

Adopt a policy to offer not less than the following options to a student who is a member, or the spouse of a member if the member has a dependent child as defined in subsection 14, paragraph “b”, subparagraph (2), subparagraph division (a), of the Iowa national guard or reserve forces of the United States and who is ordered to state military service or federal service or duty:

Sec. 4. Section 261.9, subsection 1, paragraph g, Code 2009, is amended to read as follows:

g. (1) Adopts a policy to offer not less than the following options to a student who is a member, or the spouse of a member if the member has a dependent child, of the Iowa national guard or reserve forces of the United States and who is ordered to state military service or federal service or duty:

(1) (a) Withdraw from the student’s entire registration and receive a full refund of tuition and mandatory fees.

(2) (b) Make arrangements with the student’s instructors for course grades, or for incompletes that shall be completed by the student at a later date. If such arrangements are made, the student’s registration shall remain intact and tuition and mandatory fees shall be assessed for the courses in full.

(3) (c) Make arrangements with only some of the student’s instructors for grades, or for incompletes that shall be completed by the student at a later date. If such arrangements are made, the registration for those courses shall remain intact and tuition and mandatory fees shall be assessed for those courses. Any course for which arrangements cannot be made for grades or incompletes shall be considered dropped and the tuition and mandatory fees for the course refunded.

(2) As used in this lettered paragraph, “dependent child” means the same as defined in section 260C.14, subsection 14, paragraph “b”, subparagraph (2), subparagraph division (a).

Sec. 5. Section 262.9, subsection 17, paragraph b, subparagraph (2), subparagraph division (b), Code Supplement 2009, is amended to read as follows:

(b) “*Qualified military person*” means a person on active duty in the military service of the United States who is stationed in this state or at the Rock Island arsenal. If the qualified military person is transferred, deployed, or restationed while the person’s spouse or dependent child is enrolled in an institution of higher education under the control of the

board, the spouse or dependent child shall continue to be classified as a resident until the close of the fiscal year in which provided the spouse or dependent child is enrolled maintains continuous enrollment.

Sec. 6. Section 262.9, subsection 17, paragraph b, subparagraph (2), subparagraph division (c), subparagraph subdivision (ii), Code Supplement 2009, is amended to read as follows:

(i) Is domiciled in this state, or has resided in this state for at least one year or sufficient time to have filed an Iowa tax return in the preceding twelve months.

Sec. 7. Section 262.9, subsection 30, unnumbered paragraph 1, Code Supplement 2009, is amended to read as follows:

Direct the institutions of higher education under its control to adopt a policy to offer not less than the following options to a student who is a member, or the spouse of a member if the member has a dependent child as defined in subsection 17, paragraph "b", subparagraph (2), subparagraph division (a), of the Iowa national guard or reserve forces of the United States and who is ordered to state military service or federal service or duty:

Sec. 8. Section 272.8, Code 2009, is amended to read as follows:

272.8 License to applicants from other states or countries.

1. The board may issue a license to an applicant from another state or country if the applicant files evidence of the possession of the required or equivalent requirements with the board. If the applicant is the spouse of a military person who is on duty or in active state duty as defined in section 29A.1, subsections 9 and 11, the board shall assign a consultant to be the single point of contact for the applicant regarding nontraditional licensure.

2. The executive director of the board may, subject to board approval, enter into reciprocity agreements with another state or country for the licensing of practitioners on an equitable basis of mutual exchange, when the action is in conformity with law.

3. Practitioner preparation and professional development programs offered in this state by out-of-state institutions must be approved by the board in order to fulfill requirements for licensure or renewal of a license by an applicant.

Sec. 9. NATIONAL SECURITY EDUCATION PROGRAM WORKING GROUP. The department of education, in collaboration with the state board of regents, shall convene a working group that includes but is not limited to representatives of the business community of this state, to explore the possibility of securing the cooperation and assistance of the United States department of defense, the national defense university, and the national security education board to participate in the federal national security education program and establish a foreign language road map, flagship program, and timeline in this state for K-16 and graduate-level students. The working group also shall study the feasibility, including but not limited to the costs, of establishing the road map, program, and timeline, and shall submit a report of its findings and recommendations to the general assembly by January 15, 2011.

Sec. 10. DEPARTMENT OF VETERANS AFFAIRS — VETERANS AND DEPENDENT CHILDREN POSTSECONDARY UNDERGRADUATE EDUCATION BENEFITS STUDY. The department of veterans affairs shall conduct a study, in collaboration with the state board of regents and the department of education and other postsecondary stakeholders as determined by the department of veterans affairs, of the need to provide greater postsecondary undergraduate education benefits for veterans and their dependents, including but not limited to dependent children of service-connected disabled veterans. The study shall include a review of current federal education benefits for veterans and their dependents, cost and participation estimates, and a review of educational benefits currently provided to veterans and their dependents by other states throughout the country. The

department of veterans affairs shall submit its findings and recommendations in a report to the general assembly by December 31, 2010.

Approved April 27, 2010

CHAPTER 1170

VETERANS AND MILITARY SERVICE — MISCELLANEOUS PROVISIONS

S.F. 2297

AN ACT concerning veterans and military service, including waivers and refunds of certain fees, use of state facilities, public utility disconnection of service, weapons permit renewals, and declarations for disposition of remains.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. NEW SECTION. **29A.14A Use of government facilities.**

Notwithstanding any provision of law to the contrary, the state or any political subdivision of the state, shall permit the rental of facilities under its control, for a fee not in excess of any expenses incurred by the state or political subdivision, for designated military events. For purposes of this section, “*designated military event*” means an event, authorized by the adjutant general, for military family readiness groups or for returning veterans of the national guard, reserves, or regular components of the armed forces of the United States for a period of up to one year from the date of return from active duty.

Sec. 2. NEW SECTION. **144.13B Waiver of fees — military service.**

Notwithstanding any provision of this chapter to the contrary, the certified copy fees for a birth certificate or death certificate of a service member, as defined in section 29A.90, who died while on active duty shall be waived for a period of one year from the date of death for a family member of the deceased service member.

Sec. 3. Section 144C.6, Code 2009, is amended by adding the following new subsection:
NEW SUBSECTION. 4. A declaration for disposition of remains made by a service member, as defined in section 29A.90, on forms provided and authorized by the department of defense for service members for this purpose shall constitute a valid declaration of designee for purposes of this chapter.

Sec. 4. Section 476.20, subsection 3, Code 2009, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The rules established by the board shall provide that a public utility furnishing gas or electricity shall not disconnect service to a residence in which one of the heads of household is a service member deployed for military service, as defined in section 29A.90, prior to a date ninety days after the end of the service member’s deployment, if the public utility is informed of the deployment.

Sec. 5. NEW SECTION. **483A.24A License refunds — military service.**

Notwithstanding any provision of this chapter to the contrary, a service member deployed for military service, both as defined in section 29A.90, shall receive a refund of that portion of any license fee paid by the service member representing the service member’s period of military service.

Sec. 6. Section 724.7, Code 2009, is amended to read as follows:

724.7 Nonprofessional permit to carry weapons.

1. Any person who can reasonably justify going armed may be issued a nonprofessional permit to carry weapons. Such permits shall be on a form prescribed and published by the commissioner of public safety, which shall be readily distinguishable from the professional permit, and shall identify the holder thereof, and state the reason for the issuance of the permit, and the limits of the authority granted by such permit. All permits so issued shall be for a definite period as established by the issuing officer, but in no event shall exceed a period of twelve months, except as provided in subsection 2.

2. The commissioner of public safety shall develop a process to allow service members deployed for military service to submit a renewal of a nonprofessional permit to carry weapons early and by mail. In addition, a permit issued to a service member who is deployed for military service, as defined in section 29A.90, that would otherwise expire during the period of deployment shall remain valid for ninety days after the end of the service member's deployment.

Approved April 27, 2010

CHAPTER 1171

VETERANS AND MILITARY MEMBERS — EMPLOYMENT BENEFITS, PROFESSIONAL LICENSING, CONSUMER CREDIT TERMS

S.F. 2318

AN ACT concerning and affecting veterans and military members, related to employment benefits, professional licensing, and interest rate limit enforcement, and making penalties applicable.

Be It Enacted by the General Assembly of the State of Iowa:

DIVISION I EMPLOYMENT BENEFITS FOR MILITARY MEMBERS

Section 1. Section 8A.402, subsection 2, paragraph f, Code Supplement 2009, is amended to read as follows:

f. (1) Develop, in consultation with the department of veterans affairs, programs to inform state employees who are members of the national guard or organized reserves of the armed forces of the United States, and their families, of their rights and benefits while the member is deployed in active federal service.

(2) Develop, in consultation with the department of veterans affairs, programs to inform members of the national guard or organized reserves of the armed forces of the United States returning to Iowa following active federal service about job opportunities in state government.

Sec. 2. **NEW SECTION. 97A.10A Purchase of service credit for military service.**

1. An active member of the system who has been a member of the retirement system five or more years may elect to purchase up to five years of service credit for military service, other than military service required to be recognized under Internal Revenue Code § 414(u) or under the federal Uniformed Services Employment and Reemployment Rights Act, that will be recognized by the retirement system for purposes of calculating a member's benefit, pursuant to Internal Revenue Code § 415(n) and the requirements of this section.

2. a. A member seeking to purchase service credit pursuant to this section shall file a written application with the system requesting an actuarial determination of the cost of a purchase of service credit. Upon receipt of the cost estimate for the purchase of service from the system, the member may make contributions to the system in an amount equal to the actuarial cost of the service credit purchase.

b. For purposes of this subsection, the actuarial cost of the service credit purchase is an amount determined by the system in accordance with actuarial tables, as reported to the system by the system's actuary, which reflects the actuarial cost necessary to fund an increased retirement allowance resulting from the purchase of service credit.

3. The system shall ensure that the member, in exercising an option provided in this section, does not exceed the amount of annual additions to a member's account permitted pursuant to § 415 of the Internal Revenue Code.

4. The board of trustees shall adopt rules providing for the implementation and administration of this section.

DIVISION II LICENSING AND PROFESSIONAL LIABILITY INSURANCE

Sec. 3. NEW SECTION. **29A.103A Professional liability insurance.**

An obligation or liability of a service member to pay a premium for professional liability insurance coverage shall be stayed for the service member during military service and the service member shall be allowed to continue coverage and resume payment upon completion of military service, without penalty.

Sec. 4. **MILITARY SERVICE LICENSING WORKGROUP.** The department of workforce development and the department of veterans affairs shall establish a workgroup to identify licensing requirements for workforce shortage areas and to study, in conjunction with the relevant licensing entities, whether comparable military training could substitute for current licensing requirements. The workgroup shall submit any findings, including any recommendations for legislative action to allow flexible licensing requirements for veterans, to the general assembly by January 1, 2011.

DIVISION III CONSUMER CREDIT TERMS — ENFORCEMENT

Sec. 5. NEW SECTION. **535.18 Consumer credit terms for service members — enforcement.**

The superintendent of banking and the superintendent of credit unions, as applicable, shall have the authority to enforce the consumer protection provisions of 10 U.S.C. § 987 concerning limitations on terms of consumer credit extended to service members and their dependents.

Approved April 27, 2010

CHAPTER 1172 **VETERANS DAY LEAVE FOR MILITARY VETERANS** *H.F. 2197*

AN ACT providing veterans a holiday for veterans day and making penalties applicable.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. NEW SECTION. **91A.5A Holiday time off — Veterans Day.**

1. An employer shall provide each employee who is a veteran, as defined in section 35.1, with holiday time off for Veterans Day, November 11, if the employee would otherwise be required to work on that day, as provided in this section.

2. An employer, in complying with this section, shall have the discretion of providing paid or unpaid time off on Veterans Day, unless providing time off would impact public health

or safety or would cause the employer to experience significant economic or operational disruption.

3. *a.* An employee shall provide the employer with at least one month's prior written notice of the employee's intent to take time off for Veterans Day and shall also provide the employer with a federal certificate of release or discharge from active duty, or such similar federal document, for purposes of determining the employee's eligibility for the benefit provided in this section.

b. The employer shall, at least ten days prior to Veterans Day, notify the employee if the employee shall be provided paid or unpaid time off on Veterans Day. If the employer determines that the employer is unable to provide time off for Veterans Day for all employees who request time off, the employer shall deny time off to the minimum number of employees needed by the employer to protect public health and safety or to maintain minimum operational capacity, as applicable.

Approved April 27, 2010

CHAPTER 1173

MILITARY HONOR GUARD UNIT SERVICES

H.F. 2414

AN ACT relating to service in an honor guard unit on public property.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 35A.12, Code 2009, is amended to read as follows:

35A.12 Military honor guard services.

An honor guard unit made up of members of a recognized military veterans organization as listed in section 35A.2 or 37.2, the Iowa national guard, the reserve forces of the United States, the United States coast guard auxiliary, or a reserve officers training corps shall be allowed to perform any honor guard service on public property.

Approved April 27, 2010

CHAPTER 1174

STATE GOVERNMENT EMPLOYMENT OPPORTUNITIES AND DISABLED VETERANS

H.F. 2454

AN ACT providing for the development of programs to attract qualified disabled veterans for job opportunities in state government.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 8A.402, subsection 2, paragraph f, Code Supplement 2009, is amended to read as follows:

f. (1) Develop, in consultation with the department of veterans affairs and the department of workforce development, programs to inform members of the national guard or organized reserves of the armed forces of the United States returning to Iowa following active federal service about job opportunities in state government.

(2) Develop, in consultation with the department of veterans affairs, the department of education, the department of workforce development, the United States department of veterans affairs, and the United States department of labor, the following:

(a) Programs to inform disabled veterans returning to the state after active federal service about federally funded job training opportunities in state government, pursuant to 38 U.S.C. ch. 31.

(b) State government job training programs for disabled veterans that qualify for federal funding from the United States department of veterans affairs.

(c) A noncompetitive hiring program for disabled veterans who satisfactorily complete a federally funded job training program approved by the United States department of veterans affairs. The disabled veteran shall have trained in the class of positions for which the disabled veteran is to be noncompetitively appointed.

Approved April 27, 2010

CHAPTER 1175

EXTENSIONS OF LENGTH OF PROBATION PERIODS

H.F. 2377

AN ACT relating to extending a period of probation and including applicability provisions.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 907.7, subsection 1, Code 2009, is amended to read as follows:

1. The length of the probation shall be for a term period as the court shall fix but not to exceed five years if the offense is a felony or not to exceed two years if the offense is a misdemeanor. The period of probation may be extended for up to one year including one year beyond the maximum period as provided in section 908.11.

Sec. 2. Section 908.11, subsection 4, Code 2009, is amended to read as follows:

4. If the violation is established, the court may continue the probation or youthful offender status with or without an alteration of the conditions of probation or a youthful offender status. If the defendant is an adult or a youthful offender the court may hold the defendant in contempt of court and sentence the defendant to a jail term while continuing the probation or youthful offender status, order the defendant to be placed in a violator facility established pursuant to section 904.207 while continuing the probation or youthful offender status, extend the term of probation for up to one year as authorized in section 907.7 while continuing the probation or youthful offender status, or revoke the probation or youthful offender status and require the defendant to serve the sentence imposed or any lesser sentence, and, if imposition of sentence was deferred, may impose any sentence which might originally have been imposed.

Sec. 3. Section 910.4, subsection 1, paragraph b, subparagraph (1), Code 2009, is amended to read as follows:

(1) If the court extends the period of probation, ~~it the period of probation~~ shall not be for more than the maximum period of probation for the offense committed except for an extension of a period of probation as provided authorized in section 907.7. After discharge from probation or after the expiration of the period of probation, as extended if applicable, the failure of an offender to comply with the plan of restitution ordered by the court shall constitute contempt of court.

Sec. 4. APPLICABILITY. This Act applies to criminal offenses committed on or after July 1, 2010.

Approved April 28, 2010

CHAPTER 1176

RATE-REGULATED PUBLIC UTILITIES AND NUCLEAR GENERATING FACILITIES

H.F. 2399

AN ACT requiring certain rate-regulated public utilities to undertake analyses of and preparation for the possible construction of low carbon emitting nuclear generating facilities in this state, permitting all rate-regulated public utilities to make significant alterations to an existing generating facility, and including effective date provisions.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 476.6, Code Supplement 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 22. *a.* It is the intent of the general assembly to require certain rate-regulated public utilities to undertake analyses of and preparations for the possible construction of nuclear generating facilities in this state that would be beneficial in a carbon-constrained environment.

b. A rate-regulated electric utility that was subject to a revenue sharing settlement agreement with regard to its electric base rates as of January 1, 2010, shall recover, through a rider and pursuant to a tariff filing made on or before December 31, 2013, the reasonable and prudent costs of its analyses of and preparations for the possible construction of facilities of the type referenced in paragraph “a”. Cost recovery shall be accomplished by instituting a revenue increase applied in the same percentage amount to each customer class and not designed to recover, on an annual basis, more than five-tenths percent of the electric utility’s calendar year 2009 revenues attributable to billed base rates in this state. At the conclusion of the cost recovery period, which shall extend no more than thirty-six months in total, the board shall conduct a contested case proceeding pursuant to chapter 17A to evaluate the reasonableness and prudence of the cost recovery. The utility shall file such information with the board as the board deems appropriate, including the filing of an annual report identifying and explaining expenditures identified in the rider as items for cost recovery, and any other information required by the board. If the board determines that the utility has imprudently incurred costs, or has incurred costs that are less than the amount recovered, the board shall order the utility to modify the rider to adjust the amount recoverable.

c. Costs that may be recovered through the rider described in paragraph “b” shall be consistent with the United States nuclear regulatory guide, section 4.7, general site suitability criteria for nuclear power stations, revision two, April 1998, including costs related to the study and use of sites for nuclear generation.

Sec. 2. Section 476.53, Code 2009, is amended to read as follows:

476.53 Electric generating and transmission facilities.

1. It is the intent of the general assembly to attract the development of electric power generating and transmission facilities within the state in sufficient quantity to ensure reliable electric service to Iowa consumers and provide economic benefits to the state. It is also the intent of the general assembly to encourage rate-regulated public utilities to consider altering existing electric generating facilities, where reasonable, to manage carbon emission intensity in order to facilitate the transition to a carbon-constrained environment.

2. a. The general assembly’s intent with regard to the development of electric power generating and transmission facilities, or the significant alteration of an existing generating

facility¹ as provided in subsection 1, shall be implemented in a manner that is cost-effective and compatible with the environmental policies of the state, as expressed in Title XI.

b. The general assembly's intent with regard to the reliability of electric service to Iowa consumers, as provided in subsection 1, shall be implemented by considering the diversity of the types of fuel used to generate electricity, the availability and reliability of fuel supplies, and the impact of the volatility of fuel costs.

~~3. For purposes of this section, unless the context otherwise requires, the terms "cogeneration pilot project facility", "energy sales agreement", "qualified cogeneration pilot project facility", and "utility-owned cogeneration pilot project facility" mean the same as defined in section 15.269.~~

~~4. 3. a.~~ The board shall specify in advance, by order issued after a contested case proceeding, the ratemaking principles that will apply when the costs of the electric power generating facility, or alternate energy production facility, ~~cogeneration pilot project facility, or energy sales agreement~~ are included in regulated electric rates whenever a rate-regulated public utility does any of the following:

(1) Files an application pursuant to section 476A.3 to construct in Iowa a baseload electric generating facility with a nameplate generating capacity equal to or greater than three hundred megawatts or a combined-cycle electric power generating facility, or an alternative energy production facility as defined in section 476.42, or to significantly alter an existing generating facility. For purposes of this subparagraph, a significant alteration of an existing generating facility must, in order to qualify for establishment of ratemaking principles, fall into one of the following categories:²

(a) Conversion of a coal fueled facility into a gas fueled facility.

(b) Addition of carbon capture and storage facilities at a coal fueled facility.

(c) Addition of gas fueled capability to a coal fueled facility, in order to convert the facility to one that will rely primarily on gas for future generation.

(d) Addition of a biomass fueled capability to a coal fueled facility.

With respect to a significant alteration of an existing generating facility, an original facility shall not be required to be either a baseload or a combined-cycle facility. Only the incremental investment undertaken by a utility under subparagraph divisions (a), (b), (c), or (d) shall be eligible to apply the ratemaking principles established by the order issued pursuant to paragraph "e". Facilities for which advanced ratemaking principles are obtained pursuant to this section shall not be subject to a subsequent board review pursuant to section 476.6, subsection 21 to the extent that the investment has been considered by the board under this section. To the extent an eligible utility has been authorized to make capital investments subject to section 476.6, subsection 21, such investments shall not be eligible for ratemaking principles pursuant to this section.

(2) Leases or owns in Iowa, in whole or in part, a new baseload electric power generating facility with a nameplate generating capacity equal to or greater than three hundred megawatts or a combined-cycle electric power generating facility, or a new alternate energy production facility as defined in section 476.42.

~~(3) Enters into an agreement for the purchase of the electric power output of a qualified cogeneration pilot project facility or constructs a utility-owned cogeneration pilot project facility pursuant to section 15.269.~~

b. In determining the applicable ratemaking principles, the board shall not be limited to traditional ratemaking principles or traditional cost recovery mechanisms. Among the principles and mechanisms the board may consider, the board has the authority to approve ratemaking principles proposed by a rate-regulated public utility that provide for reasonable restrictions upon the ability of the public utility to seek a general increase in electric rates under section 476.6 for at least three years after the generating facility begins providing service to Iowa customers.

c. In determining the applicable ratemaking principles, the board shall make the following findings:

¹ See chapter 1193, §55 herein

² See chapter 1193, §69, 80 herein

(1) The rate-regulated public utility has in effect a board-approved energy efficiency plan as required under section 476.6, subsection 16.

(2) The rate-regulated public utility has demonstrated to the board that the public utility has considered other sources for long-term electric supply and that the facility, ~~or lease, or cogeneration pilot project facility~~ is reasonable when compared to other feasible alternative sources of supply. The rate-regulated public utility may satisfy the requirements of this subparagraph through a competitive bidding process, under rules adopted by the board, that demonstrate the facility, ~~energy sales agreement, or lease~~ is a reasonable alternative to meet its electric supply needs.

d. The applicable ratemaking principles shall be determined in a contested case proceeding, which proceeding may be combined with the proceeding for issuance of a certificate conducted pursuant to chapter 476A.

e. The order setting forth the applicable ratemaking principles shall be issued prior to the commencement of construction or lease of the facility, ~~or execution of an energy sales agreement related to the cogeneration pilot project facility.~~

f. Following issuance of the order, the rate-regulated public utility shall have the option of proceeding according to either of the following:

(1) Withdrawing its application for a certificate pursuant to chapter 476A.

(2) Proceeding with the construction or lease of the facility ~~or implementation of an energy sales agreement related to a cogeneration pilot project facility.~~

g. Notwithstanding any provision of this chapter to the contrary, the ratemaking principles established by the order issued pursuant to paragraph "e" shall be binding with regard to the specific electric power generating facility ~~or cogeneration pilot project facility~~ in any subsequent rate proceeding.

5. ~~4.~~ The utilities board and the consumer advocate may employ additional temporary staff, or may contract for professional services with persons who are not state employees, as the board and the consumer advocate deem necessary to perform required functions as provided in this section, including but not limited to review of power purchase contracts, review of emission plans and budgets, and review of ratemaking principles proposed for construction or lease of a new generating facility ~~or a cogeneration pilot project facility.~~ Beginning July 1, 2002, there is appropriated out of any funds in the state treasury not otherwise appropriated, such sums as may be necessary to enable the board and the consumer advocate to hire additional staff and contract for services under this section. The costs of the additional staff and services shall be assessed to the utilities pursuant to the procedure in section 476.10 and section 475A.6.

6. ~~a.~~ A qualified cogeneration pilot project facility may file a petition with the board for a determination of the avoided cost of an electric utility as provided in the federal Public Utility Regulatory Policies Act of 1978 and related federal regulations, if such a determination has not been made within the last twenty-four months or if there is reason to believe the avoided cost has changed.

~~b.~~ The board shall issue its determination of the electric utility's avoided cost within one hundred twenty days after the petition is filed.

~~c.~~ The board, for good cause shown, may extend the deadline for issuing the decision for an additional period not to exceed one hundred twenty days.

~~d.~~ The board shall not issue a decision under this subsection without providing notice and an opportunity for hearing.

~~e.~~ The utilities board and the consumer advocate may employ additional temporary staff, or may contract for professional services with persons who are not state employees, as the board and the consumer advocate deem necessary to perform required functions as provided in this subsection. There is appropriated out of any funds in the state treasury not otherwise appropriated, such sums as may be necessary to enable the board and the consumer advocate to hire additional staff and contract for services under this section. The costs of the additional staff and services shall be assessed to the electric utility pursuant to the procedure in sections 476.10 and 475A.6.

Sec. 3. EFFECTIVE UPON ENACTMENT. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved April 28, 2010

CHAPTER 1177

HEALTH CARE FACILITIES AND PROGRAMS — INSPECTIONS — DEPENDENT ADULT ABUSE

S.F. 2333

AN ACT relating to health care facilities and programs, including hospital inspector requirements and dependent adult abuse and providing penalties.

Be It Enacted by the General Assembly of the State of Iowa:

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

135B.9 Inspections and qualifications for hospital inspectors — protection and advocacy agency investigations.

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

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

b. Complete a yearly conflict of interest disclosure statement.

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

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

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

a. The department shall receive and evaluate reports of dependent adult abuse in facilities and programs. The department shall inform the department of human services of such evaluations and dispositions ~~for inclusion in~~ and those individuals who should be placed on the central registry for dependent adult abuse information pursuant to section 235B-5. 235E.7. If the department believes the situation involves an immediate danger to the public health, safety, or welfare requiring immediate agency action to seek emergency placement on the central registry, the department may utilize emergency adjudicative proceedings pursuant to section 17A.18A.

Sec. 3. Section 235E.2, subsection 10, Code Supplement 2009, is amended to read as follows:

10. The department shall adopt rules which require facilities and programs to separate an alleged dependent adult abuser from a victim following an allegation of perpetration of dependent adult abuse and prior to the completion of an investigation of the allegation. Independent of the department's investigation, the facility or program employing the alleged dependent adult abuser shall conduct an investigation of the alleged dependent adult abuse and determine, what, if any, employment action should be taken including but not limited to placing the alleged dependent adult abuser on administrative leave or reassigning or terminating the alleged dependent adult abuser as a result of the investigation by the facility or program. If the facility or program terminates the alleged dependent adult abuser as a result of the investigation by the facility or program or the alleged dependent adult abuser resigns, the alleged dependent adult abuser shall disclose such termination or investigation to any prospective facility or program employer. An alleged dependent adult abuser who fails to disclose such termination or investigation is guilty of a simple misdemeanor.

Sec. 4. Section 235E.2, subsection 12, Code Supplement 2009, is amended to read as follows:

12. An inspector of the department may enter any facility or program without a warrant and may examine all records pertaining to residents, employees, former employees, and the alleged dependent adult abuser. If upon entry, the inspector has knowledge of or learns during the course of an investigation that alleged dependent adult abuse is suspected or is being investigated, the inspector shall inform the facility or program that the inspector is investigating an alleged case of dependent adult abuse. An inspector of the department may contact or interview any resident, employee, former employee, or any other person who might have knowledge about the alleged dependent adult abuse. Prior to the interview, the department shall provide written notification to the person under investigation for dependent adult abuse that the person is under investigation for dependent adult abuse, the nature of the abuse being investigated, the possible civil administrative consequences of founded abuse, the requirement that the department forward a report to law enforcement if the department's investigation reveals a potential criminal offense, that the person has the right to retain legal counsel at the person's expense and may choose to have legal counsel, union representation, or any other desired representative employed by the facility present during the interview, and the fact that the person has the right to decline to be interviewed or to terminate an interview at any time. The person under investigation shall inform the department of the representatives desired to be present during the interview and not delay the interview by more than five working days to make arrangements for the person's representatives to be present at the interview. Any employer representative shall be informed of the requirement to maintain strict confidentiality and of the prohibition against redissemination of such information pursuant to chapter 235B. At the interview, the department shall request and the alleged dependent adult abuser shall provide the alleged dependent adult abuser's most current contact information to facilitate provision of the findings to the alleged dependent adult abuser. An inspector may take or cause to be taken photographs of the dependent adult abuse victim and the vicinity involved. The department shall obtain consent from the dependent adult abuse victim or guardian or other person with a power of attorney over the dependent adult abuse victim prior to taking photographs of the dependent adult abuse victim.

Sec. 5. NEW SECTION. 235E.6 Dependent adult abuse finding — notification to employer and employee.

Upon a finding of founded dependent adult abuse by a caretaker, the department shall provide written notification of the department's findings to the caretaker and the caretaker's employer. In addition, the written notification shall detail the consequences of placement on the central abuse registry, the caretaker's appeal rights, and include a separate appeal request form. The written appeal request form shall clearly set forth that the caretaker shall not be placed on the central abuse registry until final agency action is taken if an appeal is filed within fifteen days.

Sec. 6. NEW SECTION. **235E.7 Appeal process — dependent adult abuse.**

1. If a request for an appeal is filed within fifteen days of the issuance of the written notification of a finding of dependent adult abuse, the department shall not place the caretaker on the central abuse registry until final agency action is taken. For a request for an appeal filed within fifteen days of the issuance of the written notification of the finding, the contested case hearing shall be held within sixty days of the request. The caretaker may extend the hearing timeframe by thirty days one time. Additional requests for an extension must be agreed upon by all parties or for good cause. The administrative law judge's proposed decision shall be issued within thirty days of the contested case hearing. If further review of the decision is not requested before the proposed decision becomes final, the proposed decision shall be deemed final agency action. If further review is requested, the department's final agency action shall occur within thirty days of the issuance of the administrative law judge's proposed decision. Upon final agency action, further appeal rights shall be governed by chapter 17A.

2. If a caretaker fails to request an appeal within fifteen days, the caretaker shall have sixty days from the issuance of the written notification of the abuse findings to file an appeal pursuant to chapter 17A. However, the caretaker's name shall be placed on the central abuse registry pending the outcome of the appeal.

3. If the caretaker requests an appeal within fifteen days, the caretaker may waive the expedited hearing under subsection 1 to proceed under chapter 17A, but the caretaker's name shall be placed on the central abuse registry pending the outcome of the appeal.

Sec. 7. STUDY. The legislative council is requested to establish an interim study committee to evaluate due process requirements relating to child abuse and dependent adult abuse under Code chapters 235A and 235B. The committee shall issue a report of its recommendations to the general assembly by January 15, 2011.

Approved April 29, 2010

CHAPTER 1178

WEAPONS AND PERSONS WITH MENTAL OR SUBSTANCE ABUSE DISORDERS

S.F. 2379

AN ACT relating to permits to carry weapons and permits to acquire pistols and revolvers including the dissemination of information relating to persons suffering from mental and substance abuse health-related disorders and the possession of firearms and providing penalties and an effective date.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 229.24, subsection 1, Code 2009, is amended to read as follows:

1. All papers and records pertaining to any involuntary hospitalization or application for involuntary hospitalization of any person under this chapter, whether part of the permanent record of the court or of a file in the department of human services, are subject to inspection only upon an order of the court for good cause shown. ~~Nothing in this section shall prohibit a hospital from complying with the requirements of this chapter and of chapter 230 relative to financial responsibility for the cost of care and treatment provided a patient in that hospital, nor from properly billing any responsible relative or third party payer for such care and treatment.~~

Sec. 2. Section 229.24, Code 2009, is amended by adding the following new subsection:
NEW SUBSECTION. 4. This section shall not prohibit any of the following:

a. A hospital from complying with the requirements of this chapter and of chapter 230 relative to financial responsibility for the cost of care and treatment provided a patient in that hospital or from properly billing any responsible relative or third-party payer for such care or treatment.

b. A court or the department of public safety from forwarding to the federal bureau of investigation information that a person has been disqualified from possessing, shipping, transporting, or receiving a firearm pursuant to section 724.31.

Sec. 3. Section 602.8102, Code 2009, is amended by adding the following new subsection: NEW SUBSECTION. 125A. Forward information that a person has been disqualified from possessing, shipping, transporting, or receiving a firearm pursuant to section 724.31 to the department of public safety.

Sec. 4. NEW SECTION. 724.4C Possession or carrying of firearms while under the influence.

A permit issued under this chapter is invalid if the person to whom the permit is issued is intoxicated as provided in section 321J.2, subsection 1.

Sec. 5. Section 724.7, Code 2009, is amended to read as follows:

724.7 Nonprofessional permit to carry weapons.

Any person who can reasonably justify going armed may is not disqualified under section 724.8, who satisfies the training requirements of section 724.9, and who files an application in accordance with section 724.10 shall be issued a nonprofessional permit to carry weapons. Such permits shall be on a form prescribed and published by the commissioner of public safety, which shall be readily distinguishable from the professional permit, and shall identify the holder thereof, and state the reason for the issuance of the permit, and the limits of the authority granted by such permit of the permit. Such permits shall not be issued for a particular weapon and shall not contain information about a particular weapon including the make, model, or serial number of the weapon or any ammunition used in that weapon. All permits so issued shall be for a definite period as established by the issuing officer, but in no event shall exceed a period of twelve months five years and shall be valid throughout the state except where the possession or carrying of a firearm is prohibited by state or federal law.

Sec. 6. Section 724.8, Code 2009, is amended to read as follows:

724.8 Persons eligible for permit to carry weapons.

No person shall be issued a professional or nonprofessional permit to carry weapons unless shall be issued to a person who is subject to any of the following:

1. The person is Is less than eighteen years of age or older for a professional permit or less than twenty-one years of age for a nonprofessional permit.

2. The person has never been convicted of a felony.

3. 2. The person is not Is addicted to the use of alcohol or any controlled substance.

4. 3. The person has no history of repeated acts of violence. Probable cause exists to believe, based upon documented specific actions of the person, where at least one of the actions occurred within two years immediately preceding the date of the permit application, that the person is likely to use a weapon unlawfully or in such other manner as would endanger the person's self or others.

5. The issuing officer reasonably determines that the applicant does not constitute a danger to any person.

4. Is subject to the provisions of section 724.26.

6. 5. The person has never Has, within the previous three years, been convicted of any crime serious or aggravated misdemeanor defined in chapter 708, except "assault" as defined in section 708.1 and "harassment" as defined in section 708.7- not involving the use of a firearm or explosive.

6. Is prohibited by federal law from shipping, transporting, possessing, or receiving a firearm.

Sec. 7. Section 724.9, Code 2009, is amended by striking the section and inserting in lieu thereof the following:

724.9 Firearm training program.

1. An applicant shall demonstrate knowledge of firearm safety by any of the following means:

a. Completion of any national rifle association handgun safety training course.

b. Completion of any handgun safety training course available to the general public offered by a law enforcement agency, community college, college, private or public institution or organization, or firearms training school, utilizing instructors certified by the national rifle association or the department of public safety or another state's department of public safety, state police department, or similar certifying body.

c. Completion of any handgun safety training course offered for security guards, investigators, special deputies, or any division or subdivision of a law enforcement or security enforcement agency approved by the department of public safety.

d. Completion of small arms training while serving with the armed forces of the United States as evidenced by any of the following:

(1) For personnel released or retired from active duty, possession of an honorable discharge or general discharge under honorable conditions.

(2) For personnel on active duty or serving in one of the national guard or reserve components of the armed forces of the United States, possession of a certificate of completion of basic training with a service record of successful completion of small arms training and qualification.

e. Completion of a law enforcement agency firearms training course that qualifies a peace officer to carry a firearm in the normal course of the peace officer's duties.

2. Evidence of qualification under this section may be documented by any of the following:

a. A photocopy of a certificate of completion or any similar document indicating completion of any course or class identified in subsection 1.

b. An affidavit from the instructor, school, organization, or group that conducted or taught a course or class identified in subsection 1 attesting to the completion of the course or class by the applicant.

c. A copy of any document indicating participation in any firearms shooting competition.

3. An issuing officer shall not condition the issuance of a permit on training requirements that are not specified in or that exceed the requirements of this section.

Sec. 8. Section 724.10, Code 2009, is amended to read as follows:

724.10 Application for permit to carry weapons — ~~eriminal history background check required.~~

1. A person shall not be issued a permit to carry weapons unless the person has completed and signed an application on a form to be prescribed and published by the commissioner of public safety. The application shall state require only the full name, driver's license or nonoperator's identification card number, residence, place of birth, and age date of birth of the applicant, and shall state whether the applicant ~~has ever been convicted of a felony, whether the person is addicted to the use of alcohol or any controlled substance, and whether the person has any history of mental illness or repeated acts of violence~~ meets the criteria specified in sections 724.8 and 724.9. An applicant may provide the applicant's social security number if the applicant so chooses. The applicant shall also display an identification card that bears a distinguishing number assigned to the cardholder, the full name, date of birth, sex, residence address, and a brief description and colored photograph of the cardholder.

2. ~~The sheriff issuing officer, upon receipt of an initial or renewal application under this section, shall conduct~~ immediately conduct a ~~eriminal history background check~~ concerning each applicant by obtaining criminal history data from the department of public safety which shall include an inquiry of the national instant criminal background system maintained by the federal bureau of investigation or any successor agency.

3. A person who ~~knowingly~~ knowingly makes what the person knows to be a false statement of material fact on ~~the an~~ an application submitted under this section or who submits what the person knows to be any materially falsified or forged documentation in connection with such an application commits a class "D" felony.

Sec. 9. Section 724.11, Code 2009, is amended to read as follows:

724.11 Issuance of permit to carry weapons.

1. Applications for permits to carry weapons shall be made to the sheriff of the county in which the applicant resides. Applications ~~from~~ for professional permits to carry weapons for persons who are nonresidents of the state, or whose need to go armed arises out of employment by the state, shall be made to the commissioner of public safety. In either case, ~~the issuance of the permit shall be by and at the discretion of the sheriff or commissioner, who shall,~~ before issuing the permit, shall determine that the requirements of sections 724.6 to 724.10 have been satisfied. However, for renewal of a permit the training program requirements in section 724.9 may be waived for renewal permits, subsection 1, shall apply or the renewal applicant may choose to qualify on a firing range under the supervision of an instructor certified by the national rifle association or the department of public safety or another state's department of public safety, state police department, or similar certifying body. Such training or qualification must occur within the twelve-month period prior to the expiration of the applicant's current permit.

1A. Neither the sheriff nor the commissioner shall require an applicant for a permit to carry weapons to provide information identifying a particular weapon in the application including the make, model, or serial number of the weapon or any ammunition used in that particular weapon.

2. The issuing officer shall collect a fee of ~~ten~~ fifty dollars, except from a duly appointed peace officer or correctional officer, for each permit issued. Renewal permits or duplicate permits shall be issued for a fee of ~~five~~ twenty-five dollars, provided the application for such renewal permit is received by the issuing officer at least thirty days prior to the expiration of the applicant's current permit. The issuing officer shall notify the commissioner of public safety of the issuance of any permit at least monthly and forward to the commissioner an amount equal to ~~two~~ ten dollars for each permit issued and ~~one dollar~~ five dollars for each renewal or duplicate permit issued. All such fees received by the commissioner shall be paid to the treasurer of state and deposited in the operating account of the department of public safety to offset the cost of administering this chapter. ~~Any Notwithstanding section 8.33, any unspent balance as of June 30 of each year shall not revert to the general fund as provided by section 8.33 of the state.~~

3. The sheriff or commissioner of public safety shall approve or deny an initial or renewal application submitted under this section within thirty days of receipt of the application. A person whose application for a permit under this chapter is denied may seek review of the denial under section 724.21A. The failure to approve or deny an initial or renewal application shall result in a decision of approval.

Sec. 10. **NEW SECTION. 724.11A Recognition.**

A valid permit or license issued by another state to any nonresident of this state shall be considered to be a valid permit or license to carry weapons issued pursuant to this chapter, except that such permit or license shall not be considered to be a substitute for an annual permit to acquire pistols or revolvers issued pursuant to section 724.15.

Sec. 11. Section 724.13, Code 2009, is amended by striking the section and inserting in lieu thereof the following:

724.13 Suspension or revocation of permit to carry weapons — criminal history background check.

An issuing officer who finds that a person issued a permit to carry weapons under this chapter has been arrested for a disqualifying offense or is the subject of proceedings that could lead to the person's ineligibility for such permit may immediately suspend such permit. An issuing officer proceeding under this section shall immediately notify the permit holder of the suspension by personal service or certified mail on a form prescribed and published by the commissioner of public safety and the suspension shall become effective upon the permit holder's receipt of such notice. If the suspension is based on an arrest or a proceeding that does not result in a disqualifying conviction or finding against the permit holder, the issuing officer shall immediately reinstate the permit upon receipt of proof of the matter's final disposition. If the arrest leads to a disqualifying conviction or the proceedings to a

disqualifying finding, the issuing officer shall revoke the permit. The issuing officer may also revoke the permit of a person whom the issuing officer later finds was not qualified for such a permit at the time of issuance or who the officer finds provided materially false information on the permit application. A person aggrieved by a suspension or revocation under this section make¹ seek review of the decision pursuant to section 724.21A.

The issuing officer may annually conduct a background check concerning a person issued a permit by obtaining criminal history data from the department of public safety.

Sec. 12. Section 724.15, Code 2009, is amended to read as follows:

724.15 Annual permit to acquire pistols or revolvers.

1. Any person who ~~acquires~~ desires to acquire ownership of any pistol or revolver shall first obtain an annual permit. An annual permit shall ~~not~~ be issued upon request to any ~~person~~ resident of this state unless the person is subject to any of the following:

- ~~a. The person is less than twenty-one years of age or older.~~
- ~~b. The person has never been convicted of a felony.~~
- ~~c. The person is not addicted to the use of alcohol or a controlled substance.~~
- ~~d. The person has no history of repeated acts of violence.~~
- ~~e. The person has never been convicted of a crime defined in chapter 708, except "assault" as defined in section 708.1 and "harassment" as defined in section 708.7.~~
- ~~f. The person has never been adjudged mentally incompetent.~~
- b. Is subject to the provisions of section 724.26.
- c. Is prohibited by federal law from shipping, transporting, possessing, or receiving a firearm.

2. Any person who acquires ownership of a pistol or revolver shall not be required to obtain an annual permit if any of the following apply:

- ~~a. The person transferring the pistol or revolver and the person acquiring the pistol or revolver are licensed firearms dealers under federal law;~~
- ~~b. The pistol or revolver acquired is an antique firearm, a collector's item, a device which is not designed or redesigned for use as a weapon, a device which is designed solely for use as a signaling, pyrotechnic, line-throwing, safety, or similar device, or a firearm which is unserviceable by reason of being unable to discharge a shot by means of an explosive and is incapable of being readily restored to a firing condition; or~~
- ~~c. The person acquiring the pistol or revolver is authorized to do so on behalf of a law enforcement agency.~~
- ~~d. The person has obtained a valid permit to carry weapons, as provided in section 724.11.~~
- ~~e. The person transferring the pistol or revolver and the person acquiring the pistol or revolver are related to one another within the second degree of consanguinity or affinity unless the person transferring the pistol or revolver knows that the person acquiring the pistol or revolver would be ineligible to obtain~~ disqualified from obtaining a permit.

3. The annual permit to acquire pistols or revolvers shall authorize the permit holder to acquire one or more pistols or revolvers during the period that the permit remains valid. If the issuing officer determines that the applicant has become disqualified under the provisions of subsection 1, the issuing officer may immediately ~~invalidate~~ revoke the permit and shall provide a written statement of the reasons for revocation, and the applicant shall have the right to appeal the revocation as provided in section 724.21A.

4. An issuing officer who finds that a person issued a permit to acquire pistols or revolvers under this chapter has been arrested for a disqualifying offense or who is the subject of proceedings that could lead to the person's ineligibility for such permit may immediately suspend such permit. An issuing officer proceeding under this subsection shall immediately notify the permit holder of the suspension by personal service or certified mail on a form prescribed and published by the commissioner of public safety and the suspension shall become effective upon the permit holder's receipt of such notice. If the suspension is based on an arrest or a proceeding that does not result in a disqualifying conviction or finding against the permit holder, the issuing officer shall immediately reinstate the permit upon receipt of proof of the matter's final disposition. If the arrest leads to a disqualifying

¹ According to enrolled Act; the word "may" probably intended

conviction or the proceedings to a disqualifying finding, the issuing officer shall revoke the permit. The issuing officer may also revoke the permit of a person whom the issuing officer later finds was not qualified for such a permit at the time of issuance or who the officer finds provided materially false information on the permit application. A person aggrieved by a suspension or revocation under this subsection may seek review of the decision, pursuant to section 724.21A.

Sec. 13. Section 724.17, Code 2009, is amended to read as follows:

724.17 Application for annual permit to acquire — criminal history check required.

The application for an annual permit to acquire pistols or revolvers may be made to the sheriff of the county of the applicant's residence and shall be on a form prescribed and published by the commissioner of public safety. The application shall state require only the full name of the applicant, the driver's license or nonoperator's identification card number of the applicant, the residence of the applicant, and the age date and place of birth of the applicant. The applicant shall also display an identification card that bears a distinguishing number assigned to the cardholder, the full name, date of birth, sex, residence address, and brief description and colored photograph of the cardholder, or other identification as specified by rule of the department of public safety. The sheriff shall conduct a criminal history check concerning each applicant by obtaining criminal history data from the department of public safety which shall include an inquiry of the national instant criminal background system maintained by the federal bureau of investigation or any successor agency. A person who knowingly makes a false statement of material fact on the application commits a class "D" felony. A person who makes what the person knows to be a false statement of material fact on an application submitted under this section or who submits what the person knows to be any materially falsified or forged documentation in connection with such an application commits a class "D" felony.

Sec. 14. NEW SECTION. 724.21A Denial, suspension, or revocation of permit to carry weapons or permit to acquire pistols or revolvers.

1. In any case where the sheriff or the commissioner of public safety denies an application for or suspends or revokes a permit to carry weapons or an annual permit to acquire pistols or revolvers, the sheriff or commissioner shall provide a written statement of the reasons for the denial, suspension, or revocation and the applicant or permit holder shall have the right to appeal the denial, suspension, or revocation to an administrative law judge in the department of inspections and appeals within thirty days of receiving written notice of the denial, suspension, or revocation.

2. The applicant or permit holder may file an appeal with an administrative law judge by filing a copy of the denial, suspension, or revocation notice with a written statement that clearly states the applicant's reasons rebutting the denial, suspension, or revocation along with a fee of ten dollars. Additional supporting information relevant to the proceedings may also be included.

3. The administrative law judge shall, within forty-five days of receipt of the request for an appeal, set a hearing date. The hearing may be held by telephone or video conference at the discretion of the administrative law judge. The administrative law judge shall receive witness testimony and other evidence relevant to the proceedings at the hearing. The hearing shall be conducted pursuant to chapter 17A.

4. Upon conclusion of the hearing, the administrative law judge shall order that the denial, suspension, or revocation of the permit be either rescinded or sustained. An applicant, permit holder, or issuing officer aggrieved by the final judgment of the administrative law judge shall have the right to judicial review in accordance with the terms of the Iowa administrative procedure Act, chapter 17A.

5. The standard of review under this section shall be clear and convincing evidence that the issuing officer's written statement of the reasons for the denial, suspension, or revocation constituted probable cause to deny an application or to suspend or revoke a permit.

6. The department of inspections and appeals shall adopt rules pursuant to chapter 17A as necessary to carry out the provisions of this section.

7. In any case where the issuing officer denies an application for, or suspends or revokes a permit to carry weapons or an annual permit to acquire pistols or revolvers solely because of an adverse determination by the national instant criminal background check system, the applicant or permit holder shall not seek relief under this section but may pursue relief of the national instant criminal background check system determination pursuant to Pub. L. No. 103-159, sections 103(f) and (g) and 104 and 28 C.F.R. § 25.10, or other applicable law. The outcome of such proceedings shall be binding on the issuing officer.

Sec. 15. Section 724.25, subsection 1, Code 2009, is amended to read as follows:

1. As used in ~~sections 724.8, subsection 2, and section 724.26~~, the word “*felony*” means any offense punishable in the jurisdiction where it occurred by imprisonment for a term exceeding one year, but does not include any offense, other than an offense involving a firearm or explosive, classified as a misdemeanor under the laws of the state and punishable by a term of imprisonment of two years or less.

Sec. 16. Section 724.27, Code 2009, is amended to read as follows:

724.27 Offenders’ rights restored.

1. The provisions of ~~section 724.8, subsection 2, section 724.15, subsection 1, paragraphs “b” and “e”, and section 724.26~~ shall not apply to a person who is eligible to have the person’s civil rights regarding firearms restored under section 914.7 ~~and who is pardoned or has had the person’s civil rights restored by the President of the United States or the chief executive of a state and who is expressly authorized by the President of the United States or such chief executive to receive, transport, or possess firearms or destructive devices.~~ if any of the following occur:

a. The person is pardoned by the President of the United States or the chief executive of a state for a disqualifying conviction.

b. The person’s civil rights have been restored after a disqualifying conviction, commitment, or adjudication.

c. The person’s conviction for a disqualifying offense has been expunged.

2. Subsection 1 shall not apply to a person whose pardon, restoration of civil rights, or expungement of conviction expressly forbids the person to receive, transport, or possess firearms or destructive devices.

Sec. 17. NEW SECTION. 724.31 Persons subject to mental and substance abuse health-related orders or commitments — firearms — restoration of rights — reports.

1. A court order referred to in subsection 2 shall include information informing the person who is the subject of the order not to ship, possess, receive, or transport or cause the transport of firearms or ammunition. The clerk of the district court shall forward only such information as is necessary to identify a person subject to an order in subsection 2 to the department of public safety, which in turn shall forward the information to the federal bureau of investigation or its successor agency for the sole purpose of inclusion in the national instant criminal background check system database.

2. A court order that does any of the following is subject to this section:

a. Orders commitment pursuant to section 125.84.

b. Orders commitment pursuant to section 222.31.

c. Orders commitment pursuant to section 229.14.

d. Finds a defendant incompetent to stand trial pursuant to section 812.5.

3. a. A person who is the subject of a court order listed in subsection 2 and who has been released from commitment may petition the court that issued the order or the court in the county where the person resides no earlier than two years from the date of the issuance of the order for relief from the disabilities imposed by 18 U.S.C. section 922(d)(4) and (g)(4). A copy of the petition shall also be served on the director of human services and the county attorney at the county attorney’s office of the county in which the original order occurred, and the director or the county attorney may appear, support, object to, and present evidence relevant to the relief sought by the petitioner. A court considering a petition under this section shall receive evidence concerning all of the following:

(1) The circumstances surrounding the original issuance of the order in subsection 2.

(2) The petitioner's mental health and criminal history.

(3) The petitioner's reputation and character.

(4) Any changes in the petitioner's condition or circumstances since the issuance of the order in subsection 2 that are relevant to the relief sought.

b. The court shall grant a petition filed pursuant to paragraph "a" if the court finds by a preponderance of the evidence that the petitioner will not be likely to act in a manner dangerous to the public safety and that the granting of the relief would not be contrary to the public interest. The petitioner may appeal a denial of the requested relief and the review shall be de novo. A person may file a petition for relief under this subsection not more than once every two years.

c. If a court issues an order granting a petition for relief under paragraph "b", the clerk of the district court shall immediately forward only such information as is necessary to identify a person granted relief to the department of public safety which, upon receipt, shall immediately forward such information as is necessary to the federal bureau of investigation or its successor agency to update the national instant criminal background check system database with the relief from disabilities.

Sec. 18. TRANSITION PROVISIONS. A permit issued under chapter 724 prior to January 1, 2011, remains effective and continues in effect as issued for the twelve-month period following its issuance. This Act does not preclude the permit holder from seeking to renew the permit under this Act prior to the expiration of the twelve-month period.

Sec. 19. EFFECTIVE DATE. This Act takes effect January 1, 2011.

Approved April 29, 2010

CHAPTER 1179

DENTAL INSURANCE COVERAGE AND FEE SCHEDULES

H.F. 2229

AN ACT prohibiting the imposition by a dental plan of fee schedules for the provision of dental services that are not covered by the plan.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. NEW SECTION. **514C.3B Dental coverage — fee schedules.**

1. A contract between a dental plan and a dentist for the provision of services to covered individuals under the plan shall not require that a dentist provide services to those covered individuals at a fee set by the dental plan unless such services are covered services under the dental plan.

2. A person or entity providing third-party administrator services shall not make available any dentists in its dentist network to a dental plan that sets fees for dental services that are not covered services.

3. For the purposes of this section:

a. "Covered services" means services reimbursed under the dental plan.

b. "Dental plan" means any policy or contract of insurance which provides for coverage of dental services not in connection with a medical plan that provides for the coverage of medical services.

4. Nothing in this section shall be construed as limiting the ability of an insurer or a third-party administrator to restrict any of the following as they relate to covered services:

a. Balance billing.

b. Waiting periods.

c. Frequency limitations.

- d. Deductibles.
- e. Maximum annual benefits.

Approved April 29, 2010

CHAPTER 1180

REGULATIONS FOR PEN-REARED PHEASANTS

H.F. 2310

AN ACT relating to raising or releasing pen-reared pheasants originating from a hatchery approved by the department of natural resources.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. NEW SECTION. **481A.6A Pen-reared pheasants — release by landowners and tenants.**

1. As used in this section, “*pen-reared pheasant*” means a pheasant which originates from a captive population and which has been propagated and held by a hatchery.

2. Notwithstanding section 481A.60, an owner or tenant of land may obtain pen-reared pheasants from a hatchery approved by the department, and raise or release the pen-reared pheasants on the owner’s or tenant’s land. A person shall not relocate a pen-reared pheasant to any other land.

3. A person taking a pen-reared pheasant shall comply with all requirements provided in this chapter and chapter 483A.

Sec. 2. NEW SECTION. **484B.15 Pen-reared pheasants — exception.**

This chapter does not apply to an owner or tenant of land raising or releasing pen-reared pheasants on the owner’s or tenant’s land as provided in section 481A.6A, provided that a person taking a pen-reared pheasant complies with all requirements provided in chapters 481A and 483A.

Approved April 29, 2010

CHAPTER 1181

APPROPRIATION REDUCTIONS, TRANSFERS, AND SUPPLEMENTALS — HEALTH AND HUMAN SERVICES

S.F. 2151

AN ACT relating to public funding and regulatory matters by making and revising appropriations made for purposes of health and human services and providing effective dates.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. 2008 Iowa Acts, chapter 1188, section 16, as amended by 2009 Iowa Acts, chapter 182, section 84, is amended to read as follows:

SEC. 16. MEDICAL ASSISTANCE, HAWK-I, AND HAWK-I EXPANSION PROGRAMS — COVERING CHILDREN — APPROPRIATION. There is appropriated from the general fund

of the state to the department of human services for the designated fiscal years, the following amounts, or so much thereof as is necessary, for the purpose designated:

To cover children as provided in this Act under the medical assistance, hawk-i, and hawk-i expansion programs and outreach under the current structure of the programs:

FY 2008-2009	\$	4,800,000
FY 2009-2010	\$	4,207,001
		<u>10,049,532</u>
FY 2010-2011	\$	24,800,000

The amendment to the amount of the appropriation made in this section for FY 2009-2010 incorporates the amount of the uniform reduction made pursuant to executive order number 19¹ issued October 8, 2009. Of the funds appropriated for FY 2009-2010, not more than \$510,249 shall be used for the supplemental dental services under the hawk-i program.

Sec. 2. 2009 Iowa Acts, chapter 182, is amended by adding the following new section:

NEW SECTION. SEC. 5A. EMERGENCY CONTINGENCY FUND FOR TEMPORARY ASSISTANCE FOR NEEDY FAMILIES.

1. There is appropriated from the federal recovery and reinvestment fund created in section 8.41A to the department of human services for the fiscal year beginning July 1, 2009, and ending June 30, 2010, an amount sufficient to fully fund the family investment program under chapter 239B for the fiscal year.

2. The appropriation made in this section is from federal funding available from the emergency contingency fund for temporary assistance for needy families state program established pursuant to the federal American Recovery and Reinvestment Act of 2009, Pub. L. No. 111-5, § 2101. The funding shall be expended only after the funding appropriated for the family investment program in section 5 of this Act has been exhausted. The appropriation shall be expended in accordance with the federal law making the funding available and chapter 239B, notwithstanding section 8.41, 2009 Iowa Acts, chapter 183, section 58, or any other provision to the contrary.

3. The department shall report quarterly to the legislative services agency and the department of management concerning the expenditure of the funding appropriated in this section during the previous quarter.²

Sec. 3. 2009 Iowa Acts, chapter 182, section 9, unnumbered paragraph 2, as amended by 2009 Iowa Acts, chapter 179, section 84, is amended to read as follows:

For medical assistance reimbursement and associated costs as specifically provided in the reimbursement methodologies in effect on June 30, 2009, except as otherwise expressly authorized by law, including reimbursement for abortion services which shall be available under the medical assistance program only for those abortions which are medically necessary:

.....	\$	681,949,840
		<u>590,459,096</u>

The amendment to the amount of the appropriation made in this section incorporates the amounts of the uniform reduction made pursuant to executive order number 19³ issued October 8, 2009, and the transfers made to and from this appropriation pursuant to the authority in section 8.39 and addressed in the notice of appropriation transfer from the department of management dated December 11, 2009.

Sec. 4. 2009 Iowa Acts, chapter 182, section 9, subsection 11, is amended to read as follows:

11. ~~Of the funds appropriated to the medical assistance program in this section~~ 2009 Iowa Acts, chapter 183, section 61, subsection 8, paragraph "a", the following amounts shall be transferred to appropriations made in this division of this Act to the state mental health institutes:

a. Cherokee mental health institute	\$	9,098,425
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¹ Published in IAB XXXII, No. 9, (10/21/09) p. 1139

² See chapter 1192, §69, 73 herein

³ Published in IAB XXXII, No. 9, (10/21/09) p. 1139

b. Clarinda mental health institute.....	\$	1,977,305
c. Independence mental health institute.....	\$	9,045,894
d. Mount Pleasant mental health institute.....	\$	5,752,587

Sec. 5. 2009 Iowa Acts, chapter 182, section 9, is amended by adding the following new subsection:

NEW SUBSECTION. 23. Of the funds appropriated in this section, \$6,000,000 is allocated for rebasing of nursing facility reimbursement and \$237,173 for interpreter services associated with 2009 Iowa Acts, chapter 118, section 29.

Sec. 6. 2009 Iowa Acts, chapter 182, section 16, subsection 1, unnumbered paragraph 2, is amended to read as follows:

For child and family services:

.....	\$	90,591,451
		<u>84,032,306</u>

The amendment to the amount of the appropriation made in this section incorporates the amounts of the uniform reduction made pursuant to executive order number 19⁴ issued October 8, 2009, and the transfer made to this appropriation pursuant to the authority in section 8.39 and addressed in the notice of appropriation transfer from the department of management dated December 11, 2009.

Sec. 7. 2009 Iowa Acts, chapter 182, section 16, subsection 7, is amended to read as follows:

7. Notwithstanding section 234.35 or any other provision of law to the contrary, state funding for shelter care shall be limited to ~~\$7,686,460~~ \$8,186,460. The department may continue or amend shelter care provider contracts to include the child welfare emergency services for children who might otherwise be served in shelter care that were implemented pursuant to 2008 Iowa Acts, chapter 1187, section 16, subsection 7.

Sec. 8. 2009 Iowa Acts, chapter 182, section 24, subsection 1, unnumbered paragraph 2, is amended to read as follows:

For distribution to counties for state case services for persons with mental illness, mental retardation, and developmental disabilities in accordance with section 331.440:

.....	\$	11,446,288
		<u>10,008,418</u>

The amendment to the amount of the appropriation made in this section incorporates the amount of the uniform reduction made pursuant to executive order number 19⁵ issued October 8, 2009.

Sec. 9. 2009 Iowa Acts, chapter 182, section 27, unnumbered paragraph 2, is amended to read as follows:

For field operations, including salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	63,032,831
		<u>57,410,144</u>
.....	FTEs	2,000.13

The amendment to the amount of the appropriation made in this section incorporates the amounts of the uniform reduction made pursuant to executive order number 19⁶ issued October 8, 2009, and the transfer made from this appropriation pursuant to the authority in section 8.39 and addressed in the notice of appropriation transfer from the department of management dated December 23, 2009.

⁴ Published in IAB XXXII, No. 9, (10/21/09) p. 1139

⁵ Published in IAB XXXII, No. 9, (10/21/09) p. 1139

⁶ Published in IAB XXXII, No. 9, (10/21/09) p. 1139

Sec. 10. 2009 Iowa Acts, chapter 182, section 48, is amended by adding the following new subsection:

NEW SUBSECTION. 4. There is appropriated from the IowaCare account created in section 249J.24 to the department of human services for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For distribution to a publicly owned acute care teaching hospital located in a county with a population over 350,000:

..... \$ 2,500,000

Sec. 11. 2009 Iowa Acts, chapter 183, section 61, subsection 8, is amended to read as follows:

8. From funding designated for government stabilization, for the department of human services:

a. For the medical assistance program:

..... \$ 6,237,173
25,874,211

~~Of the funds appropriated in this lettered paragraph, \$6,000,000 is allocated for rebasing of nursing facility reimbursement and \$237,173 for interpreter services associated with 2009 Iowa Acts, Senate File 389, if enacted.~~

b. For coverage of children under the medical assistance and hawk-i programs and for additional coverage provisions for children under 2009 Iowa Acts, Senate File 389,⁷ if enacted:

..... \$ 6,263,231
0

~~Of the funds appropriated in this lettered paragraph, \$510,249 is allocated for supplemental dental services under the hawk-i program.~~

c. For transfer to the department of public health to be used for 0.25 full-time equivalent position and other costs associated with the volunteer health care provider program:

..... \$ 20,000

d. For the property tax relief fund in lieu of an equal amount of the appropriation made from the general fund of the state in section 426B.1, subsection 2:

..... \$ 10,480,000
0

Notwithstanding section 426B.1, subsection 2, for the fiscal year beginning July 1, 2009, the amount of the appropriation made from the general fund of the state in section 426B.1, subsection 2, shall be reduced by ~~\$2,964,543~~ \$3,328,089 and the appropriation made from the property tax relief fund and for the fiscal year to supplement the medical assistance program in section 426B.1, subsection 3, shall be reduced by the same amount.

e. For the risk pool created in the property tax relief fund in accordance with section 426B.5:

..... \$ 10,000,000

f. For a demonstration project providing health care coverage premium assistance for direct care workers to implement recommendations developed pursuant to 2008 Iowa Acts, chapter 1188, section 72:

..... \$ 400,000

g. For the department's field operations, if 2009 Iowa Acts, ~~Senate File 389~~, chapter 118, is enacted:

..... \$ 680,596
0

The funds appropriated in this lettered paragraph shall be used for 17.00 additional full-time equivalent positions for implementation costs associated with 2009 Iowa Acts, ~~Senate File 389, if enacted~~ chapter 118.

h. For child and family services:

..... \$ 2,500,000

⁷ 2009 Iowa Acts, chapter 118

Of the amount appropriated in this lettered paragraph, \$500,000 shall be used for additional funding of shelter care.

i. For distribution to counties for state case services for persons with mental illness, mental retardation, and developmental disabilities in accordance with section 331.440, to supplement the amount appropriated in 2009 Iowa Acts, chapter 182, section 24:

..... \$ 286,789

Sec. 12. RISK POOL — STATE CASE SERVICES. For the fiscal year beginning July 1, 2009, the moneys available in the risk pool created in section 426B.5 that remain unencumbered or unobligated on or after the effective date of this division of this Act and are attributed to appropriations made for the fiscal year beginning July 1, 2009, or a previous fiscal year shall be transferred to the appropriation made in 2009 Iowa Acts, chapter 182, section 24, to be used by the department of human services for distribution to counties for state case services for persons with mental illness, mental retardation, and developmental disabilities for the fiscal year beginning July 1, 2009, and ending June 30, 2010.

Sec. 13. EFFECTIVE UPON ENACTMENT. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved March 3, 2010

CHAPTER 1182

MISCELLANEOUS APPROPRIATION REDUCTIONS, TRANSFERS, AND SUPPLEMENTALS

S.F. 2366

AN ACT relating to public funding and regulatory matters and making, reducing, and supplementing appropriations for expenditures in the fiscal year beginning July 1, 2009, and including effective date and retroactive applicability provisions.

Be It Enacted by the General Assembly of the State of Iowa:

DIVISION I
ADMINISTRATION AND REGULATION

Section 1. ELDERLY AND DISABLED TAX CREDIT. After applying the reduction made pursuant to executive order number 19¹ issued October 8, 2009, to the appropriation made for the following designated purpose, there is appropriated from the general fund of the state to the department of revenue for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For implementing the elderly and disabled tax credit and reimbursement pursuant to sections 425.16 through 425.39, to supplement the amount appropriated in 2009 Iowa Acts, chapter 179, section 9, subsection 2, paragraph "d":

..... \$ 1,426,000

Sec. 2. Section 8A.504, subsection 2, Code 2009, is amended by adding the following new paragraph:

NEW PARAGRAPH. k. If the alleged liability is owing and payable to a community college and setoff pursuant to this section is sought, both of the following shall apply:

¹ Published in IAB Vol. XXXII, No. 9, (10/21/09) p. 1139

(1) In addition to satisfying other applicable setoff procedures established under this subsection, the community college shall prescribe procedures to permit a person to contest the amount of the person's liability to the community college. Such procedures shall be consistent with and ensure the protection of the person's right of due process under Iowa law.

(2) The collection entity shall, except for the procedures prescribed pursuant to subparagraph (1), prescribe any other applicable procedures concerning setoff as provided in this subsection.

Sec. 3. FORMER MERCY CAPITOL FACILITIES. The department of administrative services may sell fixtures, equipment, or other items remaining at the former Mercy capitol facilities that the department has determined will not be retained for use by the state. Any proceeds realized from the sale of the fixtures, equipment, or other items are appropriated to the department to be used for the costs of occupying and operating the facilities.

DIVISION II JUSTICE SYSTEM

Sec. 4. DEPARTMENT OF CORRECTIONS. After applying the reduction made pursuant to executive order number 19² issued October 8, 2009, to the appropriations made for the following designated purposes, and the transfers made to and from the appropriations pursuant to the authority in section 8.39 and addressed in the notice of appropriation transfer from the department of management dated December 23, 2009, there is appropriated from the general fund of the state to the department of corrections for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amounts, or so much thereof as is necessary, to supplement the appropriations made for the following designated purposes:

1. For the operation of adult correctional institutions in 2009 Iowa Acts, chapter 178, section 3, subsection 1, to be allocated as follows:

a. For the operation of the Fort Madison correctional facility in 2009 Iowa Acts, chapter 178, section 3, subsection 1, paragraph "a":

..... \$ 764,048

b. For the operation of the Anamosa correctional facility in 2009 Iowa Acts, chapter 178, section 3, subsection 1, paragraph "b":

..... \$ 543,179

c. For the operation of the Oakdale correctional facility in 2009 Iowa Acts, chapter 178, section 3, subsection 1, paragraph "c":

..... \$ 2,650,762

d. For the operation of the Newton correctional facility in 2009 Iowa Acts, chapter 178, section 3, subsection 1, paragraph "d":

..... \$ 526,181

e. For the operation of the Mt. Pleasant correctional facility in 2009 Iowa Acts, chapter 178, section 3, subsection 1, paragraph "e":

..... \$ 415,980

f. For the operation of the Rockwell City correctional facility in 2009 Iowa Acts, chapter 178, section 3, subsection 1, paragraph "f":

..... \$ 108,833

g. For the operation of the Clarinda correctional facility in 2009 Iowa Acts, chapter 178, section 3, subsection 1, paragraph "g":

..... \$ 451,752

h. For the operation of the Mitchellville correctional facility in 2009 Iowa Acts, chapter 178, section 3, subsection 1, paragraph "h":

..... \$ 169,416

i. For the operation of the Fort Dodge correctional facility in 2009 Iowa Acts, chapter 178, section 3, subsection 1, paragraph "i":

..... \$ 200,000

² Published in IAB Vol. XXXII, No. 9, (10/21/09) p. 1139

2. For the judicial district departments of correctional services in 2009 Iowa Acts, chapter 178, section 5, subsection 1, to be allocated as follows:

- a. For the first judicial district department of correctional services in 2009 Iowa Acts, chapter 178, section 5, subsection 1, paragraph "a":
..... \$ 110,275
- b. For the second judicial district department of correctional services in 2009 Iowa Acts, chapter 178, section 5, subsection 1, paragraph "b":
..... \$ 308,214
- c. For the third judicial district department of correctional services in 2009 Iowa Acts, chapter 178, section 5, subsection 1, paragraph "c":
..... \$ 18,010
- d. For the fourth judicial district department of correctional services in 2009 Iowa Acts, chapter 178, section 5, subsection 1, paragraph "d":
..... \$ 76,117
- e. For the fifth judicial district department of correctional services in 2009 Iowa Acts, chapter 178, section 5, subsection 1, paragraph "e":
..... \$ 790,020
- f. For the sixth judicial district department of correctional services in 2009 Iowa Acts, chapter 178, section 5, subsection 1, paragraph "f":
..... \$ 302,810
- g. For the seventh judicial district department of correctional services in 2009 Iowa Acts, chapter 178, section 5, subsection 1, paragraph "g":
..... \$ 24,923
- h. For the eighth judicial district department of correctional services in 2009 Iowa Acts, chapter 178, section 5, subsection 1, paragraph "h":
..... \$ 400,850

Sec. 5. STATE PUBLIC DEFENDER. After applying the reduction made pursuant to executive order number 19³ issued October 8, 2009, to the appropriation made for the following designated purposes, there is appropriated from the general fund of the state to the office of the state public defender of the department of inspections and appeals for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to supplement the appropriations made for the following designated purposes:

- For the fees of court-appointed attorneys for indigent adults and juveniles, in accordance with section 232.141 and chapter 815, in 2009 Iowa Acts, chapter 178, section 10, subsection 2:
..... \$ 10,900,000

Sec. 6. DEPARTMENT OF PUBLIC DEFENSE. After applying the reduction made pursuant to executive order number 19⁴ issued October 8, 2009, to the appropriations made for the following designated purposes, and the transfers made from the appropriations pursuant to the authority in section 8.39 and addressed in the notice of appropriation transfer from the department of management dated December 23, 2009, there is appropriated from the general fund of the state to the department of public defense for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amounts, or so much thereof as is necessary, to supplement the appropriations made for the following designated purposes:

1. MILITARY DIVISION

- For salaries, support, maintenance, and miscellaneous purposes, in 2009 Iowa Acts, chapter 178, section 13, subsection 1:
..... \$ 526,202

2. HOMELAND SECURITY AND EMERGENCY MANAGEMENT DIVISION

For salaries, support, maintenance, and miscellaneous purposes in 2009 Iowa Acts, chapter 178, section 13, subsection 2:

³ Published in IAB Vol. XXXII, No. 9, (10/21/09) p. 1139

⁴ Published in IAB Vol. XXXII, No. 9, (10/21/09) p. 1139

..... \$ 61,614

Sec. 7. 2009 Iowa Acts, chapter 172, section 1, subsection 1, as amended by 2009 Iowa Acts, chapter 179, section 66, is amended to read as follows:

1. There is appropriated from the general fund of the state to the judicial branch for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries of supreme court justices, appellate court judges, district court judges, district associate judges, judicial magistrates and staff, state court administrator, clerk of the supreme court, district court administrators, clerks of the district court, juvenile court officers, board of law examiners and board of examiners of shorthand reporters and judicial qualifications commission; receipt and disbursement of child support payments; reimbursement of the auditor of state for expenses incurred in completing audits of the offices of the clerks of the district court during the fiscal year beginning July 1, 2009; and maintenance, equipment, and miscellaneous purposes:

..... \$ 160,184,957
148,811,822

As a condition of receiving an increase to the appropriation made in this section, the judicial branch shall allocate the first \$5,400,000 of the increased amount as follows: \$4,800,000 for the state’s required contribution under section 602.9104 to the judicial retirement fund, \$350,000 for court debt collection, and \$250,000 for judicial officer and court employee travel reimbursement for civil trials.

Sec. 8. REVERSION. Notwithstanding section 8.33, moneys appropriated in this division of this Act to the department of corrections and to the department of inspections and appeals for the office of the state public defender that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

DIVISION III
EDUCATION

Sec. 9. DEPARTMENT OF EDUCATION. After applying the reduction made pursuant to executive order number 19⁵ issued October 8, 2009, to the appropriations made for the following designated purposes, and the transfers made to and from the appropriations pursuant to the authority in section 8.39 and addressed in the notices of appropriation transfer from the department of management dated December 15, 2009, and December 23, 2009, there is appropriated from the general fund of the state to the department of education for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amounts, or so much thereof as is necessary, to supplement the appropriations made for the following designated purposes:

1. STATE LIBRARY — ENRICH IOWA PROGRAM

For the enrich Iowa program established under section 256.57, in 2009 Iowa Acts, chapter 177, section 6, subsection 4, paragraph “b”:

..... \$ 179,608

2. IOWA EMPOWERMENT FUND — PRESCHOOL TUITION ASSISTANCE

For deposit in the school ready children grants account of the Iowa empowerment fund created in section 28.9, in 2009 Iowa Acts, chapter 177, section 6, subsection 11, paragraph “a”:

..... \$ 877,215

Notwithstanding section 8.33, moneys appropriated in this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year. For the purposes of section 28.8, subsection 5, and section 256I.9, subsection 4, paragraph “e”, as enacted by 2010 Iowa Acts, Senate File 2088,⁶ section 286, or any other

⁵ Published in IAB Vol. XXXII, No. 9, (10/21/09) p. 1139

⁶ Chapter 1031 herein

provision of law addressing the percentage of school ready children grant money that can be carried forward to the succeeding fiscal year without a reduction to subsequent grant funding, the amount of school ready children grant moneys distributed to a local area board pursuant to this subsection that are carried forward by the board to the succeeding fiscal year shall be disregarded.

3. FOUR-YEAR-OLD PRESCHOOL PROGRAM

For allocation to eligible school districts for the four-year-old preschool program under chapter 256C, in 2009 Iowa Acts, chapter 177, section 6, subsection 14:

..... \$ 1,194,569

4. TEXTBOOKS OF NONPUBLIC SCHOOL PUPILS

To provide moneys for costs of providing textbooks to each resident pupil who attends a nonpublic school as authorized by section 301.1, in 2009 Iowa Acts, chapter 177, section 6, subsection 15:

..... \$ 62,563

5. CORE CURRICULUM AND CAREER INFORMATION AND DECISION-MAKING SYSTEM

For purposes of implementing the statewide core curriculum for school districts and accredited nonpublic schools and a state-designated career information and decision-making system in 2009 Iowa Acts, chapter 177, section 6, subsection 17:

..... \$ 197,954

6. STUDENT ACHIEVEMENT AND TEACHER QUALITY PROGRAM

For purposes of the student achievement and teacher quality program established pursuant to chapter 284, in 2009 Iowa Acts, chapter 177, section 6, subsection 18:

..... \$ 892,428

7. COMMUNITY COLLEGES

For general state financial aid to merged areas as defined in section 260C.2 in accordance with chapters 258 and 260C, in 2009 Iowa Acts, chapter 177, section 6, subsection 19:

..... \$ 5,943,581

The appropriation made in this subsection shall be allocated to the merged areas in the same proportion as the allocations made to the merged areas in accordance with 2009 Iowa Acts, chapter 177, section 6, subsection 19, bear to the amount appropriated.

8. PROGRAMS FOR AT-RISK CHILDREN

For programs for at-risk children in section 279.51, as limited by 2009 Iowa Acts, chapter 179, section 4, subsection 9:

..... \$ 1,149,389

9. K-12 MANAGEMENT INFORMATION SYSTEM

For the kindergarten to grade twelve management information system in 2009 Iowa Acts, chapter 179, section 156, subsection 3, paragraph “b”:

..... \$ 23,000

10. IOWA SENIOR YEAR PLUS PROGRAM

For purposes of implementing the senior year plus program established pursuant to section 261E.1, in 2008 Iowa Acts, chapter 1181, section 5, subsection 17:

..... \$ 140,556

Sec. 10. STATE BOARD OF REGENTS. After applying the reduction made pursuant to executive order number 19⁷ issued October 8, 2009, to the appropriations made for the following designated purposes, and the transfers made to and from the appropriations pursuant to the authority in section 8.39 and addressed in the notice of appropriation transfer from the department of management dated December 23, 2009, there is appropriated from the general fund of the state to the state board of regents for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amounts, or so much thereof as is necessary, to supplement the appropriations made for the following designated purposes:

1. STATE UNIVERSITY OF IOWA

For the general university, including lakeside laboratory in 2009 Iowa Acts, chapter 177, section 10, subsection 2, paragraph “a”:

⁷ Published in IAB Vol. XXXII, No. 9, (10/21/09) p. 1139

.....	\$	14,371,621
2. IOWA STATE UNIVERSITY OF SCIENCE AND TECHNOLOGY		
For the general university in 2009 Iowa Acts, chapter 177, section 10, subsection 3, paragraph "a":		
.....	\$	10,839,521
3. UNIVERSITY OF NORTHERN IOWA		
For the general university in 2009 Iowa Acts, chapter 177, section 10, subsection 4, paragraph "a":		
.....	\$	5,227,665
4. STATE SCHOOL FOR THE DEAF		
For the state school for the deaf in 2009 Iowa Acts, chapter 177, section 10, subsection 5:		
.....	\$	583,902
5. IOWA BRAILLE AND SIGHT SAVING SCHOOL		
For the Iowa braille and sight saving school in 2009 Iowa Acts, chapter 177, section 10, subsection 6:		
.....	\$	337,791

Sec. 11. NONREVERSION. Notwithstanding section 8.33, moneys appropriated in this division of this Act to the department of education for community colleges and to the state board of regents for institutions under the control of the board that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

DIVISION IV GENERAL ASSEMBLY AND MISCELLANEOUS

Sec. 12. 2009 Iowa Acts, chapter 179, section 3, subsection 1, is amended to read as follows:

1. The appropriations made pursuant to section 2.12 for the expenses of the general assembly and legislative agencies for the fiscal year beginning July 1, 2009, and ending June 30, 2010, are reduced by the following amount:

.....	\$	4,439,653
		<u>7,780,064</u>

Sec. 13. 2009 Iowa Acts, chapter 181, section 10, subsection 5, is amended to read as follows:

5. STATE-FEDERAL RELATIONS

For salaries, support, maintenance, and miscellaneous purposes for the office for state-federal relations, and for not more than the following full-time equivalent positions:

.....	\$	46,620
.....	FTEs	1.00
		<u>2.00</u>

TRANSFERS

Sec. 14. COLLEGE STUDENT AID COMMISSION.

1. Notwithstanding section 261.20, for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amounts are transferred for distribution to appropriations as provided in subsection 2:

a. From the scholarship and tuition grant reserve fund created in section 261.20:

.....	\$	514,180
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b. From moneys from the tuition grant program, not-for-profit, that would otherwise be deposited in the scholarship and tuition grant reserve fund:

.....	\$	228,490
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2. The moneys transferred pursuant to subsection 1 are distributed after applying the reductions made pursuant to executive order number 19⁸ issued October 8, 2009, as follows:

⁸ Published in IAB Vol. XXXII, No. 9, (10/21/09) p. 1139

a. For the Iowa national guard educational assistance program appropriation made in 2009 Iowa Acts, chapter 177, section 2, subsection 4:

..... \$ 241,120

b. For the all Iowa opportunity scholarship program appropriation made in 2009 Iowa Acts, chapter 177, section 2, subsection 6:⁹

..... \$ 250,254

c. For the vocational-technical tuition grants appropriation made in section 261.25, subsection 3:

..... \$ 251,296

Sec. 15. DEPARTMENT OF INSPECTIONS AND APPEALS. There is transferred from the Medicaid fraud account created in section 249A.7 under the department of inspections and appeals for the fiscal year beginning July 1, 2009, and ending June 30, 2010, after applying the reduction made pursuant to executive order number 19¹⁰ issued October 8, 2009, to the following appropriation:

For the investigations division of the department of inspections and appeals in 2009 Iowa Acts, chapter 181, section 13, subsection 3:

..... \$ 747,037

Sec. 16. EFFECTIVE DATE — APPLICABILITY. This section¹¹ of this division of this Act providing for transfers involving the college student aid commission and the department of inspections and appeals are retroactively applicable to December 14, 2009, and apply in lieu of the transfers made for the same purposes by the executive branch, as reported by the department of management in the transfer notices dated December 14, 2009.

DIVISION V
HEALTH

Sec. 17. DEPARTMENT OF PUBLIC HEALTH. After applying the reduction made pursuant to executive order number 19¹² issued October 8, 2009, to the appropriations made for the following designated purposes, and any transfers made to and from the appropriations pursuant to the authority in section 8.39 and addressed in the notice of appropriation transfer from the department of management dated December 23, 2009, there is appropriated from the general fund of the state to the department of public health for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amounts, or so much thereof as is necessary, to supplement the appropriations made for the following designated purposes:

1. ADDICTIVE DISORDERS

For reducing the prevalence of use of tobacco, alcohol, and other drugs, and treating individuals affected by addictive behaviors, including gambling, in 2009 Iowa Acts, chapter 182, section 2, subsection 1:

..... \$ 2,627,532

2. HEALTHY CHILDREN AND FAMILIES

For promoting the optimum health status for children, adolescents from birth through 21 years of age, and families, in 2009 Iowa Acts, chapter 182, section 2, subsection 2:

..... \$ 329,267

3. CHRONIC CONDITIONS

For serving individuals identified as having chronic conditions or special health care needs in 2009 Iowa Acts, chapter 182, section 2, subsection 3:

..... \$ 321,643

4. COMMUNITY CAPACITY

For strengthening the health care delivery system at the local level in 2009 Iowa Acts, chapter 182, section 2, subsection 4:

⁹ According to enrolled Act; the phrase "subsection 7" probably intended

¹⁰ Published in IAB Vol. XXXII, No. 9, (10/21/09) p. 1139

¹¹ See chapter 1193, §72, 80 herein

¹² Published in IAB Vol. XXXII, No. 9, (10/21/09) p. 1139

.....	\$	23,000
5. ELDERLY WELLNESS		
For promotion of healthy aging and optimization of the health of older adults in 2009 Iowa Acts, chapter 182, section 2, subsection 5:		
.....	\$	834,578
6. ENVIRONMENTAL HAZARDS		
For reducing the public's exposure to hazards in the environment, in 2009 Iowa Acts, chapter 182, section 2, subsection 6:		
.....	\$	65,598
7. INFECTIOUS DISEASES		
For reducing the incidence and prevalence of communicable diseases, in 2009 Iowa Acts, chapter 182, section 2, subsection 7:		
.....	\$	138,372
8. PUBLIC PROTECTION		
For protecting the health and safety of the public through establishing standards and enforcing regulations, in 2009 Iowa Acts, chapter 182, section 2, subsection 8:		
.....	\$	23,248
9. CENTER FOR CONGENITAL AND INHERITED DISORDERS CENTRAL REGISTRY		
For the center for congenital and inherited disorders central registry to supplement the amount appropriated pursuant to section 144.13A, subsection 4, paragraph "a":		
.....	\$	20,684

DIVISION VI
HUMAN SERVICES

Sec. 18. DEPARTMENT OF HUMAN SERVICES — STATE CASES. After applying the reduction made pursuant to executive order number 19¹³ issued October 8, 2009, to the appropriation made for the following designated purposes, there is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to supplement the appropriation made for the following designated purposes:

For distribution to counties for state case services for persons with mental illness, mental retardation, and developmental disabilities in accordance with section 331.440, in 2009 Iowa Acts, chapter 182, section 24, subsection 1:

.....	\$	100,163
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Sec. 19. 2009 Iowa Acts, chapter 182, section 19, is amended to read as follows:

SEC. 19. JUVENILE DETENTION HOME FUND. Moneys deposited in the juvenile detention home fund created in section 232.142 during the fiscal year beginning July 1, 2009, and ending June 30, 2010, are appropriated to the department of human services for the fiscal year beginning July 1, 2009, and ending June 30, 2010, to be allocated as follows:

1. For funding of core department of human services' juvenile delinquent graduated sanction services and to replace a reduction in state funding of such services made pursuant to executive order number 19¹⁴ issued October 8, 2009:

.....	\$	1,000,000
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2. The remainder for distribution of an amount equal to a percentage of the costs of the establishment, improvement, operation, and maintenance of county or multicounty juvenile detention homes in the fiscal year beginning July 1, 2008. Moneys ~~appropriated~~ allocated for distribution in accordance with this ~~section~~ subsection shall be allocated among eligible detention homes, prorated on the basis of an eligible detention home's proportion of the costs of all eligible detention homes in the fiscal year beginning July 1, 2008. The percentage figure shall be determined by the department based on the amount available for distribution for the fund. Notwithstanding section 232.142, subsection 3, the financial aid payable by the state

¹³ Published in IAB Vol. XXXII, No. 9, (10/21/09) p. 1139

¹⁴ Published in IAB Vol. XXXII, No. 9, (10/21/09) p. 1139

under that provision for the fiscal year beginning July 1, 2009, shall be limited to the amount ~~appropriated~~ allocated for the purposes of this ~~section~~ subsection.

Notwithstanding section 232.188, or any other provision of law to the contrary, the first \$1,000,000 of moneys designated for decategorization funding projects for the fiscal year beginning July 1, 2008, remaining unencumbered or unobligated at the close of the fiscal year shall not be used as carryover funding but shall instead be transferred to the juvenile detention home fund and shall be allocated to county and multicounty juvenile detention homes to restore the amount diverted pursuant to subsection 1.

DIVISION VII
HUMAN SERVICES NURSING
FACILITY REIMBURSEMENT

Sec. 20. 2001 Iowa Acts, chapter 192, section 4, subsection 4, as amended by 2008 Iowa Acts, chapter 1187, section 33, as amended by 2009 Iowa Acts, chapter 182, section 33, is amended by adding the following new paragraph:

NEW PARAGRAPH. i. Pay-for-performance payments shall not be made under this subsection until such time as sufficient funding is available to implement the subsection, as determined by the director of the department of human services.

Sec. 21. NURSING FACILITY REIMBURSEMENT AND PAYMENT PROCEDURES. Notwithstanding the administrative rule changes made by the department of human services pursuant to executive order number 19¹⁵ issued October 8, 2009, relating to nursing facility payment procedures, the department shall reinstitute or adopt administrative rules to provide for all of the following:

1. For purposes of computation of administrative, environmental, and property expenses, for nonstate owned nursing facilities, patient days shall be inpatient days as determined by 441 IAC 81.6(7), or 85 percent of the licensed capacity of the facility, whichever is greater.

2. For purposes of calculation of the capital cost per diem instant relief add-on pursuant to 441 IAC 81.6(16)(h)(9) the total patient days shall be determined using the most current submitted financial and statistical report or using the estimated total patient days as reported in the request for the add-on. For purposes of calculating the add-on, total patient days shall be the greater of the estimated annual total patient days or 85 percent of the facility's estimated licensed capacity.

3. For purposes of reconciliation of the capital cost per diem instant relief add-on pursuant to 441 IAC 81.6(16)(h)(12), for purposes of recalculating the capital cost per diem instant relief add-on, total patient days shall be based on the greater of the number of actual patient days during the period in which the add-on was paid or 85 percent of the facility's actual licensed bed capacity during the period in which the add-on was paid.

4. For purposes of periods authorized for payment pursuant to 441 IAC 81.10(4), a facility shall hold or reserve a bed for periods the resident is absent overnight for purposes of hospitalization or prescribed therapeutic leave, not to exceed 18 calendar days in any calendar year for prescribed therapeutic leave and not to exceed 10 days in any calendar month due to hospitalization. Beginning December 1, 2009, payment shall not be authorized for reserve or bed hold days and the facility shall no longer count nonpaid reserve or bed hold days in calculating inpatient days for payment at new rates. A medical assistance program payment to the facility shall not be initiated while a resident is on reserve bed days due to hospitalization unless the person was residing in the facility as a private pay resident prior to the hospitalization and returns to the facility as a medical assistance program recipient resident.

Sec. 22. DEPARTMENT OF HUMAN SERVICES. Notwithstanding any provision to the contrary and subject to the availability of funds, there is appropriated from the quality assurance trust fund created pursuant to section 249L.4, to the department of human services for the fiscal year beginning July 1, 2009, and ending June 30, 2010, no more than

¹⁵ Published in IAB Vol. XXXII, No. 9, (10/21/09) p. 1139

the following amount or so much thereof as is necessary to supplement the appropriations made for the following designated purposes:

To supplement the appropriation made for medical assistance in 2009 Iowa Acts, chapter 182, section 9, to be used for nursing facility reimbursement under the medical assistance program, in accordance with 2009 Iowa Acts, chapter 182, section 32, subsection 1, paragraph "a", and this division of this Act, and to institute the administrative rules changes as directed in this division of this Act:

..... \$ 2,300,000

The department shall determine the amount of the 5 percent reduction that can be restored, up to 2 percent, within the amount of funds available in the trust fund during the fiscal period specified, and shall adjust rates accordingly.

Sec. 23. CONTINGENT IMPLEMENTATION — NOTIFICATION.

1. Implementation of this division of this Act is contingent upon the department of human services receiving approval of the waivers and the medical assistance state plan amendment by the centers for Medicare and Medicaid services of the United States department of health and human services relating to the quality assurance assessment created in chapter 249L. The department of human services shall notify the chairpersons and ranking members of the joint appropriations subcommittee on health and human services, the legislative services agency, and the legislative caucus staffs upon receipt of such approval.

2. The costs associated with implementation¹⁶ of this Act shall be funded exclusively through moneys appropriated from the quality assurance trust fund, and shall result in budget neutrality to the general fund of the state for the fiscal year beginning July 1, 2009, and ending June 30, 2010.

DIVISION VIII
INFRASTRUCTURE APPROPRIATIONS

Sec. 24. 2007 Iowa Acts, chapter 219, section 1, subsection 3, paragraph d, is amended to read as follows:

d. For the lease payment under the lease-purchase agreement to connect the electrical system supporting the special needs unit at Fort Madison:

..... \$ 333,168
305,404

Sec. 25. 2007 Iowa Acts, chapter 219, section 1, subsection 7, is amended to read as follows:

7. DEPARTMENT OF HUMAN SERVICES

For the renovation and construction of certain nursing facilities, consistent with the provisions of chapter 249K, as enacted in this Act:

..... \$ 1,000,000
200,000

Sec. 26. 2008 Iowa Acts, chapter 1179, section 1, subsection 1, paragraph d, is amended to read as follows:

d. For costs associated with developing the request for proposals necessary for the procurement and implementation of a human resources module associated with the integrated information for Iowa system, notwithstanding section 8.57, subsection 6, paragraph "c":

..... \$ 200,000
0

Sec. 27. 2008 Iowa Acts, chapter 1179, section 1, subsection 3, paragraph c, is amended to read as follows:

c. For a study related to the fifth judicial district department of correctional services, notwithstanding section 8.57, subsection 6, paragraph "c":

16 See chapter 1193, §73 herein

.....	\$	200,000
		<u>96,654</u>

Sec. 28. 2008 Iowa Acts, chapter 1179, section 1, subsection 4, paragraph d, is amended to read as follows:

d. For repairs to the historic Kimball organ located in Clermont, Iowa, notwithstanding section 8.57, subsection 6, paragraph “c”:

.....	\$	80,000
		<u>55,000</u>

Sec. 29. 2008 Iowa Acts, chapter 1179, section 1, subsection 7, paragraphs a and b, are amended to read as follows:

a. For the renovation and construction of certain nursing facilities, consistent with the provisions of chapter 249K:

.....	\$	600,000
		<u>0</u>

b. For a study of ways to enhance access to health insurance by registered child development home providers in accordance with this section, notwithstanding section 8.57, subsection 6, paragraph “c”:

.....	\$	50,000
		<u>0</u>

Sec. 30. 2008 Iowa Acts, chapter 1179, section 1, subsection 9, paragraph c, is amended to read as follows:

c. For a grant to a city with a population of more than 30,500 but less than 31,500, according to the 2006 estimate issued by the United States bureau of the census, notwithstanding section 8.57, subsection 6, paragraph “c”:

.....	\$	150,000
		<u>135,000</u>

Sec. 31. 2009 Iowa Acts, chapter 179, section 10, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Of the amount appropriated in this section, \$883,628 shall be used for storm damage repair at the state training school in Eldora. Notwithstanding section 8.33, moneys allocated in this paragraph that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

Sec. 32. 2009 Iowa Acts, chapter 184, section 5, is amended to read as follows:

SEC. 5. Notwithstanding the amount of the standing appropriation from the rebuild Iowa infrastructure fund as provided in section 15G.110, subsection 2, there is appropriated from the rebuild Iowa infrastructure fund to the department of economic development for deposit into the grow Iowa values fund, in lieu of the appropriation made in section 15G.110, subsection 2, for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, notwithstanding section 8.57, subsection 6, paragraph “c”:

.....	\$	45,000,000
		<u>23,000,000</u>

Sec. 33. 2009 Iowa Acts, chapter 184, section 7, is amended to read as follows:

SEC. 7. REDUCTION OF THE GROW IOWA VALUES FUND APPROPRIATION TO THE DEPARTMENT OF ECONOMIC DEVELOPMENT. In lieu of the fifty million dollars appropriated for the fiscal year beginning July 1, 2009, and ending June 30, 2010, from the grow Iowa values fund to the department of economic development pursuant to section 15G.111, subsection 3, if enacted by 2009 Iowa Acts, Senate File 344,¹⁷ section 2, there is appropriated from the grow Iowa values fund to the department of economic development

¹⁷ 2009 Iowa Acts, chapter 123

for the fiscal year beginning July 1, 2009, and ending June 30, 2010, ~~forty-five~~ twenty-three million dollars for purposes of making expenditures pursuant to chapter 15G.

Sec. 34. 2009 Iowa Acts, chapter 184, section 8, unnumbered paragraph 1, is amended to read as follows:

In lieu of the amounts allocated pursuant to section 15G.111, subsections 4 through 10, if enacted by 2009 Iowa Acts, Senate File 344,¹⁸ section 2, for the fiscal year beginning July 1, 2009, and ending June 30, 2010, of the ~~forty-five~~ twenty-three million dollars appropriated to the department of economic development pursuant to this division of this Act, the department shall allocate the following amounts for the following purposes as described in section 15G.111, subsections 4 through 10, if enacted by 2009 Iowa Acts, Senate File 344,¹⁹ section 2:

Sec. 35. 2009 Iowa Acts, chapter 184, section 8, subsection 1, is amended to read as follows:

1. For departmental purposes, ~~twenty-eight~~ six million eight hundred thousand dollars. Of the moneys allocated pursuant to this subsection and in lieu of the two million dollars allocated for deposit in the renewable fuel infrastructure fund under section 15G.111, subsection 4, paragraph “h”, if enacted by 2009 Iowa Acts, Senate File 344,²⁰ section 2, the department shall allocate one million eight hundred thousand dollars for deposit in the renewable fuel infrastructure fund.

DIVISION IX EFFECTIVE DATE

Sec. 36. EFFECTIVE UPON ENACTMENT. Unless provided otherwise, this Act, being deemed of immediate importance, takes effect upon enactment.

Approved April 15, 2010

CHAPTER 1183 APPROPRIATIONS — EDUCATION S.F. 2376

AN ACT relating to the funding of, the operation of, and appropriation of moneys to the college student aid commission, the department for the blind, the department of education, and the state board of regents, providing for related matters including a study of the open meetings and public records laws, and including effective date and applicability provisions.

Be It Enacted by the General Assembly of the State of Iowa:

DEPARTMENT FOR THE BLIND

Section 1. ADMINISTRATION. There is appropriated from the general fund of the state to the department for the blind for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

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

¹⁸ 2009 Iowa Acts, chapter 123

¹⁹ 2009 Iowa Acts, chapter 123

²⁰ 2009 Iowa Acts, chapter 123

.....	\$	1,952,203
.....	FTEs	90.00

COLLEGE STUDENT AID COMMISSION

Sec. 2. There is appropriated from the general fund of the state to the college student aid commission for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amounts, or so much thereof as may be necessary, to be used for the purposes designated:

1. GENERAL ADMINISTRATION

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

.....	\$	310,843
.....	FTEs	4.30

2. STUDENT AID PROGRAMS

For payments to students for the Iowa grant program established in section 261.93:

.....	\$	848,761
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3. DES MOINES UNIVERSITY — OSTEOPATHIC MEDICAL CENTER

a. For forgivable loans to Iowa students attending Des Moines university — osteopathic medical center under the forgivable loan program pursuant to section 261.19:

.....	\$	79,251
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To receive funds appropriated pursuant to this paragraph, Des Moines university — osteopathic medical center shall match the funds with institutional funds on a dollar-for-dollar basis.

b. For Des Moines university — osteopathic medical center for an initiative in primary health care to direct primary care physicians to shortage areas in the state:

.....	\$	270,448
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4. NATIONAL GUARD EDUCATIONAL ASSISTANCE PROGRAM

For purposes of providing national guard educational assistance under the program established in section 261.86:

.....	\$	3,186,233
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5. TEACHER SHORTAGE LOAN FORGIVENESS PROGRAM

For the teacher shortage loan forgiveness program established in section 261.112:

.....	\$	421,016
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6. ALL IOWA OPPORTUNITY FOSTER CARE GRANT PROGRAM

For purposes of the all Iowa opportunity foster care grant program established pursuant to section 261.6:

.....	\$	594,383
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7. ALL IOWA OPPORTUNITY SCHOLARSHIP PROGRAM

For purposes of the all Iowa opportunity scholarship program established pursuant to section 261.87:

.....	\$	2,403,949
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If the moneys appropriated by the general assembly to the college student aid commission for fiscal year 2010-2011 for purposes of the all Iowa opportunity scholarship program exceed \$500,000, “eligible institution” as defined in section 261.87, shall, during fiscal year 2010-2011, include accredited private institutions as defined in section 261.9, subsection 1.

8. REGISTERED NURSE AND NURSE EDUCATOR LOAN FORGIVENESS PROGRAM

For purposes of the registered nurse and nurse educator loan forgiveness program established pursuant to section 261.23:

.....	\$	86,736
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It is the intent of the general assembly that the commission continue to consider moneys allocated pursuant to this subsection as funds that meet the state matching funds requirements of the federal leveraging educational assistance program and the federal supplemental leveraging educational assistance program established under the Higher Education Act of 1965, as amended.

9. BARBER AND COSMETOLOGY ARTS AND SCIENCES TUITION GRANT PROGRAM

For purposes of the barber and cosmetology arts and sciences tuition grant program established pursuant to section 261.18:

..... \$ 39,626

Sec. 3. DES MOINES UNIVERSITY — OSTEOPATHIC MEDICAL CENTER. For the fiscal year beginning July 1, 2010, and ending June 30, 2011, the college student aid commission shall pay a fee to Des Moines university — osteopathic medical center for the administration of the initiative in primary health care to direct primary care physicians to shortage areas in the state. A portion of the fee paid shall be based upon the number of physicians recruited in accordance with section 261.19, subsection 4. However, the fee amount paid shall not exceed \$25,000 for the fiscal year. Such amount shall be subject to any budgetary reductions ordered by the governor or enacted by the general assembly.

Sec. 4. CHIROPRACTIC LOAN FUNDS. Notwithstanding section 261.72, the moneys deposited in the chiropractic loan revolving fund created pursuant to section 261.72, may be used for purposes of the chiropractic loan forgiveness program established in section 261.73.

Sec. 5. WORK-STUDY APPROPRIATION FOR FY 2010-2011. Notwithstanding section 261.85, for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the amount appropriated from the general fund of the state to the college student aid commission for the work-study program under section 261.85 shall be zero.

DEPARTMENT OF EDUCATION

Sec. 6. There is appropriated from the general fund of the state to the department of education for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amounts, or so much thereof as may be necessary, to be used for the purposes designated:

1. GENERAL ADMINISTRATION

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

..... \$ 7,096,482
..... FTEs 83.67

2. VOCATIONAL EDUCATION ADMINISTRATION

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

..... \$ 559,797
..... FTEs 13.50

3. VOCATIONAL REHABILITATION SERVICES DIVISION

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

..... \$ 5,139,957
..... FTEs 281.50

b. For matching funds for programs to enable persons with severe physical or mental disabilities to function more independently, including salaries and support, and for not more than the following full-time equivalent position:

..... \$ 44,156
..... FTEs 1.00

c. For the entrepreneurs with disabilities program established pursuant to section 259.4, subsection 9:

..... \$ 156,128

d. For costs associated with centers for independent living:

..... \$ 43,227

4. STATE LIBRARY

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

..... \$ 1,511,656
..... FTEs 19.00

b. For the enrich Iowa program established under section 256.57:

..... \$ 1,796,081

5. LIBRARY SERVICE AREA SYSTEM

For state aid:

..... \$ 1,105,989

6. PUBLIC BROADCASTING DIVISION

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

..... \$ 7,756,417

..... FTEs 82.00

7. REGIONAL TELECOMMUNICATIONS COUNCILS

For state aid:

..... \$ 1,065,180

The regional telecommunications councils established in section 8D.5 shall use the moneys appropriated in this subsection to provide technical assistance for network classrooms, planning and troubleshooting for local area networks, scheduling of video sites, and other related support activities.

8. VOCATIONAL EDUCATION TO SECONDARY SCHOOLS

For reimbursement for vocational education expenditures made by secondary schools:

..... \$ 2,590,675

Moneys appropriated in this subsection shall be used to reimburse school districts for vocational education expenditures made by secondary schools to meet the standards set in sections 256.11, 258.4, and 260C.14.

9. SCHOOL FOOD SERVICE

For use as state matching funds for federal programs that shall be disbursed according to federal regulations, including salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 2,176,797

..... FTEs 18.13

10. IOWA EMPOWERMENT FUND — GENERAL AID

For deposit in the school ready children grants account of the Iowa empowerment fund created in section 28.9:

..... \$ 5,729,907

a. From the moneys deposited in the school ready children grants account for the fiscal year beginning July 1, 2010, and ending June 30, 2011, not more than \$265,950 is allocated for the community empowerment office and other technical assistance activities, and of that amount not more than \$44,325 shall be used to administer the early childhood coordinator’s position pursuant to section 28.3, subsection 7. It is the intent of the general assembly that regional technical assistance teams will be established and will include staff from various agencies, as appropriate, including the area education agencies, community colleges, the university of northern Iowa, and the Iowa state university of science and technology cooperative extension service in agriculture and home economics. The Iowa empowerment board shall direct staff to work with the advisory council to inventory technical assistance needs. Moneys allocated under this lettered paragraph may be used by the Iowa empowerment board for the purpose of skills development and support for ongoing training of the regional technical assistance teams. However, except as otherwise provided in this subsection, moneys shall not be used for additional staff or for the reimbursement of staff.

b. As a condition of receiving moneys appropriated in this subsection, each community empowerment area board shall report to the Iowa empowerment board progress on each of the state indicators approved by the state board, as well as progress on local indicators. The community empowerment area board must also submit a written plan amendment extending by one year the area’s comprehensive school ready children grant plan developed for providing services for children from birth through five years of age and provide other information specified by the Iowa empowerment board. The amendment may also provide for changes in the programs and services provided under the plan. The Iowa empowerment board shall establish a submission deadline for the plan amendment that allows a reasonable period of time for preparation of the plan amendment and for review and approval or request for modification of the plan amendment by the Iowa empowerment board. In addition, the community empowerment board must continue to comply with reporting provisions and other requirements adopted by the Iowa empowerment board in implementing section 28.8.

c. Of the amount appropriated in this subsection for deposit in the school ready children grants account of the Iowa empowerment fund, \$2,318,018 shall be used for efforts to improve the quality of early care, health, and education programs. Moneys allocated pursuant to this paragraph may be used for additional staff and for the reimbursement of staff. The Iowa empowerment board may reserve a portion of the allocation, not to exceed \$88,650 for the technical assistance expenses of the Iowa empowerment office and shall distribute the remainder to community empowerment areas for local quality improvement efforts through a methodology identified by the board to make the most productive use of the funding, which may include use of the distribution formula, grants, or other means.

d. Of the amount appropriated in this subsection for deposit in the school ready children grants account of the Iowa empowerment fund, \$825,030 shall be used for support of professional development and training activities for persons working in early care, health, and education by the Iowa empowerment board in collaboration with representation from the Iowa state university of science and technology cooperative extension service in agriculture and home economics, the university of northern Iowa, the department of education, area education agencies, community colleges, child care resource and referral services, and community empowerment area boards. Expenditures shall be limited to professional development and training activities agreed upon by the parties participating in the collaboration.

11. IOWA EMPOWERMENT FUND — PRESCHOOL TUITION ASSISTANCE

a. For deposit in the school ready children grants account of the Iowa empowerment fund created in section 28.9:

..... \$ 7,583,912

b. The amount appropriated in this subsection shall be used for early care, health, and education programs to assist low-income parents with tuition for preschool and other supportive services for children ages three, four, and five who are not attending kindergarten in order to increase the basic family income eligibility requirement to not more than 200 percent of the federal poverty level. In addition, if sufficient funding is available after addressing the needs of those who meet the basic income eligibility requirement, a community empowerment area board may provide for eligibility for those with a family income in excess of the basic income eligibility requirement through use of a sliding scale or other copayment provisions.

12. IOWA EMPOWERMENT FUND — FAMILY SUPPORT AND PARENT EDUCATION

a. For deposit in the school ready children grants account of the Iowa empowerment fund created in section 28.9:

..... \$ 13,153,653

b. The amount appropriated in this subsection shall be used for family support services and parent education programs targeted to families expecting a child or with newborn and infant children through age five and shall be distributed using the distribution formula approved by the Iowa empowerment board and shall be used by a community empowerment area only for family support services and parent education programs targeted to families expecting a child or with newborn and infant children through age five. The programs funded under this subsection shall have a home visitation component.

13. BIRTH TO AGE THREE SERVICES

For expansion of the federal Individuals With Disabilities Education Improvement Act of 2004, Pub. L. No. 108-446, as amended to January 1, 2010, birth through age three services due to increased numbers of children qualifying for those services:

..... \$ 1,721,400

From the moneys appropriated in this subsection, \$383,769 shall be allocated to the child health specialty clinic at the state university of Iowa to provide additional support for infants and toddlers who are born prematurely, drug-exposed, or medically fragile.

14. FOUR-YEAR-OLD PRESCHOOL PROGRAM

For allocation to eligible school districts for the four-year-old preschool program under chapter 256C in lieu of the appropriation made in section 256C.6, subsection 2, paragraph a, subparagraph (3), and for not more than the following full-time equivalent positions:

..... \$ 12,242,230

..... FTEs 3.00

From the moneys appropriated pursuant to this subsection, not more than \$303,531 shall be used by the department for administration of the four-year-old preschool program established pursuant to chapter 256C.

15. TEXTBOOKS OF NONPUBLIC SCHOOL PUPILS

To provide moneys for costs of providing textbooks to each resident pupil who attends a nonpublic school as authorized by section 301.1:

..... \$ 600,987

Funding under this subsection is limited to \$20 per pupil and shall not exceed the comparable services offered to resident public school pupils.

16. BEGINNING ADMINISTRATOR MENTORING AND INDUCTION PROGRAM

For purposes of administering the beginning administrator mentoring and induction program established pursuant to chapter 284A:

..... \$ 195,157

17. CORE CURRICULUM AND CAREER INFORMATION AND DECISION-MAKING SYSTEM

For purposes of implementing the statewide core curriculum for school districts and accredited nonpublic schools and a state-designated career information and decision-making system:

..... \$ 1,901,556

18. STUDENT ACHIEVEMENT AND TEACHER QUALITY PROGRAM

For purposes of the student achievement and teacher quality program established pursuant to chapter 284, and for not more than the following full-time equivalent positions:

..... \$ 7,314,765

..... FTEs 4.00

19. MERGED AREA I — NORTHEAST IOWA COMMUNITY COLLEGE

For general state financial aid as defined in section 260C.2 in accordance with chapters 258 and 260C, notwithstanding the allocation formula in section 260C.18:

..... \$ 7,883,981

20. MERGED AREA II — NORTH IOWA AREA COMMUNITY COLLEGE

For general state financial aid as defined in section 260C.2 in accordance with chapters 258 and 260C, notwithstanding the allocation formula in section 260C.18:

..... \$ 8,436,896

21. MERGED AREA III — IOWA LAKES COMMUNITY COLLEGE

For general state financial aid as defined in section 260C.2 in accordance with chapters 258 and 260C, notwithstanding the allocation formula in section 260C.18:

..... \$ 7,768,728

22. MERGED AREA IV — NORTHWEST COMMUNITY COLLEGE

For general state financial aid as defined in section 260C.2 in accordance with chapters 258 and 260C, notwithstanding the allocation formula in section 260C.18:

..... \$ 3,815,063

23. MERGED AREA V — IOWA CENTRAL COMMUNITY COLLEGE

For general state financial aid as defined in section 260C.2 in accordance with chapters 258 and 260C, notwithstanding the allocation formula in section 260C.18:

..... \$ 8,716,704

24. MERGED AREA VI — IOWA VALLEY COMMUNITY COLLEGE DISTRICT

For general state financial aid as defined in section 260C.2 in accordance with chapters 258 and 260C, notwithstanding the allocation formula in section 260C.18:

..... \$ 7,429,793

25. MERGED AREA VII — HAWKEYE COMMUNITY COLLEGE

For general state financial aid as defined in section 260C.2 in accordance with chapters 258 and 260C, notwithstanding the allocation formula in section 260C.18:

..... \$ 11,063,319

26. MERGED AREA IX — EASTERN IOWA COMMUNITY COLLEGE

For general state financial aid as defined in section 260C.2 in accordance with chapters 258 and 260C, notwithstanding the allocation formula in section 260C.18:

..... \$ 13,761,226

27. MERGED AREA X — KIRKWOOD COMMUNITY COLLEGE

For general state financial aid as defined in section 260C.2 in accordance with chapters 258 and 260C, notwithstanding the allocation formula in section 260C.18:

..... \$ 24,208,455

28. MERGED AREA XI — DES MOINES AREA COMMUNITY COLLEGE

For general state financial aid as defined in section 260C.2 in accordance with chapters 258 and 260C, notwithstanding the allocation formula in section 260C.18:

..... \$ 24,375,295

29. MERGED AREA XII — WESTERN IOWA TECH COMMUNITY COLLEGE

For general state financial aid as defined in section 260C.2 in accordance with chapters 258 and 260C, notwithstanding the allocation formula in section 260C.18:

..... \$ 9,034,857

30. MERGED AREA XIII — IOWA WESTERN COMMUNITY COLLEGE

For general state financial aid as defined in section 260C.2 in accordance with chapters 258 and 260C, notwithstanding the allocation formula in section 260C.18:

..... \$ 9,285,726

31. MERGED AREA XIV — SOUTHWESTERN COMMUNITY COLLEGE

For general state financial aid as defined in section 260C.2 in accordance with chapters 258 and 260C, notwithstanding the allocation formula in section 260C.18:

..... \$ 3,872,747

32. MERGED AREA XV — INDIAN HILLS COMMUNITY COLLEGE

For general state financial aid as defined in section 260C.2 in accordance with chapters 258 and 260C, notwithstanding the allocation formula in section 260C.18:

..... \$ 12,139,931

33. MERGED AREA XVI — SOUTHEASTERN COMMUNITY COLLEGE

For general state financial aid as defined in section 260C.2 in accordance with chapters 258 and 260C, notwithstanding the allocation formula in section 260C.18:

..... \$ 6,961,511

Sec. 7. LIBRARY SERVICE AREA GEOGRAPHIC REGIONS FOR FY 2010-2011 — OPERATIONS STUDY.

1. Notwithstanding section 256.61, for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the library service areas shall serve and represent six geographic regions by combining at least two of seven library service areas existing in fiscal year 2009-2010, including their staff and boards of trustees.

2. Moneys appropriated to the department of education for state aid for the library service area system pursuant to section 6, subsection 5, of this Act shall be equally divided and allocated to the six library services areas.

3. a. The library services areas and the state library shall work collaboratively to conduct a study of ways to streamline state-funded library operations and services. The study shall, at a minimum, address the following:

- (1) Library service area service delivery strengths.
- (2) Best practices for delivering continuing education.
- (3) The use of social networking tools to provide consulting services.
- (4) Consolidation of bookkeeping and auditing functions.
- (5) Locally based creative collaborations among all types of libraries.

b. The library service areas shall collaboratively submit their findings and recommendations in a report to the general assembly on or before November 1, 2010.

Sec. 8. COMMUNITY COLLEGE SALARIES. There is appropriated from the general fund of the state to the department of education for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For distribution to community colleges to supplement faculty salaries:

..... \$ 825,012

Sec. 9. COMMUNITY COLLEGE EFFICIENCIES INITIATIVES AND FUNDING REDUCTION REPORT. The board of directors of each community college shall submit to the department of education on or before October 1, 2010, a report which provides details on any initiatives implemented by the community college to create greater efficiency within the community college during the 2009-2010 fiscal year, and details on the methods by which the community college implemented budget reductions ordered by the governor pursuant to executive order number 19¹ issued October 8, 2009. The department shall compile and summarize the reports in a report that shall be submitted to the state board of education and the general assembly on or before December 15, 2010.

STATE BOARD OF REGENTS

Sec. 10. There is appropriated from the general fund of the state to the state board of regents for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amounts, or so much thereof as may be necessary, to be used for the purposes designated:

1. OFFICE OF STATE BOARD OF REGENTS

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

.....	\$	1,105,123
.....	FTEs	16.00

The state board of regents shall submit a monthly financial report in a format agreed upon by the state board of regents office and the legislative services agency.

b. For moneys to be allocated to the southwest Iowa graduate studies center:

.....	\$	90,766
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c. For moneys to be allocated to the siouxland interstate metropolitan planning council for the tristate graduate center under section 262.9, subsection 22:

.....	\$	69,110
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d. For moneys to be allocated to the quad-cities graduate studies center:

.....	\$	134,665
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e. For moneys to be distributed to Iowa public radio for public radio operations:

.....	\$	406,318
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2. STATE UNIVERSITY OF IOWA

a. General university, including lakeside laboratory

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

.....	\$	217,638,034
.....	FTEs	5,058.55

b. Oakdale campus

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

.....	\$	2,268,925
.....	FTEs	38.25

c. State hygienic laboratory

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

.....	\$	3,669,943
.....	FTEs	102.50

d. Family practice program

For allocation by the dean of the college of medicine, with approval of the advisory board, to qualified participants to carry out the provisions of chapter 148D for the family practice program, including salaries and support, and for not more than the following full-time equivalent positions:

.....	\$	1,855,628
.....	FTEs	190.40

e. Child health care services

¹ Published in IAB Vol. XXXII, No. 9, (10/21/09) p. 1139

For specialized child health care services, including childhood cancer diagnostic and treatment network programs, rural comprehensive care for hemophilia patients, and the Iowa high-risk infant follow-up program, including salaries and support, and for not more than the following full-time equivalent positions:

.....	\$	684,297
.....	FTEs	57.97

f. Statewide cancer registry

For the statewide cancer registry, and for not more than the following full-time equivalent positions:

.....	\$	154,666
.....	FTEs	2.10

g. Substance abuse consortium

For moneys to be allocated to the Iowa consortium for substance abuse research and evaluation, and for not more than the following full-time equivalent position:

.....	\$	57,621
.....	FTEs	1.00

h. Center for biocatalysis

For the center for biocatalysis, and for not more than the following full-time equivalent positions:

.....	\$	750,990
.....	FTEs	6.28

i. Primary health care initiative

For the primary health care initiative in the college of medicine, and for not more than the following full-time equivalent positions:

.....	\$	673,375
.....	FTEs	5.89

From the moneys appropriated in this lettered paragraph, \$271,159 shall be allocated to the department of family practice at the state university of Iowa college of medicine for family practice faculty and support staff.

j. Birth defects registry

For the birth defects registry, and for not more than the following full-time equivalent position:

.....	\$	39,730
.....	FTEs	1.00

k. Larned A. Waterman Iowa nonprofit resource center

For the Larned A. Waterman Iowa nonprofit resource center, and for not more than the following full-time equivalent positions:

.....	\$	168,662
.....	FTEs	2.75

3. IOWA STATE UNIVERSITY OF SCIENCE AND TECHNOLOGY

a. General university

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

.....	\$	170,536,017
.....	FTEs	3,647.42

b. Agricultural experiment station

For the agricultural experiment station salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	29,170,840
.....	FTEs	546.98

c. Cooperative extension service in agriculture and home economics

For the cooperative extension service in agriculture and home economics salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	18,612,391
.....	FTEs	383.34

d. Leopold center

For agricultural research grants at Iowa state university of science and technology under section 266.39B, and for not more than the following full-time equivalent positions:

.....	\$	412,388
.....	FTEs	11.25

e. Livestock disease research

For deposit in and the use of the livestock disease research fund under section 267.8:

.....	\$	179,356
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4. UNIVERSITY OF NORTHERN IOWA

a. General university

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

.....	\$	77,549,809
.....	FTEs	1,447.50

b. Recycling and reuse center

For purposes of the recycling and reuse center, and for not more than the following full-time equivalent positions:

.....	\$	181,858
.....	FTEs	3.00

c. Science, technology, engineering, and mathematics (STEM) collaborative initiative

For purposes of establishing a science, technology, engineering, and mathematics (STEM) collaborative initiative, and for not more than the following full-time equivalent positions:

.....	\$	1,800,000
.....	FTEs	6.20

(1) From the moneys appropriated in this lettered paragraph, up to \$300,000 shall be allocated for salaries, staffing, and institutional support. The remainder of the moneys appropriated in this lettered paragraph shall be expended only to support activities directly related to recruitment of kindergarten through grade 12 mathematics and science teachers and for ongoing mathematics and science programming for students enrolled in kindergarten through grade 12.

(2) The university of northern Iowa shall work with the community colleges to develop STEM professional development programs for community college instructors and STEM curriculum development.

d. Real estate education program

For purposes of the real estate education program, and for not more than the following full-time equivalent position:

.....	\$	130,022
.....	FTEs	1.00

5. STATE SCHOOL FOR THE DEAF

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

.....	\$	8,679,964
.....	FTEs	126.60

6. IOWA BRAILLE AND SIGHT SAVING SCHOOL

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

.....	\$	4,917,362
.....	FTEs	62.87

7. TUITION AND TRANSPORTATION COSTS

For payment to local school boards for the tuition and transportation costs of students residing in the Iowa braille and sight saving school and the state school for the deaf pursuant to section 262.43 and for payment of certain clothing, prescription, and transportation costs for students at these schools pursuant to section 270.5:

.....	\$	12,206
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8. LICENSED CLASSROOM TEACHERS

For distribution at the Iowa braille and sight saving school and the Iowa school for the deaf based upon the average yearly enrollment at each school as determined by the state board of regents:

..... \$ 85,140

Sec. 11. IOWA COMPREHENSIVE PETROLEUM UNDERGROUND STORAGE TANK FUND APPROPRIATIONS — STATE BOARD OF REGENTS.

There is appropriated from the Iowa comprehensive petroleum underground storage tank fund created in section 455G.3 to the state board of regents for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amounts, or so much thereof as may be necessary, to be used for the purposes designated, notwithstanding section 455G.3, subsection 1:

1. STATE UNIVERSITY OF IOWA

General university

For salaries, support, maintenance, equipment, and miscellaneous purposes:

..... \$ 4,086,492

2. IOWA STATE UNIVERSITY OF SCIENCE AND TECHNOLOGY

General university

For salaries, support, maintenance, equipment, and miscellaneous purposes:

..... \$ 3,202,079

3. UNIVERSITY OF NORTHERN IOWA

General university

For salaries, support, maintenance, equipment, and miscellaneous purposes:

..... \$ 1,456,118

4. STATE SCHOOL FOR THE DEAF

For salaries, support, maintenance, equipment, and miscellaneous purposes:

..... \$ 162,980

5. IOWA BRAILLE AND SIGHT SAVING SCHOOL

For salaries, support, maintenance, equipment, and miscellaneous purposes:

..... \$ 92,331

Sec. 12. STATE BOARD OF REGENTS EFFICIENCIES INITIATIVES AND FUNDING REDUCTION REPORT. The state board of regents shall submit to the general assembly on or before December 15, 2010, a report which provides details on any initiatives implemented by a regents institution to create greater efficiency within the regents institution during the 2009-2010 fiscal year, and details on the methods by which the regents institutions implemented budget reductions ordered by the governor pursuant to executive order number 19² issued October 8, 2009.

Sec. 13. ENERGY COST-SAVINGS PROJECTS — FINANCING. For the fiscal year beginning July 1, 2010, and ending June 30, 2011, the state board of regents may use notes, bonds, or other evidences of indebtedness issued under section 262.48 to finance projects that will result in energy cost savings in an amount that will cause the state board to recover the cost of the projects within an average of six years.

Sec. 14. PRESCRIPTION DRUG COSTS. Notwithstanding section 270.7, the department of administrative services shall pay the state school for the deaf and the Iowa braille and sight saving school the moneys collected from the counties during the fiscal year beginning July 1, 2010, for expenses relating to prescription drug costs for students attending the state school for the deaf and the Iowa braille and sight saving school.

Sec. 15. Section 256.51, subsection 1, Code 2009, is amended by adding the following new paragraph:

NEW PARAGRAPH. k. Compile and evaluate the information contained in the reports submitted to the division pursuant to section 256.66, subsection 13A. The division shall submit electronically the summary and its findings and recommendations in an annual report to the commission, the general assembly, chairpersons and ranking members of the joint appropriations subcommittee on education, and the fiscal services division of the legislative services agency by January 15.

² Published in IAB Vol. XXXII, No. 9, (10/21/09) p. 1139

Sec. 16. Section 256.66, Code 2009, is amended by adding the following new subsection:
NEW SUBSECTION. 13A. Shall submit electronically by December 1 annually a report to the division of libraries and information services that provides details regarding the revenues the library service area receives from all sources, its expenditures, and its full-time equivalent positions by job title for the preceding fiscal year.

Sec. 17. Section 256C.6, Code 2009, is amended by adding the following new subsection:
NEW SUBSECTION. 3A. For the fiscal year beginning July 1, 2010, if the number of requests from school districts for initial participation in the preschool program exceeds the funding made available for the preschool program, in lieu of applying the provisions of subsection 3, the department shall implement a method for prorating grant awards to ensure that all interested and qualified school districts have access to the funding.

Sec. 18. Section 256I.7, subsection 1, paragraph a, as enacted by 2010 Iowa Acts, Senate File 2088,³ section 284, is amended to read as follows:

a. The early childhood Iowa functions for an area shall be performed under the authority of an early childhood Iowa area board. The members of an area board shall be elected officials or members of the public who are not employed by a provider of services to or for the area board. In addition, the membership of an area board shall include representation from early care, education, health, human services, business, and faith interests, and at least one parent, grandparent, or guardian of a child from zero through age five. ~~The education, health, and human services agencies represented on an area board may receive funding from the area board.~~

Sec. 19. Section 256I.11, subsection 4, paragraph d, as enacted by 2010 Iowa Acts, Senate File 2088,⁴ section 288, is amended to read as follows:

d. The moneys distributed from the early childhood programs grant account shall be used by early childhood Iowa areas for the purposes of enhancing quality child care capacity in support of parent capability to obtain or retain employment. The moneys shall be used with a primary emphasis on low-income families and children from zero to age five. Moneys shall be provided in a flexible manner and shall be used to implement strategies identified by the early childhood Iowa area to achieve such purposes. The department of ~~management~~ human services may use a portion of the funding appropriated to the department under this subsection for provision of technical assistance and other support to the early childhood Iowa areas developing and implementing strategies with grant moneys distributed from the account.

Sec. 20. Section 257.6, subsection 1, paragraph a, subparagraph (5), Code Supplement 2009, is amended to read as follows:

(5) Resident pupils receiving competent private instruction from a licensed practitioner provided through a public school district pursuant to chapter 299A shall be counted as three-tenths of one pupil. Revenues received by a school district attributed to a school district's weighted enrollment pursuant to this paragraph shall be expended for the purpose for which the weighting was assigned under this paragraph. If the school district determines that the expenditures associated with providing competent private instruction pursuant to chapter 299A are in excess of the revenue attributed to the school district's weighted enrollment for such instruction in accordance with this subparagraph, the school district may submit a request to the school budget review committee for modified allowable growth in accordance with section 257.31, subsection 5, paragraph "n". A home school assistance program shall not provide moneys received pursuant to this subparagraph, nor resources paid for with moneys received pursuant to this subparagraph, to parents or students utilizing the program. Moneys received by a school district pursuant to this subparagraph shall be used as provided in section 299A.12.

³ Chapter 1031 herein

⁴ Chapter 1031 herein

Sec. 21. Section 257.16, subsections 3 and 4, Code 2009, are amended to read as follows:

3. All moneys received by a school district from the state under this chapter shall be deposited in the general fund of the school district, and may be used for any school general fund purpose unless otherwise provided by law.

4. Notwithstanding any provision to the contrary, if the governor orders budget reductions in accordance with section 8.31, the teacher salary supplement district cost, the professional development supplement district cost, and the early intervention supplement district cost as calculated under section 257.10, subsections 9, 10, and 11, and the area education agency teacher salary supplement district cost and the area education agency professional development supplement district cost as calculated under section 257.37A, subsections 1 and 2, shall be paid in full as calculated and the reductions in the appropriations provided in accordance with this section shall be reduced from the remaining moneys appropriated pursuant to this section and shall be distributed on a per pupil basis calculated with the weighted enrollment determined in accordance with section 257.6, subsection 5.

Sec. 22. Section 260C.18D, Code Supplement 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 6. *Reductions.* Moneys appropriated by the general assembly to the department for community college instructor salaries are not subject to a uniform reduction in accordance with section 8.31.

Sec. 23. Section 261.25, subsections 1, 2, and 3, Code Supplement 2009, are amended to read as follows:

1. There is appropriated from the general fund of the state to the commission for each fiscal year the sum of ~~forty-five~~ forty-four million ~~two hundred thirteen thousand sixty-nine~~ four hundred forty-eight dollars for tuition grants.

2. There is appropriated from the general fund of the state to the commission for each fiscal year the sum of four million ~~nine~~ six hundred ~~eighty-eight~~ fifty thousand ~~five~~ four hundred ~~sixty-one~~ eighty-seven dollars for tuition grants for students attending for-profit accredited private institutions located in Iowa. A for-profit institution which, effective March 9, 2005, purchased an accredited private institution that was exempt from taxation under section 501(c) of the Internal Revenue Code, shall be an eligible institution under the tuition grant program. ~~In the case of a qualified student who was enrolled in such accredited private institution that was purchased by the for-profit institution effective March 9, 2005, and who continues to be enrolled in the eligible institution in succeeding years, the amount the student qualifies for under this subsection shall be not less than the amount the student qualified for in the fiscal year beginning July 1, 2004.~~ For purposes of the tuition grant program, “*for-profit accredited private institution*” means an accredited private institution which is not exempt from taxation under section 501(c)(3) of the Internal Revenue Code but which otherwise meets the requirements of section 261.9, subsection 1, paragraph “b”, and whose students were eligible to receive tuition grants in the fiscal year beginning July 1, 2003.

3. There is appropriated from the general fund of the state to the commission for each fiscal year the sum of two million ~~five~~ four hundred ~~twelve~~ thirteen thousand nine hundred ~~fifty-eight~~ fifty-nine dollars for vocational-technical tuition grants.

Sec. 24. Section 261.25, Code Supplement 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 6. In the case of a qualified student who was enrolled in an accredited private institution that was exempt from taxation under section 501(c) of the Internal Revenue Code and that was purchased by a for-profit institution effective January 8, 2010, and such qualified student continues to be enrolled in the eligible institution in succeeding years, the student shall continue to be eligible to receive funds under subsection 1 without a change in the student’s qualification status.

Sec. 25. Section 262.9, subsection 33, paragraph i, Code Supplement 2009, is amended to read as follows:

i. Prepare, jointly with the department of education and the liaison advisory committee on transfer students, and submit by January 1 15 annually to the general assembly, an update

on the articulation efforts and activities implemented by the community colleges and the institutions of higher education governed by the board.

Sec. 26. Section 262.93, Code 2009, is amended to read as follows:

262.93 Reports to general assembly.

The college student aid commission and the state board of regents each shall submit, by January 15 of each year, a report on the progress and implementation of the programs which they administer under sections 261.102 through 261.105, 262.82, and 262.92. The reports shall include, but are not limited to, the numbers of students participating in the programs and allocation of funds appropriated for the programs.

Sec. 27. Section 263A.13, Code 2009, is amended to read as follows:

263A.13 Hospital reports to general assembly.

The university of Iowa hospitals and clinics shall ~~compile and~~ transmit to the general assembly ~~the following information~~ its independently audited financial statement by ~~December~~ January 15 of each fiscal year:

1. ~~Revenue from all income sources, by source, including but not limited to state appropriations, other state funds, tuition income, patient charges, payments from political subdivisions, interest income, and gifts, and grants from public and private sources.~~

2. ~~Expenditures by program and revenue source.~~

3. ~~Net revenue over spending from hospital operations, including the method used to calculate the results.~~

~~The legislative services agency shall develop forms for collecting the information required in this subparagraph.~~

Sec. 28. Section 272.13, unnumbered paragraph 3, Code 2009, is amended to read as follows:

All complaint files, investigation files, other investigation reports, and other investigative information in the possession of the board or its employees or agents, which relate to licensee discipline, are privileged and confidential, and are not subject to discovery, subpoena, or other means of legal compulsion for their release to a person other than the respondent and the board and its employees and agents involved in licensee discipline, and are not admissible in evidence in a judicial or administrative proceeding other than the proceeding involving licensee discipline. However, investigative A complaint, any amendment to a complaint and any supporting documents shall be provided to the respondent immediately upon the board's determination that jurisdictional requirements have been met and prior to the commencement of the board's investigation. Investigative information in the possession of the board or its employees or agents which relates to licensee discipline may be disclosed to appropriate licensing authorities within this state, the appropriate licensing authority in another state, the District of Columbia, or a territory or country in which the licensee is licensed or has applied for a license. A final written decision and finding of fact of the board in a disciplinary proceeding is a public record.

Sec. 29. Section 272.31, subsection 2, paragraph c, Code 2009, if enacted by 2010 Iowa Acts, House File 2461,⁵ section 2, is amended to read as follows:

c. An individual employed as a school business official prior to July 1, 2012, who meets the requirements of the board, other than the training program requirements of paragraph "a", shall be issued, ~~at no charge with no fee for issuance,~~ an initial authorization by the board, but shall meet renewal requirements for an authorization within the time period specified by the board.

Sec. 30. Section 279.38, Code 2009, is amended to read as follows:

279.38 Membership in association of school boards.

1. Boards of directors of school corporations may pay, out of funds available to them, reasonable annual dues to the Iowa association of school boards. Each board that pays membership dues to the Iowa association of school boards shall annually report to the local

⁵ Chapter 1099 herein

community and to the department of education the amount the board pays in annual dues to the Iowa association of school boards, the amount of any fees paid and revenue or dividend payments received for services the board receives from the association or from any of the association's affiliated for-profit entities, and the products or services the school district received inclusive with membership in the association.

2. The financial condition and transactions of the Iowa association of school boards shall be audited in the same manner as school corporations as provided in section 11.6. In addition, annually the Iowa association of school boards shall publish a listing of the school districts and the annual dues paid by each, the total revenue the association receives from each school district resulting from the payment of membership fees and the sale of products and services to the school district by the association or its affiliated for-profit entities, and shall publish an accounting of all moneys expended for expenses incurred by and salaries paid to legislative representatives and lobbyists of the association. In addition, the association shall submit to the general assembly copies of all reports the association provides to the United States department of education relating to federal grants and grant amounts that the association or its affiliated for-profit entities administer or distribute to school districts. The Iowa association of school boards is subject to chapters 21 and 22 relating to open meetings and public records.

3. Membership in such an Iowa association of school boards shall be limited to those duly elected members of the boards of directors of local school corporations.

Sec. 31. Section 279.38A, Code 2009, is amended to read as follows:

279.38A Membership in other organizations — reporting requirements.

1. Duly elected members of boards of directors and designated administrators of school corporations may join, including the payment of dues, and participate in local, regional, and national organizations which directly relate to the functions of the board of directors.

2. Each board that pays membership dues to an organization in accordance with this section shall annually report to the local community and to the department of education the amount the board pays in annual dues to the organization, the amount of any fees paid and revenue or dividend payments received for services the board receives from the organization, and the products or services the school district received inclusive with membership in the organization. If the organization administers federal education grants on behalf of school districts or distributes federal education grant funds to school districts, the organization shall submit to the general assembly copies of all reports the organization provides to the United States department of education, on the date on which each such report is provided to the United States department of education, relating to federal grants and grant amounts that the organization administers for or distributes to school districts. The governing board of the organization is subject to chapters 21 and 22 relating to open meetings and public records.

Sec. 32. Section 284.3A, subsection 2, Code Supplement 2009, is amended to read as follows:

2. a. For the school budget year beginning July 1, 2010, and each succeeding school year, school districts and area education agencies shall combine payments made to teachers under sections 257.10 and 257.37A with regular wages and to create one a combined salary system. The teacher contract issued under section 279.13 must include the combined salary. If a school district or area education agency uses a salary schedule, one a combined salary schedule shall be used for regular wages and for distribution of payments under sections 257.10 and 257.37A, incorporating the salary minimums required in section 284.7. The combined salary schedule must use only the combined salary and cannot differentiate regular salaries and distribution of payments under sections 257.10 and 257.37A.

b. If the licensed employees of a school district or area education agency are organized under chapter 20 for collective bargaining purposes, the creation of the new combined salary system shall be subject to the scope of negotiations specified in section 20.9. A reduction in the teacher salary supplement per pupil amount shall also be subject to the scope of negotiations specified in section 20.9.

c. If the licensed employees of a school district or area education agency are not organized for collective bargaining purposes, the board of directors shall create the new combined

salary system. The board of directors shall determine adjustments in salaries resulting from a reduction in the teacher salary supplement per pupil amount.

Sec. 33. Section 284.3A, Code Supplement 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 4. The teacher salary supplement district cost as calculated under section 257.10, subsection 9, and the area education agency teacher salary supplement district cost as calculated under section 257.37A, subsection 1, are not subject to a uniform reduction in accordance with section 8.31.

Sec. 34. Section 284.13, subsection 1, paragraphs a, b, c, and d, Code Supplement 2009, are amended to read as follows:

a. For the fiscal year beginning July 1, ~~2009~~ 2010, and ending June 30, ~~2010~~ 2011, to the department of education, the amount of ~~one million one~~ nine hundred twenty-five ~~sixty-four~~ thousand dollars for the issuance of national board certification awards in accordance with section 256.44. Of the amount allocated under this paragraph, not less than ~~eighty-five~~ seventy-six thousand ~~five hundred~~ dollars shall be used to administer the ambassador to education position in accordance with section 256.45.

b. For the fiscal year beginning July 1, ~~2009~~ 2010, and succeeding fiscal years, an amount up to ~~three~~ four million ~~nine one~~ hundred ~~forty-nine~~ seven thousand ~~seven two~~ hundred ~~fifty~~ forty dollars for first-year and second-year beginning teachers, to the department of education for distribution to school districts and area education agencies for purposes of the beginning teacher mentoring and induction programs. A school district or area education agency shall receive one thousand three hundred dollars per beginning teacher participating in the program. If the funds appropriated for the program are insufficient to pay mentors, school districts, and area education agencies as provided in this paragraph, the department shall prorate the amount distributed to school districts and area education agencies based upon the amount appropriated. Moneys received by a school district or area education agency pursuant to this paragraph shall be expended to provide each mentor with an award of five hundred dollars per semester, at a minimum, for participation in the school district's or area education agency's beginning teacher mentoring and induction program; to implement the plan; and to pay any applicable costs of the employer's share of contributions to federal social security and the Iowa public employees' retirement system or a pension and annuity retirement system established under chapter 294, for such amounts paid by the district or area education agency.

c. For ~~each the~~ fiscal year of the fiscal period beginning July 1, ~~2007~~ 2010, and ending June 30, ~~2010~~ 2011, up to six hundred ~~ninety-five~~ thirteen thousand ~~eight hundred~~ seventy-eight dollars to the department for purposes of implementing the professional development program requirements of section 284.6, assistance in developing model evidence for teacher quality committees established pursuant to section 284.4, subsection 1, paragraph "c", and the evaluator training program in section 284.10. A portion of the funds allocated to the department for purposes of this paragraph may be used by the department for administrative purposes and for not more than four full-time equivalent positions.

d. For each fiscal year in which funds are appropriated for purposes of this chapter, an amount up to one million ~~eight~~ six hundred ~~forty-five~~ twenty-nine thousand ~~six hundred~~ forty-seven dollars to the department for the establishment of teacher development academies in accordance with section 284.6, subsection 10. A portion of the funds allocated to the department for purposes of this paragraph may be used for administrative purposes.

Sec. 35. Section 284A.2, subsection 2, Code Supplement 2009, is amended to read as follows:

2. "*Beginning administrator*" means an individual serving under an ~~initial~~ administrator license, issued by the board of educational examiners under chapter 272, who is assuming a position as a school district ~~administrator~~ principal or superintendent for the first time.

Sec. 36. Section 284A.5, subsections 3 and 5, Code 2009, are amended to read as follows:

3. Each school board shall establish an administrator mentoring program for all beginning administrators. The school board may adopt the model program developed by

the department pursuant to subsection 2. Each school board's beginning administrator mentoring and induction program shall, at a minimum, provide for one year of programming to support the Iowa standards for school administrators adopted pursuant to section 256.7, subsection 27, and beginning administrators' professional and personal needs. Each school board shall develop ~~an initial and implement~~ a beginning administrator mentoring and induction plan. The plan shall describe the mentor selection process, describe supports for beginning administrators, describe program organizational and collaborative structures, provide a budget, provide for sustainability of the program, and provide for program evaluation. The school board employing an administrator shall determine the conditions and requirements of an administrator participating in a program established pursuant to this section. A school board shall include its plan in the school district's comprehensive school improvement plan submitted pursuant to section 256.7, subsection 21.

5. By the end of a beginning administrator's first year of employment, the beginning administrator may be comprehensively evaluated to determine if the administrator meets expectations to move to a standard professional administrator license, where appropriate. The school district or area education agency that employs a beginning administrator shall recommend the beginning administrator for a standard professional administrator license, where appropriate, if the beginning administrator is determined through a comprehensive evaluation to demonstrate competence in the Iowa standards for school administrators adopted pursuant to section 256.7, subsection 27. A school district or area education agency may allow a beginning administrator a second year to demonstrate competence in the Iowa standards for school administrators if, after conducting a comprehensive evaluation, the school district or area education agency determines that the administrator is likely to successfully demonstrate competence in the Iowa standards for school administrators by the end of the second year. Upon notification by the school district or area education agency, the board of educational examiners shall grant a beginning administrator who has been allowed a second year to demonstrate competence a one-year extension of the beginning administrator's initial license. An administrator granted a second year to demonstrate competence shall undergo a comprehensive evaluation at the end of the second year.

Sec. 37. Section 284A.6, subsection 2, Code 2009, is amended to read as follows:

2. In cooperation with the administrator's evaluator, the administrator who has a ~~standard administrator's professional administrator~~ license issued by the board of educational examiners pursuant to chapter 272 and is employed by a school district or area education agency in a school district administrative position, shall develop an individual administrator professional development plan. The purpose of the plan is to promote individual and group professional development. The individual plan shall be based, at a minimum, on the needs of the administrator, the Iowa standards for school administrators adopted pursuant to section 256.7, subsection 27, and the student achievement goals of the attendance center and the school district as outlined in the comprehensive school improvement plan.

Sec. 38. Section 284A.7, Code 2009, is amended to read as follows:

284A.7 Evaluation requirements for administrators.

A school district shall conduct an evaluation of an administrator who holds a standard professional administrator license issued under chapter 272 at least once every three years for purposes of assisting the administrator in making continuous improvement, documenting continued competence in the Iowa standards for school administrators adopted pursuant to section 256.7, subsection 27, or to determine whether the administrator's practice meets school district expectations. The review shall include, at a minimum, an assessment of the administrator's competence in meeting the Iowa standards for school administrators and the goals of the administrator's individual professional development plan, including supporting documentation or artifacts aligned to the Iowa standards for school administrators and the individual administrator's professional development plan.

Sec. 39. Section 284A.8, Code Supplement 2009, is amended to read as follows:

284A.8 Beginning administrator mentoring and induction program — program funds.

1. To the extent moneys are available, a school district shall receive one thousand five hundred dollars per beginning administrator participating in the program. ~~If the funds appropriated for the program are insufficient to pay mentors and school districts as provided in this section, the department shall prorate the amount distributed to school districts based upon the amount appropriated.~~ Moneys received by a school district pursuant to this section shall be expended to provide each mentor with an award of five hundred dollars per semester, at a minimum, for participation in the school district's beginning administrator mentoring and induction program; to implement the plan; and to pay any applicable costs of the employer's share of contributions to federal social security and the Iowa public employees' retirement system or a pension and annuity retirement system established under chapter 294, for such amounts paid by the district.

2. If the funds appropriated for the program are insufficient to pay mentors and school districts as provided in this section, the department shall prorate the amount distributed to school districts based upon the amount appropriated. A school district shall give priority to fully funding the obligation to principal mentors. Remaining moneys, if any, shall first be used to fund superintendent mentors and then to fund other program costs and applicable costs described in subsection 1.

Sec. 40. NEW SECTION. 299A.12 Home school assistance program.

1. The board of directors of a school district may expend moneys received pursuant to section 257.6, subsection 1, paragraph "a", subparagraph (5), for purposes of providing a home school assistance program.

2. Purposes for which a school district may expend funds received pursuant to section 257.6, subsection 1, paragraph "a", subparagraph (5), shall include but not be limited to the following:

a. Assisting parents with instruction.

b. Student and teaching-parent support services and staff support services.

c. Salary and benefits for the supervising teacher of the home school assistance program students. If the teacher is a part-time home school assistance program teacher and a part-time regular classroom teacher, funds received pursuant to section 257.6, subsection 1, paragraph "a", subparagraph (5), may be used only for the portion of time in which the teacher is a home school assistance program teacher.

d. Salary and benefits for clerical and office staff of the home school assistance program. If the staff members are shared with other programs or functions within the district, funds received pursuant to section 257.6, subsection 1, paragraph "a", subparagraph (5), shall only be expended for the portion of time spent providing the home school assistance program services.

e. Staff development for the home school assistance program teacher.

f. Travel for the home school assistance program teacher.

g. Resources, materials, computer software and hardware, and supplies, and purchased services that meet the following criteria:

(1) Are necessary to provide the services of home school assistance.

(2) Are retained as the possessions of the school district for its prekindergarten through grade twelve home school assistance program.

3. Purposes for which a school district shall not expend funds received pursuant to section 257.6, subsection 1, paragraph "a", subparagraph (5), include but are not limited to the following:

a. Indirect costs or use charges.

b. Operational or maintenance costs in addition to the cost of maintaining school district facilities.

c. Capital expenditures.

d. Student transportation except in cases of home school assistance program-approved field trips or other educational activities.

e. Administrative costs.

f. Concurrent enrollment program costs and postsecondary enrollment options program costs.

g. Any other expenditures not directly related to providing the home school assistance program. A home school assistance program shall not provide moneys to parents or students utilizing the program.

Sec. 41. 2010 Iowa Acts, House File 2295, ⁶ section 1, subsection 1, if enacted, is amended to read as follows:

1. The department of education shall convene a task force to review the present mission, structure, governance, and funding of the area education agency system to determine if the current model is applicable to the challenges and requirements of twenty-first century learning. The task force shall review how area education agency administrative services are funded and the percentages of state, federal, and local moneys used to pay for administrative services and salaries, the services provided by area education agencies, the number of students served by each area education agency, and the funding options for area education agencies subject to uniform reductions in appropriations ordered by the governor pursuant to section 8.31.

Sec. 42. NONPROFIT ORGANIZATIONS — OPEN MEETINGS AND OPEN RECORDS INTERIM STUDY COMMITTEE. The legislative council is requested to establish an interim study committee to study the inclusion under the open meetings and open records laws of nonprofit organizations that are supported in whole or in part with public funds or revenues derived from public fees, that were established by, or are operated by, governing boards whose memberships were or are substantially comprised of state or local elected officials or appointees of governmental bodies. The interim study committee shall report its findings and recommendations to the general assembly not later than December 15, 2010.

Sec. 43. EFFECTIVE UPON ENACTMENT.

1. The section of this Act amending section 257.16, subsection 4, being deemed of immediate importance, takes effect upon enactment and applies to the calculation of the teacher salary supplement district cost, professional development supplement district cost, early intervention supplement district cost, area education agency teacher salary supplement district cost, and area education agency professional development supplement district cost for the school budget year beginning July 1, 2010.

2. The section of this Act enacting section 260C.18D, subsection 6, being deemed of immediate importance, takes effect upon enactment.

3. The section of this Act enacting section 261.25, subsection 6, being deemed of immediate importance, takes effect upon enactment.

4. The section of this Act amending section 272.13, unnumbered paragraph 3, being deemed of immediate importance, takes effect upon enactment.

5. The section of this Act amending section 284.3A, subsection 2, being deemed of immediate importance, takes effect upon enactment.

6. The section of this Act enacting section 284.3A, subsection 4, being deemed of immediate importance, takes effect upon enactment and applies to the calculation of the teacher salary supplement district cost for the school budget year beginning July 1, 2010.

Approved April 22, 2010

⁶ Chapter 1092 herein

CHAPTER 1184

APPROPRIATIONS — INFRASTRUCTURE AND CAPITAL PROJECTS

S.F. 2389

AN ACT relating to and making, reducing, and transferring appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, the technology reinvestment fund, the revenue bonds capitals fund, the revenue bonds capitals II fund, the FY 2009 prison bonding fund, and other funds, creating the Iowa jobs II program, and the revenue bonds federal subsidy holdback fund, providing for related matters, and providing an effective date.

Be It Enacted by the General Assembly of the State of Iowa:

**DIVISION I
REBUILD IOWA INFRASTRUCTURE FUND**

Section 1. There is appropriated from the rebuild Iowa infrastructure fund to the following departments and agencies for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. DEPARTMENT OF ADMINISTRATIVE SERVICES

a. For distribution to other governmental entities for the payment of services related to the integrated information for Iowa system, notwithstanding section 8.57, subsection 6, paragraph “c”:

..... \$ 3,700,000

Moneys appropriated in this lettered paragraph shall be separately accounted for in a distribution account and shall be distributed to other governmental entities based upon a formula established by the department to pay for services associated with the integrated information for Iowa system provided during the fiscal year by the department.

During the fiscal year, the department may use up to \$1,000,000 of unexpended or unobligated funds in the information technology operations fund established under the provisions of section 8A.123 to provide funding for costs associated with the integrated information for Iowa system. By October 31, 2011, the department shall report to the department of management and the legislative services agency regarding any moneys that are used for this purpose.

b. For costs associated with Mercy capitol hospital building operations, notwithstanding section 8.57, subsection 6, paragraph “c”:

..... \$ 1,083,175

c. For the state’s share of support in conjunction with the city of Des Moines and local area businesses to provide a free shuttle service to the citizens of Iowa that includes transportation between the capitol complex and the downtown Des Moines area, notwithstanding section 8.57, subsection 6, paragraph “c”:

..... \$ 200,000

Details for the shuttle service, including the route to be served, shall be determined pursuant to an agreement to be entered into by the department with the Des Moines area regional transit authority (DART) and any other participating entities.

Of the amount appropriated in this lettered paragraph, up to \$50,000 shall be used to encourage state employees to utilize transit services provided by the Des Moines area regional transit authority.

2. DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

For the administration of the watershed improvement review board established in section 466A.3, notwithstanding section 8.57, subsection 6, paragraph “c”:

..... \$ 50,000

3. DEPARTMENT FOR THE BLIND

For costs associated with universal access to audio information over the phone on demand for blind and print handicapped Iowans, notwithstanding section 8.57, subsection 6, paragraph “c”:

.....	\$	20,000
4. DEPARTMENT OF CULTURAL AFFAIRS		
a. For continuation of the project recommended by the Iowa battle flag advisory committee to stabilize the condition of the battle flag collection, notwithstanding section 8.57, subsection 6, paragraph "c":		
.....	\$	60,000
b. For purposes of maintenance and repairs of historic sites:		
.....	\$	40,000
5. DEPARTMENT OF ECONOMIC DEVELOPMENT		
a. For deposit in the workforce training and economic development funds for each community college in section 260C.18A, notwithstanding section 8.57, subsection 6, paragraph "c":		
.....	\$	2,000,000
b. To the 6th avenue corridor for improvements to the streetscape associated with the national mainstreet conference and for additional architectural and engineering design plans for economic development and community revitalization, notwithstanding section 8.57, subsection 6, paragraph "c":		
.....	\$	100,000
c. To develop site plans for the southeast Iowa regional economic and port authority including plans for infrastructure for economic development, notwithstanding section 8.57, subsection 6, paragraph "c":		
.....	\$	50,000
d. For equal distribution to regional sports authority districts certified by the department pursuant to section 15E.321, notwithstanding section 8.57, subsection 6, paragraph "c":		
.....	\$	500,000
e. For administration and support of the world food prize including the Borlaug/Ruan scholar program, notwithstanding section 8.57, subsection 6, paragraph "c":		
.....	\$	100,000
6. DEPARTMENT OF EDUCATION		
To provide resources for structural and technological improvements to local libraries and for the enrich Iowa program, notwithstanding section 8.57, subsection 6, paragraph "c":		
.....	\$	500,000
Of the moneys appropriated in this subsection, \$50,000 shall be allocated equally to each library service area.		
7. DEPARTMENT OF NATURAL RESOURCES		
a. For floodplain management and dam safety, notwithstanding section 8.57, subsection 6, paragraph "c":		
.....	\$	2,000,000
Of the amounts appropriated in this lettered paragraph, up to \$400,000 is authorized for stream gages to be used for tracking and predicting flood events and for compiling necessary data relating to flood frequency analysis.		
b. For costs associated with the construction of a permanent structure for handicapped persons and senior citizens in a county with a population between 37,150 and 37,250:		
.....	\$	40,000
c. For costs associated with the hiring and employment of an asset manager at Honey creek resort state park, notwithstanding section 8.57, subsection 6, paragraph "c":		
.....	\$	100,000
The department shall issue a request for proposals to competitively procure the services of an asset manager which shall be selected by the natural resource commission. The asset manager shall have hospitality management experience of at least five years including at least three years asset management experience in a setting similar in size and quality to the Honey creek resort state park with a similar type of market. The duties and job responsibilities of the asset manager shall include but are not limited to reviewing and commenting on the resort's sales and marketing plan, providing for the operation of the resort in a manner consistent with the requirements and limitations set forth in the resort's operating agreement, monitoring and supervising the resort including site visits, and negotiating and recommending an annual operating budget and budget plan. The asset manager shall report to bond counsel, the		

governor, the Honey creek authority, the department of natural resources, and the legislative services agency.

8. DEPARTMENT OF PUBLIC DEFENSE

- a. For major maintenance projects at national guard armories and facilities:
 \$ 1,500,000
- b. For renovation and facility improvements at the Iowa Falls readiness center:
 \$ 500,000
- c. For renovation and facility improvements at the Cedar Rapids armed forces readiness center:
 \$ 200,000
- d. For renovation and facility improvements at the Middletown readiness center:
 \$ 100,000

9. DEPARTMENT OF PUBLIC HEALTH

For a grant to an existing national affiliated volunteer eye organization that has an established program for children and adults and that is solely dedicated to preserving sight and preventing blindness through education, nationally certified vision screening and training, community and patient service programs, notwithstanding section 8.57, subsection 6, paragraph “c”:

..... \$ 100,000

10. IOWA FINANCE AUTHORITY

For transfer to the Polk county housing trust fund for the construction of facilities to meet the specialized needs of adult persons with severe and profound disabilities who have high medical needs:

..... \$ 250,000

11. STATE BOARD OF REGENTS

a. For allocation by the state board of regents to the state university of Iowa, the Iowa state university of science and technology, and the university of northern Iowa to reimburse the institutions for deficiencies in the operating funds resulting from the pledging of tuition, student fees and charges, and institutional income to finance the cost of providing academic and administrative buildings and facilities and utility services at the institutions, notwithstanding section 8.57, subsection 6, paragraph “c”:

..... \$ 24,305,412

b. For the Iowa flood center at the state university of Iowa for use by the university’s college of engineering, pursuant to section 466C.1, notwithstanding section 8.57, subsection 6, paragraph “c”:

..... \$ 1,300,000

c. To Iowa state university of science and technology to purchase veterinary surgical and other equipment to modernize the animal care facilities at the blank park zoo as part of a cooperative effort of blank park zoo and the college of veterinary medicine, notwithstanding section 8.57, subsection 6, paragraph “c”:

..... \$ 400,000

12. TREASURER OF STATE

For county fair infrastructure improvements for distribution in accordance with chapter 174 to qualified fairs which belong to the association of Iowa fairs:

..... \$ 1,060,000

13. DEPARTMENT OF TRANSPORTATION

For infrastructure improvements at general aviation airports within the state:

..... \$ 750,000

14. DEPARTMENT OF VETERANS AFFAIRS

For transfer to the Iowa finance authority for the continuation of the home ownership assistance program for persons who are or were eligible members of the armed forces of the United States, pursuant to section 16.54, notwithstanding section 8.57, subsection 6, paragraph “c”:

..... \$ 1,000,000

Sec. 2. There is appropriated from the rebuild Iowa infrastructure fund to the following departments and agencies for the following fiscal years, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. DEPARTMENT OF CORRECTIONS

For project management costs at Fort Madison and Mitchellville prisons, associated with construction projects at the department, notwithstanding section 8.57, subsection 6, paragraph "c":

FY 2011-2012	\$	4,500,000
FY 2012-2013	\$	1,000,000
FY 2013-2014	\$	200,000

2. DEPARTMENT OF NATURAL RESOURCES

For state park infrastructure improvements:

FY 2011-2012	\$	5,000,000
FY 2012-2013	\$	5,000,000
FY 2013-2014	\$	5,000,000
FY 2014-2015	\$	5,000,000

3. DEPARTMENT OF TRANSPORTATION

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

FY 2011-2012	\$	6,500,000
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It is the intent of the general assembly to fund up to \$20 million over a four-year period to fully fund the state commitment for matching federal funding available through the federal Passenger Rail Investment and Improvement Act of 2008.

Sec. 3. REVERSION. For purposes of section 8.33, unless specifically provided otherwise, unencumbered or unobligated moneys made from an appropriation in this division of this Act shall not revert but shall remain available for expenditure for the purposes designated until the close of the fiscal year that ends three years after the end of the fiscal year for which the appropriation was made. However, if the project or projects for which such appropriation was made are completed in an earlier fiscal year, unencumbered or unobligated moneys shall revert at the close of that same fiscal year.

DIVISION II
TECHNOLOGY REINVESTMENT FUND

Sec. 4. There is appropriated from the technology reinvestment fund created in section 8.57C to the following departments and agencies for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. DEPARTMENT OF ADMINISTRATIVE SERVICES

For technology improvement projects:

.....	\$	3,793,654
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2. DEPARTMENT OF CORRECTIONS

For costs associated with the Iowa corrections offender network data system:

.....	\$	500,000
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3. DEPARTMENT OF EDUCATION

a. For maintenance and lease costs associated with connections for Part III of the Iowa communications network:

.....	\$	2,727,000
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b. For the implementation of an educational data warehouse that will be utilized by teachers, parents, school district administrators, area education agency staff, department of education staff, and policymakers:

.....	\$	600,000
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The department may use a portion of the moneys appropriated in this lettered paragraph for an e-transcript data system capable of tracking students throughout their education via

interconnectivity with multiple schools.

4. DEPARTMENT OF PUBLIC HEALTH

For deposit in the county mental health, mental retardation, and developmental disabilities services fund created by section 331.424A in a county with a population over 350,000 for a community mental health center created under chapter 230A which serves only adults:

..... \$ 250,000

5. IOWA TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION

For replacement of equipment for the Iowa communications network:

..... \$ 2,244,956

The commission may continue to enter into contracts pursuant to section 8D.13 for the replacement of equipment and for operations and maintenance costs of the network.

In addition to moneys appropriated in this subsection, the commission may use a financing agreement entered into by the treasurer of state in accordance with section 12.28 for the replacement of equipment for the network. For purposes of this subsection, the treasurer of state is not subject to the maximum principal limitation contained in section 12.28, subsection 6.

6. Repayment of any amounts financed shall be made from receipts associated with fees charged for use of the network.

Sec. 5. REVERSION. For purposes of section 8.33, unless specifically provided otherwise, unencumbered or unobligated moneys made from an appropriation in this division of this Act shall not revert but shall remain available for expenditure for the purposes designated until the close of the fiscal year that ends three years after the end of the fiscal year for which the appropriation was made. However, if the project or projects for which such appropriation was made are completed in an earlier fiscal year, unencumbered or unobligated moneys shall revert at the close of that same fiscal year.

DIVISION III
REVENUE BONDS CAPITALS FUND — APPROPRIATIONS

Sec. 6. There is appropriated from the revenue bonds capitals fund created in section 12.88, to the following departments and agencies for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. DEPARTMENT OF ADMINISTRATIVE SERVICES

For projects related to major repairs and major maintenance for state buildings and facilities:

..... \$ 3,000,000

Moneys appropriated in this subsection shall not be used for purposes of the renovation of the Mercy capitol hospital building.

2. DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

a. To the soil conservation division of the department established in section 161A.4 to provide financial assistance for the establishment of permanent soil and water conservation practices:

..... \$ 1,000,000

b. Not more than 5 percent of the moneys appropriated in paragraph "a" may be allocated for cost sharing to abate complaints filed under section 161A.47.

c. Of the moneys appropriated in paragraph "a", 5 percent shall be allocated for financial incentives to establish practices to protect watersheds above publicly owned lakes of the state from soil erosion and sediment as provided in section 161A.73.

d. Not more than 30 percent of a soil and water conservation district's allocation of moneys as financial incentives may be provided for the purpose of establishing management practices to control soil erosion on land that is row cropped, including but not limited to no-till planting, ridge-till planting, contouring, and contour strip-cropping as provided in section 161A.73.

e. The state soil conservation committee created in section 161A.4 may allocate moneys appropriated in paragraph "a" to conduct research and demonstration projects to promote conservation tillage and nonpoint source pollution control practices.

f. The allocation of moneys as financial incentives as provided in section 161A.73 may be used in combination with moneys allocated by the department of natural resources.

g. Moneys appropriated in this subsection shall not be used for administrative or planning purposes.

3. DEPARTMENT OF CULTURAL AFFAIRS

For grants for Iowa great places program projects:

..... \$ 2,000,000

4. DEPARTMENT OF CORRECTIONS

a. For one-time costs associated with the opening of community-based corrections facilities including the purchase of equipment:

..... \$ 1,519,048

b. For use by a city with a population between 198,000 and 199,000 for a safety barrier to be constructed in the natural environment between the fifth judicial district facility and the blank park zoo:

..... \$ 1,000,000

c. For project management costs at Fort Madison and Mitchellville prisons associated with construction projects at the department:

..... \$ 2,200,000

5. DEPARTMENT OF ECONOMIC DEVELOPMENT

To the Des Moines area regional transit authority (DART) for construction of a regional transit hub for economic development purposes and for providing public transportation in a city with a population between 198,000 and 199,000 in the last preceding certified federal census:

..... \$ 4,000,000

6. DEPARTMENT OF NATURAL RESOURCES

For implementation of lake projects that have established watershed improvement initiatives and community support in accordance with the department's annual lake restoration plan and report:

..... \$ 7,000,000

Of the amount appropriated in this subsection, \$250,000 shall be allocated for dredging, reconstruction, and related improvements of twin ponds adjacent to a nature center in a county with a population between 13,050, and 13,100.

Of the amount appropriated in this subsection, \$2,000,000 shall be allocated for costs associated with dam construction; shoreline protection; boat ramp, parking, and road construction; and an in-lake fishing habitat development project for a new state recreation area on a lake located in a county with a population between 155,000 and 160,000.

Of the amount appropriated in this subsection, \$100,000 shall be allocated for lake dredging and related improvements including ongoing dam maintenance and operation on a lake with public access that has the support of a benefited lake district located in a county with a population between 18,350 and 18,450 in the last preceding federal census.

7. STATE BOARD OF REGENTS

For phase II of the construction and renovation of the veterinary medical facilities at Iowa state university of science and technology, specifically the renovation and modernization of the area formerly occupied by the large animal area of the teaching hospital for expanded clinical services:

..... \$ 13,000,000

8. IOWA STATE FAIR

For infrastructure improvements to the Iowa state fairgrounds including but not limited to the construction of an agricultural exhibition center on the Iowa state fairgrounds:

..... \$ 2,500,000

9. IOWA FINANCE AUTHORITY

For grants for purposes of the housing trust fund created in section 16.181:

..... \$ 2,000,000

Sec. 7. TAX-EXEMPT STATUS — USE OF APPROPRIATIONS.

1. Payment of moneys from the appropriations in this division of this Act shall be made in a manner that does not adversely affect the tax-exempt status of any outstanding bonds issued by the treasurer of state.

2. Payment of moneys from the appropriations in this division of this Act shall not be used for administrative or planning purposes.

Sec. 8. REVERSION. For purposes of section 8.33, unless specifically provided otherwise, unencumbered or unobligated moneys made from an appropriation in this division of this Act shall not revert but shall remain available for expenditure for the purposes designated until the close of the fiscal year that ends three years after the end of the fiscal year for which the appropriation was made. However, if the project or projects for which such appropriation was made are completed in an earlier fiscal year, unencumbered or unobligated moneys shall revert at the close of that same fiscal year.

DIVISION IV
REVENUE BONDS CAPITALS II FUND — APPROPRIATIONS

Sec. 9. NEW SECTION. **12.88A Revenue bonds capitals II fund.**

1. A revenue bonds capitals II fund is created and established as a separate and distinct fund in the state treasury. The treasurer of state shall act as custodian of the fund and disburse moneys contained in the fund.

2. Revenue for the revenue bonds capitals II fund shall include but is not limited to the following, which shall be deposited with the treasurer of state or the treasurer of state’s designee as provided by any bond or security documents and credited to the fund:

a. The net proceeds of bonds issued after April 1, 2010, pursuant to section 12.87 other than bonds issued for the purpose of refunding such bonds, and investment earnings on the net proceeds.

b. Interest attributable to investment of moneys in the fund or an account of the fund.

c. Moneys in the form of a devise, gift, bequest, donation, federal or other grant, reimbursement, repayment, judgment, transfer, payment, or appropriation from any source intended to be used for the purposes of the fund.

3. Moneys in the revenue bonds capitals II fund are not subject to section 8.33. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the fund shall be credited to the fund.

4. Annually, on or before January 15 of each year, a state agency that received an appropriation from the revenue bonds capitals II fund shall report to the legislative services agency and the department of management the status of all projects completed or in progress. The report shall include a description of the project, the work completed, the total estimated cost of the project, a list of all revenue sources being used to fund the project, the amount of funds expended, the amount of funds obligated, and the date the project was completed or an estimated completion date of the project, where applicable.

Sec. 10. There is appropriated from the revenue bonds capitals II fund created in section 12.88A to the following departments and agencies for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

a. To the soil conservation division of the department established in section 161A.4 to provide financial assistance for the establishment of permanent soil and water conservation practices:

..... \$ 5,950,000

(1) Not more than 5 percent of the moneys appropriated in this paragraph “a” may be allocated for cost sharing to abate complaints filed under section 161A.47.

(2) Of the moneys appropriated in this paragraph “a”, 5 percent shall be allocated for financial incentives to establish practices to protect watersheds above publicly owned lakes of the state from soil erosion and sediment as provided in section 161A.73.

(3) Not more than 30 percent of a soil and water conservation district’s allocation of moneys as financial incentives may be provided for the purpose of establishing management practices

to control soil erosion on land that is row cropped, including but not limited to no-till planting, ridge-till planting, contouring, and contour strip-cropping as provided in section 161A.73.

(4) The state soil conservation committee created in section 161A.4 may allocate moneys appropriated in paragraph “a” to conduct research and demonstration projects to promote conservation tillage and nonpoint source pollution control practices.

(5) The allocation of moneys as financial incentives as provided in section 161A.73 may be used in combination with moneys allocated by the department of natural resources.

(6) Moneys appropriated in this paragraph “a” shall not be used for administrative or planning purposes.

b. For grants under the conservation reserve enhancement program to improve water quality and intercept nitrates:

..... \$ 2,500,000

2. DEPARTMENT OF ECONOMIC DEVELOPMENT

a. For deposit into the community attraction and tourism fund created in section 15F.204:

..... \$ 12,000,000

b. For deposit into the river enhancement community attraction and tourism fund created in section 15F.205:

..... \$ 4,000,000

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

c. For accelerated career education program capital projects at community colleges that are authorized under chapter 260G and that meet the definition of vertical infrastructure in section 8.57, subsection 6, paragraph “c”:

..... \$ 5,500,000

d. For the main street Iowa program to be used as grants for projects that have previously applied for funding consideration, or have received partial funding for facade master plans to rehabilitate storefronts in main street Iowa districts, to complete streetscape projects where planning and the majority of funding is already secured, for unfunded main street challenge grant projects, and for other building rehabilitation projects that are currently on the department’s highest priority list:

..... \$ 8,450,000

Moneys appropriated in this lettered paragraph shall not be used for administration or planning purposes.

Of the amount appropriated in this lettered paragraph, \$300,000 shall be allocated to a city with a population between 25,100 and 25,200 in the last preceding certified federal census for a redevelopment project that includes improvements and modifications to streets and storm sewers in both the downtown and mall areas of the city.

e. To north Iowa area community college (merged area II) for the construction of a small business center for economic development:

..... \$ 1,500,000

f. To Kirkwood community college (merged area X) for the construction of a small business center for economic development:

..... \$ 1,200,000

3. DEPARTMENT OF EDUCATION

For major renovation and major repair needs, including health, life, and fire safety needs and for compliance with the federal Americans with Disabilities Act, for state buildings and facilities under the purview of the community colleges:

..... \$ 2,000,000

4. IOWA FINANCE AUTHORITY

a. To the Iowa jobs board created in section 16.191 for disaster relief and mitigation renovation and construction projects:

..... \$ 30,900,000

The moneys appropriated in this paragraph “a” shall be allocated as follows:

(1) To a county with a population between 189,000 and 196,000 in the last preceding certified federal census for the renovation and expansion of an administrative office building:

..... \$ 4,400,000

(2) To a city with a population between 120,500 and 120,800 in the last preceding certified federal census, for the following projects:

(a) For renovation of an existing public building to make the building useful for city department offices:

..... \$ 4,400,000

(b) For flood mitigation or renovation in and around an existing courthouse:

..... \$ 2,000,000

(3) To a city with a population between 198,000 and 199,000 in the last preceding certified federal census to be allocated as follows:

(a) For site acquisition, design, engineering, and construction of a fire training and logistics center:

..... \$ 3,000,000

(b) For land acquisition, design, and construction of sewers, structures, and pumping facilities necessary to separate and convey sewer flow within the riverpoint service area:

..... \$ 1,250,000

(c) For land acquisition, design, and construction of sewers, structures, and pumping facilities necessary to separate or convey sewer flow within the Court avenue service area:

..... \$ 3,050,000

(d) For bank stabilization, stream bed stabilization, and erosion control on highly erodible ground that is impacting utilities, road infrastructure, and water quality:

..... \$ 700,000

(e) To improve utilization of two of the wastewater reclamation authority’s existing equalization basins for the control of peak flows during wet weather events in the authority’s sewer system:

..... \$ 500,000

(4) For a publicly owned acute care teaching hospital located in a county with a population of over 350,000, for the construction and renovation of patient access and care facilities, equipment replacement and upgrades, and other infrastructure improvements:

..... \$ 1,000,000

(5) For a city with a population between 98,300 and 98,400 in the last preceding certified federal census, for flood protection, replacement, and construction improvements to a recreational sports facility:

..... \$ 1,050,000

(6) For a city with a population between 68,700 and 68,800 in the last preceding certified federal census, for a public works building that will allow the city to provide for disaster-related services:

..... \$ 5,000,000

(7) For a city with a population between 62,100 and 62,250 in the last preceding certified federal census, for the demolition, relocation, and reconstruction of a public wastewater treatment plant and the development of a public green space:

..... \$ 2,000,000

(8) For a city with a population between 2,545 and 2,555 in the last preceding certified federal census, for a streetscape project that reconstructs existing horizontal infrastructure and lighting systems utilizing sustainable development practices:

..... \$ 1,175,000

(9) For a city with a population between 2,200 and 2,220 in the last preceding certified federal census, for construction of a public city building:

..... \$ 475,000

(10) For a city with a population between 2,558 and 2,565 in the last preceding certified federal census, for the installation of backflow prevention devices for the city’s storm sewer system:

..... \$ 600,000

(11) For a city with a population between 6,875 and 6,890 in the last preceding certified federal census, for the construction of grade control structures and associated grading to mitigate future water damage to residential structures:

..... \$ 300,000

b. To the Iowa jobs board for a disaster prevention program created in section 16.194A for grants for cities and counties that apply smart planning principles and guidelines pursuant to sections 18B.1 and 18B.2, as enacted in this Act:

..... \$ 30,000,000

5. DEPARTMENT OF NATURAL RESOURCES

a. For state park infrastructure improvements:

..... \$ 5,000,000

Of the amount appropriated in this lettered paragraph, \$100,000 shall be allocated for the renovation of a clubhouse in a state park in a county with a population between 20,200 and 20,250 in the last preceding certified federal census.

b. For implementation of lake projects that have established watershed improvement initiatives and community support in accordance with the department’s annual lake restoration plan and report:

..... \$ 3,000,000

6. STATE BOARD OF REGENTS

a. For costs associated with the construction and establishment of the Iowa institute for biomedical discovery at the state university of Iowa:

..... \$ 10,000,000

b. For deposit into the alternate energy revolving loan fund created in section 476.46 to encourage the development of alternate energy production facilities and small hydro facilities, as defined in section 476.42, within the state:

..... \$ 5,000,000

Any award of loans to private individuals or organizations must be for the public purpose of encouraging the development of alternate energy production facilities and small hydro facilities within the state in order to conserve finite and expensive energy resources and to provide for their most efficient use. Funds from bond proceeds shall not be used for administration or planning purposes. These moneys, and any loan repayments, shall be maintained in separate accounts and shall only be used for these public purposes.

7. DEPARTMENT OF TRANSPORTATION

a. For grants for rail projects including wind energy rail port projects that provide assistance consistent with the purposes of section 327H.20A:

..... \$ 7,500,000

Grants awarded pursuant to this lettered paragraph shall meet all of the following selection criteria:

- (1) Be located in or adjacent to a rail industrial park.
- (2) Be a facility that serves multiple industrial clients with one rail infrastructure investment.
- (3) Accommodate building and loading a complete unit train in the rail port.
- (4) Have connection tracks with adequate clearances to transport large components.
- (5) Be located in an area with short unimpeded access for oversized wind components to a divided four-lane highway.

A grant awarded for a project under this lettered paragraph “a” shall not exceed more than forty percent of the appropriation in this lettered paragraph.

Priority in the awarding of grants shall be given to communities that have experienced exceptional economic setbacks. An additional preference shall be given to a county that has lost nine percent of its workforce to a permanent factory closing where the laid off workers are trade adjustment assistance eligible.

b. For the public transit infrastructure grant program in section 324A.6A:

..... \$ 2,000,000

c. For infrastructure improvements at the commercial air service airports within the state:

..... \$ 1,500,000

Fifty percent of the funds appropriated in this lettered paragraph shall be allocated equally between each commercial air service airport, forty percent of the funds shall be allocated based on the percentage that the number of enplaned passengers at each commercial air service airport bears to the total number of enplaned passengers in the state during the previous fiscal year, and ten percent of the funds shall be allocated based on the percentage that the air cargo tonnage at each commercial air service airport bears to the total air cargo

tonnage in the state during the previous fiscal year. In order for a commercial air service airport to receive funding under this lettered paragraph, the airport shall be required to submit applications for funding of specific projects to the department for approval by the state transportation commission.

d. For infrastructure projects relating to functionally obsolete and structurally deficient bridges:

..... \$ 10,000,000

8. TREASURER OF STATE

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

..... \$ 2,000,000

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

Sec. 11. TAX-EXEMPT STATUS — USE OF APPROPRIATIONS.

1. Payment of moneys from the appropriations in this division of this Act shall be made in a manner that does not adversely affect the tax-exempt status of any outstanding bonds issued by the treasurer of state.

2. Payment of moneys from the appropriations in this division of this Act shall not be used for administrative or planning purposes.

Sec. 12. REVERSION. For purposes of section 8.33, unless specifically provided otherwise, unencumbered or unobligated moneys made from an appropriation in this division of this Act shall not revert but shall remain available for expenditure for the purposes designated until the close of the fiscal year that ends three years after the end of the fiscal year for which the appropriation was made. However, if the project or projects for which such appropriation was made are completed in an earlier fiscal year, unencumbered or unobligated moneys shall revert at the close of that same fiscal year.

Sec. 13. EFFECTIVE UPON ENACTMENT. The section of this division of this Act enacting section 12.88A, being deemed of immediate importance, takes effect upon enactment.

DIVISION V
PRISON BONDING

Sec. 14. There is appropriated from the FY 2009 prison bonding fund created pursuant to section 12.79 to the department of corrections for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For costs associated with the building of a new Iowa State penitentiary at Fort Madison:

..... \$ 322,500

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

Sec. 15. REVERSION. For purposes of section 8.33, unless specifically provided otherwise, unencumbered or unobligated moneys made from an appropriation in this division of this Act shall not revert but shall remain available for expenditure for the purposes designated until the close of the fiscal year that ends three years after the end of the fiscal year for which the appropriation was made. However, if the project or projects for which such appropriation was made are completed in an earlier fiscal year, unencumbered or unobligated moneys shall revert at the close of that same fiscal year.

DIVISION VI
IOWA COMPREHENSIVE PETROLEUM UNDERGROUND STORAGE TANK FUND —
DEPARTMENT OF TRANSPORTATION

Sec. 16. There is appropriated from the Iowa comprehensive petroleum underground storage tank fund to the department of transportation for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

Notwithstanding section 455G.3, subsection 1, for deposit in the passenger rail service revolving fund created in section 327J.2:

..... \$ 2,000,000

Such funds shall be coupled with the remaining unobligated balance of up to one million five hundred thousand dollars from the appropriation made in 2009 Iowa Acts, chapter 184, section 1, subsection 12, paragraph “a”, for a total commitment of three million five hundred thousand dollars for the fiscal year beginning July 1, 2010, and ending June 30, 2011, for matching federal funding available through the Passenger Rail Investment and Improvement Act of 2008.

DIVISION VII
SMART PLANNING

Sec. 17. **NEW SECTION. 18B.1 Iowa smart planning principles.**

State agencies, local governments, and other public entities shall consider and may apply the following principles during deliberation of all appropriate planning, zoning, development, and resource management decisions, except that nothing in this section shall be construed to expand the eminent domain authority of a state agency, local government, or other public entity beyond that which is authorized under chapter 6A or 6B:

1. *Collaboration.* Governmental, community, and individual stakeholders, including those outside the jurisdiction of the entity, are encouraged to be involved and provide comment during deliberation of planning, zoning, development, and resource management decisions and during implementation of such decisions. The state agency, local government, or other public entity is encouraged to develop and implement a strategy to facilitate such participation.

2. *Efficiency, transparency, and consistency.* Planning, zoning, development, and resource management should be undertaken to provide efficient, transparent, and consistent outcomes. Individuals, communities, regions, and governmental entities should share in the responsibility to promote the equitable distribution of development benefits and costs.

3. *Clean, renewable, and efficient energy.* Planning, zoning, development, and resource management should be undertaken to promote clean and renewable energy use and increased energy efficiency.

4. *Occupational diversity.* Planning, zoning, development, and resource management should promote increased diversity of employment and business opportunities, promote access to education and training, expand entrepreneurial opportunities, and promote the establishment of businesses in locations near existing housing, infrastructure, and transportation.

5. *Revitalization.* Planning, zoning, development, and resource management should facilitate the revitalization of established town centers and neighborhoods by promoting development that conserves land, protects historic resources, promotes pedestrian accessibility, and integrates different uses of property. Remediation and reuse of existing sites, structures, and infrastructure is preferred over new construction in undeveloped areas.

6. *Housing diversity.* Planning, zoning, development, and resource management should encourage diversity in the types of available housing, support the rehabilitation of existing housing, and promote the location of housing near public transportation and employment centers.

7. *Community character.* Planning, zoning, development, and resource management should promote activities and development that are consistent with the character and

architectural style of the community and should respond to local values regarding the physical character of the community.

8. *Natural resources and agricultural protection.*

Planning, zoning, development, and resource management should emphasize protection, preservation, and restoration of natural resources, agricultural land, and cultural and historic landscapes, and should increase the availability of open spaces and recreational facilities.

9. *Sustainable design.* Planning, zoning, development, and resource management should promote developments, buildings, and infrastructure that utilize sustainable design and construction standards and conserve natural resources by reducing waste and pollution through efficient use of land, energy, water, air, and materials.

10. *Transportation diversity.* Planning, zoning, development, and resource management should promote expanded transportation options for residents of the community. Consideration should be given to transportation options that maximize mobility, reduce congestion, conserve fuel, and improve air quality.

Sec. 18. NEW SECTION. **18B.2 Local comprehensive planning and development guidelines.**

1. For the purposes of this chapter, unless the context otherwise requires:

a. (1) “*Development*” means any of the following:

(a) Construction, reconstruction, renovation, mining, extraction, dredging, filling, excavation, or drilling activity or operation.

(b) Man-made changes in the use or appearance of any structure or in the land itself.

(c) The division or subdivision of land.

(d) Any change in the intensity of use or the use of land.

(2) “*Development*” does not include any of the following:

(a) Activities on or uses of agricultural land, farm houses, or agricultural buildings or structures, unless such buildings or structures are located in the flood plain of a river or stream.

(b) Installation, operation, and maintenance of soil and water conservation practices.

(c) The choice of crops or a change in the choice of crops on agricultural land.

b. “*Land development regulations*” means zoning, subdivision, site plan, corridor map, floodplain or storm water ordinances, rules, or regulations, or other governmental controls that affect the use of property.

c. “*Municipality*” means a city or a county.

2. A municipality shall consider the smart planning principles under section 18B.1 and may include the following information, if applicable, when developing or amending a comprehensive plan under chapter 335 or chapter 414 or when developing or amending other local land development regulations:

a. Information relating to public participation during the creation of the comprehensive plan or land development regulations, including documentation of the public participation process, a compilation of objectives, policies, and goals identified in the public comment received, and identification of the groups or individuals comprising any work groups or committees that were created to assist the planning and zoning commission or other appropriate decision-making body of the municipality.

b. Information relating to the primary characteristics of the municipality and a description of how each of those characteristics impacts future development of the municipality. Such information may include historical information about the municipality, the municipality’s geography, natural resources, natural hazards, population, demographics, types of employers and industry, labor force, political and community institutions, housing, transportation, educational resources, and cultural and recreational resources. The comprehensive plan or land development regulations may also identify characteristics and community aesthetics that are important to future development of the municipality.

c. Objectives, information, and programs that identify current land uses within the municipality and that guide the future development and redevelopment of property, consistent with the municipality’s characteristics identified under paragraph “b”. The comprehensive plan or land development regulations may include information on the amount, type, intensity, and density of existing land use, trends in the market price of land

used for specific purposes, and plans for future land use throughout the municipality. The comprehensive plan or land development regulations may identify and include information on property that has the possibility for redevelopment, a map of existing and potential land use and land use conflicts, information and maps relating to the current and future provision of utilities within the municipality, information and maps that identify the current and future boundaries for areas reserved for soil conservation, water supply conservation, flood control, and surface water drainage and removal. Information provided under this paragraph may also include an analysis of the current and potential impacts on local watersheds and air quality.

d. Objectives, policies, and programs to further the vitality and character of established residential neighborhoods and new residential neighborhoods and plans to ensure an adequate housing supply that meets both the existing and forecasted housing demand. The comprehensive plan or land development regulations may include an inventory and analysis of the local housing stock and may include specific information such as age, condition, type, market value, occupancy, and historical characteristics of all the housing within the municipality. The comprehensive plan or land development regulations may identify specific policies and programs that promote the development of new housing and maintenance or rehabilitation of existing housing and that provide a range of housing choices that meet the needs of the residents of the municipality.

e. Objectives, policies, and programs to guide future development of sanitary sewer service, storm water management, water supply, solid waste disposal, wastewater treatment technologies, recycling facilities, and telecommunications facilities. The comprehensive plan or land development regulations may include estimates regarding future demand for such utility services.

f. Objectives, policies, and programs to guide the future development of a safe, convenient, efficient, and economical transportation system. Plans for such a transportation system may be coordinated with state and regional transportation plans and take into consideration the need for diverse modes of transportation, accessibility, improved air quality, and interconnectivity of the various modes of transportation.

g. Objectives, policies, and programs to promote the stabilization, retention, or expansion of economic development and employment opportunities. The comprehensive plan or land development regulations may include an analysis of current industries and economic activity and identify economic growth goals for the municipality. The comprehensive plan or land development regulations may also identify locations for future brownfield or grayfield development.

h. Objectives, policies, and programs addressing preservation and protection of agricultural and natural resources.

i. Objectives, policies, and programs to assist future development of educational facilities, cemeteries, health care facilities, child care facilities, law enforcement and fire protection facilities, libraries, and other governmental facilities that are necessary or desirable to meet the projected needs of the municipality.

j. Objectives, policies, and programs to identify characteristics and qualities that make the municipality unique and that are important to the municipality's heritage and quality of life.

k. Objectives, policies, and programs that identify the natural and other hazards that have the greatest likelihood of impacting the municipality or that pose a risk of catastrophic damage as such hazards relate to land use and development decisions, as well as the steps necessary to mitigate risk after considering the local hazard mitigation plan approved by the federal emergency management agency.

l. Objectives, policies, and programs for joint planning and joint decision making with other municipalities or governmental entities, including school districts and drainage districts, for siting and constructing public facilities and sharing public services. The comprehensive plan or land development regulations may identify existing or potential conflicts between the municipality and other local governments related to future development of the municipality and may include recommendations for resolving such conflicts. The comprehensive plan or land development regulations may also identify opportunities to collaborate and partner with neighboring jurisdictions and other entities in the region for projects of mutual interest.

m. A compilation of programs and specific actions necessary to implement any provision of the comprehensive plan, including changes to any applicable land development regulations, official maps, or subdivision ordinances.

3. A municipality's comprehensive plan developed using the guidelines under this section shall address prevention and mitigation of, response to, and recovery from a catastrophic flood.

Sec. 19. Section 28I.4, Code 2009, is amended to read as follows:

28I.4 Powers and duties.

1. The commission shall have the power and duty to make comprehensive studies and plans for the development of the area it serves which will guide the unified development of the area and which will eliminate planning duplication and promote economy and efficiency in the ~~co-ordinated~~ coordinated development of the area and the general welfare, convenience, safety, and prosperity of its people. The plan or plans collectively shall be known as the regional or metropolitan development plan. The plans for the development of the area may include, but shall not be limited to, recommendations with respect to existing and proposed highways, bridges, airports, streets, parks and recreational areas, schools and public institutions and public utilities, public open spaces, and sites for public buildings and structures; districts for residence, business, industry, recreation, agriculture, and forestry; water supply, sanitation, drainage, protection against floods and other disasters; areas for housing developments, slum clearance and urban renewal and redevelopment; location of private and public utilities, including but not limited to sewerage and water supply systems; and such other recommendations concerning current and impending problems as may affect the area served by the commission. Time and priority schedules and cost estimates for the accomplishment of the recommendations may also be included in the plans. The plans shall be made with consideration of the smart planning principles under section 18B.1. The plans shall be based upon and include appropriate studies of the location and extent of present and anticipated populations; social, physical, and economic resources, problems and trends; and governmental conditions and trends. The commission is also authorized to make surveys, land-use studies, and urban renewal plans, provide technical services and other planning work for the area it serves and for cities, counties, and other political subdivisions in the area. A plan or plans of the commission may be adopted, added to, and changed from time to time by a majority vote of the planning commission. The plan or plans may in whole or in part be adopted by the governing bodies of the ~~co-operating~~ cooperating cities and counties as the general plans of such cities and counties. The commission may also assist the governing bodies and other public authorities or agencies within the area it serves in carrying out any regional plan or plans, and assist any planning commission, board or agency of the cities and counties and political subdivisions in the preparation or effectuation of local plans and planning consistent with the program of the commission. The commission may ~~co-operate~~ cooperate and confer, as far as possible, with planning agencies of other states or of regional groups of states adjoining its area.

2. A planning commission formed under the provisions of this chapter shall, upon designation as such by the governor, serve as a district, regional, or metropolitan agency for comprehensive planning for its area for the purpose of carrying out the functions as defined for such an agency by federal, state, and local laws and regulations.

Sec. 20. Section 329.3, Code 2009, is amended to read as follows:

329.3 Zoning regulations — powers granted.

Every municipality having an airport hazard area within its territorial limits may adopt, administer, and enforce in the manner and upon the conditions prescribed by this chapter, zoning regulations for such airport hazard area, which regulations may divide such area into zones and, within such zones, specify the land uses permitted, and regulate and restrict, for the purpose of preventing airport hazards, the height to which structures and trees may be erected or permitted to grow. Regulations adopted under this chapter shall be made with consideration of the smart planning principles under section 18B.1.

Sec. 21. Section 335.5, Code 2009, is amended to read as follows:

335.5 Objectives.

1. The regulations shall be made in accordance with a comprehensive plan and designed to preserve the availability of agricultural land; to consider the protection of soil from wind and water erosion; to encourage efficient urban development patterns; to lessen congestion in the street or highway; to secure safety from fire, flood, panic, and other dangers; to protect health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to promote the conservation of energy resources; to promote reasonable access to solar energy; and to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements. However, provisions of this section relating to the objectives of energy conservation and access to solar energy shall not be construed as voiding any zoning regulation existing on July 1, 1981, or to require zoning in a county that did not have zoning prior to July 1, 1981.

2. Such The regulations shall be made with reasonable consideration, among other things, as to the character of the area of the district and the peculiar suitability of such area for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout such county.

3. The regulations and comprehensive plan shall be made with consideration of the smart planning principles under section 18B.1 and may include the information specified in section 18B.2, subsection 2.

4. a. A comprehensive plan recommended for adoption by the zoning commission established under section 335.8, may be adopted by the board of supervisors. The board of supervisors may amend a proposed comprehensive plan prior to adoption. The board of supervisors shall publish notice of the meeting at which the comprehensive plan will be considered for adoption. The notice shall be published as provided in section 331.305.

b. Following its adoption, copies of the comprehensive plan shall be sent or made available to neighboring counties, cities within the county, the council of governments or regional planning commission where the county is located, and public libraries within the county.

c. Following its adoption, a comprehensive plan may be amended by the board of supervisors at any time.

Sec. 22. Section 335.8, Code 2009, is amended to read as follows:

335.8 Commission appointed.

1. In order to avail itself of the powers conferred by this chapter, the board of supervisors shall appoint a commission, a majority of whose members shall reside within the county but outside the corporate limits of any city, to be known as the county zoning commission, to recommend the boundaries of the various original districts, and appropriate regulations and restrictions to be enforced therein. Such commission shall, with due diligence, prepare a preliminary report and hold public hearings thereon before submitting its final report; and the board of supervisors shall not hold its public hearings or take action until it has received the final report of such commission. After the adoption of such regulations, restrictions, and boundaries of districts, the zoning commission may, from time to time, recommend to the board of supervisors amendments, supplements, changes or modifications.

2. The zoning commission may recommend to the board of supervisors for adoption a comprehensive plan pursuant to section 335.5, or amendments thereto.

3. The zoning commission, with the approval of the board of supervisors, may contract with professional consultants, regional planning commissions, the Iowa department of economic development, or the federal government, for local planning assistance.

Sec. 23. Section 414.3, Code 2009, is amended to read as follows:

414.3 Basis of regulations.

1. The regulations shall be made in accordance with a comprehensive plan and designed to preserve the availability of agricultural land; to consider the protection of soil from wind and water erosion; to encourage efficient urban development patterns; to lessen congestion in the street; to secure safety from fire, flood, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to

avoid undue concentration of population; to promote the conservation of energy resources; to promote reasonable access to solar energy; and to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements. However, provisions of this section relating to the objectives of energy conservation and access to solar energy do not void any zoning regulation existing on July 1, 1981, or require zoning in a city that did not have zoning prior to July 1, 1981.

2. Such The regulations shall be made with reasonable consideration, among other things, as to the character of the area of the district and the peculiar suitability of such area for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout such city.

3. The regulations and comprehensive plan shall be made with consideration of the smart planning principles under section 18B.1 and may include the information specified in section 18B.2, subsection 2.

4. a. A comprehensive plan recommended for adoption by the zoning commission established under section 414.6, may be adopted by the council. The council may amend the proposed comprehensive plan prior to adoption. The council shall publish notice of the meeting at which the comprehensive plan will be considered for adoption. The notice shall be published as provided in section 362.3.

b. Following its adoption, copies of the comprehensive plan shall be sent or made available to the county in which the city is located, neighboring counties and cities, the council of governments or regional planning commission where the city is located, and public libraries within the city.

c. Following its adoption, a comprehensive plan may be amended by the council at any time.

Sec. 24. Section 414.6, Code 2009, is amended to read as follows:

414.6 Zoning commission.

1. In order to avail itself of the powers conferred by this chapter, the council shall appoint a commission, to be known as the zoning commission, to recommend the boundaries of the various original districts, and appropriate regulations and restrictions to be enforced therein. Where a city plan commission already exists, it may be appointed as the zoning commission. Such commission shall, with due diligence, prepare a preliminary report and hold public hearings thereon before submitting its final report; and such council shall not hold its public hearings or take action until it has received the final report of such commission. After the adoption of such regulations, restrictions, and boundaries of districts, the zoning commission may, from time to time, recommend to the council amendments, supplements, changes, or modifications.

2. The zoning commission may recommend to the council for adoption a comprehensive plan pursuant to section 414.3, or amendments thereto.

Sec. 25. IOWA SMART PLANNING TASK FORCE.

1. An Iowa smart planning task force is established consisting of twenty-nine voting members and four ex officio, nonvoting members.

2. Members of the task force shall consist of all of the following:

a. Fourteen state agency director or administrator members consisting of all of the following:

- (1) The director of the department on aging or the director's designee.
- (2) The director of the department of economic development or the director's designee.
- (3) The secretary of agriculture and land stewardship or the secretary's designee.
- (4) The director of the department of cultural affairs or the director's designee.
- (5) The director of the department of public health or the director's designee.
- (6) The director of the department of management or the director's designee.
- (7) The director of the department of natural resources or the director's designee.
- (8) The director of the department of workforce development or the director's designee.
- (9) The director of the office of energy independence or the director's designee.
- (10) The director of the department of transportation or the director's designee.

(11) The administrator of the homeland security and emergency management division of the department of public defense or the administrator's designee.

(12) The director of the rebuild Iowa office or the director's designee.

(13) The state building code commissioner or the commissioner's designee.

(14) The chairperson of the utilities board within the utilities division of the department of commerce or the chairperson's designee.

b. Chairperson of the department of community and regional planning at Iowa state university or the chairperson's designee.

c. Director of the urban and regional planning program at the university of Iowa or the director's designee.

d. Director of the institute for decision making at the university of northern Iowa or the director's designee.

e. President of the Iowa chapter of the American planning association or the president's designee.

f. Executive director of the Iowa association of regional councils or the executive director's designee.

g. President of the Iowa chapter of the American institute of architects or the president's designee.

h. Executive director of the Iowa league of cities or the executive director's designee.

i. Executive director of the Iowa state association of counties or the executive director's designee.

j. President of the executive committee of the school administrators of Iowa or the president's designee.

k. A representative appointed by the governor from a city having a population of five thousand or less according to the 2000 certified federal census.

l. A representative appointed by the governor from a city having a population of more than five thousand and less than twenty-five thousand according to the 2000 certified federal census.

m. A representative appointed by the governor from a city having a population of twenty-five thousand or more according to the 2000 certified federal census.

n. A representative appointed by the governor from a county having a population of ten thousand or less according to the 2000 certified federal census.

o. A representative appointed by the governor from a county having a population of more than ten thousand and less than fifty thousand according to the 2000 certified federal census.

p. A representative appointed by the governor from a county having a population of fifty thousand or more according to the 2000 certified federal census.

3. The task force shall include four members of the general assembly serving as ex officio, nonvoting members, with not more than one member from each chamber being from the same political party. The two senators shall be appointed one each by the majority leader of the senate after consultation with the president of the senate, and by the minority leader of the senate. The two representatives shall be appointed one each by the speaker of the house of representatives after consultation with the majority leader of the house of representatives, and by the minority leader of the house of representatives.

4. The task force may establish committees and subcommittees comprised of members of the task force.

5. Members of the task force designated in subsection 2, paragraphs "k" through "p" shall serve at the pleasure of the governor. For the members of the task force designated in subsection 2, paragraphs "k" through "p", at least one member shall have experience in real estate, at least one member shall have experience in land development, and at least one member shall have experience in residential construction.

6. A vacancy on the task force shall be filled in the same manner as the original appointment.

7. a. A majority of the members of the task force constitutes a quorum. Any action taken by the task force must be adopted by the affirmative vote of a majority of its membership. A task force member's designee may vote on task force matters in the absence of the member.

b. The task force shall elect a chairperson and vice chairperson from the membership of the task force.

c. The task force shall meet at least four times before November 15, 2010. Meetings of the task force may be called by the chairperson or by a majority of the members. However, the first meeting of the task force shall be called by the governor.

d. Members of the task force shall not be compensated for meeting participation or reimbursed for costs associated with meeting attendance. A legislative member is not eligible for per diem and expenses as provided in section 2.10.

8. The director of the department of management, or the director's designee, shall provide staff assistance and administrative support to the task force. The task force may request information or other assistance from the Iowa association of regional councils.

9. The director of the department of management, or the director's designee, shall seek funding to support municipal comprehensive planning in this state.

10. The task force shall comply with the requirements of chapters 21 and 22. The department of management shall be the official repository of task force records.

11. The duties of the task force shall include but are not limited to the following:

a. Consult land use experts, representatives of cities and counties, agricultural and environmental interests, urban and regional planning experts, reports or information from the local government innovation commission, and all other information deemed relevant by task force members.

b. Solicit information from the general public on matters related to comprehensive planning.

c. Evaluate state policies, programs, statutes, and rules to determine whether any state policies, programs, statutes, or rules should be revised to integrate the Iowa smart planning principles under section 18B.1.

d. Develop statewide goals for comprehensive planning that utilize the Iowa smart planning principles under section 18B.1, and develop recommendations for a process to measure progress toward achieving those goals.

e. Evaluate and develop incentives to conduct local and regional comprehensive planning, including but not limited to state financial and technical assistance.

f. Develop a model for regional comprehensive planning within the state and recommend partnerships between state agencies, local governments, educational institutions, and research facilities.

g. Review municipal comprehensive plans to determine the number of such plans that address the hazards identified in section 18B.2, subsection 2, paragraph "k", and the adequacy of such plans in addressing those hazards.

h. Develop a set of recommendations that is consistent with the Iowa smart planning principles under section 18B.1 and that does all of the following:

(1) Coordinates, facilitates, and centralizes the exchange of information related to state and local planning, zoning, and development between state agencies and the general assembly.

(2) Coordinates discussions concerning a proposed geographic information system between the producers and the users of such systems.

(3) Allows the efficient production and dissemination of population and other demographic statistical forecasts.

(4) Creates a centralized electronic storage location for all comprehensive plans adopted under chapter 335 or chapter 414.

(5) Facilitates the cooperation of state and local governments with comprehensive planning, educational, and research programs.

(6) Provides and administers technical and financial assistance for state and local comprehensive planning.

(7) Provides information to local governments relating to state and federal resources and other resources for comprehensive planning.

12. The task force shall prepare a report that includes goals, recommendations, and other information described in subsection 11, to the governor and the general assembly on or before November 15, 2010.

13. The task force is dissolved on December 31, 2012.

DIVISION VIII
GROW IOWA VALUES FUND

Sec. 26. There is appropriated from the rebuild Iowa infrastructure fund to the department of economic development for deposit in the grow Iowa values fund, for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, notwithstanding section 8.57, subsection 6, paragraph “c”:

..... \$ 38,000,000

Sec. 27. GROW IOWA VALUES FUND APPROPRIATION REDUCTION. In lieu of the \$50,000,000 appropriated for the fiscal year beginning July 1, 2010, and ending June 30, 2011, from the grow Iowa values fund to the department of economic development pursuant to section 15G.111, subsection 3, there is appropriated from the grow Iowa values fund to the department of economic development for the fiscal year beginning July 1, 2010, and ending June 30, 2011, \$38,000,000 for the purposes of making expenditures pursuant to chapter 15G.

Sec. 28. GROW IOWA VALUES FUND ALLOCATIONS. In lieu of the amounts allocated pursuant to section 15G.111, subsections 4 through 10, for the fiscal year beginning July 1, 2010, and ending June 30, 2011, of the \$38,000,000 appropriated to the department of economic development pursuant to this division of this Act, the department shall allocate the following amounts for the following purposes as described in section 15G.111, subsections 4 through 10:

- 1. For departmental purposes, \$21,363,600.
- 2. For the state board of regents institutions, \$3,800,000.
- 3. For state parks, \$760,000.
- 4. For deposit in the Iowa cultural trust fund, \$760,000.
- 5. For community colleges, \$5,320,000.
- 6. For regional financial assistance, \$760,000.

Of the moneys allocated pursuant to this subsection and in lieu of the three hundred fifty thousand dollars transferred under section 15G.111, subsection 9, paragraph “a”, the department shall transfer two hundred sixty-six thousand dollars to Iowa state university of science and technology, for purposes of providing financial assistance to establish small business development centers.

- 7. For commercialization services, \$4,389,000.
- 8. For targeted small business, \$847,400.

Sec. 29. Section 15.247, subsection 3, Code Supplement 2009, is amended to read as follows:

3. a. All moneys designated for the targeted small business financial assistance program shall be credited to the program account. The department shall determine the actuarially sound reserve requirement for the amount of guaranteed loans outstanding.

b. Of the moneys credited to the program account, the department may allocate an amount necessary for marketing and compliance and an amount for the provision of the mentoring services required under subsection 7.

Sec. 30. Section 15G.110, Code Supplement 2009, is amended to read as follows:

15G.110 Appropriation.

1. For the fiscal period beginning July 1, 2005, and ending June 30, 2008, and for the fiscal period beginning July 1, 2010 ~~2011~~, and ending June 30, 2015, there is appropriated to the department of economic development each fiscal year fifty million dollars from the general fund of the state for deposit in the grow Iowa values fund.

2. For the fiscal period beginning July 1, 2008, and ending June 30, ~~2010~~ 2011, there is appropriated to the department of economic development each fiscal year fifty million dollars from the rebuild Iowa infrastructure fund for deposit in the grow Iowa values fund, notwithstanding section 8.57, subsection 6, paragraph “c”.

Sec. 31. Section 15G.111, subsection 2, paragraph b, Code Supplement 2009, is amended to read as follows:

b. Moneys credited to the fund are not subject to section 8.33. Notwithstanding section 12C.7, interest or earnings on moneys in the fund shall be credited to the fund. Interest or earnings on moneys in the fund are appropriated to the department. Of the moneys appropriated to the department pursuant to this paragraph, the department shall make the following allocations:

(1) For each fiscal year of the fiscal period beginning July 1, 2010, and ending June 30, 2013, the department shall allocate not more than one hundred seventy-five thousand dollars for purposes of providing financial assistance to Iowa's councils of governments.

(2) For each fiscal year of the fiscal period beginning July 1, 2010, and ending June 30, 2013, the department shall allocate not more than two hundred thousand dollars for purposes of providing support and administrative assistance to the vision Iowa board, the community attraction and tourism program, and river enhancement community attraction and tourism projects.

(3) For each fiscal year of the fiscal period beginning July 1, 2010, and ending June 30, 2013, the department shall allocate the remaining amount of interest or earnings on moneys in the fund for purposes of providing financial assistance under the disaster recovery component of the grow Iowa values financial assistance program. All moneys allocated pursuant to this subparagraph that remain unexpended or unobligated at the end of the fiscal year beginning July 1, 2012, shall revert and be credited to the fund.

Sec. 32. Section 15G.111, subsection 4, unnumbered paragraph 1, Code Supplement 2009, is amended to read as follows:

Of the moneys appropriated to the department pursuant to subsection 3, the department shall allocate ~~thirty-two~~ twenty-eight million five hundred thousand dollars each fiscal year as follows:

Sec. 33. Section 15G.111, subsection 10, Code Supplement 2009, is amended to read as follows:

10. ~~Commercialization~~ Innovation and commercialization services. Of the moneys appropriated to the department pursuant to subsection 3, the department shall allocate ~~three~~ five million five hundred thousand dollars for deposit in the innovation and commercialization development fund created in section 15.412.

Sec. 34. Section 15G.111, Code Supplement 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 11. *Targeted small businesses*. Of the moneys appropriated to the department pursuant to subsection 3, the department shall allocate one million dollars for deposit in the targeted small business financial assistance program account established pursuant to section 15.247 within the strategic investment fund created in section 15.313.

DIVISION IX SMALL BUSINESS LINKED INVESTMENTS

Sec. 35. Section 12.43, subsection 5, unnumbered paragraph 1, Code 2009, is amended to read as follows:

In order to qualify under this program, all owners of the business or borrowers must not have a combined net worth exceeding ~~seven~~ nine hundred fifty ~~seventy-five~~ thousand dollars as defined in rules adopted by the treasurer of state pursuant to chapter 17A and the small business must meet all of the following criteria:

DIVISION X SITE DEVELOPMENT

Sec. 36. Section 15E.18, Code 2009, is amended by striking the section and inserting in lieu thereof the following:

15E.18 Site development consultations — certificates of readiness.

1. a. The department shall consult with local governments and local economic development officials in regard to site development techniques. For purposes of this section, "site development techniques" include environmental evaluations, property and wetland delineation, and historical evaluations.

b. The department may charge a fee for providing site development consultations. The fee shall not exceed the reasonable cost to the department of providing the consultations. The amount of any fees collected by the department shall be deposited in the general fund of the state.

2. a. A local government or local economic development official involved with the development of a site may apply to the department for a certificate of readiness verifying that the site is ready for development.

b. The department shall develop criteria for evaluating various types of sites in order to determine whether a particular site is ready for development based on the site's individual circumstances and the economic development goals of the applicant.

c. The department shall review applications for certificates of readiness and may issue a certificate of readiness to any site that meets the criteria developed under paragraph "b".

3. The department shall adopt rules pursuant to chapter 17A for the implementation of this section.

Sec. 37. SITE DEVELOPMENT CONSULTATIONS APPROPRIATION.

There is appropriated from the school infrastructure fund created in section 12.82 to the department of economic development for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For providing site development consultations pursuant to section 15E.18, including salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	175,000
.....	FTEs	1.00

Of the moneys appropriated to the department pursuant to this section, the department may allocate up to \$75,000 for purposes of contracting with third parties to provide site development consultations.

DIVISION XI
INTERNET SITE FOR BUSINESS
ASSISTANCE

Sec. 38. BUSINESS ASSISTANCE INTERNET SITE.

1. The department of economic development, in consultation with other state agencies that provide financial and technical assistance to small businesses and with the state board of regents, shall create a business assistance internet site designed to assist small businesses in finding information related to the various kinds of technical and financial assistance available from the state of Iowa. The department may incorporate the internet site into its existing internet site as appropriate.

2. The internet site shall include links to the various internet sites maintained by other state agencies or the state board of regents that pertain to assistance for small businesses. The other state agencies and the board of regents shall assist the department of economic development in an effort to keep the information on the internet site up-to-date. The department of administrative services shall work with the department of economic development to ensure that the internet site is readily accessible to the public.

Sec. 39. BUSINESS ASSISTANCE INTERNET SITE APPROPRIATION.

There is appropriated from the school infrastructure fund created in section 12.82 to the department of economic development for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

.....	\$	20,000
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DIVISION XII
REGULATORY ASSISTANCE INTERIM
STUDY COMMITTEE

Sec. 40. REGULATORY ASSISTANCE INTERIM STUDY COMMITTEE.

1. The legislative council is requested to establish an interim study committee to examine and make recommendations regarding methods of assisting small businesses that do not require direct financial incentives and regarding potential changes of law that would improve business licensing, regulatory compliance, and tax collection procedures.

2. The study committee shall be composed of five members of the house of representatives, five members of the senate, and five members of the general public who are also small business owners. Of the members of the senate, three members shall be appointed by the majority leader of the senate and two shall be appointed by the minority leader of the senate. Of the members of the house of representatives, three members shall be appointed by the speaker of the house of representatives, and two shall be appointed by the minority leader of the house of representatives.

3. a. The study committee shall work with the department of economic development, the department of inspections and appeals, the insurance division of the department of commerce, the department of natural resources, the professional licensing and regulation bureau of the banking division of the department of commerce, the department of public health, the department of public safety, the department of revenue, the secretary of state, and the department of workforce development to study ways to improve the state's business licensing procedures.

b. In preparation for assisting with the interim study committee, a state agency listed in this subsection shall conduct an internal review to identify and prioritize its procedures as they pertain to businesses and business licensing.

c. A state agency listed in this subsection shall provide all necessary assistance to the interim study committee in making recommendations to the general assembly.

4. The interim study committee shall submit its recommendations to the general assembly on or before January 14, 2011.

DIVISION XIII
SAVE OUR SMALL BUSINESSES FUND
AND PROGRAM

Sec. 41. NEW SECTION. **15.300 Findings and intent.**

1. The general assembly finds all of the following:

a. That entrepreneurs and small businesses often have difficulty obtaining conventional loan financing, limiting their ability to expand, retain, and create additional jobs.

b. That a source of capital provided by the state could greatly assist entrepreneurs and small businesses in their efforts to upgrade or modernize equipment, realize additional efficiencies in their supply chains, improve their distribution and transportation margins, reduce facility costs through increased energy efficiency, and leverage other sources of business financing.

2. The purpose of the save our small businesses fund created in section 15.301 is to promote the creation and retention of jobs in the state's economy and to assist businesses to be more competitive by addressing the needs identified in subsection 1.

Sec. 42. NEW SECTION. **15.301 Save our small businesses fund and program.**

1. a. A save our small businesses fund is created in the state treasury under the control of the department and consisting of any moneys appropriated to the fund by the general assembly and any other moneys available and obtained or accepted by the department for placement in the fund.

b. Payments of interest, repayments of moneys loaned pursuant to this section, and recaptures of loans shall be deposited in the fund. The fund shall be used to provide financial assistance in the form of low-interest loans as provided under the program created in this section.

c. (1) If, on March 31, 2011, there are unobligated moneys in the fund, such unobligated moneys shall revert to the general fund of the state.

(2) For each quarter, beginning with the first quarter after the reversion of moneys pursuant to subparagraph (1) and ending with the last quarter prior to the reversion of moneys pursuant to subparagraph (3), the department shall, on the last day of the quarter transfer to the general fund of the state the balance of unencumbered moneys in the fund.

(3) On March 31, 2016, all moneys in the fund shall revert to the general fund of the state.

2. a. The department shall establish and administer a program for purposes of providing financial assistance to eligible small businesses. For purposes of this section, “*financial assistance*” means loans at an interest rate not to exceed three and nine-tenths percent per annum and “*eligible small business*” means a small business meeting the requirements of subsection 3.

b. (1) The department may designate an organization to administer the provisions of this section on the department’s behalf.

(2) In order to be designated, an organization must be a nonprofit organization exempt from taxation under section 501(c)(3) of the Internal Revenue Code and must be designated by the United States small business administration as a statewide microloan program provider.

(3) If the department elects to designate an organization pursuant to subparagraph (1), the department shall enter into an agreement with the organization for purposes of ensuring that the program is administered pursuant to the requirements of this section.

(4) An organization designated pursuant to subparagraph (1) may accept, evaluate, and approve applications for financial assistance from eligible small businesses pursuant to the requirements of this section and may monitor the compliance of eligible businesses with the terms of an agreement entered into with the department.

(5) All disbursements of moneys to recipients of financial assistance approved by an organization designated pursuant to subparagraph (1) shall be made by the department.

(6) All repayments of principal and interest on financial assistance provided under the program shall be remitted to the department and deposited in the fund.

(7) The department, with the assistance of an organization designated pursuant to subparagraph (1), may seek the recapture of financial assistance provided pursuant to this section as provided in subsection 4.

c. Financial assistance under the program shall be provided from the fund created in subsection 1.

d. Financial assistance to a small business shall be at least two thousand five hundred dollars, but shall not exceed fifty thousand dollars.

e. The department, under the terms of an agreement with the organization designated pursuant to paragraph “b”, shall begin to provide financial assistance from the fund not later than August 1, 2010, and shall to the extent practicable obligate all available moneys in the fund prior to March 31, 2011.

f. A loan made to a small business under the program may be for any period of time, but the terms of such loan shall provide for the repayment of principal and interest prior to the date the moneys in the fund revert pursuant to subsection 1, paragraph “c”, subparagraph (3).

3. A business is eligible to apply for financial assistance under the program if the business meets all of the following criteria at the time of application:

a. The business has thirty-five or fewer full-time equivalent employees.

b. The business is located in Iowa.

c. The business is owned, operated, and actively managed by a resident of Iowa.

d. The business has a business plan and has received assistance in the development stage or the expansion stage from a small business development center or from a qualified public or nonprofit small business consultant as defined by the department.

e. If a business has been a going concern for two years or more, the business has not been found to be in violation of any environmental or worker safety laws, rules, or regulations.

f. The business only employs individuals legally authorized to work in this state.

g. The business does not engage in the production, depiction, or distribution of obscene material. For purposes of this paragraph, “*obscene material*” means the same as defined in section 728.1.

h. The business is not in bankruptcy and is not imminently contemplating filing for bankruptcy.

4. Upon approval of the application for financial assistance by the department or an organization designated pursuant to subsection 2, paragraph “b”, the eligible business shall enter into an agreement with the department which shall include but not be limited to all of the following provisions:

a. If an eligible business, after receiving financial assistance, does not continue to meet one or more of the criteria for eligibility under subsection 3, except for subsection 3, paragraph “a”, all or a portion of the financial assistance received is subject to disallowance, recapture, or immediate repayment.

b. If, after receiving financial assistance, an eligible business ceases operations within the state or removes a significant portion of its operations to a location outside of the state, all or a portion of the financial assistance received is subject to disallowance, recapture, or immediate repayment.

5. a. An eligible business shall not receive more than one award of financial assistance under this section.

b. An eligible business that receives financial assistance under this section may subsequently apply for financial assistance under other programs administered by the department.

c. An eligible business that receives financial assistance under this section shall not use such financial assistance for purposes of meeting payroll obligations to employees.

6. a. The small business development centers shall track the number of referrals for assistance made to the department for assistance under this section and shall include that number in the small business development center’s annual report to the general assembly.

b. The department in conjunction with an organization designated pursuant to subsection 2, paragraph “b”, shall by January 15 of each year submit a report on the program administered pursuant to this section to the general assembly. The report shall include information on the number of businesses that receive loans under the program and any other information the department deems relevant to assessing the success of the program.

7. The department shall adopt rules pursuant to chapter 17A as necessary to administer the program. The department may adopt emergency rules under section 17A.4, subsection 3, and section 17A.5, subsection 2, paragraph “b”, as necessary for the administration of this section.

Sec. 43. SAVE OUR SMALL BUSINESSES FUND APPROPRIATION.

There is appropriated from the school infrastructure fund created in section 12.82 to the department of economic development for deposit in the save our small businesses fund for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For purposes of providing financial assistance under the save our small businesses program under section 15.301:

..... \$ 5,000,000

Of the moneys appropriated pursuant to this section, the department may allocate an amount not to exceed two percent of the moneys appropriated for purposes of retaining the services of an organization designated pursuant to section 15.301, subsection 2, paragraph “b”.

Sec. 44. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

**DIVISION XIV
ALTERNATIVE PUBLIC PROJECT DELIVERY STUDY**

Sec. 45. INTERIM STUDY COMMITTEE — ALTERNATIVE PROJECT DELIVERY — REGENTS INSTITUTIONS.

1. The legislative council is requested to establish an interim study committee to study the use of alternative project delivery for public projects at institutions under the control of the state board of regents. The study shall include but is not limited to a review and analysis of the use of alternative project delivery at land grant institutions and research universities in other states. There shall be three members from the house of representatives and three members from the senate. In addition to the legislative members, the membership of the study committee shall include the following public members:

- a. Two members appointed by the state board of regents.
- b. One member appointed by the Iowa chapter of the American institute of architects.
- c. One member appointed by the American council of engineering companies of Iowa.
- d. One member appointed by the Iowa chapter of the design-build institute of America.
- e. One member appointed by the master builders of Iowa.
- f. One member appointed by the mechanical contractors association of Iowa.
- g. One member appointed by the Iowa chapter of the national electrical contractors association.
- h. One member appointed by the Iowa state building and construction trades council.
- i. One member appointed by the sheet metal contractors of Iowa.

2. The committee shall meet twice during the 2010 legislative interim and shall submit findings and any recommendations in a report to the general assembly by January 15, 2011.

DIVISION XV FLOODPLAIN MAPPING

Sec. 46. FLOODPLAIN MAPPING. Using funds allocated to the department of natural resources for floodplain mapping from the appropriation made to the department of economic development in 2009 Iowa Acts, chapter 183, section 67, of federal community development block grant funds awarded to the state under the federal Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009, Pub. L. No. 110-329, the department of natural resources shall enter an agreement in an amount of not less than \$10,000,000 with the state university of Iowa for the development of new floodplain maps by June 30, 2014, by the Iowa flood center established pursuant to section 466C.1. The department of natural resources shall structure the contract to be consistent with any plan for use of the funds approved by any federal agency, or, if necessary, follow any procedures necessary for approval of this contract.

Sec. 47. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION XVI DEPARTMENT OF ADMINISTRATIVE SERVICES — OFFICE SPACE — STATE FLEET

Sec. 48. DEPARTMENT OF ADMINISTRATIVE SERVICES — OFFICE SPACE REQUEST FOR PROPOSALS.

1. The department of administrative services shall issue a request for proposals concerning the availability and cost of office space for state employees in downtown Des Moines and in other areas in close proximity to the state capitol complex. The department shall consider the advantages of locating state employees and their functions near the state capitol complex.

2. In issuing the request for proposals, the department shall examine current leases for office space within the greater Des Moines area, determine the current length and duration of those leases, and consider the number of state employees impacted by those leases.

3. The request for proposals shall ensure that any office space selected shall meet all of the following criteria:

- a. The building which includes the office space has skywalk access.
- b. The building which includes the office space is located within reasonable proximity to the free shuttle service route that includes transportation between the capitol complex and the downtown Des Moines area.

c. The entity leasing office space provides adequate parking to employees utilizing the office space which is within reasonable proximity to the office space.

d. The office space is energy efficient.

e. The office space provides adequate space and resources needed for the employees intending to occupy the office space.

4. The department of administrative services shall issue the request for proposals by December 1, 2010, and shall submit a written report to the general assembly concerning the request for proposals by January 14, 2011.

Sec. 49. DEPARTMENT OF ADMINISTRATIVE SERVICES — OFFICE SPACE — COST-BENEFIT ANALYSIS.

1. a. The department of administrative services shall conduct a cost-benefit analysis of utilizing existing office space for state employees in downtown Des Moines and other areas in close proximity to the state capitol complex in lieu of replacing or renovating the Wallace Building or relocating any state agencies to any space in the mercy capitol hospital building. The cost-benefit analysis shall include consideration of any cost to the applicable local jurisdiction arising from the state's utilization of existing office space.

b. The department of administrative services shall submit a written report to the general assembly on the cost-benefit analysis by January 14, 2011.

**2. Prior to submitting the cost-benefit analysis report required by this section, the department of administrative services shall not relocate any state agencies to space in the Mercy capitol hospital building other than any of the following:*

a. A centralized department of corrections pharmacy.

b. Offices of a state agency currently located in a state-owned office building.

c. Any state employee located in a nonleased facility or space.

d. A nonstate agency.

e. The office of the insurance division of the department of commerce.

f. The agricultural development authority established in section 175.3.

*g. The department for the blind storage facility.**

Sec. 50. DEPARTMENT OF ADMINISTRATIVE SERVICES — STATE FLEET RELOCATION. The department of administrative services shall evaluate and consider relocating state fleet operations. The department shall be authorized to relocate state fleet operations pursuant to such evaluation.

DIVISION XVII CHANGES TO PRIOR APPROPRIATIONS

Sec. 51. 2004 Iowa Acts, chapter 1175, section 288, subsection 7, paragraph d, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Notwithstanding section 8.33, 2004 Iowa Acts, chapter 1175, section 290, or any other provision of law, moneys allocated in this lettered paragraph that remain unencumbered or unobligated at the close of a fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the fiscal year that begins July 1, 2012. However, if the projects for which the moneys are appropriated are completed in an earlier fiscal year, unencumbered or unobligated moneys shall revert at the close of that fiscal year.

Sec. 52. 2006 Iowa Acts, chapter 1179, section 4, subsection 1, is amended to read as follows:

1. a. Notwithstanding Except as provided in paragraph "b", notwithstanding section 8.33, moneys appropriated for the fiscal year beginning July 1, 2006, in this division of this Act that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for the purposes designated until the close of the fiscal year that begins July 1, 2009, or until the project for which the appropriation was made is completed, whichever is earlier.

* Item veto; see message at end of the Act

b. Notwithstanding section 8.33, moneys appropriated for the fiscal year beginning July 1, 2006, in section 1, subsection 1, and section 1, subsection 11, paragraph “b” of this division of this Act that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for the purposes designated until the close of the fiscal year that begins July 1, 2010, or until the project for which the appropriation was made is completed, whichever is earlier.

Sec. 53. 2006 Iowa Acts, chapter 1179, section 18, is amended to read as follows:

SEC. 18. REVERSION.

1. Except as provided in subsections 2, ~~and 3,~~ and 4, notwithstanding section 8.33, moneys appropriated from the endowment for Iowa’s health restricted capitals fund for the fiscal years that begin July 1, 2005, and July 1, 2006, in this division of this Act that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for the purposes designated until the close of the fiscal year that begins July 1, 2009, or until the project for which the appropriation was made is completed, whichever is earlier.

2. Notwithstanding section 8.33, moneys appropriated from the endowment for Iowa’s health restricted capitals fund for the fiscal year that begins July 1, 2006, and ends June 30, 2007, in this division of this Act to the department of veterans affairs for capital improvement projects at the Iowa veterans home that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the fiscal year that begins July 1, 2010.

3. Notwithstanding section 8.33, moneys appropriated from the endowment for Iowa’s health restricted capitals fund for the fiscal year beginning July 1, 2006, and ending June 30, 2007, in this division of this Act to the department of education for major renovation and major repair needs at the community colleges that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the fiscal year beginning July 1, 2010, or until the project for which appropriated is completed, whichever is earlier.

4. Notwithstanding section 8.33, moneys appropriated from the endowment for Iowa’s health restricted capitals fund for the fiscal year that begins July 1, 2006, and ends June 30, 2007, in this division of this Act to the department of administrative services for upgrades to the Woodward state resource center wastewater treatment system that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the fiscal year that begins July 1, 2011, or until the project for which the appropriation is made is completed, whichever is earlier.

Sec. 54. 2007 Iowa Acts, chapter 219, section 7, subsection 1, as amended by 2009 Iowa Acts, chapter 170, section 20, and 2009 Iowa Acts, chapter 184, section 17, is amended to read as follows:

1. For costs associated with the construction and establishment of the Iowa institute for biomedical discovery at the state university of Iowa:

FY 2008-2009	\$	0
FY 2009-2010	\$	0
FY 2010-2011	\$	10,000,000
		<u>0</u>

Sec. 55. 2007 Iowa Acts, chapter 219, section 15, is amended to read as follows:

SEC. 15. REVERSION.

~~1. Notwithstanding~~ Except as provided in subsection 2, notwithstanding section 8.33, moneys appropriated for the fiscal year beginning July 1, 2007, in this division of this Act that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for the purposes designated until the close of the fiscal year beginning July 1, 2009, or until the project for which the appropriation was made is completed, whichever is earlier.

2. Notwithstanding section 8.33, moneys appropriated for the fiscal year beginning July 1, 2007, in section 14, subsections 4 and 7 of this division of this Act that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for the purposes designated until the close of the fiscal year beginning July 1, 2011, or until the project for which the appropriation was made is completed, whichever is earlier.

Sec. 56. 2008 Iowa Acts, chapter 1179, section 1, subsection 1, paragraph 1, as enacted by 2009 Iowa Acts, chapter 184, section 21, is amended to read as follows:

1. For ~~heating, ventilating, and air conditioning improvements~~ building security and firewall protection in the Hoover state office building: \$ 165,000

Sec. 57. 2008 Iowa Acts, chapter 1179, section 1, subsection 4, paragraph b, as amended by 2009 Iowa Acts, chapter 81, section 1, is amended to read as follows:

b. For historical site preservation grants to be used for the restoration, preservation, and development of historic sites: \$ 1,000,000

In making grants pursuant to this lettered paragraph, the department shall consider the existence and amount of other funds available to an applicant for the designated project. A grant awarded from moneys appropriated in this lettered paragraph shall not exceed \$100,000 per project. Not more than \$200,000 may be awarded in the same county in the same round of grant reviews.

Of the amount appropriated in this lettered paragraph, \$20,000 shall be used for the administration and support of historic sites including the hiring and employment of seasonal workers, notwithstanding section 8.57, subsection 6, paragraph "c".

Sec. 58. 2008 Iowa Acts, chapter 1179, section 7, as amended by 2009 Iowa Acts, chapter 173, section 21, is amended to read as follows:

SEC. 7. DEPARTMENT OF ECONOMIC DEVELOPMENT. There is appropriated from the rebuild Iowa infrastructure fund to the department of economic development for the designated fiscal years the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

For deposit into the river enhancement community attraction and tourism fund created in 2008 Iowa Acts, Senate File 2430, ¹ if enacted:	
FY 2009-2010	\$ 0
FY 2010-2011	\$ 10,000,000
	0
FY 2011-2012	\$ 10,000,000
FY 2012-2013	\$ 10,000,000

~~Notwithstanding section 8.33, moneys appropriated in this section for the fiscal year beginning July 1, 2010, and ending June 30, 2011, shall not revert at the close of the fiscal year for which they are appropriated but shall remain available for the purpose designated until the close of the fiscal year that begins July 1, 2013, or until the project for which the appropriation was made is completed, whichever is earlier.~~

Notwithstanding section 8.33, moneys appropriated in this section for the fiscal year beginning July 1, 2011, and ending June 30, 2012, shall not revert at the close of the fiscal year for which they are appropriated but shall remain available for the purpose designated until the close of the fiscal year that begins July 1, 2014, or until the project for which the appropriation was made is completed, whichever is earlier.

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

¹ 2008 Iowa Acts, chapter 1178, §7

Sec. 59. 2008 Iowa Acts, chapter 1179, section 15, subsection 4, paragraph b, as amended by 2009 Iowa Acts, chapter 184, section 25, is amended to read as follows:

b. To the public broadcasting division for the purchase and installation of generators at transmitter sites:

..... \$ 1,602,437

Of the amount appropriated in this lettered paragraph, up to \$210,477 may be used for operational costs of the division for FY 2008-2009, and up to \$1,000,000 may be used for operational costs of the division for FY 2009-2010, and up to \$378,637 may be used for operational costs of the division for FY 2010-2011, notwithstanding section 8.57C, subsection 2.

Sec. 60. 2008 Iowa Acts, chapter 1179, section 15, subsection 4, paragraph c, is amended to read as follows:

c. To the public broadcasting division for the replacement and digital conversion of the Keosauqua translator:

..... \$ 701,500

Of the amount appropriated in this lettered paragraph, up to \$25,378 may be used for operational costs of the division for FY 2010-2011, notwithstanding section 8.57C, subsection 2.

Sec. 61. 2008 Iowa Acts, chapter 1179, section 18, subsection 3, as amended by 2009 Iowa Acts, chapter 173, section 24, is amended to read as follows:

3. DEPARTMENT OF CORRECTIONS

a. For expansion of the community-based corrections facility at Sioux City:

..... \$ 5,300,000

b. For expansion of the community-based corrections facility at Ottumwa:

..... \$ 4,100,000

c. For expansion of the community-based corrections facility at Waterloo:

..... \$ 6,000,000

d. For expansion of the community-based corrections facility at Davenport:

..... \$ 2,100,000

e. For expansion, including land acquisition, of the community-based corrections facility at Des Moines:

..... \$ 13,100,000

0

~~The appropriation in this lettered paragraph is contingent upon relocation of the sex offender treatment program from the community-based corrections facility at Des Moines to the property in northeast Des Moines identified by the fifth judicial district in the facility and site study final report submitted December 12, 2008.~~

It is the intent of the general assembly that the funds appropriated in paragraphs "a" through "e" be used to expand the number of beds available through new construction and remodeling and for the expansion of existing facilities.

f. For expansion of the Iowa correctional facility for women at Mitchellville including costs related to project management including the hiring and employment of a construction manager and a correctional specialist:

..... \$ 47,500,000

g. For the remodeling of kitchens at the correctional facilities at Mount Pleasant and Rockwell City:

..... \$ 12,500,000

Sec. 62. 2008 Iowa Acts, chapter 1179, section 22, is amended to read as follows:

SEC. 22. There is appropriated from the FY 2009 prison bonding fund created pursuant to section 12.79, as enacted in this Act, to the department of corrections for the fiscal year beginning July 1, 2008, and ending June 30, 2009, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For costs associated with the building of a new Iowa State Penitentiary at Fort Madison including costs related to project management including the hiring and employment of a

construction manager and a correctional specialist:

..... \$ 130,677,500

The appropriation made in this section constitutes approval by the general assembly for the issuance of bonds by the treasurer pursuant to section 12.80, as enacted in this Act.

Sec. 63. 2009 Iowa Acts, chapter 173, section 13, subsection 1, is amended by adding the following new paragraph:

NEW PARAGRAPH. e. Of the moneys appropriated in this subsection, the department may award moneys for the establishment of drainage district pilot projects. Each drainage district pilot project shall be presented to the state soil conservation committee and the watershed improvement review board to ensure the project design, project goals, baseline data collection, project data collection standards, and data evaluation standards are appropriate for, and advance, the soil and water conservation goals of the state. Annual progress reports on each pilot project shall be presented to the state soil conservation committee and the watershed improvement review board to ensure the projects continue to advance the soil and water conservation goals of the state. All construction plans, monitoring plans, project data, and project data analysis shall be available for public review and study. Experts from the United States geological survey, the national laboratory for agriculture and the environment at Iowa state university, and other appropriate state and federal agencies may be consulted on any aspect of the program.

Sec. 64. 2009 Iowa Acts, chapter 173, section 13, subsection 2, is amended to read as follows:

2. DEPARTMENT OF NATURAL RESOURCES

For watershed rebuilding and water quality projects:

..... \$ 13,500,000

Of the moneys appropriated in this subsection, the department may provide moneys to construct, reconstruct, or repair infrastructure associated with the control and movement of surface water, including but not limited to addressing issues affected by combined sewer overflows, enrolling larger contiguous areas in emergency watershed programs, improving facilities or systems that provide water quality, mitigating flood damage or the threat of flood damage in the areas most severely affected by the 2008 flood, and improving or replacing low-head dams. Any award of moneys made under this subsection shall be in the form of a grant. Any grant awards for practices on private property shall be for the public purposes of flood control, watershed management, or improving water quality.

Sec. 65. 2009 Iowa Acts, chapter 173, section 13, subsection 4, paragraphs b, c, and d, are amended to read as follows:

b. ~~For deposit into the public service shelter grant fund created in section 16.185 for grants for the construction, renovation, and improvements to homeless shelters, emergency shelters, and family and domestic violence shelters:~~

..... \$ 10,000,000

c. ~~For deposit into the disaster damage housing assistance grant fund created in section 16.186 for grants to ease and speed recovery efforts from the natural disasters of 2008, including stabilizing neighborhoods damaged by the natural disasters, preventing population loss and neighborhood deterioration, and improving the health, safety, and welfare of persons living in such disaster-damaged neighborhoods:~~

..... \$ 5,000,000

d. ~~For deposit into the affordable housing assistance grant fund created in section 16.187 for grants for housing for certain elderly, disabled, and low-income persons and public servants in critical skills shortage areas of the state:~~

..... \$ 20,000,000

Sec. 66. 2009 Iowa Acts, chapter 173, section 13, subsection 5, unnumbered paragraph 1, as amended by 2009 Iowa Acts, chapter 183, section 71, is amended to read as follows:

For broadband technology grants for the deployment and sustainability of high-speed broadband access:

..... \$ 25,000,000

0

Sec. 67. 2009 Iowa Acts, chapter 173, section 13, subsection 6, is amended to read as follows:

6. DEPARTMENT OF TRANSPORTATION

~~For deposit into the bridge safety fund created in section 313.68 to be used for infrastructure projects relating to functionally obsolete and structurally deficient bridges:~~

..... \$ 50,000,000
..... 40,000,000

Sec. 68. 2009 Iowa Acts, chapter 173, section 13, is amended by adding the following new subsection:

NEW SUBSECTION. 7. DEPARTMENT OF ECONOMIC DEVELOPMENT

For the main street Iowa program to be used as grants for projects that have previously applied for funding consideration, or have received partial funding for facade master plans to rehabilitate storefronts in main street Iowa districts, to complete streetscape projects where planning and the majority of funding is already secured, for unfunded main street challenge grant projects, and for other building rehabilitation projects that are currently on the department's highest priority list:

..... \$ 5,550,000

Moneys appropriated in this subsection shall not be used for administration or planning purposes.

Sec. 69. 2009 Iowa Acts, chapter 174, section 6, is repealed.

Sec. 70. 2009 Iowa Acts, chapter 184, section 1, subsection 3, paragraph d, is amended to read as follows:

d. For historical site preservation grants to be used for the restoration, preservation, and development of historic sites:

..... \$ 1,000,000

In making grants pursuant to this lettered paragraph, the department shall consider the existence and amount of other funds available to an applicant for the designated project. A grant awarded from moneys appropriated in this lettered paragraph shall not exceed \$100,000 per project. Not more than \$200,000 may be awarded in the same county in the same round of grant reviews.

Of the amount appropriated in this lettered paragraph, \$20,000 shall be used for the administration and support of historic sites including the hiring and employment of seasonal workers, notwithstanding section 8.57, subsection 6, paragraph "c".

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

~~a. To provide funds for capital improvements and for related studies for expanding passenger rail services in Iowa~~ For deposit in the passenger rail service revolving fund created in section 327J.2, notwithstanding section 8.57, subsection 6, paragraph "c":

..... \$ 3,000,000

Sec. 72. 2009 Iowa Acts, chapter 184, section 2, subsections 1, 2, 4, and 5, are amended by striking the subsections.

Sec. 73. 2009 Iowa Acts, chapter 184, section 2, subsection 6, paragraph a, is amended to read as follows:

a. For deposit into the railroad revolving loan and grant fund created in section 327H.20A, notwithstanding section 8.57, subsection 6, paragraph "c":

..... \$ 2,000,000

Of the amount appropriated in this lettered paragraph, \$2,000,000 shall be allocated to a city with a population between 98,300 and 98,400 in the last preceding certified federal census, for a rail trans-load facility if a federal match of funds is received.

Sec. 74. EFFECTIVE UPON ENACTMENT. This division, being deemed of immediate importance, takes effect upon enactment.

DIVISION XVIII
MISCELLANEOUS CODE CHANGES

Sec. 75. Section 8.57, subsection 6, paragraph e, Code Supplement 2009, is amended to read as follows:

e. (1) (a) (i) Notwithstanding provisions to the contrary in sections 99D.17 and 99F.11, for the fiscal year beginning July 1, 2000, and for each fiscal year thereafter, not more than a total of sixty-six million dollars shall be deposited in the general fund of the state in any fiscal year pursuant to sections 99D.17 and 99F.11.

(ii) However, in lieu of the deposit in subparagraph subdivision (i), for the fiscal year beginning July 1, 2010, and for each fiscal year thereafter until the principal and interest on all bonds issued by the treasurer of state pursuant to section 12.87 are paid, as determined by the treasurer of state, the first fifty-five million dollars of the moneys directed to be deposited in the general fund of the state under subparagraph subdivision (i) shall be deposited in the revenue bonds debt service fund created in section 12.89, and the next ~~five~~ three million ~~seven hundred fifty thousand~~ dollars of the moneys directed to be deposited in the general fund of the state under subparagraph subdivision (i) shall be deposited in the revenue bonds federal subsidy holdback fund created in section 12.89, and the next one million two hundred fifty thousand dollars of the moneys directed to be deposited in the general fund of the state under subparagraph subdivision (i) shall be deposited in the general fund of the state.

(b) The next fifteen million dollars of the moneys directed to be deposited in the general fund of the state in a fiscal year pursuant to sections 99D.17 and 99F.11 shall be deposited in the vision Iowa fund created in section 12.72 for the fiscal year beginning July 1, 2000, and for each fiscal year through the fiscal year beginning July 1, 2019.

(c) The next five million dollars of the moneys directed to be deposited in the general fund of the state in a fiscal year pursuant to sections 99D.17 and 99F.11 shall be deposited in the school infrastructure fund created in section 12.82 for the fiscal year beginning July 1, 2000, and for each fiscal year thereafter until the principal and interest on all bonds issued by the treasurer of state pursuant to section 12.81 are paid, as determined by the treasurer of state.

(d) (i) The total moneys in excess of the moneys deposited in the revenue bonds debt service fund, the revenue bonds federal holdback subsidy fund, the vision Iowa fund, the school infrastructure fund, and the general fund of the state in a fiscal year shall be deposited in the rebuild Iowa infrastructure fund and shall be used as provided in this section, notwithstanding section 8.60.

(ii) However, in lieu of the deposit in subparagraph subdivision (i), for the fiscal year beginning July 1, 2010, and for each fiscal year thereafter until the principal and interest on all bonds issued by the treasurer of state pursuant to section 12.87 are paid, as determined by the treasurer of state, ~~fifty-five~~ sixty-four million ~~seven hundred fifty thousand~~ dollars of the excess moneys directed to be deposited in the rebuild Iowa infrastructure fund under subparagraph subdivision (i) shall be deposited in the general fund of the state.

(2) If the total amount of moneys directed to be deposited in the general fund of the state under sections 99D.17 and 99F.11 in a fiscal year is less than the total amount of moneys directed to be deposited in the revenue bonds debt service fund and the revenue bonds federal subsidy holdback fund in the fiscal year pursuant to this paragraph "e", the difference shall be paid from moneys deposited in the beer and liquor control fund created in section 123.53 in the manner provided in section 123.53, subsection 3.

(3) After the deposit of moneys directed to be deposited in the general fund of the state, and the revenue bonds debt service fund, and the revenue bonds federal subsidy holdback fund, as provided in subparagraph (1), subparagraph division (a), if the total amount of moneys directed to be deposited in the general fund of the state under sections 99D.17 and 99F.11 in a fiscal year is less than the total amount of moneys directed to be deposited in the vision Iowa fund and the school infrastructure fund in the fiscal year pursuant to this paragraph "e", the difference shall be paid from lottery revenues in the manner provided in section 99G.39, subsection 3.

Sec. 76. Section 8.57, subsection 6, paragraph f, Code Supplement 2009, is amended to read as follows:

f. There is appropriated from the rebuild Iowa infrastructure fund to the secure an advanced vision for education fund created in section 423F.2, for each fiscal year of the fiscal period beginning July 1, 2008, and ending June 30, ~~2014~~, 2010, and for each fiscal year of the fiscal period beginning July 1, 2011, and ending June 30, 2014, the amount of the moneys in excess of the first forty-seven million dollars credited to the rebuild Iowa infrastructure fund during the fiscal year, not to exceed ten million dollars.

Sec. 77. Section 8.57A, subsection 4, Code 2009, is amended to read as follows:

4. *a.* There is appropriated from the rebuild Iowa infrastructure fund for the fiscal year years beginning July 1, 2008, July 1, 2009, and July 1, 2011, and for each fiscal year thereafter, the sum of forty-two million dollars to the environment first fund, notwithstanding section 8.57, subsection 6, paragraph “c”.

b. There is appropriated from the rebuild Iowa infrastructure fund for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the sum of thirty-three million dollars to the environment first fund, notwithstanding section 8.57, subsection 6, paragraph “c”.

Sec. 78. Section 8.57C, subsection 3, Code Supplement 2009, is amended to read as follows:

3. *a.* There is appropriated from the general fund of the state for the fiscal years beginning July 1, 2006, July 1, 2007, July 1, ~~2010~~ 2011, and for each subsequent fiscal year thereafter, the sum of seventeen million five hundred thousand dollars to the technology reinvestment fund.

b. There is appropriated from the rebuild Iowa infrastructure fund for the fiscal year beginning July 1, 2008, and ending June 30, 2009, the sum of seventeen million five hundred thousand dollars, and for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the sum of fourteen million five hundred twenty-five thousand dollars to the technology reinvestment fund, notwithstanding section 8.57, subsection 6, paragraph “c”.

c. There is appropriated from the rebuild Iowa infrastructure fund for the fiscal year beginning July 1, 2010, the sum of ten million dollars to the technology reinvestment fund, notwithstanding section 8.57, subsection 6, paragraph “c”.

Sec. 79. Section 12.87, subsections 1 and 2, Code Supplement 2009, are amended to read as follows:

1. The treasurer of state is authorized to issue and sell bonds on behalf of the state to provide funds for certain infrastructure projects and for purposes of the Iowa jobs program established in section 16.194. The treasurer of state shall have all of the powers which are necessary or convenient to issue, sell and secure bonds and carry out the treasurer of state’s duties, and exercise the treasurer of state’s authority under this section and sections 12.88 through 12.90. The treasurer of state may issue and sell bonds in such amounts as the treasurer of state determines to be necessary to provide sufficient funds for certain infrastructure projects and the revenue bonds capitals fund, the revenue bonds capitals II fund, the payment of interest on the bonds, the establishment of reserves to secure the bonds, the payment of costs of issuance of the bonds, the payment of other expenditures of the treasurer of state incident to and necessary or convenient to carry out the issuance and sale of the bonds, and the payment of all other expenditures of the treasurer of state necessary or convenient to administer the funds and to carry out the purposes for which the bonds are issued and sold. The treasurer of state may issue and sell bonds in one or more series on the terms and conditions the treasurer of state determines to be in the best interest of the state, in accordance with this section in such amounts as the treasurer of state determines to be necessary to fund the purposes for which such bonds are issued and sold. as follows:

a. The treasurer of state may issue and sell bonds in amounts which provide aggregate net proceeds of not more than ~~five hundred forty-five~~ six hundred ninety-five million dollars, excluding any bonds issued and sold to refund outstanding bonds issued under this section, as follows:

~~α. (1) The On or after July 1, 2009, the treasurer of state may issue and sell bonds in amounts which provide aggregate net proceeds of not more than one hundred eighty-five million dollars for capital projects which qualify as vertical infrastructure projects as defined in section 8.57, subsection 6, paragraph "c", to the extent practicable in any fiscal year and without limiting other qualifying capital expenditures.~~

~~b. (2) The On or after July 1, 2009, the treasurer of state may issue and sell bonds in amounts which provide aggregate net proceeds of not more than three hundred sixty million dollars for purposes of the Iowa jobs program established in section 16.194 and for watershed flood rebuilding and prevention projects, soil conservation projects, sewer infrastructure projects, for certain housing and public service shelter projects and public broadband and alternative energy projects, and for projects relating to bridge safety and the rehabilitation of deficient bridges.~~

~~(3) On or after April 1, 2010, the treasurer of state may issue and sell bonds in amounts which provide aggregate net proceeds of not more than one hundred fifty million dollars for purposes of the Iowa jobs II program established in section 16.194A and for qualified projects in the departments of agriculture and land stewardship, economic development, education, natural resources, and transportation, and the Iowa finance authority, state board of regents, and treasurer of state.~~

2. Bonds issued and sold under this section are payable solely and only out of the moneys in the revenue bonds debt service fund, the revenue bonds federal subsidy holdback fund, and any bond reserve funds established pursuant to section 12.89, and only to the extent provided in the trust indenture, resolution, or other instrument authorizing their issuance. All moneys in the revenue bonds debt service fund, the revenue bonds federal subsidy holdback fund, and any bond reserve funds established pursuant to section 12.89 may be deposited with trustees or depositories in accordance with the terms of the trust indentures, resolutions, or other instruments authorizing the issuance of bonds and pledged by the treasurer of state to the payment thereof. Bonds issued and sold under this section shall contain a statement that the bonds are limited special obligations of the state and do not constitute a debt or indebtedness of the state or a pledge of the faith or credit of the state or a charge against the general credit or general fund of the state. The treasurer of state shall not pledge the credit or taxing power of this state or any political subdivision of this state or make bonds issued and sold pursuant to this section payable out of any moneys except those in the revenue bonds debt service fund, the revenue bonds federal subsidy holdback fund, and any bond reserve funds established pursuant to section 12.89.

Sec. 80. Section 12.89, subsection 2, Code Supplement 2009, is amended by adding the following new paragraph:

NEW PARAGRAPH. Od. Federal subsidies and any transfers from the revenue bonds federal subsidy holdback fund created pursuant to section 12.89A.

Sec. 81. **NEW SECTION. 12.89A Revenue bonds federal subsidy holdback fund.**

1. A revenue bonds federal subsidy holdback fund is created and established as a separate and distinct fund in the state treasury. The treasurer of state shall act as custodian of the fund and disburse moneys contained in the fund.

2. The moneys in such fund shall include all of the following:

a. The revenues required to be deposited in the fund pursuant to section 8.57, subsection 6, paragraph "e", subparagraphs (1) and (2).

b. Interest attributable to investment moneys in the fund.

c. Any other moneys from any other sources which may be legally available to the treasurer of state for the purpose of the fund.

3. The moneys in the revenue bonds federal subsidy holdback fund are appropriated and shall be used or transferred to the revenue bonds debt service fund created in section 12.89, subsection 1, solely for the purpose of making payments of principal and interest on federal subsidy bonds when due, if the treasurer of state or the treasurer's designee has not received a federal subsidy scheduled to be received for such payment by the due date.

4. The moneys on deposit in the revenue bonds federal subsidy holdback fund shall be used or transferred to the revenue bonds debt service fund created in section 12.89, subsection

1, solely for the purpose of making payments of principal and interest on federal subsidy bonds prior to any use or transfer of moneys on deposit in any bond reserve fund created for such federal subsidy bonds by the treasurer of state pursuant to section 12.89, subsection 3, paragraph “a”.

5. At any time during each fiscal year that there are moneys on deposit in the revenue bonds federal subsidy holdback fund that are not needed to pay principal and interest on federal subsidy bonds during such fiscal year as determined by the treasurer of state or the treasurer’s designee, such moneys on deposit in the revenue bonds federal subsidy holdback account shall be credited to the rebuild Iowa infrastructure fund of the state.

6. For purposes of this section:

a. “Federal subsidy” means any payment from the federal government with respect to federal subsidy bonds.

b. “Federal subsidy bonds” means any bonds issued and sold pursuant to section 12.87 for which a federal subsidy is expected to be paid on or before any date on which interest on such bonds is due and payable.

Sec. 82. Section 15F.204, subsection 8, paragraph a, subparagraph (6), Code Supplement 2009, is amended by striking the subparagraph.

Sec. 83. Section 15F.204, subsection 8, paragraph b, subparagraph (4), Code Supplement 2009, is amended by striking the subparagraph.

Sec. 84. Section 16.181A, Code 2009, is amended to read as follows:

16.181A Housing trust fund — appropriations.

1. There is appropriated from the rebuild Iowa infrastructure fund to the Iowa finance authority for deposit in the housing trust fund created in section 16.181, for the fiscal year beginning July 1, 2009, and ending June 30, 2010, and ending² July 1, 2011, and for each succeeding fiscal year, the sum of three million dollars.

2. There is appropriated from the rebuild Iowa infrastructure fund to the Iowa finance authority for deposit in the housing trust fund created in section 16.181, for the fiscal year beginning July 1, 2010 and ending June 30, 2011, the sum of one million dollars.

Sec. 85. Section 16.192, subsections 2 and 4, Code Supplement 2009, are amended to read as follows:

2. Establish the Iowa jobs program pursuant to section 16.194 and the Iowa jobs II program pursuant to section 16.194A.

4. Award financial assistance, including financial assistance in the form of grants under the Iowa jobs program pursuant to sections 16.194, 16.194A, and 16.195.

Sec. 86. Section 16.193, subsection 2, Code Supplement 2009, is amended to read as follows:

2. During the term of the Iowa jobs program established in section 16.194 and the Iowa jobs II program established in section 16.194A, two hundred thousand dollars of the moneys deposited in the rebuild Iowa infrastructure fund shall be allocated each fiscal year to the Iowa finance authority for purposes of administering the Iowa jobs program, notwithstanding section 8.57, subsection 6, paragraph “c”.

Sec. 87. Section 16.193, Code Supplement 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 3. a. During the term of the Iowa jobs program, the Iowa finance authority shall collect data on all of the projects approved for the program. The department of management and the state agencies associated with the projects shall assist the authority with the data collection and in developing the report required by this subsection. The authority shall report quarterly to the governor and the general assembly concerning the data.

b. The report shall include but is not limited to all of the following:

(1) The nature of each project and its purpose.

² See chapter 1193, §37 herein

(2) The status of each project and the amount and percentage of program funds expended for the project.

(3) The outside funding that is matched or leveraged by the program funds.

(4) The number of jobs created or retained by each project.

(5) For each project, the names of the project contractors, state of residence of the project contractors, and the state of residence of the contractors' employees.

c. The authority shall maintain an internet site that allows citizens to track project data on a county-by-county basis.

Sec. 88. NEW SECTION. 16.194A Iowa jobs II program — disaster prevention.

1. An Iowa jobs II program is created to assist in the development and completion of public construction projects relating to disaster prevention including but not limited to the construction of, or the replacement or reconstruction of, local public buildings in a manner that mitigates damages from future disasters, including flooding.

2. A city or county in this state that applies the smart planning principles and guidelines pursuant to sections 18B.1 and 18B.2, as enacted in this Act, may submit an application to the Iowa jobs board for financial assistance for a local infrastructure competitive grant for an eligible project under the program, notwithstanding any limitation on the state's percentage in funding as contained in section 29C.6, subsection 17.

3. Financial assistance under the program shall be awarded in the form of grants.

4. The board shall consider the following criteria in evaluating eligible projects to receive financial assistance under the program:

a. The total number and quality of jobs to be created and the benefits likely to accrue to areas distressed by high unemployment.

b. Financial feasibility, including the ability of projects to fund depreciation costs or replacement reserves, and the availability of other federal, state, local, and private sources of funds.

c. Sustainability and energy efficiency.

d. Benefits for disaster prevention.

e. The project's readiness to proceed.

5. An applicant must demonstrate local support for the project as defined by rule.

6. Any award of financial assistance to a project shall be limited to up to ninety percent of the total cost of the development and completion of a public construction project relating to disaster prevention consistent with the purposes of the program as specified in subsection 1.

7. In order for a project to be eligible to receive financial assistance from the board, the project must be a public construction project pursuant to subsection 1 with a demonstrated substantial local, regional, or statewide economic impact.

8. The board shall not approve an application for assistance for any of the following purposes:

a. To refinance a loan existing prior to the date of the initial financial assistance application.

b. For a project that has previously received financial assistance under the program, unless the applicant demonstrates that the financial assistance would be used for a significant expansion of a project.

9. Any portion of an amount allocated for projects that remains unexpended or unencumbered one year after the allocation has been made may be reallocated to another project category, at the discretion of the board. The board shall ensure that all bond proceeds be expended within three years from when the allocation was initially made.

10. The board shall ensure that funds obligated under this section are coordinated with other federal program funds received by the state, and that projects receiving funds are located in geographically diverse areas of the state.

11. An applicant or combination of applicants for a project within the same county shall not be awarded more than forty percent of the funds available under this program.

Sec. 89. Section 16.195, subsection 2, Code Supplement 2009, is amended to read as follows:

2. A review committee composed of members of the board as determined by the board shall review Iowa jobs program applications submitted to the board and make

recommendations regarding the applications to the board. When reviewing the applications, the review committee and the authority shall consider the project criteria specified in ~~section~~ sections 16.194 and 16.194A. The board shall develop the appropriate level of transparency regarding project fund allocations.

Sec. 90. Section 26.3, subsection 2, Code Supplement 2009, is amended to read as follows:

2. A governmental entity shall have an engineer licensed under chapter 542B, a landscape architect licensed under chapter 544B, or an architect registered under chapter 544A prepare plans and specifications, and calculate the estimated total cost of a proposed public improvement. A governmental entity shall ensure that a sufficient number of paper copies of the project's contract documents, including all drawings, plans, specifications, and estimated total costs of the proposed public improvement are made available for distribution at no charge to prospective bidders, subcontractor bidders, suppliers, and contractor plan room services. If a deposit is required as part of a paper contract documents distribution policy by the public owner, the deposit shall not exceed two hundred fifty dollars per set which shall be refunded upon return of the contract documents within fourteen days after award of the project. If the contract documents are not returned in a timely manner and in a reusable condition, the deposit shall be forfeited. The governmental entity shall reimburse the landscape architect, architect, or professional engineer for the actual costs of preparation and distribution of plans and specifications.

Sec. 91. **NEW SECTION. 73.14 Minority-owned and female-owned businesses — bond issuance services.**

1. The state, board of regents institutions, counties, townships, school districts, community colleges, cities, and other public entities, and every person acting as contracting agent for any such entity, shall, when issuing bonds or other obligations, make a good-faith effort to utilize minority-owned and female-owned businesses for attorneys, accountants, financial advisors, banks, underwriters, insurers, and other occupations necessary to carry out the issuance of bonds or other obligations by the entity.

2. For purposes of this section:

a. "*Female-owned business*" means a business that is fifty-one percent or more owned, operated, and actively managed by one or more women.

b. "*Minority-owned business*" means a business that is fifty-one percent or more owned, operated, and actively managed by one or more minority persons.

Sec. 92. Section 123.53, subsections 3 and 4, Code Supplement 2009, are amended to read as follows:

3. Notwithstanding subsection 2, if gaming revenues under sections 99D.17 and 99F.11 are insufficient in a fiscal year to meet the total amount of such revenues directed to be deposited in the revenue bonds debt service fund and the revenue bonds federal subsidy holdback fund during the fiscal year pursuant to section 8.57, subsection 6, paragraph "e", the difference shall be paid from moneys deposited in the beer and liquor control fund prior to transfer of such moneys to the general fund pursuant to subsection 2 and prior to the transfer of such moneys pursuant to subsections 5 and 6. If moneys deposited in the beer and liquor control fund are insufficient during the fiscal year to pay the difference, the remaining difference shall be paid from moneys deposited in the beer and liquor control fund in subsequent fiscal years as such moneys become available.

4. The treasurer of state shall, each quarter, prepare an estimate of the gaming revenues and of the moneys to be deposited in the beer and liquor control fund that will become available during the remainder of the appropriate fiscal year for the purposes described in subsection 3. The department of management, the department of inspections and appeals, and the department of commerce shall take appropriate actions to provide that the sum of the amount of gaming revenues available to be deposited into the revenue bonds debt service fund during a fiscal year and the amount of moneys to be deposited in the beer and liquor control fund available to be deposited into the revenue bonds debt service fund and the revenue bonds federal subsidy holdback fund during such fiscal year will be sufficient to cover any anticipated deficiencies.

Sec. 93. Section 327H.20A, subsection 3, Code Supplement 2009, is amended to read as follows:

3. Notwithstanding any other provision to the contrary, on or after July 1, 2006, moneys received as repayments for loans made pursuant to this chapter or chapter 327I, Code 2009, before, on, or after July 1, 2005, other than repayments of federal moneys subject to section 327H.21, shall be credited to the railroad revolving loan and grant fund. Notwithstanding section 8.33, moneys in the railroad revolving loan and grant fund shall not revert to the general fund of the state fund from which it was appropriated but shall remain available indefinitely for expenditure under this section.

Sec. 94. Section 327J.2, subsection 3, Code Supplement 2009, is amended to read as follows:

3. *No reversion.* Notwithstanding section 8.33, any balance in the fund on June 30 of any fiscal year shall not revert to the general fund of the state fund from which it was appropriated.

Sec. 95. REPEAL. Sections 8.57D, 12.90A, 12.90B, 12.90C, 16.185, 16.186, 16.187, and 313.68, Code Supplement 2009, are repealed.

Sec. 96. EFFECTIVE DATES AND APPLICABILITY.

1. The section of this division of this Act amending section 12.87, being deemed of immediate importance, takes effect upon enactment.

2. The section of this division of this Act enacting section 16.193, subsection 3, being deemed of immediate importance, takes effect upon enactment, and applies to projects approved on, before, and after the effective date of the section.

Approved April 26, 2010, with exception noted.

CHESTER J. CULVER, *Governor*

Dear Mr. Secretary:

I hereby transmit Senate File 2389, an Act relating to and making, reducing, and transferring appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, the technology reinvestment fund, the revenue bonds capitals fund, the revenue bonds capitals II fund, the FY 2009 prison bonding fund, and other funds, creating the Iowa jobs II program, and the revenue bonds federal subsidy holdback fund, providing for related matters, and providing an effective date. Senate File 2389 is approved on this date, with the exception noted below, which I hereby disapprove.

I am unable to approve paragraph 2 of section 49 of this bill in its entirety. This paragraph imposes certain time restrictions on the ability of the Department of Administrative Services (DAS) to relocate certain state agencies to space in the Mercy Capitol building. I am supportive of those sections of this bill that obligate DAS to undertake cost-benefit analyses before making certain agency relocation decisions, as presented under this section of the bill. However, if paragraph 2 of section 49 of this bill were to be implemented, taxpayer money would not be used in the most efficient manner possible, and certain administrative actions and expenses that had been undertaken prior to the passage of this bill would be unduly interfered with, resulting in the waste of taxpayer funds. For example, DAS has already expended funds and entered into agreements to purchase new telephones and to install new telephone lines into Mercy Capitol. A state agency that has already budgeted for its move to this building will save \$143,000 in annual rental payments, but would be prevented from doing so under this paragraph. The disapproval action I have described will allow DAS to save taxpayer money while prudently investing in Mercy Capitol and in the tenancies of state agencies that will reside there, on a cost-beneficial basis, in coming years.

For the above reasons, I respectfully disapprove the designated item in accordance with Article III, Section 16 of the Constitution of the State of Iowa. All other items in Senate File 2389 are hereby approved this date.

Sincerely,
CHESTER J. CULVER, Governor

CHAPTER 1185

APPROPRIATIONS — JUDICIAL BRANCH

S.F. 2377

AN ACT relating to and making appropriations to the judicial branch.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. JUDICIAL BRANCH.

1. There is appropriated from the general fund of the state to the judicial branch for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

a. For salaries of supreme court justices, appellate court judges, district court judges, district associate judges, judicial magistrates and staff, state court administrator, clerk of the supreme court, district court administrators, clerks of the district court, juvenile court officers, board of law examiners and board of examiners of shorthand reporters and judicial qualifications commission; receipt and disbursement of child support payments; reimbursement of the auditor of state for expenses incurred in completing audits of the offices of the clerks of the district court during the fiscal year beginning July 1, 2010; and maintenance, equipment, and miscellaneous purposes:

..... \$ 148,811,822

b. For deposit in the revolving fund created pursuant to section 602.1302, subsection 3, for jury and witness fees, mileage, costs related to summoning jurors, fees for interpreters, and reimbursement of attorney fees paid by the state public defender:

..... \$ 1,500,000

2. The judicial branch, except for purposes of internal processing, shall use the current state budget system, the state payroll system, and the Iowa finance and accounting system in administration of programs and payments for services, and shall not duplicate the state payroll, accounting, and budgeting systems.

3. The judicial branch shall submit monthly financial statements to the legislative services agency and the department of management containing all appropriated accounts in the same manner as provided in the monthly financial status reports and personal services usage reports of the department of administrative services. The monthly financial statements shall include a comparison of the dollars and percentage spent of budgeted versus actual revenues and expenditures on a cumulative basis for full-time equivalent positions and dollars.

4. The judicial branch shall focus efforts upon the collection of delinquent fines, penalties, court costs, fees, surcharges, or similar amounts.

5. It is the intent of the general assembly that the offices of the clerks of the district court operate in all 99 counties and be accessible to the public as much as is reasonably possible in order to address the relative needs of the citizens of each county.

6. In addition to the requirements for transfers under section 8.39, the judicial branch shall not change the appropriations from the amounts appropriated to the judicial branch in this Act, unless notice of the revisions is given prior to their effective date to the legislative services agency. The notice shall include information on the branch’s rationale for making the changes

and details concerning the workload and performance measures upon which the changes are based.

7. The judicial branch shall submit a semiannual update to the legislative services agency specifying the amounts of fines, surcharges, and court costs collected using the Iowa court information system since the last report. The judicial branch shall continue to facilitate the sharing of vital sentencing and other information with other state departments and governmental agencies involved in the criminal justice system through the Iowa court information system.

8. The judicial branch shall provide a report to the general assembly by January 1, 2011, concerning the amounts received and expended from the enhanced court collections fund created in section 602.1304 and the court technology and modernization fund created in section 602.8108, subsection 7, during the fiscal year beginning July 1, 2009, and ending June 30, 2010, and the plans for expenditures from each fund during the fiscal year beginning July 1, 2010, and ending June 30, 2011. A copy of the report shall be provided to the legislative services agency.

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

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

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

Sec. 4. POSTING OF REPORTS IN ELECTRONIC FORMAT — LEGISLATIVE SERVICES AGENCY. All reports or copies of reports required to be provided by the judicial branch for fiscal year 2010-2011 to the legislative services agency shall be provided in an electronic format. The legislative services agency shall post the reports on its internet website and shall notify by electronic means all the members of the joint appropriations subcommittee on the justice system when a report is posted. Upon request, copies of the reports may be mailed to members of the joint appropriations subcommittee on the justice system.

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

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

CHAPTER 1186

APPROPRIATIONS — TRANSPORTATION

S.F. 2381

AN ACT relating to and making transportation and other infrastructure-related appropriations to the department of transportation, including allocation and use of moneys from the road use tax fund and the primary road fund, providing for properly related matters, and making penalties applicable.

Be It Enacted by the General Assembly of the State of Iowa:

**DIVISION I
APPROPRIATIONS**

Section 1. ROAD USE TAX FUND. There is appropriated from the road use tax fund created in section 312.1 to the department of transportation for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For the payment of costs associated with the production of driver’s licenses, as defined in section 321.1, subsection 20A:

..... \$ 3,876,000

Notwithstanding section 8.33, moneys appropriated in this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for subsequent fiscal years for the purposes specified in this subsection.

2. For salaries, support, maintenance, and miscellaneous purposes:

a. Operations:

..... \$ 6,654,962

b. Planning:

..... \$ 506,127

c. Motor vehicles:

..... \$ 35,604,012

3. For payments to the department of administrative services for utility services:

..... \$ 225,000

4. Unemployment compensation:

..... \$ 7,000

5. For payments to the department of administrative services for paying workers’ compensation claims under chapter 85 on behalf of employees of the department of transportation:

..... \$ 137,000

6. For payment to the general fund of the state for indirect cost recoveries:

..... \$ 78,000

7. For reimbursement to the auditor of state for audit expenses as provided in section 11.5B:

..... \$ 67,319

8. For automation, telecommunications, and related costs associated with the county issuance of driver’s licenses and vehicle registrations and titles:

..... \$ 1,406,000

9. For transfer to the department of public safety for operating a system providing toll-free telephone road and weather conditions information:

..... \$ 100,000

10. For costs associated with the participation in the Mississippi river parkway commission:

..... \$ 40,000

11. For membership in North America’s supercorridor coalition:

..... \$ 50,000

12. For motor vehicle division field facility maintenance projects at various locations:

..... \$ 200,000

For purposes of section 8.33, unless specifically provided otherwise, moneys appropriated in this subsection that remain unencumbered or unobligated shall not revert but shall remain

available for expenditure for the purposes designated until the close of the fiscal year that ends three years after the end of the fiscal year for which the appropriation was made. However, if the projects for which the appropriation was made are completed in an earlier fiscal year, unencumbered or unobligated moneys shall revert at the close of that same fiscal year.

Sec. 2. PRIMARY ROAD FUND. There is appropriated from the primary road fund created in section 313.3 to the department of transportation for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

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

a. Operations:		
.....	\$	40,951,274
.....	FTEs	312.00
b. Planning:		
.....	\$	9,610,960
.....	FTEs	131.00
c. Highways:		
.....	\$	237,565,726
.....	FTEs	2,452.00
d. Motor vehicles:		
.....	\$	1,555,005
.....	FTEs	478.00
2. For payments to the department of administrative services for utility services:	\$	1,382,000
3. Unemployment compensation:	\$	138,000
4. For payments to the department of administrative services for paying workers' compensation claims under chapter 85 on behalf of the employees of the department of transportation:	\$	3,278,000
5. For disposal of hazardous wastes from field locations and the central complex:	\$	800,000
6. For payment to the general fund of the state for indirect cost recoveries:	\$	572,000
7. For reimbursement to the auditor of state for audit expenses as provided in section 11.5B:	\$	415,181
8. For costs associated with producing transportation maps:	\$	242,000
9. For inventory and equipment replacement:	\$	2,250,000
10. For utility improvements at various locations:	\$	400,000
11. For roofing projects at various locations:	\$	200,000
12. For heating, cooling, and exhaust system improvements at various locations:	\$	200,000
13. For deferred maintenance projects at field facilities throughout the state:	\$	1,000,000
14. For federal Americans With Disabilities Act improvements at various locations:	\$	120,000
15. For elevator upgrades at the Ames complex:	\$	100,000
16. For wastewater treatment improvements at various locations:	\$	1,000,000

For purposes of section 8.33, unless specifically provided otherwise, moneys appropriated

in subsections 10 through 16 that remain unencumbered or unobligated shall not revert but shall remain available for expenditure for the purposes designated until the close of the fiscal year that ends three years after the end of the fiscal year for which the appropriation was made. However, if the project or projects for which such appropriation was made are completed in an earlier fiscal year, unencumbered or unobligated moneys shall revert at the close of that same fiscal year.

DIVISION II
MISCELLANEOUS STATUTORY CHANGES

Sec. 3. Section 321.1, subsection 4, Code Supplement 2009, is amended to read as follows:

4. *All-terrain vehicle* means a motor vehicle designed to travel on three or more wheels and designed primarily for off-road recreational use ~~but not including~~. *All-terrain vehicle* includes off-road utility vehicles as defined in section 321I.1, but does not include farm tractors or equipment, construction equipment, forestry vehicles, or lawn and grounds maintenance vehicles.

Sec. 4. Section 321.234A, subsection 1, paragraph a, Code 2009, is amended to read as follows:

a. The operation is between sunrise and sunset and is incidental to the vehicle's use for agricultural purposes. For purposes of this paragraph, "incidental to the vehicle's use for agricultural purposes" includes stopping in the course of agricultural use to obtain fuel for the all-terrain vehicle or to obtain food or a nonalcoholic beverage for the operator.

Sec. 5. Section 321.234A, subsection 1, Code 2009, is amended by adding the following new paragraph:

NEW PARAGRAPH. f. The all-terrain vehicle is operated on a county roadway in accordance with section 321I.10, subsection 2, or a city street in accordance with section 321I.10, subsection 3.

Sec. 6. Section 321.445, subsection 2, Code 2009, is amended to read as follows:

2. a. The driver and front seat occupants of a type of motor vehicle that is subject to registration in Iowa, except a motorcycle or a motorized bicycle, shall each wear a properly adjusted and fastened safety belt or safety harness any time the vehicle is in forward motion on a street or highway in this state except that a child under ~~eleven~~ eighteen years of age shall be secured as required under section 321.446.

b. This subsection does not apply to:

a. (1) The driver or front seat occupants of a motor vehicle which is not required to be equipped with safety belts or safety harnesses.

b. (2) The driver and front seat occupants of a motor vehicle who are actively engaged in work which requires them to alight from and reenter the vehicle at frequent intervals, providing the vehicle does not exceed twenty-five miles per hour between stops.

c. (3) The driver of a motor vehicle while performing duties as a rural letter carrier for the United States postal service. This exemption applies only between the first delivery point after leaving the post office and the last delivery point before returning to the post office.

d. (4) Passengers on a bus.

e. (5) A person possessing a written certification from a health care provider licensed under chapter 148 or 151 on a form provided by the department that the person is unable to wear a safety belt or safety harness due to physical or medical reasons. The certification shall specify the time period for which the exemption applies. The time period shall not exceed twelve months, at which time a new certification may be issued unless the certifying health care provider is from a United States military facility, in which case the certificate may specify a longer period of time or a permanent exemption.

f. (6) Front seat occupants of an authorized emergency vehicle while they are being transported in an emergency. However, this exemption does not apply to the driver of the authorized emergency vehicle.

c. The department, in cooperation with the department of public safety and the department of education, shall establish educational programs to foster compliance with the safety belt and safety harness usage requirements of this subsection.

Sec. 7. Section 321.445, subsection 3, Code 2009, is amended to read as follows:

3. The driver and front seat passengers may be each charged separately for improperly used or nonused equipment under subsection 2. However, the driver shall not be charged for a violation committed by a passenger who is fourteen years of age or older unless the passenger is unable to properly fasten a seat belt due to a temporary or permanent disability. The owner of the motor vehicle may be charged for equipment violations under subsection 1.

Sec. 8. Section 321.446, subsections 2 and 3, Code 2009, are amended to read as follows:

2. A child at least six years of age but under ~~eleven~~ eighteen years of age who is being transported in a motor vehicle subject to registration, except a school bus or motorcycle, shall be secured during transit by a child restraint system that is used in accordance with the manufacturer's instructions or by a safety belt or safety harness of a type approved under section 321.445.

3. This section does not apply to ~~peace~~ the following:

a. ~~Peace officers acting on official duty. This section also does not apply to the~~
b. The transportation of children in 1965 model year or older vehicles, authorized emergency vehicles, buses, or motor homes, except when a child is transported in a motor home's passenger seat situated directly to the driver's right. This section does not apply to the

c. The transportation of a child who has been certified by a physician licensed under chapter 148 as having a medical, physical, or mental condition that prevents or makes inadvisable securing the child in a child restraint system, safety belt, or safety harness.

d. A back seat occupant of a motor vehicle for whom no safety belt is available because all safety belts are being used by other occupants or cannot be used due to the use of a child restraint system in the seating position for which a belt is provided.

Sec. 9. Section 321.446, subsection 4, Code 2009, is amended by striking the subsection and inserting in lieu thereof the following:

4. A person who violates this section is guilty of a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 14, paragraph "c". Violations shall be charged as follows:

a. An operator who transports a passenger under fourteen years of age in violation of subsection 1 or 2 may be charged with a violation of this section.

b. If a passenger fourteen years of age or older is unable to properly fasten a seatbelt due to a temporary or permanent disability, an operator who transports such a person in violation of subsection 2 may be charged with a violation of this section. Otherwise, a passenger fourteen years of age or older who violates subsection 2 shall be charged in lieu of the operator.

c. If a child under fourteen years of age, or a child fourteen years of age or older who is unable to fasten a seatbelt due to a temporary or permanent disability, is being transported in a taxicab in a manner that is not in compliance with subsection 1 or 2, the parent, legal guardian, or other responsible adult traveling with the child shall be served with a citation for a violation of this section in lieu of the taxicab operator. Otherwise, if a passenger being transported in the taxicab is fourteen years of age or older, the citation shall be served on the passenger in lieu of the taxicab operator.

Sec. 10. Section 321I.10, subsections 1, 2, and 3, Code Supplement 2009, are amended to read as follows:

1. A person shall not operate an all-terrain vehicle or off-road utility vehicle upon roadways or highways except as provided in section 321.234A and this section.

2. A registered all-terrain vehicle or off-road utility vehicle may be operated on the roadways of that portion of county highways designated by the county board of supervisors for such use during a specified period. The county board of supervisors shall evaluate the traffic conditions on all county highways and designate roadways on which all-terrain vehicles or off-road utility vehicles may be operated for the specified period without unduly

interfering with or constituting an undue hazard to conventional motor vehicle traffic. In designating such roadways, the board may authorize all-terrain vehicles and off-road utility vehicles to stop at service stations or convenience stores along a designated roadway.

3. Cities may designate streets under the jurisdiction of cities within their respective corporate limits which may be used for the sport of driving operation of registered all-terrain vehicles or registered off-road utility vehicles. In designating such streets, the city may authorize all-terrain vehicles and off-road utility vehicles to stop at service stations or convenience stores along a designated street.

Sec. 11. Section 322D.1, subsection 1, Code 2009, is amended to read as follows:

1. “All-terrain vehicle” means the same as defined in section 321.1 a motor vehicle designed to travel on three or more wheels and designed primarily for off-road recreational use but not including farm tractors or equipment, construction equipment, forestry vehicles, or lawn and grounds maintenance vehicles.

Approved April 28, 2010

CHAPTER 1187

FEDERAL BLOCK GRANT APPROPRIATIONS AND OTHER FEDERAL FUNDING

H.F. 2519

AN ACT relating to state and local financial matters by revising certain appropriations and appropriating federal funds made available from federal block grants, the federal American Recovery and Reinvestment Act of 2009, and other nonstate sources, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated, and including effective date and retroactive applicability provisions.

Be It Enacted by the General Assembly of the State of Iowa:

DIVISION I
FEDERAL BLOCK GRANT AND OTHER
FEDERAL FUNDING — FY 2010-2011

Section 1. SUBSTANCE ABUSE APPROPRIATION.

1. There is appropriated from the fund created by section 8.41 to the department of public health for the federal fiscal year beginning October 1, 2010, and ending September 30, 2011, the following amount:

..... \$ 13,524,616

a. Funds appropriated in this subsection are the anticipated funds to be received from the federal government for the designated federal fiscal year under 42 U.S.C., ch. 6A, subch. XVII, part B, subpart ii, which provides for the substance abuse prevention and treatment block grant. The department shall expend the funds appropriated in this subsection as provided in the federal law making the funds available and in conformance with chapter 17A.

b. Of the funds appropriated in this subsection, an amount not exceeding 5 percent shall be used by the department for administrative expenses.

c. The department shall expend no less than an amount equal to the amount expended for treatment services in the state fiscal year beginning July 1, 2009, for pregnant women and women with dependent children.

d. Of the funds appropriated in this subsection, an amount not exceeding \$24,585 shall be used for audits.

2. At least 20 percent of the funds remaining from the appropriation made in subsection 1 shall be allocated for prevention programs.

3. In implementing the federal substance abuse prevention and treatment block grant under 42 U.S.C., ch. 6A, subch. XVII, and any other applicable provisions of the federal Public Health Service Act under 42 U.S.C., ch. 6A, the department shall apply the provisions of Pub. L. No. 106-310, § 3305, as codified in 42 U.S.C. § 300x-65, relating to services under such federal law being provided by religious and other nongovernmental organizations.

Sec. 2. COMMUNITY MENTAL HEALTH SERVICES APPROPRIATION.

1. a. There is appropriated from the fund created by section 8.41 to the department of human services for the federal fiscal year beginning October 1, 2010, and ending September 30, 2011, the following amount:

..... \$ 3,368,868

b. Funds appropriated in this subsection are the anticipated funds to be received from the federal government for the designated federal fiscal year under 42 U.S.C., ch. 6A, subch. XVII, part B, subpart i, which provides for the community mental health services block grant. The department shall expend the funds appropriated in this subsection as provided in the federal law making the funds available and in conformance with chapter 17A.

c. The department shall allocate not less than 95 percent of the amount of the block grant to eligible community mental health services providers for carrying out the plan submitted to and approved by the federal substance abuse and mental health services administration for the fiscal year involved.

d. Of the amount allocated to eligible services providers under paragraph "c", 70 percent shall be distributed to the state's accredited community mental health centers established or designated by counties in accordance with law or administrative rule. If a county has not established or designated a community mental health center and has received a waiver from the mental health, mental retardation, developmental disabilities, and brain injury commission, the mental health services provider designated by that county is eligible to receive funding distributed pursuant to this paragraph in lieu of a community mental health center. The funding distributed shall be used by recipients of the funding for the purpose of developing and providing evidence-based practices and emergency services to adults with a serious mental illness and children with a serious emotional disturbance. The distribution amounts shall be announced at the beginning of the federal fiscal year and distributed on a quarterly basis according to the formulas used in previous fiscal years. Recipients shall submit quarterly reports containing data consistent with the performance measures approved by the federal substance abuse and mental health services administration.

2. An amount not exceeding 5 percent of the funds appropriated in subsection 1 shall be used by the department of human services for administrative expenses. From the funds set aside by this subsection for administrative expenses, the department shall pay to the auditor of state an amount sufficient to pay the cost of auditing the use and administration of the state's portion of the funds appropriated in subsection 1. The auditor of state shall bill the department for the costs of the audits.

Sec. 3. MATERNAL AND CHILD HEALTH SERVICES APPROPRIATIONS.

1. There is appropriated from the fund created by section 8.41 to the department of public health for the federal fiscal year beginning October 1, 2010, and ending September 30, 2011, the following amount:

..... \$ 6,529,540

a. The funds appropriated in this subsection are the funds anticipated to be received from the federal government for the designated federal fiscal year under 42 U.S.C., ch. 7, subch. V, which provides for the maternal and child health services block grant. The department shall expend the funds appropriated in this subsection as provided in the federal law making the funds available and in conformance with chapter 17A.

b. Funds appropriated in this subsection shall not be used by the university of Iowa hospitals and clinics for indirect costs.

2. An amount not exceeding 10 percent of the funds appropriated in subsection 1 shall be used by the department of public health for administrative expenses.

3. The departments of public health, human services, and education and the university of Iowa’s mobile and regional child health specialty clinics shall continue to pursue to the maximum extent feasible the coordination and integration of services to women and children.

4. a. Sixty-three percent of the remaining funds appropriated in subsection 1 shall be allocated to supplement appropriations for maternal and child health programs within the department of public health. Of these funds, \$300,291 shall be set aside for the statewide perinatal care program.

b. Thirty-seven percent of the remaining funds appropriated in subsection 1 shall be allocated to the university of Iowa hospitals and clinics under the control of the state board of regents for mobile and regional child health specialty clinics. The university of Iowa hospitals and clinics shall not receive an allocation for indirect costs from the funds for this program. Priority shall be given to establishment and maintenance of a statewide system of mobile and regional child health specialty clinics.

5. The department of public health shall administer the statewide maternal and child health program and the disabled children’s program by conducting mobile and regional child health specialty clinics and conducting other activities to improve the health of low-income women and children and to promote the welfare of children with actual or potential handicapping conditions and chronic illnesses in accordance with the requirements of Tit. V of the federal Social Security Act.

Sec. 4. PREVENTIVE HEALTH AND HEALTH SERVICES APPROPRIATIONS.

1. There is appropriated from the fund created by section 8.41 to the department of public health for the federal fiscal year beginning October 1, 2010, and ending September 30, 2011, the following amount:

..... \$ 1,114,623

Funds appropriated in this subsection are the funds anticipated to be received from the federal government for the designated federal fiscal year under 42 U.S.C., ch. 6A, subch. XVII, part A, which provides for the preventive health and health services block grant. The department shall expend the funds appropriated in this subsection as provided in the federal law making the funds available and in conformance with chapter 17A.

2. Of the funds appropriated in subsection 1, an amount not more than 10 percent shall be used by the department for administrative expenses.

3. Of the funds appropriated in subsection 1, the specific amount of funds stipulated by the notice of the block grant award shall be allocated for services to victims of sex offenses and for rape prevention education.

4. After deducting the funds allocated in subsections 2 and 3, the remaining funds appropriated in subsection 1 may be used by the department for healthy people 2011/healthy Iowans 2011 program objectives, preventive health advisory committee, and risk reduction services, including nutrition programs, health incentive programs, chronic disease services, emergency medical services, monitoring of the fluoridation program and start-up fluoridation grants, and acquired immune deficiency syndrome services. The moneys specified in this subsection shall not be used by the university of Iowa hospitals and clinics or by the state hygienic laboratory for the funding of indirect costs.

Sec. 5. STOP VIOLENCE AGAINST WOMEN GRANT PROGRAM APPROPRIATION.

1. There is appropriated from the fund created by section 8.41 to the department of justice for the federal fiscal year beginning October 1, 2010, and ending September 30, 2011, the following amount:

..... \$ 1,482,096

Funds appropriated in this subsection are the anticipated funds to be received from the federal government for the designated fiscal year under 42 U.S.C., ch. 46, § 3796gg-1, which provides for grants to combat violent crimes against women. The department of justice shall expend the funds appropriated in this subsection as provided in the federal law making the funds available and in conformance with chapter 17A.

2. An amount not exceeding 10 percent of the funds appropriated in subsection 1 shall be used by the department of justice for administrative expenses. From the funds set aside by this subsection for administrative expenses, the department shall pay to the auditor of

state an amount sufficient to pay the cost of auditing the use and administration of the state’s portion of the funds appropriated in subsection 1.

Sec. 6. RESIDENTIAL SUBSTANCE ABUSE TREATMENT FOR STATE PRISONERS FORMULA GRANT PROGRAM. There is appropriated from the fund created by section 8.41 to the governor’s office of drug control policy for the federal fiscal year beginning October 1, 2010, and ending September 30, 2011, the following amount:

..... \$ 250,000

Funds appropriated in this section are the funds anticipated to be received from the federal government for the designated fiscal year under 42 U.S.C., ch. 46, subch. XII-G, which provides grants for substance abuse treatment programs in state and local correctional facilities. The drug policy coordinator shall expend the funds appropriated in this section as provided in federal law making the funds available and in conformance with chapter 17A.

Sec. 7. EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM APPROPRIATION.

1. There is appropriated from the fund created by section 8.41 to the governor’s office of drug control policy for the federal fiscal year beginning October 1, 2010, and ending September 30, 2011, the following amount:

..... \$ 3,000,000

Funds appropriated in this subsection are the anticipated funds to be received from the federal government for the designated fiscal year under 42 U.S.C., ch. 46, subch. V, which provides for the Edward Byrne memorial justice assistance grant program. The drug policy coordinator shall expend the funds appropriated in this subsection as provided in the federal law making the funds available and in conformance with chapter 17A.

2. An amount not exceeding 10 percent of the funds appropriated in subsection 1 shall be used by the drug policy coordinator for administrative expenses. From the funds set aside by this subsection for administrative expenses, the drug policy coordinator shall pay to the auditor of state an amount sufficient to pay the cost of auditing the use and administration of the state’s portion of the funds appropriated in subsection 1.

Sec. 8. COMMUNITY SERVICES APPROPRIATIONS.

1. a. There is appropriated from the fund created by section 8.41 to the division of community action agencies of the department of human rights for the federal fiscal year beginning October 1, 2010, and ending September 30, 2011, the following amount:

..... \$ 7,530,822

Funds appropriated in this subsection are the funds anticipated to be received from the federal government for the designated federal fiscal year under 42 U.S.C., ch. 106, which provides for the community services block grant. The division of community action agencies of the department of human rights shall expend the funds appropriated in this subsection as provided in the federal law making the funds available and in conformance with chapter 17A.

b. The administrator of the division of community action agencies of the department of human rights shall allocate not less than 96 percent of the amount of the block grant to eligible community action agencies for programs benefiting low-income persons. Each eligible agency shall receive a minimum allocation of not less than \$100,000. The minimum allocation shall be achieved by redistributing increased funds from agencies experiencing a greater share of available funds. The funds shall be distributed on the basis of the poverty-level population in the area represented by the community action areas compared to the size of the poverty-level population in the state.

2. An amount not exceeding 4 percent of the funds appropriated in subsection 1 shall be used by the division of community action agencies of the department of human rights for administrative expenses. From the funds set aside by this subsection for administrative expenses, the division of community action agencies of the department of human rights shall pay to the auditor of state an amount sufficient to pay the cost of auditing the use and administration of the state’s portion of the funds appropriated in subsection 1. The auditor of state shall bill the division of community action agencies for the costs of the audits.

Sec. 9. COMMUNITY DEVELOPMENT APPROPRIATIONS.

1. There is appropriated from the fund created by section 8.41 to the department of economic development for the federal fiscal year beginning October 1, 2010, and ending September 30, 2011, the following amount:

..... \$ 26,240,724

Funds appropriated in this subsection are the funds anticipated to be received from the federal government for the designated federal fiscal year under 42 U.S.C., ch. 69, which provides for community development block grants. The department of economic development shall expend the funds appropriated in this subsection as provided in the federal law making the funds available and in conformance with chapter 17A.

2. An amount not exceeding \$1,149,628 for the federal fiscal year beginning October 1, 2010, shall be used by the department of economic development for administrative expenses for the community development block grant. The total amount used for administrative expenses includes \$624,814 for the federal fiscal year beginning October 1, 2010, of funds appropriated in subsection 1 and a matching contribution from the state equal to \$524,814 from the appropriation of state funds for the community development block grant and state appropriations for related activities of the department of economic development. From the funds set aside for administrative expenses by this subsection, the department of economic development shall pay to the auditor of state an amount sufficient to pay the cost of auditing the use and administration of the state’s portion of the funds appropriated in subsection 1. The auditor of state shall bill the department for the costs of the audit.

Sec. 10. LOW-INCOME HOME ENERGY ASSISTANCE APPROPRIATIONS.

1. There is appropriated from the fund created by section 8.41 to the division of community action agencies of the department of human rights for the federal fiscal year beginning October 1, 2010, and ending September 30, 2011, the following amount:

..... \$ 67,802,538

The funds appropriated in this subsection are the funds anticipated to be received from the federal government for the designated federal fiscal year under 42 U.S.C., ch. 94, subch. II, which provides for the low-income home energy assistance block grants. The division of community action agencies of the department of human rights shall expend the funds appropriated in this subsection as provided in the federal law making the funds available and in conformance with chapter 17A.

2. Up to 15 percent of the amount appropriated in this section that is actually received shall be used for residential weatherization or other related home repairs for low-income households. Of this allocation amount, not more than 10 percent may be used for administrative expenses.

3. After subtracting the allocation in subsection 2, up to 10 percent of the remainder is allocated for administrative expenses of the low-income home energy assistance program of which \$377,000 is allocated for administrative expenses of the division. The costs of auditing the use and administration of the portion of the appropriation in this section that is retained by the state shall be paid from the amount allocated in this subsection to the division. The auditor of state shall bill the division for the audit costs.

4. The remainder of the appropriation in this section following the allocations made in subsections 2 and 3, shall be used to help eligible households as defined in 42 U.S.C., ch. 94, subch. II, to meet home energy costs.

5. Not more than 10 percent of the amount appropriated in this section that is actually received may be carried forward for use in the succeeding federal fiscal year.

6. Expenditures for assessment and resolution of energy problems shall be limited to 5 percent of the amount appropriated in this section that is actually received.

Sec. 11. SOCIAL SERVICES APPROPRIATIONS.

1. There is appropriated from the fund created by section 8.41 to the department of human services for the federal fiscal year beginning October 1, 2010, and ending September 30, 2011, the following amount:

..... \$ 16,747,274

Funds appropriated in this subsection are the funds anticipated to be received from the federal government for the designated federal fiscal year under 42 U.S.C., ch. 7, subch. XX,

which provides for the social services block grant. The department of human services shall expend the funds appropriated in this subsection as provided in the federal law making the funds available and in conformance with chapter 17A.

2. Not more than \$1,069,342 of the funds appropriated in subsection 1 shall be used by the department of human services for general administration. From the funds set aside in this subsection for general administration, the department of human services shall pay to the auditor of state an amount sufficient to pay the cost of auditing the use and administration of the state's portion of the funds appropriated in subsection 1.

3. In addition to the allocation for general administration in subsection 2, the remaining funds appropriated in subsection 1 shall be allocated in the following amounts to supplement appropriations for the federal fiscal year beginning October 1, 2010, for the following programs within the department of human services:

a. Field operations:	\$	6,395,856
b. Child and family services:	\$	958,310
c. Local administrative costs and other local services:	\$	678,298
d. Volunteers:	\$	74,261
e. MH/MR/DD/BI community services (local purchase):	\$	7,571,207

Sec. 12. SOCIAL SERVICES BLOCK GRANT PLAN. The department of human services during each state fiscal year shall develop a plan for the use of federal social services block grant funds for the subsequent state fiscal year.

The proposed plan shall include all programs and services at the state level which the department proposes to fund with federal social services block grant funds, and shall identify state and other funds which the department proposes to use to fund the state programs and services.

The proposed plan shall also include all local programs and services which are eligible to be funded with federal social services block grant funds, the total amount of federal social services block grant funds available for the local programs and services, and the manner of distribution of the federal social services block grant funds to the counties. The proposed plan shall identify state and local funds which will be used to fund the local programs and services.

The proposed plan shall be submitted with the department's budget requests to the governor and the general assembly.

Sec. 13. PROJECTS FOR ASSISTANCE IN TRANSITION FROM HOMELESSNESS.

1. Upon receipt of the minimum formula grant from the federal substance abuse and mental health services administration to provide mental health services for the homeless, for the federal fiscal year beginning October 1, 2010, and ending September 30, 2011, the department of human services shall assure that a project which receives funds under the formula grant shall do all of the following:

- a. Provide outreach and engagement to homeless individuals at risk of homelessness and assesses those individuals for serious mental illness.
- b. Enroll those individuals with serious mental illness who are willing to accept services through the project.
- c. Provide case management to homeless persons.
- d. Provide appropriate training to persons who provide services to persons targeted by the grant.
- e. Assure a local match share of 25 percent.
- f. Refer homeless individuals and individuals at risk of homelessness to primary health care, job training, educational services, and relevant housing services.

2. A project may expend funds for community mental health services, diagnostic services, crisis intervention services, habilitation and rehabilitation services, substance abuse services,

supportive and supervisory services to homeless persons living in residential settings that are not otherwise supported, and housing services including minor renovation, expansion, and repair of housing, security deposits, planning of housing, technical assistance in applying for housing, improving the coordination of housing services, the costs associated with matching eligible homeless individuals with appropriate housing, and one-time rental payments to prevent eviction.

Sec. 14. CHILD CARE AND DEVELOPMENT APPROPRIATION. There is appropriated from the fund created by section 8.41 to the department of human services for the federal fiscal year beginning October 1, 2010, and ending September 30, 2011, the following amount:

..... \$ 43,635,455

Funds appropriated in this section are the funds anticipated to be received from the federal government under 42 U.S.C., ch. 105, subch. II-B, which provides for the child care and development block grant. The department shall expend the funds appropriated in this section as provided in the federal law making the funds available and in conformance with chapter 17A.

Moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall revert to be available for appropriation for purposes of the child care and development block grant in the succeeding fiscal year.

Sec. 15. PROCEDURE FOR REDUCED FEDERAL FUNDS.

1. If the funds received from the federal government for the block grants specified in this Act are less than the amounts appropriated, the funds actually received shall be prorated by the governor for the various programs, other than for the services to victims of sex offenses and for rape prevention education under section 4, subsection 3, of this Act, for which each block grant is available according to the percentages that each program is to receive as specified in this Act. However, if the governor determines that the funds allocated by the percentages will not be sufficient to accomplish the purposes of a particular program, or if the appropriation is not allocated by percentage, the governor may allocate the funds in a manner which will accomplish to the greatest extent possible the purposes of the various programs for which the block grants are available.

2. Before the governor implements the actions provided for in subsection 1, the following procedures shall be taken:

a. The chairpersons and ranking members of the senate and house standing committees on appropriations, the appropriate chairpersons and ranking members of subcommittees of those committees, and the director of the legislative services agency shall be notified of the proposed action.

b. The notice shall include the proposed allocations, and information on the reasons why particular percentages or amounts of funds are allocated to the individual programs, the departments and programs affected, and other information deemed useful. Chairpersons and ranking members notified shall be allowed at least two weeks to review and comment on the proposed action before the action is taken.

Sec. 16. PROCEDURE FOR INCREASED FEDERAL FUNDS.

1. If funds received from the federal government in the form of block grants exceed the amounts appropriated in sections 1, 2, 3, 4, 7, 9, and 11 of this Act, the excess shall be prorated to the appropriate programs according to the percentages specified in those sections, except additional funds shall not be prorated for administrative expenses.

2. If actual funds received from the federal government from block grants exceed the amount appropriated in section 10 of this Act for the low-income home energy assistance program, not more than 10 percent of the excess may be allocated to the low-income residential weatherization program and not more than 15 percent of the excess may be used for administrative costs.

3. If funds received from the federal government from community services block grants exceed the amount appropriated in section 8 of this Act, 100 percent of the excess is allocated to the community services block grant program.

Sec. 17. PROCEDURE FOR EXPENDITURE OF ADDITIONAL FEDERAL FUNDS. If other federal grants, receipts, and funds and other nonstate grants, receipts, and funds become available or are awarded which are not available or awarded during the period in which the general assembly is in session, but which require expenditure by the applicable department or agency prior to March 15 of the fiscal year beginning July 1, 2010, and ending June 30, 2011, these grants, receipts, and funds are appropriated to the extent necessary, provided that the fiscal committee of the legislative council is notified within thirty days of receipt of the grants, receipts, or funds and the fiscal committee of the legislative council has an opportunity to comment on the expenditure of the grants, receipts, or funds.

Sec. 18. OTHER GRANTS, RECEIPTS, AND FUNDS. Federal grants, receipts, and funds and other nonstate grants, receipts, and funds, available in whole or in part of the fiscal year beginning July 1, 2010, and ending June 30, 2011, are appropriated to the following departments and agencies that are designated by and for the purposes set forth in the grants, receipts, or conditions accompanying the receipt of the funds, unless otherwise provided by law:

1. Department of administrative services.
2. Department on aging.
3. Department of agriculture and land stewardship.
4. Office of auditor of state.
5. Department for the blind.
6. Iowa state civil rights commission.
7. College student aid commission.
8. Department of commerce.
9. Department of corrections.
10. Department of cultural affairs.
11. Department of economic development.
12. Department of education.
13. Office of energy independence.
14. Iowa ethics and campaign disclosure board.
15. Iowa finance authority.
16. Offices of the governor and lieutenant governor.
17. Governor's office of drug control policy.
18. Department of human rights.
19. Department of human services.
20. Department of inspections and appeals.
21. Judicial branch.
22. Department of justice.
23. Iowa law enforcement academy.
24. Department of management.
25. Department of natural resources.
26. Board of parole.
27. Department of public defense.
28. Public employment relations board.
29. Department of public health.
30. Department of public safety.
31. State board of regents.
32. Department of revenue.
33. Office of secretary of state.
34. Iowa state fair authority.
35. Office for state-federal relations.
36. Iowa telecommunications and technology commission.
37. Office of treasurer of state.
38. Department of transportation.
39. Department of veterans affairs.
40. Department of workforce development.

DIVISION II
FEDERAL AMERICAN RECOVERY AND
REINVESTMENT ACT OF 2009 FUNDING

Sec. 19. APPLICABILITY OF APPROPRIATIONS — TRANSFERS — UNANTICIPATED FUNDS.

1. a. The appropriations of available federal grants, receipts, and funds made to the departments and agencies in division I of this Act do not apply to the federal funding available through the federal American Recovery and Reinvestment Act of 2009 for the fiscal years addressed by the federal Act or to additional, unanticipated funding from federal law enacted after the effective date of this division of this Act.

b. However, if it is determined by the department of management, with the written consent of the governor, that federal grants, receipts, and funds available through the federal American Recovery and Reinvestment Act of 2009 are needed and are available without any match requirement and have not been appropriated in this division of this Act or are provided through federal match of state or local funds that have been appropriated, the appropriations described in paragraph "a" shall apply.

2. The department of management, with the written consent and approval of the governor, may exercise the transfer authority authorized in section 8.39, to transfer any of the appropriations made in this division of this Act to appropriations made from the general fund of the state for the fiscal year beginning July 1, 2010, provided the transfer is made within the same fiscal year. Any such transfer is subject to the notice provisions of section 8.39, subsection 3.

Sec. 20. FEDERAL RECOVERY AND REINVESTMENT FUND APPROPRIATIONS — FY 2010-2011. There is appropriated from the federal recovery and reinvestment fund created in section 8.41A, to the department of management for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. From funding designated for education stabilization:

For state foundation aid to schools, to be used as provided in this subsection for state foundation aid to schools in accordance with section 257.16, subsection 1:

..... \$ 25,343,090

a. The appropriation made in this subsection is in lieu of an equal amount of the appropriation made from the general fund of the state for the fiscal year beginning July 1, 2010, and ending June 30, 2011, pursuant to section 257.16, and shall be used to pay that part of state foundation aid which represents the allowable growth amounts for all school districts under section 257.8, subsection 1.

b. For purposes of distributing the appropriation made in this subsection to school districts, the distribution amount shall be calculated equally in the monthly payment to each school district in the same ratio that the weighted enrollment, determined in accordance with section 257.6, subsection 5, of the school district for the budget year beginning July 1, 2010, bears to the total weighted enrollment of all school districts in the state for that budget year.

2. From funding designated for government stabilization:

For state foundation aid to schools, to be used as provided in this subsection for state foundation aid to schools in accordance with section 257.16, subsection 1:

..... \$ 22,604,797

a. The appropriation made in this subsection is in lieu of an equal amount of the appropriation made from the general fund of the state for the fiscal year beginning July 1, 2010, and ending June 30, 2011, pursuant to section 257.16, and shall be used to pay that part of state foundation aid which represents the allowable growth amounts for all school districts under section 257.8, subsection 1.

b. For purposes of distributing the appropriation made in this subsection to school districts, the distribution amount shall be calculated equally in the monthly payment to each school district in the same ratio that the weighted enrollment, determined in accordance with section 257.6, subsection 5, of the school district for the budget year beginning July 1, 2010, bears to the total weighted enrollment of all school districts in the state for that budget year.

Sec. 21. COMMUNITY DEVELOPMENT BLOCK GRANT — AMERICAN RECOVERY AND REINVESTMENT ACT.

1. There is appropriated from the fund created by section 8.41A to the department of economic development for the federal fiscal year beginning October 1, 2008, and ending September 30, 2009, the following amount:

..... \$ 7,014,352

2. The funds appropriated in this section are federal community development block grant funds awarded to the state under the federal American Recovery and Reinvestment Act of 2009, Pub. L. No. 111-5.

3. The department of economic development shall expend the funds appropriated in this section for infrastructure improvements that modernize infrastructure, improve energy efficiency, and expand educational opportunities and access to health care, as provided in the federal law and in conformance with chapter 17A. An amount not to exceed 6 percent of the funds appropriated in this section shall be used by the department for administrative expenses. From the funds set aside for administrative expenses, the department shall pay to the auditor of state an amount sufficient to pay the cost of auditing the use and administration of the state’s portion of the funds appropriated in this section.

4. This section is retroactively applicable to October 1, 2008.

Sec. 22. COMMUNITY DEVELOPMENT BLOCK GRANT — DISASTER RELIEF.

1. There is appropriated from the fund created by section 8.41 to the department of economic development for the federal fiscal year beginning October 1, 2007, and ending September 30, 2008, the following amount:

..... \$ 516,713,868

2. The funds appropriated in this section are federal community development block grant funds awarded to the state under the federal Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009, Pub. L. No. 110-329.

3. The department of economic development shall expend the funds appropriated in this section for disaster relief, long-term recovery, and restoration of infrastructure as provided in the federal law making the funds available and in conformance with chapter 17A. An amount not to exceed 3 percent of the funds appropriated in this section shall be used by the department for administrative expenses. From the funds set aside for administrative expenses, the department shall pay to the auditor of state an amount sufficient to pay the cost of auditing the use and administration of the state’s portion of the funds appropriated in this section.

4. If the actual federal funding received is less than or greater than the amount appropriated in this section, the procedures specified in 2007 Iowa Acts, chapter 204, section 16 or 17, are applicable.

5. This section is retroactively applicable to October 1, 2007.

Sec. 23. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Approved April 28, 2010

CHAPTER 1188

APPROPRIATIONS — ECONOMIC DEVELOPMENT

H.F. 2522

AN ACT relating to and making appropriations to the department of cultural affairs, the department of economic development, certain board of regents institutions, the department of workforce development, and the public employment relations board, and related matters and including effective date provisions.

Be It Enacted by the General Assembly of the State of Iowa:

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

1. ADMINISTRATION

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

.....	\$	212,069
.....	FTEs	74.50

The department of cultural affairs shall coordinate activities with the tourism office of the department of economic development to promote attendance at the state historical building and at this state’s historic sites.

Full-time equivalent positions authorized under this subsection shall be funded, in full or in part, using moneys appropriated under this subsection and subsections 3 through 7.

2. COMMUNITY CULTURAL GRANTS

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

.....	\$	273,500
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3. HISTORICAL DIVISION

For the support of the historical division:

.....	\$	3,195,107
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4. HISTORIC SITES

For the administration and support of historic sites:

.....	\$	493,060
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5. ARTS DIVISION

For the support of the arts division:

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

For the great places program:

.....	\$	214,869
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7. ARCHIVE IOWA GOVERNORS’ RECORDS

For archiving the records of Iowa governors:

.....	\$	70,142
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8. RECORDS CENTER RENT

For payment of rent for the state records center:

.....	\$	227,243
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Sec. 2. GOALS AND ACCOUNTABILITY — ECONOMIC DEVELOPMENT.

1. For the fiscal year beginning July 1, 2010, the goals for the department of economic development shall be to expand and stimulate the state economy, increase the wealth of Iowans, and increase the population of the state.

2. To achieve the goals in subsection 1, the department of economic development shall do all of the following for the fiscal year beginning July 1, 2010:

- a. Concentrate its efforts on programs and activities that result in commercially viable products and services.
- b. Adopt practices and services consistent with free market, private sector philosophies.

c. Ensure economic growth and development throughout the state.

Sec. 3. DEPARTMENT OF ECONOMIC DEVELOPMENT. There is appropriated from the general fund of the state to the department of economic development for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. ADMINISTRATION DIVISION

a. For salaries, support, maintenance, miscellaneous purposes, and programs; for transfer to the Iowa state commission grant program; and for not more than the following full-time equivalent positions for the department's three divisions:

.....	\$	1,976,046
.....	FTEs	149.00

b. The department shall work with businesses and communities to continually improve the economic development climate along with the economic well-being and quality of life for Iowans. The administration division shall coordinate with other state agencies to ensure that all state departments are attentive to the needs of an entrepreneurial culture.

c. Full-time equivalent positions authorized under this subsection shall be funded, in full or in part, using moneys appropriated under this subsection and subsections 2 and 3 and by certain federal moneys or other moneys received by the department.

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

2. BUSINESS DEVELOPMENT DIVISION

a. For business development operations and programs, the film office, international trade, export assistance, workforce recruitment, and the partner state program; for transfer to the strategic investment fund; for transfer to the grow Iowa values fund; and for the support of the business development division:

.....	\$	5,346,536
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b. The department shall establish a strong and aggressive marketing image to showcase Iowa's workforce, existing industry, and potential. A priority shall be placed on recruiting new businesses, business expansion, and retaining existing Iowa businesses. Emphasis shall also be placed on entrepreneurial development through helping to secure capital for entrepreneurs, and developing networks and a business climate conducive to entrepreneurs and small business.

c. A business creating jobs with economic development assistance through moneys appropriated in this subsection shall be subject to contract provisions stating that new and retained jobs shall be filled by individuals who are citizens of the United States who reside within the United States or any person authorized to work in the United States pursuant to federal law, including legal resident aliens in the United States. Any vendor who receives such public moneys shall adhere to such contract provisions and provide periodic assurances as the state shall require that the jobs are filled solely by citizens of the United States who reside within the United States or any person authorized to work in the United States pursuant to federal law, including legal resident aliens in the United States. A business that receives financial assistance from the department from moneys appropriated in this bill shall only employ individuals legally authorized to work in this state. In addition to all other applicable penalties provided by current law, all or a portion of the assistance received by a business which is found to knowingly employ individuals not legally authorized to work in this state is subject to recapture by the department.

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

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

f. From the moneys appropriated in this subsection, the department may provide financial assistance in the form of grants, loans, or forgivable loans for advanced research and

commercialization projects involving value-added agriculture, advanced technology, or biotechnology.

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

3. COMMUNITY DEVELOPMENT DIVISION

a. For support, maintenance, miscellaneous purposes, community economic development programs, tourism operations, community assistance, plans for Iowa green corps and summer youth programs, the mainstreet and rural mainstreet programs, the school-to-career program, the community development block grant, and housing and shelter-related programs:

..... \$ 5,063,917

b. The department shall encourage development of communities and quality of life to foster economic growth. The department shall prepare communities for future growth and development through development, expansion, and modernization of infrastructure.

c. The department shall develop public-private partnerships with Iowa businesses in the tourism industry, Iowa tour groups, Iowa tourism organizations, and political subdivisions in this state to assist in the development of advertising efforts. The department shall, to the fullest extent possible, develop cooperative efforts for advertising with contributions from other sources.

d. Notwithstanding section 8.33, moneys appropriated in this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert to any fund but shall remain available for expenditure for the designated purposes during the succeeding fiscal year.

4. For allocating moneys for the world food prize and notwithstanding section 15.368, subsection 1:

..... \$ 650,000

5. For use as matching funds for the United States department of housing and urban development’s main street challenge grants for historic building preservation:

..... \$ 165,775

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

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

..... \$ 112,500

..... FTEs 1.00

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

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

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

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

Sec. 7. WORKFORCE DEVELOPMENT FUND. There is appropriated from the workforce development fund account created in section 15.342A to the workforce development fund created in section 15.343 for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, for the purposes of the workforce development fund, and for not more than the following full-time equivalent positions:

.....	\$	4,000,000
.....	FTEs	4.00

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

.....	FTEs	4.00
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Sec. 9. JOB TRAINING FUND. Notwithstanding section 15.251, all moneys in the job training fund on July 1, 2010, and any moneys appropriated or credited to the fund during the fiscal year beginning July 1, 2010, shall be transferred to the workforce development fund established pursuant to section 15.343.

Sec. 10. IOWA STATE UNIVERSITY.

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

.....	\$	2,575,983
.....	FTEs	56.63

2. Of the moneys appropriated in subsection 1, Iowa state university of science and technology shall allocate at least \$994,929 for purposes of funding small business development centers. If moneys allocated pursuant to this subsection exceed the amount allocated for small business centers in 2009 Iowa Acts, chapter 176, section 11, subsection 2, at least \$100,000 of the moneys allocated pursuant to this subsection shall be used to increase the assistance to small businesses for providing one-on-one business planning and marketing counseling. Iowa state university of science and technology may allocate moneys appropriated in subsection 1 to the various small business development centers in any manner necessary to achieve the purposes of this subsection.

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

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

b. Provide emphasis to providing services to Iowa-based companies.

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

or for nondirected research shall be \$1 for each \$1 of state funds. The match required of industrial foundations or trade associations shall be \$1 for each \$1 of state funds.

Iowa state university of science and technology shall report annually to the joint appropriations subcommittee on economic development and the legislative services agency the total amount of private contributions, the proportion of contributions from small businesses and other businesses, and the proportion for directed contract research and nondirected research of benefit to Iowa businesses and industrial sectors.

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

Sec. 11. UNIVERSITY OF IOWA.

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

.....	\$	222,372
.....	FTEs	6.00

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

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

b. Provide emphasis to providing services to Iowa-based companies.

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

Sec. 12. UNIVERSITY OF NORTHERN IOWA.

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

.....	\$	610,674
.....	FTEs	6.75

Of the moneys appropriated pursuant to this subsection, the university of northern Iowa shall allocate not more than \$125,000 for purposes of expanded support of entrepreneurs through the university's regional business center.

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

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

b. Provide emphasis to providing services to Iowa-based companies.

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

Sec. 13. BOARD OF REGENTS REPORT. The state board of regents shall submit a report on the progress of regents institutions in meeting the strategic plan for technology transfer and economic development to the secretary of the senate, the chief clerk of the house of representatives, and the legislative services agency by January 15, 2011.

Sec. 14. DEPARTMENT OF WORKFORCE DEVELOPMENT. There is appropriated from the general fund of the state to the department of workforce development for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amounts, or so much thereof as is necessary, for the purposes designated:

1. DIVISION OF LABOR SERVICES

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

.....	\$	3,495,440
.....	FTEs	64.00

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

2. DIVISION OF WORKERS' COMPENSATION

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

.....	\$	2,595,768
.....	FTEs	30.00

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

3. WORKFORCE DEVELOPMENT OPERATIONS

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

.....	\$	11,293,047
.....	FTEs	88.28

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

The department of workforce development shall make every effort to maintain new Iowans centers that offer one-stop services to deal with the multiple issues related to immigration and employment. The centers shall be designed to support workers, businesses, and communities with information, referrals, job placement assistance, translation, language training, and resettlement, as well as technical and legal assistance on such issues as forms and documentation. Through the coordination of local, state, and federal service providers, and through the development of partnerships with public, private, and nonprofit entities with established records of international service, these centers shall seek to provide a seamless service delivery system for new Iowans.

4. OFFENDER REENTRY PROGRAM

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

.....	\$	322,261
.....	FTEs	3.00

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

5. SECURITY EMPLOYEE TRAINING PROGRAM

For purposes of administration of a security employee training program:

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

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

Sec. 16. EMPLOYMENT SECURITY CONTINGENCY FUND — DIVISION OF WORKERS' COMPENSATION. There is appropriated from the special employment security contingency fund to the department of workforce development for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary, for the purposes designated:

For the division of workers' compensation, salaries, support, maintenance, and miscellaneous purposes:

..... \$ 471,000

Any remaining additional penalty and interest revenue is appropriated to and may be allocated and used to accomplish the mission of the department.

Sec. 17. WORKFORCE DEVELOPMENT — FIELD OFFICES. There is appropriated from the special employment security contingency fund to the department of workforce development for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For field offices:

..... \$ 662,427

Sec. 18. UNEMPLOYMENT COMPENSATION RESERVE FUND. Notwithstanding section 96.9, subsection 8, paragraph "e", there is appropriated from interest earned on the unemployment compensation reserve fund to the department of workforce development for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount or so much thereof as is necessary, for the purposes designated:

For the operation of field offices:

..... \$ 6,500,000

Sec. 19. EMPLOYEE MISCLASSIFICATION PROGRAM — GENERAL FUND. There is appropriated from the general fund of the state to the department of workforce development for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For enhancing efforts to investigate employers that misclassify workers:

..... \$ 500,000

..... FTEs 8.10

Sec. 20. PUBLIC EMPLOYMENT RELATIONS BOARD. There is appropriated from the general fund of the state to the public employment relations board for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary, for the purposes designated:

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

..... \$ 1,101,903

..... FTEs 10.00

Of the moneys appropriated in this section, the board shall allocate \$15,000 for maintaining a website that allows searchable access to a database of collective bargaining information.

Sec. 21. IOWA FINANCE AUTHORITY AUDIT. The auditor of state is requested to review the audit of the Iowa finance authority performed by the auditor hired by the authority.

Sec. 22. UNEMPLOYMENT COMPENSATION PROGRAM. Notwithstanding section 96.9, subsection 4, paragraph "a", moneys credited to the state by the secretary of the treasury of the United States pursuant to section 903 of the Social Security Act are appropriated

to the department of workforce development and shall be used by the department for the administration of the unemployment compensation program only. This appropriation shall not apply to any fiscal year beginning after December 31, 2009.¹

Sec. 23. Section 15E.117, Code 2009, is amended to read as follows:

15E.117 Promotion of Iowa wine and beer.

1. The department of economic development shall consult with the Iowa wine and beer promotion board on the best means to promote wine and beer made in Iowa.

2. The department has the authority to contract with private persons for the promotion of beer and wine made in Iowa. ~~At the direction of the department, the director of the department of administrative services shall issue warrants to the department of economic development on the barrel tax fund created in section 123.143 and the wine gallonage tax fund created in section 123.183, which moneys~~

3. *a.* Moneys appropriated to the department pursuant to sections 123.143 and 123.183 may be used by the department for the ~~purpose~~ purposes of this section, including administrative expenses incurred under this section.

b. Of the moneys appropriated to the department pursuant to section 123.183, the department shall allocate one hundred thousand dollars to the midwest grape and wine industry institute at Iowa state university of science and technology.

Sec. 24. Section 84C.2, if enacted by 2010 Iowa Acts, House File 681,² section 2, subsection 8, is amended as follows:

8. *“Part-time employee”* means an employee who is employed for an average of fewer than twenty hours per week or an employee, including a full-time employee, who has been employed for fewer than six of the twelve months preceding the date on which notice is required. However, if an applicable collective bargaining agreement defines a part-time employee, such definition shall supersede the definition in this subsection.

Sec. 25. Section 84C.4, if enacted by 2010 Iowa Acts, House File 681,³ section 4, is amended by adding the following new subsection:

NEW SUBSECTION. 7. Wages in lieu of notice. The thirty-day notice requirement in section 84C.3 may be reduced by the number of days for which severance payments or wages in lieu of notice are paid by the employer to the employee for work days occurring during the notice period. A severance payment or wages in lieu of notice shall be at least an amount equivalent to the regular pay the employee would earn for the work days occurring during the notice period.

Sec. 26. Section 91C.2, unnumbered paragraph 1, Code 2009, is amended to read as follows:

A contractor doing business in this state shall register with the labor commissioner and shall meet ~~both~~ all of the following requirements as a condition of registration:

Sec. 27. Section 91C.2, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 3. An out-of-state contractor shall either file a surety bond, as provided in section 91C.7, with the division of labor services in the amount of twenty-five thousand dollars for a one-year period or shall provide a statement to the division of labor services that the contractor is prequalified to bid on projects for the department of transportation pursuant to section 314.1.

Sec. 28. Section 91C.7, subsection 2, Code Supplement 2009, is amended to read as follows:

2. ~~*a.* An out-of-state contractor, before commencing a contract in excess of five thousand dollars in value in Iowa, shall file a bond with the division of labor services of the department of workforce development. The A surety bond filed pursuant to section 91C.2 shall be executed by a surety company authorized to do business in this state, and the bond shall~~

¹ According to enrolled Act; the year “2010” probably intended

² Chapter 1085 herein

³ Chapter 1085 herein

be continuous in nature until canceled by the surety with not less than thirty days' written notice to the contractor and to the division of labor services of the department of workforce development indicating the surety's desire to cancel the bond. The surety company shall not be liable under the bond for any contract commenced after the cancellation of the bond. ~~The bond shall be in the sum of the greater of the following:~~

- ~~(1) One thousand dollars.~~
- ~~(2) Five percent of the contract price.~~

~~b. An out-of-state contractor may file a blanket bond in an amount at least equal to fifty thousand dollars for a two-year period in lieu of filing an individual bond for each contract. The division of labor services of the department of workforce development may increase the bond amount after a hearing.~~

Sec. 29. Section 123.143, subsection 3, Code 2009, is amended to read as follows:

3. Barrel tax revenues collected on beer manufactured in this state from a class "A" permittee which owns and operates a brewery located in Iowa shall be credited to the barrel tax fund hereby created in the office of the treasurer of state. Moneys deposited in the barrel tax fund shall not revert to the general fund of the state without a specific appropriation by the general assembly. Moneys in the barrel tax fund are appropriated to the department of economic development for purposes of section 15E.117.

Sec. 30. Section 303.17, subsection 4, paragraphs b and c, Code 2009, are amended to read as follows:

b. Submit, for school years ending on or before June 30, ~~2009~~ 2012, an annual status report on the utilization of the Iowa studies professional development plan in Iowa's school districts and accredited nonpublic schools to the chairpersons and ranking members of the senate and house committees on education by January 15. The annual report shall include the number of schools utilizing the plan.

c. Submit its findings and recommendations in a final report based upon the evaluation data compiled in accordance with subsection 3 to the chairpersons and ranking members of the senate and house committees on education by January 15, ~~2010~~ 2013.

Sec. 31. Section 303.17, subsection 5, Code 2009, is amended to read as follows:

5. This section is repealed effective July 1, ~~2010~~ 2013.

Sec. 32. 2009 Iowa Acts, chapter 176, section 3, subsection 5, is amended to read as follows:

5. For use as matching funds for the United States department of housing and urban development's main street challenge grants for historic building preservation:

..... \$ 184,195

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

Sec. 33. EFFECTIVE UPON ENACTMENT. The section of this Act amending 2009 Iowa Acts, chapter 176, and the sections amending section 303.17, being deemed of immediate importance, take effect upon enactment.

Approved April 28, 2010

CHAPTER 1189

APPROPRIATIONS — ADMINISTRATION AND REGULATION

S.F. 2367

AN ACT relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters, and including effective date and retroactive applicability provisions.

Be It Enacted by the General Assembly of the State of Iowa:

DIVISION I
ADMINISTRATION AND REGULATION
APPROPRIATIONS

Section 1. DEPARTMENT OF ADMINISTRATIVE SERVICES.

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

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

.....	\$	2,053,209
.....	FTEs	62.51

b. For the payment of utility costs:

.....	\$	3,127,085
.....	FTEs	1.00

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

It is the intent of the general assembly that the department shall reduce utility costs through energy conservation practices. The goal of the general assembly is to reduce energy use by 10 percent to save money, conserve energy resources, and reduce pollution.

c. The department shall, with the goal of reducing costs, reduce the size of the state fleet, examine policies on when state vehicles are assigned and circumstances for when employees take state vehicles home, and consider guidelines for when to sell and purchase new vehicles. The department shall submit a report to the general assembly by January 1, 2011, concerning the department's efforts to reduce state motor vehicle fleet costs, including data on the extent of savings realized.

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

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

Sec. 2. REVOLVING FUNDS. There is appropriated to the department of administrative services for the fiscal year beginning July 1, 2010, and ending June 30, 2011, from the revolving funds designated in chapter 8A and from internal service funds created by the department such amounts as the department deems necessary for the operation of the department consistent with the requirements of chapter 8A.

Sec. 3. FUNDING FOR IOWACCESS.

1. Notwithstanding section 321A.3, subsection 1, for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the first \$1,000,000 collected and transferred by the department of transportation to the treasurer of state with respect to the fees for transactions involving the furnishing of a certified abstract of a vehicle operating record under section 321A.3, subsection 1, shall be transferred to the lowAccess revolving fund for the purposes of developing, implementing, maintaining, and expanding electronic access to government records as provided by law.

2. All fees collected with respect to transactions involving lowAccess shall be deposited in the lowAccess revolving fund and shall be used only for the support of lowAccess projects.

Sec. 4. STATE EMPLOYEE HEALTH INSURANCE ADMINISTRATION CHARGE. For the fiscal year beginning July 1, 2010, and ending June 30, 2011, the monthly per contract administrative charge which may be assessed by the department of administrative services shall be \$2 per contract on all health insurance plans administered by the department.

Sec. 5. AUDITOR OF STATE.

1. There is appropriated from the general fund of the state to the office of the auditor of state for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary, to be used for the purposes designated, and for not more than the following full-time equivalent positions:

For salaries, support, maintenance, and miscellaneous purposes:

.....	\$	905,468
.....	FTEs	103.00

The auditor of state may retain additional full-time equivalent positions as is reasonable and necessary to perform governmental subdivision audits which are reimbursable pursuant to section 11.20 or 11.21, to perform audits which are requested by and reimbursable from the federal government, and to perform work requested by and reimbursable from departments or agencies pursuant to section 11.5A or 11.5B. The auditor of state shall notify the department of management, the legislative fiscal committee, and the legislative services agency of the additional full-time equivalent positions retained.

2. As a condition of receiving funding appropriated in this section, for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the auditor shall comply with all of the following requirements:

a. The rates and fees set by the auditor to conduct audits for the fiscal year shall not exceed the rates and fees set for conducting audits as of January 1, 2009.

b. The auditor shall not seek reimbursement from departments and agencies specified in section 11.5B in an amount that exceeds the total amount reimbursed to the auditor by those departments and agencies for the fiscal year beginning July 1, 2008.

c. The auditor shall not seek reimbursement from governmental subdivisions for audits which are reimbursable pursuant to section 11.20 or 11.21 in an amount that exceeds the total amount reimbursed to the auditor by governmental subdivisions for the fiscal year beginning July 1, 2008.

d. Notwithstanding any provision of this subsection to the contrary, the auditor may seek reimbursement from departments and agencies specified in section 11.5B, and governmental subdivisions, in an amount that exceeds the total amount reimbursed to the auditor by those departments, agencies, or governmental subdivisions for the fiscal year beginning July 1, 2008, for audits required by the federal government and reimbursable from federal funds.

e. For purposes of this subsection, "total amount reimbursed" does not include amounts reimbursed for audits required and reimbursed from federal funds.

Sec. 6. AUDITOR OF STATE — DISCRETIONARY AUDITS. For the fiscal year beginning July 1, 2010, and ending June 30, 2011, the auditor of state, in addition to any other requirements provided in this Act, shall not seek reimbursement from departments and agencies specified in section 11.5B for any discretionary audit that the auditor initiates or has initiated on the auditor's own authority and which is not specifically required by statute. Notwithstanding the prohibition contained in this section, the auditor shall perform all necessary audit duties related to any financial report required to be compiled by a

department or agency that the auditor has previously audited in the normal course of the auditor’s duties, whether or not such financial report is required by law. Any amounts reimbursed in association with such audit shall be limited to the amounts reimbursed for the audit of such report during the previous reporting period. However, the auditor of state may seek reimbursement for the cost of conducting a discretionary audit from any moneys recovered pursuant to any criminal or civil action arising out of the discretionary audit.

Sec. 7. IOWA ETHICS AND CAMPAIGN DISCLOSURE BOARD. There is appropriated from the general fund of the state to the Iowa ethics and campaign disclosure board for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary, for the purposes designated:

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

.....	\$	537,256
.....	FTEs	5.00

Sec. 8. DEPARTMENT OF COMMERCE.

1. There is appropriated from the general fund of the state to the department of commerce for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amounts, or so much thereof as is necessary, for the purposes designated:

a. ALCOHOLIC BEVERAGES DIVISION

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

.....	\$	1,786,444
.....	FTEs	31.00

b. PROFESSIONAL LICENSING AND REGULATION BUREAU

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

.....	\$	810,498
.....	FTEs	14.00

2. There is appropriated from the department of commerce revolving fund created in section 546.12 to the department of commerce for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amounts, or so much thereof as is necessary, for the purposes designated:

a. BANKING DIVISION

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

.....	\$	8,851,670
.....	FTEs	80.00

b. CREDIT UNION DIVISION

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

.....	\$	1,727,995
.....	FTEs	19.00

c. INSURANCE DIVISION

(1) For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	4,928,244
.....	FTEs	103.00

(2) The insurance division may reallocate authorized full-time equivalent positions as necessary to respond to accreditation recommendations or requirements. The insurance division expenditures for examination purposes may exceed the projected receipts, refunds, and reimbursements, estimated pursuant to section 505.7, subsection 7, including the expenditures for retention of additional personnel, if the expenditures are fully reimbursable and the division first does both of the following:

(a) Notifies the department of management, the legislative services agency, and the legislative fiscal committee of the need for the expenditures.

(b) Files with each of the entities named in subparagraph division (a) the legislative and regulatory justification for the expenditures, along with an estimate of the expenditures.

d. UTILITIES DIVISION

(1) For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	8,173,069
.....	FTEs	79.00

(2) The utilities division may expend additional funds, including funds for additional personnel, if those additional expenditures are actual expenses which exceed the funds budgeted for utility regulation and the expenditures are fully reimbursable. Before the division expends or encumbers an amount in excess of the funds budgeted for regulation, the division shall first do both of the following:

(a) Notify the department of management, the legislative services agency, and the legislative fiscal committee of the need for the expenditures.

(b) File with each of the entities named in subparagraph division (a) the legislative and regulatory justification for the expenditures, along with an estimate of the expenditures.

(3) Notwithstanding sections 8.33 and 476.10 or any other provision to the contrary, any balance of the appropriation made in this paragraph for the utilities division or any other operational appropriation made for the fiscal year beginning July 1, 2010, and ending June 30, 2011, that remains unused, unencumbered, or unobligated at the close of the fiscal year shall not revert but shall remain available to be used for purposes of the energy-efficient building project authorized under section 476.10B, or for relocation costs in succeeding fiscal years.

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

4. TRAVEL. The director of the department of commerce shall review on a quarterly basis all out-of-state travel for the previous quarter for officers and employees of each division of the department if the travel is not already authorized by the executive council.

Sec. 9. DEPARTMENT OF COMMERCE — PROFESSIONAL LICENSING AND REGULATION BUREAU. There is appropriated from the housing trust fund of the Iowa finance authority created in section 16.181, to the bureau of professional licensing and regulation of the banking division of the department of commerce for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes:

.....	\$	62,317
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Sec. 10. GOVERNOR AND LIEUTENANT GOVERNOR. There is appropriated from the general fund of the state to the offices of the governor and the lieutenant governor for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. GENERAL OFFICE

For salaries, support, maintenance, and miscellaneous purposes for the general office of the governor and the general office of the lieutenant governor, and for not more than the following full-time equivalent positions:

.....	\$	2,064,471
.....	FTEs	25.25

2. TERRACE HILL QUARTERS

For salaries, support, maintenance, and miscellaneous purposes for the governor’s quarters at Terrace Hill, and for not more than the following full-time equivalent positions:

.....	\$	394,291
.....	FTEs	10.00

3. ADMINISTRATIVE RULES COORDINATOR

For salaries, support, maintenance, and miscellaneous purposes for the office of administrative rules coordinator, and for not more than the following full-time equivalent

positions:

.....	\$	127,167
.....	FTEs	3.00
4. NATIONAL GOVERNORS ASSOCIATION		
For payment of Iowa’s membership in the national governors association:		
.....	\$	70,783
5. STATE-FEDERAL RELATIONS		
For salaries, support, maintenance, and miscellaneous purposes for the office for state-federal relations, and for not more than the following full-time equivalent positions:		
.....	\$	41,958
.....	FTEs	2.00

Sec. 11. GOVERNOR’S OFFICE OF DRUG CONTROL POLICY. There is appropriated from the general fund of the state to the governor’s office of drug control policy for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

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

.....	\$	357,866
.....	FTEs	8.00

Sec. 12. DEPARTMENT OF HUMAN RIGHTS. There is appropriated from the general fund of the state to the department of human rights for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. CENTRAL ADMINISTRATION DIVISION

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

.....	\$	274,773
.....	FTEs	7.00

2. COMMUNITY ADVOCACY AND SERVICES DIVISION

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

.....	\$	1,247,926
.....	FTEs	18.20

3. CRIMINAL AND JUVENILE JUSTICE PLANNING DIVISION

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

.....	\$	1,284,725
.....	FTEs	11.18

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

Sec. 13. DEPARTMENT OF INSPECTIONS AND APPEALS. There is appropriated from the general fund of the state to the department of inspections and appeals for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amounts, or so much thereof as is necessary, for the purposes designated:

1. ADMINISTRATION DIVISION

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

.....	\$	1,984,510
.....	FTEs	37.25

2. ADMINISTRATIVE HEARINGS DIVISION

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

.....	\$	609,585
.....	FTEs	24.00

3. INVESTIGATIONS DIVISION

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

.....	\$	1,365,570
.....	FTEs	56.00

The department, in coordination with the investigations division, shall provide a report to the general assembly by January 10, 2011, concerning the fiscal impact of additional full-time equivalent positions on the department’s efforts relative to the Medicaid divestiture program under chapter 249F.

4. HEALTH FACILITIES DIVISION

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

.....	\$	4,030,108
.....	FTEs	134.75

**b. The department shall, in coordination with the health facilities division, make the following information available to the public in a timely manner, to include providing the information on the department’s internet website, during the fiscal year beginning July 1, 2010, and ending June 30, 2011:*

(1) The number of inspections conducted by the division annually by type of service provider and type of inspection.

(2) The total annual operations budget for the division, including general fund appropriations and federal contract dollars received by type of service provider inspected.

(3) The total number of full-time equivalent positions in the division, to include the number of full-time equivalent positions serving in a supervisory capacity, and serving as surveyors, inspectors, or monitors in the field by type of service provider inspected.

*(4) Identification of state and federal survey trends, cited regulations, the scope and severity of deficiencies identified, and federal and state fines assessed and collected concerning nursing and assisted living facilities and programs.**

c. It is the intent of the general assembly that the department and division continuously solicit input from facilities regulated by the division to assess and improve the division’s level of collaboration and to identify new opportunities for cooperation.

5. EMPLOYMENT APPEAL BOARD

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

.....	\$	46,318
.....	FTEs	15.00

The employment appeal board shall be reimbursed by the labor services division of the department of workforce development for all costs associated with hearings conducted under chapter 91C, related to contractor registration. The board may expend, in addition to the amount appropriated under this subsection, additional amounts as are directly billable to the labor services division under this subsection and to retain the additional full-time equivalent positions as needed to conduct hearings required pursuant to chapter 91C.

6. CHILD ADVOCACY BOARD

For foster care review and the court appointed special advocate program, including salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	2,920,367
.....	FTEs	45.04

a. The department of human services, in coordination with the child advocacy board and the department of inspections and appeals, shall submit an application for funding available pursuant to Tit. IV-E of the federal Social Security Act for claims for child advocacy board administrative review costs.

* Item veto; see message at end of the Act

b. The court appointed special advocate program shall investigate and develop opportunities for expanding fund-raising for the program.

c. Administrative costs charged by the department of inspections and appeals for items funded under this subsection shall not exceed 4 percent of the amount appropriated in this subsection.

d. Notwithstanding any provision of sections 237.18 and 237.20 to the contrary, the child advocacy board may establish up to six pilot projects using alternative policies to guide the selection of cases and the procedures used by local citizen foster care review boards as they review cases of children who received or are receiving foster care or other out-of-home placement services while under the supervision of the department of human services. Policies to guide the pilot project case selection and review time frames and reporting formats shall be approved by the department of human services, state court administrator, and the chief judge of any judicial district in which a pilot project is to be implemented. The child advocacy board shall report to the governor and general assembly by January 1, 2011, on the progress of any new approaches and their impact on efficiencies and case outcomes.

Sec. 14. DEPARTMENT OF INSPECTIONS AND APPEALS — MUNICIPAL CORPORATION FOOD INSPECTIONS. For the fiscal year beginning July 1, 2010, and ending June 30, 2011, the department of inspections and appeals shall retain any license fees generated during the fiscal year as a result of actions under section 137F.3A occurring during the fiscal year beginning July 1, 2009, and ending June 30, 2010, for the purpose of enforcing the provisions of chapters 137C, 137D, and 137F.

Sec. 15. DEPARTMENT OF INSPECTIONS AND APPEALS — HEALTH CARE FACILITIES INSPECTIONS. Notwithstanding any provision of section 135C.16 to the contrary, inspections of health care facilities that are only state-licensed and not certified under the Medicare or Medicaid programs shall not be inspected by the department of inspections and appeals every thirty months, but only as provided pursuant to sections 135C.9 and 135C.38.

Sec. 16. MEDICAID FRAUD ACCOUNT APPROPRIATION — DEPARTMENT OF INSPECTIONS AND APPEALS. There is appropriated from the Medicaid fraud account created in section 249A.7 to the department of inspections and appeals for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the amounts necessary for the purposes designated:

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

2. For the state financial match requirement for meeting the federal mandates connected with the department’s Medicaid fraud and abuse activities, and the amount necessary to cover costs incurred by the department or other agencies in providing regulation, responding to allegations, or other activity involving chapter 135O.

Sec. 17. RACING AND GAMING COMMISSION.

1. RACETRACK REGULATION

There is appropriated from the general fund of the state to the racing and gaming commission of the department of inspections and appeals for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes for the regulation of pari-mutuel racetracks, and for not more than the following full-time equivalent positions:	\$	2,637,614
.....	FTEs	28.53

2. EXCURSION BOAT AND GAMBLING STRUCTURE REGULATION

There is appropriated from the general fund of the state to the racing and gaming commission of the department of inspections and appeals for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary,

to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes for administration and enforcement of the excursion boat gambling and gambling structure laws, and for not more than the following full-time equivalent positions:

.....	\$	3,034,862
.....	FTEs	42.22

However, if more than 14 licenses to operate gambling games on a gambling structure or excursion gambling boat are issued during the fiscal year beginning July 1, 2010, and ending June 30, 2011, there is appropriated from the general fund to the department an additional amount of not more than \$166,116 for not more than 2.00 full-time equivalent positions for each licensed gambling structure or excursion gambling boat in excess of 14.

Sec. 18. ROAD USE TAX FUND APPROPRIATION — DEPARTMENT OF INSPECTIONS AND APPEALS. There is appropriated from the road use tax fund created in section 312.1 to the administrative hearings division of the department of inspections and appeals for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary, for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes:

.....	\$	1,623,897
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Sec. 19. DEPARTMENT OF MANAGEMENT. There is appropriated from the general fund of the state to the department of management for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

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

.....	\$	4,997,742
.....	FTEs	60.40

Of the moneys appropriated in this section, the department shall use a portion for enterprise resource planning, providing for a salary model administrator, conducting performance audits, and for the department’s LEAN process.

Sec. 20. ROAD USE TAX APPROPRIATION — DEPARTMENT OF MANAGEMENT. There is appropriated from the road use tax fund created in section 312.1 to the department of management for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes:

.....	\$	56,000
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Sec. 21. DEPARTMENT OF REVENUE. There is appropriated from the general fund of the state to the department of revenue for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

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

.....	\$	22,729,219
.....	FTEs	360.07

Of the funds appropriated pursuant to this section, \$400,000 shall be used to pay the direct costs of compliance related to the collection and distribution of local sales and services taxes imposed pursuant to chapters 423B and 423E.

The director of revenue shall prepare and issue a state appraisal manual and the revisions to the state appraisal manual as provided in section 421.17, subsection 17, without cost to a city or county.

The director of revenue shall provide a report to the general assembly by January 10, 2011, concerning the impact on revenues collected by the department relative to any increase in examiners authorized for the department in legislation enacted during the 2010 session of the general assembly.

Sec. 22. MOTOR VEHICLE FUEL TAX APPROPRIATION. There is appropriated from the motor fuel tax fund created by section 452A.77 to the department of revenue for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes for administration and enforcement of the provisions of chapter 452A and the motor vehicle use tax program:
..... \$ 1,305,775

Sec. 23. SECRETARY OF STATE. There is appropriated from the general fund of the state to the office of the secretary of state for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:
..... \$ 2,895,585
..... FTEs 43.00

The state department or state agency which provides data processing services to support voter registration file maintenance and storage shall provide those services without charge.

Sec. 24. SECRETARY OF STATE FILING FEES REFUND. Notwithstanding the obligation to collect fees pursuant to the provisions of section 490.122, subsection 1, paragraphs "a" and "s", and section 504.113, subsection 1, paragraphs "a", "c", "d", "j", "k", "l", and "m", for the fiscal year beginning July 1, 2010, the secretary of state may refund these fees to the filer pursuant to rules established by the secretary of state. The decision of the secretary of state not to issue a refund under rules established by the secretary of state is final and not subject to review pursuant to the provisions of the Iowa administrative procedure Act, chapter 17A.

Sec. 25. TREASURER. There is appropriated from the general fund of the state to the office of treasurer of state for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:
..... \$ 854,289
..... FTEs 28.80

The office of treasurer of state shall supply clerical and secretarial support for the executive council.

Sec. 26. ROAD USE TAX APPROPRIATION — OFFICE OF TREASURER OF STATE. There is appropriated from the road use tax fund created in section 312.1 to the office of treasurer of state for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For enterprise resource management costs related to the distribution of road use tax funds:
..... \$ 93,148

Sec. 27. IPERS — GENERAL OFFICE. There is appropriated from the Iowa public employees' retirement system fund to the Iowa public employees' retirement system for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and other operational purposes to pay the costs of the Iowa public employees' retirement system, and for not more than the following full-time equivalent positions:
..... \$ 17,686,968
..... FTEs 90.13

Sec. 28. REBUILD IOWA OFFICE. There is appropriated from the general fund of the state to the rebuild Iowa office for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

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

.....	\$	647,014
.....	FTEs	12.00

It is the intent of the general assembly that the rebuild Iowa office shall be repealed effective June 30, 2011, and shall not receive an appropriation from the general fund of the state after that date.

DIVISION II
AUDITS

Sec. 29. Section 8D.13, subsection 13, Code 2009, is amended by striking the subsection.

Sec. 30. Section 11.5B, Code 2009, is amended by adding the following new subsection:
NEW SUBSECTION. 16. Financial administration duties of the department of management as provided in sections 8.71 through 8.99.¹

Sec. 31. Section 182.18, unnumbered paragraph 1, Code 2009, is amended to read as follows:

Moneys collected under this chapter are subject to audit by the auditor of state and shall be used by the Iowa sheep and wool promotion board first for the payment of collection and refund expenses, second for payment of the costs and expenses arising in connection with conducting referendums, ~~and~~ third for the purposes identified in section 182.11, and fourth for the cost of audits for the auditor of state. Moneys of the board remaining after a referendum is held at which a majority of the voters favor termination of the board and the assessment shall continue to be expended in accordance with this chapter until exhausted. The auditor of state may seek reimbursement for the cost of the audit.

Sec. 32. Section 184.14, unnumbered paragraph 2, Code 2009, is amended to read as follows:

Moneys collected, deposited in the fund, and transferred to the council as provided in this chapter are subject to audit by the auditor of state. The auditor of state may seek reimbursement for the cost of the audit. The moneys transferred to the council shall be used by the council first for the payment of collection expenses, second for payment of the costs and expenses arising in connection with conducting referendums, ~~and~~ third to perform the functions and carry out the duties of the council as provided in this chapter, and fourth for the cost of audits by the auditor of state. Moneys remaining after the council is abolished and the imposition of an assessment is terminated pursuant to a referendum conducted pursuant to section 184.5 shall continue to be expended in accordance with this chapter until exhausted.

Sec. 33. Section 184A.6, subsection 2, Code 2009, is amended to read as follows:

2. The council shall expend moneys from the account first for the payment of expenses for the collection of assessments, ~~and then~~ second for the payment of expenses related to conducting a referendum as provided in section 184A.12, and third for the cost of audits by the auditor of state as required in section 184A.9. The council shall expend remaining moneys for market development, producer education, and the payment of refunds to producers as provided in this chapter.

Sec. 34. Section 184A.9, Code 2009, is amended to read as follows:

184A.9 Audit.

Moneys required to be deposited in the turkey council account as provided in section 184A.4

¹ See chapter 1193, §32 herein

shall be subject to audit by the auditor of state. The auditor of state may seek reimbursement for the cost of the audit from moneys deposited in the turkey council account.

Sec. 35. Section 185C.26, Code 2009, is amended to read as follows:

185C.26 Deposit of moneys — corn promotion fund.

A state assessment collected by the board from a sale of corn shall be deposited in the office of the treasurer of state in a special fund known as the corn promotion fund. The fund may include any gifts, rents, royalties, interest, license fees, or a federal or state grant received by the board. Moneys collected, deposited in the fund, and transferred to the board as provided in this chapter shall be subject to audit by the auditor of state. The auditor of state may seek reimbursement for the cost of the audit from moneys deposited in the fund as provided in this chapter. The department of administrative services shall transfer moneys from the fund to the board for deposit into an account established by the board in a qualified financial institution. The department shall transfer the moneys as provided in a resolution adopted by the board. However, the department is only required to transfer moneys once during each day and only during hours when the offices of the state are open. From moneys collected, the board shall first pay all the direct and indirect costs incurred by the secretary and the costs of referendums, elections, and other expenses incurred in the administration of this chapter, before moneys may be expended for the purpose of carrying out the purposes of this chapter as provided in section 185C.11.

DIVISION III

DEPARTMENT OF ADMINISTRATIVE SERVICES PROVISIONS

Sec. 36. Section 8A.207, subsection 4, paragraph c, Code 2009, is amended to read as follows:

c. *Contracts let by another governmental entity.* The department, on its own behalf or on the behalf of another participating agency or governmental entity, may procure information technology under a an existing competitively procured contract let by another agency or other governmental entity, or may approve such procurement in the same manner by a participating agency or governmental entity. The department, on its own behalf or on the behalf of another participating agency or governmental entity, may also procure information technology by leveraging an existing competitively procured contract, or other² than a contract associated with the state board of regents or an institution under the control of the state board of regents.

Sec. 37. **NEW SECTION. 8A.315A Purchase of chain-of-custody paper.**

1. Notwithstanding any requirements under section 8A.315 related to the purchase of recycled paper to the contrary, the department may use certified chain-of-custody paper as provided in this section in lieu of recycled paper. The department shall adopt rules related to the use of chain-of-custody paper.

2. As used in this section, unless the context otherwise requires, “*certified chain-of-custody paper*” means paper that has been certified pursuant to a process that tracks and records the possession and transfer of wood and fiber used to make paper through the different states of production to the end user of the paper. The department shall adopt rules defining “*certified chain-of-custody paper*” consistent with the certification requirements established by independent entities such as the forest stewardship council, sustainable forest initiative, or other similar entity.

Sec. 38. Section 8A.454, subsection 4, Code Supplement 2009, is amended by striking the subsection.

Sec. 39. **VEHICLE DEPRECIATION FUNDS.** Notwithstanding any provision of section 8A.365 to the contrary, a department or agency otherwise required to pay a depreciation expense pursuant to that section shall not be required to pay the depreciation expense during the fiscal year beginning July 1, 2010, and ending June 30, 2011. However, the department of administrative services may encourage departments or agencies otherwise required to pay

² According to enrolled Act; the phrase “contract, other” probably intended

a depreciation expense to make voluntary payments in an effort to maintain the state fleet in the most cost-efficient manner possible, including the future replacement of vehicles, as necessary and appropriate.

Sec. 40. EFFECTIVE UPON ENACTMENT. The section of this division of this Act amending section 8A.454, being deemed of immediate importance, takes effect upon enactment.

DIVISION IV
BANKING DIVISION PROVISIONS

Sec. 41. Section 524.814, Code 2009, is amended by adding the following new subsection: NEW SUBSECTION. 1A. To secure transactions to hedge risks associated with interest rate exposure, subject to the approval of the superintendent.

DIVISION V
ALCOHOLIC BEVERAGES DIVISION — HIGH ALCOHOLIC CONTENT BEER

Sec. 42. NEW SECTION. **123.126 High alcoholic content beer.**

Unless otherwise provided by this chapter, the provisions of this chapter applicable to beer shall also apply to high alcoholic content beer.

Sec. 43. EFFECTIVE UPON ENACTMENT AND RETROACTIVE APPLICABILITY. This division of this Act, being deemed of immediate importance, takes effect upon enactment and applies retroactively to March 10, 2010.

DIVISION VI
DEPARTMENT OF HUMAN RIGHTS PROVISIONS

Sec. 44. Section 216A.3, subsection 2, unnumbered paragraph 1, Code 2009, as amended by 2010 Iowa Acts, Senate File 2088,³ section 103, is amended to read as follows:

The board shall consist of ~~fourteen~~ sixteen members, including ~~nine~~ eleven voting members and five nonvoting members and determined as follows:

Sec. 45. Section 216A.12, subsection 2, Code Supplement 2009, as amended by 2010 Iowa Acts, Senate File 2088,⁴ section 108, is amended to read as follows:

2. The members of the commission shall be appointed during the month of June and shall serve for staggered four-year terms ~~commencing July 1 of the year of appointment which shall begin and end pursuant to section 69.19~~. Members appointed shall continue to serve until their respective successors are appointed. Vacancies in the membership of the commission shall be filled by the original appointing authority and in the manner of the original appointments. Members shall receive actual expenses incurred while serving in their official capacity. Members may also be eligible to receive compensation as provided in section 7E.6.

DIVISION VII
TREASURER OF STATE PROVISIONS

Sec. 46. NEW SECTION. **12G.1 Iowa financial literacy program — legislative intent.**

The general assembly finds that the general welfare of this state and well-being of its citizens is directly related to the financial education of those citizens. While the state has limited resources to promote financial literacy, a vital and valid public purpose shall be served by the creation and implementation of programs which encourage and make possible the attainment of financial literacy by the largest possible number of citizens in this state, and particularly by low-income to moderate-income families.

³ Chapter 1031 herein

⁴ Chapter 1031 herein

Sec. 47. NEW SECTION. **12G.2 Program created.**

An Iowa financial literacy program is created within the office of the treasurer of state. The treasurer of state shall have all powers necessary to carry out and effectuate the purposes, objectives, and provisions pertaining to the program, including the authority to do all of the following:

1. Promote the advantages of personal savings and responsible borrowing and the viability and desirability of implementing a personal savings program and responsible borrowing practices regardless of an individual's or family's financial status.

2. Create an incentive program and awards ceremony whereby individuals and families who have made significant progress toward achieving personal savings goals and engaging in responsible borrowing practices shall be officially recognized.

3. Create strategies for coordination of the program with the Iowa educational savings plan trust established in chapter 12D.

4. Make presentations to groups including but not limited to schools, hospitals, civic organizations, and privately organized clubs and groups regarding the existence of the program.

5. Coordinate conferences, meetings, and events which promote financial literacy and education.

Approved April 29, 2010, with exception noted.

CHESTER J. CULVER, *Governor*

Dear Mr. Secretary:

I hereby transmit Senate File 2367, an Act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters, and including effective date and retroactive applicability provisions. Senate File 2367 is approved on this date, with the exception noted below, which I hereby disapprove.

I am unable to approve the item designated in Section 13, subsection 4, paragraph b of the bill in its entirety. This paragraph directs the Department of Inspections and Appeals to provide information to the public relating to inspections, operating costs, and FTE positions. I strongly encourage the Department to continue its efforts to provide greater transparency, however I disapprove this language because some of this data is already being collected and controlled by the federal government. Because the Department has already made much of this information, especially regarding inspections, part of the public record, the added expense that would be required to assemble and maintain the information to meet the legislative requirement is fiscally burdensome.

For the above reasons, I respectfully disapprove the designated item in accordance with Article III, Section 16 of the Constitution of the State of Iowa. All other items in Senate File 2367 are hereby approved this date.

Sincerely,
CHESTER J. CULVER, *Governor*

CHAPTER 1190

APPROPRIATIONS — JUSTICE SYSTEM

S.F. 2378

AN ACT relating to and making appropriations to the justice system, modifying certain traffic offenses, fees and fines, and including effective date provisions.

Be It Enacted by the General Assembly of the State of Iowa:

**DIVISION I
APPROPRIATIONS**

Section 1. DEPARTMENT OF JUSTICE.

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

a. For the general office of attorney general for salaries, support, maintenance, and miscellaneous purposes, including the prosecuting attorneys training program, victim assistance grants, office of drug control policy prosecuting attorney program, and odometer fraud enforcement, and for not more than the following full-time equivalent positions:

.....	\$	7,732,930
.....	FTEs	232.50

It is the intent of the general assembly that as a condition of receiving the appropriation provided in this lettered paragraph, the department of justice shall maintain a record of the estimated time incurred representing each agency or department.

b. For victim assistance grants:

.....	\$	3,060,000
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The funds appropriated in this lettered paragraph shall be used to provide grants to care providers providing services to crime victims of domestic abuse or to crime victims of rape and sexual assault.

The balance of the victim compensation fund established in section 915.94 may be used to provide salary and support of not more than 22 FTEs and to provide maintenance for the victim compensation functions of the department of justice.

The department of justice may transfer moneys from the victim compensation fund established in section 915.94 to the victim assistance grant program.

c. For legal services for persons in poverty grants as provided in section 13.34:

.....	\$	1,930,671
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2. a. The department of justice, in submitting budget estimates for the fiscal year commencing July 1, 2011, pursuant to section 8.23, shall include a report of funding from sources other than amounts appropriated directly from the general fund of the state to the department of justice or to the office of consumer advocate. These funding sources shall include but are not limited to reimbursements from other state agencies, commissions, boards, or similar entities, and reimbursements from special funds or internal accounts within the department of justice. The department of justice shall also report actual reimbursements for the fiscal year commencing July 1, 2009, and actual and expected reimbursements for the fiscal year commencing July 1, 2010.

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

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

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

.....	\$	3,336,344
.....	FTEs	27.00

Sec. 3. DEPARTMENT OF CORRECTIONS — FACILITIES.

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

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

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

.....	\$	39,991,374
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As a condition of receiving an appropriation in this lettered paragraph, the department of corrections shall operate the John Bennett facility either as an institution of the department or a community-based correctional facility.

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

.....	\$	30,416,461
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As a condition of receiving the appropriation in this lettered paragraph, the department of corrections shall employ two part-time registered nurses at the Luster Heights facility, and shall seek volunteer licensed medical personnel to serve at the facility.

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

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

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

c. For the operation of the Oakdale correctional facility, including salaries, support, maintenance, and miscellaneous purposes:

.....	\$	55,755,246
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d. For the operation of the Newton correctional facility, including salaries, support, maintenance, and miscellaneous purposes:

.....	\$	26,452,257
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e. For the operation of the Mt. Pleasant correctional facility, including salaries, support, maintenance, and miscellaneous purposes:

.....	\$	26,265,257
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f. For the operation of the Rockwell City correctional facility, including salaries, support, maintenance, and miscellaneous purposes:

.....	\$	9,324,565
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g. For the operation of the Clarinda correctional facility, including salaries, support, maintenance, and miscellaneous purposes:

.....	\$	23,645,033
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Moneys received by the department of corrections as reimbursement for services provided to the Clarinda youth corporation are appropriated to the department and shall be used for the purpose of operating the Clarinda correctional facility.

h. For the operation of the Mitchellville correctional facility, including salaries, support, maintenance, and miscellaneous purposes:

.....	\$	15,486,586
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i. For the operation of the Fort Dodge correctional facility, including salaries, support, maintenance, and miscellaneous purposes:

.....	\$	29,020,235
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j. For reimbursement of counties for temporary confinement of work release and parole violators, as provided in sections 901.7, 904.908, and 906.17, and for offenders confined pursuant to section 904.513:

..... \$ 775,092

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

..... \$ 239,411

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

Sec. 4. DEPARTMENT OF CORRECTIONS — ADMINISTRATION.

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

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

..... \$ 4,254,068

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

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

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

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

..... \$ 1,558,109

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

It is the intent of the general assembly that moneys appropriated in this lettered paragraph shall be used solely for the purpose indicated and that the moneys shall not be transferred for any other purpose. In addition, it is the intent of the general assembly that the department shall consult with the community colleges in the areas in which the institutions are located to utilize moneys appropriated in this lettered paragraph to fund the high school completion, high school equivalency diploma, adult literacy, and adult basic education programs in a manner so as to maintain these programs at the institutions.

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

correctional institution.

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

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

- c. For the development of the Iowa corrections offender network (ICON) data system:
..... \$ 424,364
- d. For offender mental health and substance abuse treatment:
..... \$ 22,319
- e. For viral hepatitis prevention and treatment:
..... \$ 167,881

2. It is the intent of the general assembly that the department of corrections shall continue to operate the correctional farms under the control of the department at the same or greater level of participation and involvement as existed as of June 30, 2011; shall not enter into any rental agreement or contract concerning any farmland under the control of the department that is not subject to a rental agreement or contract as of January 1, 2010, without prior legislative approval; and shall further attempt to provide job opportunities at the farms for inmates. The department shall attempt to provide job opportunities at the farms for inmates by encouraging labor-intensive farming or gardening where appropriate; using inmates to grow produce and meat for institutional consumption; researching the possibility of instituting food canning and cook-and-chill operations; and exploring opportunities for organic farming and gardening, livestock ventures, horticulture, and specialized crops.

3. The department of corrections shall provide a smoking cessation program to offenders committed to the custody of the director or who are otherwise detained by the department, that complies with legislation enacted restricting or prohibiting smoking on the grounds of correctional institutions.

4. As a condition of receiving the appropriations made in this section, the department of corrections shall develop and implement offender reentry programs in Black Hawk and Polk counties to provide transitional planning and release primarily for offenders released from the Iowa correctional institution for women at Mitchellville and the Fort Dodge correctional facility. Programming shall include minority and gender-specific responsivity, employment, substance abuse treatment, mental health services, housing, and family reintegration. The department of corrections shall collaborate with the first and fifth judicial district departments of correctional services, the Iowa department of workforce development, the department of human services, community-based providers and faith-based organizations, and local law enforcement.

5. The chief security officer position within the department of corrections shall be eliminated by the effective date of this subsection.

6. The department shall place inmates at the Luster Heights facility who have been approved by the board of parole for work release but who are expected to be waiting in prison for at least four months for a bed to become available at a community-based correctional facility, unless the placement would dislodge an inmate receiving substance abuse treatment.

Sec. 5. JUDICIAL DISTRICT DEPARTMENTS OF CORRECTIONAL SERVICES.

1. There is appropriated from the general fund of the state to the department of corrections for the fiscal year beginning July 1, 2010, and ending June 30, 2011, for salaries, support, maintenance, and miscellaneous purposes, the following amounts, or so much thereof as is necessary, to be allocated as follows:

- a. For the first judicial district department of correctional services:
..... \$ 12,453,082

As a condition of the moneys appropriated in this lettered paragraph, the department of corrections shall replace expired federal funding by expending at least \$140,000 for the dual

* Item veto; see message at end of the Act

diagnosis program and maintaining 1.25 FTEs for the program.

b. For the second judicial district department of correctional services:	\$ 10,770,616
c. For the third judicial district department of correctional services:	\$ 5,715,578
d. For the fourth judicial district department of correctional services:	\$ 5,522,416
e. For the fifth judicial district department of correctional services, including funding for electronic monitoring devices for use on a statewide basis:	\$ 18,938,081

As a condition of receiving the appropriation in this lettered paragraph, the fifth judicial district department of correctional services shall reinstate 67 beds in buildings 65 and 66 at the Fort Des Moines facility and resume operating the buildings, in addition to maintaining the 199 beds in buildings 68 and 70 at the Fort Des Moines facility. The district department may use inmate labor to upgrade and renovate the buildings, if renovation and updating are required.

f. For the sixth judicial district department of correctional services:	\$ 13,030,356
g. For the seventh judicial district department of correctional services:	\$ 6,846,560
h. For the eighth judicial district department of correctional services:	\$ 6,935,622

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

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

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

5. The department of corrections shall continue to contract with a judicial district department of correctional services to provide for the rental of electronic monitoring equipment which shall be available statewide.

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

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

Sec. 7. INTENT — REPORTS.

1. The department in cooperation with townships, the Iowa cemetery associations, and other nonprofit or governmental entities may use inmate labor during the fiscal year

* Item veto; see message at end of the Act

beginning July 1, 2010, to restore or preserve rural cemeteries and historical landmarks. The department in cooperation with the counties may also use inmate labor to clean up roads, major water sources, and other water sources around the state.

2. Each month the department shall provide a status report regarding private-sector employment to the legislative services agency beginning on July 1, 2010. The report shall include the number of offenders employed in the private sector, the combined number of hours worked by the offenders, and the total amount of allowances, and the distribution of allowances pursuant to section 904.702, including any moneys deposited in the general fund of the state.

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

Sec. 9. STATE AGENCY PURCHASES FROM PRISON INDUSTRIES.

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

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

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

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

.....	\$	21,743,182
.....	FTEs	203.00

2. For the fees of court-appointed attorneys for indigent adults and juveniles, in accordance with section 232.141 and chapter 815:

.....	\$	15,680,929
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Sec. 11. IOWA LAW ENFORCEMENT ACADEMY.

1. There is appropriated from the general fund of the state to the Iowa law enforcement academy for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, miscellaneous purposes, including jailer training and technical assistance, and for not more than the following full-time equivalent positions:

.....	\$	1,049,430
.....	FTEs	30.55

It is the intent of the general assembly that the Iowa law enforcement academy may provide training of state and local law enforcement personnel concerning the recognition of and response to persons with Alzheimer's disease.

The Iowa law enforcement academy may temporarily exceed and draw more than the amount appropriated and incur a negative cash balance as long as there are receivables equal to or greater than the negative balance and the amount appropriated in this subsection is not exceeded at the close of the fiscal year.

2. The Iowa law enforcement academy may select at least five automobiles of the department of public safety, division of state patrol, prior to turning over the automobiles to the department of administrative services to be disposed of by public auction, and the Iowa law enforcement academy may exchange any automobile owned by the academy for each automobile selected if the selected automobile is used in training law enforcement officers at the academy. However, any automobile exchanged by the academy shall be substituted for the selected vehicle of the department of public safety and sold by public auction with the receipts being deposited in the depreciation fund to the credit of the department of public safety, division of state patrol.

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

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

.....	\$	1,045,259
.....	FTEs	13.50

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

1. MILITARY DIVISION

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

.....	\$	6,249,201
.....	FTEs	324.00

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

2. HOMELAND SECURITY AND EMERGENCY MANAGEMENT DIVISION

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

.....	\$	2,038,119
.....	FTEs	33.00

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

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

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

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

.....	\$	4,134,461
.....	FTEs	36.00

2. For the division of criminal investigation, including the state’s contribution to the peace officers’ retirement, accident, and disability system provided in chapter 97A in the amount of the state’s normal contribution rate, as defined in section 97A.8, multiplied by the salaries

for which the funds are appropriated, to meet federal fund matching requirements, and for not more than the following full-time equivalent positions:

.....	\$	12,861,710
.....	FTEs	162.10

If any of the Indian tribes fail to pay for 1.00 FTE pursuant to the agreements or compacts entered into between the state and the Indian tribes pursuant to section 10A.104, subsection 10, the number of full-time equivalent positions authorized under this subsection is reduced by 1.00 FTE.

The department shall employ one additional special agent and one additional criminalist for the purpose of investigating cold cases. Prior to employing the additional special agent and criminalist authorized in this paragraph, the department shall provide a written statement to prospective employees that states to the effect that the positions are being funded by a temporary federal grant and there are no assurances that funds from other sources will be available after the federal funding expires. If the federal funding for the additional positions expires during the fiscal year, the number of full-time equivalent positions authorized in this subsection is reduced by 2.00 FTEs.

The department of public safety, with the approval of the department of management, may employ no more than two special agents and four gaming enforcement officers for each additional riverboat or gambling structure regulated after July 1, 2010, and one special agent for each racing facility which becomes operational during the fiscal year which begins July 1, 2010. One additional gaming enforcement officer, up to a total of four per riverboat or gambling structure, may be employed for each riverboat or gambling structure that has extended operations to 24 hours and has not previously operated with a 24-hour schedule. Positions authorized in this paragraph are in addition to the full-time equivalent positions otherwise authorized in this subsection.

3. For the criminalistics laboratory fund created in section 691.9:

.....	\$	302,345
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4. a. For the division of narcotics enforcement, including the state’s contribution to the peace officers’ retirement, accident, and disability system provided in chapter 97A in the amount of the state’s normal contribution rate, as defined in section 97A.8, multiplied by the salaries for which the funds are appropriated, to meet federal fund matching requirements, and for not more than the following full-time equivalent positions:

.....	\$	6,507,048
.....	FTEs	75.00

b. For the division of narcotics enforcement for undercover purchases:

.....	\$	109,042
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5. For the division of state fire marshal, for fire protection services as provided through the state fire service and emergency response council as created in the department, and for the state’s contribution to the peace officers’ retirement, accident, and disability system provided in chapter 97A in the amount of the state’s normal contribution rate, as defined in section 97A.8, multiplied by the salaries for which the funds are appropriated, and for not more than the following full-time equivalent positions:

.....	\$	4,343,896
.....	FTEs	57.00

6. For the division of state patrol, for salaries, support, maintenance, workers’ compensation costs, and miscellaneous purposes, including the state’s contribution to the peace officers’ retirement, accident, and disability system provided in chapter 97A in the amount of the state’s normal contribution rate, as defined in section 97A.8, multiplied by the salaries for which the funds are appropriated, and for not more than the following full-time equivalent positions:

.....	\$	48,984,147
.....	FTEs	503.00

It is the intent of the general assembly that members of the state patrol be assigned to patrol the highways and roads in lieu of assignments for inspecting school buses for the school districts.

7. For deposit in the sick leave benefits fund established under section 80.42 for all departmental employees eligible to receive benefits for accrued sick leave under the collective bargaining agreement:

..... \$ 279,517

8. For costs associated with the training and equipment needs of volunteer fire fighters:

..... \$ 612,255

Notwithstanding section 8.33, moneys appropriated in this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure only for the purpose designated in this subsection until the close of the succeeding fiscal year.

Notwithstanding section 8.39, within the moneys appropriated in this section the department of public safety may reallocate moneys as necessary to best fulfill the needs provided for in the appropriation. However, the department shall not reallocate an appropriation made to the department in this section unless notice of the reallocation is given to the legislative services agency and the department of management prior to the effective date of the reallocation. The notice shall include information about the rationale for reallocating the appropriation. The department shall not reallocate an appropriation made in this section for the purpose of eliminating any program.

Sec. 15. GAMING ENFORCEMENT. There is appropriated from the gaming enforcement revolving fund created in section 80.43 to the department of public safety for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For any direct and indirect support costs for agents and officers of the division of criminal investigation's excursion gambling boat, gambling structure, and racetrack enclosure enforcement activities, including salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 8,851,775¹

..... FTEs 115.00

However, for each additional license to conduct gambling games on an excursion gambling boat, gambling structure, or racetrack enclosure issued during the period beginning July 1, 2009, through June 30, 2011, there is appropriated from the gaming enforcement fund to the department of public safety for the fiscal year beginning July 1, 2010, and ending June 30, 2011, an additional amount of not more than \$521,000 to be used for not more than 6.00 additional full-time equivalent positions.

Sec. 16. CIVIL RIGHTS COMMISSION. There is appropriated from the general fund of the state to the Iowa state civil rights commission for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

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

..... \$ 1,379,861

..... FTEs 29.50

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

Sec. 17. EFFECTIVE UPON ENACTMENT. The provision of this division of this Act eliminating the chief security officer position within the department of corrections, being deemed of immediate importance, takes effect upon enactment.

¹ See chapter 1193, §135 herein
* Item veto; see message at end of the Act

DIVISION II
COURT COSTS — FINES

Sec. 18. Section 805.8A, Code Supplement 2009, is amended by striking the section and inserting in lieu thereof the following:

805.8A Motor vehicle and transportation scheduled violations.

1. *Parking violations.*

a. For parking violations under sections 321.236, 321.239, 321.358, 321.360, and 321.361, the scheduled fine is five dollars, except if the local authority has established the fine by ordinance. The scheduled fine for a parking violation pursuant to section 321.236 increases by five dollars if authorized by ordinance and if the parking violation is not paid within thirty days of the date upon which the violation occurred. For purposes of calculating the unsecured appearance bond required under section 805.6, the scheduled fine shall be five dollars, or if the amount of the fine is greater than five dollars, the unsecured appearance bond shall be the amount of the fine established by the local authority. However, violations charged by a city or county upon simple notice of a fine instead of a uniform citation and complaint required by section 321.236, subsection 1, paragraph "b", are not scheduled violations, and this section shall not apply to any offense charged in that manner. For a parking violation under section 461A.38, the scheduled fine is ten dollars. For a parking violation under section 321.362, the scheduled fine is twenty dollars.

b. For a parking violation under section 321L.2A, subsection 2, the scheduled fine is twenty dollars.

c. For violations under section 321L.2A, subsection 3, sections 321L.3, 321L.4, subsection 2, and section 321L.7, the scheduled fine is two hundred dollars.

2. *Title and registration violations.* For title or registration violations under the following sections, the scheduled fine is as follows:

- a. 321.17, \$50.
- b. 321.25, \$100.
- c. 321.32, \$20.
- d. 321.34, \$20.
- e. 321.37, \$20.
- f. 321.38, \$20.
- g. 321.41, \$20.
- h. 321.45, \$100.
- i. 321.46, \$100.
- j. 321.47, \$100.
- k. 321.48, \$100.
- l. 321.52, \$100.
- m. 321.55, \$50.
- n. 321.57, \$100.
- o. 321.62, \$100.
- p. 321.67, \$100.
- q. 321.98, \$50.
- r. 321.99, \$200.
- s. 321.104, \$100.
- t. 321.115, \$30.
- u. 321.115A, \$30.

3. *Equipment violations.* For equipment violations under the following sections, the scheduled fine is as follows:

- a. 321.234A, \$50.
- b. 321.247, \$100.
- c. 321.317, \$20.
- d. 321.381, \$100.
- e. 321.381A, \$100.
- f. 321.382, \$25.
- g. 321.383, \$30.
- h. 321.384, \$30.

- i. 321.385, \$30.
- j. 321.386, \$30.
- k. 321.387, \$20.
- l. 321.388, \$20.
- m. 321.389, \$20.
- n. 321.390, \$20.
- o. 321.392, \$20.
- p. 321.393, \$20.
- q. 321.398, \$30.
- r. 321.402, \$30.
- s. 321.403, \$30.
- t. 321.404, \$30.
- u. 321.404A, \$25.
- v. 321.409, \$30.
- w. 321.415, \$30.
- x. 321.419, \$30.
- y. 321.420, \$30.
- z. 321.421, \$30.
- aa. 321.422, \$20.
- ab. 321.423, \$30.
- ac. 321.430, \$100.
- ad. 321.432, \$20.
- ae. 321.433, \$30.
- af. 321.436, \$20.

ag. 321.437, for improperly used or nonused, or defective or improper equipment, other than brakes, driving lights, and brake lights, \$20.

- ah. 321.438, \$50.
- ai. 321.439, \$20.
- aj. 321.440, \$20.
- ak. 321.441, \$20.
- al. 321.442, \$20.
- am. 321.444, \$20.

4. *Driver's license violations.* For driver's license violations under the following sections, the scheduled violation is as follows:

- a. 321.174, \$200.
- b. 321.174A, \$50.
- c. 321.180, \$50.
- d. 321.180B, \$50.
- e. 321.193, \$50.
- f. 321.194, \$50.
- g. 321.216, \$100.
- h. 321.216B, \$200.
- i. 321.216C, \$200.
- j. 321.219, \$200.
- k. 321.220, \$200.

5. *Speed violations.*

a. For excessive speed violations in excess of the limit under section 321.236, subsections 5 and 11, sections 321.285, and 461A.36, the scheduled fine shall be the following:

- (1) Twenty dollars for speed not more than five miles per hour in excess of the limit.
- (2) Forty dollars for speed greater than five but not more than ten miles per hour in excess of the limit.
- (3) Eighty dollars for speed greater than ten but not more than fifteen miles per hour in excess of the limit.
- (4) Ninety dollars for speed greater than fifteen but not more than twenty miles per hour in excess of the limit.

* Item veto; see message at end of the Act

(5) One hundred dollars plus five dollars for each mile per hour of excessive speed over twenty miles per hour over the limit.

b. Notwithstanding paragraph "a", for excessive speed violations in speed zones greater than fifty-five miles per hour, the scheduled fine shall be:

(1) Twenty dollars for speed not more than five miles per hour in excess of the limit.

(2) Forty dollars for speed greater than five but not more than ten miles per hour in excess of the limit.

(3) Eighty dollars for speed greater than ten but not more than fifteen miles per hour in excess of the limit.

(4) Ninety dollars for speed greater than fifteen but not more than twenty miles per hour in excess of the limit.

(5) One hundred dollars plus five dollars for each mile per hour of excessive speed over twenty miles per hour over the limit.

c. Excessive speed in whatever amount by a school bus is not a scheduled violation under any section listed in this subsection.

d. Excessive speed in conjunction with a violation of section 321.278 is not a scheduled violation, whatever the amount of excess speed.

e. For a violation under section 321.295, the scheduled fine is fifty dollars.

6. *Operating violations.* For operating violations under the following sections, the scheduled violation is as follows:

a. 321.236, subsections 3, 4, 9, and 12, \$20.

b. 321.275, subsections 1 through 7, \$35.

c. 321.277A, \$35.

d. 321.288, \$100.

e. 321.297, \$100.

f. 321.299, \$100.

g. 321.302, \$100.

h. 321.303, \$100.

i. 321.304, subsections 1 and 2, \$100.

j. 321.305, \$100.

k. 321.306, \$100.

l. 321.311, \$100.

m. 321.312, \$100.

n. 321.314, \$100.

o. 321.315, \$35.

p. 321.316, \$35.

q. 321.318, \$35.

r. 321.323, \$100.

s. 321.340, \$100.

t. 321.353, \$100.

u. 321.354, \$100.

v. 321.363, \$35.

w. 321.365, \$35.

x. 321.366, \$100.

y. 321.395, \$100.

7. *Failure to yield or obey violations.* For failure to yield or obey violations under the following sections, the scheduled violation is as follows:

a. 321.257, subsection 2, for a violation by an operator of a motor vehicle, \$100.

b. 321.298, \$100.

c. 321.307, \$100.

d. 321.308, \$100.

e. 321.313, \$100.

f. 321.319, \$100.

g. 321.320, \$100.

h. 321.321, \$100.

i. 321.327, \$100.

j. 321.329, \$100.

k. 321.333, \$100.

8. *Traffic sign or signal violations.* For traffic sign or signal violations under the following sections, the scheduled violation is as follows:

a. 321.236, subsections 2 and 6, \$35.

b. 321.256, \$100.

c. 321.294, \$100.

d. 321.304, subsection 3, \$100.

e. 321.322, \$100.

9. *Bicycle or pedestrian violations.* For bicycle or pedestrian violations under the following sections, the scheduled fine for a pedestrian or bicyclist is as follows:

a. 321.234, subsections 3 and 4, \$25.

b. 321.236, subsection 10, \$15.

c. 321.257, subsection 2, \$25.

d. 321.275, subsection 8, \$25.

e. 321.325, \$25.

f. 321.326, \$25.

g. 321.328, \$25.

h. 321.331, \$25.

i. 321.332, \$25.

j. 321.397, \$25.

k. 321.434, \$25.

9A. *Electric personal assistive mobility device violations.* For violations under section 321.235A, the scheduled fine is fifteen dollars.

10. *School bus violations.*

a. For violations by an operator of a school bus under sections 321.285 and 321.372, subsections 1 and 2, the scheduled fine is one hundred dollars. However, an excessive speed violation by a school bus of more than ten miles per hour in excess of the limit is not a scheduled violation.

b. For a violation under section 321.372, subsection 3, the scheduled fine is two hundred dollars.

11. *Emergency vehicle violations.* For emergency vehicle violations under the following sections, the scheduled fine is as follows:

a. 321.231, \$100.

b. 321.323A, \$100.

c. 321.324, \$100.

d. 321.367, \$100.

e. 321.368, \$100.

12. *Restrictions on vehicles.*

a. For violations under sections 321.309, 321.310, 321.394, 321.461, and 321.462, the scheduled fine is thirty-five dollars.

b. For violations under section 321.437, the scheduled fine is thirty-five dollars.

c. For height, length, width, and load violations under sections 321.454, 321.455, 321.456, 321.457, and 321.458, the scheduled fine is two hundred dollars.

d. For violations under section 321.466, the scheduled fine is twenty dollars for each two thousand pounds or fraction thereof of overweight.

e. (1) Violations of the schedule of axle and tandem axle and gross or group of axle weight violations in section 321.463 shall be scheduled violations subject to the provisions, procedures, and exceptions contained in sections 805.6 through 805.11, irrespective of the amount of the fine under that schedule.

(a) Violations of the schedule of weight violations shall be chargeable, where the fine charged does not exceed one thousand dollars, only by uniform citation and complaint.

(b) Violations of the schedule of weight violations, where the fine charged exceeds one thousand dollars shall, when the violation is admitted and section 805.9 applies, be chargeable upon uniform citation and complaint, indictment, or county attorney's information, but otherwise shall be chargeable only upon indictment or county attorney's information.

(2) In all cases of charges under the schedule of weight violations, the charge shall specify the amount of fine charged under the schedule. Where a defendant is convicted and the fine under the foregoing schedule of weight violations exceeds one thousand dollars, the conviction shall be of an indictable offense although section 805.9 is employed and whether the violation is charged upon uniform citation and complaint, indictment, or county attorney's information.

f. For a violation under section 321E.16, other than the provisions relating to weight, the scheduled fine is two hundred dollars.

13. *Motor carrier violations.*

a. (1) For a violation under section 321.54, the scheduled fine is thirty dollars.

(2) For violations under sections 326.22 and 326.23, the scheduled fine is fifty dollars.

b. For a violation under section 321.449, the scheduled fine is fifty dollars.

c. For violations under sections 321.364, 321.450, 321.460, and 452A.52, the scheduled fine is two hundred dollars.

d. For violations of section 325A.3, subsection 5, or section 325A.8, the scheduled fine is one hundred dollars.

e. For violations of chapter 325A, other than a violation of section 325A.3, subsection 5, or section 325A.8, the scheduled fine is two hundred fifty dollars.

f. For failure to have proper carrier identification markings under section 327B.1, the scheduled fine is one hundred dollars.

g. For failure to have proper evidence of interstate authority carried or displayed under section 327B.1, and for failure to register, carry, or display evidence that interstate authority is not required under section 327B.1, the scheduled fine is two hundred fifty dollars.

14. *Miscellaneous violations.*

a. *Failure to obey a peace officer.* For a violation under section 321.229, the scheduled fine is one hundred dollars.

b. *Abandoning a motor vehicle.* For a violation under section 321.91, the scheduled fine is two hundred dollars.

c. *Seat belt or restraint violations.*

(1) For a violation under section 321.445, the scheduled fine is fifty dollars.

(2) For a violation under section 321.446, the scheduled violation is one hundred dollars.

d. *Litter and debris violations.* For violations under sections 321.369 and 321.370, the scheduled fine is seventy dollars.

e. *Open container violations.* For violations under sections 321.284 and 321.284A, the scheduled fine is two hundred dollars.

f. *Proof of financial responsibility.* If, in connection with a motor vehicle accident, a person is charged and found guilty of a violation of section 321.20B, subsection 1, the scheduled fine is five hundred dollars; otherwise, the scheduled fine for a violation of section 321.20B, subsection 1, is two hundred fifty dollars. Notwithstanding section 805.12, fines collected pursuant to this paragraph shall be submitted to the state court administrator and distributed fifty percent to the victim compensation fund established in section 915.94, twenty-five percent to the county in which such fine is imposed, and twenty-five percent to the general fund of the state.

g. *Radar-jamming devices.* For a violation under section 321.232, the scheduled fine is one hundred dollars.

h. *Railroad crossing violations.* For violations under sections 321.341, 321.342, 321.343, and 321.344, and 321.344B, the scheduled fine is two hundred dollars.

i. *Road work zone violations.* The scheduled fine for any moving traffic violation under chapter 321, as provided in this section, shall be doubled if the violation occurs within any road work zone, as defined in section 321.1. However, notwithstanding subsection 5, the scheduled fine for violating the speed limit in a road work zone is as follows:

(1) One hundred fifty dollars for speed not more than ten miles per hour over the posted speed limit.

(2) Three hundred dollars for speed greater than ten but not more than twenty miles per hour over the posted speed limit.

(3) Five hundred dollars for speed greater than twenty but not more than twenty-five miles per hour over the posted speed limit.

(4) One thousand dollars for speed greater than twenty-five miles per hour over the posted speed limit.

j. Vehicle component parts records violations. For violations under section 321.95, the scheduled fine is fifty dollars.

Sec. 19. Section 805.8C, subsection 6, paragraph a, Code Supplement 2009, is amended to read as follows:

a. If the violation is a first offense, the scheduled fine is ~~one~~ two hundred dollars.

DIVISION III PUBLIC SAFETY ENFORCEMENT FUND

Sec. 20. PUBLIC SAFETY ENFORCEMENT FUND ESTABLISHED — TEMPORARY ALLOCATION OF FINES AND FEES.

1. A public safety enforcement fund is created in the state treasury under the control of the treasurer of state. Notwithstanding section 602.8108, the state court administrator shall allocate to the treasurer of state for deposit in the public safety enforcement fund the first nine million one hundred thousand dollars of the moneys received under section 602.8108, subsection 2, during the fiscal year beginning July 1, 2010, and ending June 30, 2011. Of the moneys allocated for deposit into the victim compensation fund pursuant to section 602.8108, subsection 3, the state court administrator shall allocate to the treasurer of state for deposit in the public safety enforcement fund the first two hundred thirty-five thousand dollars of the moneys received during the fiscal year beginning July 1, 2010, and ending June 30, 2011. Moneys deposited into the fund are appropriated to the treasurer of state for allocation as provided in subsection 2. ²

2. The treasurer of state shall allocate to the following entities the following amounts from the public safety enforcement fund for the fiscal year beginning July 1, 2010, and ending June 30, 2011:

a. To the department of corrections for operations including but not limited to drug courts and salaries and support for probation and parole officers, \$837,810, and of the amount allocated in this paragraph, \$402,810 shall be allocated by the department of corrections to the sixth judicial district department of correctional services, \$335,000 shall be allocated to the fifth judicial district department of correctional services, and \$100,000 shall be allocated to the first judicial district department of correctional services.

b. To the department of corrections for salaries and support for correctional officers, \$2,497,190, and of the amount allocated in this paragraph, \$1,451,000 shall be allocated by the department of corrections for the operation of the Fort Madison correctional facility, \$846,190 shall be allocated for the operation of the Luster Heights facility, and \$200,000 shall be allocated for the operation of the Anamosa correctional facility.

c. To the department of public safety, \$150,000, for costs associated with the training and equipment needs of volunteer fire fighters.

d. To the department of public safety for salaries and support for sworn peace officers of the state patrol, \$300,000.

e. To the Iowa civil rights commission, \$100,000.

f. To the judicial branch, \$5,300,000.

g. To the department of justice for salaries and support, \$150,000.

3. Moneys remaining in the fund at or after the close of the fiscal year shall revert to the general fund of the state.

4. This section is repealed June 30, 2011.

DIVISION IV GAMING ENFORCEMENT FUND AND MISCELLANEOUS PROVISIONS

Sec. 21. 2010 Iowa Acts, Senate File 2088, ³ section 62, is amended to read as follows:

SEC. 62. COMMUNITY-BASED CORRECTIONS — STATE ACCOUNTING BUDGETING

² See chapter 1193, §117 herein

³ Chapter 1031 herein

SYSTEM. Each judicial district department of correctional services shall utilize the state ~~accounting~~ budgeting system for purposes of tracking both appropriations and expenditures. Each judicial district department shall coordinate its ~~accounting~~ budgeting activities with the department of management for purposes of implementing the requirements of this section.

Sec. 22. Section 8A.302, subsection 1, as amended by 2010 Iowa Acts, Senate File 2088,⁴ section 71, is amended to read as follows:

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

Sec. 23. NEW SECTION. 80.43 Gaming enforcement — revolving fund.

1. A gaming enforcement revolving fund is created in the state treasury under the control of the department. The fund shall consist of fees collected and deposited into the fund paid by licensees pursuant to section 99D.14, subsection 2, paragraph “b”, and fees paid by licensees pursuant to section 99F.10, subsection 4, paragraph “b”. All costs for agents and officers plus any direct and indirect support costs for such agents and officers of the division of criminal investigation’s racetrack, excursion boat, or gambling structure enforcement activities shall be paid from the fund as provided in appropriations made for this purpose by the general assembly.

2. To meet the department’s cash flow needs, the department may temporarily use funds from the general fund of the state to pay expenses in excess of moneys available in the revolving fund if those additional expenditures are fully reimbursable and the department reimburses the general fund of the state and ensures all moneys are repaid in full by the close of the fiscal year. Because any general fund moneys used shall be fully reimbursed, such temporary use of funds from the general fund of the state shall not constitute an appropriation for purposes of calculating the state general fund expenditure limitation pursuant to section 8.54.

3. Section 8.33 does not apply to any moneys credited or appropriated to the revolving fund from any other fund and, notwithstanding section 12C.7, subsection 2, earnings or interest on moneys deposited in the revolving fund shall be credited to the revolving fund.

Sec. 24. Section 99D.14, subsection 2, Code 2009, is amended to read as follows:

2. a. A licensee shall pay a regulatory fee to be charged as provided in this section. In determining the regulatory fee to be charged as provided under this section, the commission shall use the amount appropriated to the commission plus the cost of salaries for no more than two special agents for each racetrack that has not been issued a table games license under chapter 99F or no more than three special agents for each racetrack that has been issued a table games license under chapter 99F, plus any direct and indirect support costs for the agents, for the division of criminal investigation’s racetrack activities, as the basis for determining the amount of revenue to be raised from the regulatory fee.

b. Notwithstanding sections 8.60 and 99D.17, the portion of the fee paid pursuant to paragraph “a” relating to the costs of special agents plus any direct and indirect support costs for the agents, for the division of criminal investigation’s racetrack activities, shall not be deposited in the general fund of the state but instead shall be deposited into the gaming enforcement revolving fund established in section 80.43.

⁴ Chapter 1031 herein

Sec. 25. Section 99F.10, subsection 4, Code 2009, is amended to read as follows:

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

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

Sec. 26. Section 809A.17, subsection 5, Code 2009, is amended by adding the following new paragraph:

NEW PARAGRAPH. e. If the forfeited property is cash or proceeds from the sale of real property the distribution of the forfeited property shall be as follows:

(1) The department of justice shall not retain more than ten percent of the gross sale of any forfeited real property. The balance of the proceeds shall be distributed to the seizing agency for use by the agency or for division among law enforcement agencies and county attorneys pursuant to any agreement entered into by the seizing agency.

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

(3) In the event of a cash forfeiture in excess of four hundred thousand dollars the distribution of forfeited cash shall be as follows:

(a) Forty-five percent shall be retained by the seizing agency.

(b) Forty-five percent shall be distributed to other law enforcement agencies within the region of the seizing agency.

(c) Ten percent shall be retained by the department of justice.

Sec. 27. Section 904.315, subsection 2, Code Supplement 2009, is amended to read as follows:

2. A contract is not required for improvements at a state institution where the labor of inmates is to be used if the contract is not for a construction, reconstruction, demolition, or repair project or improvement with an estimated cost in excess of fifty one hundred thousand dollars.

Sec. 28. Section 904A.4B, Code 2009, is amended to read as follows:

904A.4B Executive director of the board of parole — duties.

1. The chief administrative officer of the board of parole shall be the executive director, except as provided in subsection 2. The executive director shall be appointed by the chairperson, subject to the approval of the board and shall serve at the pleasure of the board. The executive director shall do all of the following:

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

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

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

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

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

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

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

Sec. 29. IOWA COMMUNICATIONS NETWORK. It is the intent of the general assembly that the executive branch agencies receiving an appropriation in this Act utilize the Iowa communications network or secure other electronic communications in lieu of traveling for the fiscal year addressed by the appropriations.

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

Sec. 31. CORRECTIONAL OFFICER AND PEACE OFFICER — PRIORITY. As a condition of receiving an appropriation in this Act, the department of corrections and the department of public safety shall make every effort to preserve correctional officer and peace officer positions through the reduction of administrative and related overhead costs.

DIVISION V SCHEDULED FINES — CORRESPONDING AMENDMENTS

Sec. 32. Section 321.17, Code 2009, is amended to read as follows:

321.17 Misdemeanor to violate registration provisions.

It is a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 2, ~~paragraph “b”~~, for any person to drive or move or for an owner knowingly to permit to be driven or moved upon the highway a vehicle of a type required to be registered under this chapter which is not registered, or for which the appropriate fees have not been paid, except as provided in section 321.109, subsection 3.

Sec. 33. Section 321.47, subsection 4, Code 2009, is amended to read as follows:

4. A person convicted of a violation of this section is guilty of a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 2, ~~paragraph “b”~~.

Sec. 34. Section 321.98, Code 2009, is amended to read as follows:

321.98 Operation without registration.

A person shall not operate, and an owner shall not knowingly permit to be operated upon any highway any vehicle required to be registered and titled hereunder unless there shall be attached thereto and displayed thereon when and as required by this chapter a valid registration card and registration plate or plates issued therefor for the current registration year and unless a certificate of title has been issued for such vehicle except as otherwise expressly permitted in this chapter. Any violation of this section is a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 2, ~~paragraph “b”~~.

Sec. 35. Section 321.99, Code 2009, is amended to read as follows:

321.99 Fraudulent use of registration.

A person shall not knowingly lend to another a registration card, registration plate, special plate, or permit issued to the person if the other person desiring to borrow the card, plate, or permit would not be entitled to the use of it. A person shall not knowingly permit the use of a registration card, registration plate, special plate, or permit issued to the person by one

not entitled to it, nor shall a person knowingly display upon a vehicle a registration card, registration plate, special plate, or permit not issued for that vehicle under this chapter. A person convicted of a violation of this section is guilty of a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 2, ~~paragraph “d”~~.

Sec. 36. Section 321.104, unnumbered paragraph 1, Code 2009, is amended to read as follows:

It is a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 2, ~~paragraph “e”~~, for any person to commit any of the following acts:

Sec. 37. Section 321.115, subsection 4, Code 2009, is amended to read as follows:

4. A person convicted of a violation of this section is guilty of a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 2, ~~paragraph “b”~~.

Sec. 38. Section 321.115A, subsection 3, Code Supplement 2009, is amended to read as follows:

3. A person convicted of a violation of this section is guilty of a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 2, ~~paragraph “b”~~.

Sec. 39. Section 321.193, unnumbered paragraph 4, Code 2009, is amended to read as follows:

It is a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 4, ~~paragraph “a”~~, for a person to operate a motor vehicle in any manner in violation of the restrictions imposed on a restricted license issued to that person under this section.

Sec. 40. Section 321.216, unnumbered paragraph 1, Code 2009, is amended to read as follows:

It is a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 4, ~~paragraph “b”~~, for any person:

Sec. 41. Section 321.216B, Code 2009, is amended to read as follows:

321.216B Use of driver’s license or nonoperator’s identification card by underage person to obtain alcohol.

A person who is under the age of twenty-one, who alters or displays or has in the person’s possession a fictitious or fraudulently altered driver’s license or nonoperator’s identification card and who uses the license to violate or attempt to violate section 123.47, commits a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 4, ~~paragraph “e”~~. The court shall forward a copy of the conviction to the department.

Sec. 42. Section 321.216C, Code 2009, is amended to read as follows:

321.216C Use of driver’s license or nonoperator’s identification card by underage person to obtain cigarettes or tobacco products.

A person who is under the age of eighteen, who alters or displays or has in the person’s possession a fictitious or fraudulently altered driver’s license or nonoperator’s identification card and who uses the license or card to violate or attempt to violate section 453A.2, subsection 2, commits a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 4, ~~paragraph “e”~~. The court shall forward a copy of the conviction to the department.

Sec. 43. Section 321.219, unnumbered paragraph 2, Code 2009, is amended to read as follows:

A person convicted of a violation of this section is guilty of a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 4, ~~paragraph “e”~~.

Sec. 44. Section 321.220, unnumbered paragraph 2, Code 2009, is amended to read as follows:

A person convicted of a violation of this section is guilty of a simple misdemeanor

punishable as a scheduled violation under section 805.8A, subsection 4, ~~paragraph "e"~~.

Sec. 45. Section 321.234A, subsection 4, Code 2009, is amended to read as follows:

4. A person convicted of a violation of this section is guilty of a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 3, ~~paragraph "f"~~.

Sec. 46. Section 321.247, unnumbered paragraph 2, Code 2009, is amended to read as follows:

A person convicted of a violation of this section is guilty of a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 3, ~~paragraph "f"~~.

Sec. 47. Section 321.302, subsection 4, Code 2009, is amended to read as follows:

4. A person convicted of a violation of this section is guilty of a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 6, ~~paragraph "d"~~.

Sec. 48. Section 321.327, unnumbered paragraph 2, Code 2009, is amended to read as follows:

A person convicted of a violation of this section is guilty of a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 7, ~~paragraph "b"~~.

Sec. 49. Section 321.366, unnumbered paragraph 3, Code 2009, is amended to read as follows:

Violations of this section are punishable as a scheduled violation under section 805.8A, subsection 6, ~~paragraph "d"~~.

Sec. 50. Section 321.381, Code 2009, is amended to read as follows:

321.381 Movement of unsafe or improperly equipped vehicles.

It is a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 3, ~~paragraph "f"~~, for any person to drive or move or for the owner to cause or knowingly permit to be driven or moved on any highway any vehicle or combination of vehicles which is in such unsafe condition as to endanger any person, or which does not contain those parts or is not at all times equipped with such lamps and other equipment in proper condition and adjustment as required in this chapter, or which is equipped with one or more unsafe tires or which is equipped in any manner in violation of this chapter.

Sec. 51. Section 321.383, unnumbered paragraph 1, Code 2009, is amended to read as follows:

Any person who violates any provision of this section shall be fined as provided in section 805.8A, subsection 3, ~~paragraph "d"~~.

Sec. 52. Section 321.404A, subsection 2, Code 2009, is amended to read as follows:

2. A person who violates this section shall be subject to a scheduled fine under section 805.8A, subsection 3, ~~paragraph "e"~~.

Sec. 53. Section 321.421, unnumbered paragraph 2, Code 2009, is amended to read as follows:

A person convicted of a violation of this section is guilty of a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 3, ~~paragraph "d"~~.

Approved April 29, 2010, with exceptions noted.

CHESTER J. CULVER, Governor

Dear Mr. Secretary:

I hereby transmit Senate File 2378, an Act relating to and making appropriations to the justice system, modifying certain traffic offenses, fees and fines, and including effective

date provisions. Senate File 2378 is approved on this date, with the exceptions noted below, which I hereby disapprove.

I am unable to approve the item designated as Section 4, subsection 5 of the bill in its entirety. This provisions calls for the Department of Corrections to eliminate the chief security officer position. The funding for this position has already been eliminated as a result of budget cuts and this language is unnecessary.

I am unable to approve the item designated as Section 5, subsection 6 of the bill in its entirety. This provision would require all Community Based Correctional (CBC) Facilities to accept offenders transferred from other judicial districts without consideration of evidence-based practices regarding supervisory status. I disapprove this language to assure that each CBC facility will maintain control of the types and numbers of offenders whom they serve in their respective residential programs.

I also am unable to approve the related section designated as Section 17 of the bill in its entirety. This section creates an effective-upon-enactment date for the item above (Section 4, subsection 5) related to the elimination the Department of Corrections chief security officer position.

I am also unable to approve the item designated as Section 18, subsection 3, lettered paragraph "ag" of the bill in its entirety. This language creates two different fines for violations of Iowa Code section 321.437 related to rear view mirrors and side view mirrors and conflicts with subsection 12, lettered paragraph "b" of the bill. This disapproval will correct the inconsistency immediately rather than waiting for the next legislative session to take corrective action.

For the above reasons, I respectfully disapprove the designated items in accordance with Article III, Section 16 of the Constitution of the State of Iowa. All other items in Senate File 2378 are hereby approved this date.

Sincerely,
CHESTER J. CULVER, *Governor*

CHAPTER 1191

APPROPRIATIONS — AGRICULTURE AND NATURAL RESOURCES

H.F. 2525

AN ACT relating to and making appropriations involving state government, by providing for agriculture, natural resources, and environmental protection, and including effective and applicability date provisions.

Be It Enacted by the General Assembly of the State of Iowa:

DIVISION I DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP GENERAL APPROPRIATIONS

Section 1. GENERAL FUND — DEPARTMENT.

1. There is appropriated from the general fund of the state to the department of agriculture and land stewardship for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For purposes of supporting the department, including its divisions, for administration, regulation, and programs; for salaries, support, maintenance, and miscellaneous purposes;

and for not more than the following full-time equivalent positions:

.....	\$	16,872,308
.....	FTEs	408.00

2. The department shall submit a report each quarter of the fiscal year to the legislative services agency, the department of management, the members of the joint appropriations subcommittee on agriculture and natural resources, and the chairpersons and ranking members of the senate and house committees on appropriations. The report shall describe in detail the expenditure of moneys appropriated in this section to support the department’s administration, regulation, and programs.

3. Of the amount appropriated in this section, \$238,000 is transferred to Iowa state university of science and technology, to be used for the university’s midwest grape and wine industry institute.

DESIGNATED APPROPRIATIONS — ANIMAL HUSBANDRY

Sec. 2. UNCLAIMED PARI-MUTUEL WAGERING WINNINGS — HORSE AND DOG RACING. There is appropriated from the moneys available under section 99D.13 to the department of agriculture and land stewardship for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For purposes of supporting the department’s administration and enforcement of horse and dog racing law pursuant to section 99D.22, including for salaries, support, maintenance, and miscellaneous purposes:

.....	\$	305,516
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DESIGNATED APPROPRIATIONS — MOTOR FUEL

Sec. 3. RENEWABLE FUEL INFRASTRUCTURE FUND — MOTOR FUEL INSPECTION. There is appropriated from the renewable fuel infrastructure fund created in section 15G.205 to the department of agriculture and land stewardship for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For purposes of the inspection of motor fuel, including salaries, support, maintenance, and miscellaneous purposes:

.....	\$	300,000
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The department shall establish and administer programs for the auditing of motor fuel including biofuel processing and production plants, for screening and testing motor fuel, including renewable fuel, and for the inspection of motor fuel sold by dealers including retail dealers who sell and dispense motor fuel from motor fuel pumps.

DIVISION II
DEPARTMENT OF NATURAL RESOURCES
GENERAL APPROPRIATIONS

Sec. 4. GENERAL FUND — DEPARTMENT. There is appropriated from the general fund of the state to the department of natural resources for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

1. For purposes of supporting the department, including its divisions, for administration, regulation, and programs; for salaries, support, maintenance, and miscellaneous purposes; and for not more than the following full-time equivalent positions:

.....	\$	15,600,710
.....	FTEs	1,168.95

2. The department shall submit a report each quarter of the fiscal year to the legislative services agency, the department of management, the members of the joint appropriations subcommittee on agriculture and natural resources, and the chairpersons and ranking members of the senate and house committees on appropriations. The report shall describe in

detail the expenditure of moneys appropriated under this section to support the department’s administration, regulation, and programs.

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

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

Sec. 7. STATE FISH AND GAME PROTECTION FUND — DIVISION OF FISH AND WILDLIFE.

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

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

..... \$ 38,793,154

b. Notwithstanding section 455A.10, the department may use the unappropriated balance remaining in the state fish and game protection fund to provide for the funding of health and life insurance premium payments from unused sick leave balances of conservation peace officers employed in a protection occupation who retire, pursuant to section 97B.49B.

2. The department shall not expend more moneys from the state fish and game protection fund than provided in this section, unless the expenditure derives from contributions made by a private entity, or a grant or moneys received from the federal government, and is approved by the natural resource commission. The department of natural resources shall promptly notify the legislative services agency and the chairpersons and ranking members of the joint appropriations subcommittee on agriculture and natural resources concerning the commission’s approval.

3. It is the intent of the general assembly that the appropriations bill for the fiscal year beginning July 1, 2011, and ending June 30, 2012, to be originally sponsored by the joint appropriations subcommittee on agriculture and natural resources during the 2011 session of the Eighty-fourth General Assembly include a line item provision for the state fish and game protection fund that accounts for full-time equivalent positions supported by the fund.

4. The department of natural resources shall prepare a report to the governor and the general assembly providing a detailed accounting of revenue and expenditures involving the state fish and game protection fund. Prior to November 15, 2010, the department shall submit the report to the governor and general assembly, including the chairpersons and ranking members of the standing committees of the senate and house of representatives having jurisdiction over natural resources and the joint appropriations subcommittee on agriculture and natural resources. The report shall include all of the following:

a. Information regarding the following four operational units: management, the law enforcement bureau, the fisheries bureau, and the wildlife bureau. The information shall include all of the following:

- (1) The allocation of full-time equivalent positions in each operational unit.
- (2) The title and description of each position in each operational unit.
- (3) A line item accounting of expenditures for each operational unit.

¹ See chapter 1193, §136 herein

- b. A line item accounting of the balance in the fund to be carried forward on June 30, 2010.
- c. A line item accounting for sources of income deposited into the fund.

d. A line item accounting of capital projects, including but not limited to land owned by the department, projected land purchases by the department, revenue generated from land owned by the department and its classified use, and income or losses from land leased by the department. The line item shall account for such land regardless of whether the land was acquired in whole or in part from moneys originating from the fund. The report shall also include a justification for each capital project.

e. A description of all programs supported by the fund and a justification for each of the programs as a constitutionally allowable expenditure.

Sec. 8. GROUNDWATER PROTECTION FUND — WATER QUALITY. There is appropriated from the groundwater protection fund created in section 455E.11 to the department of natural resources for the fiscal year beginning July 1, 2010, and ending June 30, 2011, from those moneys which are not allocated pursuant to that section, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For purposes of supporting the department’s protection of the state’s groundwater, including for administration, regulation, and programs, and for salaries, support, maintenance, equipment, and miscellaneous purposes:

..... \$ 3,455,832

DESIGNATED APPROPRIATIONS — MISCELLANEOUS

Sec. 9. SPECIAL SNOWMOBILE FUND — SNOWMOBILE PROGRAM. There is appropriated from the special snowmobile fund created under section 321G.7 to the department of natural resources for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For purposes of administering and enforcing the state snowmobile program:

..... \$ 100,000

Sec. 10. UNASSIGNED REVENUE FUND — UNDERGROUND STORAGE TANK SECTION EXPENSES. There is appropriated from the unassigned revenue fund administered by the Iowa comprehensive underground storage tank fund board to the department of natural resources for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For purposes of paying for administration expenses of the department’s underground storage tank section:

..... \$ 200,000

Sec. 11. STORM WATER DISCHARGE PERMIT FEES — SUPPORT FOR SPECIAL PURPOSES. Notwithstanding any contrary provision of state law, for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the department of natural resources may use additional moneys available to the department collected from storm water discharge permit fees as provided in section 455B.103A or 455B.197 for the staffing of the following additional full-time equivalent positions for the purposes designated:

1. For purposes of reducing the department’s floodplain permit backlog:
..... FTEs 2.00

2. For purposes of implementing the federal total maximum daily load program:
..... FTEs 2.00

Sec. 12. INTERIM STUDY OF PUBLIC LAND UNDER THE CONTROL OF THE DEPARTMENT OF NATURAL RESOURCES WHICH MAY BE USED FOR PUBLIC HUNTING. The department of natural resources shall conduct an interim study of public land under its control which may be used for public hunting. The department shall authorize public hunting on public land for which the department determines such activity is beneficial.

The department shall report the results of the interim study to the governor and general assembly by January 10, 2011.

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

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

DIVISION III
IOWA STATE UNIVERSITY

Sec. 15. GENERAL FUND — VETERINARY DIAGNOSTIC LABORATORY.

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

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

.....	\$	3,444,294
.....	FTEs	50.00

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

b. Paragraph “a” does not apply to a reduction made to support the college of veterinary medicine, if the same percentage of reduction imposed on the college of veterinary medicine is also imposed on all of Iowa state university’s budget units.

3. If by the end of the fiscal year, Iowa state university of science and technology fails to allocate the moneys appropriated in this section to the college of veterinary medicine in accordance with this section, the moneys appropriated in this section for that fiscal year shall revert to the general fund of the state.

Sec. 16. VETERINARY DIAGNOSTIC LABORATORY — FUTURE YEAR. This section applies if appropriations made in this Act and all other Acts enacted by the Eighty-third General Assembly during the 2010 regular session and all extraordinary sessions, for the fiscal year beginning July 1, 2010, and ending June 30, 2011, for purposes of supporting the operation of the veterinary diagnostic laboratory associated with the college of veterinary medicine at Iowa state university, total less than \$4,000,000. It is the intent of the general assembly that the amount of any deficit will be appropriated by the general assembly during its 2011 regular session for purposes of supporting the operation of the veterinary diagnostic laboratory for the fiscal year beginning July 1, 2011, and ending June 30, 2012.

DIVISION IV
ENVIRONMENT FIRST FUND — GENERAL APPROPRIATIONS

Sec. 17. DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP. There is appropriated from the environment first fund created in section 8.57A to the department of agriculture and land stewardship for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. CONSERVATION RESERVE ENHANCEMENT PROGRAM (CREP)

* Item veto; see message at end of the Act

a. For the conservation reserve enhancement program to restore and construct wetlands for the purposes of intercepting tile line runoff, reducing nutrient loss, improving water quality, and enhancing agricultural production practices:

..... \$ 1,500,000

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

c. Notwithstanding any other provision in law, the department may provide state resources from this appropriation, in combination with appropriate environment first fund appropriations, for cost sharing to match United States department of agriculture, natural resources conservation service, wetlands reserve enhancement program (WREP) funding available to Iowa.

2. WATERSHED PROTECTION

a. For continuation of a program that provides multiobjective resource protections for flood control, water quality, erosion control, and natural resource conservation:

..... \$ 1,500,000

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

3. FARM MANAGEMENT DEMONSTRATION PROGRAM

a. For continuation of a statewide voluntary farm management demonstration program to demonstrate the effectiveness and adaptability of emerging practices in agronomy that protect water resources and provide other environmental benefits:

..... \$ 750,000

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

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

4. AGRICULTURAL DRAINAGE WELL WATER QUALITY ASSISTANCE FUND

a. For deposit in the agricultural drainage well water quality assistance fund created in section 460.303 to be used for purposes of supporting the agricultural drainage well water quality assistance program as provided in section 460.304:

..... \$ 1,250,000

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

5. SOIL AND WATER CONSERVATION — ADMINISTRATION

For use by the department for costs of administration and implementation of soil and water conservation practices:

..... \$ 1,050,000

6. CONSERVATION RESERVE PROGRAM (CRP)

a. To encourage and assist farmers in enrolling in and the implementation of the federal conservation program and to work with them to enhance their revegetation efforts to improve water quality and habitat:

..... \$ 1,300,000

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

7. LOESS HILLS DEVELOPMENT AND CONSERVATION FUND

a. For deposit in the loess hills development and conservation fund created in section 161D.2:

..... \$ 500,000

b. (1) Of the amount appropriated in paragraph “a”, \$323,000 shall be allocated to the fund’s hungry canyons account.

(2) Not more than 10 percent of the moneys allocated to the hungry canyons account as provided in subparagraph (1) may be used for administrative costs.

c. (1) Of the amount appropriated in paragraph “a”, \$177,000 shall be allocated to the fund’s loess hills alliance account.

(2) Not more than 10 percent of the moneys allocated to the loess hills alliance account as provided in subparagraph (1) may be used for administrative costs.

8. SOUTHERN IOWA DEVELOPMENT AND CONSERVATION FUND

a. For deposit in the southern Iowa development and conservation fund created in section 161D.12:

..... \$ 250,000

b. Not more than 10 percent of the moneys appropriated in paragraph "a" may be used for administrative costs.

9. SOIL AND WATER CONSERVATION

a. For use by the department in providing for soil and water conservation administration, the conservation of soil and water resources, or the support of soil and water conservation district commissioners:

..... \$ 1,751,600

b. The department may deposit any amount of the moneys into the Mississippi river basin healthy watersheds initiative fund as created in this Act.

Sec. 18. DEPARTMENT OF NATURAL RESOURCES. There is appropriated from the environment first fund created in section 8.57A to the department of natural resources for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. KEEPERS OF THE LAND

For statewide coordination of volunteer efforts under the water quality and keepers of the land programs:

..... \$ 100,000

2. STATE PARKS MAINTENANCE AND OPERATIONS

For regular maintenance of state parks and staff time associated with these activities:

..... \$ 2,470,000

3. GEOGRAPHIC INFORMATION SYSTEM (GIS)

To provide local watershed managers with geographic information system data for their use in developing, monitoring, and displaying results of their watershed work:

..... \$ 195,000

4. WATER QUALITY MONITORING

For continuing the establishment and operation of water quality monitoring stations:

..... \$ 2,955,000

5. PUBLIC WATER SUPPLY SYSTEM ACCOUNT

For deposit in the public water supply system account of the water quality protection fund created in section 455B.183A:

..... \$ 500,000

6. REGULATION OF ANIMAL FEEDING OPERATIONS

For the regulation of animal feeding operations, including as provided for in chapters 459 and 459A:

..... \$ 608,400

7. AMBIENT AIR QUALITY

For the abatement, control, and prevention of ambient air pollution in this state, including measures as necessary to assure attainment and maintenance of ambient air quality standards from particulate matter:

..... \$ 425,000

8. WATER QUANTITY REGULATION

For regulating water quantity from surface and subsurface sources by providing for the allocation and use of water resources, the protection and management of water resources, and the preclusion of conflicts among users of water resources, including as provided in chapter 455B, division III, part 4:

..... \$ 495,000

9. RESOURCE CONSERVATION AND DEVELOPMENT (RCD)

a. For resource conservation and development associated with the development of projects relating to natural resource-based business opportunities:

..... \$ 150,000

b. Local resource conservation and development groups sponsored by county governments or sponsored by soil and water conservation districts shall be eligible to receive moneys appropriated in paragraph “a” on the condition that such groups receive the moneys on a dollar-for-dollar matching basis.

c. Not more than 5 percent of the moneys appropriated in paragraph “a” may be used for the costs of implementing and administering this subsection.

10. STATE PARKS VOLUNTEER ACTIVITIES

For supporting volunteer activities at state parks, including by providing volunteers with food, services, and items required to accomplish tasks associated with state park operations:

..... \$ 250,000

Sec. 19. REVERSION. Notwithstanding section 8.33, moneys appropriated for the fiscal year beginning July 1, 2010, in this division of this Act that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for the purposes designated until the close of the fiscal year beginning July 1, 2011, or until the project for which the appropriation was made is completed, whichever is earlier.

DIVISION V
ENVIRONMENT FIRST FUND — RESOURCES ENHANCEMENT
AND PROTECTION (REAP)

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

..... \$ 15,000,000

DIVISION VI
MISSISSIPPI RIVER BASIN HEALTHY
WATERSHEDS INITIATIVE

Sec. 21. NEW SECTION. **161G.1 Definitions.**

- 1. “Department” means the department of agriculture and land stewardship.
- 2. “Fund” means the Mississippi river basin healthy watersheds initiative fund created pursuant to section 161G.2.

Sec. 22. NEW SECTION. **161G.2 Mississippi river basin healthy watersheds initiative fund.**

- 1. A Mississippi river basin healthy watersheds initiative fund is created within the department.
- 2. The fund is composed of money appropriated by the general assembly to the fund, and moneys available to and obtained or accepted by the department from the United States, the state, or any other source for placement in the fund.
- 3. The fund shall be used by the department to support the Mississippi river basin healthy watersheds initiative as provided in section 161G.3.
- 4. The moneys in the fund are not subject to section 8.33 and shall not be transferred, used, obligated, appropriated, or otherwise encumbered except as provided in this section. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the fund shall be credited to the fund.

Sec. 23. NEW SECTION. **161G.3 Mississippi river basin healthy watersheds initiative.**

- 1. The department shall implement a voluntary program to assist in improving the health of the Mississippi river basin, including water quality and wildlife habitat.

2. The department shall implement the program consistent with requirements of the United States department of agriculture in its administration of the Mississippi river basin healthy watersheds initiative.

3. To the extent allowed by the United States department of agriculture, the department of agriculture and land stewardship may do all of the following:

a. Provide for conservation systems that manage and optimize nitrogen and phosphorous within fields to minimize runoff and reduce downstream nutrient loading.

b. Assist agricultural producers with a system of practices that will control soil erosion, improve soil quality, restore and enhance wildlife habitat, and manage runoff and drainage water for improved water quality.

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

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

DIVISION VII BEAUTIFICATION GRANTS

Sec. 24. Section 455E.11, subsection 2, paragraph a, subparagraph (1), Code Supplement 2009, is amended by adding the following new subparagraph division:

NEW SUBPARAGRAPH DIVISION. (0a) (i) Each fiscal year for the fiscal period beginning July 1, 2010, and ending June 30, 2014, not more than two hundred thousand dollars to the department for purposes of awarding a beautification grant each year to one organization that does all of the following:

(A) Assists communities and organizations in cleanup and beautification projects.

(B) Conducts research to assist in the understanding of reasons for littering and illegal dumping.

(C) Administers antilittering and beautification education programs.

(D) Increases public awareness of the costs of littering.

(ii) The grant recipient shall do all of the following:

(A) Expend not more than fifty percent of the moneys for a public education and awareness initiative designed to reduce litter and illegal dumping.

(B) Expend not more than fifty percent of the moneys for a community partnership program designed to support community beautification projects including the deconstruction, renovation, or removal of derelict buildings. Eligible communities are limited to cities of five thousand or fewer in population. Eligible costs shall include but are not limited to asbestos abatement and removal, the recovery and processing of recyclable or reusable material from derelict buildings and reimbursement for purchased recycled content materials used in the renovation of buildings. Special consideration may be given to communities that hire the unemployed to deconstruct structures, clean up the properties and, if there is no immediate buyer for the properties, turn the properties into green spaces. Any business entity or individual engaged in the removal or abatement of asbestos must have obtained a valid license or permit as required in chapter 88B.

(iii) As a condition of the grant award each year, the department shall require the grant recipient to submit a written report to the department by the end of the fiscal year for which the grant is awarded. In addition to any other information required by the department, the report shall include information detailing the expenditure of all moneys received by the organization and the results achieved through the expenditure of the money.

DIVISION VIII COMMERCIAL ESTABLISHMENT FUND

Sec. 25. NEW SECTION. 162.2C Commercial establishment fund.

A commercial establishment fund is created in the state treasury under the management and control of the department.

1. The fund shall include moneys collected by the department in fees as provided in section 162.2B and moneys appropriated by the general assembly. The fund may include other moneys available to and obtained or accepted by the department, including moneys from public or private sources.

2. Moneys in the fund are appropriated to the department and shall be used exclusively to carry out the provisions of this chapter as determined and directed by the department, and shall not require further special authorization by the general assembly.

3. *a.* Notwithstanding section 12C.7, interest or earnings on moneys in the fund shall be credited to the fund.

b. Notwithstanding section 8.33, moneys credited to the fund that remain unexpended or unobligated at the end of a fiscal year shall not revert to any other fund.

Sec. 26. EFFECTIVE UPON ENACTMENT AND RETROACTIVE APPLICABILITY.

1. This division of this Act applies retroactively to March 9, 2010.

2. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION IX
LOCAL FOOD AND FARM PLAN

Sec. 27. LOCAL FOOD AND FARM PLAN. To the extent feasible, the Leopold center for sustainable agriculture established pursuant to section 266.39, in consultation with the Iowa cooperative extension service in agriculture and home economics as provided in chapter 266, at Iowa state university of science and technology shall prepare a local food and farm plan containing policy and funding recommendations for supporting and expanding local food systems and for assessing and overcoming obstacles necessary to increase locally grown food production. The Leopold center for sustainable agriculture, in consultation with the Iowa cooperative extension service in agriculture and home economics, shall submit the plan to the general assembly by January 10, 2011. The plan shall include recommendations for short-term and long-term solutions, including but not limited to the enactment of legislation.

Sec. 28. REPEAL. This division of this Act is repealed on January 10, 2011.

Sec. 29. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Approved April 29, 2010, with exceptions noted.

CHESTER J. CULVER, *Governor*

Dear Mr. Secretary:

I hereby transmit House File 2525, an Act relating to and making appropriations involving state government, by providing for agriculture, natural resources, and environmental protection, and including effective and applicability date provisions. House File 2525 is approved on this date, with the exceptions noted below, which I hereby disapprove.

I am unable to approve Section 13 of House File 2525 in its entirety. This section eliminates the positions of the Chief and Assistant Chief of the Law Enforcement Bureau of the Department of Natural Resources. I am disapproving this language because these two positions are critical to the Department's mission and public safety. Both of these positions are funded with Fish and Wildlife Trust Fund monies and elimination of these two positions will not save any General Fund dollars. Furthermore, Section 13 is an unnecessary infringement on Executive Branch authority.

I am also unable to approve Section 14 in its entirety. This section makes the elimination of the positions of Chief and Assistant Chief of the Law Enforcement Bureau of the Department of Natural Resources effective upon enactment of House File 2525. Since I am disapproving Section 13, which would have eliminated these two positions, this language in Section 14 is, therefore, unnecessary.

For the above reasons, I hereby respectfully disapprove the designated items in accordance with Article III, Section 16 of the Constitution of the State of Iowa. All other items in House File 2525 are hereby approved this date.

Sincerely,
CHESTER J. CULVER, Governor

CHAPTER 1192

APPROPRIATIONS — HEALTH AND HUMAN SERVICES

H.F. 2526

AN ACT relating to and making appropriations for health and human services and including other related provisions and appropriations, and providing effective, retroactive, and applicability date provisions.

Be It Enacted by the General Assembly of the State of Iowa:

**DIVISION I
DEPARTMENT ON AGING**

Section 1. DEPARTMENT ON AGING. There is appropriated from the general fund of the state to the department on aging for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For aging programs for the department on aging and area agencies on aging to provide citizens of Iowa who are 60 years of age and older with case management for the frail elderly, resident advocate committee coordination, employment, and other services which may include but are not limited to adult day services, respite care, chore services, telephone reassurance, information and assistance, and home repair services, and for the construction of entrance ramps which make residences accessible to the physically handicapped, and for salaries, support, administration, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	4,662,988
.....	FTEs	36.00

1. Funds appropriated in this section may be used to supplement federal funds under federal regulations. To receive funds appropriated in this section, a local area agency on aging shall match the funds with moneys from other sources according to rules adopted by the department. Funds appropriated in this section may be used for elderly services not specifically enumerated in this section only if approved by an area agency on aging for provision of the service within the area.

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

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

department of human services shall revise such reimbursement rates as necessary to maintain expenditures for medical assistance elderly waiver case management services within the state funding amounts budgeted under the appropriations made for the fiscal year for the medical assistance program.

3. Of the funds appropriated in this section, \$179,964 shall be transferred to the department of economic development for the Iowa commission on volunteer services to be used for the retired and senior volunteer program.

4. a. The department on aging shall establish and enforce procedures relating to expenditure of state and federal funds by area agencies on aging that require compliance with both state and federal laws, rules, and regulations, including but not limited to all of the following:

(1) Requiring that expenditures are incurred only for goods or services received or performed prior to the end of the fiscal period designated for use of the funds.

(2) Prohibiting prepayment for goods or services not received or performed prior to the end of the fiscal period designated for use of the funds.

(3) Prohibiting the prepayment for goods or services not defined specifically by good or service, time period, or recipient.

(4) Prohibiting the establishment of accounts from which future goods or services which are not defined specifically by good or service, time period, or recipient, may be purchased.

b. The procedures shall provide that if any funds are expended in a manner that is not in compliance with the procedures and applicable federal and state laws, rules, and regulations, and are subsequently subject to repayment, the area agency on aging expending such funds in contravention of such procedures, laws, rules and regulations, not the state, shall be liable for such repayment.

DIVISION II
DEPARTMENT OF PUBLIC HEALTH

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

1. ADDICTIVE DISORDERS

For reducing the prevalence of use of tobacco, alcohol, and other drugs, and treating individuals affected by addictive behaviors, including gambling, and for not more than the following full-time equivalent positions:

.....	\$	28,974,840
.....	FTEs	18.00

a. Of the funds appropriated in this subsection, \$7,438,282 shall be used for the tobacco use prevention and control initiative, including efforts at the state and local levels, as provided in chapter 142A.

(1) The director of public health shall dedicate sufficient resources to promote and ensure retailer compliance with tobacco laws and ordinances relating to persons under 18 years of age, and shall prioritize the state’s compliance in the allocation of available funds to comply with 42 U.S.C. § 300x-26 and section 453A.2.

(2) Of the full-time equivalent positions authorized in this subsection, 2.00 full-time equivalent positions shall be utilized to provide for enforcement of tobacco laws, regulations, and ordinances.

(3) Of the funds allocated in this lettered paragraph, \$1,796,508 shall be used for youth programs designed to achieve the goals of the initiative, that are directed by youth participants for youth pursuant to section 142A.9.

b. Of the funds appropriated in this subsection, \$17,920,028 shall be used for substance abuse treatment and prevention.

(1) Of the funds allocated in this lettered paragraph, \$943,813 shall be used for the public purpose of a grant program to provide substance abuse prevention programming for children.

(a) Of the funds allocated in this subparagraph, \$449,445 shall be utilized for the public purpose of providing grant funding for organizations that provide programming for children by utilizing mentors. Programs approved for such grants shall be certified or will be certified within six months of receiving the grant award by the Iowa commission on volunteer services as utilizing the standards for effective practice for mentoring programs.

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

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

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

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

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

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

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

(2) The pilot project requirements shall provide for documentation or other means to ensure access to the cultural competence approach used by a pilot project so that such approach can be replicated and improved upon in successor programs.

d. (1) Of the funds appropriated in this subsection, \$3,716,530 shall be used for funding of gambling treatment, including administrative costs and to provide programs which may include but are not limited to outpatient and follow-up treatment for persons affected by problem gambling, rehabilitation and residential treatment programs, information and referral services, education and preventive services, and financial management services. Of the amount allocated in this lettered paragraph, up to \$100,000 may be used for the licensing of gambling treatment programs as provided in section 135.150.

(2) (a) Notwithstanding any provision to the contrary, to standardize the availability, delivery, cost of delivery, and accountability of gambling and substance abuse treatment services statewide, the department shall continue implementation of a process to create a system for delivery of the treatment services in accordance with the requirements specified in 2008 Iowa Acts, chapter 1187, section 3, subsection 4. To ensure the system provides a continuum of treatment services that best meets the needs of Iowans, the gambling and substance abuse treatment services in an area may be provided either by a single agency or by separate agencies submitting a joint proposal.

(b) From the amounts designated for gambling and substance abuse treatment, the department may use up to \$100,000 for administrative costs to continue developing and implementing the process in accordance with subparagraph division (a).

(3) The requirement of section 123.53, subsection 3, is met by the appropriations and allocations made in this Act for purposes of substance abuse treatment and addictive disorders for the fiscal year beginning July 1, 2010.

2. HEALTHY CHILDREN AND FAMILIES

For promoting the optimum health status for children, adolescents from birth through 21 years of age, and families, and for not more than the following full-time equivalent positions:

.....	\$	2,735,062
.....	FTEs	14.00

a. Of the funds appropriated in this subsection, not more than \$738,203 shall be used for the healthy opportunities to experience success (HOPES)-healthy families Iowa (HFI) program established pursuant to section 135.106. The funding shall be distributed to renew the grants

that were provided to the grantees that operated the program during the fiscal year ending June 30, 2010.

b. Of the funds appropriated in this subsection, \$329,885 shall be used to continue to address the healthy mental development of children from birth through five years of age through local evidence-based strategies that engage both the public and private sectors in promoting healthy development, prevention, and treatment for children.

c. Of the funds appropriated in this subsection, \$31,597 shall be distributed to a statewide dental carrier to provide funds to continue the donated dental services program patterned after the projects developed by the national foundation of dentistry for the handicapped to provide dental services to indigent elderly and disabled individuals.

d. Of the funds appropriated in this subsection, \$129,279 shall be used for childhood obesity prevention.

e. Of the funds appropriated in this subsection, \$187,890 shall be used to provide audiological services and hearing aids for children. The department may enter into a contract to administer this paragraph.

f. It is the intent of the general assembly that the department of public health shall implement the recommendations of the postnatal tissue and fluid bank task force created in 2007 Iowa Acts, chapter 147, based upon the report submitted to the general assembly in November 2007, as funding becomes available. The department shall notify the Iowa Code editor and the persons specified in this Act to receive reports when such funding becomes available.

3. CHRONIC CONDITIONS

For serving individuals identified as having chronic conditions or special health care needs, and for not more than the following full-time equivalent positions:

.....	\$	3,597,313
.....	FTEs	4.10

a. Of the funds appropriated in this subsection, \$160,582 shall be used for grants to individual patients who have phenylketonuria (PKU) to assist with the costs of necessary special foods.

b. Of the funds appropriated in this subsection, \$441,682 is allocated for continuation of the contracts for resource facilitator services in accordance with section 135.22B, subsection 9, and for brain injury training services and recruiting of service providers to increase the capacity within this state to address the needs of individuals with brain injuries and such individuals' families.

c. Of the funds appropriated in this subsection, \$539,868 shall be used as additional funding to leverage federal funding through the federal Ryan White Care Act, Tit. II, AIDS drug assistance program supplemental drug treatment grants.

d. Of the funds appropriated in this subsection, \$57,013 shall be used for the public purpose of providing a grant to an existing national-affiliated organization to provide education, client-centered programs, and client and family support for people living with epilepsy and their families.

e. Of the funds appropriated in this subsection, \$788,303 shall be used for child health specialty clinics.

f. Of the funds appropriated in this subsection, \$408,802 shall be used for the comprehensive cancer control program to reduce the burden of cancer in Iowa through prevention, early detection, effective treatment, and ensuring quality of life.

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

h. Of the funds appropriated in this subsection, \$528,834 shall be used for the center for congenital and inherited disorders.

i. Of the funds appropriated in this subsection, \$149,612 shall be used for the prescription drug donation repository program created in chapter 135M.

4. COMMUNITY CAPACITY

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

.....	\$	5,503,037
.....	FTEs	21.00

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

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

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

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

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

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

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

(1) For distribution to the Iowa-Nebraska primary care association for statewide coordination of the Iowa collaborative safety net provider network:

..... \$ 73,620

(2) For distribution to the Iowa family planning network agencies for necessary infrastructure, statewide coordination, provider recruitment, service delivery, and provision of assistance to patients in determining an appropriate medical home:

..... \$ 74,517

(3) For distribution to the local boards of health that provide direct services for pilot programs in three counties to assist patients in determining an appropriate medical home:

..... \$ 74,517

(4) For distribution to maternal and child health centers for pilot programs in three counties to assist patients in determining an appropriate medical home:

..... \$ 74,517

(5) For distribution to free clinics for necessary infrastructure, statewide coordination, provider recruitment, service delivery, and provision of assistance to patients in determining an appropriate medical home:

..... \$ 184,050

(6) For distribution to rural health clinics for necessary infrastructure, statewide coordination, provider recruitment, service delivery, and provision of assistance to patients in determining an appropriate medical home:

..... \$ 110,430

(7) For continuation of the safety net provider patient access to specialty health care initiative as described in 2007 Iowa Acts, chapter 218, section 109:

..... \$ 294,480

(8) For continuation of the pharmaceutical infrastructure for safety net providers as described in 2007 Iowa Acts, chapter 218, section 108:

..... \$ 294,480

The Iowa collaborative safety net provider network may continue to distribute funds allocated pursuant to this lettered paragraph through existing contracts or renewal of existing contracts.

h. (1) Of the funds appropriated in this subsection, \$180,000 shall be used for continued implementation of the recommendations of the direct care worker task force established pursuant to, based upon the report submitted to the governor and the general assembly in December 2006. The department may use a portion of the funds allocated in this paragraph for an additional position to assist in the continued implementation.

(2) It is the intent of the general assembly that a board of direct care workers shall be established within the department of public health by July 1, 2014, contingent upon the availability of funds to establish and maintain the board.

(3) The direct care worker advisory council shall submit an interim progress report no later than March 1, 2011, and a final report no later than March 1, 2012, to the governor and the general assembly, that includes but is not limited to all of the following:

(a) Documenting the size of the direct care workforce. The report shall provide the best estimates of the size of the direct care workforce in Iowa by identifying what workforce data is currently being collected, who is currently collecting the data, the gaps in existing data, and the collection methods necessary to address such gaps.

(b) Identifying the information management system required to facilitate credentialing of direct care workers and estimating the costs of development and maintenance of the system.

(c) Reporting the results of any pilot relating to and evaluating the recommendations of the advisory council that address direct care worker training and curricula.

(d) Describing activities relating to developing and delivering an education and outreach campaign to direct care workers and other stakeholders regarding strategies to increase the professionalism of the direct care workforce. The goals of such education and outreach campaign are to bring greater stability to the workforce and meet the needs of direct care workers that exist due to the growth in Iowa's aging and persons with disabilities populations.

(e) Making recommendations regarding the functions and composition of the board of direct care workers, the definitions of and categories for credentialing direct care workers, for deeming the experience level of members of the existing workforce to be the equivalent of other credentials, the form of credentialing to be used, the timeframe for credentialing of direct care workers, and the estimated costs of establishing and maintaining board operations and the methods to be used to fund and sustain such operations.

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

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

(2) Of the funds appropriated in this subsection, \$63,000 shall be used to provide scholarships or other forms of subsidized direct care worker educational conferences, training, or outreach activities.

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

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

k. The department may utilize one of the full-time equivalent positions authorized in this subsection for administration of the volunteer health care provider program pursuant to section 135.24.

5. HEALTHY AGING

To provide public health services that reduce risks and invest in promoting and protecting good health over the course of a lifetime with a priority given to older Iowans and vulnerable populations:

..... \$ 8,045,779

a. Of the funds appropriated in this subsection, \$2,209,696 shall be used for local public health nursing services.

b. Of the funds appropriated in this subsection, \$5,836,083 shall be used for home care aide services.

6. ENVIRONMENTAL HAZARDS

For reducing the public’s exposure to hazards in the environment, primarily chemical hazards, and for not more than the following full-time equivalent positions:

.....	\$	900,352
.....	FTEs	4.50

Of the funds appropriated in this subsection, \$590,380 shall be used for childhood lead poisoning provisions.

7. INFECTIOUS DISEASES

For reducing the incidence and prevalence of communicable diseases, and for not more than the following full-time equivalent positions:

.....	\$	1,475,095
.....	FTEs	5.00

8. PUBLIC PROTECTION

For protecting the health and safety of the public through establishing standards and enforcing regulations, and for not more than the following full-time equivalent positions:

.....	\$	3,287,987
.....	FTEs	130.00

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

b. Of the funds appropriated in this subsection, \$234,229 shall be used for sexual violence prevention programming through a statewide organization representing programs serving victims of sexual violence through the department’s sexual violence prevention program. The amount allocated in this lettered paragraph shall not be used to supplant funding administered for other sexual violence prevention or victims assistance programs.

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

d. Of the funds appropriated in this subsection, \$50,000 shall be used for education, testing, training, and other costs to conform the requirements for certification of emergency medical care providers with national standards.

9. RESOURCE MANAGEMENT

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

.....	\$	956,265
.....	FTEs	10.00

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

DIVISION III
DEPARTMENT OF VETERANS AFFAIRS

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

1. DEPARTMENT OF VETERANS AFFAIRS ADMINISTRATION

For salaries, support, maintenance, and miscellaneous purposes, including the war orphans educational assistance fund created in section 35.8, and for not more than the following full-time equivalent positions:

.....	\$	960,453
.....	FTEs	15.20

2. IOWA VETERANS HOME

For salaries, support, maintenance, and miscellaneous purposes:

..... \$ 9,630,846

a. The Iowa veterans home billings involving the department of human services shall be submitted to the department on at least a monthly basis.

b. If there is a change in the employer of employees providing services at the Iowa veterans home under a collective bargaining agreement, such employees and the agreement shall be continued by the successor employer as though there had not been a change in employer.

c. Within available resources and in conformance with associated state and federal program eligibility requirements, the Iowa veterans home may implement measures to provide financial assistance to or on behalf of veterans or their spouses participating in the community reentry program.

3. STATE EDUCATIONAL ASSISTANCE — CHILDREN OF DECEASED VETERANS

For provision of educational assistance pursuant to section 35.9:

..... \$ 12,731

Sec. 4. LIMITATION OF COUNTY COMMISSION OF VETERANS AFFAIRS FUND STANDING APPROPRIATIONS. Notwithstanding the standing appropriation in the following designated section for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the amounts appropriated from the general fund of the state pursuant to that section for the following designated purposes shall not exceed the following amount:

For the county commissions of veterans affairs fund under section 35A.16:

..... \$ 900,000

Sec. 5. MERCHANT MARINE BONUS FUND — COUNTY GRANTS. There is appropriated from the merchant marine bonus fund created in section 35A.8 to the department of veterans affairs for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For the county commissions of veterans affairs fund under section 35A.16:

..... \$ 90,000

DIVISION IV
DEPARTMENT OF HUMAN SERVICES

Sec. 6. TEMPORARY ASSISTANCE FOR NEEDY FAMILIES BLOCK GRANT. There is appropriated from the fund created in section 8.41 to the department of human services for the fiscal year beginning July 1, 2010, and ending June 30, 2011, from moneys received under the federal temporary assistance for needy families (TANF) block grant pursuant to the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. No. 104-193, and successor legislation, and from moneys received under the emergency contingency fund for temporary assistance for needy families state program established pursuant to the federal American Recovery and Reinvestment Act of 2009, Pub. L. No. 111-5 § 2101, and successor legislation, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. To be credited to the family investment program account and used for assistance under the family investment program under chapter 239B:
..... \$ 24,376,341

2. To be credited to the family investment program account and used for the job opportunities and basic skills (JOBS) program and implementing family investment agreements in accordance with chapter 239B:
..... \$ 12,411,528

Notwithstanding section 8.33, not more than 5 percent of the moneys designated in this subsection that are allocated by the department for contracted services, other than family self-sufficiency grant services allocated under this subsection, that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year. However, unless such moneys are encumbered or obligated on or before September 30,

2011, the moneys shall revert.

3. To be used for the family development and self-sufficiency grant program in accordance with section 216A.107:

..... \$ 2,898,980

Notwithstanding section 8.33, moneys appropriated in this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year. However, unless such moneys are encumbered or obligated on or before September 30, 2011, the moneys shall revert.

4. For field operations:

..... \$ 31,296,232

5. For general administration:

..... \$ 3,744,000

6. For state child care assistance:

..... \$ 16,382,687

The funds appropriated in this subsection shall be transferred to the child care and development block grant appropriation made by the Eighty-third General Assembly, 2010 Session, for the federal fiscal year beginning October 1, 2010, and ending September 30, 2011. Of this amount, \$200,000 shall be used for provision of educational opportunities to registered child care home providers in order to improve services and programs offered by this category of providers and to increase the number of providers. The department may contract with institutions of higher education or child care resource and referral centers to provide the educational opportunities. Allowable administrative costs under the contracts shall not exceed 5 percent. The application for a grant shall not exceed two pages in length.

7. For mental health and developmental disabilities community services:

..... \$ 4,894,052

8. For child and family services:

..... \$ 32,084,430

9. For child abuse prevention grants:

..... \$ 125,000

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

..... \$ 1,930,067

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

11. For technology needs and other resources necessary to meet federal welfare reform reporting, tracking, and case management requirements:

..... \$ 1,037,186

12. To be credited to the state child care assistance appropriation made in this section to be used for funding of community-based early childhood programs targeted to children from birth through five years of age developed by community empowerment areas as provided in section 28.9:

..... \$ 6,350,000

The department shall transfer TANF block grant funding appropriated and allocated in this subsection to the child care and development block grant appropriation in accordance with federal law as necessary to comply with the provisions of this subsection.

13. a. Notwithstanding any provision to the contrary, including but not limited to requirements in section 8.41 or provisions in 2009 or 2010 Iowa Acts regarding the receipt and appropriation of federal block grants, federal funds from the emergency contingency

fund for temporary assistance for needy families state program established pursuant to the federal American Recovery and Reinvestment Act of 2009, Pub. L. No. 111-5 § 2101, received by the state during the fiscal year beginning July 1, 2009, and ending June 30, 2010, not otherwise appropriated in this section and remaining available as of July 1, 2010, and received by the state during the fiscal year beginning July 1, 2010, and ending June 30, 2011, are appropriated to the extent as may be necessary to be used in the following priority order: the family investment program for the fiscal year and for state child care assistance program payments for individuals enrolled in the family investment program who are employed. The federal funds appropriated in this paragraph "a" shall be expended only after all other funds appropriated in subsection 1 for the assistance under the family investment program under chapter 239B have been expended.

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

c. For the purposes of this lettered paragraph, "employment and training-related programs" means summer youth programs and other employment and training-related programs, as allowed by federal law, that are administered by the department of workforce development.

(1) To the extent other federal funding is not available for employment and training-related programs administered by the department of workforce development and provided the match requirement is met through the employment programs, in addition to the amount appropriated in paragraph "a", funding is appropriated from the same source and for the same fiscal year addressed in paragraph "a", to the department of human services to be used for employment and training-related programs administered by the department of workforce development for the fiscal year beginning July 1, 2010, in accordance with the requirements of this lettered paragraph.

(2) The department of human services shall collaborate with the department of workforce development to secure additional federal funds from the emergency contingency fund for the temporary assistance for needy families state program established pursuant to the federal American Recovery and Reinvestment Act of 2009, Pub. L. No. 111-5 § 2101. This collaboration shall be for the purpose of securing emergency contingency funds to subsidize the administrative costs and wages paid on behalf of individuals participating in the employment and training-related programs administered by the department of workforce development. Subsidized wages, administrative costs, and other costs of the employment and training-related programs shall be eligible for reimbursement under the terms of the federal American Recovery and Reinvestment Act of 2009, Pub. L. No. 111-5 § 2101, or successor legislation, which may extend the availability of emergency contingency funds. The collaboration between the two agencies shall be formalized through a memorandum of agreement.

(3) Federal funds received as the result of this collaboration shall be transferred to the department of workforce development to be used for the purpose of covering administrative costs and the costs of wages and other costs relating to the employment and training-related programs administered by the department of workforce development. The department of workforce development shall ensure that all expenditures comply with applicable federal requirements and shall be responsible for the repayment of any funds spent in error and any corresponding penalty as well as taking corrective action to address the error. Funds received in excess of the amount of administrative costs and the costs of wages and other federally allowed costs relating to the employment and training-related programs that are eligible for reimbursement under the terms of the federal American Recovery and Reinvestment Act of 2009, Pub. L. No. 111-5 § 2101, or successor legislation, which may extend the availability of emergency contingency funds, shall be returned by the department of workforce development to the federal government following procedures developed by the federal temporary assistance for needy families agency for that purpose.

(4) The department of workforce development shall provide the department of human services with the necessary information to support the request for emergency contingency funds and to report the expenditure of these funds once received pursuant to federal reporting requirements. The responsibilities of both agencies shall be specified in the memorandum of agreement.

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

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

Sec. 7. FAMILY INVESTMENT PROGRAM ACCOUNT.

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

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

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

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

a. To be retained by the department of human services to be used for coordinating with the department of human rights to more effectively serve participants in the FIP program and other shared clients and to meet federal reporting requirements under the federal temporary assistance for needy families block grant:

..... \$ 20,000

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

..... \$ 5,397,251

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

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

c. For the diversion subaccount of the FIP account:

..... \$ 1,698,400

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

d. For the food stamp employment and training program:

..... \$ 68,059

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

(2) The department shall utilize additional funding available through Pub. L. No. 111-118, § 1001 for related administrative costs as necessary to expand categorical federal food assistance program eligibility provisions to 160 percent of the federal poverty level and eliminate the asset test from eligibility requirements, consistent with federal food assistance program requirements. The department shall design the expanded eligibility provisions to include as many food assistance households as is allowed by federal law. The eligibility

provisions shall conform to all federal requirements including requirements addressing individuals who are incarcerated or otherwise ineligible.

e. For the JOBS program:

..... \$ 20,652,993

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

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

Sec. 8. FAMILY INVESTMENT PROGRAM GENERAL FUND. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

To be credited to the family investment program (FIP) account and used for family investment program assistance under chapter 239B:

..... \$ 31,735,539

1. Of the funds appropriated in this section, \$8,241,465 is allocated for the JOBS program.

2. Of the funds appropriated in this section, \$2,518,271 is allocated for the family development and self-sufficiency grant program.

3. Notwithstanding section 8.39, for the fiscal year beginning July 1, 2010, if necessary to meet federal maintenance of effort requirements or to transfer federal temporary assistance for needy families block grant funding to be used for purposes of the federal social services block grant or to meet cash flow needs resulting from delays in receiving federal funding or to implement, in accordance with this division of this Act, activities currently funded with juvenile court services, county, or community moneys and state moneys used in combination with such moneys, the department of human services may transfer funds within or between any of the appropriations made in this division of this Act and appropriations in law for the federal social services block grant to the department for the following purposes, provided that the combined amount of state and federal temporary assistance for needy families block grant funding for each appropriation remains the same before and after the transfer:

- a. For the family investment program.
- b. For child care assistance.
- c. For child and family services.
- d. For field operations.
- e. For general administration.
- f. MH/MR/DD/BI community services (local purchase).

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

4. Of the funds appropriated in this section, \$200,000 shall be used for continuation of a grant to an Iowa-based nonprofit organization with a history of providing tax preparation assistance to low-income Iowans in order to expand the usage of the earned income tax credit. The purpose of the grant is to supply this assistance to underserved areas of the state.

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

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

.....	\$	11,877,414
.....	FTEs	520.00

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

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

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

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

Sec. 10. HEALTH CARE TRUST FUND — MEDICAL ASSISTANCE. Any funds remaining in the health care trust fund created in section 453A.35A for the fiscal year beginning July 1, 2010, and ending June 30, 2011, are appropriated to the department of human services to supplement the medical assistance program appropriations made in this Act, for medical assistance reimbursement and associated costs, including program administration and costs associated with implementation.

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

For medical assistance reimbursement and associated costs as specifically provided in the reimbursement methodologies in effect on June 30, 2010, except as otherwise expressly authorized by law, including reimbursement for abortion services which shall be available under the medical assistance program only for those abortions which are medically necessary:

.....	\$	412,546,344
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1. Medically necessary abortions are those performed under any of the following conditions:

a. The attending physician certifies that continuing the pregnancy would endanger the life of the pregnant woman.

b. The attending physician certifies that the fetus is physically deformed, mentally deficient, or afflicted with a congenital illness.

c. The pregnancy is the result of a rape which is reported within 45 days of the incident to a law enforcement agency or public or private health agency which may include a family physician.

d. The pregnancy is the result of incest which is reported within 150 days of the incident to a law enforcement agency or public or private health agency which may include a family physician.

e. Any spontaneous abortion, commonly known as a miscarriage, if not all of the products of conception are expelled.

2. The department shall utilize not more than \$60,000 of the funds appropriated in this section to continue the AIDS/HIV health insurance premium payment program as established in 1992 Iowa Acts, Second Extraordinary Session, chapter 1001, section 409, subsection 6. Of the funds allocated in this subsection, not more than \$5,000 may be expended for administrative purposes.

3. Of the funds appropriated in this Act to the department of public health for addictive disorders, \$950,000 for the fiscal year beginning July 1, 2010, shall be transferred to the department of human services for an integrated substance abuse managed care system. The department shall not assume management of the substance abuse system in place of the managed care contractor unless such a change in approach is specifically authorized in law. The departments of human services and public health shall work together to maintain the level of mental health and substance abuse services provided by the managed care contractor through the Iowa plan for behavioral health. Each department shall take the steps necessary to continue the federal waivers as necessary to maintain the level of services.

4. a. The department shall aggressively pursue options for providing medical assistance or other assistance to individuals with special needs who become ineligible to continue receiving services under the early and periodic screening, diagnostic, and treatment program under the medical assistance program due to becoming 21 years of age who have been approved for additional assistance through the department's exception to policy provisions, but who have health care needs in excess of the funding available through the exception to policy provisions.

b. Of the funds appropriated in this section, \$100,000 shall be used for participation in one or more pilot projects operated by a private provider to allow the individual or individuals to receive service in the community in accordance with principles established in *Olmstead v. L.C.*, 527 U.S. 581 (1999), for the purpose of providing medical assistance or other assistance to individuals with special needs who become ineligible to continue receiving services under the early and periodic screening, diagnosis, and treatment program under the medical assistance program due to becoming 21 years of age who have been approved for additional assistance through the department's exception to policy provisions, but who have health care needs in excess of the funding available through the exception to the policy provisions.

5. Of the funds appropriated in this section, up to \$3,050,082 may be transferred to the field operations or general administration appropriations in this Act for operational costs associated with Part D of the federal Medicare Prescription Drug Improvement and Modernization Act of 2003, Pub. L. No. 108-173.

6. Of the funds appropriated in this section, not more than \$166,600 shall be used to enhance outreach efforts. The department may transfer funds allocated in this subsection to the appropriations in this division of this Act for general administration, the children's health insurance program, or medical contracts, as necessary, to implement the outreach efforts.

7. Of the funds appropriated in this section, up to \$442,100 may be transferred to the appropriation in this Act for medical contracts to be used for clinical assessment services related to remedial services in accordance with federal law.

8. A portion of the funds appropriated in this section may be transferred to the appropriations in this division of this Act for general administration, medical contracts, the children's health insurance program, or field operations to be used for the state match cost to comply with the payment error rate measurement (PERM) program for both the medical assistance and children's health insurance programs as developed by the centers for Medicare and Medicaid services of the United States department of health and human services to comply with the federal Improper Payments Information Act of 2002, Pub. L. No. 107-300.

9. It is the intent of the general assembly that the department continue to implement the recommendations of the assuring better child health and development initiative II (ABCDII) clinical panel to the Iowa early and periodic screening, diagnostic, and treatment services healthy mental development collaborative board regarding changes to billing procedures, codes, and eligible service providers.

10. Of the funds appropriated in this section, a sufficient amount is allocated to supplement the incomes of residents of nursing facilities, intermediate care facilities for persons with mental illness, and intermediate care facilities for persons with mental retardation, with incomes of less than \$50 in the amount necessary for the residents to receive a personal needs allowance of \$50 per month pursuant to section 249A.30A.

11. Of the funds appropriated in this section, the following amounts shall be transferred to the appropriations made in this division of this Act for the state mental health institutes:

- a. Cherokee mental health institute \$ 9,098,425
- b. Clarinda mental health institute \$ 1,977,305
- c. Independence mental health institute \$ 9,045,894
- d. Mount Pleasant mental health institute \$ 5,752,587

12. a. Of the funds appropriated in this section, \$7,108,069 is allocated for the state match for a disproportionate share hospital payment of \$19,133,430 to hospitals that meet both of the conditions specified in subparagraphs (1) and (2). In addition, the hospitals that meet the conditions specified shall either certify public expenditures or transfer to the medical assistance program an amount equal to provide the nonfederal share for a disproportionate share hospital payment of \$7,500,000. The hospitals that meet the conditions specified shall receive and retain 100 percent of the total disproportionate share hospital payment of \$26,633,430.

(1) The hospital qualifies for disproportionate share and graduate medical education payments.

(2) The hospital is an Iowa state-owned hospital with more than 500 beds and eight or more distinct residency specialty or subspecialty programs recognized by the American college of graduate medical education.

b. Distribution of the disproportionate share payments shall be made on a monthly basis. The total amount of disproportionate share payments including graduate medical education, enhanced disproportionate share, and Iowa state-owned teaching hospital payments shall not exceed the amount of the state’s allotment under Pub. L. No. 102-234. In addition, the total amount of all disproportionate share payments shall not exceed the hospital-specific disproportionate share limits under Pub. L. No. 103-66.

13. The university of Iowa hospitals and clinics shall either certify public expenditures or transfer to the medical assistance appropriation an amount equal to provide the nonfederal share for increased medical assistance payments for inpatient and outpatient hospital services of \$7,500,000. ¹ The university of Iowa hospitals and clinics shall receive and retain 100 percent of the total increase in medical assistance payments.

14. Of the funds appropriated in this section, up to \$4,601,848 may be transferred to the IowaCare account created in section 249J.24.

15. Of the funds appropriated in this section, \$200,000 shall be used for the Iowa chronic care consortium pursuant to 2003 Iowa Acts, chapter 112, section 12, as amended by 2003 Iowa Acts, chapter 179, sections 166 and 167.

16. One hundred percent of the nonfederal share of payments to area education agencies that are medical assistance providers for medical assistance-covered services provided to medical assistance-covered children, shall be made from the appropriation made in this section.

17. Any new or renewed contract entered into by the department with a third party to administer behavioral health services under the medical assistance program shall provide that any interest earned on payments from the state during the state fiscal year shall be remitted to the department and treated as recoveries to offset the costs of the medical assistance program.

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

¹ See chapter 1193, §204 herein

19. A portion of the funds appropriated in this section may be transferred to the appropriation in this division of this Act for medical contracts to be used for administrative activities associated with the money follows the person demonstration project.

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

21. The department may transfer any savings generated due to medical assistance program cost containment efforts initiated pursuant to 2010 Iowa Acts, Senate File 2088,² if enacted, or executive order 20,³ issued December 16, 2009, to the medical contracts appropriation made in this division of this Act to defray the increased contract costs associated with implementing such efforts.

22. The department shall request a waiver from the centers for Medicare and Medicaid services of the United States department of health and human services to add assisted living services to the home and community-based services waiver for the elderly under the medical assistance program. Upon receipt of federal approval of the waiver, the department shall implement assisted living as a service within the home and community-based services elderly waiver. The department shall adopt rules to implement the approved elderly waiver assisted living service.

23. The department of human services shall convene a workgroup with the department of inspections and appeals, county central point of coordination administrators, affected service providers, and other appropriate interests in reviewing the various regulatory requirements applicable to providers of mental health and disability services paid under this and other appropriations. The review shall encompass federal, state, and professional requirements applicable to the providers. The workgroup shall identify opportunities for streamlining regulatory requirements, increasing public access to cost, quality, and outcomes information within the system, and increasing compliance with applicable federal health, safety, and accountability provisions. The workgroup shall hold two meetings and submit a report on or before December 15, 2010, to the persons designated by this Act for submission of reports.

24. a. The department of human services shall amend the medical assistance waiver for the Iowa family planning network to continue the current waiver with the following modifications, to be effective July 1, 2011, which provide for all of the following:

(1) Coverage for women who meet all of the following criteria:

(a) Are uninsured or have health insurance coverage that does not include coverage for benefits provided under the Iowa family planning network.

(b) Have income of up to 300 percent of the federal poverty level.

(c) Are under 55 years of age.

(2) Coverage of pregnancy prevention services for men who meet the income, age, and insurance coverage specifications described in subparagraph (1).

b. Implementation of this subsection is contingent upon approval of the medical assistance waiver for the Iowa family planning network by the centers for Medicare and Medicaid services of the United States department of health and human services and upon availability of funding as determined by the director of the department of human services.⁴

c. Of the funds appropriated in this section, \$25,000 shall be used for administrative costs for renewal and modification of the Iowa family planning network waivers as provided in this subsection.

² Chapter 1031 herein

³ Published in IAB Vol. XXXII, No. 18, (2/24/2010) p. 2102

⁴ See chapter 1193, §134 herein

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

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

.....	\$	457,210
.....	FTEs	19.00

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

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

.....	\$	9,683,668
.....	FTEs	6.00

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

Sec. 14. STATE SUPPLEMENTARY ASSISTANCE.

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

For the state supplementary assistance program:

.....	\$	18,259,235
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2. The department shall increase the personal needs allowance for residents of residential care facilities by the same percentage and at the same time as federal supplemental security income and federal social security benefits are increased due to a recognized increase in the cost of living. The department may adopt emergency rules to implement this subsection.

3. If during the fiscal year beginning July 1, 2010, the department projects that state supplementary assistance expenditures for a calendar year will not meet the federal pass-through requirement specified in Tit. XVI of the federal Social Security Act, section 1618, as codified in 42 U.S.C. § 1382g, the department may take actions including but not limited to increasing the personal needs allowance for residential care facility residents and making programmatic adjustments or upward adjustments of the residential care facility or in-home health-related care reimbursement rates prescribed in this division of this Act to ensure that federal requirements are met. In addition, the department may make other programmatic and rate adjustments necessary to remain within the amount appropriated in this section while ensuring compliance with federal requirements. The department may adopt emergency rules to implement the provisions of this subsection.

Sec. 15. CHILDREN'S HEALTH INSURANCE PROGRAM.

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

For maintenance of the healthy and well kids in Iowa (hawk-i) program pursuant to chapter 514I, including supplemental dental services, for receipt of federal financial participation under Tit. XXI of the federal Social Security Act, which creates the children's health insurance program:

.....	\$	23,637,040
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2. Of the funds appropriated in this section, \$128,950 is allocated for continuation of the contract for advertising and outreach with the department of public health and \$90,050 is allocated for other advertising and outreach.

3. If the funds appropriated in this section are insufficient to cover the costs of both full coverage services and supplemental dental services, priority in expenditure of funds shall be given to covering the costs of full coverage services.

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

For child care programs:

..... \$ 32,325,964

1. Of the funds appropriated in this section, \$30,956,537 shall be used for state child care assistance in accordance with section 237A.13. It is the intent of the general assembly to appropriate sufficient funding for the state child care assistance program for the fiscal year beginning July 1, 2010, in order to avoid establishment of waiting list requirements by the department in the preceding fiscal year in anticipation that enhanced funding under the federal American Recovery and Reinvestment Act of 2009 will not be replaced for the fiscal year beginning July 1, 2010.

2. Nothing in this section shall be construed or is intended as or shall imply a grant of entitlement for services to persons who are eligible for assistance due to an income level consistent with the waiting list requirements of section 237A.13. Any state obligation to provide services pursuant to this section is limited to the extent of the funds appropriated in this section.

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

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

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

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

7. If a uniform reduction ordered by the governor under section 8.31 or other operation of law, transfer, or federal funding reduction reduces the appropriation made in this section for the fiscal year, the percentage reduction in the amount paid out to or on behalf of the families participating in the state child care assistance program shall be equal to or less than the percentage reduction made for any other purpose payable from the appropriation made in this section and the federal funding relating to it. If there is an unanticipated increase in federal funding provided for state child care assistance, the entire amount of the increase shall be used for state child care assistance payments. If the appropriations made for purposes of the state child care assistance program for the fiscal year are determined to be insufficient, it is the intent of the general assembly to appropriate sufficient funding for the fiscal year in order to avoid establishment of waiting list requirements.

8. Notwithstanding section 8.33, moneys appropriated in this section or received from the federal appropriations made for the purposes of this section that remain unencumbered or

unobligated at the close of the fiscal year shall not revert to any fund but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

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

1. For operation of the Iowa juvenile home at Toledo and for salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 7,777,599
..... FTEs 125.00

2. For operation of the state training school at Eldora and for salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 11,001,062
..... FTEs 202.70

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

Sec. 18. EDUCATIONAL EXPENSES AT INSTITUTIONS. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For distribution to licensed classroom teachers at institutions under the control of the department of human services based upon the average student yearly enrollment at each institution as determined by the department of human services:

..... \$ 103,950

Sec. 19. CHILD AND FAMILY SERVICES.

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

For child and family services:

..... \$ 79,593,023

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

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

4. a. Of the funds appropriated in this section, up to \$29,233,006 is allocated as the statewide expenditure target under section 232.143 for group foster care maintenance and services. If the department projects that such expenditures for the fiscal year will be less than the target amount allocated in this lettered paragraph, the department may reallocate the excess to provide additional funding for shelter care or the child welfare emergency services addressed with the allocation for shelter care.

b. If at any time after September 30, 2010, annualization of a service area's current expenditures indicates a service area is at risk of exceeding its group foster care expenditure

target under section 232.143 by more than 5 percent, the department and juvenile court services shall examine all group foster care placements in that service area in order to identify those which might be appropriate for termination. In addition, any aftercare services believed to be needed for the children whose placements may be terminated shall be identified. The department and juvenile court services shall initiate action to set dispositional review hearings for the placements identified. In such a dispositional review hearing, the juvenile court shall determine whether needed aftercare services are available and whether termination of the placement is in the best interest of the child and the community.

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

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

7. a. Notwithstanding section 234.35 or any other provision of law to the contrary, state funding for shelter care shall be limited to \$7,894,147. The department may continue or amend shelter care provider contracts to include the child welfare emergency services for children that were implemented pursuant to 2008 Iowa Acts, chapter 1187, section 16, subsection 7. An appropriate amount of the funds allocated in this subsection may be used for wraparound and emergency services to prevent the need for shelter care services, including such services for children who have an immediate need for shelter care services but are ineligible due to income, status, or other requirement. The funding shall be expended by providers in a manner that does not impinge upon the availability of beds for eligible children.

b. The child welfare advisory committee created by the council on human services pursuant to section 217.3A, if enacted by 2010 Iowa Acts, Senate File 2088,⁵ section 391, or other appropriate existing body, shall develop recommendations to identify the appropriate capacity for child welfare emergency services for implementation during the fiscal year beginning July 1, 2011. The data being collected regarding child welfare emergency services shall be utilized in developing the recommendations. The recommendations shall be submitted on or before December 15, 2010, to the department and the persons designated by this Act to receive reports.

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

9. Of the funds appropriated in this section, at least \$3,696,285 shall be used for protective child care assistance.

10. a. Of the funds appropriated in this section, up to \$2,062,488 is allocated for the payment of the expenses of court-ordered services provided to juveniles who are under the supervision of juvenile court services, which expenses are a charge upon the state pursuant to section 232.141, subsection 4. Of the amount allocated in this lettered paragraph, up to \$1,556,287 shall be made available to provide school-based supervision of children adjudicated under chapter 232, of which not more than \$15,000 may be used for the purpose of training. A portion of the cost of each school-based liaison officer shall be paid by the school district or other funding source as approved by the chief juvenile court officer.

b. Of the funds appropriated in this section, up to \$748,985 is allocated for the payment of the expenses of court-ordered services provided to children who are under the supervision

⁵ Chapter 1031 herein

of the department, which expenses are a charge upon the state pursuant to section 232.141, subsection 4.

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

d. Notwithstanding chapter 232 or any other provision of law to the contrary, a district or juvenile court shall not order any service which is a charge upon the state pursuant to section 232.141 if there are insufficient court-ordered services funds available in the district court or departmental service area distribution amounts to pay for the service. The chief juvenile court officer and the departmental service area manager shall encourage use of the funds allocated in this subsection such that there are sufficient funds to pay for all court-related services during the entire year. The chief juvenile court officers and departmental service area managers shall attempt to anticipate potential surpluses and shortfalls in the distribution amounts and shall cooperatively request the state court administrator or division administrator to transfer funds between the judicial districts’ or departmental service areas’ distribution amounts as prudent.

e. Notwithstanding any provision of law to the contrary, a district or juvenile court shall not order a county to pay for any service provided to a juvenile pursuant to an order entered under chapter 232 which is a charge upon the state under section 232.141, subsection 4.

f. Of the funds allocated in this subsection, not more than \$83,000 may be used by the judicial branch for administration of the requirements under this subsection.

g. Of the funds allocated in this subsection, \$17,000 shall be used by the department of human services to support the interstate commission for juveniles in accordance with the interstate compact for juveniles as provided in section 232.173, as enacted by this Act.

11. Of the funds appropriated in this section, \$4,522,602 is allocated for juvenile delinquent graduated sanctions services. Any state funds saved as a result of efforts by juvenile court services to earn federal Tit. IV-E match for juvenile court services administration may be used for the juvenile delinquent graduated sanctions services.

12. Of the funds appropriated in this section, \$988,285 shall be transferred to the department of public health to be used for the child protection center grant program in accordance with section 135.118.

13. If the department receives federal approval to implement a waiver under Tit. IV-E of the federal Social Security Act to enable providers to serve children who remain in the children’s families and communities, for purposes of eligibility under the medical assistance program, children who participate in the waiver shall be considered to be placed in foster care.

14. Of the funds appropriated in this section, \$2,875,281 is allocated for the preparation for adult living program pursuant to section 234.46.

15. Of the funds appropriated in this section, \$520,150 shall be used for juvenile drug courts. The amount allocated in this subsection shall be distributed as follows:

To the judicial branch for salaries to assist with the operation of juvenile drug court programs operated in the following jurisdictions:

a. Marshall county:	\$	62,708
b. Woodbury county:	\$	125,682
c. Polk county:	\$	195,892
d. The third judicial district:	\$	67,934
e. The eighth judicial district:	\$	67,934

16. Of the funds appropriated in this section, \$227,306 shall be used for the public purpose of providing a grant to a nonprofit human services organization providing services to individuals and families in multiple locations in southwest Iowa and Nebraska for support

of a project providing immediate, sensitive support and forensic interviews, medical exams, needs assessments, and referrals for victims of child abuse and their nonoffending family members.

17. Of the funds appropriated in this section, \$125,590 is allocated for the elevate approach of providing a support network to children placed in foster care.

18. Of the funds appropriated in this section, \$202,000 is allocated for use pursuant to section 235A.1 for continuation of the initiative to address child sexual abuse implemented pursuant to 2007 Iowa Acts, chapter 218, section 18, subsection 21.

19. Of the funds appropriated in this section, \$630,240 is allocated for the community partnership for child protection sites.

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

21. Of the funds appropriated in this section, \$925,306 is allocated for funding of the state match for the federal substance abuse and mental health services administration (SAMHSA) system of care grant.

22. Of the funds appropriated in this section, at least \$47,158 shall be used for the child welfare training academy.

Sec. 20. ADOPTION SUBSIDY.

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

For adoption subsidy payments and services:

..... \$ 31,856,896

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

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

Sec. 21. JUVENILE DETENTION HOME FUND. Moneys deposited in the juvenile detention home fund created in section 232.142 during the fiscal year beginning July 1, 2010, and ending June 30, 2011, are appropriated to the department of human services for the fiscal year beginning July 1, 2010, and ending June 30, 2011, for distribution of an amount equal to a percentage of the costs of the establishment, improvement, operation, and maintenance of county or multicounty juvenile detention homes in the fiscal year beginning July 1, 2009. Moneys appropriated for distribution in accordance with this section shall be allocated among eligible detention homes, prorated on the basis of an eligible detention home’s proportion of the costs of all eligible detention homes in the fiscal year beginning July 1, 2009. The percentage figure shall be determined by the department based on the amount available for distribution for the fund. Notwithstanding section 232.142, subsection 3, the financial aid payable by the state under that provision for the fiscal year beginning July 1, 2010, shall be limited to the amount appropriated for the purposes of this section.

Sec. 22. FAMILY SUPPORT SUBSIDY PROGRAM.

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

For the family support subsidy program:

..... \$ 1,167,998

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

3. If at any time during the fiscal year, the amount of funding available for the family support subsidy program is reduced from the amount initially used to establish the figure for the number of family members for whom a subsidy is to be provided at any one time during the fiscal year, notwithstanding section 225C.38, subsection 2, the department shall revise the figure as necessary to conform to the amount of funding available.

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

For building community capacity through the coordination and provision of training opportunities in accordance with the consent decree of Conner v. Branstad, No. 4-86-CV-30871(S.D. Iowa, July 14, 1994):

..... \$ 33,622

Sec. 24. MENTAL HEALTH INSTITUTES.

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

a. For the state mental health institute at Cherokee for salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 5,221,979
..... FTEs 205.06

b. For the state mental health institute at Clarinda for salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 6,139,698
..... FTEs 114.95

c. For the state mental health institute at Independence for salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 9,590,653
..... FTEs 287.85

d. For the state mental health institute at Mount Pleasant for salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 1,613,175
..... FTEs 116.44

2. The department, as part of efforts to develop and implement the comprehensive mental health and disability services plan as provided in section 225C.6B, shall review services provided by or offered at the state mental health institutes and may modify such services to further the plan and provide cost-effective and necessary services. As part of the review, the department shall consult with stakeholders concerning developing subacute mental health care options at the institutes. In addition, the department shall consider the feasibility of developing treatment facilities of sixteen beds or fewer that would be eligible for federal Medicaid program match; identify provisions to increase the participation of students of medical, dental, psychiatry, psychology, social work, and other health care and behavioral health professions in clinical practice training at the institutions administered by the department; and develop methods for the department and the judicial branch to facilitate regular meetings and other communication between representatives of the criminal justice system, service providers, county central point of coordination administrators, other pertinent state agencies, and other stakeholders to improve the processes for involuntary commitment for chronic substance abuse under chapter 125 and serious mental illness under chapter 229.

Sec. 25. STATE RESOURCE CENTERS.

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

a. For the state resource center at Glenwood for salaries, support, maintenance, and miscellaneous purposes:

..... \$ 14,982,839

b. For the state resource center at Woodward for salaries, support, maintenance, and miscellaneous purposes:

..... \$ 9,312,271

2. The department may continue to bill for state resource center services utilizing a scope of services approach used for private providers of ICFMR services, in a manner which does not shift costs between the medical assistance program, counties, or other sources of funding for the state resource centers.

3. The state resource centers may expand the time-limited assessment and respite services during the fiscal year.

4. If the department’s administration and the department of management concur with a finding by a state resource center’s superintendent that projected revenues can reasonably be expected to pay the salary and support costs for a new employee position, or that such costs for adding a particular number of new positions for the fiscal year would be less than the overtime costs if new positions would not be added, the superintendent may add the new position or positions. If the vacant positions available to a resource center do not include the position classification desired to be filled, the state resource center’s superintendent may reclassify any vacant position as necessary to fill the desired position. The superintendents of the state resource centers may, by mutual agreement, pool vacant positions and position classifications during the course of the fiscal year in order to assist one another in filling necessary positions.

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

Sec. 26. MI/MR/DD STATE CASES.

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

For distribution to counties for state case services for persons with mental illness, mental retardation, and developmental disabilities in accordance with section 331.440:

..... \$ 11,295,207

2. For the fiscal year beginning July 1, 2010, and ending June 30, 2011, \$200,000 is allocated for state case services from the amounts appropriated from the fund created in section 8.41 to the department of human services from the funds received from the federal government under 42 U.S.C. ch. 6A, subch. XVII, relating to the community mental health center block grant, for the federal fiscal years beginning October 1, 2008, and ending September 30, 2009, beginning October 1, 2009, and ending September 30, 2010, and beginning October 1, 2010, and ending September 30, 2011. The allocation made in this subsection shall be made prior to any other distribution allocation of the appropriated federal funds.

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

Sec. 27. MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES — COMMUNITY SERVICES FUND. There is appropriated from the general fund of the state to the mental health and developmental disabilities community services fund created in section 225C.7 for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For mental health and developmental disabilities community services in accordance with this division of this Act:

..... \$ 14,211,100

1. Of the funds appropriated in this section, \$14,187,556 shall be allocated to counties for funding of community-based mental health and developmental disabilities services. The moneys shall be allocated to a county as follows:

a. Fifty percent based upon the county’s proportion of the state’s population of persons with an annual income which is equal to or less than the poverty guideline established by the federal office of management and budget.

b. Fifty percent based upon the county’s proportion of the state’s general population.

2. a. A county shall utilize the funding the county receives pursuant to subsection 1 for services provided to persons with a disability, as defined in section 225C.2. However, no more than 50 percent of the funding shall be used for services provided to any one of the service populations.

b. A county shall use at least 50 percent of the funding the county receives under subsection 1 for contemporary services provided to persons with a disability, as described in rules adopted by the department.

3. Of the funds appropriated in this section, \$23,544 shall be used to support the Iowa compass program providing computerized information and referral services for Iowans with disabilities and their families.

4. a. Funding appropriated for purposes of the federal social services block grant is allocated for distribution to counties for local purchase of services for persons with mental illness or mental retardation or other developmental disability.

b. The funds allocated in this subsection shall be expended by counties in accordance with the county’s county management plan approved by the board of supervisors. A county without an approved county management plan shall not receive allocated funds until the county’s management plan is approved.

c. The funds provided by this subsection shall be allocated to each county as follows:

(1) Fifty percent based upon the county’s proportion of the state’s population of persons with an annual income which is equal to or less than the poverty guideline established by the federal office of management and budget.

(2) Fifty percent based upon the amount provided to the county for local purchase of services in the preceding fiscal year.

5. A county is eligible for funds under this section if the county qualifies for a state payment as described in section 331.439.

6. The most recent population estimates issued by the United States bureau of the census shall be applied for the population factors utilized in this section.

7. The governor’s developmental disabilities council is requested to facilitate a workgroup of stakeholders to review the status of residential care facilities in the state and the services provided. The membership of the workgroup may include but is not limited to representatives of county central point of coordination administrators, the departments of aging, human services, and inspections and appeals, the office of the citizens’ aide and other legislative agencies, and the judicial branch. The issues considered by the workgroup may include identifying the characteristics of clients served such as age, disability, reason for admission and level of care provided; the reasons why such facilities have been closing or downsizing and where clients were placed; the types and usage of alternatives to the facilities; the types of services provided to clients such as Medicaid waiver, rehabilitation, mental health, and aging services; workforce employed by the facilities; client access to health care; financing; and practices used for court-ordered placements. The workgroup shall report, providing findings and recommendations, to the governor and persons designated by this Act for submission of reports on or before December 15, 2010.

Sec. 28. SEXUALLY VIOLENT PREDATORS.

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

For costs associated with the commitment and treatment of sexually violent predators in the unit located at the state mental health institute at Cherokee, including costs of legal services and other associated costs, including salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	6,632,660
.....	FTEs	105.50

2. Unless specifically prohibited by law, if the amount charged provides for recoupment of at least the entire amount of direct and indirect costs, the department of human services may contract with other states to provide care and treatment of persons placed by the other states at the unit for sexually violent predators at Cherokee. The moneys received under such a contract shall be considered to be repayment receipts and used for the purposes of the appropriation made in this section.

Sec. 29. FIELD OPERATIONS. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For field operations, including salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	56,207,624
.....	FTEs	2,000.13

Priority in filling full-time equivalent positions shall be given to those positions related to child protection services and eligibility determination for low-income families.

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

For general administration, including salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	16,602,271
.....	FTEs	354.33

1. Of the funds appropriated in this section, \$43,700 allocated for the prevention of disabilities policy council established in section 225B.3.

2. The department shall report at least monthly to the legislative services agency concerning the department’s operational and program expenditures.

3. Of the funds appropriated in this section, \$150,000 shall be used to implement a program to provide technical assistance, support, and consultation to providers of habilitation services and home and community-based waiver services for adults with disabilities under the medical assistance program.

4. Of the funds appropriated in this section, \$200,000 shall be used to expand the provision of nationally accredited and recognized internet-based training to include mental health and disability services providers.

Sec. 31. CHILDREN’S MENTAL HEALTH AND CHILD WELFARE SERVICES.

1. It is the intent of the general assembly to improve coordination and integration of mental health services and outcomes for children, as well as alignment of the services and outcomes with the child welfare system. The department of human services, in collaboration with providers, shall develop a plan for transitioning administration of the remedial services program from fee-for-service approach to the Iowa plan, behavioral health managed care plan. The transition plan shall address specific strategies for improving service coordination for children and adults; establish vendor performance standards; provide a process for ongoing monitoring of quality of care, performance, and quality improvement technical

assistance for providers; identify methods and standards for credentialing remedial providers; and provide implementation timeframes.

2. The department shall establish a transition committee that includes representatives from departmental staff for Medicaid, child welfare, field, and mental health services, the director of the Iowa plan, a representative of an organization providing remedial services that is also licensed as a community mental health center for children and as a psychiatric medical institution for children, the executive director of the coalition of family and children’s services in Iowa, three remedial services providers designated by the executive director of the coalition, and a remedial services provider who is not a member of the provider organization. The committee shall develop the plan and manage the transition, if the plan is implemented. The plan shall be developed by December 31, 2010. The department may proceed with implementing the plan over the six month period following December 31, 2010, if the department determines that the plan meets the legislative intent identified in subsection 1.

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

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

Sec. 33. MEDICAL ASSISTANCE, STATE SUPPLEMENTARY ASSISTANCE, AND SOCIAL SERVICE PROVIDERS REIMBURSED UNDER THE DEPARTMENT OF HUMAN SERVICES.

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

(2) The department, in cooperation with nursing facility representatives, shall review projections for state funding expenditures for reimbursement of nursing facilities on a quarterly basis and the department shall determine if an adjustment to the medical assistance reimbursement rate is necessary in order to provide reimbursement within the state funding amount. Any temporary enhanced federal financial participation that may become available to the Iowa medical assistance program during the fiscal year shall not be used in projecting the nursing facility budget. Notwithstanding 2001 Iowa Acts, chapter 192, section 4, subsection 2, paragraph “c”, and subsection 3, paragraph “a”, subparagraph (2), if the state funding expenditures for the nursing facility budget for the fiscal year beginning July 1, 2010, are projected to exceed the amount specified in subparagraph (1), the department shall adjust the reimbursement for nursing facilities reimbursed under the case-mix reimbursement system to maintain expenditures of the nursing facility budget within the specified amount. The department shall revise such reimbursement as necessary to adjust the annual accountability measures payment in accordance with 2001 Iowa Acts, chapter 192, section 4, subsection 4, as amended by 2008 Iowa Acts, chapter 1187, section 33, and as amended by 2009 Iowa Acts, chapter 182, section 33, to implement a pay-for-performance payment.

(3) For the fiscal year beginning July 1, 2010, special population nursing facilities shall be reimbursed in accordance with the methodology in effect on November 30, 2009.

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

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

(2) For the fiscal year beginning July 1, 2010, reimbursement rates for inpatient hospital services shall remain at the rates in effect on June 30, 2010.

(3) For the fiscal year beginning July 1, 2010, the graduate medical education and disproportionate share hospital fund shall remain at the amount in effect on June 30, 2010.

(4) In order to ensure the efficient use of limited state funds in procuring health care services for low-income Iowans, funds appropriated in this Act for hospital services shall

not be used for activities which would be excluded from a determination of reasonable costs under the federal Medicare program pursuant to 42 U.S.C. § 1395X(v)(1)(N).

d. For the fiscal year beginning July 1, 2010, reimbursement rates for rural health clinics, hospices, and acute mental hospitals shall be increased in accordance with increases under the federal Medicare program or as supported by their Medicare audited costs.

e. For the fiscal year beginning July 1, 2010, independent laboratories and rehabilitation agencies shall be reimbursed using the same methodology in effect on June 30, 2010.

f. For the fiscal year beginning July 1, 2010, reimbursement rates for home health agencies shall remain at the rates in effect on June 30, 2010, not to exceed a home health agency's actual allowable cost.

g. For the fiscal year beginning July 1, 2010, federally qualified health centers shall receive cost-based reimbursement for 100 percent of the reasonable costs for the provision of services to recipients of medical assistance.

h. For the fiscal year beginning July 1, 2010, the reimbursement rates for dental services shall remain at the rates in effect on June 30, 2010.

i. For the fiscal year beginning July 1, 2010, state-owned psychiatric medical institutions for children shall receive cost-based reimbursement for 100 percent of the actual and allowable costs for the provision of services to recipients of medical assistance. For nonstate-owned psychiatric medical institutions for children, reimbursement shall be determined in accordance with section 249A.31 subject to the rate limitations specified in executive order number 19⁶ issued October 8, 2009.

j. For the fiscal year beginning July 1, 2010, unless otherwise specified in this Act, all noninstitutional medical assistance provider reimbursement rates shall remain at the rates in effect on June 30, 2010, except for area education agencies, local education agencies, infant and toddler services providers, targeted case management, and those providers whose rates are required to be determined pursuant to section 249A.20.

k. Notwithstanding any provision to the contrary, for the fiscal year beginning July 1, 2010, the reimbursement rate for anesthesiologists shall remain at the rate in effect on June 30, 2010.

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

m. For the fiscal year beginning July 1, 2010, the reimbursement rate for residential care facilities shall not be less than the minimum payment level as established by the federal government to meet the federally mandated maintenance of effort requirement. The flat reimbursement rate for facilities electing not to file annual cost reports shall not be less than the minimum payment level as established by the federal government to meet the federally mandated maintenance of effort requirement.

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

o. For the fiscal year beginning July 1, 2010, the reimbursement rate for consumer-directed attendant care shall remain at the rates in effect on June 30, 2010.

p. For the fiscal year beginning July 1, 2010, the reimbursement rate for providers of family planning services that are eligible to receive a 90 percent federal match shall remain at the rates in effect on January 31, 2010.

q. Unless otherwise provided in this section, the department shall continue the reduction in payments to medical assistance program providers for the fiscal year beginning July 1, 2010,

⁶ Published in IAB Vol. XXXII, No. 9, (10/21/09) p. 1139

and ending June 30, 2011, in the percentage amount applicable to the respective provider as specified under Executive Order 19.⁷

2. For the fiscal year beginning July 1, 2010, the reimbursement rate for providers reimbursed under the in-home-related care program shall not be less than the minimum payment level as established by the federal government to meet the federally mandated maintenance of effort requirement.

3. Unless otherwise directed in this section, when the department's reimbursement methodology for any provider reimbursed in accordance with this section includes an inflation factor, this factor shall not exceed the amount by which the consumer price index for all urban consumers increased during the calendar year ending December 31, 2002.

4. For the fiscal year beginning July 1, 2010, notwithstanding section 234.38, the foster family basic daily maintenance rate and the maximum adoption subsidy rate for children ages 0 through 5 years shall be \$15.54, the rate for children ages 6 through 11 years shall be \$16.16, the rate for children ages 12 through 15 years shall be \$17.69, and the rate for children and young adults ages 16 and older shall be \$17.93. The maximum supervised apartment living foster care rate and the preparation for adult living program maintenance rate for children and young adults ages 16 and older shall be \$18.87.

5. For the fiscal year beginning July 1, 2010, the maximum reimbursement rates for social services providers reimbursed under a purchase of social services contract shall remain at the rates in effect on June 30, 2010, or the provider's actual and allowable cost plus inflation for each service, whichever is less. However, the rates may be adjusted under any of the following circumstances:

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

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

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

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

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

9. a. For the fiscal year beginning July 1, 2010, the combined service and maintenance components of the reimbursement rate paid for shelter care services and alternative child welfare emergency services purchased under a contract shall be based on the financial and statistical report submitted to the department. The maximum reimbursement rate shall be \$92.36 per day. The department shall reimburse a shelter care provider at the provider's actual and allowable unit cost, plus inflation, not to exceed the maximum reimbursement rate.

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

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

⁷ Published in IAB Vol. XXXII, No. 9, (10/21/09) p. 1139

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

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

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

Sec. 34. EMERGENCY RULES.

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

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

Sec. 35. REPORTS. Any reports or information required to be compiled and submitted under this Act shall be submitted to the chairpersons and ranking members of the joint appropriations subcommittee on health and human services, the legislative services agency, and the legislative caucus staffs on or before the dates specified for submission of the reports or information.

Sec. 36. EFFECTIVE DATE. The following provisions of this division of this Act, being deemed of immediate importance, take effect upon enactment:

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

DIVISION V
 SENIOR LIVING TRUST FUND,
 PHARMACEUTICAL SETTLEMENT ACCOUNT,
 IOWACARE ACCOUNT, HEALTH CARE
 TRANSFORMATION ACCOUNT, MEDICAID FRAUD ACCOUNT, QUALITY
 ASSURANCE TRUST FUND, AND UNDERGROUND STORAGE TANK FUND

Sec. 37. DEPARTMENT ON AGING. There is appropriated from the senior living trust fund created in section 249H.4 to the department on aging for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

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

..... \$ 8,486,698

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

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

2. Notwithstanding section 249H.7, the department on aging shall distribute funds appropriated in this section in a manner that will supplement and maximize federal funds under the federal Older Americans Act and shall not use the amount distributed for any administrative purposes of either the department on aging or the area agencies on aging.

3. Of the funds appropriated in this section, \$60,000 shall be used to provide dementia-specific education to direct care workers and other providers of long-term care to enhance existing or scheduled efforts through the Iowa caregivers association, the Alzheimer’s association, and other organizations identified as appropriate by the department.

4. Of the funds appropriated in this section, \$51,000 shall be used to provide funding for the legal hotline for older Iowans.

5. Of the funds appropriated in this section, up to \$193,000 shall be used to provide state matching funds for the senior community services employment program.

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

For the rent subsidy program, to provide reimbursement for rent expenses to eligible persons:

..... \$ 700,000

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

Sec. 39. DEPARTMENT OF HUMAN SERVICES. Any funds remaining in the senior living trust fund created in section 249H.4 following the appropriations from the senior living trust fund made in this division of this Act to the department on aging, the department of inspections and appeals, and the Iowa finance authority, for the fiscal year beginning July 1, 2010, and ending June 30, 2011, are appropriated to the department of human services to supplement the medical assistance program appropriations made in this Act, including program administration and costs associated with implementation. In order to carry out the purposes of this section, the department may transfer funds appropriated in this section to supplement other appropriations made to the department of human services.

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

Notwithstanding any provision of law to the contrary, to supplement the appropriations made for medical contracts under the medical assistance program:
 \$ 4,027,613

Sec. 41. APPROPRIATIONS FROM IOWACARE ACCOUNT.

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

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

a. Funds appropriated in this subsection shall not be used to perform abortions except medically necessary abortions, and shall not be used to operate the early termination of pregnancy clinic except for the performance of medically necessary abortions. For the purpose of this subsection, an abortion is the purposeful interruption of pregnancy with the intention other than to produce a live-born infant or to remove a dead fetus, and a medically necessary abortion is one performed under one of the following conditions:

- (1) The attending physician certifies that continuing the pregnancy would endanger the life of the pregnant woman.
- (2) The attending physician certifies that the fetus is physically deformed, mentally deficient, or afflicted with a congenital illness.
- (3) The pregnancy is the result of a rape which is reported within 45 days of the incident to a law enforcement agency or public or private health agency which may include a family physician.
- (4) The pregnancy is the result of incest which is reported within 150 days of the incident to a law enforcement agency or public or private health agency which may include a family physician.
- (5) The abortion is a spontaneous abortion, commonly known as a miscarriage, wherein not all of the products of conception are expelled.

b. Notwithstanding any provision of law to the contrary, the amount appropriated in this subsection shall be distributed based on claims submitted, adjudicated, and paid by the Iowa Medicaid enterprise.

c. Contingent upon implementation of 2010 Iowa Acts, Senate File 2356,⁸ the university of Iowa hospitals and clinics shall certify public expenditures in an amount equal to provide the nonfederal share on total expenditures not to exceed \$20,000,000.

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

⁸ Chapter 1134 herein

For salaries, support, maintenance, equipment, and miscellaneous purposes, for the provision of medical and surgical treatment of indigent patients, for provision of services to members of the expansion population pursuant to chapter 249J, and for medical education:

..... \$ 49,020,031

Notwithstanding any provision of law to the contrary, the amount appropriated in this subsection shall be distributed based on claims submitted, adjudicated, and paid by the Iowa Medicaid enterprise.

3. Contingent upon enactment of 2010 Iowa Acts, Senate File 2356,⁹ there is appropriated from the IowaCare account created in section 249J.24, to the state board of regents for distribution to university of Iowa physicians for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary to be used for the purposes designated:

For salaries, support, maintenance, equipment, and miscellaneous purposes for the provision of medical and surgical treatment of indigent patients, for provision of services to members of the expansion population pursuant to chapter 249J, and for medical education:

..... \$ 12,000,000¹⁰

Notwithstanding any provision of law to the contrary, the amount appropriated in this subsection shall be distributed based on claims submitted, adjudicated, and paid by the Iowa Medicaid enterprise. Once the entire amount appropriated in this subsection has been distributed, claims shall continue to be submitted and adjudicated by the Iowa Medicaid enterprise; however, no payment shall be made based upon such claims.

4. There is appropriated from the IowaCare account created in section 249J.24 to the department of human services for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For distribution to a publicly owned acute care teaching hospital located in a county with a population over 350,000 for the provision of medical and surgical treatment of indigent patients, for provision of services to members of the expansion population pursuant to chapter 249J, and for medical education:

..... \$ 51,000,000

a. Notwithstanding any provision of law to the contrary, the amount appropriated in this subsection shall be distributed based on claims submitted, adjudicated, and paid by the Iowa Medicaid enterprise plus a monthly disproportionate share hospital payment. Any amount appropriated in this subsection in excess of \$48,000,000 shall be distributed only if the sum of the expansion population claims adjudicated and paid by the Iowa Medicaid enterprise plus the estimated disproportionate share hospital payments exceeds \$48,000,000. The amount paid in excess of \$48,000,000 shall not adjust the original monthly payment amount but shall be distributed monthly based on actual claims adjudicated and paid by the Iowa Medicaid enterprise plus the estimated disproportionate share hospital amount. Any amount appropriated in this subsection in excess of \$48,000,000 shall be allocated only if federal funds are available to match the amount allocated.

b. Notwithstanding the total amount of proceeds distributed pursuant to section 249J.24, subsection 6, paragraph "a", unnumbered paragraph 1, for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the county treasurer of a county with a population of over 350,000 in which a publicly owned acute care teaching hospital is located shall distribute the proceeds collected pursuant to section 347.7 in a total amount of \$38,000,000, which would otherwise be distributed to the county hospital, to the treasurer of state for deposit in the IowaCare account.

c. (1) Notwithstanding the amount collected and distributed for deposit in the IowaCare account pursuant to section 249J.24, subsection 6, paragraph "a", subparagraph (1), the first \$19,000,000 in proceeds collected pursuant to section 347.7 between July 1, 2010, and December 31, 2010, shall be distributed to the treasurer of state for deposit in the IowaCare account and collections during this time period in excess of \$19,000,000 shall be distributed to the acute care teaching hospital identified in this subsection.

⁹ Chapter 1134 herein

¹⁰ See chapter 1193, §205 herein

(2) Notwithstanding the amount collected and distributed for deposit in the IowaCare account pursuant to section 249J.24, subsection 6, paragraph “a”, subparagraph (2), the first \$19,000,000 in collections pursuant to section 347.7 between January 1, 2011, and June 30, 2011, shall be distributed to the treasurer of state for deposit in the IowaCare account and collections during this time period in excess of \$19,000,000 shall be distributed to the acute care teaching hospital identified in this subsection.

5. Contingent upon enactment of 2010 Iowa Acts, Senate File 2356,¹¹ there is appropriated from the IowaCare account created in section 249J.24 to the department of human services for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary to be used for the purpose designated:

For payment to the regional provider network specified by the department pursuant to 2010 Iowa Acts, Senate File 2356,¹² section 2,¹³ amending section 249J.7, if enacted, for provision of covered services to members of the expansion population pursuant to chapter 249J:

..... \$ 6,000,000

Notwithstanding any provision of law to the contrary, the amount appropriated in this subsection shall be distributed based on claims submitted, adjudicated, and paid by the Iowa Medicaid enterprise. Once the entire amount appropriated in this subsection has been distributed, claims shall continue to be submitted and adjudicated by the Iowa Medicaid enterprise; however, no payment shall be made based upon such claims.

6. Contingent upon enactment of 2010 Iowa Acts, Senate File 2356,¹⁴ there is appropriated from the IowaCare account created in section 249J.24 to the department of human services for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary to be used for the purposes designated:

For payment to nonparticipating providers for covered services provided in accordance with section 249J.24A:

..... \$ 2,000,000¹⁵

Sec. 42. APPROPRIATIONS FROM ACCOUNT FOR HEALTH CARE TRANSFORMATION — DEPARTMENT OF HUMAN SERVICES. Notwithstanding any provision to the contrary, there is appropriated from the account for health care transformation created in section 249J.23 to the department of human services for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For the costs of medical examinations for the expansion population pursuant to section 249J.6:

..... \$ 556,800

2. For the provision of an IowaCare nurse helpline for the expansion population as provided in section 249J.6:

..... \$ 100,000

3. For other health promotion partnership activities pursuant to section 249J.14:

..... \$ 600,000

4. For the costs related to audits, performance evaluations, and studies required pursuant to chapter 249J:

..... \$ 125,000

5. For administrative costs associated with chapter 249J:

..... \$ 1,132,412

6. For planning and development, in cooperation with the department of public health, of a phased-in program to provide a dental home for children in accordance with section 249J.14:

..... \$ 1,000,000

7. For continuation of the establishment of the tuition assistance for individuals serving individuals with disabilities pilot program, as enacted in 2008 Iowa Acts, chapter 1187, section 130:

¹¹ Chapter 1134 herein

¹² Chapter 1134 herein

¹³ According to enrolled Act; the phrase “section 1” probably intended

¹⁴ Chapter 1134 herein

¹⁵ See chapter 1193, §206 herein

..... \$ 50,000
 8. For medical contracts:

..... \$ 1,300,000

9. For payment to the publicly owned acute care teaching hospital located in a county with a population of over 350,000 that is a participating provider pursuant to chapter 249J:

..... \$ 290,000

Disbursements under this subsection shall be made monthly. The hospital shall submit a report following the close of the fiscal year regarding use of the funds appropriated in this subsection to the persons specified in this Act to receive reports.

Notwithstanding section 8.39, subsection 1, without the prior written consent and approval of the governor and the director of the department of management, the director of human services may transfer funds among the appropriations made in this section as necessary to carry out the purposes of the account for health care transformation. The department shall report any transfers made pursuant to this section to the legislative services agency.

Sec. 43. MEDICAID FRAUD ACCOUNT — DEPARTMENT OF INSPECTIONS AND APPEALS. There is appropriated from the Medicaid fraud account created in section 249A.7 to the department of inspections and appeals for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount or so much thereof as is necessary, to be used for the purposes designated:

For the inspection and certification of assisted living programs and adult day care services, including program administration and costs associated with implementation:

..... \$ 1,339,527

Sec. 44. QUALITY ASSURANCE TRUST FUND — DEPARTMENT OF HUMAN SERVICES. Notwithstanding any provision to the contrary and subject to the availability of funds, there is appropriated from the quality assurance trust fund created in section 249L.4 to the department of human services for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amounts, or so much thereof as is necessary for the purposes designated:

To supplement the appropriation made in this Act from the general fund of the state to the department of human services for medical assistance:

..... \$ 13,900,000

1. Of the funds appropriated in this section, \$7,500,000 shall be used for nursing facility reimbursement under the medical assistance program in accordance with the nursing facility reimbursement provisions of division IV of this Act, to continue application of the administrative rules changes relating to nursing facility reimbursement and payment procedures made pursuant to 2010 Iowa Acts, Senate File 2366,¹⁶ if enacted, for the fiscal year beginning July 1, 2010, and ending June 30, 2011, and to restore the 5 percent reduction made in nursing facility reimbursement in accordance with executive order number 19¹⁷ issued October 8, 2009.

2. The costs associated with the implementation of this section shall be funded exclusively through moneys appropriated from the quality assurance trust fund, and shall result in budget neutrality to the general fund of the state for the fiscal year beginning July 1, 2010, and ending June 30, 2011.

Sec. 45. IOWA COMPREHENSIVE PETROLEUM UNDERGROUND STORAGE TANK FUND. There is appropriated from the Iowa comprehensive petroleum underground storage tank fund created in section 455G.3 to the following designated departments for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amounts, or so much thereof as is necessary, to be used for the purposes designated, notwithstanding section 455G.3, subsection 1:

1. To the department of public health:
 \$ 635,000

¹⁶ Chapter 1182 herein

¹⁷ Published in IAB Vol. XXXII, No. 9, (10/21/09) p. 1139

a. Of the funds appropriated in this subsection, \$500,000 is allocated for addictive disorders to be used for substance abuse treatment and prevention.

b. Of the funds appropriated in this subsection, \$35,000 is allocated for chronic conditions to be used as follows:

(1) \$20,000 shall be used for grants to individual patients who have phenylketonuria (PKU) to assist with the costs of necessary special foods.

(2) \$15,000 shall be used for child health specialty clinics.

c. Of the funds appropriated in this subsection, \$100,000 is allocated for public protection to be used for the state poison control center.

2. To the department of human services for:

a. Child and family services:

..... \$ 925,000

(1) Of the funds appropriated in this paragraph, \$600,000 shall be used for the purposes of juvenile delinquent graduated sanction services.

(2) Of the funds appropriated in this paragraph, \$200,000 shall be allocated to a county with a population of more than 300,000 to be used for continuation of a grant to support child care center services provided to children with mental, physical, or emotional challenges in order for the children to remain in a home or family setting.

(3) Of the funds appropriated in this paragraph, \$25,000 shall be used for the public purpose of providing a grant to a child welfare services provider headquartered in a county with a population between 189,000 and 196,000 in the latest preceding certified federal census that provides multiple services including but not limited to a psychiatric medical institution for children, shelter, residential treatment, after school programs, school-based programming, and an Asperger's syndrome program, to be used for support services for children with autism spectrum disorder and their families.

(4) Of the funds appropriated in this section, \$100,000 shall be used for a one-time grant to support startup costs for a child protection center to be operated in a hospital in a county in northeast Iowa with a population between 120,000 and 135,000. Population numbers used in this subsection are from the latest preceding certified federal census.

b. Family support subsidy:

..... \$ 100,000

The funds appropriated in this paragraph shall be used for the family support center component of the comprehensive family support program under section 225C.47.

c. Child support recovery:

..... \$ 250,000

d. Juvenile institutions:

..... \$ 600,000

(1) Of the funds appropriated in this paragraph, \$200,000 shall be used for operation of the Iowa juvenile home at Toledo.

(2) Of the funds appropriated in this paragraph, \$400,000 shall be used for operation of the state training school at Eldora.

e. Mental health institutes:

..... \$ 350,000

(1) Of the funds appropriated in this paragraph, \$100,000 shall be used for the state mental health institute at Cherokee.

(2) Of the funds appropriated in this paragraph, \$100,000 shall be used for the state mental health institute at Clarinda.

(3) Of the funds appropriated in this paragraph, \$100,000 shall be used for the state mental health institute at Independence.

(4) Of the funds appropriated in this paragraph, \$50,000 shall be used for the state mental health institute at Mount Pleasant.

f. MI/MR/DD state cases:

..... \$ 1,000,000

g. Sexually violent predators:

..... \$ 800,000

h. Field operations:

..... \$ 2,340,000

Sec. 46. MEDICAL ASSISTANCE PROGRAM — NONREVERSION FOR FY 2011-2012. Notwithstanding any section 8.33, if moneys appropriated for purposes of the medical assistance program for the fiscal year beginning July 1, 2010, and ending June 30, 2011, from the general fund of the state, the senior living trust fund, the health care trust fund, and the quality assurance trust fund, are in excess of actual expenditures for the medical assistance program and remain unencumbered or unobligated at the close of the fiscal year, the excess moneys shall not revert but shall remain available for expenditure for the purposes of the medical assistance program until the close of the succeeding fiscal year.

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

Sec. 47. 2009 Iowa Acts, chapter 179, section 1, is amended to read as follows:

SECTION 1. COUNTY MENTAL HEALTH, MENTAL RETARDATION, AND DEVELOPMENTAL DISABILITIES ALLOWED GROWTH APPROPRIATION AND ALLOCATIONS — FISCAL YEAR 2010-2011.

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

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

.....	\$	62,157,491
		<u>48,697,893</u>

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

Sec. 48. 2009 Iowa Acts, chapter 179, section 1, as amended by this division of this Act, is amended by adding the following new subsections:

NEW SUBSECTION. 1. Of the amount appropriated in this section, \$12,000,000 shall be distributed as provided in this subsection.

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

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

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

b. A county’s allocation of the amount appropriated in this subsection shall be determined based upon the county’s proportion of the general population of the counties eligible to receive an allocation under this subsection. The most recent population estimates issued by the United States bureau of the census shall be applied in determining population for the purposes of this paragraph.

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

NEW SUBSECTION. 2. The following amount of the funding appropriated in this section is the allowed growth factor adjustment for fiscal year 2010-2011, and shall be credited to the

allowed growth funding pool created in the property tax relief fund and for distribution in accordance with section 426B.5, subsection 1:

..... \$ 36,551,143

NEW SUBSECTION. 3. The following formula amounts shall be utilized only to calculate preliminary distribution amounts for the allowed growth factor adjustment for fiscal year 2010-2011 under this section by applying the indicated formula provisions to the formula amounts and producing a preliminary distribution total for each county:

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

..... \$ 49,626,596

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

..... \$ 14,187,556

NEW SUBSECTION. 4. a. After applying the applicable statutory distribution formulas to the amounts indicated in subsection 3 for purposes of producing preliminary distribution totals, the department of human services shall apply a withholding factor to adjust an eligible individual county’s preliminary distribution total. In order to be eligible for a distribution under this section, a county must be levying 90 percent or more of the maximum amount allowed for the county’s mental health, mental retardation, and developmental disabilities services fund under section 331.424A for taxes due and payable in the fiscal year for which the distribution is payable.

b. An ending balance percentage for each county shall be determined by expressing the county’s ending balance on a modified accrual basis under generally accepted accounting principles for the fiscal year beginning July 1, 2008, in the county’s mental health, mental retardation, and developmental disabilities services fund created under section 331.424A, as a percentage of the county’s gross expenditures from that fund for that fiscal year. If a county borrowed moneys for purposes of providing services from the county’s services fund on or before July 1, 2008, and the county’s services fund ending balance for that fiscal year includes the loan proceeds or an amount designated in the county budget to service the loan for the borrowed moneys, those amounts shall not be considered to be part of the county’s ending balance for purposes of calculating an ending balance percentage under this subsection.

c. For purposes of calculating withholding factors and for ending balance amounts used for other purposes under law, the county ending balances shall be adjusted, using forms developed for this purpose by the county finance committee, to disregard the temporary funding increase provided to the counties for the fiscal year through the federal American Recovery and Reinvestment Act of 2009, Pub. L. No. 111-5. In addition, a county may adjust the ending balance amount by rebating to the department all or a portion of the allowed growth and MH/DD services fund moneys the county received for the fiscal year beginning July 1, 2009, in accordance with 2008 Iowa Acts, chapter 1191, as amended by 2009 Iowa Acts, chapter 182, section 55, or from any other services fund moneys available to the county. The rebate must be remitted to the department on or before June 1, 2010, in order to be counted. The amount rebated by a county shall be subtracted dollar-for-dollar from the county’s ending balance amount for the fiscal year beginning July 1, 2008, for purposes of calculating the withholding factor and for other ending balance purposes for the fiscal year beginning July 1, 2010. The rebates received by the department shall be credited to the property tax relief fund and distributed as additional funding for the fiscal year beginning July 1, 2010, in accordance with the formula provisions in this section.

d. The withholding factor for a county shall be the following applicable percent:

(1) For an ending balance percentage of less than 5 percent, a withholding factor of 0 percent. In addition, a county that is subject to this lettered paragraph shall receive an inflation adjustment equal to 3 percent of the gross expenditures reported for the county’s services fund for the fiscal year.

(2) For an ending balance percentage of 5 percent or more but less than 10 percent, a withholding factor of 0 percent. In addition, a county that is subject to this lettered paragraph

shall receive an inflation adjustment equal to 2 percent of the gross expenditures reported for the county's services fund for the fiscal year.

(3) For an ending balance percentage of 10 percent or more but less than 25 percent, a withholding factor of 25 percent. However, for a county that is subject to this subparagraph, the amount withheld shall be limited to the amount by which the county's ending balance was in excess of the ending balance percentage of 10 percent.

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

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

DIVISION VII
PRIOR APPROPRIATIONS AND
RELATED CHANGES

LEAD TRAINING AND
CERTIFICATION PROGRAMS

Sec. 49. Section 135.105A, subsection 5, Code Supplement 2009, is amended to read as follows:

5. The department shall adopt rules regarding minimum requirements for lead inspector, lead abater, and lead-safe renovator training programs, certification, work practice standards, and suspension and revocation requirements, and shall implement the training and certification programs. The department shall seek federal funding and shall establish fees in amounts sufficient to defray the cost of the programs. The fees shall be used for any of the department's duties under this division, including but not limited to the costs of full-time equivalent positions for program services and investigations. Fees received shall be considered repayment receipts as defined in section 8.2.

CERTIFIED RETIREMENT COMMUNITIES

Sec. 50. Section 231.24, subsection 9, Code Supplement 2009, is amended to read as follows:

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

AREA AGENCY ON AGING
BOARD TRAINING

Sec. 51. Section 231.33, subsection 19, Code Supplement 2009, is amended by striking the subsection.

DEMENTIA TRAINING

Sec. 52. 2008 Iowa Acts, chapter 1140, section 3, is amended to read as follows:

SEC. 3. IMPLEMENTATION — CONTINGENCY. The department of elder affairs on aging shall implement ~~on or before July 1, 2010,~~ the initial provisions for expanding and improving training and education of those who regularly deal with persons with Alzheimer's disease and

similar forms of irreversible dementia and for providing funding for public awareness efforts and educational efforts in accordance with section 231.62, as enacted by this Act, contingent upon the availability of funding as determined by the director.

CHILD WELFARE DECATEGORY
FY 2008-2009 NONREVERSION

Sec. 53. 2008 Iowa Acts, chapter 1187, section 16, subsection 5, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Notwithstanding section 232.188, subsection 5, moneys from the allocations made in this subsection or made from any other source for the decategorization of child welfare and juvenile justice funding initiative under section 232.188, that are designated as carryover funding that remain unencumbered or unobligated at the close of the fiscal year beginning July 1, 2009, following the transfer made pursuant to 2010 Iowa Acts, Senate File 2366,¹⁸ section 19, if enacted, shall not revert but shall be used until the close of the fiscal year beginning July 1, 2010, as follows: the first \$1,925,000 shall be transferred to the appropriation for medical assistance to be used to reduce the waiting lists for the medical assistance home and community-based services waivers, and the remainder shall be used for the purposes of continuing the initiative in the fiscal year.

REGIONAL SERVICE NETWORK
PILOT PROJECT

Sec. 54. 2008 Iowa Acts, chapter 1187, section 59, subsection 9, paragraph a, is amended to read as follows:

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

VIETNAM CONFLICT VETERANS
BONUS FUND

Sec. 55. 2008 Iowa Acts, chapter 1187, section 68, as amended by 2009 Iowa Acts, chapter 182, section 82, is amended to read as follows:

Notwithstanding section 8.33, moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the fiscal year beginning July 1, ~~2009~~ 2010.

INJURED VETERANS GRANT PROGRAM

Sec. 56. 2008 Iowa Acts, chapter 1187, section 69, as amended by 2009 Iowa Acts, chapter 182, section 83, is amended to read as follows:

Notwithstanding section 8.33, moneys appropriated in this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the fiscal year beginning July 1, ~~2009~~ 2010.

HEALTH CARE COVERAGE
EXPANSION

Sec. 57. 2008 Iowa Acts, chapter 1188, section 16, as amended by 2009 Iowa Acts, chapter 182, section 84, is amended to read as follows:

SEC. 16. MEDICAL ASSISTANCE, HAWK-I, AND HAWK-I EXPANSION PROGRAMS — COVERING CHILDREN — APPROPRIATION. There is appropriated from the general fund

¹⁸ Chapter 1182 herein

of the state to the department of human services for the designated fiscal years, the following amounts, or so much thereof as is necessary, for the purpose designated:

To cover children as provided in this Act under the medical assistance, hawk-i, and hawk-i expansion programs and outreach under the current structure of the programs:

FY 2008-2009	\$	4,800,000
FY 2009-2010	\$	4,207,001
FY 2010-2011	\$	24,800,000
		<u>10,049,532</u>

PATIENT DECISION
MAKING — PILOT PROJECT

Sec. 58. 2008 Iowa Acts, chapter 1188, section 36, subsections 1 and 2, are amended to read as follows:

1. The department of public health shall establish a ~~two-year~~ community coalition for patient treatment wishes across the health care continuum pilot project, beginning July 1, 2008, and ending June 30, ~~2010~~ 2012, in a county with a population of between ~~fifty one hundred seventy-five thousand and one two hundred twenty-five thousand and in one contiguous rural county~~. The pilot project shall utilize the process based upon the national physicians orders for life sustaining treatment program initiative, including use of a standardized physician order for scope of treatment form. The process shall require validation of the physician order for scope of treatment form by the signature of an individual other than the patient or the patient’s legal representative who is not an employee of the patient’s physician. The pilot project may include applicability to chronically ill, frail, and elderly or terminally ill individuals in hospitals licensed pursuant to chapter 135B, nursing facilities or residential care facilities licensed pursuant to chapter 135C, or hospice programs as defined in section 135J.1.

2. The department of public health shall convene an advisory council, consisting of representatives of entities with interest in the pilot project, including but not limited to the Iowa hospital association, the Iowa medical society, organizations representing health care facilities, representatives of health care providers, and the Iowa trial lawyers association, to develop recommendations for expanding the pilot project statewide. The advisory council shall report its findings and recommendations, including recommendations for legislation, to the governor and the general assembly by January 1, ~~2010~~ 2012.

MEDICAID PROGRAMS — PROCESS
REQUIREMENTS

Sec. 59. 2009 Iowa Acts, chapter 118, section 38, subsection 3, is amended by striking the subsection.

GENERAL FUND ADDICTIVE DISORDERS — TOBACCO USE PREVENTION AND
CONTROL INITIATIVE

Sec. 60. 2009 Iowa Acts, chapter 182, section 2, subsection 1, paragraph a, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (3) Notwithstanding section 8.33, moneys allocated in this paragraph “a” that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

IOWA VETERANS HOME

Sec. 61. 2009 Iowa Acts, chapter 182, section 3, subsection 2, is amended by adding the following new paragraph:

NEW PARAGRAPH. d. The funds appropriated in this subsection to the Iowa veterans home that remain available for expenditure for the succeeding fiscal year pursuant to section 35D.18, subsection 5, shall be distributed to be used in the succeeding fiscal year

in accordance with this lettered paragraph. The first \$500,000 shall remain available to be used for the purposes of the Iowa veterans home. On or before October 15, 2010, the department of management shall transfer not more than \$1,000,000 to the appropriation to the department of human services for field operations. Any remaining funding shall be used for purposes of the Iowa veterans home.

TEMPORARY ASSISTANCE FOR NEEDY
FAMILIES BLOCK GRANT

Sec. 62. 2009 Iowa Acts, chapter 182, section 5, is amended by adding the following new subsection:

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

BEHAVIORAL HEALTH SERVICES
ACCOUNT — MEDICAL ASSISTANCE

Sec. 63. 2009 Iowa Acts, chapter 182, section 9, subsection 16, paragraph b, is amended to read as follows:

b. The department shall continue to maintain a separate account within the medical assistance budget for the deposit of all funds remitted pursuant to a contract with a third party to administer behavioral health services under the medical assistance program established pursuant to 2008 Iowa Acts, chapter 1187, section 9, subsection 20. Notwithstanding section 8.33, other than funds remaining from the appropriation allocations made for implementation of the emergency mental health crisis services and system, for implementation of the mental health services system for children and youth, and for training of child welfare services providers in 2008 Iowa Acts, chapter 1187, section 9, subsection 20, paragraph "c", subparagraphs (1), (2), and (6), as authorized in 2009 Iowa Acts, chapter 182, section 72, funds remaining in the account that remain unencumbered or unobligated at the end of any the fiscal year shall not revert but shall remain available in succeeding fiscal years and shall be used only in accordance with appropriations from the account for health and human services-related purposes are appropriated to the department to be used for the medical assistance program.

STATE SUPPLEMENTARY
ASSISTANCE PROGRAM

Sec. 64. 2009 Iowa Acts, chapter 182, section 12, is amended by adding the following new subsection:

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

NEIGHBORHOOD AFFORDABLE
HOUSING — CHILD DEVELOPMENT
PROGRAM

Sec. 65. 2009 Iowa Acts, chapter 182, section 14, subsection 9, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Notwithstanding section 8.33, moneys allocated in this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until expended.

IOWACARE

Sec. 66. 2009 Iowa Acts, chapter 182, section 48, subsection 3, unnumbered paragraph 2 and paragraph “a”, are amended to read as follows:

For distribution to a publicly owned acute care teaching hospital located in a county with a population over 350,000 for the provision of medical and surgical treatment of indigent patients, for provision of services to members of the expansion population pursuant to chapter 249J, and for medical education:

..... \$ 46,000,000
47,000,000

a. Notwithstanding any provision of law to the contrary, the amount appropriated in this subsection shall be allocated in twelve equal monthly payments as provided in section 249J.24. Any amount appropriated in this subsection in excess of ~~\$41,000,000~~ \$45,000,000 shall be distributed only if the sum of the expansion population claims adjudicated and paid by the Iowa Medicaid enterprise plus the estimated disproportionate share hospital payments exceeds \$45,000,000. The amount paid in excess of \$45,000,000 shall not adjust the original monthly payment amount but shall be distributed monthly based on actual claims adjudicated and paid by the Iowa Medicaid enterprise plus the estimated disproportionate share hospital amount. Any amount appropriated in this subsection in excess of \$45,000,000 shall be allocated only if federal funds are available to match the amount allocated.

HEALTH CARE TRUST FUND ADDICTIVE DISORDERS — TOBACCO USE PREVENTION AND CONTROL INITIATIVE

Sec. 67. 2009 Iowa Acts, chapter 182, section 60, subsection 1, paragraph b, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Notwithstanding section 8.33, moneys allocated in this paragraph “b” that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

ADDICTIVE DISORDERS — NONREVERSION

Sec. 68. **ADDICTIVE DISORDERS NONREVERSION DIRECTIVE.** The authority provided in this division of this Act for nonreversion of the appropriations for addictive disorders allocated for the tobacco use prevention and control initiative, as referenced in this section, is limited to \$500,000 and shall be realized by applying the authority to such appropriations in the following order until the limitation amount is reached:

1. The allocation made from the general fund of the state in 2009 Iowa Acts, chapter 182, section 60, subsection 1, paragraph “b”.
2. The allocation made from the health care trust fund in 2009 Iowa Acts, chapter 182, section 2, subsection 1, paragraph “a”.

Sec. 69. 2009 Iowa Acts, chapter 182, section 5A, as enacted by 2010 Iowa Acts, Senate File 2151,¹⁹ section 2, is amended by adding the following new subsection:

4. a. For the purposes of this subsection, “employment and training-related programs” means summer youth programs and other employment and training-related programs, as allowed by federal law, that are administered by the department of workforce development. To the extent other federal funding is not available for employment and training-related programs administered by the department of workforce development and provided the match requirement is met through the employment programs, in addition to the amount appropriated in subsection 1, funding is appropriated from the same source and for the same fiscal year addressed in subsection 1, to the department of human services to be used for employment and training-related programs administered by the department of workforce development for the fiscal year beginning July 1, 2009, in accordance with the requirements of this subsection.

¹⁹ Chapter 1181 herein

b. The department of human services shall collaborate with the department of workforce development to secure additional federal funds from the emergency contingency fund for the temporary assistance for needy families state program established pursuant to the federal American Recovery and Reinvestment Act of 2009, Pub. L. No. 111-5 § 2101. This collaboration shall be for the purpose of securing emergency contingency funds to subsidize the administrative costs and wages paid on behalf of individuals participating in the employment and training-related programs and administered by the department of workforce development. Such costs shall be eligible for reimbursement under the terms of the federal American Recovery and Reinvestment Act of 2009, Pub. L. No. 111-5 § 2101, or successor legislation, which may extend the availability of emergency contingency funds. The collaboration between the two agencies shall be formalized through a memorandum of agreement.

c. Federal funds received as the result of this collaboration shall be transferred to the department of workforce development for the purpose of covering the administrative costs and wages paid on behalf of individuals participating in the employment and training-related programs administered by the department of workforce development. The department of workforce development shall ensure that all expenditures comply with applicable federal requirements and shall be responsible for the repayment of any funds spent in error and any corresponding penalty as well as taking corrective action to address the error. Funds received in excess of the amount of subsidized wages eligible for reimbursement under the terms of the federal American Recovery and Reinvestment Act of 2009, Pub. L. No. 111-5 § 2101, or successor legislation, which may extend the availability of emergency contingency funds, shall be returned by the department of workforce development to the federal government following procedures developed by the federal temporary assistance for needy families agency for that purpose.

d. The department of workforce development shall provide the department of human services with the necessary information to support the request for emergency contingency funds and to report the expenditure of these funds once received pursuant to federal reporting requirements. The responsibilities of both agencies shall be specified in the memorandum of agreement.

INTELLECTUAL DISABILITIES WAIVER

Sec. 70. INTELLECTUAL DISABILITIES WAIVER — STATEWIDE METHODOLOGY. In administering the medical assistance home and community-based services intellectual disability waiver, the total number of openings at any one time shall be limited to the number approved for the waiver by the secretary of the United States department of health and human services and available funding. Beginning July 1, 2010, the department shall implement a statewide method of allocating waiver slots and shall design a methodology for prioritizing the allocation of slots, subject to federal approval. The department shall convene a workgroup to develop criteria to prioritize individuals on the waiting list, subject to federal approval.

FEDERAL CHILD CARE AND DEVELOPMENT BLOCK GRANT
FEDERAL FISCAL YEAR 2009-2010

Sec. 71. CHILD CARE AND DEVELOPMENT APPROPRIATION. There is appropriated from the fund created by section 8.41 to the department of human services for the federal fiscal year beginning October 1, 2009, and ending September 30, 2010, the following amount:
..... \$ 18,120,842

Funds appropriated in this section are the additional funding anticipated to be received from the federal government under the federal American Recovery and Reinvestment Act of 2009 for the federal child care and development block grant, and include the allocation made from the funds for infant and toddler care quality in 2009 Iowa Acts, chapter 183, section 62. The department shall expend the remainder of the funds appropriated in this section for the state child care assistance program under section 237A.13, as provided in the federal law making the funds available and in conformance with chapter 17A.

FOOD ESTABLISHMENT INSPECTIONS

Sec. 72. FOOD ESTABLISHMENT INSPECTIONS. Notwithstanding any contrary provisions of section 137F.3A or other applicable law, if within ninety calendar days of the effective date of this division of this Act a county operating pursuant to a chapter 28E agreement with the department of inspections and appeals to enforce chapters 137C, 137D, and 137F, in a multicounty area consisting of fifteen or more counties elects not to renew the agreement for the multicounty area, and the department has determined that the quality of service provided by the county has been acceptable or better, the department shall enter into an agreement with the county for the county to continue such enforcement activity for the food establishments, home food establishments, food processing plants, and hotels located within the county.

Sec. 73. EFFECTIVE UPON ENACTMENT AND APPLICABILITY.

1. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

2. The section of this division of this Act amending section 135.105A applies to any fees collected pursuant to section 135.105A during or after the fiscal year beginning July 1, 2009.

DIVISION VIII
INTERSTATE COMPACT FOR JUVENILES

Sec. 74. Section 232.2, subsection 29, Code Supplement 2009, is amended to read as follows:

29. "Juvenile" means the same as "child". However, in the interstate compact ~~on~~ for juveniles, ~~sections 232.171 and 232.172~~ section 232.173, "juvenile" means a person defined as a juvenile in the law of a state which is a party to the compact.

Sec. 75. Section 232.172, Code 2009, is amended to read as follows:

232.172 Confinement of delinquent juvenile.

1. For a juvenile under the jurisdiction of this state who is subject to the interstate compact for juveniles under section 232.173, the confinement of the juvenile in an institution located within another compacting state shall be as provided under the compact.

2. This subsection applies to the confinement of a delinquent juvenile under the jurisdiction of this state in an institution located within a noncompacting state, as defined in section 232.173, that entered into the interstate compact on juveniles under section 232.171, Code 2009. In addition to any institution in which the authorities of this state may otherwise confine or order the confinement of a the delinquent juvenile, such authorities may, pursuant to the out-of-state confinement amendment to the interstate compact on juveniles in section 232.171, Code 2009, confine or order the confinement of a the delinquent juvenile in a compact institution within another party state.

Sec. 76. NEW SECTION. 232.173 Interstate compact for juveniles.1. Article I — Purpose.

a. The compacting states to this interstate compact recognize that each state is responsible for the proper supervision or return of juveniles, delinquents, and status offenders who are on probation or parole and who have absconded, escaped, or run away from supervision and control and in so doing have endangered their own safety and the safety of others. The compacting states also recognize that each state is responsible for the safe return of juveniles who have run away from home and in doing so have left their state of residence. The compacting states also recognize that Congress, by enacting the Crime Control Act, 4 U.S.C. § 112 (1965), has authorized and encouraged compacts for cooperative efforts and mutual assistance in the prevention of crime.

b. It is the purpose of this compact, through means of joint and cooperative action among the compacting states to:

* Item veto; see message at end of the Act

(1) Ensure that the adjudicated juveniles and status offenders subject to this compact are provided adequate supervision and services in the receiving state as ordered by the adjudicating judge or parole authority in the sending state.

(2) Ensure that the public safety interests of the citizens, including the victims of juvenile offenders, in both the sending and receiving states are adequately protected.

(3) Return juveniles who have run away, absconded, or escaped from supervision or control or have been accused of an offense to the state requesting their return.

(4) Make contracts for the cooperative institutionalization in public facilities in member states for delinquent youth needing special services.

(5) Provide for the effective tracking and supervision of juveniles.

(6) Equitably allocate the costs, benefits, and obligations of the compacting states.

(7) Establish procedures to manage the movement between states of juvenile offenders released to the community under the jurisdiction of courts, juvenile departments, or any other criminal or juvenile justice agency which has jurisdiction over juvenile offenders.

(8) Insure immediate notice to jurisdictions where defined offenders are authorized to travel or to relocate across state lines.

(9) Establish procedures to resolve pending charges (detainers) against juvenile offenders prior to transfer or release to the community under the terms of this compact.

(10) Establish a system of uniform data collection on information pertaining to juveniles subject to this compact that allows access by authorized juvenile justice and criminal justice officials, and regular reporting of compact activities to heads of state executive, judicial, and legislative branches and juvenile and criminal justice administrators.

(11) Monitor compliance with rules governing interstate movement of juveniles and initiate interventions to address and correct noncompliance.

(12) Coordinate training and education regarding the regulation of interstate movement of juveniles for officials involved in such activity.

(13) Coordinate the implementation and operation of the compact with the interstate compact for the placement of children, the interstate compact for adult offender supervision, and other compacts affecting juveniles particularly in those cases where concurrent or overlapping supervision issues arise.

c. It is the policy of the compacting states that the activities conducted by the interstate commission created in this compact are the formation of public policies and therefore are public business. Furthermore, the compacting states shall cooperate and observe their individual and collective duties and responsibilities for the prompt return and acceptance of juveniles subject to the provisions of this compact. The provisions of this compact shall be reasonably and liberally construed to accomplish the purposes and policies of the compact.

2. *Article II — Definitions.* As used in this compact, unless the context clearly requires a different construction:

a. “*Bylaws*” means those bylaws established by the interstate commission for its governance, or for directing or controlling its actions or conduct.

b. “*Compact administrator*” means the individual in each compacting state appointed pursuant to the terms of this compact, responsible for the administration and management of the state’s supervision and transfer of juveniles subject to the terms of this compact, the rules adopted by the interstate commission, and policies adopted by the state council under this compact.

c. “*Compacting state*” means any state which has enacted the enabling legislation for this compact.

d. “*Commissioner*” means the voting representative of each compacting state appointed pursuant to article III of this compact.

e. “*Court*” means any court having jurisdiction over delinquent, neglected, or dependent children.

f. “*Deputy compact administrator*” means the individual, if any, in each compacting state appointed to act on behalf of a compact administrator pursuant to the terms of this compact responsible for the administration and management of the state’s supervision and transfer of juveniles subject to the terms of this compact, the rules adopted by the interstate commission, and policies adopted by the state council under this compact.

g. “*Interstate commission*” means the interstate commission for juveniles created by article III of this compact.

h. “*Juvenile*” means any person defined as a juvenile in any member state or by the rules of the interstate commission, including persons who are any of the following:

(1) An accused delinquent, meaning a person charged with an offense that, if committed by an adult, would be a criminal offense.

(2) An adjudicated delinquent, meaning a person found to have committed an offense that, if committed by an adult, would be a criminal offense.

(3) An accused status offender, meaning a person charged with an offense that would not be a criminal offense if committed by an adult.

(4) An adjudicated status offender, meaning a person found to have committed an offense that would not be a criminal offense if committed by an adult.

(5) A nonoffender, meaning a person in need of supervision who has not been accused or adjudicated a status offender or delinquent.

i. “*Noncompacting state*” means any state which has not enacted the enabling legislation for this compact.

j. “*Probation or parole*” means any kind of supervision or conditional release of juveniles authorized under the laws of the compacting states.

k. “*Rule*” means a written statement by the interstate commission promulgated pursuant to article VI of this compact that is of general applicability, implements, interprets or prescribes a policy or provision of the compact, or an organizational, procedural, or practice requirement of the commission, and has the force and effect of statutory law in a compacting state, and includes the amendment, repeal, or suspension of an existing rule.

l. “*State*” means a state of the United States, the District of Columbia or its designee, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Northern Marianas Islands.

3. *Article III — Interstate commission for juveniles.*

a. The compacting states hereby create the interstate commission for juveniles. The commission shall be a body corporate and joint agency of the compacting states. The commission shall have all the responsibilities, powers, and duties set forth in this compact, and such additional powers as may be conferred upon it by subsequent action of the respective legislatures of the compacting states in accordance with the terms of this compact.

b. The interstate commission shall consist of commissioners appointed by the appropriate appointing authority in each state pursuant to the rules and requirements of each compacting state and in consultation with the state council for interstate juvenile supervision created in this compact. The commissioner shall be the compact administrator, deputy compact administrator, or designee from that state who shall serve on the interstate commission in such capacity under or pursuant to the applicable law of the compacting state.

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

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

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

f. The interstate commission shall establish an executive committee, which shall include commission officers, members, and others as determined by the bylaws. The executive

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

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

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

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

(1) Relate solely to the interstate commission's internal personnel practices and procedures.

(2) Disclose matters specifically exempted from disclosure by statute.

(3) Disclose trade secrets or commercial or financial information which is privileged or confidential.

(4) Involve accusing any person of a crime, or formally censuring any person.

(5) Disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy.

(6) Disclose investigative records compiled for law enforcement purposes.

(7) Disclose information contained in or related to an examination or operating or condition reports prepared by, or on behalf of or for the use of, the interstate commission with respect to a regulated person or entity for the purpose of regulation or supervision of such person or entity.

(8) Disclose information, the premature disclosure of which would significantly endanger the stability of a regulated person or entity.

(9) Specifically relate to the interstate commission's issuance of a subpoena, or its participation in a civil action or other legal proceeding.

j. For every meeting closed pursuant to this provision, the interstate commission's legal counsel shall publicly certify that, in the legal counsel's opinion, the meeting may be closed to the public, and shall reference each relevant exemptive provision. The interstate commission shall keep minutes which shall fully and clearly describe all matters discussed in any meeting and shall provide a full and accurate summary of any actions taken, and the reasons therefore, including a description of each of the views expressed on any item and the record of any roll call vote, reflected in the vote of each member on the question. All documents considered in connection with any action shall be identified in such minutes.

k. The interstate commission shall collect standardized data concerning the interstate movement of juveniles as directed through its rules which shall specify the data to be collected, the means of collection, and data exchange and reporting requirements. Such methods of data collection, exchange, and reporting shall insofar as is reasonably possible conform to up-to-date technology and coordinate its information functions with the appropriate repository of records.

4. *Article IV — Powers and duties of the interstate commission.* The commission shall have the following powers and duties:

- a. To provide for dispute resolution among compacting states.
 - b. To promulgate rules to effect the purposes and obligations as enumerated in this compact, which shall have the force and effect of statutory law and shall be binding in the compacting states to the extent and in the manner provided in this compact.
 - c. To oversee, supervise, and coordinate the interstate movement of juveniles subject to the terms of this compact and any bylaws adopted and rules promulgated by the interstate commission.
 - d. To enforce compliance with the compact provisions, the rules promulgated by the interstate commission, and the bylaws, using all necessary and proper means, including but not limited to the use of judicial process.
 - e. To establish and maintain offices which shall be located within one or more of the compacting states.
 - f. To purchase and maintain insurance and bonds.
 - g. To borrow, accept, hire, or contract for services of personnel.
 - h. To establish and appoint committees and hire staff which it deems necessary for the carrying out of its functions including but not limited to an executive committee as required by article III which shall have the power to act on behalf of the interstate commission in carrying out its powers and duties hereunder.
 - i. To elect or appoint such officers, attorneys, employees, agents, or consultants, and to fix their compensation, define their duties and determine their qualifications; and to establish the interstate commission's personnel policies and programs relating to, inter alia, conflicts of interest, rates of compensation, and qualifications of personnel.
 - j. To accept any and all donations and grants of money, equipment, supplies, materials, and services, and to receive, utilize, and dispose of it.
 - k. To lease, purchase, accept contributions or donations of, or otherwise to own, hold, improve, or use any property, real, personal, or mixed.
 - l. To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property, real, personal, or mixed.
 - m. To establish a budget and make expenditures and levy dues as provided in article VIII of this compact.
 - n. To sue and be sued.
 - o. To adopt a seal and bylaws governing the management and operation of the interstate commission.
 - p. To perform such functions as may be necessary or appropriate to achieve the purposes of this compact.
 - q. To report annually to the legislatures, governors, judiciary, and state councils of the compacting states concerning the activities of the interstate commission during the preceding year. Such reports shall also include any recommendations that may have been adopted by the interstate commission.
 - r. To coordinate education, training, and public awareness regarding the interstate movement of juveniles for officials involved in such activity.
 - s. To establish uniform standards of the reporting, collecting, and exchanging of data.
 - t. The interstate commission shall maintain its corporate books and records in accordance with the bylaws.
5. *Article V — Organization and operation of the interstate commission.*
- a. *Bylaws.* The interstate commission shall, by a majority of the members present and voting, within twelve months after the first interstate commission meeting, adopt bylaws to govern its conduct as may be necessary or appropriate to carry out the purposes of the compact, including but not limited to all of the following:
 - (1) Establishing the fiscal year of the interstate commission.
 - (2) Establishing an executive committee and such other committees as may be necessary.
 - (3) Provide for the establishment of committees governing any general or specific delegation of any authority or function of the interstate commission.
 - (4) Providing reasonable procedures for calling and conducting meetings of the interstate commission and ensuring reasonable notice of each such meeting.
 - (5) Establishing the titles and responsibilities of the officers of the interstate commission.

(6) Providing a mechanism for concluding the operations of the interstate commission and the return of any surplus funds that may exist upon the termination of the compact after the payment or reserving of all of its debts and obligations.

(7) Providing “start-up” rules for initial administration of the compact.

(8) Establishing standards and procedures for compliance and technical assistance in carrying out the compact.

b. Officers and staff.

(1) The interstate commission shall, by a majority of the members, elect annually from among its members a chairperson and a vice chairperson, each of whom shall have such authority and duties as may be specified in the bylaws. The chairperson or, in the chairperson’s absence or disability, the vice chairperson shall preside at all meetings of the interstate commission. The officers so elected shall serve without compensation or remuneration from the interstate commission; provided that, subject to the availability of budgeted funds, the officers shall be reimbursed for any ordinary and necessary costs and expenses incurred by them in the performance of their duties and responsibilities as officers of the interstate commission.

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

c. Immunity, defense, and indemnification.

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

(2) The liability of any commissioner, or the employee or agent of a commissioner, acting within the scope of such person’s employment or duties for acts, errors, or omissions occurring within such person’s state may not exceed the limits of liability set forth under the constitution and laws of that state for state officials, employees, and agents. Nothing in this subparagraph shall be construed to protect any such person from suit or liability for any damage, loss, injury, or liability caused by the intentional or willful and wanton misconduct of any such person.

(3) The interstate commission shall defend the executive director or the employees or representatives of the interstate commission and, subject to the approval of the attorney general of the state represented by any commissioner of a compacting state, shall defend such commissioner or the commissioner’s representatives or employees in any civil action seeking to impose liability arising out of any actual or alleged act, error, or omission that occurred within the scope of interstate commission employment, duties, or responsibilities, or that the defendant had a reasonable basis for believing occurred within the scope of interstate commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from intentional or willful and wanton misconduct on the part of such person.

(4) The interstate commission shall indemnify and hold the commissioner of a compacting state, or the commissioner’s representatives or employees, or the interstate commission’s representatives or employees, harmless in the amount of any settlement or judgment obtained against such persons arising out of any actual or alleged act, error, or omission that occurred within the scope of interstate commission employment, duties, or responsibilities, or that such persons had a reasonable basis for believing occurred within the scope of interstate commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from intentional or willful and wanton misconduct on the part of such persons.

6. *Article VI — Rulemaking functions of the interstate commission.*

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

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

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

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

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

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

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

d. Allow, not later than sixty days after a rule is promulgated, any interested person to file a petition in the United States district court for the District of Columbia or in the federal district court where the interstate commission's principal office is located for judicial review of such rule. If the court finds that the interstate commission's action is not supported by substantial evidence in the rulemaking record, the court shall hold the rule unlawful and set it aside. For purposes of this lettered paragraph, evidence is substantial if it would be considered substantial evidence under the model state administrative procedures Act.

e. If a majority of the legislatures of the compacting states rejects a rule, those states may, by enactment of a statute or resolution in the same manner used to adopt the compact, cause that such rule shall have no further force and effect in any compacting state.

f. The existing rules governing the operation of the interstate compact on juveniles superseded by this compact shall be null and void twelve months after the first meeting of the interstate commission created hereunder.

g. Upon determination by the interstate commission that a state of emergency exists, it may promulgate an emergency rule which shall become effective immediately upon adoption, provided that the usual rulemaking procedures provided hereunder shall be retroactively applied to said rule as soon as reasonably possible, but no later than ninety days after the effective date of the emergency rule.

7. *Article VII — Oversight, enforcement, and dispute resolution by the interstate commission.*

a. *Oversight.*

(1) The interstate commission shall oversee the administration and operations of the interstate movement of juveniles subject to this compact in the compacting states and shall monitor such activities being administered in noncompacting states which may significantly affect compacting states.

(2) The courts and executive agencies in each compacting state shall enforce this compact and shall take all actions necessary and appropriate to effectuate the compact's purposes and intent. The provisions of this compact and the rules promulgated hereunder shall be received by all the judges, public officers, commissions, and departments of the state government as evidence of the authorized statute and administrative rules. All courts shall take judicial notice of the compact and the rules. In any judicial or administrative proceeding in a compacting state pertaining to the subject matter of this compact which may affect the powers, responsibilities, or actions of the interstate commission, it shall be entitled to receive all service of process in any such proceeding, and shall have standing to intervene in the proceeding for all purposes.

b. *Dispute resolution.*

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

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

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

8. *Article VIII — Finance.*

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

b. The interstate commission shall levy on and collect an annual assessment from each compacting state to cover the cost of the internal operations and activities of the interstate commission and its staff which must be in a total amount sufficient to cover the interstate commission's annual budget as approved each year. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the interstate commission, taking into consideration the population of each compacting state and the volume of interstate movement of juveniles in each compacting state and shall promulgate a rule binding upon all compacting states which governs said assessment.

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

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

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

10. *Article X — Compacting states, effective date, and amendment.*

a. Any state, the District of Columbia, or its designee, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Northern Marianas Islands as defined in article II of this compact is eligible to become a compacting state.

b. The compact shall become effective and binding upon legislative enactment of the compact into law by no less than thirty-five of the states. The initial effective date shall be the later of July 1, 2004, or upon enactment into law by the thirty-fifth jurisdiction. Thereafter it shall become effective and binding as to any other compacting state upon enactment of the compact into law by that state. The governors of nonmember states or their designees shall be invited to participate in the activities of the interstate commission on a nonvoting basis prior to adoption of the compact by all states and territories of the United States.

c. The interstate commission may propose amendments to the compact for enactment by the compacting states. No amendment shall become effective and binding upon the interstate commission and the compacting states unless and until it is enacted into law by unanimous consent of the compacting states.

11. *Article XI — Withdrawal, default, termination, and judicial enforcement.*

a. *Withdrawal.*

(1) Once effective, the compact shall continue in force and remain binding upon each and every compacting state; provided that a compacting state may withdraw from the compact by specifically repealing the statute which enacted the compact into law.

(2) The effective date of withdrawal is the effective date of the repeal.

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

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

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

b. Technical assistance, fines, suspension, termination, and default.

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

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

(b) Alternative dispute resolution.

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

(d) Suspension or termination of membership in the compact, which shall be imposed only after all other reasonable means of securing compliance under the bylaws and rules have been exhausted and the interstate commission has therefore determined that the offending state is in default. Immediate notice of suspension shall be given by the interstate commission to the governor, the chief justice or the chief judicial officer of the state, the majority and minority leaders of the defaulting state's legislature, and the state council.

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

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

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

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

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

(7) Reinstatement following termination of any compacting state requires both a reenactment of the compact by the defaulting state and the approval of the interstate commission pursuant to the rules.

c. Judicial enforcement. The interstate commission may, by majority vote of the members, initiate legal action in the United States district court for the District of Columbia or, at the discretion of the interstate commission, in the federal district where the interstate commission has its offices, to enforce compliance with the provisions of the compact, its

duly promulgated rules and bylaws, against any compacting state in default. In the event judicial enforcement is necessary the prevailing party shall be awarded all costs of such litigation including reasonable attorney fees.

d. Dissolution of compact.

(1) The compact dissolves effective upon the date of the withdrawal or default of the compacting state, which reduces membership in the compact to one compacting state.

(2) Upon the dissolution of this compact, the compact becomes null and void and shall be of no further force or effect, and the business and affairs of the interstate commission shall be concluded and any surplus funds shall be distributed in accordance with the bylaws.

12. Article XII — Severability and construction.

a. The provisions of this compact shall be severable, and if any phrase, clause, sentence, or provision is deemed unenforceable, the remaining provisions of the compact shall be enforceable.

b. The provisions of this compact shall be liberally construed to effectuate its purposes.

13. Article XIII — Binding effect of compact and other laws.

a. Other laws.

(1) Nothing in this compact prevents the enforcement of any other law of a compacting state that is not inconsistent with this compact.

(2) All compacting states' laws other than state constitutions and other interstate compacts conflicting with this compact are superseded to the extent of the conflict.

b. Binding effect of the compact.

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

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

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

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

DIVISION IX MISCELLANEOUS

Sec. 77. Section 135.12, Code 2009, is amended by striking the section and inserting in lieu thereof the following:

135.12 Office of minority and multicultural health — established — duties.

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

2. The office of minority and multicultural health shall be responsible for all of the following:

a. Serving as the liaison and advocate for the department on minority and multicultural health matters.

b. Assisting academic institutions, state agencies, community groups, and other entities in institutionalizing cultural competency within the health care workforce and delivery system through education, training, and practice to effectively address cross-cultural disparity and achieve health equity.

c. Promoting community strategic planning.

d. Reviewing the impact of programs, regulations, and health care resource policies on the delivery of and access to minority and multicultural health services.

Sec. 78. Section 135N.3, subsection 2, Code 2009, is amended to read as follows:

2. The committee shall review and make recommendations to the ~~director~~ center for congenital and inherited disorders advisory committee established by rule of the department pursuant to chapter 136A concerning but not limited to the following:

Sec. 79. Section 135N.5, subsection 1, Code 2009, is amended to read as follows:

1. The committee shall meet ~~no less than four times per year~~ as often as deemed necessary and is subject to chapters 21 and 22 relating to open meetings and public records. To the maximum extent possible, the committee shall coordinate meeting schedules and staffing with the center for congenital and inherited disorders advisory committee established by rule of the department pursuant to chapter 136A.

**Sec. 80. Section 232.188, subsection 5, paragraph b, unnumbered paragraph 1, Code 2009, is amended to read as follows:*

*Notwithstanding section 8.33, moneys designated for a project's decategorization services funding pool that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure as directed by the project's governance board for child welfare and juvenile justice systems enhancements and other purposes of the project ~~until the close of the succeeding fiscal year and for the next two succeeding fiscal years.~~ Such moneys shall be known as "carryover funding". Moneys may be made available to a funding pool from one or more of the following sources:**

Sec. 81. Section 237A.3A, subsection 3, Code Supplement 2009, is amended by adding the following new paragraph:

NEW PARAGRAPH. *e.* If the department adopts rules establishing a limitation on the number of hours for which substitute care may be utilized by the provider, such a limitation shall not apply to or incorporate substitute care utilized when the provider is engaged in jury duty or in official duties connected with the provider's membership on a state board, committee, or other policy-related body.

Sec. 82. Section 453A.35, subsection 1, Code Supplement 2009, is amended to read as follows:

1. The proceeds derived from the sale of stamps and the payment of taxes, fees, and penalties provided for under this chapter, and the permit fees received from all permits issued by the department, shall be credited to the general fund of the state. However, of the revenues generated from the tax on cigarettes pursuant to section 453A.6, subsection 1, and from the tax on tobacco products as specified in section 453A.43, subsections 1, 2, 3, and 4, and credited to the general fund of the state under this subsection, there is appropriated, annually, to the health care trust fund created in section 453A.35A, the first one hundred ~~seventeen~~ six million ~~seven hundred ninety-six~~ sixteen thousand ~~four hundred~~ dollars.

Sec. 83. Section 692A.115, Code Supplement 2009, is amended to read as follows:

692A.115 Employment where dependent adults reside.

1. A Unless authorized as provided in subsection 2, a sex offender shall not be an employee of a facility providing services for dependent adults or at events where dependent adults participate in programming and shall not loiter on the premises or grounds of a facility or at an event providing such services or programming.

2. An adult sex offender who is a patient or resident of a health care facility as defined in section 135C.1, a participant in a medical assistance program home and community-based services waiver program, or a participant in a medical assistance state plan employment services as part of the participant's habilitation plan shall not be considered to be in violation of subsection 1.

* Item veto; see message at end of the Act

Sec. 84. 2010 Iowa Acts, Senate File 2088,²⁰ section 361, subsection 2, if enacted, is amended to read as follows:

2. If a provision of this Act or another enactment of the Eighty-third General Assembly repeals section 135.173 and creates the early childhood Iowa state board in new Code chapter 256I,²¹ the early childhood Iowa state board shall fulfill the responsibilities assigned to the early childhood Iowa council in subsection 1 and the department of ~~education~~ education management shall propose corrective legislation for the provisions of this division of this Act in accordance with section 2.16 for consideration by the Eighty-fourth General Assembly, 2011 Regular Session.

Sec. 85. 2010 Iowa Acts, Senate File 2088,²² section 399, as enacted, is amended to read as follows:

SEC. 399. REPEAL. Sections 135.28, ~~135N.1, 135N.2, 135N.3, 135N.4, 135N.5, 135N.6,~~ and 142C.16, Code 2009, are repealed.

Approved April 29, 2010, with exceptions noted.

CHESTER J. CULVER, *Governor*

Dear Mr. Secretary:

I hereby transmit House File 2526, an Act relating to and making appropriations for health and human services and including other related provisions and appropriations, and providing effective, retroactive, and applicability date provisions. House File 2526 is approved on this date, with the exceptions noted below, which I hereby disapprove.

I am unable to approve the item designated as Section 72 of the bill in its entirety. This provision deals with food establishment inspections and contracting with a municipal corporation to fulfill the department's regulatory and inspection statutory responsibilities. I disapprove this language because it takes away the department's discretion to maximize staff and resources, and to enter into contracts based upon efficient government, which is especially important during these difficult economic times.

I am unable to approve the item designated as Section 80 of the bill in its entirety. This provision permits unexpended decategorization funding to carry forward for two succeeding fiscal years beyond the current fiscal year. Given the difficult economic times, the additional time to expend these funds is not prudent and should not be allowed. Other than capital expenditures, a two-year carry forward is not commonly allowed in Iowa law. Furthermore, this does not conform to reasonable government accounting practices.

For the above reasons, I hereby respectfully disapprove the designated items in accordance with Article III, Section 16 of the Constitution of the State of Iowa. All other items in House File 2526 are hereby approved this date.

Sincerely,
CHESTER J. CULVER, *Governor*

²⁰ Chapter 1031 herein

²¹ See chapter 1031, §280, 308 herein

²² Chapter 1031 herein

CHAPTER 1193

**STATE AND LOCAL GOVERNMENT FINANCIAL AND REGULATORY MATTERS —
APPROPRIATIONS AND MISCELLANEOUS CHANGES**

H.F. 2531

AN ACT relating to state and local finances by providing for funding of property tax credits and reimbursements, by making, increasing, and reducing appropriations, providing for salaries and compensation of state employees, providing for matters relating to tax credits, providing for fees and penalties, and providing for properly related matters, and including effective date and retroactive applicability provisions.

Be It Enacted by the General Assembly of the State of Iowa:

DIVISION I

MH/MR/DD SERVICES ALLOWED GROWTH FUNDING — FY 2011-2012

Section 1. ADULT MH/MR/DD SERVICES ALLOWED GROWTH FUNDING — FY 2011-2012. Notwithstanding section 331.439, subsection 3, the allowed growth factor adjustment for county mental health, mental retardation, and developmental disabilities service expenditures for the fiscal year beginning July 1, 2011, shall be established by statute which shall be enacted within thirty calendar days of the convening of the Eighty-fourth General Assembly, 2011 Session, on January 10, 2011. The governor shall submit to the general assembly a recommendation for such allowed growth factor adjustment and the amounts of related appropriations to the general assembly on or before January 11, 2011.

DIVISION II

**STANDING APPROPRIATIONS
AND RELATED MATTERS**

Sec. 2. BUDGET PROCESS FOR FISCAL YEAR 2011-2012.

1. For the budget process applicable to the fiscal year beginning July 1, 2011, on or before October 1, 2010, in lieu of the information specified in section 8.23, subsection 1, unnumbered paragraph 1, and paragraph “a”, all departments and establishments of the government shall transmit to the director of the department of management, on blanks to be furnished by the director, estimates of their expenditure requirements, including every proposed expenditure, for the ensuing fiscal year, together with supporting data and explanations as called for by the director of the department of management after consultation with the legislative services agency.

2. The estimates of expenditure requirements shall be in a form specified by the director of the department of management, and the expenditure requirements shall include all proposed expenditures and shall be prioritized by program or the results to be achieved. The estimates shall be accompanied by performance measures for evaluating the effectiveness of the programs or results.

Sec. 3. GENERAL ASSEMBLY.

1. The appropriations made pursuant to section 2.12 for the expenses of the general assembly and legislative agencies for the fiscal year beginning July 1, 2010, and ending June 30, 2011, are reduced by the following amount:

..... \$ 5,939,790

2. The budgeted amounts for the general assembly for the fiscal year beginning July 1, 2010, may be adjusted to reflect unexpended budgeted amounts from the previous fiscal year.

Sec. 4. LIMITATION OF STANDING APPROPRIATIONS. Notwithstanding the standing appropriations in the following designated sections for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the amounts appropriated from the general fund of the state pursuant to these sections for the following designated purposes shall not exceed the following amounts:

1. For operational support grants and community cultural grants under section 99F.11, subsection 3, paragraph “d”, subparagraph (1):	\$ 443,300
2. For regional tourism marketing under section 99F.11, subsection 3, paragraph “d”, subparagraph (2):	\$ 862,028
3. For the center for congenital and inherited disorders central registry under section 144.13A, subsection 4, paragraph “a”:	\$ 182,044
4. For primary and secondary child abuse prevention programs under section 144.13A, subsection 4, paragraph “a”:	\$ 217,772
5. For programs for at-risk children under section 279.51:	\$ 11,493,891
The amount of any reduction in this subsection shall be prorated among the programs specified in section 279.51, subsection 1, paragraphs “a”, “b”, and “c”.	
6. For payment for nonpublic school transportation under section 285.2:	\$ 7,060,931
If total approved claims for reimbursement for nonpublic school pupil transportation exceed the amount appropriated in accordance with this subsection, the department of education shall prorate the amount of each approved claim.	
7. For mental health, mental retardation, and developmental disabilities services property tax relief under section 426B.1, subsection 2, as amended in this division of this Act:	\$ 81,199,911
8. For the enforcement of chapter 453D relating to tobacco product manufacturers under section 453D.8:	\$ 19,591
9. For the Iowa power fund under section 469.10, subsection 1:	\$ 19,600,000

Sec. 5. STATE FOUNDATION AID FOR SCHOOLS — FY 2010-2011.

1. Notwithstanding the standing appropriation in section 257.16, subsection 1, for state foundation aid for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the amount appropriated from the general fund of the state pursuant to that section for the following designated purpose shall not exceed the following amount:

For state foundation aid under section 257.16, subsection 1:

.....	\$ 2,499,157,875
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2. There is appropriated from the Iowa comprehensive petroleum underground storage tank fund for state foundation aid for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary to be used for the purposes designated:

In lieu of an equal amount appropriated from the general fund for state foundation aid under section 257.16, subsection 1, as limited by subsection 1 of this section, notwithstanding section 455G.3, subsection 1:

.....	\$ 5,100,000
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3. a. Of the amount designated in this section for state foundation aid, \$314,894,787 is allocated for the teacher salary supplements, the professional development supplements, and the early intervention supplement in accordance with section 257.10, subsections 9 through 11, and section 257.37A. The department of management may adjust the amount allocated pursuant to this subsection in order to reflect any differences resulting from the budget certification process.

b. If the remaining balance of the moneys designated in subsection 1, after the allocation made in paragraph “a” is less than the amount required to pay the remainder of state foundation aid pursuant to section 257.16, subsection 1, the difference shall be deducted from the payments to each school district in the manner provided in section 257.16, subsection 4.

Sec. 6. INSTRUCTIONAL SUPPORT STATE AID — APPROPRIATION. In lieu of the appropriation provided in section 257.20, there is appropriated from the school infrastructure fund created in section 12.82, subsection 1, to the department of education for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For paying instructional support state aid for fiscal year 2010-2011:

..... \$ 7,500,000

Notwithstanding section 257.20, subsection 3, the appropriation made in this lettered paragraph¹ shall be allocated in the same manner as the allocation of the appropriation was made for the same purpose in the previous fiscal year.

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

Sec. 8. PROPERTY TAX CREDIT FUND — PAYMENTS IN LIEU OF GENERAL FUND REIMBURSEMENT.

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

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

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

d. Notwithstanding section 8.33, the surplus existing in the property tax credit fund created pursuant to 2009 Iowa Acts, chapter 179, section 9, at the conclusion of the fiscal year beginning July 1, 2009, and ending June 30, 2010, is transferred to the property tax credit fund created in paragraph “a”.

2. In lieu of the appropriations in the following designated sections, for the fiscal year beginning July 1, 2010, and ending June 30, 2011, there is appropriated from the property tax credit fund the following amounts for the following designated purposes:

a. For reimbursement for the homestead property tax credit under section 425.1:

..... \$ 87,757,913

b. For reimbursement for the family farm and agricultural land tax credits under sections 425A.1 and 426.1:

..... \$ 32,395,131

c. For reimbursement for the military service tax credit under section 426A.1A:

..... \$ 2,400,000

d. For implementing the elderly and disabled tax credit and reimbursement pursuant to sections 425.16 through 425.39:

..... \$ 23,400,000

If the director of revenue determines that the amount of claims for credit for property taxes due pursuant to paragraphs “a”, “b”, “c”, and “d”, plus the amount of claims for reimbursement for rent constituting property taxes paid which are to be paid during the fiscal year may exceed the total amount appropriated, the director shall estimate the percentage of the credits and reimbursements which will be funded by the appropriation. The county treasurer shall notify the director of the amount of property tax credits claimed by June 8, 2010. The director shall estimate the percentage of the property tax credits and rent reimbursement claims that will be funded by the appropriation and notify the county treasurer of the percentage estimate by June 15, 2010. The estimated percentage shall be used in computing for each claim the amount of property tax credit and reimbursement for rent constituting property taxes paid for that fiscal year. If the director overestimates the

¹ According to enrolled Act; the phrase “this section” probably intended

percentage of funding, claims for reimbursement for rent constituting property taxes paid shall be paid until they can no longer be paid at the estimated percentage of funding. Rent reimbursement claims filed after that point in time shall receive priority and shall be paid in the following fiscal year.

Sec. 9. FEDERAL RECOVERY AND REINVESTMENT FUND — ADDITIONAL FUNDING FOR FISCAL YEAR 2010-2011.

1. In lieu of 2010 Iowa Acts, House File 2519,² section 19, if additional funding designated for education stabilization is made available for the fiscal year beginning July 1, 2010, through the state fiscal stabilization fund established pursuant to the federal American Recovery and Reinvestment Act of 2009, Pub. L. No. 111-5, such funding shall be credited to the federal recovery and reinvestment fund created in section 8.41A and is appropriated for the fiscal year beginning July 1, 2010, and ending June 30, 2011, to the departments and agencies that received the funding designated for education stabilization in 2009 Iowa Acts, chapter 183, section 61, subsection 1.

2. a. Except as otherwise provided in paragraph “b”, the amounts of the individual appropriations made in subsection 1 shall be in the same proportion as the individual appropriations in 2009 Iowa Acts, chapter 183, section 61, subsection 1, bear to the total amount appropriated in that provision.

b. (1) The amount appropriated pursuant to subsection 1 for state foundation aid to schools shall not exceed the difference between the amount determined for the standing appropriation for state foundation aid for the fiscal year pursuant to section 257.16, subsection 1, and the amount the standing appropriation was limited to pursuant to this division of this Act.

(2) The amount appropriated for the fiscal year pursuant to subsection 1 for instructional support state aid under section 257.20 shall not exceed \$5,609,950, shall be in addition to the appropriation made in this division of this Act for the same purpose from the school infrastructure fund, and shall be allocated as provided in the school infrastructure fund appropriation.

3. a. Except as provided in subsection 2 for instructional support state aid, the distribution of each appropriation made pursuant to subsection 1 to subunits of the departments and agencies shall also be in the same proportion as the distribution to subunits of the individual appropriations in 2009 Iowa Acts, chapter 183, section 61, subsection 1. However, state foundation aid to school districts shall be distributed based on 2010 Iowa Acts, House File 2519,³ section 20, subsection 1.

b. If good cause exists, as determined by the departments of education and management, in coordination with the office of the governor, adjustments may be made to distribution proportions to the subunits other than as provided in paragraph “a”.

4. The department of management shall report to the chairpersons and ranking members of the appropriations committees of the senate and house of representatives and the legislative services agency concerning any appropriations and distributions made pursuant to this section, within two weeks of such appropriations and distributions being made.

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

For performance of duty by the executive council in sections 7D.29 and 29C.20:
..... \$ 10,583,628

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

Sec. 11. CASH RESERVE FUND APPROPRIATION REQUIREMENTS. Section 8.56, subsections 3 and 4, shall not apply to any appropriation made in this division or any other division of this Act from the cash reserve fund created in section 8.56.

² Chapter 1187 herein

³ Chapter 1187 herein

Sec. 12. CASH RESERVE FUND APPROPRIATION FOR FISCAL YEAR 2010-2011. For the fiscal year beginning July 1, 2010, and ending June 30, 2011, the appropriation to the cash reserve fund provided in section 8.57, subsection 1, paragraph “a”, shall not be made.

Sec. 13. Section 257.35, subsection 5, Code Supplement 2009, is amended to read as follows:

5. Notwithstanding subsection 1, and in addition to the reduction applicable pursuant to subsection 2, the state aid for area education agencies and the portion of the combined district cost calculated for these agencies for each fiscal year of the fiscal period beginning July 1, 2008, and ending June 30, ~~2010~~ 2011, shall be reduced by the department of management by two million five hundred thousand dollars. The reduction for each area education agency for each fiscal year of the fiscal period beginning July 1, 2008, and ending June 30, ~~2010~~ 2011, shall be prorated based on the reduction that the agency received in the fiscal year beginning July 1, 2003.

Sec. 14. Section 426B.1, subsections 2 and 3, Code 2009, are amended to read as follows:

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

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

CASH RESERVE FUND — PERFORMANCE OF DUTY

Sec. 15. 2009 Iowa Acts, chapter 179, section 10, is amended by adding the following new unnumbered paragraph:

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

Sec. 16. EFFECTIVE DATES AND RETROACTIVE APPLICABILITY.

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

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

3. The section of this division of this Act amending 2009 Iowa Acts, chapter 179, section 10, being deemed of immediate importance, takes effect upon enactment.

DIVISION III SALARIES, COMPENSATION, AND RELATED MATTERS

Sec. 17. APPOINTED STATE OFFICERS.

1. The governor shall establish a salary for appointed nonelected persons in the executive branch of state government holding a position enumerated in and within the salary ranges provided in 2008 Iowa Acts, chapter 1191, section 14, by considering, among other items, the experience of the individual in the position, changes in the duties of the position, the incumbent’s performance of assigned duties, and subordinates’ salaries. However, the

attorney general shall establish the salary for the consumer advocate, the chief justice of the supreme court shall establish the salary for the state court administrator, the ethics and campaign disclosure board shall establish the salary of the executive director, and the Iowa public broadcasting board shall establish the salary of the administrator of the public broadcasting division of the department of education, each within the salary range provided in 2008 Iowa Acts, chapter 1191, section 14.

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

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

Sec. 18. COLLECTIVE BARGAINING AGREEMENTS FUNDED. The various state departments, boards, commissions, councils, and agencies, including the state board of regents, for the fiscal year beginning July 1, 2010, and ending June 30, 2011, shall provide from available sources pay adjustments, expense reimbursements, and related benefits to fully fund the following:

1. The collective bargaining agreement negotiated pursuant to chapter 20 for employees in the blue collar bargaining unit.

2. The collective bargaining agreement negotiated pursuant to chapter 20 for employees in the public safety bargaining unit.

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

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

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

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

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

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

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

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

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

12. The collective bargaining agreement negotiated pursuant to chapter 20 for employees in the university of northern Iowa faculty bargaining unit.

13. The collective bargaining agreement negotiated pursuant to chapter 20 for employees in the state university of Iowa graduate student bargaining unit.

14. The collective bargaining agreement negotiated pursuant to chapter 20 for employees in the state university of Iowa hospital and clinics tertiary health care bargaining unit.

15. The annual pay adjustments, related benefits, and expense reimbursements referred to in the sections of this division of this Act addressing noncontract state and state board of regents employees who are not covered by a collective bargaining agreement.

Sec. 19. NONCONTRACT STATE EMPLOYEES — GENERAL.

1. For the fiscal year beginning July 1, 2010:

a. The maximum and minimum salary levels of all pay plans provided for in section 8A.413, subsection 3, as they exist for the fiscal year ending June 30, 2010, shall not increase.

b. Employees shall not receive a step increase or the equivalent of a step increase.

c. The pay plan for noncontract judicial branch employees shall not be increased.

d. The pay plans for state employees who are exempt from chapter 8A, subchapter IV, and who are included in the department of administrative services' centralized payroll system shall not be increased, and any additional changes in any executive branch pay plans shall be approved by the governor.

2. This section does not apply to members of the general assembly, board members, commission members, persons whose salaries are set by the general assembly pursuant to this Act or are set by the governor, or other persons designated in the section of this division of this Act addressing appointed state officers, employees designated under section 8A.412, subsection 5, and employees covered by 11 IAC 53.6(3).

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

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

Sec. 20. STATE EMPLOYEES — STATE BOARD OF REGENTS. For the fiscal year beginning July 1, 2010, and ending June 30, 2011, funds shall be provided from available sources of the state board of regents for funding of collective bargaining agreements for state board of regents employees covered by such agreements and for the following state board of regents employees not covered by a collective bargaining agreement:

1. Regents merit system employees and merit supervisory employees.

2. Faculty members and professional and scientific employees.

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

Sec. 22. SPECIAL FUNDS. For the fiscal year beginning July 1, 2010, and ending June 30, 2011, salary adjustments otherwise provided for in this Act may be funded using departmental revolving, trust, or special funds for which the general assembly has established an operating budget, provided doing so does not exceed the operating budget established by the general assembly.

Sec. 23. FEDERAL FUNDS APPROPRIATED. For the fiscal year beginning July 1, 2010, all federal grants to and the federal receipts of the agencies affected by this division of this Act which are received and may be expended for purposes of this division of this Act are appropriated for those purposes and as set forth in the federal grants or receipts.

Sec. 24. STATE TROOPER MEAL ALLOWANCE. For the fiscal year beginning July 1, 2010, the sworn peace officers in the department of public safety who are not covered by a collective bargaining agreement negotiated pursuant to chapter 20 shall receive the same per diem meal allowance as the sworn peace officers in the department of public safety who are covered by a collective bargaining agreement negotiated pursuant to chapter 20.

Sec. 25. SALARY MODEL ADMINISTRATOR. The salary model administrator shall work in conjunction with the legislative services agency to maintain the state's salary model used for analyzing, comparing, and projecting state employee salary and benefit information, including information relating to employees of the state board of regents. The department of revenue, the department of administrative services, the five institutions

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

Sec. 26. 2008 Iowa Acts, chapter 1191, section 14, subsection 7, is amended to read as follows:

7. The following are range 7 positions: administrator of the public broadcasting division of the department of education, director of the department of corrections, director of the department of education, director of human services, director of the department of economic development, executive director of the Iowa telecommunications and technology commission, executive director of the state board of regents, director of transportation, director of the department of workforce development, director of revenue, director of public health, state court administrator, director of the department of management, chief information officer, state debt coordinator, and director of the department of administrative services.

DIVISION IV APPROPRIATION REDUCTIONS

Sec. 27. APPROPRIATION REDUCTIONS — REPORT.

1. The amounts appropriated from the general fund of the state to the departments and establishments of the executive branch, as defined in section 8.2, but not including appropriations to the state board of regents, for operational purposes in enactments made for the fiscal year beginning July 1, 2010, and ending June 30, 2011, are reduced by \$83,760,500. For purposes of this section, "operational purposes" means salary, support, administrative expenses, or other personnel-related costs. The reductions in appropriations required pursuant to this subsection shall be realized through the implementation of 2010 Iowa Acts, Senate File 2062,⁴ 2010 Iowa Acts, Senate File 2088,⁵ executive order number 20⁶ issued December 16, 2009, and any other efficiency measure. The reductions to operational appropriations required by this subsection shall be applied by the department of management.

2. On or before December 1, 2010, the department of management shall submit a report to the general assembly and the legislative services agency regarding anticipated reductions in appropriations for operational purposes and anticipated reductions in full-time equivalent positions for the fiscal year beginning July 1, 2010, and ending June 30, 2011, as required by this section. In the report, all reductions shall be categorized in one of four categories. The categories shall include the implementation of 2010 Iowa Acts, Senate File 2062;⁷ the implementation of 2010 Iowa Acts, Senate File 2088,⁸ section 65; the implementation of 2010 Iowa Acts, Senate File 2088,⁹ sections 67 and 68; and the implementation of both executive order number 20¹⁰ issued December 16, 2009, and any remaining provisions of 2010 Iowa Acts, Senate File 2088.¹¹

⁴ Chapter 1005 herein

⁵ Chapter 1031 herein

⁶ Published in IAB Vol. XXXII, No. 18, (2/24/2010) p. 2102

⁷ Chapter 1005 herein

⁸ Chapter 1031 herein

⁹ Chapter 1031 herein

¹⁰ Published in IAB Vol. XXXII, No. 18, (2/24/2010) p. 2102

¹¹ Chapter 1031 herein

Sec. 28. CASH RESERVE TRANSFER. For the fiscal year beginning July 1, 2010, and ending June 30, 2011, the department of management may transfer up to five million dollars from the cash reserve fund created in section 8.56 to appropriations addressed by this division for purposes of offsetting the appropriation reductions required in this division. A transfer made pursuant to the authority granted in this section shall be subject to the reporting requirements in section 8.39, subsections 3 and 4.

Sec. 29. DEPARTMENT OF ADMINISTRATIVE SERVICES — INFORMATION TECHNOLOGY. There is appropriated from the general fund of the state to the department of administrative services for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For implementing 2010 Iowa Acts, Senate File 2088, ¹² division I, including salaries, support, maintenance, and miscellaneous purposes:
..... \$ 2,300,000

DIVISION V
STATE FINANCIAL MANAGEMENT DUTIES

Sec. 30. Section 8A.502, subsection 1, Code 2009, is amended to read as follows:

1. Centralized accounting and payroll system. To assume the responsibilities related to a centralized accounting system for state government and to establish a centralized payroll system for all state agencies. However, the state board of regents and institutions under the control of the state board of regents shall not be required to utilize the centralized payroll system.

Sec. 31. Section 8A.502, Code 2009, is amended by adding the following new subsection: NEW SUBSECTION. 8A. *Budget database.* To develop and make available to the public a searchable budget database.

Sec. 32. Section 11.5B, subsection 16, if enacted by 2010 Iowa Acts, Senate File 2367, ¹³ is amended by striking the subsection.

Sec. 33. 2010 Iowa Acts, Senate File 2088, ¹⁴ section 233, is amended to read as follows:

SEC. 233. DEPARTMENT OF ~~MANAGEMENT~~ ADMINISTRATIVE SERVICES — CENTRALIZED PAYROLL SYSTEM. The department of ~~management~~ administrative services shall examine the possibility of merging all state payroll systems into the centralized payroll system operated by the department. The department shall consult with those entities of state government not utilizing the centralized payroll system, including but not limited to the state department of transportation, about strategies for encouraging utilization of the state’s centralized payroll system and by identifying those barriers preventing merging of the payroll systems. The department shall provide information to the joint appropriations subcommittee on administration and regulation concerning efforts by the department to merge payroll systems and any recommendations for legislative action to encourage, or eliminate barriers to, the provision of payroll services by the department to other state agencies.

Sec. 34. 2010 Iowa Acts, Senate File 2088, ¹⁵ section 234, is amended to read as follows:

SEC. 234. DEPARTMENT OF ~~MANAGEMENT~~ ADMINISTRATIVE SERVICES — PAYROLL FREQUENCY. The department of ~~management~~ administrative services shall implement to the greatest extent possible a reduction in the frequency of paying state employees by paying employees through the payroll system on a semimonthly instead of a biweekly basis.

¹² Chapter 1031 herein
¹³ Chapter 1189 herein
¹⁴ Chapter 1031 herein
¹⁵ Chapter 1031 herein

Sec. 35. REPEALS. 2010 Iowa Acts, Senate File 2088,¹⁶ sections 175 through 232, are repealed.

DIVISION VI
CORRECTIVE PROVISIONS

Sec. 36. Section 2.69, subsection 3, as enacted by 2010 Iowa Acts, Senate File 2088,¹⁷ section 420, is amended to read as follows:

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

Sec. 37. Section 16.181A, subsection 1, as enacted by 2010 Iowa Acts, Senate File 2389,¹⁸ is amended to read as follows:

1. There is appropriated from the rebuild Iowa infrastructure fund to the Iowa finance authority for deposit in the housing trust fund created in section 16.181, for the fiscal year beginning July 1, 2009, and ~~ending~~ beginning July 1, 2011, and for each succeeding fiscal year, the sum of three million dollars.

Sec. 38. Section 46.3, subsection 3, Code 2009, as amended by 2010 Iowa Acts, Senate File 2343,¹⁹ section 1, if enacted, is amended to read as follows:

3. ~~A No more than a~~ simple majority of the commissioners appointed shall be of the same gender.

Sec. 39. Section 97D.4, subsection 2, Code 2009, is amended to read as follows:

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

Sec. 40. Section 123.43A, subsection 1, unnumbered paragraph 1, as enacted by 2010 Iowa Acts, Senate File 2088,²⁰ section 84, is amended to read as follows:

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

Sec. 41. Section 162.10D, subsection 2, as enacted by 2010 Iowa Acts, House File 2280,²¹ section 18, is amended to read as follows:

2. The department may require ~~that~~ an owner, operator, or employee of a commercial establishment subject to disciplinary action under subsection 1 to complete a continuing education program as a condition for retaining an authorization. This section does not prevent a person from voluntarily participating in a continuing education program.

Sec. 42. Section 216A.113, subsection 1, as enacted by 2010 Iowa Acts, Senate File 2088,²² section 139, is amended to read as follows:

1. The ~~commission on the deaf~~ of deaf services is established, and shall consist of seven voting members appointed by the governor, subject to confirmation by the senate pursuant to section 2.32. Membership of the commission shall include at least four members who are

¹⁶ Chapter 1031 herein

¹⁷ Chapter 1031 herein

¹⁸ Chapter 1184, §84 herein

¹⁹ Vetoed by governor

²⁰ Chapter 1031 herein

²¹ Chapter 1030 herein

²² Chapter 1031 herein

deaf and who cannot hear human speech with or without use of amplification and at least one member who is hard of hearing. All members shall reside in Iowa.

Sec. 43. Section 216C.9, subsection 1, Code 2009, as amended by 2010 Iowa Acts, Senate File 2202,²³ section 7, if enacted, is amended to read as follows:

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

Sec. 44. Section 256.51, subsection 1, paragraph a, Code 2009, as amended by 2010 Iowa Acts, Senate File 2088,²⁴ section 316, is amended to read as follows:

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

Sec. 45. Section 256F.3, subsection 1, Code 2009, as amended by 2010 Iowa Acts, Senate File 2033,²⁵ section 10, is amended to read as follows:

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

Sec. 46. Section 256F.6, subsection 3, Code 2009, is amended to read as follows:

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

Sec. 47. Section 260C.44, Code 2009, as amended by 2010 Iowa Acts, Senate File 2340,²⁶ section 35, if enacted, is amended to read as follows:

260C.44 Apprenticeship programs.

1. Each community college is authorized to establish or contract for the establishment of apprenticeship programs for apprenticeable occupations. Any apprenticeship program established under this section shall comply with requirements established by the United States department of labor, ~~bureau office of apprenticeship and training~~. Participation in an apprenticeship program or apprenticeship agreement by an apprenticeship sponsor shall be on a voluntary basis.

2. For purposes of this section:

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

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

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

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

Sec. 48. Section 298.4, subsection 2, if enacted by 2010 Iowa Acts, Senate File 2237,²⁷ section 103, is amended to read as follows:

²³ Chapter 1079 herein

²⁴ Chapter 1031 herein

²⁵ Chapter 1001 herein

²⁶ Chapter 1069 herein

²⁷ Chapter 1061 herein

2. Unencumbered funds collected from the levies authorized in sections 96.31, 279.46, and 296.7 prior to July 1, 1991, may be expended for the purposes listed in subsections subsection 1, paragraphs “a”, “c”, and “e”.

Sec. 49. Section 317.1, Code 2009, as amended by 2010 Iowa Acts, Senate File 2340,²⁸ section 86, if enacted, is amended to read as follows:

317.1 Definitions.

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

- a. 1. “Book”, “list”, “record”, or “schedule” kept by a county auditor, assessor, treasurer, recorder, sheriff, or other county officer means the county system as defined in section 445.1.
- b. 2. “Commissioner” means the county weed commissioner or the commissioner’s deputy within each county.

Sec. 50. Section 321J.2, subsection 3, paragraph d, subparagraphs (1) and (2), if enacted by 2010 Iowa Acts, Senate File 431,²⁹ section 1, are amended to read as follows:

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

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

Sec. 51. Section 336.4, Code 2009, as amended by 2010 Iowa Acts, Senate File 2088,³⁰ section 323, is amended to read as follows:

336.4 Library trustees.

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

Sec. 52. Section 421C.2, subsection 8, paragraph b, if enacted by 2010 Iowa Acts, Senate File 2383,³¹ is amended to read as follows:

b. “Third party” means an individual, institution, corporation, or public or private agency which is or may be liable to pay all or part of a debtor’s monetary claim. “Third party” does not include a financial institution as defined in section ~~572.2~~ 527.2.

Sec. 53. Section 435.26B, subsection 1, paragraph c, if enacted by 2010 Iowa Acts, Senate File 2199,³² section 13, is amended to read as follows:

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

²⁸ Chapter 1069 herein

²⁹ Chapter 1124 herein

³⁰ Chapter 1031 herein

³¹ Chapter 1146, §10 herein

³² Chapter 1108 herein

Sec. 54. Section 455B.104, subsection 4, as enacted by 2010 Iowa Acts, Senate File 2088,³³ section 258, is amended to read as follows:

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

Sec. 55. Section 476.53, subsection 2, paragraph a, Code 2009, as amended by 2010 Iowa Acts, House File 2399,³⁴ section 2, if enacted, is amended to read as follows:

a. The general assembly's intent with regard to the development of electric power generating and transmission facilities, or the significant alteration of an existing generating facility₂, as provided in subsection 1, shall be implemented in a manner that is cost-effective and compatible with the environmental policies of the state, as expressed in Title XI.

Sec. 56. Section 489.116, subsection 4, as amended by 2010 Iowa Acts, House File 2478,³⁵ section 5, if enacted, is amended to read as follows:

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

Sec. 57. Section 489.1005, subsection 2, Code 2009, is amended to read as follows:

2. A surviving organization that is a foreign organization consents to the jurisdiction of the courts of this state to enforce any debt, obligation, or other liability owed by a constituent organization, if before the merger the constituent organization was subject to suit in this state on the debt, obligation, or other liability. A surviving organization that is a foreign organization and not authorized to transact business in this state appoints the secretary of state as its registered agent for service of process for the purposes of enforcing a debt, obligation, or other liability under this subsection. Service on the secretary of state under this subsection must be made in the same manner and has the same consequences as in section 489.116, subsections ~~3~~ 2 and ~~4~~ 3.

Sec. 58. Section 489.1009, subsection 3, Code 2009, is amended to read as follows:

3. A converted organization that is a foreign organization consents to the jurisdiction of the courts of this state to enforce any debt, obligation, or other liability for which the converting limited liability company is liable if, before the conversion, the converting limited liability company was subject to suit in this state on the debt, obligation, or other liability. A converted organization that is a foreign organization and not authorized to transact business in this state appoints the secretary of state as its registered agent for service of process for purposes of enforcing a debt, obligation, or other liability under this subsection. Service on the secretary of state under this subsection must be made in the same manner and has the same consequences as in section 489.116, subsections ~~3~~ 2 and ~~4~~ 3.

Sec. 59. Section 489.1013, subsection 2, Code 2009, is amended to read as follows:

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

³³ Chapter 1031 herein

³⁴ Chapter 1176 herein

³⁵ Chapter 1100 herein

Sec. 60. Section 508C.3, subsection 1, paragraph b, subparagraph (2), subparagraph division (b), Code 2009, as amended by 2010 Iowa Acts, Senate File 2272,³⁶ section 1, if enacted, is amended to read as follows:

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

Sec. 61. Section 514C.26, subsection 1, paragraph c, subparagraph (2), subparagraph division (j), as enacted by 2010 Iowa Acts, House File 2075,³⁷ section 1, is amended to read as follows:

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

Sec. 62. Section 543B.29, subsection 1, paragraph e, subparagraph (2), if enacted by 2010 Iowa Acts, Senate File 2326,³⁸ section 5, is amended to read as follows:

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

Sec. 63. Section 562A.29A, subsection 1, paragraph b, as enacted by 2010 Iowa Acts, Senate File 2300,³⁹ section 3, is amended to read as follows:

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

Sec. 64. Section 685.6, subsection 9, paragraph d, as enacted by 2010 Iowa Acts, Senate File 2088,⁴⁰ section 343, is amended to read as follows:

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

Sec. 65. Section 692A.102, subsection 1, paragraph c, subparagraph (30), Code Supplement 2009, is amended to read as follows:

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

Sec. 66. Section 805.6, subsection 3, paragraph a, if enacted by 2010 Iowa Acts, Senate File 2340,⁴¹ section 63, is amended to read as follows:

a. The uniform citation and complaint shall contain spaces for the parties' names; the address of the alleged offender; the registration number of the offender's vehicle; the information required by section 805.2, a warning which states; I hereby swear and affirm that the information provided by me on this citation is true under penalty of providing false information; and a statement that providing false information is a violation of section

³⁶ Chapter 1063 herein

³⁷ Chapter 1013 herein

³⁸ Chapter 1068 herein

³⁹ Chapter 1017 herein

⁴⁰ Chapter 1031 herein

⁴¹ Chapter 1069 herein

719.3; a list of the scheduled fines prescribed by sections 805.8A, 805.8B, and 805.8C, either separately or by group, and a statement of the court costs payable in scheduled violation cases, whether or not a court appearance is required or is demanded; a brief explanation of sections 805.9 and 805.10; and a space where the defendant may sign an admission of the violation when permitted by section 805.9; and the uniform citation and complaint shall require that the defendant appear before a court at a specified time and place. The uniform citation and complaint also may contain a space for the imprint of a credit card, and may contain any other information which the commissioner of public safety, the director of transportation, and the director of the department of natural resources may determine.

Sec. 67. Section 805.6, subsection 7, Code Supplement 2009, as amended by 2010 Iowa Acts, Senate File 2340,⁴² section 63, if enacted, is amended to read as follows:

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

Sec. 68. Section 901A.1, subsection 1, paragraph c, Code 2009, is amended to read as follows:

c. Enticing a minor away in violation of section 710.10, subsection 1.

Sec. 69. The portion of 2010 Iowa Acts, House File 2399,⁴³ section 2, if enacted, that enacts section 476.53, subsection 3, paragraph a, subparagraph (1), unnumbered paragraph 1, is amended by striking the unnumbered paragraph and inserting in lieu thereof the following:

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

Sec. 70. 2010 Iowa Acts, Senate File 431,⁴⁴ section 5, if enacted, is amended by striking the section and inserting in lieu thereof the following:

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

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

Sec. 71. 2010 Iowa Acts, Senate File 2237,⁴⁵ section 180, subsection 4, paragraph a, as enacted, is amended to read as follows:

a. The Code editor is directed to strike the words “title” or “Title” and insert “Tit.” within federal Act references in sections 13.31, subsections 1 and 6; 15E.192, subsection 2; 15E.195, subsections 1 and 2; 30.1, subsection 3; 47.1, subsection 5; 96.11, subsection 10, paragraph “c”; 97C.1; 97C.2, subsections 2, 5, and 7; 97C.3, unnumbered paragraph 1, and subsections 1 and 2; 135C.9, subsection 1, paragraph “b”; 142A.8, subsection 2; 203C.1, subsection 26; 207.21, subsections 1, 4, and 5; 207.22, subsection 3, paragraph “b”; 217.38; 228.1, subsection 7; 230.20, subsection 6; 232.1A; 234.6, subsection 1; 249.1, subsection 3; 249A.2, subsections 1, 4, 6, 7, and 8; 249A.20A, subsection 5; 249A.24, subsection 2, paragraph “b”; 249B.1, subsections 6 and 7; 249F.1, subsection 1; 249F.8; 249J.3, subsection 8; 249J.10, subsection 3; 249J.22, subsection 3; 252B.6, subsection 3; 252B.9, subsection 2, paragraph “b”, subparagraph (1), subsection 3, paragraphs “c”, “d”, “e”, subparagraph (1), and “f”; 252B.14, subsection 5; 252D.20; 252E.15; 259.2, unnumbered paragraph 2; 259.9; 260C.18A,

⁴² Chapter 1069 herein

⁴³ Chapter 1176 herein

⁴⁴ Chapter 1124 herein

⁴⁵ Chapter 1061 herein

subsection 2, paragraph “c”; 306B.1, subsections 3 and 4; 307.10, subsection 13; 321.105, subsection 5; 321.450, subsections 1 and 3; 403.6, subsection 7; 455B.133, subsection 3 and subsection 8, paragraph “a”; 459A.102, subsection 19; 483A.4, subsection 1; 486A.101, subsection 2, paragraph “a”; 488.102, subsection 3, paragraph “a”; 490A.102, subsection 2; 514.7, subsections 2 through 4; 514B.1, subsection 5, paragraphs “b” ~~though~~ through “d”; 514C.8, subsection 1; 514F.4, subsection 2, paragraph “a”; 514I.9, subsection 1; 523A.401, subsection 5, paragraph “a”; 523A.402, subsection 5, paragraph “a”; 523A.602, subsection 3; 534.205, subsection 1; 541A.1, subsection 8, paragraph “b”, subparagraph (2); and 541A.6, Code 2009.

Sec. 72. 2010 Iowa Acts, Senate File 2366,⁴⁶ section 16, if enacted, is amended to read as follows:

SEC. 16. EFFECTIVE DATE — APPLICABILITY. ~~This section~~ The sections of this division of this Act providing for transfers involving the college student aid commission and the department of inspections and appeals are retroactively applicable to December 14, 2009, and apply in lieu of the transfers made for the same purposes by the executive branch, as reported by the department of management in the transfer notices dated December 14, 2009.

Sec. 73. 2010 Iowa Acts, Senate File 2366,⁴⁷ section 23, subsection 2, if enacted, is amended to read as follows:

2. The costs associated with implementation of this division of this Act shall be funded exclusively through moneys appropriated from the quality assurance trust fund, and shall result in budget neutrality to the general fund of the state for the fiscal year beginning July 1, 2009, and ending June 30, 2010.

Sec. 74. REPEAL. 2010 Iowa Acts, House File 2280,⁴⁸ section 25, is repealed.

Sec. 75. REPEAL. 2010 Iowa Acts, House File 2452,⁴⁹ section 3, is repealed.

Sec. 76. REPEAL. 2010 Iowa Acts, Senate File 2340,⁵⁰ section 117, is repealed.

Sec. 77. CONDITIONAL EFFECTIVE DATE. The sections of this division of this Act amending sections 489.1005, 489.1009, and 489.1013, take effect only if 2010 Iowa Acts, House File 2478,⁵¹ is enacted.

Sec. 78. CONDITIONAL EFFECTIVE DATE. The sections of this division of this Act amending section 692A.102, subsection 1, paragraph “c”, subparagraph (30), and section 901A.1, subsection 1, paragraph “c”, take effect only if 2010 Iowa Acts, House File 2438,⁵² is enacted.

Sec. 79. CONTINGENT EFFECTIVE DATE. The section of this division of this Act amending section 805.6, subsection 7, takes effect only if 2010 Iowa Acts, Senate File 2197,⁵³ is enacted.

Sec. 80. EFFECTIVE UPON ENACTMENT AND RETROACTIVE APPLICABILITY. The following sections of this division of this Act, being deemed of immediate importance, take effect upon enactment and apply retroactively as follows:

1. The section of this division of this Act amending section 162.10D, subsection 2, as enacted by 2010 Iowa Acts, House File 2280,⁵⁴ section 18, applies retroactively to March 9, 2010.

⁴⁶ Chapter 1182 herein

⁴⁷ Chapter 1182 herein

⁴⁸ Chapter 1030 herein

⁴⁹ Chapter 1097 herein

⁵⁰ Chapter 1069 herein

⁵¹ Chapter 1100 herein

⁵² Chapter 1129 herein

⁵³ Chapter 1078 herein

⁵⁴ Chapter 1030 herein

2. The section of this division of this Act amending section 216A.113, subsection 1, as enacted by 2010 Iowa Acts, Senate File 2088,⁵⁵ section 139, applies retroactively to March 10, 2010.

3. The section of this division of this Act amending section 256.51, subsection 1, paragraph “a”, Code 2009, as amended by 2010 Iowa Acts, Senate File 2088,⁵⁶ section 316, applies retroactively to March 10, 2010.

4. The section of this division of this Act amending section 435.26B, subsection 1, paragraph “c”, if enacted by 2010 Iowa Acts, Senate File 2199,⁵⁷ section 13, applies retroactively to the effective date of 2010 Iowa Acts, Senate File 2199.⁵⁸

5. The section of this division of this Act amending section 562A.29A, subsection 1, paragraph “b”, as enacted by 2010 Iowa Acts, Senate File 2300,⁵⁹ section 3, applies retroactively to March 2, 2010.

6. The section of this division of this Act amending the portion of 2010 Iowa Acts, House File 2399,⁶⁰ section 2, that enacts section 476.53, subsection 3, paragraph “a”, subparagraph (1), unnumbered paragraph 1, applies retroactively to March 9, 2010.

7. The section of this division of this Act repealing 2010 Iowa Acts, House File 2280,⁶¹ section 25, applies retroactively to March 9, 2010.

8. The section of this division of this Act amending 2010 Iowa Acts, Senate File 2366,⁶² section 16.

Sec. 81. EFFECTIVE DATE. The following sections of this division of this Act take effect December 1, 2010:

1. The section of this division of this Act amending section 321J.2, subsection 3, paragraph “d”, subparagraphs (1) and (2), if enacted by 2010 Iowa Acts, Senate File 431,⁶³ section 1.

2. The section of this division of this Act repealing 2010 Iowa Acts, House File 2452,⁶⁴ section 3, if 2010 Iowa Acts, Senate File 431,⁶⁵ is enacted.

3. The section of this division of this Act amending 2010 Iowa Acts, Senate File 431,⁶⁶ section 5, if 2010 Iowa Acts, Senate File 431,⁶⁷ is enacted.

DIVISION VII MISCELLANEOUS PROVISIONS AND APPROPRIATIONS

Sec. 82. DEPARTMENT OF CULTURAL AFFAIRS — MERCHANT MARINE BONUS FUND. There is appropriated from the merchant marine bonus fund of the state to the department of cultural affairs for the fiscal year beginning July 1, 2010, and ending June 30, 2011, any moneys remaining in the fund after the appropriation made pursuant to 2010 Iowa Acts, House File 2526,⁶⁸ to be used for any costs relating to a study of the U.S.S. Iowa and for departmental salaries, support, maintenance, and miscellaneous purposes.

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

Sec. 83. IOWA COMPREHENSIVE PETROLEUM UNDERGROUND STORAGE TANK FUND — APPROPRIATIONS. There is appropriated from the Iowa comprehensive petroleum underground storage tank fund created in section 455G.3 to the following departments and agencies for the fiscal year beginning July 1, 2010, and ending June 30,

⁵⁵ Chapter 1031 herein

⁵⁶ Chapter 1031 herein

⁵⁷ Chapter 1108 herein

⁵⁸ Chapter 1108 herein

⁵⁹ Chapter 1017 herein

⁶⁰ Chapter 1176 herein

⁶¹ Chapter 1030 herein

⁶² Chapter 1182 herein

⁶³ Chapter 1124 herein

⁶⁴ Chapter 1097 herein

⁶⁵ Chapter 1124 herein

⁶⁶ Chapter 1124 herein

⁶⁷ Chapter 1124 herein

⁶⁸ Chapter 1192 herein

2011, the following amounts, or so much thereof as is necessary, to be used for the purposes designated, notwithstanding section 455G.3, subsection 1:

1. DEPARTMENT OF PUBLIC HEALTH — BOARD OF PHARMACY

For continuation of the pharmaceutical collection and disposal pilot program established pursuant to 2009 Iowa Acts, chapter 175, section 9:

..... \$ 150,000

2. DEPARTMENT OF ADMINISTRATIVE SERVICES

For costs associated with providing autism spectrum disorders coverage pursuant to section 514C.26, as enacted by this Act:

..... \$ 140,000

3. STATE BOARD OF REGENTS

a. For the state school for the deaf:

..... \$ 233,000

b. For Iowa braille and sight saving school:

..... \$ 137,000

4. DEPARTMENT OF EDUCATION — VOCATIONAL REHABILITATION SERVICES DIVISION

For a program for farmers with disabilities:

..... \$ 97,000

The funds appropriated in this subsection shall be used for the public purpose of providing a grant to a national nonprofit organization with over 80 years of experience in assisting children and adults with disabilities and special needs. The funds shall be used for a nationally recognized program that began in 1986 and has been replicated in at least 30 other states, but which is not available through any other entity in this state, that provides assistance to farmers with disabilities in all 99 counties to allow the farmers to remain in their own homes and be gainfully engaged in farming through provision of agricultural worksite and home modification consultations, peer support services, services to families, information and referral, and equipment loan services. Notwithstanding section 8.33, moneys appropriated in this section⁶⁹ that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

5. DEPARTMENT OF HUMAN SERVICES

For restoring for the fiscal year beginning July 1, 2010, a portion of the reimbursement rate reduction that was applied in the previous fiscal year to adoption, family foster care, group foster care, and supervised apartment living services providers, to implement appropriations reductions applied pursuant to executive order number 19⁷⁰ issued October 8, 2010:⁷¹

..... \$ 1,000,000

The department shall increase the reimbursement rates otherwise specified in 2010 Iowa Acts, House File 2526,⁷² if enacted, for the designated services providers by an equal percentage in order to fully utilize the amount appropriated in this subsection.

6. DEPARTMENT OF COMMERCE — DIVISION OF INSURANCE

For costs associated with establishing the Iowa insurance information exchange pursuant to section 505.32, if enacted by 2010 Iowa Acts, Senate File 2356:⁷³

..... \$ 150,000

Sec. 84. FISCAL YEAR 2009-2010 — APPROPRIATIONS. There is appropriated from the general fund of the state to the following departments and agencies for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. DEPARTMENT OF MANAGEMENT

For salaries, support, maintenance, and miscellaneous purposes:

..... \$ 200,000

⁶⁹ According to enrolled Act; the word "subsection" probably intended
⁷⁰ Published in IAB Vol. XXXII, No. 9, (10/21/09) p. 1139
⁷¹ According to enrolled Act; the year "2009" probably intended
⁷² Chapter 1192 herein
⁷³ Chapter 1134, §7 herein

2. DEPARTMENT OF REVENUE

For the duties of the office of the state debt coordinator established in 2010 Iowa Acts, Senate File 2383, ⁷⁴ if enacted, including salaries, support, maintenance, services, advertising, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	300,000
.....	FTEs	3.00

For the period beginning on the effective date of the section establishing the debt amnesty program in 2010 Iowa Acts, Senate File 2383, ⁷⁵ through November 30, 2010, or when the program is ended, whichever is later, an amount of the proceeds collected by the program equal to the administrative, advertising, and other costs of the program shall be considered repayment receipts, as defined in section 8.2, and shall be used by the office of the state debt coordinator for those costs.

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

Sec. 85. SAC AND FOX INDIAN SETTLEMENT — EDUCATIONAL EXPENSES. There is appropriated from the Iowa comprehensive petroleum underground storage tank fund to the department of education for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

Notwithstanding section 455G.3, subsection 1, for distribution to the tribal council of the Sac and Fox Indian settlement located on land held in trust by the secretary of the interior of the United States. Moneys appropriated under this section shall be used for the purposes specified in section 256.30:

.....	\$	90,000
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Sec. 86. SCHOOL READY CHILDREN GRANT REQUIREMENT. For the fiscal year beginning July 1, 2010, and ending June 30, 2011, the early childhood Iowa state board may grant a school ready children grant waiver as to the required percentage of family support program to be committed to a home visitation component to an early childhood Iowa area that is funding the teaching interventions to empower and strengthen families program and is more than 10 percent away from meeting the required percentage.

Sec. 87. MEDICAID FRAUD ACCOUNT — DEPARTMENT OF INSPECTIONS AND APPEALS. There is appropriated from the Medicaid fraud account created in section 249A.7 to the department of inspections and appeals for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, miscellaneous purposes, administration, and other costs associated with implementation of 2010 Iowa Acts, Senate File 2333, ⁷⁶ if enacted:

.....	\$	250,000
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Sec. 88. TAIWAN TRADE OFFICE — IOWA COMPREHENSIVE PETROLEUM UNDERGROUND STORAGE TANK FUND. There is appropriated from the Iowa comprehensive petroleum underground storage tank fund to the department of economic development for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

Notwithstanding section 455G.3, subsection 1, for establishing a trade office in Taipei, Taiwan:

.....	\$	100,000
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If the department cannot arrange for matching moneys from another source in an amount at least equal to the appropriation made in this section, the moneys appropriated in this section

⁷⁴ Chapter 1146 herein
⁷⁵ Chapter 1146 herein
⁷⁶ Chapter 1177 herein

shall revert to the Iowa comprehensive petroleum underground storage tank fund.

Sec. 89. INSURANCE DIVISION. There is appropriated from the department of commerce revolving fund created in section 546.12 to the insurance division of the department of commerce for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

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

.....	\$	55,000
.....	FTEs	1.00

Sec. 90. CASH RESERVE FUND APPROPRIATIONS. There is appropriated from the cash reserve fund created in section 8.56 to the following departments and agencies for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amounts to be used for the purposes designated:

1. DEPARTMENT OF HUMAN SERVICES

For the medical assistance program:

.....	\$	187,800,000
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2. DEPARTMENT OF MANAGEMENT

For salaries, support, maintenance, and miscellaneous purposes:

.....	\$	260,000
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3. DEPARTMENT OF EDUCATION

a. To provide funding in addition to the amount appropriated in 2010 Iowa Acts, Senate File 2376,⁷⁷ section 6, subsection 14, for allocation to eligible school districts for the four-year-old preschool program under chapter 256C:

.....	\$	4,000,000
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b. For school districts to provide direct services to the most at-risk senior high school students enrolled in school districts through direct intervention by a jobs for America's graduates specialist:

.....	\$	540,000
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4. DEPARTMENT OF NATURAL RESOURCES

For operations, notwithstanding restrictions otherwise applicable under 2010 Iowa Acts, House File 2525,⁷⁸ relating to private buildings, if enacted:

.....	\$	300,000
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5. DEPARTMENT OF HUMAN SERVICES

For funding of shelter care in addition to the amount allocated for this purpose in the appropriation for child and family services in 2010 Iowa Acts, House File 2526,⁷⁹ if enacted:

.....	\$	500,000
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6. OFFICE OF ENERGY INDEPENDENCE

For deposit in the Iowa power fund:

.....	\$	2,000,000
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7. IOWA FINANCE AUTHORITY

a. To a county with a population between 189,000 and 196,000 in the last preceding certified federal census for rehabilitation of a flood damaged public service center:

.....	\$	4,500,000
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b. To a city with a population between 120,500 and 120,800 in the last preceding certified federal census for rehabilitation and renovation of a federal courthouse and to meet federal flood mitigation standards:

.....	\$	2,100,000
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⁷⁷ Chapter 1183 herein

⁷⁸ Chapter 1191 herein

⁷⁹ Chapter 1192 herein

Sec. 91. APPROPRIATION ADJUSTMENTS — DEPARTMENT OF ADMINISTRATIVE SERVICES. The appropriations to the department of administrative services for the fiscal year beginning July 1, 2010, in 2010 Iowa Acts, Senate File 2367,⁸⁰ from the general fund of the state shall be increased by \$2,761,100. The number of full-time equivalent positions authorized for the department of administrative services for the fiscal year beginning July 1, 2010, in 2010 Iowa Acts, Senate File 2367,⁸¹ shall be increased by 34.40.

Sec. 92. APPROPRIATION ADJUSTMENTS — DEPARTMENT OF MANAGEMENT. The appropriations to the department of management for the fiscal year beginning July 1, 2010, in 2010 Iowa Acts, Senate File 2367,⁸² from the general fund of the state shall be decreased by \$2,761,100. The number of full-time equivalent positions authorized for the department of management for the fiscal year beginning July 1, 2010, in 2010 Iowa Acts, Senate File 2367,⁸³ shall be decreased by 34.40.

Sec. 93. RAILROAD COMPANY — LIMITED LIABILITY. A railroad company which alters facilities described in section 327F.2 pursuant to a written agreement executed on or before December 31, 2011 with a political subdivision with a population of more than 15,100, but less than 15,150, according to the 2000 certified federal census, to construct a flood mitigation project shall receive the limitation on liability contained in section 670.4, subsection 8, for its facilities described in section 327F.2 governed by the written agreement for any damages caused by the alteration due to a flood.

Sec. 94. IOWA PHARMACY RECOVERY NETWORK. The board of pharmacy may use fees retained by the board pursuant to the authority granted in section 147.82 for purposes of supporting the Iowa pharmacy recovery network.

Sec. 95. RENEWABLE BIOMASS. It is the intent of the general assembly that the Iowa power fund board and the department of economic development use moneys appropriated to the Iowa power fund and the department of economic development to encourage projects utilizing biomass made from renewable biomass to produce inputs for agricultural purposes that replace products that are produced using fossil fuels as the raw materials. The projects shall include but not be limited to products such as anhydrous ammonia.

Sec. 96. DEPARTMENT OF CULTURAL AFFAIRS. The department of cultural affairs, in its capacity as the state historic preservation officer and consulting party for the purpose of satisfying the requirements of the federal National Historic Preservation Act, shall be no more restrictive than the federal agency for which it is acting as such consulting party.

Sec. 97. BRAILLE AND SIGHT SAVING SCHOOL STUDY.

1. The state board of regents shall conduct a study to examine possible changes to and make recommendations regarding the current structure for providing residential services on the campus of the Iowa braille and sight saving school and to make recommendations regarding appropriate facilities and facility utilization. The study shall also examine potential partnerships with other state agencies as well as private providers of residential services.

2. For purposes of conducting the study, the state board of regents shall form a committee with representatives of all of the following:

- a. Parents of students who are blind or visually impaired.
- b. Constituent organizations for the blind or visually impaired.
- c. The department of education.
- d. The department for the blind.
- e. The department of human services.
- f. Area education agencies.
- g. School boards and school board administrators.
- h. The governor's developmental disabilities council.

⁸⁰ Chapter 1189 herein

⁸¹ Chapter 1189 herein

⁸² Chapter 1189 herein

⁸³ Chapter 1189 herein

- i. Administration of the statewide system for vision services.
- j. Administration of the Iowa school for the deaf.
3. By August 31, 2010, the state board of regents shall submit a report of the study to the legislative council.

Sec. 98. PUBLIC LIBRARY SUPPORT LEVY — ELECTION DATE.

1. Notwithstanding the election date required under section 384.12, subsections 1 and 21, a city may submit a proposition relating to a public library property tax levy to the electorate on a date specified in section 39.2, subsection 4, paragraph “b”, if all of the following conditions are met:

a. The city is located in whole or in part in an area that the governor proclaimed a disaster emergency or the president of the United States declared a major disaster, as the result of a natural disaster occurring during the period of time beginning May 1, 2008, and ending August 1, 2008.

b. The city contains a public library that was damaged by the natural disaster described in paragraph “a”.

2. An election under subsection 1 shall be held not later than August 2, 2011.

Sec. 99. MH/MR/DD SERVICES FUND TRANSFER. Notwithstanding section 331.424A, subsection 5, and section 331.432, subsection 3, for the fiscal year beginning July 1, 2010, and ending June 30, 2011, a county may transfer moneys from other funds of the county to the county’s mental health, mental retardation, and developmental disabilities services fund created in section 331.424A. A county transferring moneys from other funds of the county to the county’s services fund pursuant to this section shall submit a report detailing the transfers made and funds affected. The county shall submit the report along with the county expenditure and information report submitted by December 1, 2010, in accordance with section 331.439.

Sec. 100. PLUMBERS, MECHANICAL PROFESSIONALS, AND CONTRACTORS — EFFECTIVE UPON ENACTMENT.

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

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

Sec. 101. LIMITED LIABILITY COMPANIES — BIENNIAL REPORTS.

1. The biennial report fee, as determined by the secretary of state in accordance with section 490A.1320, subsection 1, received for reports filed on or after July 1, 2006, shall be credited to the general fund of the state. The biennial report fee shall be due at the time the report is filed. On or after July 1, 2006, such biennial reports shall be due in even-numbered calendar years during the period beginning January 1, and ending April 1, and shall contain information relating to the two-year period immediately preceding the calendar year in which the report is filed.

2. a. This section, being deemed of immediate importance, takes effect upon enactment and applies retroactively to July 1, 2006.

b. A limited liability company that has not filed the biennial report for 2008 or 2010 shall file such report on or before June 30, 2010.

Sec. 102. Section 8D.13, subsection 5, Code 2009, is amended to read as follows:

5. a. The state shall lease all fiberoptic cable facilities or facilities with ~~DS-3~~ sufficient capacity as determined by the commission for Part III connections, ~~for which state funding is provided. The state shall lease all fiberoptic cable facilities or facilities with DS-3 or DS-1 capacity for the judicial branch, judicial district department departments of correctional services, and state agency connections for which state funding is provided. In determining the capacity to be provided, the commission shall consult with the authorized users~~

associated with the Part III connections, the judicial branch, the judicial district departments of correctional services, and state agencies associated with connections for which state funding is provided. Such facilities shall be leased from qualified providers. The state shall not own such facilities, except for those facilities owned by the state as of January 1, 1994.

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

Sec. 103. Section 16.100A, subsection 6, paragraph d, Code Supplement 2009, is amended to read as follows:

d. General public members shall be reimbursed by the Iowa finance authority for actual and necessary expenses incurred while engaged in their official duties. ~~Expense payments shall be made from appropriations made for purposes of this section.~~

Sec. 104. Section 16.181, subsection 1, paragraph a, Code Supplement 2009, is amended to read as follows:

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

Sec. 105. NEW SECTION. 16.188 Workforce housing assistance grant fund.

1. A workforce housing assistance grant fund is created under the authority of the Iowa finance authority. The fund shall consist of appropriations made to the fund. The fund shall be separate from the general fund of the state and the balance in the fund shall not be considered part of the balance of the general fund of the state. However, the fund shall be considered a special account for the purposes of section 8.53, relating to generally accepted accounting principles.

2. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the fund shall be credited to the fund.

3. *a.* Moneys in the fund in a fiscal year are appropriated to the Iowa finance authority to be used for grants for projects that create workforce housing or for projects that include adaptive reuse of buildings for workforce housing. For purposes of this section, "*workforce housing*" means housing that is affordable for a household whose income does not exceed one hundred twenty percent of the median income for the area.

b. Priority shall be given to the following types of projects:

(1) Projects that are eligible for historic preservation and cultural and entertainment district tax credits under section 404A.1.

(2) Projects for the construction of new single-family dwellings that incorporate one or more energy-efficient measures. The authority shall by rule identify the types of energy-efficient measures that will qualify a project for priority under this subparagraph.

(3) Projects that utilize new markets tax credits, established under the federal Community Renewal Tax Relief Act of 2000, Pub. L. No. 106-554, 114 Stat. 2763A, and undertaken by a qualified community development entity, as defined in the federal Act.

(4) Projects that are located in an area where other state funding has been used to support the creation of new jobs.

c. In any fiscal year, an area shall not receive grants totaling more than twenty-five percent of the moneys expended from the fund in that fiscal year. For purposes of this paragraph, "*area*" means the same area used to determine the median income under paragraph "*a*".

4. Annually, on or before January 15 of each year, the authority shall report to the legislative services agency and the department of management the status of all projects that received moneys from the workforce housing assistance grant fund. The report shall include a description of each project, the progress of work completed, the total estimated cost of

each project, a list of all revenue sources being used to fund each project, the amount of funds expended, the amount of funds obligated, and the date each project was completed or an estimated completion date of each project, where applicable.

5. Payment of moneys from appropriations from the fund shall be made in a manner that does not adversely affect the tax exempt status of any outstanding bonds issued by the treasurer of state pursuant to section 12.87.

6. The authority shall adopt rules pursuant to chapter 17A to administer this section.

**Sec. 106. Section 469.9, Code Supplement 2009, is amended by adding the following new subsection:*

***NEW SUBSECTION.** 4A. a. During the period of funding for the Iowa power fund as provided in section 469.10, the office of energy independence shall collect data on all grants and loans approved for funding. The department of management and the state agencies associated with the grants and loans shall assist the office with the data collection and in developing the report required by this subsection. The office shall report quarterly to the governor and the general assembly concerning the data.*

b. The report shall include but is not limited to all of the following:

(1) The nature of each grant or loan and its purpose.

(2) The status of each grant or loan and the amount and percentage of power fund moneys expended for the grant or loan.

(3) The outside funding that is matched or leveraged by power fund moneys.

(4) The number of jobs created or retained due to each grant or loan.

(5) For each grant or loan, the names of the grant or loan contractors, their state of residence, and the state of residence of the contractors' employees.

*c. The office shall maintain an internet site that allows citizens to track data on a county-by-county basis.**

Sec. 107. Section 20.19, Code 2009, is amended to read as follows:

20.19 Impasse procedures — agreement of parties.

1. As the first step in the performance of their duty to bargain, the public employer and the employee organization shall endeavor to agree upon impasse procedures. Such agreement shall provide for implementation of these impasse procedures not later than one hundred twenty days prior to the certified budget submission date of the public employer. However, if public employees represented by the employee organization are teachers licensed under chapter 272, and the public employer is a school district or area education agency, the agreement shall provide for implementation of impasse procedures not later than one hundred twenty days prior to May 31 of the year when the collective bargaining agreement is to become effective. If the public employer is a community college, the agreement shall provide for implementation of impasse procedures not later than one hundred twenty days prior to May 31 of the year when the collective bargaining agreement is to become effective. If the public employer is not subject to the budget certification requirements of section 24.17 and other applicable sections, the agreement shall provide for implementation of impasse procedures not later than one hundred twenty days prior to the date the next fiscal or budget year of the public employer commences. If the parties fail to agree upon impasse procedures under the provisions of this section, the impasse procedures provided in sections 20.20 to 20.22 shall apply.

2. Parties who by agreement are utilizing a cooperative alternative bargaining process shall, at the outset of such process, agree upon a method and schedule for the completion of impasse procedures should they fail to reach a collective bargaining agreement through the use of such alternative bargaining process.

Sec. 108. Section 20.20, Code 2009, is amended to read as follows:

20.20 Mediation.

In the absence of an impasse agreement negotiated pursuant to section 20.19 or the failure of either party to utilize its procedures, one hundred twenty days prior to the certified budget

* Item veto; see message at end of the Act

submission date, or one hundred twenty days prior to May 31 of the year when the collective bargaining agreement is to become effective if public employees represented by the employee organization are teachers licensed under chapter 272 and the public employer is a school district or area education agency, the board shall, upon the request of either party, appoint an impartial and disinterested person to act as mediator. If the public employer is a community college, and in the absence of an impasse agreement negotiated pursuant to section 20.19 or the failure of either party to utilize its procedures, one hundred twenty days prior to May 31 of the year when the collective bargaining agreement is to become effective, the board, upon the request of either party, shall appoint an impartial and disinterested person to act as mediator. If the public employer is not subject to the budget certification requirements of section 24.17 or other applicable sections and in the absence of an impasse agreement negotiated pursuant to section 20.19, or the failure of either party to utilize its procedures, one hundred twenty days prior to the date the next fiscal or budget year of the public employer commences, the board, upon the request of either party, shall appoint an impartial and disinterested person to act as a mediator. It shall be the function of the mediator to bring the parties together to effectuate a settlement of the dispute, but the mediator may not compel the parties to agree.

Sec. 109. Section 99B.12A, unnumbered paragraph 1, Code 2009, is amended to read as follows:

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

Sec. 110. Section 99B.17, Code 2009, is amended to read as follows:

99B.17 Gambling on credit unlawful — exception.

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

2. A participant in a raffle conducted by an eligible qualified organization may purchase raffle tickets by personal check, money order, bank check, cashier's check, electronic check, or debit card for one raffle conducted by the eligible qualified organization during a calendar year. The department shall adopt rules setting minimum standards concerning the purchase of raffle tickets as authorized by this subsection which shall ensure compliance with applicable federal law and for the protection of personal information consistent with payment card industry compliance regulations. For purposes of this subsection, an "eligible qualified organization" is a qualified organization that has conducted a raffle pursuant to section 99B.7 during the previous eight consecutive calendar years in which the net proceeds are distributed to a museum.

Sec. 111. Section 123.30, subsection 3, paragraph e, subparagraph (1), Code Supplement 2009, is amended to read as follows:

(1) A class "E" liquor control license may be issued and shall authorize the holder to purchase alcoholic liquor from the division only and high alcoholic content beer from a class "AA" beer permittee only and to sell the alcoholic liquor and high alcoholic content beer to patrons for consumption off the licensed premises and to other liquor control licensees. A class "E" license shall not be issued to premises at which gasoline is sold. A holder of a class "E" liquor control license may hold other retail liquor control licenses or retail wine or beer permits, but the premises licensed under a class "E" liquor control license shall be separate from other licensed premises, though the separate premises may have a common entrance. However, the holder of a class "E" liquor control license may also hold a class "B" wine or class "C" beer permit or both for the premises licensed under a class "E" liquor control license.

Sec. 112. Section 155A.6A, subsection 3, Code 2009, is amended to read as follows:

3. ~~*a. Beginning July 1, 2009 December 31, 2012, a person who is in the process of acquiring national certification as a pharmacy technician and who is in training to become a pharmacy technician shall register with the board as a pharmacy technician. The registration shall be issued for a period not to exceed one year and shall not be renewable.*~~

b. A person who is registered as a pharmacy technician or a pharmacy technician trainee prior to January 1, 2010, who has worked as a pharmacy technician or pharmacy technician trainee for a minimum of two thousand hours in the previous eighteen months under the direction of a licensed pharmacist shall have until December 31, 2013, to attain certification pursuant to this section. The supervising pharmacist shall be responsible for verifying with the Iowa board of pharmacy that any person affected by this paragraph continues to have a minimum of two thousand hours of supervised training in any eighteen-month period of time between January 1, 2010, and December 31, 2013.

Sec. 113. Section 174.1, subsection 2, paragraphs b and c, Code 2009, are amended to read as follows:

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

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

Sec. 114. Section 174.1, subsection 3, Code 2009, is amended to read as follows:

3. *“Fair event”* means an annual gathering of the public on fairgrounds that incorporates agricultural exhibits, demonstrations, shows, or competitions ~~and which includes all of the following:~~

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

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

~~e. b.~~ Educational programs or exhibits sponsored by governmental entities or nonprofit organizations.

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

Sec. 115. Section 237.3, subsection 2, paragraph f, Code Supplement 2009, is amended to read as follows:

f. Housing, health, safety, and medical care policies for children receiving child foster care. The medical care policies shall include but are not limited to all of the following:

(1) Provision by the department to the foster care provider at or before the time of a child's placement of the child's health records and any other information possessed or known about the health of the child or about a member of the child's family that pertains to the child's health.

(2) If the health records supplied in accordance with the child's case permanency plan to the foster care provider are incomplete or the provider requests specific health information, provision for obtaining additional health information from the child's parent or other source and supplying the additional information to the foster care provider.

(3) Provision for emergency health coverage of the child while the child is engaged in temporary out-of-state travel with the child's foster family.

Sec. 116. Section 237.3, subsection 2, paragraph k, subparagraph (1), Code Supplement 2009, is amended to read as follows:

(1) Receiving information prior to the child's placement regarding risk factors concerning the child that are known to the department, including but not limited to notice if the child is required to register under chapter 692A.

* Item veto; see message at end of the Act

Sec. 117. 2010 Iowa Acts, Senate File 2378,⁸⁴ section 20, subsection 1, if enacted, is amended to read as follows:

1. A public safety enforcement fund is created in the state treasury under the control of the treasurer of state. Notwithstanding section 602.8108, after the necessary amount is remitted for deposit in the Iowa prison infrastructure fund as provided in section 602.8108A, the state court administrator shall allocate to the treasurer of state for deposit in the public safety enforcement fund the ~~first~~ next nine million one hundred thousand dollars of the moneys received under section 602.8108, subsection 2, during the fiscal year beginning July 1, 2010, and ending June 30, 2011. Moneys deposited into the fund are appropriated to the treasurer of state for allocation as provided in subsection 2.

Sec. 118. Section 256.9, Code Supplement 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 18A. The department shall compile the financial information related to chapters 423E and 423F from the certified annual reports of each school district received pursuant to section 291.10, subsection 2, and shall submit the information to the general assembly in an annual report each February 1.

Sec. 119. NEW SECTION. **261D.4 Payment of dues.**

On an annual basis, the department of management shall apportion the dues assessed for membership in the midwestern higher education compact to various sectors of education including the department of education, the community college trustees, the Iowa association of independent colleges and universities, and the state board of regents. The apportionment shall be based on actual savings achieved in the previous fiscal year by each sector of education in a manner determined by the department of management. The department of management shall make payment on behalf of the state to the midwestern higher education compact commission and shall seek reimbursement from each sector of education based on the apportionment determined by the department.

Sec. 120. Section 291.10, Code 2009, is amended to read as follows:

291.10 Reports by secretary.

1. The school district shall file an annual report with the director of the department of education on forms prepared for that purpose.

2. The annual report shall include the financial information required in section 423F.5, subsection 1, as related to moneys received under chapter 423E or 423F, as applicable, for each budget year.

Sec. 121. Section 314.17, as amended by 2010 Iowa Acts, House File 2458,⁸⁵ if enacted, is amended by adding the following new subsections:

NEW SUBSECTION. 7. Within fifty feet of a drainage tile or tile intake.

NEW SUBSECTION. 8. For access to a mailbox or for other accessibility purposes.

NEW SUBSECTION. 9. On rights-of-way adjacent to agricultural demonstration or research plots.

Sec. 122. Section 321.18, Code Supplement 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 10. Any trailer that is used exclusively for the transportation, display, and distribution of flags honoring deceased veterans in parades or ceremonies held on Memorial Day, Veterans Day, or other patriotic occasions as authorized by resolution of the local government of the community where the parade or ceremony takes place. A trailer exempt from registration under this subsection shall only be used on city streets or secondary roads on the day of a parade or ceremony specified in the local government's resolution, and a copy of the resolution shall be carried at all times in the vehicle pulling the trailer.

⁸⁴ Chapter 1190 herein

⁸⁵ Chapter 1164, §1 herein

Sec. 123. Section 321.482A, unnumbered paragraph 1, Code 2009, is amended to read as follows:

Notwithstanding section 321.482, a person who is convicted of operating a motor vehicle in violation of section 321.256, 321.257, section 321.275, subsection 4, section 321.297, 321.298, 321.299, 321.302, 321.303, 321.304, 321.305, 321.306, 321.307, 321.308, section 321.309, subsection 2, or section 321.311, 321.319, 321.320, 321.321, 321.322, 321.323, 321.323A, 321.324, 321.324A, 321.327, 321.329, or 321.333 causing serious injury to or the death of another person may be subject to the following penalties in addition to the penalty provided for a scheduled violation in section 805.8A or any other penalty provided by law:

Sec. 124. Section 421.27, subsection 6, Code 2009, is amended to read as follows:

6. *Improper receipt of refund or credit.* A person who makes an erroneous application for refund or credit shall be liable for any overpayment received or tax liability reduced plus interest at the rate in effect under section 421.7. In addition, a person who willfully makes a false or frivolous application for refund or credit with intent to evade tax or with intent to receive a refund or credit to which the person is not entitled is guilty of a fraudulent practice and is liable for a penalty equal to seventy-five percent of the refund or credit being claimed. ~~Repayments~~ Payments, penalties, and interest due under this subsection may be collected and enforced in the same manner as the tax imposed.

Sec. 125. Section 421C.3, subsection 15, if enacted by 2010 Iowa Acts, Senate File 2383,⁸⁶ is amended to read as follows:

15. a. The director of revenue shall establish an account and shall deposit in the account all receipts received under the program established by the state debt coordinator. Not later than the fifteenth day of each month, the director shall deposit amounts received with the treasurer of state for deposit in the general fund of the state.

b. Of the amount of debt actually collected pursuant to the program, the department of revenue shall retain an amount, not to exceed the amount collected, that is sufficient to pay for salaries, support, maintenance, services, advertising, and other costs incurred by the coordinator relating to the program. Revenues retained by the office pursuant to this lettered paragraph shall be considered repayment receipts as defined in section 8.2.

Sec. 126. Section 455A.13, Code 2009, is amended to read as follows:

455A.13 State nurseries.

1. Notwithstanding section 17A.2, subsection 11, paragraph "g", the department of natural resources shall adopt administrative rules establishing a range of prices of plant material grown at the state forest nurseries to cover all expenses related to the growing of the plants. The department is authorized to sell plant material in other states.

1. 2. The department shall develop programs to encourage the wise management and preservation of existing woodlands and shall continue its efforts to encourage forestation and reforestation on private and public lands in the state.

2. 3. The department shall encourage a cooperative relationship between the state forest nurseries and private nurseries in the state in order to achieve these goals.

Sec. 127. Section 466B.4, subsection 2, Code Supplement 2009, is amended to read as follows:

2. *Marketing campaign.* The water resources coordinating council shall develop a marketing campaign to educate Iowans about the need to take personal responsibility for the quality and quantity of water in their local watersheds. The emphasis of the campaign shall be that not only is everyone responsible for clean water, but that everyone benefits from it as well, and that everyone is responsible for and benefits from reducing the risk for flooding and mitigating possible future flood damage. The goals of the campaign shall be to convince Iowans to take personal responsibility for clean water and reducing the risk of flooding and to equip them with the tools necessary to effect change through local water quality improvement projects and better flood plain management and flood risk programs.

⁸⁶ Chapter 1146, §11 herein

Sec. 128. **NEW SECTION. 466B.12 Flood plain managers.**

The council shall encourage and support the formation of a chapter of the association of state flood plain managers in Iowa that would provide a vehicle for local flood plain managers and flood plain planners to further pursue professional educational opportunities.

Sec. 129. **NEW SECTION. 466B.13 Flood education.**

The Iowa state university agricultural extension service, the council, and agency members of the council shall, to the extent feasible, work with flood plain and hydrology experts to educate the general public about flood plains, flood risks, and basic flood plain management principles. This educational effort shall include developing educational materials and programs in consultation with flood plain experts.

Sec. 130. Section 600C.1, Code 2009, is amended by striking the section and inserting in lieu thereof the following:

600C.1 Grandparent and great-grandparent visitation.

1. The grandparent or great-grandparent of a minor child may petition the court for grandchild or great-grandchild visitation when the parent of the minor child, who is the child of the grandparent or the grandchild of the great-grandparent, is deceased.

2. The court shall consider a fit parent's objections to granting visitation under this section. A rebuttable presumption arises that a fit parent's decision to deny visitation to a grandparent or great-grandparent is in the best interest of a minor child.

3. The court may grant visitation to the grandparent or great-grandparent under this section if the court finds all of the following by clear and convincing evidence:

a. It is in the best interest of the child to grant such visitation.

b. The grandparent or great-grandparent has established a substantial relationship with the child prior to the filing of the petition.

c. That the presumption that the parent who is being asked to temporarily relinquish care, custody, and control of the child to provide visitation is fit to make the decision regarding visitation is overcome by demonstrating one of the following:

(1) The parent is unfit to make such decision.

(2) The parent's judgment has been impaired and the relative benefit to the child of granting visitation greatly outweighs any effect on the parent-child relationship. Impaired judgment of a parent may be evidenced by any of, but not limited to, the following:

(a) Neglect of the child.

(b) Abuse of the child.

(c) Violence toward the child.

(d) Indifference or absence of feeling toward the child.

(e) Demonstrated unwillingness and inability to promote the emotional and physical well-being of the child.

(f) Drug abuse.

(g) A diagnosis of mental illness.

4. In determining the best interest of the child, the court shall consider all of the following:

a. The prior interaction and interrelationships of the child with the child's parents, siblings, and other persons related by consanguinity or affinity, compared to the child's relationship with the grandparent or great-grandparent.

b. The geographical location of the grandparent's or great-grandparent's residence and the distance between the grandparent's or great-grandparent's residence and the child's residence.

c. The child's and parent's available time, including but not limited to the parent's employment schedule, the child's school schedule, the amount of time that will be available for the child to spend with siblings, and the child's and the parent's holiday and vacation schedules.

d. The age of the child.

e. If the court has interviewed the child in chambers as provided in this section regarding the wishes and concerns of the child as to visitation by the grandparent or great-grandparent or as to a specific visitation schedule, the wishes and concerns of the child, as expressed to the court.

- f. The health and safety of the child.
- g. The mental and physical health of all parties.

h. Whether the grandparent or great-grandparent previously has been convicted of or pleaded guilty to any criminal offense involving any act that resulted in a child being an abused child or a neglected child; whether the grandparent or great-grandparent previously has been convicted of or pleaded guilty to a crime involving a victim who at the time of the commission of the offense was a member of the family or household that is the subject of the current proceeding; and whether there is reason to believe that the grandparent or great-grandparent has acted in a manner resulting in a child having ever been found to be an abused child or a neglected child.

- i. The wishes and concerns of the child's parent, as expressed by the parent to the court.
- j. Any other factor in the best interest of the child.

5. For the purposes of this subsection "*substantial relationship*" includes but is not limited to any of the following:

- a. The child has lived with the grandparent or great-grandparent for at least six months.

b. The grandparent or great-grandparent has voluntarily and in good faith supported the child financially in whole or in part for a period of not less than six months.

c. The grandparent or great-grandparent has had frequent visitation including occasional overnight visitation with the child for a period of not less than one year.

6. If the court interviews any child concerning the child's wishes and concerns regarding parenting time or visitation, the interview shall be conducted in chambers, and only the child, the child's attorney, the judge, any necessary court personnel, and, in the judge's discretion, the attorney of the parent shall be permitted to be present in the chambers during the interview. A person shall not obtain or attempt to obtain from a child a written or recorded statement or affidavit setting forth the wishes and concerns of the child regarding parenting time or visitation.

7. For the purposes of this section, "*court*" means the district court or the juvenile court if that court currently has jurisdiction over the child in a pending action. If an action is not pending, the district court has jurisdiction.

8. Notwithstanding any provision of this chapter to the contrary, venue for any action to establish, enforce, or modify visitation under this section shall be in the county where the child resides if no final custody order determination relating to the grandchild or great-grandchild has been entered by any other court. If a final custody order has been entered by any other court, venue shall be located exclusively in the county where the most recent final custody order was entered. If any other custodial proceeding is pending when an action to establish, enforce, or modify visitation under this section is filed, venue shall be located exclusively in the county where the pending custodial proceeding was filed.

9. Notice of any proceeding to establish, enforce, or modify visitation under this section shall be personally served upon the parent of the child whose interests are affected by a proceeding brought pursuant to this section and all grandparents or great-grandparents who have previously obtained a final order or commenced a proceeding under this section.

10. The court shall not enter any temporary order to establish, enforce, or modify visitation under this section.

11. An action brought under this section is subject to chapter 598B, and in an action brought to establish, enforce, or modify visitation under this section, each party shall submit in its first pleading or in an attached affidavit all information required by section 598B.209.

12. A grandparent or great-grandparent shall not petition for visitation under this section more than once every two years absent a showing of good cause.

13. The court shall not issue an order restricting the movement of the child if such restriction is solely for the purpose of allowing the grandparent or great-grandparent the opportunity to exercise the grandparent's or great-grandparent's visitation under this section.

Sec. 131. NEW SECTION. 514C.26 Autism spectrum disorders coverage.

1. Notwithstanding the uniformity of treatment requirements of section 514C.6, a group plan established pursuant to chapter 509A for employees of the state providing for third-party payment or prepayment of health, medical, and surgical coverage benefits

shall provide coverage benefits to covered individuals under twenty-one years of age for the diagnostic assessment of autism spectrum disorders and for the treatment of autism spectrum disorders.

2. As used in this section, unless the context otherwise requires:

a. “*Applied behavioral analysis*” means the design, implementation, and evaluation of environmental modifications, using behavioral stimuli and consequences, to produce socially significant improvement in human behavior or to prevent loss of attained skill or function, including the use of direct observation, measurement, and functional analysis of the relations between environment and behavior.

b. “*Autism service provider*” means a person, or group providing treatment of autism spectrum disorders. An autism service provider that provides treatment of autism spectrum disorders that includes applied behavioral analysis shall be certified as a behavior analyst by the behavior analyst certification board or shall be a health professional licensed under chapter 147.

c. “*Autism spectrum disorders*” means any of the pervasive developmental disorders including autistic disorder, Asperger’s disorder, and pervasive developmental disorders not otherwise specified. The commissioner, by rule, shall define “*autism spectrum disorders*” consistent with definitions provided in the most recent edition of the American psychiatric association’s diagnostic and statistical manual of mental disorders, as such definitions may be amended from time to time. The commissioner may adopt the definitions provided in such manual by reference.

d. “*Diagnostic assessment of autism spectrum disorders*” means medically necessary assessment, evaluations, or tests performed by a licensed physician, licensed physician assistant, licensed psychologist, or licensed registered nurse practitioner to diagnose whether an individual has an autism spectrum disorder.

e. “*Pharmacy care*” means medications prescribed by a licensed physician, licensed physician assistant, or licensed registered nurse practitioner and any assessment, evaluation, or test prescribed or ordered by a licensed physician, licensed physician assistant, or licensed registered nurse practitioner to determine the need for or effectiveness of such medications.

f. “*Psychiatric care*” means direct or consultative services provided by a licensed physician who specializes in psychiatry.

g. “*Psychological care*” means direct or consultative services provided by a licensed psychologist.

h. “*Rehabilitative care*” means professional services and treatment programs, including applied behavioral analysis, provided by an autism service provider to produce socially significant improvement in human behavior or to prevent loss of attained skill or function.

i. “*Therapeutic care*” means services provided by a licensed speech pathologist, licensed occupational therapist, or licensed physical therapist.

j. “*Treatment of autism spectrum disorders*” means treatment that is identified in a treatment plan and includes medically necessary pharmacy care, psychiatric care, psychological care, rehabilitative care, and therapeutic care that is one of the following:

(1) Prescribed, ordered, or provided by a licensed physician, licensed physician assistant, licensed psychologist, licensed social worker, or licensed registered nurse practitioner.

(2) Provided by an autism service provider.

(3) Provided by a person, entity, or group that works under the direction of an autism service provider.

k. “*Treatment plan*” means a plan for the treatment of autism spectrum disorders developed by a licensed physician or licensed psychologist pursuant to a comprehensive evaluation or reevaluation performed in consultation with the patient and the patient’s representative.

3. Coverage is required pursuant to this section in a maximum benefit amount of not more than thirty-six thousand dollars per year but shall not be subject to any limits on the number of visits to an autism service provider for treatment of autism spectrum disorders. Beginning in 2014, the commissioner shall, on or before April 1 of each calendar year, publish an adjustment to the maximum benefit required equal to the percentage change in the United States department of labor consumer price index for all urban consumers in the preceding year, and the published adjusted maximum benefit shall be applicable to group policies, contracts, or plans subject to this section that are issued or renewed on or after

January 1 of the following calendar year. Payments made under a group plan subject to this section on behalf of a covered individual for treatment of a health condition unrelated to or distinguishable from the individual's autism spectrum disorder shall not be applied toward any maximum benefit established under this subsection.

4. Coverage required pursuant to this section shall be subject to copayment, deductible, and coinsurance provisions, and any other general exclusions or limitations of a group plan to the same extent as other medical or surgical services covered by the group plan.

5. Coverage required by this section shall be provided in coordination with coverage required for the treatment of autistic disorders pursuant to section 514C.22.

6. This section shall not be construed to limit benefits which are otherwise available to an individual under a group plan.

7. This section shall not be construed to require coverage by a group plan of any service solely based on inclusion of the service in an individualized education program. Consistent with federal or state law and upon consent of the parent or guardian of a covered individual, the treatment of autism spectrum disorders may be coordinated with any services included in an individualized education program. However, coverage for the treatment of autism spectrum disorders shall not be contingent upon coordination of services with an individualized education program.

8. This section shall not apply to accident-only, specified disease, short-term hospital or medical, hospital confinement indemnity, credit, dental, vision, Medicare supplement, long-term care, basic hospital and medical-surgical expense coverage as defined by the commissioner, disability income insurance coverage, coverage issued as a supplement to liability insurance, workers' compensation or similar insurance, or automobile medical payment insurance, or individual accident and sickness policies issued to individuals or to individual members of a member association.

9. A plan established pursuant to chapter 509A for employees of the state may manage the benefits provided through common methods including but not limited to providing payment of benefits or providing care and treatment under a capitated payment system, prospective reimbursement rate system, utilization control system, incentive system for the use of least restrictive and costly levels of care, a preferred provider contract limiting choice of specific providers, or any other system, method, or organization designed to assure services are medically necessary and clinically appropriate.

10. An insurer may review a treatment plan for treatment of autism spectrum disorders once every six months, subject to its utilization review requirements, including case management, concurrent review, and other managed care provisions. A more or less frequent review may be agreed upon by the insured and the licensed physician or licensed psychologist developing the treatment plan.

11. For the purposes of this section, the results of a diagnostic assessment of autism spectrum disorder shall be valid for a period of not less than twelve months, unless a licensed physician or licensed psychologist determines that a more frequent assessment is necessary.

12. The commissioner shall adopt rules pursuant to chapter 17A to implement and administer this section.

13. This section applies to plans established pursuant to chapter 509A for employees of the state that are delivered, issued for delivery, continued, or renewed in this state on or after January 1, 2011.

Sec. 132. Section 729.6, subsection 1, Code 2009, is amended by adding the following new paragraph:

NEW PARAGRAPH. 00b. "*Genetic services*" means the same as defined in 29 U.S.C. § 1191b(d)(8).

Sec. 133. Section 729.6, subsection 1, paragraph c, Code 2009, as amended by 2010 Iowa Acts, Senate File 2215,⁸⁷ if enacted, is amended to read as follows:

c. "*Genetic testing*" means the same as genetic test as defined in 29 U.S.C. § 1191b(d)(7). "*Genetic testing*" does not mean routine physical measurement, a routine chemical, blood,

⁸⁷ Chapter 1153, §3 herein

or urine analysis, a biopsy, an autopsy, or clinical specimen obtained solely for the purpose of conducting an immediate clinical or diagnostic test to detect an existing disease, illness, impairment, or disorder, or a test for drugs or for human immunodeficiency virus infections.

Sec. 134. 2010 Iowa Acts, House File 2526,⁸⁸ section 11, subsection 24, paragraph b, relating to the medical assistance waiver for the Iowa family planning network, if enacted, is amended to read as follows:

b. Implementation of this subsection is contingent upon approval of the medical assistance waiver for the Iowa family planning network by the centers for Medicare and Medicaid services of the United States department of health and human services ~~and upon availability of funding as determined by the director of the department of human services.~~

Sec. 135. 2010 Iowa Acts, Senate File 2378,⁸⁹ section 15, if enacted, is amended to read as follows:

SEC. 15. GAMING ENFORCEMENT. There is appropriated from the gaming enforcement revolving fund created in section 80.43 to the department of public safety for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For any direct and indirect support costs for agents and officers of the division of criminal investigation’s excursion gambling boat, gambling structure, and racetrack enclosure enforcement activities, including salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	8,851,775
		<u>9,315,306</u>
.....	FTEs	115.00

However, for each additional license to conduct gambling games on an excursion gambling boat, gambling structure, or racetrack enclosure issued during the period beginning July 1, 2009, through June 30, 2011, there is appropriated from the gaming enforcement fund to the department of public safety for the fiscal year beginning July 1, 2010, and ending June 30, 2011, an additional amount of not more than \$521,000 to be used for not more than 6.00 additional full-time equivalent positions.

Sec. 136. REPEAL. 2010 Iowa Acts, House File 2525,⁹⁰ section 6, is repealed.

Sec. 137. EFFECTIVE UPON ENACTMENT AND RETROACTIVE APPLICABILITY. The provision of this division of this Act amending section 155A.6A, subsection 3, being deemed of immediate importance, takes effect upon enactment and applies retroactively to January 1, 2010.

Sec. 138. EFFECTIVE UPON ENACTMENT. This provision of this division of this Act amending section 155A.6A, being deemed of immediate importance, takes effect upon enactment.

Sec. 139. EFFECTIVE UPON ENACTMENT. The provision of this division of this Act appropriating moneys from the general fund of the state to the department of management and to the department of revenue for fiscal year 2009-2010, being deemed of immediate importance, takes effect upon enactment.

Sec. 140. EFFECTIVE UPON ENACTMENT AND RETROACTIVE APPLICABILITY. The provision of this division of this Act amending section 123.30, subsection 3, paragraph “e”, subparagraph (1), being deemed of immediate importance, takes effect upon enactment, and is retroactively applicable to March 10, 2010.

⁸⁸ Chapter 1192 herein
⁸⁹ Chapter 1190 herein
⁹⁰ Chapter 1191 herein

Sec. 141. EFFECTIVE DATE. The provision of this division of this Act amending section 421.3,⁹¹ if enacted by 2010 Iowa Acts, Senate File 2383,⁹² takes effect on the effective date of section 421C.3.

Sec. 142. EFFECTIVE DATE AND APPLICABILITY. The section of this division of this Act enacting section 469.9, subsection 4A, being deemed of immediate importance, takes effect upon enactment, and applies to grants or loans approved on, before, and after the effective date of the section.

DIVISION VIII BICYCLES

Sec. 143. NEW SECTION. **321.281 Actions against bicyclists.**

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

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

3. A person who violates this section commits a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 14, paragraph “k”.

Sec. 144. Section 805.8A, subsection 14, Code Supplement 2009, is amended by adding the following new paragraph:

NEW PARAGRAPH. *k.* Actions against a person on a bicycle. For violations under section 321.281 the scheduled fine is two hundred fifty dollars.

DIVISION IX RENEWABLE FUELS AND COPRODUCTS

Sec. 145. Section 159A.6, subsection 1, Code Supplement 2009, is amended to read as follows:

1. The office shall support education regarding, and promotion and advertising of, renewable fuels and coproducts. The office shall consult with the petroleum marketers and convenience stores of Iowa, the Iowa renewable fuels association, the Iowa corn growers association, and the Iowa soybean association.

DIVISION X IDENTIFICATION OF WORKER MISCLASSIFICATION

Sec. 146. Section 421.17, Code 2009, is amended by adding the following new subsection: NEW SUBSECTION. 31. If the director has reason to believe, as a result of an investigation or audit, that a taxpayer may have misclassified workers, then to assist the department of workforce development, the director is authorized to provide to the department of workforce development the following confidential information with respect to such a taxpayer:

- a. Withholding and payroll tax information.
- b. The taxpayer’s identity, including taxpayer identification number and date of birth.
- c. The results or most recent status of the audit or investigation.

Sec. 147. Section 422.20, subsection 3, paragraph a, Code 2009, is amended to read as follows:

a. Unless otherwise expressly permitted by section 8A.504, section 96.11, subsection 6, section 421.17, subsections 22, 23, and 26, and 31, sections 252B.9, 321.120, 421.19, 421.28, 422.72, and 452A.63, and this section, a tax return, return information, or investigative or audit information shall not be divulged to any person or entity, other than the taxpayer, the department, or internal revenue service for use in a matter unrelated to tax administration.

⁹¹ According to enrolled Act; the phrase “section 421C.3” probably intended

⁹² Chapter 1146 herein

Sec. 148. Section 422.72, subsection 3, paragraph a, Code 2009, is amended to read as follows:

a. Unless otherwise expressly permitted by section 8A.504, section 96.11, subsection 6, section 421.17, subsections 22, 23, and 26, and 31, sections 252B.9, 321.120, 421.19, 421.28, 422.20, and 452A.63, and this section, a tax return, return information, or investigative or audit information shall not be divulged to any person or entity, other than the taxpayer, the department, or internal revenue service for use in a matter unrelated to tax administration.

Sec. 149. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION XI
PUBLIC SAFETY ADVISORY BOARD

Sec. 150. DEPARTMENT OF HUMAN RIGHTS — DIVISION OF CRIMINAL AND JUVENILE JUSTICE PLANNING. There is appropriated from the Iowa comprehensive petroleum underground storage tank fund established in section 455G.3 to the department of human rights for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary, to be used for the purposes designated, notwithstanding section 455G.3, subsection 1:

For the division of criminal and juvenile justice planning, including salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions for the public safety advisory board established in section 216A.133A:
..... \$ 140,000
..... FTEs 2.00

Sec. 151. Section 216A.131, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 1A. “Board” means the public safety advisory board.

Sec. 152. Section 216A.132, Code 2009, is amended to read as follows:

216A.132 Council established — terms — compensation.

1. A criminal and juvenile justice planning advisory council is established consisting of twenty-three members.

a. The governor shall appoint seven members each for a four-year term beginning and ending as provided in section 69.19 and subject to confirmation by the senate as follows:

(1) Three persons, each of whom is a county supervisor, county sheriff, mayor, city chief of police, or county attorney nonsupervisory police officer, or a chief of police of a department with less than eleven police officers.

~~(2) Two persons who represent the general public and are not employed in any law enforcement, judicial, or corrections capacity.~~

~~(3)~~ (2) Two persons who are knowledgeable about Iowa’s juvenile justice system.

~~(3) One person who represents the general public and is not employed in any law enforcement, judicial, or corrections capacity.~~

(4) One person who is either a crime victim, or who represents a crime victim organization.

b. ~~The departments of human services, corrections, and public safety, the division on the status of African-Americans, the Iowa department of public health, the chairperson of the board of parole, the attorney general, the state public defender, and the governor’s office of drug control policy, and the chief justice of the supreme court shall each designate a person to serve on the council. The person appointed by the Iowa department of public health shall be from the departmental staff who administer the comprehensive substance abuse program under chapter 125.~~

c. ~~The chief justice of the supreme court shall appoint two additional members currently serving as district judges designate one member who is a district judge and one member who is either a district associate judge or associate juvenile judge. Two members of the senate and two members of the house of representatives shall be ex officio members and shall be appointed by the majority and minority leaders of the senate and the speaker and minority leader of the house of representatives pursuant to section 69.16 and shall serve terms as~~

~~provided in section 69.16B. The chairperson and ranking member of the senate committee on judiciary shall be members. In alternating four-year intervals, the chairperson and ranking member of the house committee on judiciary or of the house committee on public safety shall be members, with the chairperson and ranking member of the house committee on public safety serving during the initial interval. Nonlegislative members appointed pursuant to this paragraph shall serve for four-year terms beginning and ending as provided in section 69.19 unless the member ceases to serve as a district court judge.~~

d. The Iowa county attorneys association shall designate a person to serve on the council.

2. Members of the council shall receive reimbursement from the state for actual and necessary expenses incurred in the performance of their official duties. Members may also be eligible to receive compensation as provided in section 7E.6.

Sec. 153. Section 216A.133, subsection 1, Code 2009, is amended to read as follows:

1. Identify issues and analyze the operation and impact of present criminal and juvenile justice policy and make recommendations for policy changes, ~~including recommendations pertaining to efforts to curtail criminal gang activity.~~

Sec. 154. Section 216A.133, Code 2009, is amended by adding the following new subsections:

NEW SUBSECTION. 8. Determine members of the public safety advisory board pursuant to section 216A.133A.

NEW SUBSECTION. 9. Coordinate with the administrator to develop and make recommendations to the department director pursuant to section 216A.2.

NEW SUBSECTION. 10. Serve as a liaison between the general public and the division.

NEW SUBSECTION. 11. Establish advisory committees to study special issues.

Sec. 155. NEW SECTION. 216A.133A Public safety advisory board — duties.

1. A public safety advisory board is established whose membership shall be determined by the criminal and juvenile justice planning advisory council and shall consist of current members of the council. Any actions taken by the board shall be considered separate and distinct from the council.

2. The purpose of the board is to provide the general assembly with an analysis of current and proposed criminal code provisions.

3. The duties of the board shall consist of the following:

a. Reviewing and making recommendations relating to current sentencing provisions. In reviewing such provisions the board shall consider the impact on all of the following:

(1) Potential disparity in sentencing.

(2) Truth in sentencing.

(3) Victims.

(4) The proportionality of specific sentences.

(5) Sentencing procedures.

(6) Costs associated with the implementation of criminal code provisions, including costs to the judicial branch, department of corrections, and judicial district departments of correctional services, costs for representing indigent defendants, and costs incurred by political subdivisions of the state.

(7) Best practices related to the department of corrections including recidivism rates, safety and efficient use of correctional staff, and compliance with correctional standards set by the federal government and other jurisdictions.

(8) Best practices related to the Iowa child death review team established in section 135.43 and the Iowa domestic abuse death review team established in section 135.109.

b. Reviewing and making recommendations relating to proposed legislation, in accordance with paragraph “a”, as set by rule by the general assembly or as requested by the executive or judicial branch proposing such legislation.

c. Providing expertise and advice to the legislative services agency, the department of corrections, the judicial branch, and others charged with formulating fiscal, correctional, or minority impact statements.

d. Reviewing data supplied by the division, the department of management, the legislative services agency, the Iowa supreme court, and other departments or agencies for the purpose of determining the effectiveness and efficiency of the collection of such data.

4. The board may call upon any department, agency, or office of the state, or any political subdivision of the state, for information or assistance as needed in the performance of its duties. The information or assistance shall be furnished to the extent that it is within the resources and authority of the department, agency, office, or political subdivision. This section does not require the production or opening of any records which are required by law to be kept private or confidential.

5. The board shall report to the legislative government oversight committee⁹³ all sources of funding by December 1 of each year.

6. Membership on the board shall be bipartisan as provided in section 69.16 and gender balanced as provided in section 69.16A.

7. Meetings of the board shall be open to the public as provided in chapter 21.

8. Members of the board shall receive reimbursement from the state for actual and necessary expenses incurred in the performance of their official duties. Members may also be eligible to receive compensation as provided in section 7E.6.

Sec. 156. Section 216A.135, unnumbered paragraph 1, Code 2009, is amended to read as follows:

Beginning in 1989, and every five years thereafter, the division shall develop a twenty-year criminal and juvenile justice plan for the state which shall include ten-year, fifteen-year, and twenty-year goals and a comprehensive five-year plan for criminal and juvenile justice programs. The five-year plan shall be updated annually and each twenty-year plan and annual updates of the five-year plan shall be submitted to the governor and the general assembly by ~~February~~ December 1.

Sec. 157. APPOINTMENTS TO CRIMINAL AND JUVENILE JUSTICE PLANNING ADVISORY COUNCIL. The applicable provisions of chapter 69 shall apply to vacant positions on the criminal and juvenile justice planning advisory council occurring on or after July 1, 2010.

DIVISION XII INCOME TAX CHECKOFFS

Sec. 158. Section 235A.2, subsection 1, Code 2009, is amended to read as follows:

1. A child abuse prevention program fund is created in the state treasury under the control of the department of human services. The fund is composed of moneys appropriated or available to and obtained or accepted by the treasurer of state for deposit in the fund. The fund shall include moneys transferred to the fund as provided in section ~~422.12K~~ 422.12F. All interest earned on moneys in the fund shall be credited to and remain in the fund. Section 8.33 does not apply to moneys in the fund.

Sec. 159. NEW SECTION. 422.12F **Income tax checkoff for child abuse prevention program fund.**

1. A person who files an individual or a joint income tax return with the department of revenue under section 422.13 may designate one dollar or more to be paid to the child abuse prevention program fund created in section 235A.2. If the refund due on the return or the payment remitted with the return is insufficient to pay the additional amount designated by the taxpayer to the child abuse prevention program fund, the amount designated shall be reduced to the remaining amount remitted with the return. The designation of a contribution to the child abuse prevention program fund under this section is irrevocable.

2. The director of revenue shall draft the income tax form to allow the designation of contributions to the child abuse prevention program fund on the tax return. The department of revenue, on or before January 31, shall transfer the total amount designated on the tax return forms due in the preceding calendar year to the child abuse prevention program

⁹³ According to enrolled Act; the word "committees" probably intended

fund. However, before a checkoff pursuant to this section shall be permitted, all liabilities on the books of the department of administrative services and accounts identified as owing under section 8A.504 and the political contribution allowed under section 68A.601 shall be satisfied.

3. The department of human services may authorize payment of moneys from the child abuse prevention program fund, in accordance with section 235A.2.

4. The department of revenue shall adopt rules to administer this section.

5. This section is subject to repeal under section 422.12E.

Sec. 160. NEW SECTION. 422.12G Joint income tax refund checkoff for veterans trust fund and volunteer fire fighter preparedness fund.

1. A person who files an individual or a joint income tax return with the department of revenue under section 422.13 may designate one dollar or more to be paid jointly to the veterans trust fund created in section 35A.13 and to the volunteer fire fighter preparedness fund created in section 100B.13. If the refund due on the return or the payment remitted with the return is insufficient to pay the additional amount designated by the taxpayer, the amount designated shall be reduced to the remaining amount of refund or the remaining amount remitted with the return. The designation of a contribution under this section is irrevocable.

2. The director of revenue shall draft the income tax form to allow the designation of contributions to the veterans trust fund and to the volunteer fire fighter preparedness fund as one checkoff on the tax return. The department of revenue, on or before January 31, shall transfer one-half of the total amount designated on the tax return forms due in the preceding calendar year to the veterans trust fund and the remaining one-half to the volunteer fire fighter preparedness fund. However, before a checkoff pursuant to this section shall be permitted, all liabilities on the books of the department of administrative services and accounts identified as owing under section 8A.504 and the political contribution allowed under section 68A.601 shall be satisfied.

3. The department of revenue shall adopt rules to administer this section.

4. This section is subject to repeal under section 422.12E.

Sec. 161. REPEAL. Section 422.12L, Code 2009, is repealed.

Sec. 162. REPEAL. Section 422.12K, Code Supplement 2009, is repealed.

Sec. 163. RETROACTIVE APPLICABILITY. This division of this Act applies retroactively to January 1, 2010, for tax years beginning on or after that date.

DIVISION XIII
WINE

Sec. 164. Section 123.183, Code 2009, is amended to read as follows:

123.183 Wine gallonage tax and related funds.

1. In addition to the annual permit fee to be paid by each class "A" wine permittee, a wine gallonage tax shall be levied and collected from each class "A" wine permittee on all wine manufactured for sale and sold in this state at wholesale and on all wine imported into this state for sale at wholesale and sold in this state at wholesale. A wine gallonage tax shall also be levied and collected on the direct shipment of wine pursuant to section 123.187. The rate of the wine gallonage tax is one dollar and seventy-five cents for each wine gallon. The same rate shall apply for the fractional parts of a wine gallon. The wine gallonage tax shall not be levied or collected on wine sold by one class "A" wine permittee to another class "A" wine permittee.

2. *a.* Revenue collected from the wine gallonage tax on wine manufactured for sale and sold in this state, and on wine subject to direct shipment as provided in section 123.187 by a wine manufacturer licensed or permitted pursuant to laws regulating alcoholic beverages in this state, shall be deposited in the wine gallonage tax fund as created in this section.

b. A wine gallonage tax fund is created in the office of the treasurer of state. Moneys deposited in the fund are appropriated to the department of economic development as provided in section 15E.117. Moneys in the fund are not subject to section 8.33.

3. The revenue collected from the wine gallonage tax on wine imported into this state for sale at wholesale and sold in this state at wholesale, and on wine subject to direct shipment as provided in section 123.187 by a wine manufacturer licensed or permitted pursuant to laws regulating alcoholic beverages in another state, shall be deposited in the beer and liquor control fund created in section 123.53.

Sec. 165. Section 123.187, subsection 4, as enacted by 2010 Iowa Acts, Senate File 2088,⁹⁴ section 100, is amended to read as follows:

4. a. In addition to the annual license fee, a wine direct shipper licensee shall remit to the division an amount equivalent to the wine gallonage tax on wine subject to direct shipment at the rate specified in section 123.183 for deposit as provided in section 123.183, subsections 2 and 3. The amount shall be remitted at the same time and in the same manner as provided in section 123.184, and the ten percent penalty specified therein shall be applicable.

b. Shipment of wine pursuant to this subsection does not require a refund value for beverage container control purposes under chapter 455C.

DIVISION XIV MEDICATION THERAPY MANAGEMENT

Sec. 166. MEDICATION THERAPY MANAGEMENT — PILOT — REPEAL.

1. As used in this section unless the context otherwise requires:

a. “*Eligible employee*” means an employee of the state, with the exception of an employee of the state board of regents or institutions under the state board of regents, for whom group health plans are established pursuant to chapter 509A providing for third-party payment or prepayment for health or medical expenses.

b. “*Medication therapy management*” means a systematic process performed by a licensed pharmacist, designed to optimize therapeutic outcomes through improved medication use and reduced risk of adverse drug events, including all of the following services:

(1) A medication therapy review and in-person consultation relating to all medications, vitamins, and herbal supplements currently being taken by an eligible individual.

(2) A medication action plan, subject to the limitations specified in this section, communicated to the individual and the individual’s primary care physician or other appropriate prescriber to address safety issues, inconsistencies, duplicative therapy, omissions, and medication costs. The medication action plan may include recommendations to the prescriber for changes in drug therapy.

(3) Documentation and follow-up to ensure consistent levels of pharmacy services and positive outcomes.

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

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

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

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

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

c. The contract shall require the company to provide annual reports to the general assembly detailing the costs, savings, estimated cost avoidance and return on investment,

⁹⁴ Chapter 1031 herein

and patient outcomes related to the medication therapy management services provided. The company shall guarantee demonstrated annual savings, including any savings associated with cost avoidance at least equal to the program's costs with any shortfall amount refunded to the state. As a proof of concept in the program for the period beginning July 1, 2010, and ending June 30, 2011, the company shall offer a dollar-for-dollar guarantee for drug product costs savings alone. Prior to entering into a contract with a company, the department and the company shall agree on the terms, conditions, and applicable measurement standards associated with the demonstration of savings. The department shall verify the demonstrated savings reported by the company was performed in accordance with the agreed upon measurement standards. The company shall be prohibited from using the company's employees to provide the medication therapy management services and shall instead be required to contract with licensed pharmacies, pharmacists, or physicians.

d. The fees for pharmacist-delivered medication therapy management services shall be separate from the reimbursement for prescription drug product or dispensing services; shall be determined by each third-party payment provider contract, policy, or plan; and must be reasonable based on the resources and time required to provide the service.

e. A fee shall be established for physician reimbursement for services delivered for medication therapy management as determined by each third-party payment provider contract, policy, or plan, and must be reasonable based on the resources and time required to provide the service.

f. If any part of the medication therapy management plan developed by a pharmacist incorporates services which are outside the pharmacist's independent scope of practice including the initiation of therapy, modification of dosages, therapeutic interchange, or changes in drug therapy, the express authorization of the individual's physician or other appropriate prescriber is required.

3. This section is repealed December 31, 2011.

Sec. 167. DEPARTMENT OF ADMINISTRATIVE SERVICES — IOWA COMPREHENSIVE PETROLEUM UNDERGROUND STORAGE TANK FUND. There is appropriated from the Iowa comprehensive petroleum underground storage tank fund created in section 455G.3 to the department of administrative services for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary, to be used for the purposes of this division, notwithstanding section 455G.3, subsection 1:

..... \$ 543,000

Sec. 168. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION XV
IOWA COMPREHENSIVE PETROLEUM
UNDERGROUND STORAGE TANK FUND

Sec. 169. Section 455B.474, subsection 1, paragraph d, subparagraph (2), unnumbered paragraph 1, Code Supplement 2009, is amended to read as follows:

A site shall be classified as either high risk, low risk, or no action required, as determined by a certified groundwater professional.

Sec. 170. Section 455B.474, subsection 1, paragraph d, subparagraph (2), subparagraph division (a), unnumbered paragraph 1, Code Supplement 2009, is amended to read as follows:

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

Sec. 171. Section 455B.474, subsection 1, paragraph d, subparagraph (2), subparagraph division (b), unnumbered paragraph 1, Code Supplement 2009, is amended to read as follows:

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

Sec. 172. Section 455B.474, subsection 1, paragraph d, subparagraph (2), subparagraph divisions (c) and (e), Code Supplement 2009, are amended to read as follows:

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

(e) A site cleanup report which classifies a site as either high risk, low risk, or no action required shall be submitted by a groundwater professional to the department with a certification that the report complies with the provisions of this chapter and rules adopted by the department. The report shall be determinative of the appropriate classification of the site. However, if the report is found to be and the site shall be classified as indicated by the groundwater professional unless, within ninety days of receipt by the department, the department identifies material information in the report that is inaccurate or incomplete, and if based upon inaccurate or incomplete information in the report the risk classification of the site cannot be reasonably determined by the department based upon industry standards, the department shall. If the department determines that the site cleanup report is inaccurate or incomplete, the department shall notify the groundwater professional of the inaccurate or incomplete information within ninety days of receipt of the report and shall work with the groundwater professional to obtain the correct information or additional information necessary to appropriately classify the site. However, from July 1, 2010, through June 30, 2011, the department shall have one hundred twenty days to notify the certified groundwater professional when a report is not accepted based on material information that is found to be inaccurate or incomplete. A groundwater professional who knowingly or intentionally makes a false statement or misrepresentation which results in a mistaken classification of a site shall be guilty of a serious misdemeanor and shall have the groundwater professional's certification revoked under this section.

Sec. 173. Section 455B.474, subsection 1, paragraph f, subparagraphs (5), (6), and (7), Code Supplement 2009, are amended to read as follows:

(5) A corrective action design report submitted by a groundwater professional shall be accepted by the department and shall be primarily relied upon by the department to determine the corrective action response requirements of the site. However, if the corrective action design report is found to be within ninety days of receipt of a corrective action design report, the department identifies material information in the corrective action design report that is inaccurate or incomplete, and if based upon information in the report the appropriate corrective action response cannot be reasonably determined by the department based upon industry standards, the department shall notify the groundwater professional that the corrective action design report is not accepted, and the department shall work with the groundwater professional to correct the material information or to obtain the additional information necessary to appropriately determine the corrective action response requirements as soon as practicable. However, from July 1, 2010, through June 30, 2011, the department shall have one hundred twenty days to notify the certified groundwater professional when a corrective action design report is not accepted based on material information that is found to be inaccurate or incomplete. A groundwater professional who knowingly or intentionally makes a false statement or misrepresentation which results in an improper or incorrect corrective action response shall be guilty of a serious misdemeanor and shall have the groundwater professional's certification revoked under this section.

(6) Low risk sites shall be monitored as deemed necessary by the department consistent with industry standards. Monitoring shall not be required on a site which has received a no further action certificate. A site that has maintained less than the applicable target level for four consecutive sampling events shall be reclassified as a no action required site regardless of exit monitoring criteria and guidance.

(7) An owner or operator may elect to proceed with additional corrective action on the site. However, any action taken in addition to that required pursuant to this paragraph "f" shall be solely at the expense of the owner or operator and shall not be considered corrective action for purposes of section 455G.9, unless otherwise previously agreed to by the board and the owner or operator pursuant to section 455G.9, subsection 7. Corrective action taken by an

owner or operator due to the department's failure to meet the time requirements provided in subparagraph (5), shall be considered corrective action for purposes of section 455G.9.

Sec. 174. Section 455B.474, subsection 1, paragraph h, subparagraphs (1) and (3), Code Supplement 2009, are amended to read as follows:

(1) A no further action certificate shall be issued by the department for a site which has been classified as a no further action site or which has been reclassified pursuant to completion of a corrective action plan or monitoring plan to be a no further action site by a groundwater professional, unless within ninety days of receipt of the report submitted by the groundwater professional classifying the site, the department notifies the groundwater professional that the report and site classification are not accepted and the department identifies material information in the report that is inaccurate or incomplete which causes the department to be unable to accept the classification of the site. An owner or operator shall not be responsible for additional assessment, monitoring, or corrective action activities at a site that is issued a no further action certificate unless it is determined that the certificate was issued based upon false material statements that were knowingly or intentionally made by a groundwater professional and the false material statements resulted in the incorrect classification of the site.

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

Sec. 175. Section 455B.479, Code 2009, is amended to read as follows:

455B.479 Storage tank management fee.

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

Sec. 176. Section 455E.11, subsection 2, paragraph d, Code Supplement 2009, is amended to read as follows:

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

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

(2) ~~Twenty-three percent of the proceeds of the fees imposed pursuant to section 455B.473, subsection 5, and section 455B.479 shall be deposited in the account annually, up to a maximum of three hundred fifty thousand dollars. If twenty-three percent of the proceeds exceeds three hundred fifty thousand dollars, the excess shall be deposited into the fund created in section 455G.3. Three hundred fifty thousand dollars is~~ The moneys remaining in the account after the appropriation in subparagraph (1) are appropriated from the storage tank management account to the department of natural resources for the administration of a state storage tank program pursuant to chapter 455B, division IV, part 8, and for programs which reduce the potential for harm to the environment and the public health from storage tanks.

(3) ~~The remaining funds in the account are appropriated annually to the Iowa comprehensive petroleum underground storage tank fund. Each fiscal year, the department of natural resources shall enter into an agreement with the Iowa comprehensive petroleum~~

underground storage tank fund⁹⁵ for the completion of administrative tasks during the fiscal year directly related to the evaluation and modification of risk based corrective action rules as necessary and processes that affect the administration in subparagraph (2).

Sec. 177. Section 455G.3, Code 2009, is amended by adding the following new subsections:

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

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

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

NEW SUBSECTION. 9. Beginning September 1, 2010, the board shall administer safety training, hazardous material training, environmental training, and underground storage tank operator training in the state to be provided by an entity approved by the department of natural resources. The training provided pursuant to this subsection shall be available to any tank operator in the state at an equal and reasonable cost and shall not be conditioned upon any other requirements. Each fiscal year, the board shall not expend more than two hundred fifty thousand dollars from the Iowa comprehensive petroleum underground storage tank fund for purposes of administering this subsection.

Sec. 178. Section 455G.4, subsection 1, paragraph a, subparagraphs (3) and (5), Code Supplement 2009, are amended to read as follows:

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

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

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

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

Sec. 179. Section 455G.8, subsection 3, Code 2009, is amended by striking the subsection.

Sec. 180. Section 455G.9, subsection 1, paragraphs d, k, and l, Code 2009, are amended to read as follows:

d. One hundred percent of the costs of corrective action and third-party liability for a release situated on property acquired by a county for delinquent taxes pursuant to chapters 445 through 448, for which a responsible owner or operator able to pay, other than the county, cannot be found. A county is not a "responsible party" for a release in connection

⁹⁵ According to enrolled Act; the word "board" probably intended

with property which it acquires in connection with delinquent taxes, and does not become a responsible party by sale or transfer of property so acquired. In such situations, the board may act as an agent for the county. Actual corrective action on the site shall be overseen by the department, the board, and a certified groundwater professional. Third-party liability specifically excludes any claim, cause of action, or suit, for personal injury including, but not limited to, loss of use or of private enjoyment, mental anguish, false imprisonment, wrongful entry or eviction, humiliation, discrimination, or malicious prosecution. Reasonable acquisition costs do not include any taxes or costs related to the collection of taxes.

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

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

Sec. 181. Section 455G.9, subsection 4, Code 2009, is amended to read as follows:

4. *Minimum copayment schedule.*

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

b. If a site's actual expenses exceed eighty thousand dollars, the remedial account shall pay the remainder, as required by federal regulations, of the total costs of the corrective action for that release, not to exceed one million dollars, except that a county shall not be required to pay a copayment in connection with a release situated on property acquired in connection with delinquent taxes, as provided in subsection 1, paragraph "d", unless subsequent to acquisition the county actively operates a tank on the property for purposes other than risk assessment, risk management, or tank closure.

Sec. 182. Section 455G.9, subsection 7, Code 2009, is amended to read as follows:

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

Sec. 183. Section 455G.9, subsection 10, Code 2009, is amended to read as follows:

10. *Expenses incurred by governmental subdivisions and public works utilities.* The board ~~may shall~~ adopt rules for reimbursement for reasonable expenses incurred by a governmental subdivision or public works utility for sampling, treating, handling, or disposing, as required by the department, of petroleum-contaminated soil and groundwater encountered in a public right-of-way during installation, maintenance, or repair of a utility or public improvement. The board may seek full recovery from a responsible party liable for the release for such expenses and for all other costs and reasonable attorney fees and costs of litigation for which moneys are expended by the fund. Any expense described in this subsection incurred by

the fund constitutes a lien upon the property from which the release occurred. A lien shall be recorded and an expense shall be collected in the same manner as provided in section 424.11.

Sec. 184. EFFECTIVE UPON ENACTMENT AND RETROACTIVE APPLICABILITY. The section of this division of this Act amending section 455G.9, subsection 4, being deemed of immediate importance, takes effect upon enactment and applies retroactively to January 1, 2010.

DIVISION XVI BONDING AUTHORITY

Sec. 185. Section 455G.2, subsection 1, Code 2009, is amended by striking the subsection.

Sec. 186. Section 455G.2, subsection 3, Code 2009, is amended to read as follows:

3. “Bond” means a bond, note, or other obligation issued by the authority treasurer of state for the fund and the purposes of this chapter.

Sec. 187. Section 455G.3, subsection 2, Code 2009, is amended to read as follows:

2. The board shall assist Iowa’s owners and operators of petroleum underground storage tanks in complying with federal environmental protection agency technical and financial responsibility regulations by establishment of the Iowa comprehensive petroleum underground storage tank fund. The authority treasurer of state may issue its bonds, or series of bonds, to assist the board, as provided in this chapter.

Sec. 188. Section 455G.6, subsections 7 through 9, Code Supplement 2009, are amended to read as follows:

7. The board may contract with the authority treasurer of state for the authority treasurer of state to issue bonds and do all things necessary with respect to the purposes of the fund, as set out in the contract between the board and the authority treasurer of state. The board may delegate to the authority treasurer of state and the authority treasurer of state shall then have all of the powers of the board which are necessary to issue and secure bonds and carry out the purposes of the fund, to the extent provided in the contract between the board and the authority treasurer of state. The authority treasurer of state may issue the authority’s treasurer of state’s bonds in principal amounts which, in the opinion of the board, are necessary to provide sufficient funds for the fund, the payment of interest on the bonds, the establishment of reserves to secure the bonds, the costs of issuance of the bonds, other expenditures of the authority treasurer of state incident to and necessary or convenient to carry out the bond issue for the fund, and all other expenditures of the board necessary or convenient to administer the fund. The bonds are investment securities and negotiable instruments within the meaning of and for purposes of the uniform commercial code, chapter 554.

8. Bonds issued under this section are payable solely and only out of the moneys, assets, or revenues of the fund, all of which may be deposited with trustees or depositories in accordance with bond or security documents and pledged by the board to the payment thereof, and are not an indebtedness of this state ~~or the authority~~, or a charge against the general credit or general fund of the state ~~or the authority~~, and the state shall not be liable for any financial undertakings with respect to the fund. Bonds issued under this chapter shall contain on their face a statement that the bonds do not constitute an indebtedness of the state ~~or the authority~~.

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

Sec. 189. Section 455G.6, subsection 10, paragraph b, Code Supplement 2009, is amended to read as follows:

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

Sec. 190. Section 455G.6, subsection 12, Code Supplement 2009, is amended to read as follows:

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

Sec. 191. Section 455G.7, Code Supplement 2009, is amended to read as follows:

455G.7 Security for bonds — capital reserve fund — irrevocable contracts.

1. a. For the purpose of securing one or more issues of bonds for the fund, the authority treasurer of state, with the approval of the board, may authorize the establishment of one or more special funds, called “*capital reserve funds*”. The authority treasurer of state may pay into the capital reserve funds the proceeds of the sale of its bonds and other money which may be made available to the authority treasurer of state from other sources for the purposes of the capital reserve funds. Except as provided in this section, money in a capital reserve fund shall be used only as required for any of the following:

~~a.~~ (1) The payment of the principal of and interest on bonds or of the sinking fund payments with respect to those bonds.

~~b.~~ (2) The purchase or redemption of the bonds.

~~c.~~ (3) The payment of a redemption premium required to be paid when the bonds are redeemed before maturity.

b. However, money in a capital reserve fund shall not be withdrawn if the withdrawal would reduce the amount in the capital reserve fund to less than the capital reserve fund requirement, except for the purpose of making payment, when due, of principal, interest, redemption premiums on the bonds, and making sinking fund payments when other money pledged to the payment of the bonds is not available for the payments. Income or interest earned by, or increment to, a capital reserve fund from the investment of all or part of the capital reserve fund may be transferred by the authority treasurer of state to other accounts of the fund if the transfer does not reduce the amount of the capital reserve fund below the capital reserve fund requirement.

2. If the authority treasurer of state decides to issue bonds secured by a capital reserve fund, the bonds shall not be issued if the amount in the capital reserve fund is less than the capital reserve fund requirement, unless at the time of issuance of the bonds the authority treasurer of state deposits in the capital reserve fund from the proceeds of the bonds to be issued or from other sources, an amount which, together with the amount then in the capital reserve fund, is not less than the capital reserve fund requirement.

3. In computing the amount of a capital reserve fund for the purpose of this section, securities in which all or a portion of the capital reserve fund is invested shall be valued by a reasonable method established by the authority treasurer of state. Valuation shall include the amount of interest earned or accrued as of the date of valuation.

4. In this section, “*capital reserve fund requirement*” means the amount required to be on deposit in the capital reserve fund as of the date of computation.

5. To assure maintenance of the capital reserve funds, the authority treasurer of state shall, on or before July 1 of each calendar year, make and deliver to the governor the authority’s treasurer of state’s certificate stating the sum, if any, required to restore each capital reserve fund to the capital reserve fund requirement for that fund. Within thirty days after the beginning of the session of the general assembly next following the delivery of the certificate, the governor may submit to both houses printed copies of a budget including the sum, if any, required to restore each capital reserve fund to the capital reserve fund requirement for that fund. Any sums appropriated by the general assembly and paid to

the ~~authority treasurer of state~~ pursuant to this section shall be deposited in the applicable capital reserve fund.

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

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

Sec. 192. Section 455G.8, subsection 2, Code 2009, is amended to read as follows:

2. *Statutory allocations fund.* The moneys credited from the statutory allocations fund under section 321.145, subsection 2, paragraph “a”, shall be allocated, consistent with this chapter, among the fund’s accounts, for debt service and other fund expenses, according to the fund budget, resolution, trust agreement, or other instrument prepared or entered into by the board or ~~authority treasurer of state~~ under direction of the board.

Sec. 193. REPEAL. Section 16.151, Code 2009, is repealed.

Sec. 194. REPEAL. 1989 Iowa Acts, chapter 131, section 63, as amended by 2009 Iowa Acts, chapter 184, section 39, is repealed.

Sec. 195. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION XVII UNEMPLOYMENT INSURANCE BENEFITS

Sec. 196. CASH RESERVE APPROPRIATION — UNEMPLOYMENT TRUST FUND ACCOUNT.

1. On or before August 15, 2010, following the computation date required pursuant to section 96.7, subsection 2, paragraph “d”, subparagraph (1), unnumbered paragraph 1, as amended by this Act, and upon the approval of the director of the department of management, there is appropriated from the cash reserve fund created in section 8.56 to the unemployment trust fund account of the unemployment compensation fund for the fiscal year beginning July 1, 2010, and ending June 30, 2011, up to \$20 million. This loan is contingent upon being necessary to reach contribution rate table 3 rather than contribution rate table 2 for calendar year 2011. Any moneys appropriated pursuant to this subsection shall be considered a loan for the payment of unemployment insurance benefits and the repayment of such moneys to the cash reserve fund shall occur pursuant to subsection 2. If the amount necessary to prevent table 2 from being applied is more than \$20 million, this section is repealed. Section 8.56, subsections 3 and 4, shall not apply to the appropriation in this section.

2. Following the fiscal year beginning July 1, 2010, and ending June 30, 2011, the department of workforce development, in coordination with the department of management, shall develop a plan for the transfer of an amount equal to the amount appropriated pursuant to subsection 1 from the unemployment trust fund account of the unemployment compensation fund to the cash reserve fund without adversely impacting the solvency of the unemployment trust fund account.

3. By December 1, 2011, the director of the department of workforce development shall submit to the general assembly, with the report required under section 96.35, the director’s recommendations regarding the transfer of moneys as required under subsection 2.

Sec. 197. Section 96.7, subsection 2, paragraph d, subparagraph (1), unnumbered paragraph 1, Code Supplement 2009, is amended to read as follows:

The current reserve fund ratio is computed by dividing the total funds available for payment of benefits, on the computation date or on August 15 following the computation date if the total funds available for payment of benefits is a higher amount on August 15, by the total wages paid in covered employment excluding reimbursable employment wages during the first four calendar quarters of the five calendar quarters immediately preceding the computation date. However, in computing the current reserve fund ratio the following amounts shall be added to the total funds available for payment of benefits on the following computation dates:

DIVISION XVIII
TERRACE HILL

Sec. 198. TERRACE HILL OPERATIONS — CASH RESERVE FUND — DEPARTMENT OF ADMINISTRATIVE SERVICES. There is appropriated from the cash reserve fund created in section 8.56 to the department of administrative services for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes necessary for the operation of Terrace Hill:

..... \$ 168,494

Sec. 199. TERRACE HILL — GENERAL FUND — DEPARTMENT OF ADMINISTRATIVE SERVICES. There is appropriated from the general fund of the state to the department of administrative services for the fiscal year beginning July 1, 2009,⁹⁶ and ending June 30, 2010,⁹⁷ the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes necessary for the operation of Terrace Hill, and for not more than the following full-time equivalent positions:

..... \$ 263,329
..... FTEs 6.38

Sec. 200. TERRACE HILL QUARTERS. The amount appropriated from the general fund of the state to the offices of the governor and the lieutenant governor for Terrace Hill quarters pursuant to 2010 Iowa Acts, Senate File 2367,⁹⁸ for the fiscal year beginning July 1, 2010, and ending June 30, 2011, is reduced by \$263,329. The number of full-time equivalent positions authorized pursuant to 2010 Iowa Acts, Senate File 2367,⁹⁹ for purposes of Terrace Hill quarters for the fiscal year beginning July 1, 2010, and ending June 30, 2011, is reduced by 8.12 full-time equivalent positions.

DIVISION XIX
HEALTH CARE PROGRAMS AND APPROPRIATIONS

Sec. 201. Section 249J.7, Code 2009, is amended to read as follows:

249J.7 Expansion population provider network.

1. a. Expansion population members shall only be eligible to receive expansion population services through a provider included in the expansion population provider network. Except as otherwise provided in this chapter, the expansion population provider network shall be limited to a publicly owned acute care teaching hospital located in a county with a population over three hundred fifty thousand, the university of Iowa hospitals and clinics, ~~and the state hospitals for persons with mental illness designated pursuant to section 226.1 with the exception of the programs at such state hospitals for persons with mental illness that provide substance abuse treatment, serve geropsychiatric patients, or treat sexually violent predators~~ and a regional provider network utilizing the federally qualified health centers or federally qualified health center look-alikes in the state, to provide primary care to members.

⁹⁶ According to enrolled Act; the year "2010" probably intended

⁹⁷ According to enrolled Act; the year "2011" probably intended

⁹⁸ Chapter 1189 herein

⁹⁹ Chapter 1189 herein

b. (1) The department shall develop a plan to phase-in the regional provider network by determining the most highly underserved areas on a statewide and regional basis, and targeting these areas for prioritization in implementing the regional provider network. In developing the phase-in plan the department shall consult with the medical assistance projections and assessment council created in section 249J.20. Any plan developed shall be approved by the council prior to implementation. The phase-in of the regional provider network shall be implemented in a manner that ensures that program expenditures do not exceed budget neutrality limits and funded program capacity, and that ensures compliance with the eligibility maintenance of effort requirements of the federal American Recovery and Reinvestment Act of 2009.

(2) Payment shall only be made to designated participating primary care providers for eligible primary care services provided to a member.

(3) The department shall adopt rules pursuant to chapter 17A, in collaboration with the medical home advisory council established pursuant to section 135.159, specifying requirements for medical homes including certification, with which regional provider network participating providers shall comply, as appropriate.

(4) The department may also designate other private providers and hospitals to participate in the regional provider network, to provide primary and specialty care, subject to the availability of funds.

(5) Notwithstanding any provision to the contrary, the department shall develop a methodology to reimburse regional provider network participating providers designated under this subsection.

c. Tertiary care shall only be provided to eligible expansion population members residing in any county in the state at the university of Iowa hospitals and clinics.

d. Until such time as the publicly owned acute care teaching hospital located in a county with a population over three hundred fifty thousand notifies the department that such hospital has reached service capacity, the hospital and the university of Iowa hospitals and clinics shall remain the only expansion population providers for the residents of such county.

2. Expansion population services provided to expansion population members by ~~providers included in the expansion population provider network~~ the publicly owned acute care teaching hospital located in a county with a population over three hundred fifty thousand and the university of Iowa hospitals and clinics shall be payable at the full benefit recipient rates.

3. Providers included in the expansion population provider network shall submit clean claims within twenty days of the date of provision of an expansion population service to an expansion population member.

4. Unless otherwise prohibited by law, a provider under the expansion population provider network may deny care to an individual who refuses to apply for coverage under the expansion population.

5. Notwithstanding the provision of section 347.16, subsection 2, requiring the provision of free care and treatment to the persons described in that subsection, the publicly owned acute care teaching hospital described in subsection 1 may require any sick or injured person seeking care or treatment at that hospital to be subject to financial participation, including but not limited to copayments or premiums, and may deny nonemergent care or treatment to any person who refuses to be subject to such financial participation.

6. The department shall utilize up to seven million three hundred thousand dollars in certified public expenditures at the university of Iowa hospitals and clinics to maximize the availability of state funding to provide necessary access to both primary and specialty physician care to expansion population members. The resulting savings to the state shall be utilized to reimburse physician services provided to expansion population members at the university of Iowa hospitals and clinics and to reimburse providers designated to participate in the regional provider network for services provided to expansion population members.

7. The department shall adopt rules to establish clinical transfer and referral protocols to be used by providers included in the expansion population provider network.

Sec. 202. 2010 Iowa Acts, Senate File 2156,¹⁰⁰ section 5, if enacted, is repealed.

¹⁰⁰ Chapter 1141 herein

Sec. 203. 2010 Iowa Acts, Senate File 2356,¹⁰¹ section 2,¹⁰² amending section 249J.7, if enacted, is repealed.

Sec. 204. 2010 Iowa Acts, House File 2526,¹⁰³ section 11, subsection 13, if enacted, is amended to read as follows:

13. The university of Iowa hospitals and clinics shall either certify public expenditures or transfer to the medical assistance appropriation an amount equal to provide the nonfederal share for increased medical assistance payments for inpatient hospital services of \$7,500,000 up to \$9,900,000. The university of Iowa hospitals and clinics shall receive and retain 100 percent of the total increase in medical assistance payments.

Sec. 205. 2010 Iowa Acts, House File 2526,¹⁰⁴ section 41, subsection 3, unnumbered paragraph 2, if enacted, is amended to read as follows:

For salaries, support, maintenance, equipment, and miscellaneous purposes for the provision of medical and surgical treatment of indigent patients, for provision of services to members of the expansion population pursuant to chapter 249J, and for medical education:

..... \$ 12,000,000
14,000,000

Sec. 206. 2010 Iowa Acts, House File 2526,¹⁰⁵ section 41, subsection 6, if enacted, is amended to read as follows:

~~6. Contingent upon enactment of 2010 Iowa Acts, Senate File 2356, there is appropriated from the IowaCare account created in section 249J.24 to the department of human services for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary to be used for the purposes designated:~~

~~For payment to nonparticipating providers for covered services provided in accordance with section 249J.24A:~~

..... \$ 2,000,000

Sec. 207. HOSPITAL HEALTH CARE ACCESS TRUST FUND — APPROPRIATIONS. There is appropriated from the hospital health care access trust fund created in section 249M.4, if enacted by 2010 Iowa Acts, Senate File 2388,¹⁰⁶ to the department of human services for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amounts, or so much thereof as is necessary, for the purposes designated:

1. For the medical assistance program:

..... \$ 39,406,000

Of the funds appropriated in this subsection, \$20,542,883 shall be used for reimbursement of hospitals under the medical assistance program in accordance with section 249M.4, if enacted by 2010 Iowa Acts, Senate File 2388.¹⁰⁷

2. For deposit in the nonparticipating provider reimbursement fund created in section 249J.24A for the purposes of the fund:

..... \$ 594,000

Sec. 208. NONPARTICIPATING PROVIDER REIMBURSEMENT FUND — APPROPRIATION. Contingent upon enactment of 2010 Iowa Acts, Senate File 2388,¹⁰⁸ there is appropriated from the nonparticipating provider reimbursement fund created in section 249J.24A to the department of human services for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary, for the purposes designated:

To reimburse nonparticipating providers in accordance with section 249J.24A:

¹⁰¹ Chapter 1134 herein

¹⁰² According to enrolled Act; the phrase "section 1" probably intended

¹⁰³ Chapter 1192 herein

¹⁰⁴ Chapter 1192 herein

¹⁰⁵ Chapter 1192 herein

¹⁰⁶ Chapter 1135 herein

¹⁰⁷ Chapter 1135 herein

¹⁰⁸ Chapter 1135 herein

..... \$ 2,000,000

Sec. 209. MEDICAL ASSISTANCE PROGRAM — APPROPRIATION REDUCTION. Contingent upon enactment of 2010 Iowa Acts, Senate File 2388,¹⁰⁹ the appropriation from the general fund of the state to the department of human services for the medical assistance program for the fiscal year beginning July 1, 2010, and ending June 30, 2011, as specified in 2010 Iowa Acts, House File 2526,¹¹⁰ section 11, if enacted, is reduced by \$18,863,117.

Sec. 210. CONTINGENT IMPLEMENTATION. Implementation of the provisions of this division of this Act making appropriations from the hospital health care access trust fund and the nonparticipating provider reimbursement fund and reducing the medical assistance program appropriation are contingent upon the department of human services receiving approval of the requests relating to medical assistance waivers and state plan amendments necessary to implement the hospital health care access trust fund if enacted by 2010 Iowa Acts, Senate File 2388.¹¹¹

DIVISION XX
WAIVER OF PENALTIES AND INTEREST

Sec. 211. WAIVER OF PENALTIES AND INTEREST — DISASTER-RELATED LOSSES — REFUNDS.

1. Notwithstanding sections 421.8, 421.27, and 422.25, if a taxpayer has filed a return for tax year 2008 relying in good faith on the expectation that the state of Iowa would conform to the federal treatment of disaster-related casualty losses under section 165(h) of the Internal Revenue Code, as modified by the Heartland Disaster Relief Act of 2008, Pub. L. No. 110-343, in computing net income for state tax purposes, the director of revenue shall, for any taxpayer amending the return in the time permitted by statute, waive any penalty or interest due as a result of either a failure to timely pay the tax due or the filing of a defective or incorrect return.

2. If, prior to the effective date of this division of this Act, a taxpayer paid penalties or interest as a result of a good-faith reliance on the state conforming to section 165(h) of the Internal Revenue Code, the department of revenue shall refund such penalties and interest to the taxpayer.

Sec. 212. EFFECTIVE UPON ENACTMENT AND RETROACTIVE APPLICABILITY. This division of this Act, being deemed of immediate importance, takes effect upon enactment and applies retroactively to January 1, 2008, for tax years beginning on or after that date and before January 1, 2009.

Approved April 29, 2010, with exceptions noted.

CHESTER J. CULVER, Governor

Dear Mr. Secretary:

I hereby transmit House File 2531, an Act relating to state and local finances by providing for funding of property tax credits and reimbursements, by making, increasing, and reducing appropriations, providing for salaries and compensation of state employees, providing for matters relating to tax credits, providing for fees and penalties, and providing for properly related matters, and including effective date and retroactive applicability provisions. House File 2531 is approved on this date, with the exceptions noted below, which I hereby disapprove.

¹⁰⁹ Chapter 1135 herein
¹¹⁰ Chapter 1192 herein
¹¹¹ Chapter 1135 herein

I am unable to approve Section 106 of this bill in its entirety. This section requires the Office of Energy Independence to collect and report data on all grants and loans provided under the Iowa Power Fund. I am disapproving this language because it is unnecessary and duplicative. The Office of Energy Independence already collects and provides information about the effectiveness of the Power Fund, which is helping our state become more energy independent and creating jobs.

I am unable to approve Section 112, subsection 3, paragraph a, of this bill in its entirety. Current law requires pharmacy technicians to obtain national certification by July 1, 2010. In addition, current law provides that new technicians who register beginning July 1, 2009, are to be granted one year from the date of their registrations with the Iowa Board of Pharmacy to show proof of having obtained national certification. This one year period is critical because new registrants use this time to obtain on-the-job experience working with licensed pharmacists, which enhances the technicians' readiness to take the national certification examination. This provision eliminates the one year period until December 31, 2012; this means technicians who have registered since July 1, 2009 now must show proof of having obtained national certification by July 1, 2010, but no longer have the year to prepare for the national certification examination. This will likely affect up to 600 individuals. In addition, new pharmacy technicians would now need to be nationally certified prior to even registering with the board, which will likely affect up to 1,000 new technicians per year.

For the above reasons, I hereby respectfully disapprove the designated items in accordance with Article III, Section 16 of the Constitution of the State of Iowa. All other items in House File 2531 are hereby approved this date.

Sincerely,
CHESTER J. CULVER, *Governor*

CHAPTER 1194

BATTLESHIP IOWA RESTORATION AND PRESERVATION

S.J.R. 2007

A JOINT RESOLUTION supporting the preservation efforts for the Battleship Iowa, BB-61.

WHEREAS, BB-61, the USS Iowa, is the namesake for the most powerful class of warships ever made; and

WHEREAS, navy members recruited from Iowa have received preference for assignment to service on board the USS Iowa through most of its service life; and

WHEREAS, the USS Iowa would remain a continuing marketing display for the talented and well-educated workforce in the State of Iowa throughout a period of museum duty; and

WHEREAS, there is now a proposal to assign the USS Iowa to museum duty; and

WHEREAS, former Governors Robert D. Ray and Terry E. Branstad and former Governor and current United States Secretary of Agriculture Thomas J. Vilsack serve as honorary chairpersons of efforts to preserve the USS Iowa as a national museum and memorial, truly a source of pride for all Iowans; and

WHEREAS, those efforts include restoration of the USS Iowa and future service as an educational museum and tourist attraction, and perhaps, with her many facilities still intact, service as an emergency response center; and

WHEREAS, the restoration and preservation of the USS Iowa will honor all veterans of the State of Iowa, inspire youth, and educate the public; NOW THEREFORE,

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. STATE OF IOWA SUPPORT. The state of Iowa hereby supports the assignment of the USS Iowa as a permanent naval museum to an appropriate location.

Sec. 2. COMMITTEE CREATED. A committee of ten is created, to be appointed by the governor and to serve at the pleasure of the governor, to support efforts for the preservation and relocation of the Battleship Iowa.

a. The committee shall annually select its own chairperson and establish its rules of procedure. The committee shall meet as may be deemed necessary by the chairperson. A majority of the members of the committee shall constitute a quorum.

b. Members shall serve without compensation or reimbursement for actual expenses.

c. The committee shall raise all of the funds necessary for the operation of the committee; and shall solicit donations to be used for the preservation and relocation of the Battleship Iowa.

Sec. 3. ADMINISTRATIVE SUPPORT. The department of cultural affairs shall provide all necessary administrative support for the committee and shall administer the BB-61 fund.

Sec. 4. BB-61 FUND. A BB-61 fund is created in the state treasury, to be administered by the department of cultural affairs. The proceeds of the fund shall be used for the purposes specified in section 2 of this resolution. The department may accept gifts, grants, bequests, and other moneys, including but not limited to state or federal moneys, and in-kind contributions for deposit in the fund. Notwithstanding section 12C.7, interest or earnings on moneys in the fund shall be credited to the fund. Notwithstanding section 8.33, any unexpended or unencumbered moneys remaining in the fund at the end of a fiscal year shall not revert to the general fund of the state, but shall remain available from the fund for expenditure by the department in succeeding fiscal years for the purposes specified in section 2 of this resolution.

Approved April 12, 2010

CHAPTER 1195

NULLIFICATION OF ADMINISTRATIVE RULE — AUTOMATIC RESIDENTIAL FIRE SPRINKLER SYSTEMS

S.J.R. 2009

A JOINT RESOLUTION to nullify administrative rules of the department of public safety concerning automatic residential fire sprinkler systems and providing an effective date.

Be It Resolved by the General Assembly of the State of Iowa:

Section 1. The portions of 661 Iowa administrative code, rule 301.8, that adopt by reference sections R313.1 and R313.2 of the international residential code, 2009 edition, and that amend sections R313.1 and R313.2, by deleting and inserting in lieu thereof and providing exceptions thereto, are nullified.

Sec. 2. EFFECTIVE DATE. This joint resolution, being deemed of immediate importance, takes effect upon enactment.

Approved March 26, 2010

ANALYSIS OF TABLES

Conversion Tables of Senate and House Files and Joint Resolutions to Chapters of the Acts of the General Assembly

2009 Code and Code Supplement Chapters and Sections Amended or Repealed, 2010 Regular Session

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AND JOINT RESOLUTIONS TO
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2095	1057	2248	1029	2355	1037
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734	1086	2288	1045	2452	1097
755	1047	2294	1150	2454	1174
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2010 REGULAR SESSION**

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441 IAC 77.37	1031, §388
441 IAC 81.6(7)	1182, §21
441 IAC 81.6(16)(h)(9)	1182, §21
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441 IAC 100.8	1192, §9
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